

MINUTES

LANE COUNTY LOCAL GOVERNMENT BOUNDARY COMMISSION

Eugene City Hall
Council Chamber (777 Pearl Street)

August 4, 2005
7:00 p.m.

PRESENT: Clay Myers, chair; Eleanor Mulder, vice chair; Van Heeter, secretary (late arrival as noted); Karen Seidel; Christine Larson; Jim Spickerman (late arrival as noted)

ABSENT: Ernie Olson

I. CALL TO ORDER – ROLL CALL

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

II. APPROVAL OF EXPENSES – MAY/JUNE 2005

* Moved and seconded (Seidel/Mulder) to approve boundary commission expenses for May 2005 (\$1,045.96) and June 2005 (\$13,031.54). The motion passed unanimously; 4:0 (commissioners Myers, Seidel, Larson, and Mulder voting yes).

III. APPROVAL OF MINUTES – JUNE 2, 2005

Ms. Seidel noted a correction on page 8, paragraph 3. She said her question was whether the Santa Clara Water District and the Santa Clara Rural Fire Protection District had coterminous boundaries.

* Moved and seconded (Seidel/Mulder) to approve the minutes of June 2, 2005, as amended. The motion passed unanimously; 4:0 (commissioners Seidel, Mulder, Myers, and Larson, voting yes.)

IV. NEW BUSINESS: PUBLIC HEARING

Mr. Spickerman arrived at 7:10 p.m.

Annexation of Territory to the City of Junction City (Murry/Bailey Lane/Prairie Road)

- A. BC File C JC 05 – 35
Initiated by property owner petition
Action under ORS 199.490(1)(c) of the boundary commission law
Action to be taken by October 3, 2005

Description

Located southwest of Junction City, south of High Pass Road/West 1st Avenue, west of Prairie Road, north of Bailey Lane; including portions of Prairie Road and Bailey Lane

Property owner: Ross Murry Revocable Living Trust (P.O. Box 1758, Eugene)

Tax lots: 201, 300, and 400, T16S R04W S06 Map 11

Acres: ± 36.22 (± 33.18 acres of tax lots; ± 3.04 acres of road right-of-way)

Estimate of population: 0

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

Existing zoning in Lane County: RR-5, rural residential with 5-acre minimum lot size

Applicable comprehensive plan: City of Junction City Comprehensive Plan, (acknowledged in 1982 and has been subsequently amended)

Existing public services to the property: Fire (Junction City Rural Fire Protection District), police (Oregon State Police, Lane County Sheriff), roads (Lane County), schools (Junction City School District 69), electricity (Emerald Peoples Utility District)

Reason for Annexation

The property owner is planning to develop the area with a residential subdivision. And urban level of services is required and annexation to the city is necessary in order to receive the needed 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 Tri-County News on July 14, 2005.* 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 (Ross Murry on behalf of the Ross Murry Revocable Living Trust, owner of the privately owned property proposed for annexation and initiator of this annexation request) on July 22, 2005.* 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 Junction City city hall, and at the Lane County courthouse on July 20, 2005.*

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

Paula Taylor, Executive Officer, provided the staff report and incorporated it into the public hearing record in accordance with the commission's administrative rules. She said Junction City staff had reviewed the application and had provided written evidence that the property could be served, was within the urban growth boundary, that it was contiguous to the City of Junction City, and reiterated the city's support for the road rights-of-way of Prairie Road and Bailey Lane. She

said inclusion of the rights-of-way would mean that all of Prairie Road and Bailey Lane (within the urban growth boundary) would be annexed into the City of Junction City.

Ms. Taylor noted that approval of the annexation would create island territories and noted that the property owners in the area had been notified by the City of Junction City explaining the policies of the Junction City comprehensive plan regarding property owner initiated petitions and the creation of island annexations. She said the properties in the island areas could not be annexed without a change of the comprehensive plan.

Ms. Taylor said the boundary commission staff had sent referrals to various Lane County departments and the Junction City Rural Protection Fire District. She said the fire district had responded that the area was currently within its boundaries and would be able to provide an urban level of service to properties that were developed within the annexation area. She said staff had concluded that the annexation was consistent with boundary commission standards. She said staff was recommending approval of the application.

Mr. Heeter arrived at 7:13 p.m.

Mr. Myers opened the public hearing.

Proponent's Opening Statement

Public Officials in Support

Sandra Belson, City of Junction City Planning Department, spoke in support of the annexation on behalf of Junction City. She noted that there had been a lot of annexation activity lately and added that the policy of annexation had changed in that annexations were taken before the Junction City planning commission. She said the Junction City planning commission had approved the findings for the annexation and supported the annexation. In addition, she said the annexation required some unusual service extensions and the planning commission had required an annexation agreement between the city and the property owner that outlined how those services would be paid for and extended. She said the city council had signed the agreement for those services. She stated, for the record, that it was Junction City policy not to annex any property without the consent of the owner unless there was a question of health hazard so the islanded properties would not be annexed.

David Renshaw, City of Junction City Public Works Director, also spoke in support of the annexation. He said the city had agreed with the applicant to provide water and wastewater improvements to the area. In terms of water, he said the applicant would be installing their own distribution system and would be improving/replacing existing water lines in Prairie Road and noted that this would improve better fire flows for the southwest Laurel neighborhood. He added that the developers had formed a coalition in order to provide wastewater service to the area at their own cost. He added that the constructed facilities would have the capacity to service upstream areas in the industrial corridor.

Regarding stormwater, Mr. Renshaw said the applicant was aware that onsite detention would be required and stated that there would be no easements required to cross other properties. He stressed that stringent design criteria for onsite detention of stormwater were in place.

Mr. Renshaw said the applicant understood that they would be asked to dedicate land for city parks.

Others in Support – None

Public Officials in Opposition – None

Others in Opposition – None

Those Neither in Support nor Opposition – 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 Junction City (BC File C JC 05 – 35) based on the findings and reasons in the August 4, 2005, staff report. The motion passed; 5:0:1 (commissioners Larson, Seidel, Myers, Mulder, and Heeter voting yes and commissioner Spickerman abstaining).

Annexation of Territory to the City of Springfield (Arolla)

- B. BC File C SP 05 – 23
Initiated by Resolution 05-25 by the City of Springfield with consent from property owners/electors
Action under ORS 199.490(2)(a)(B) of the boundary commission law
Received May 19, 2005
Action to be taken by August 17, 2005

Description

Located in south Springfield, south of Jasper Road, east of Longridge Drive
Property owners: Patricia and Charles Arolla (550 Walnut Place, Springfield)
Tax lot: 13200, T18S R02W S06 Map 14
Acres: ± 3.62
Estimate of existing population: 2 (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 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), fire (Willakenzie Rural Fire Protection 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 additional 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 Springfield News on July 13, 2005.* 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 was sent to the affected property owners (Patricia and Charles Arolla, owners of the property proposed for annexation) on July 22, 2005.* 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 Springfield city hall, and at the Lane County courthouse on July 20, 2005.*

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

Paula Taylor, Executive Officer, provided the staff report and entered it into the public hearing record consistent with the commission's administrative rules. She said the annexation, if approved, would become effective upon passage of the final order. She said the staff report was incorporated into the public hearing record in accordance with the commission's administrative rules. She noted that the annexation area was contiguous with Springfield city limits and was within the urban growth boundary. She said the city council had unanimously passed a resolution to initiate the annexation and support the application on May 2, 2005.

Ms. Taylor noted that referrals were sent to various Lane County departments and the Willakenzie Rural Fire Protection District and no responses were received.

Ms. Taylor said if the annexation were approved the area would be removed from the Willakenzie Rural Fire Protection District according to law and would be automatically annexed into the Willamalane Park and Recreation District and the Lane County Metropolitan Wastewater Service District.

Ms. Taylor noted that staff had concluded that the annexation met the criteria for approval under boundary commission law. She said staff was recommending approval of the application as submitted.

Mr. Myers opened the public hearing.

Proponents Opening Statement

Sarah Summers, City of Springfield Planning Department, spoke in support of the annexation. She reiterated that the annexation had received approval for a tentative subdivision after annexation approval and said the city supported the annexation.

Public Officials in Support – None

Others in Support – None

Public Officials in Opposition – None

Others in Opposition

In response to a question from Jim Seaberry (Santa Clara) regarding whether it was required for a property proposed for annexation to be contiguous to the city limits, Ms. Taylor said there was no requirement for contiguity for annexations in the boundary commission area.

Those Neither in Support nor Opposition – None

Rebuttal by the Proponent – None

Mr. Myers closed the public hearing.

- * Moved and seconded (Seidel/Heeter) to approve the annexation of territory to the City of Springfield (BC File C SP 05 – 23) based on the findings and reasons on the August 4, 2005, staff report. The motion passed unanimously; 6:0 (commissioners Seidel, Heeter, Mulder, Myers, Larson, and Spickerman voting yes).

Annexation to the Territory to the City of Eugene (Greene)

- C. BC File C EU 05 – 29
Initiated by property owner petition
Action under ORS 199.490(1)(c) of the boundary commission law
Received June 20, 2005
Action to be taken by September 19, 2005

Description

Located in the Santa Clara region of north Eugene, north of Beltline Road, east of River Road, north of Wilkes Drive, west of Banner Street, east of Crest Drive
Property owners: Jeffrey Greene (P.O. Box 12111, Eugene)
Tax lot: 3500, T17S R04W S01 Map 33
Acres: ± 3.75
Estimate of existing population: 2 (one residential unit)
Existing land use: Residential, vacant
Existing zoning in Lane County: AG/UL, agricultural with urbanizable lands overlay
Applicable comprehensive plan: Eugene-Springfield Metropolitan Area General Plan (acknowledged in 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.

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 July 14, 2005.* 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 public hearing was sent to the affected property owner (Jeffery Greene, owner of the property proposed for annexation and initiator of the annexation request) on July 22, 2005.* 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 July 20, 2005.*

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

Paula Taylor, Executive Officer, provided the staff report and entered it into the public hearing record in accordance with the commission's administrative rule. She said if the boundary commission approved the annexation it would not be effective for a 45-day period and an election could be requested by electors registered within the annexation area. She noted that referrals were sent to Lane County Land Management Division, Lane County Environmental Health Division, Lane County commissioners, Santa Clara Rural Fire Protection District, and Santa Clara Water District. She said responses had been received from the Santa Clara fire district and the Santa Clara Water District and were included in the record and the staff report. She said the objections of the water district were similar to objections raised in the past. She said the fire district also raised the same objections that were raised in previous annexation requests.

She said staff had concluded that the annexation request met the standards of the boundary commission. She said the area would be withdrawn from the Santa Clara fire and water districts and noted that the annexation was not contiguous with the city limits. She said staff was recommending approval of the application.

Mr. Myers opened the public hearing.

Proponents Opening Statement

Robert Stevens, 1410 Oak Street, Eugene, spoke representing the property owner. He expressed his agreement with the staff findings and recommendation of approval

Public Officials in Support

Peggy Keppler, Eugene Public Works Engineering, expressed her willingness to answer questions.

Ms. Taylor read a letter into the record from Kurt Yeiter of the City of Eugene Planning Department. The letter supported all of the annexations to the City of Eugene that were on the agenda that evening. Ms. Taylor said she would enter the letter into the record for the other annexations to the City of Eugene on the agenda that evening.

Others in Support – None

Public Officials in Opposition – None

Others in Opposition

Jim Seaberry, Santa Clara, raised concern over creating islands of unincorporated territory as a result of annexations of street rights-of-way to the City of Eugene. He said the reason given for the street annexations was that it made providing services easier. He remarked that the homes in the unincorporated territories were still serviced by the Santa Clara fire district.

Those Neither in Support nor Opposition – None

Rebuttal by the Proponents – None

Mr. Myers closed the public hearing.

Boundary Commission Discussion and Decision

- * Moved and seconded (Mulder/Larson) to approve the annexation of territory to the City of Eugene (BC File C EU 05 – 29) based on the findings and reasons in the August 4, 2005, staff report.

Mr. Spickerman expressed his appreciation for the respectfully provided testimony from Mr. Seaberry. He said he was unclear about the city's plans related to annexing street rights-of-way. He said the policy of noncontiguous annexations allowed individual property owners to divide and develop their property. He said if people had to wait for their neighbors to favor annexation then they would be waiting a long time. He remarked that Junction City had a policy of not annexing any property whose owner was unwilling. He said if there was concern about the use of the island provisions in Oregon law, the fix for the problem needed to happen at the state legislature level.

- * The motion passed unanimously; 6:0 (commissioners Mulder, Larson, Heeter, Spickerman, Myers, and Seidel voting yes).

Annexation of Territory to the City of Eugene (Geiger)

- D. BC File C EU 05 – 33
 - Initiated by property owner request
 - Action under ORS 199.490(1)(c) of the boundary commission law
 - Received June 30, 2005
 - Action to be taken by September 28, 2005

Description

Located in the Santa Clara region of north Eugene, north of Beltline Road, west of River Road, north of Irving Road, east of the Northwest Expressway, and west of Arrowhead Street

Property owners: Jeffrey and Jamie Geiger (1151 Irving Road, Eugene)

Tax lot: 3000, T17S R04W S10 Map 42

Acres: ± 2.00

Estimate of existing population: 4 (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 1982 and as subsequently amended)

Existing public services to the property: Police (Oregon State Police, Lane County Sheriff), schools (Bethel School District 52), roads (Lane County), water (Santa Clara Water District), fire (Lane Rural Fire/Rescue), 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.

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 July 14, 2005.* 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 was sent to the affected property owners (Jeffery and Jami Geiger, owners of the property proposed for annexation and initiators of the annexation request) on July 21, 2005.* 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 July 20, 2005.*

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

Paula Taylor, Executive Officer, provided the staff report and entered it into the public hearing record in accordance with the commission's administrative rule. She said if the annexation was approved the annexation would not take effect for 45 days after the boundary commission action. She noted that during that time registered voters in the area of annexation could request an election. She noted that there were two registered voters in the annexation area. She said the annexation was consistent with both Metro Plan and city policies and said the city did support the

annexation. She said it was a non contiguous annexation and was in an area where other non contiguous annexations existed that had previously been approved by the boundary commission.

Ms. Taylor said referrals had been sent to various Lane County departments, the Lane Rural Fire/Rescue fire district, and the Santa Clara Water District. She said objections were received by the water district and they were included in the record as well as the staff report. She said the objections were similar to objections raised for prior annexations. She said annexation area would be automatically withdrawn from the fire district and through separate city processes from the water district. She said staff was recommending approval of the annexation.

Mr. Myers opened the public hearing.

Proponents Opening Statements – None

Public Officials in Support

Ms. Taylor submitted into the record a letter from Kurt Yeiter, Eugene Planning and Development Department, which indicated the city's support for this annexation request.

Others in Support – None

Public Officials in Opposition – None

Others in Opposition – None

Those Neither in Support nor Opposition – None

Rebuttal by the Proponents – None

Mr. Myers closed the public hearing.

- * Moved and seconded (Larson/Seidel) to approve the annexation of territory to the City of Eugene (BC File C EU 05 – 33) based on the findings and reasons in the August 4, 2005, staff report. The motion passed unanimously; 6:0 (commissioners Larson, Seidel, Mulder, Myers, Heeter, and Spickerman voting yes).

Annexation of Territory to the City of Eugene (Hammer/Quiet Lane)

- E. BC File C EU 05 – 34
Initiated by property owner request
Action under ORS 199.490(1)(c) of the boundary commission law
Received June 30, 2005
Action to be taken by September 28, 2005

Description

Located in the Santa Clara region of north Eugene, north of Beltline Road, west of River Road, north of Federal Lane, west of Ava Street, east of Quiet Lane; including Quiet Lane right-of-way

Property owner: John Hammer (P.O. Box 2266, Eugene)

Tax lot: 2200, T17S R04W S11 Map 13

Acres: ± 1.26 (± 0.56 acres in tax lot and ± 0.70 acres of road right-of-way)

Estimate of existing population: 0
Existing land use: Residential, road right-of-way
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 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.

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 July 14, 2005.* 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 was sent to the affected property owner (John Hammer, owner of the private property proposed for annexation and initiator of the annexation request) on July 21, 2005.* 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 annexation, at the Eugene city hall, and at the Lane County courthouse on July 20, 2005.*

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

Paula Taylor, Executive Officer, provided the staff report and entered it into the public hearing record in accordance with the commission's administrative rules. She said in cooperation with the City of Eugene, the property owner agreed to include road right-of-way in the annexation request. She said if the annexation were approved it would not become effective for 45 days and registered voters in the area of annexation could call for an election during that time. She noted that there were no registered voters within the annexation area. She noted that the annexation was not contiguous to the city. She said the city had concluded that the inclusion of Quiet Lane was an appropriate request to bring before the commission.

Ms. Taylor noted that referrals had been sent out to various Lane County departments, the Santa Clara Water District, and the Santa Clara Rural Fire Protection District. She said objections had been received from the Santa Clara Water District and the fire district and noted that the

objections had been included in the staff report. She noted that the objections were similar to the objections raised during previous annexation requests. She went on to say that approval of the annexation would remove the territory from the Santa Clara water district and the rural fire protection district. She said the City of Eugene would then provide those services directly. She said staff was recommending approval of the annexation.

In response to a question from Ms. Mulder regarding the reason why the road right-of-way was wider to the north, Peggy Keppler, Eugene Public Works Department, said the right-of-way was first dedicated through the plat of the Ferndale subdivision. She said as properties annexed into the city or partitioned they would be required to dedicate additional right-of-way so the street could be widened.

Mr. Myers opened the public hearing.

Proponents Opening Statement

Robert Stevens, 1410 Oak Street, Eugene, representing the property owner expressed his agreement with the findings and recommendations in the staff report.

Public Officials in Support

Ms. Taylor submitted into the record a letter from Kurt Yeiter, Eugene Planning and Development Department, which indicated the city's support for this annexation request.

Others in Support – None

Public Officials in Opposition – None

Others in Opposition

Jim Seaberry, 3294 Stark Street, Eugene, questioned whether the annexation of Quiet Lane passed any improved properties that were not subject to the proposed annexation.

Ms. Taylor said she did not know which properties adjacent to Quiet Lane were improved or not improved. She said no other properties adjacent to Quiet Lane were included in this proposal.

Mr. Seaberry said he was opposed to the annexations that created islands because it was interfering with the ability of property owners to manage their finances since they are uncertain when they will be annex.

Reed Whipple, 315 Quiet Lane, Eugene raised concern over traffic impacts that could be caused by development in the area. He said he had no opposition to Mr. Hammer developing his land in the way he wished.

Nancy White, Quiet Lane, objected on general principal to Quiet Lane being annexed into the city.

Those Neither in Support nor Opposition – None

Rebuttal by the Proponents – None

Mr. Myers closed the hearing.

- * Moved and seconded (Heeter/Mulder) to approve the annexation of territory to the City of Eugene (BBC File C EU 05 – 34) based on the findings and reasons in the August 4, 2005, staff report.

Mr. Heeter said the resource for getting questions answered about potential traffic impacts to Quiet Lane should be the City of Eugene or Lane County planning departments. He said the work of the boundary commission was very narrowly defined and if an application met those narrowly defined criteria the commission was obligated to approve it. He remarked that development issues were not under the purview of the boundary commission.

- * The motion passed unanimously; 6:0 (commissioners Heeter, Mulder, Seidel, Myers, Larson, and Spickerman voting yes).

Annexation of Territory to the City of Eugene (Young/Bobolink Avenue/Maesner Street/Webster Street)

- F. BC File C EU 05 – 32
Initiated by property owner petition
Action under ORS 199.490(1)(c) of the boundary commission law
Received June 30, 2005
Action to be taken by September 28, 2005

Description

Located in the Santa Clara region of north Eugene, north of Beltline Road, west of River Road, north of Irving Road, west of Stark Street, east of Hyacinth Street; including Bobolink Avenue, Webster Street, and a portion of Maesner Street

Property owners: Michael and Katherine Young (1241 Oak Street, Eugene), William Brad Young, and Michael Young (84938 Lorane Highway, Eugene)

Tax lots: 1000 and 1100, T17S R04W S11 Map 23

Acres: ± 2.98 (± 0.75 acres in tax lots; and ± 2.23 acres in road right-of-way)

Estimate of existing population: 0

Existing land use: Residential, 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 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 (part in Santa Clara Rural Fire Protection District and part in Lane Rural Fire/Rescue), 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.

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 July 14, 2005. 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 was sent to the affected property owners [Michael and Kathrine Young (tax lot 1000) and William Brad Young and William D. Young and Michael Young (ax lot 1100), owners of the properties proposed for annexation and initiators of the annexation request] on July 21, 2005. 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 July 20, 2005.

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

Richard Wagner, 3063 Bobolink, Eugene, objected to the notice provided. He said the notice that had been posted in the area of annexation was too small to call attention to itself. He said a better method of public notification was needed. He noted that he had contacted his neighbors and four of seven neighbors were unaware of the annexation notice.

Paula Taylor, Executive Officer, responding to the objection to the public notice provided, said there was no provision in the boundary commission law for individual notice to adjacent property owners. She said that notices had been posted along Bobolink, Webster, and Maesner streets. She said postings were on stop signs and utility poles. She said the notices were 8.5 by 11 inch sheets of paper and commented that if the commission desired there could be a discussion of making the notices larger. She suggested that the discussion take place during the budget process so that the commission could consider the fiscal impacts of providing additional notice in addition to what was required by law. She stressed that the notice provided had met the requirements of the law and noted that the commission needed to determine if it could or could not proceed with the public hearing.

* Moved and seconded (Heeter/Larson) to determine that notice was provided according to boundary commission law.

Mr. Heeter commented that many municipalities notified everyone within a certain radius of the proposal in question. He suggested that something more could be done to provide public notice.

* The motion passed unanimously; 6:0 (commissioners Heeter, Larson, Myers, Spickerman, Seidel, and Mulder voting yes.)

Ms. Taylor provided the staff report and entered it into the public hearing record in accordance with the commission's administrative rules. She said if the annexation request was approved it would not be effective for 45 days and any registered voters on the tax lots proposed for annexation could call for an election. She said there was one registered voter located within the area of annexation. She said the road rights-of-way that were included in the annexation were

Lane County roads that had been dedicated to the public through recorded deeds, recorded subdivision plats, and/or recorded partition plats. She reiterated that the City of Eugene was evaluating each annexation request for the appropriateness of inclusion of road rights-of-way. She said Kurt Yeiter had included his reasoning for the inclusion of the specific road rights-of-way in a letter of support of this annexation request. She entered the letter into the record for this public hearing.

Ms. Taylor said referrals had been sent to various Lane County departments, Lane Rural Fire/Rescue fire district, the Santa Clara Rural Fire Protection District, and the Santa Clara Water District. She noted that objections had been received from the Santa Clara water and fire districts and said the objections raised were the same as the objections raised in previous public hearings. She said the objections were included in the staff report. She said if the annexation was approved the territory would be withdrawn from the Santa Clara water and fire districts. She said water service would be provided by the Eugene Water & Electric Board and fire service would be provided by the City of Eugene.

Ms. Taylor said the City of Eugene had provided evidence that urban services could be provided to the annexation area. She said staff was recommending approval of the application.

Mr. Myers opened the public hearing

Proponents Opening Statement

Michael Todd Young, 860 Bobolink Avenue, Eugene, spoke on behalf of the property owners. He said the application had been submitted specifically for his tax lots and stressed that it was not his intent to force annexations of nearby properties.

Public Officials in Support – None

Others in Support

Rene Clough, Branch Engineering, reiterated that the applicant was requesting annexation of the specific tax lots and the city was requesting annexation of the street rights-of-way. She said the site met all the criteria for approval of the application. She said if the annexation of road rights-of-way became too controversial, the commission had the option of approving the property annexation and separating out the street annexation.

Jim Seaberry, 3294 Stark Street, Eugene, said he was in favor of a property owner doing what he desired with his own property and supported the Young's request to annex their properties.

Public Officials in Opposition – None

Others in Opposition

Don Leslie, 925 Bobolink, Eugene, said he had trouble understanding the notice provided regarding street annexations. He said property annexation and street annexations were two different things and should be separate. He said he had no objection to the property annexation.

Bill Washburn, 3060 Webster Street, Eugene, said he was in favor of annexation of the property but was against the annexation of Webster Street.

Richard Wagner, 3063 Webster Street, Eugene, spoke against the annexation of the right-of-ways attached by the City of Eugene to the annexation application. He said there were no properties on Webster Street that were incorporated into the city and added that he was in favor of the property annexation only.

Pat Wagner, 3063 Webster Street, Eugene, raised concern over the proposed street annexations. She said there was no guarantees that the surrounded properties would not be involuntarily annexed and opined that there was no reason for annexation of the road right-of-way.

Charles Beerman, Santa Clara, remarked that the boundary commission did not pay attention to the people's wishes and opined that the commissioners were more interested in the city's wishes than the property owner's rights. He said he was opposing the application because of the attached application to annex the street right-of-ways.

Jim Seaberry, 3294 Stark Street, Eugene, urged the commission to treat people with fairness. He urged the commission to split the right-of-way annexations from the property annexation request.

Rebuttal by the Proponents

Mr. Young reiterated that his desire was to annex two tax lots and he had no desire to be connected with the street annexations.

In response to a question from Ms. Mulder regarding the philosophical reasons for the street right-of-way to be included in annexations, Ms. Keppler said she had no information on that subject.

Mr. Myers closed the public hearing.

Boundary Commission Discussion and Decision

- * Moved and seconded (Larson/Heeter) to approve the annexation of territory to the City of Eugene (BC File C EU 05 – 32) as submitted based on the findings and reasons in the August 4, 2005, staff report.

Ms. Larson said she favored having the streets annexed because of the personal experience in her neighborhood. She remarked that there were numerous interface problems between the city and the county. She said the county did not have enough funds to take care of streets with the highest use. She remarked that there were multiple handicapped people in her neighborhood who had to negotiate unimproved streets and this was what made her in favor of street annexations.

Ms. Seidel said she would vote against the motion. She expressed her desire to have Kurt Yeiter present at the hearing to address the problems with the reasoning for street annexations he had provided in his letter. She said his reasoning was that Webster Street and Maesner Street would become isolated lengths of county roads if they were not annexed and remarked that they would not become isolated parts of county roads if Bobolink were not also proposed for annexation. She said she would be comfortable with annexing Bobolink from Maesner Street to Stark Street but carrying on the annexation to Webster Street and Maesner Street was not justifiable. She said she would be happy to vote for the annexation of the private property.

In response to a question from Mr. Heeter regarding whether there was a way to separate the street annexations from the property annexations and what that procedure would be, Ms. Taylor

said if the commission wanted to exclude the road rights-of-way then that was in its purview, however, the application before it included two privately owned tax lots and existing road right-of-way. This was one application and could not be separated – it could be modified to add or delete territory.

In response to a question from Mr. Heeter regarding whether withdrawing the streets was justified, Ms. Taylor said the proposal could be modified to exclude what was desired to be separated and urged the commission to proceed, at a minimum, to approve the annexation of the requested private property.

Mr. Heeter withdrew his second to the motion. He said the logical thing to do, since there was some question about the city's recommendation, was to withdraw the road rights-of-way until city staff could come back with a proposal that was justified. He said he was concerned that the rights-of-way did not meet the commission standards of approval.

Ms. Mulder said the issue was not about repair/improvement of streets. She said there were no plans to improve the streets. She remarked that the situation in Ms. Larson's neighborhood might not be the same as the situation in the area proposed for annexation.

Ms. Keppler said there was an intergovernmental agreement (IGA) between the city and the county regarding maintenance of roads in the River Road and Santa Clara areas.

Mr. Spickerman said consistency of development standards for property owners alluded to the fact that the IGA mentioned by Ms. Keppler related to land use law and not transportation law.

Mr. Heeter said he would rather look at the proposed street annexations as a separate package.

Ms. Larson withdrew her motion.

* Moved and seconded (Heeter/Seidel) to modify the annexation request (BC File C EU 05 – 32) to exclude all territory in road rights-of-way. The motion passed; 6:0 (commissioners Heeter, Seidel, Myers, Mulder, Larson, and Spickerman voting yes).

* Moved and seconded (Heeter/Mulder) moved to approve the annexation of territory to the City of Eugene (BC File C EU 05 – 32) as modified. The motion passed unanimously; 5:1 (commissioners Heeter, Mulder, Seidel, Myers, and Spickerman voting yes and commissioner Larson voting no).

Ms. Taylor noted that the finding would need to be modified and added to the decision. Specifically, the last sentence in finding 2 would have to be deleted. She recommended adding a new finding that the commission modified the proposal to exclude all right-of-way for Bobolink Avenue, Webster Street, and Maesner Street.

* Moved and seconded (Heeter/Seidel) moved to add a new finding to the staff report and that excluded all mention of rights-of-way annexation for Bobolink, Webster and Maesner streets because of jurisdictional questions and the effects of boundary change on other units of government. The motion passed; 5:1 (commissioners Heeter, Seidel, Mulder, Spickerman and Myers voting yes and commissioner Larson voting no).

There was general consensus to direct staff to request that the City of Eugene to make a comprehensive reason behind attached street annexations and how those annexation requests fit into boundary commission approval criteria.

V. OTHER BUSINESS

A. Legislative Update

Ms. Taylor reported that the bill for abolishing the boundary commission had not moved from committee and would not likely moved forward.

Ms. Larson left the meeting at 9:25 p.m.

B. Letter from Leo Robb

Ms. Taylor forwarded a letter received from Leo Robb expressing his thanks to the commission for conducting its hearing on the dissolution of the fire district in Oakridge and for listening to the testimony and making a tough decision.

C. Other

Ms. Taylor distributed a letter from Annette Newingham to Representative Hanna in response to allegations related to the formation election for the Hazeldell Rural Fire District. Ms. Newingham requested that it be distributed to the commission.

Ms. Taylor said she would do some research some ways of improving public notice procedures so the commission could consider any changes and the financial implications of those changes.

The meeting adjourned at 9:35 p.m.

Clay Myers, Chair
Lane County Local Government Boundary Commission

(Recorded by Joe Sams)

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