

MINUTES

LANE COUNTY LOCAL GOVERNMENT BOUNDARY COMMISSION

Eugene City Hall
Council Chamber (777 Pearl Street)

October 6, 2005
7:00 p.m.

PRESENT: Clay Myers, chair (late arrival as noted); Eleanor Mulder, vice chair; Ernie Olson; Christine Larson; Karen Seidel (early departure as noted)

ABSENT: Van Heeter, secretary; Jim Spickerman

I. CALL TO ORDER – ROLL CALL

Vice-chair Eleanor Mulder convened the meeting at 7:00 p.m. Paula Taylor, Executive Officer, called the roll.

II. APPROVAL OF EXPENSES – JULY/AUGUST 2005

* Moved and seconded (Seidel/Larson) to approve the expenses of July 2005 (\$11,067.84) and August 2005 (\$10,020.42). The motion passed unanimously; 4:0 (commissioners Mulder, Olson, Larson, and Seidel voting yes).

III. APPROVAL OF MINUTES – AUGUST 4, 2005

Ms. Mulder noted a correction on page 12, in the paragraph beginning with “Mr. Seaberry said...”, the last word in the sentence should be “annexed” instead of “annex.”

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

IV. NEW BUSINESS: PUBLIC HEARING

Annexation of Territory to the City of Eugene (Malibu Properties LLC)

- A. BC File C EU 05 – 46
Initiated by property owner petition
Action under ORS 199.490(1)(c) of the boundary commission law
Received on August 16, 2005
Action to be taken by November 14, 2005

Description

The annexation area included one tax lot located in the Santa Clara region of north Eugene, north of Beltline Road, west of Moore Street, east of Ross Lane, south of Lone Oak Avenue

Property owner: Malibu Properties LLC (2225 Devon Avenue, Eugene)

Tax lot: 2101, T17S R04W S12 Map 40

Acres: ± 0.26

Estimate of existing population: 2 (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 (Eugene School District 4J), roads (Lane County, City of Eugene), 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 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 September 15, 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 (Malibu Properties LLC, owner of the property proposed for annexation and initiators of this annexation request) on September 23, 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 September 21, 2005.*

Vice-chair Mulder called for declarations *ex parte* contacts or conflicts of interest. None were declared.

Paula Taylor, Executive Officer, outlined the notice for the hearing. There were no objections to the adequacy of the notice.

Ms. Taylor provided the staff report and entered it into the public hearing in accordance with the commission’s administrative rules. She said the Santa Clara fire district and water district had objected to the annexation in writing and the objection was included in the written staff report. She noted that the objections were the same as past objections made to annexations in that area.

Ms. Taylor said staff recommended approval of the application. She said the property was within the urban growth boundary and was in an area that was totally surrounded by the city—often referred to as an islanded area

Ms. Mulder opened the public hearing.

Proponent's Opening Statement

Kurt Yeiter, Principal Planner for the City of Eugene, 99 West 10th Avenue, said the city supported the application as it was presented in the staff report. He reiterated that the application met the criteria for approval.

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

Ms. Mulder closed the public hearing.

Boundary Commission Discussion and Decision

- * Moved and seconded (Olson/Larson) to approve the annexation of territory to the City of Eugene (BC File C EU 05 – 46) with findings and reasons in the October 5, 2005, staff report. The motion passed unanimously; 4:0 (commissioners Mulder, Olson, Larson, and Seidel voting yes).

Clay Myers arrived at 7:10 p.m. and chaired the remainder of the meeting. Ms. Seidel left at 7:10 p.m.

Annexation of Territory to the City of Eugene (Besaw)

- B. BC File C EU 05 – 49
Initiated by property owner request
Action under ORS 199.490(1)(c) of the boundary commission law
Received August 29, 2005
Action to be taken by November 28, 2005

Description

The annexation area included one tax lot located in the Santa Clara region of north Eugene, north of Beltline Road, west of River Road, south of Irving Road, west of Belmont Street, east of Newcastle Street

Property owners: Donald Besaw and Randy and Nancy Besaw

Tax lot: 7100, T17S R04W S11 Map 42

Acres: ± 0.41

Estimate of existing population: 2 (one residential unit)

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

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 in The Register Guard on September 15, 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 (Donald Besaw and Randy and Nancy Besaw, owners of the property proposed for annexation and the initiators of this annexation request), on September 23, 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 Eugene city hall, and at the Lane County courthouse on September 21, 2005.*

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

Paula Taylor, Executive Officer, outlined the notice for the hearing. There were no objections to the adequacy of the notice.

Ms. Taylor provided the staff report and incorporated it into the public hearing record in accordance with the commission's administrative rules. Ms. Taylor said the annexation included one tax lot. She said there was no road right-of-way included in the annexation. She said the annexation was not contiguous with the City of Eugene but was within Eugene's urban growth boundary. She noted that the Santa Clara Water District and the Santa Clara Rural Fire Protection District both objected to the annexation on similar grounds as previous annexations. She said the objections and the responses to the objections were included in the written staff report.

Ms. Taylor said staff were recommending that the annexation be approved. She noted that state law and Metro Plan policies allowed for noncontiguous annexations.

Proponent's Opening Statements

Robert Stevens, Metro Planning, 1410 Oak Street, Eugene, spoke as the applicant's representative. He noted that the application was supported by the City of Eugene and met the Metro Plan criteria for approval

Public Officials in Support

Kurt Yeiter, Principal Planner for the City of Eugene, said the city supported the application. He said all services were provided and no road right-of-way was included in the annexation.

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 (Olson/Larson) to approve the annexation of territory to the City of Eugene (BC File C EU 05 – 49) based on the findings and reasons in the October 6, 2005, staff report. The motion passed unanimously; 4:0 (commissioners Mulder, Olson, Larson, and Myers voting yes).

Annexation to the Territory to the City of Cottage Grove (Emerald Heights LLC)

- C. BC File C CG 05 – 45
Initiated by property owner petition
Action under ORS 199.490(1)(c) of the boundary commission law
Received August 9, 2005
Action to be taken by November 7, 2005

Description

The annexation area included two tax lots located in northwest Cottage Grove, north of Birch Avenue, west of Holly Avenue

Property owner: Emerald Heights LLC

Tax lots: 1301 and 1900, T20S R03W S28 Map 20

Acres: ± 67.97

Estimate of existing population: 0

Existing land use: Vacant

Existing zoning in Lane County: CZ, contract zoning

Applicable comprehensive plan: Cottage Grove Comprehensive Land Use Plan
(acknowledged by LCDC in February 1981 and as has been subsequently amended)

Existing public services to the property: Police (Oregon State Police, Lane County Sheriff), schools (South Lane School District 45J), roads (City of Cottage Grove), fire (South Lane County Fire and Rescue), electricity (Emerald Peoples Utility District)

Reason for Annexation

The property owner is requesting annexation to prepare the site for residential development. The Cottage Grove Comprehensive Land Use 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 Cottage Grove Sentinel on September 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 (Emerald Heights LLC, owner of the property proposed for annexation and initiator of the annexation request) on September 23, 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 Cottage Grove city hall, and at the Lane County courthouse on September 21, 2005.*

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

Paula Taylor, Executive Officer, outlined the notice for the hearing. There were no objections to the notice provided. She said if the annexation was approved it would not be effective for 45 days. She noted that there were no electors within the area to be annexed so if the commission approved the annexation request, an election was not likely. She said the commission would need to take action by November 7, 2005, or the annexation would be approved as submitted.

Ms. Taylor provided the staff report and entered it into the public hearing record in accordance with the commission's administrative rules. She noted that the area to be annexed was an islanded area totally surrounded by Cottage Grove city limits. She noted that the boundary commission had approved the SunRise Ridge application at its June 2005 meeting, which created the islanded area. She said approval of the annexation would reduce the size of the islanded area, but noted that two tax lots would remain islanded in the area.

Ms. Taylor said no referral responses were received as of the mailing of the staff report. She said staff reviewed the information submitted by the City of Cottage Grove. She said much of the information was similar to the information submitted for the SunRise Ridge annexation. She said the two areas would develop from many of the same service delivery systems.

Ms. Taylor said staff concluded that the annexation area could be served by the city. She noted that the property owner had not submitted any development plans for the annexation area.

Ms. Taylor said staff recommended approval of the application. She said it was consistent with boundary commission standards and what the Cottage Grove comprehensive plan identified as future development for the area. She said the city would be conducting a separate process when a development plan was submitted.

In response to a question from Ms. Larson regarding contract zoning, Ms. Taylor said the parcel involved had contract zoning. She said contract zoning was an agreement between the county and the city to zone the property outside the city to a zoning district that would allow for an urban level of development. She said the county granted some planning authority to the city as well. She said the contract zoning district has been in place since 1996. She was unaware if the owner of the property had implemented any of the conditions allowed under the contract zoning agreement. She said if the annexation were approved then the city would go through the process to rezone the properties consistent with the plan designation.

In response to a question from Ms. Mulder regarding whether it was usual to have reservoirs outside the urban growth boundary, Ms. Taylor said it was not uncommon to have infrastructure outside of the urban growth boundary. She said the city knew the reservoir was located outside of the urban growth boundary and expected the future developers to obtain the proper permits from the county and the boundary commission so that new development could be served.

Mr. Myers opened the public hearing.

Proponents Opening Statement

Doug Weber, 1369 West 6th Avenue, Eugene, spoke as the applicant's representative. He said there were no plans for development at the current time, but noted that there would be a substantial public involvement process when any development was planned.

Mr. Weber noted that the annexation was supported by the City of Cottage Grove city council. He submitted a copy of the city council resolution supporting the annexation.

Public Officials in Support – None

Others in Support – None

Public Officials in Opposition – None

Others in Opposition – None

Cathy Bellavita, 78529 Halderman Road, Cottage Grove, raised concerns over a full scale residential development in the annexation area. She said there was no doubt that the land would be part of a future residential development and opined that this meant that future development should be part of the commission's consideration of the annexation. She said the sole reason for the support of the planning commission and Cottage Grove city council was based on the Cottage Grove comprehensive plan. She stressed that the annexation policy in that plan was written 25 years previously. She said Cottage Grove was a very different place 25 years ago. She noted that the growth projections written then had been very inaccurate and had to be rewritten. She said the scarcity of buildable land in Eugene and Springfield was an incentive for builders to come to

smaller outlying communities for their developments. She said these communities were unprepared for growth of the scale that developers wanted.

Ms. Bellavita said the Cottage Grove comprehensive plan was inadequate to guarantee improvements to infrastructure needed to provide services to planned developments. She added that the annexation policy did not require the city to consider other aspects of its own comprehensive plan such as hillside development. She noted that the area of annexation was comprised largely of steep sloped hillsides.

Celia Scott, 1630 Ash Avenue, Cottage Grove, urged the commission to deny the application based on ORS 97.740 – 97.760 referring to the excavation of Indian cairns. She added that ORS 358.905 – 358.961 were also pertinent. She submitted the Oregon statutes written material into the record. The city's comprehensive plan, Section 2, stated that there were burial remains along the slope of Mount David and a culturally important rock that remains in use for spiritual purposes. She said Esther Stutzman testified to the Cottage Grove planning commission that she had been present at a burial on the site when she was a child. She said grave sites are located on the ridgeline but locations were not known. She said a survey by the state historic preservation office was needed. She said the office had been contacted.

David Seidel, 1142 Ash Avenue, Cottage Grove, read from the comprehensive plan of Cottage Grove: *“The purpose of the comprehensive plan was directed at aiding the citizens of Cottage Grove and protecting and restoring their natural amenities and preserving their colorful heritage while at the same time providing for the orderly economic and physical growth of the community. The land use recommendations serve as a general guide for the orderly development of the community in keeping with the goals decided upon by its citizens.”* He added that the criteria the boundary commission had to follow was limited to the property within the urban development area. He questioned whether it was sufficient to ignore the comprehensive plan when making a decision.

James Kness, 232 N “J” Street, Cottage Grove, asked that the commission deny the annexation on the grounds that the city could not account for the needed services to the annexation area.

Quoting from a written statement, Mr. Kness's friend Ms. Scott said the annexation would allow developers to put in 10 lots per acre instead of one house on 2.5 acres that was allowed under the county zoning criteria. She raised concerns over traffic impacts if the land were developed. Mr. Kness submitted the written material into the record.

Rozelle Burcher, 904 Ash Avenue, Cottage Grove, raised concern over the city's ability to provide water to the annexation area. She said leaving the water supply up to the discretion of the developer was not a good way to go. She said that boundary commission requirements stated that the proposed unit of government was financially viable. She stressed that Cottage Grove residents paid the highest water bills in the state. She said the city was facing major sewer and water system improvements that it was already finding difficulty in funding.

Ms. Burcher also raised concern over flooding issues near Silk Creek. She said runoff would increase dramatically if development occurred. She added that erosion was also a concern of residents living downstream of an eventual development.

Ms. Burcher also raised concern over the inadequacy of the sewer system. She said the sewer system of the entire neighborhood was in need of a major overhaul. She said adding a large number of homes to an obsolete over loaded system was folly. She said the inability to provide

sewer service allowed the boundary commission to deny the application. Citing precedent, she noted that the boundary commission had denied an application on similar grounds in 1978.

Laura Florez, submitted a newspaper clipping of the denial of the annexation request in 1978 based on the inability to provide sewer service. She urged the commission to deny the application on this basis. She noted that citizens in the adjacent housing development could not use their new homes because the developer had not lived up to obligations of sewer service and water provision.

Ms. Florez said the city could not provide road access to future development unless ten different private properties are condemned. She noted that the northern terminus to the property had been determined by the proposed developer of the property.

William Ellis, 375 Q Street, Cottage Grove, noted that his property abutted the area of annexation and raised concern that Q Street was intended to be the collector street for the development of the area. He stressed that Q Street would have to come across his property to allow this to happen. He said a minimum right-of-way of 60 to 80 feet would go through his property.

Michael Laborg, 740 Holly Avenue, Cottage Grove, said there was an error in the staff report regarding Holly Street providing access to the new development. He said Holly Street was a private road that was not approved for use as a secondary access to the area of annexation. He said he had brought the matter before the city council and was told that this was a development issue. He stressed that Holly Street would not be used for access or be part of the development proposal and should not be part of the staff report. He asked that the staff report be revised to indicate that.

Jan Wilson, 1260 President Street, Eugene, spoke as the legal representative of the Friends of Mount David. She said she was shocked to hear that the land owner had no development plans. She said if there were no development plans then there is no need for hurry. She said the community would be bearing the risk of planning mistakes. She said there were no services available to the annexation area and added that there were very steep slopes, unstable soils, private gravel drives, and water projects that were not completed. She said there were no guarantees of a reservoir since the area for the reservoir was located outside of the urban growth boundary and none of the necessary permits had been obtained from the county. She urged the commission to help the Cottage Grove community stop a "runaway freight train." She said the planning abilities of the city were already overwhelmed as was demonstrated in the SunRise Ridge development. She said Cottage Grove was years behind in updating its comprehensive and transportation plans. She reiterated that burial grounds on the annexation site had not yet been surveyed and that there was no way to provide for required services to the site. She urged denial of the application.

In response to a question from Ms. Mulder regarding whether the owner of the property was the same as the owner for SunRise Ridge, Ms. Wilson said she did not know officially who the owner was.

In response to a question from Ms. Larson regarding whether the public hearing could be carried over to another date for additional testimony, Ms. Taylor said the commission had discretion to hold another public hearing before the end of the 90-day statutory time period. She noted that action was necessary by November 7, 2005, which came before the next scheduled meeting. She said a special meeting before November 7th could be held. If the boundary commission did not pass a final order by November 7, 2005, the annexation would be approved as submitted.

Those Neither in Support nor Opposition – None

Rebuttal by Proponents

Doug Weber urged the commission to stay focused on the objectives of its relevant criteria. He reiterated that the annexation was supported by boundary commission staff and Cottage Grove staff as well as the Cottage Grove city council. He added that the annexation was consistent with the existing comprehensive plan.

Mr. Weber said the city Council of Cottage Grove had passed a resolution supporting the annexation request.

Regarding services provided to the site, Mr. Weber read comments from the Cottage Grove development director made at the public hearing before the Cottage Grove city council: “. . . the sanitary sewer treatment plant could support a residential development because it was sized to accommodate growth.” He reiterated that the annexation was consistent with the current local comprehensive plan and master plan.

In response to a question from Ms. Mulder regarding whether there would be a PUD so the various issues with the property could be addressed, Mr. Weber said there had only been had two preliminary talks with the city but said it had been made clear that a PUD would be required. He stressed the developer would deal with every concern raised by the community.

Mr. Myers closed the public hearing.

Boundary Commission Discussion and Decision

Mr. Olson said he had lived in Cottage Grove for a number of years. He acknowledged that there were problems with the site but opined that the best thing to do is annex the property so property taxes could be assessed. He said that development could not happen just because the property was annexed. He said there were legal grounds to stop development at the time a site plan was submitted and the development was addressed.

Ms. Mulder said the PUD was the process for residents to put energy into. She stressed that the boundary commission did not have the mechanisms to address development issues. She said she would be willing to have an extra meeting for more testimony.

* Moved and seconded (Olson/Mulder) to approve the annexation of territory to the City of Cottage Grove (BC File C CG 05 – 45) with the findings and reasons included in the October 6, 2005, staff report.

Ms. Larson indicated that the proposed annexation appeared to meet the commission’s criteria but was concerned if public services were really available. She would have appreciated hearing city staff respond to the issues raised by the community during the commission’s hearing. She said she would reluctantly support the motion

* The motion passed unanimously; 4:0 (commissioners Mulder, Olson, Larson, and Myers voting yes).

V. OTHER BUSINESS

Ms. Taylor said she would be out of the office for a week.

The meeting adjourned at 8:37 p.m.

Clay Myers, Chair
Lane County Local Government Boundary Commission

(Recorded by Joe Sams)

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Last Saved: November 22, 2005*

MINUTES

LANE COUNTY LOCAL GOVERNMENT BOUNDARY COMMISSION WORK SESSION

99 East Broadway, Suite 400, Eugene, Oregon
(541-682-4425)

Council Chamber
Eugene City Hall (777 Pearl Street)

October 6, 2005
5:00 – 6:00 p.m.

PRESENT: Eleanor Mulder, vice chair; Karen Seidel

ABSENT: Clay Myers, chair; Van Heeter, secretary; Ernie Olson; Christine Larson; Jim Spickerman

GUESTS: Kurt Yeiter, Eugene Planning and Development Division; Peggy Keppler, Eugene Public Works Division; David Reed, Transition Manager, River Road/Santa Clara Transition Plan

I. CALL TO ORDER – ROLL CALL

Vice chair Mulder called the work session to order at 5:00 p.m. Paula Taylor, Executive Officer, called the roll.

II. DISCUSSION ON THE INCLUSION OF ROAD RIGHTS-OF-WAY IN ANNEXATIONS TO EUGENE

Kurt Yeiter, City of Eugene Planning Department, distributed a memo regarding street annexations to the City of Eugene. He said none of the techniques used for annexations were without flaw. He said the Eugene-Springfield Metropolitan Area General Plan (Metro Plan) cited that the cities of Eugene and Springfield were the logical providers of services accommodating urban levels of development. He quoted from the Metro Plan *“Annexation to a city through normal processes shall continue to be the highest priority.”*

Mr. Yeiter said the intermittent annexations of territories in the River Road and Santa Clara areas made sense if a person adhered to the idea that the entire area would eventually be annexed into the city. He said the city considered roads as part of the services provided to the area and said staff were identifying logical and appropriate sections of street right-of-way that could be annexed with properties being annexed under the assumption that all the streets would come under the jurisdiction of the city. He added that maintenance departments from the county and the city public works departments made agreements to maintain certain streets in the area.

Ms. Mulder commented that maintenance agreements were independent of jurisdictional responsibility. She questioned whether there was any advantage to the city maintaining underground facilities as a rationale for annexation so people could understand the city’s point of view.

Mr. Yeiter called attention to his memo and cited the questions that were asked before a street was annexed.

1. Is the street segment appropriate and logical?
2. Does the street segment abut the subject site? To facilitate development of a site, streets providing immediate access to a site should be annexed. On corner lots both streets are considered.
3. Does the street segment have logical ends, preferably street intersections? Typically the segment should be at least one block long.
4. Does the annexation help emergency response or avoid confusion?
5. Would the street segment to be annexed contribute to access to the development site along a logical network of city streets? Are city standards for speed, access, or connectivity preferred near development site? If so, annexation of an entire street length will be considered.
6. Look for opportunities to provide logical connections between separate incorporated areas (e.g., an unincorporated street should not be the only separation between two city areas). Street segments that provide access to more than one incorporated area should be considered so that "city" streets provide access to all those incorporated areas.

Ms. Mulder noted that the boundary commission members understood that the city would not be assessing residents as streets were annexed but noted that there was still some concern among residents.

Ms. Seidel agreed and stressed that it was an enormous public education problem that should not be minimized. She said it was not the role of the boundary commission to educate the community on the matter and suggested that it was the role of city staff.

David Reed said transparency of process and public education were taken very seriously. He said there were two areas that could be improved. The first was public notice. He said putting notice on street poles is not sufficient. He suggested mailing notice to property owners abutting the site to be annexed. He added that clear maps used by staff and boundary commission to show the area of annexation would be helpful.

Mr. Reed said it was apparent to staff that people tended to view their streets in a proprietary way. He acknowledged that many people in the River Road area, in particular, did not want their streets improved. He said that, without parks and community centers in the River Road and Santa Clara areas, the streets became very important to the local sense of community and neighborhood.

Mr. Yeiter asked Peggy Keppler to outline the assessment process for street improvements.

Ms. Keppler provided information on assessments for street improvements. She referred the commissioners to maps of recent street annexations. She explained that conditions for development of annexed cities required street improvements for adjacent streets. She noted that two streets were local access streets and not county roads and thus came under the jurisdiction of the city. She said the city only maintained roads that had been improved to city standards. She said a directive from the city council was that developers would be responsible for their own impact to the adjoining street system. She noted that residents could also sign a petition to have the city make improvements but noted that if this happened residents and not the developer would be responsible for the cost of the improvements. She said having the road right-of-way in the city improved the development process since the county did not issue any facility permits or street designs for local access roads.

Ms. Keppler said that in order to assess properties outside the city limits the city would have to go to the county for the authority from the board of county commissioners to request to include those properties in the local improvement district.

On the map showing Quiet Lane, Federal Lane, Ava Street, and W Myoak Drive, Ms. Keppler outlined the annexation of the various road rights-of-way. She said the entire right-of-way of Quiet Lane to Federal Lane had been included after the city checked with the property owner to see if he had any objections to including the right-of-way annexation with his property annexation request. A portion of Ava Street and W Myoak Drive had also been included with a property owner initiated annexation bringing into the city segments of these roads. The remaining segment of W Myoak Drive is included in an annexation that will be before the boundary commission soon. She said developers will make improvements to a property and at least the right-of-way adjacent to their property and then no assessments are made to other properties on the street.

Ms. Seidel said it would help the boundary commission and citizens at public hearings if the rationale for street annexations were included in the staff notes. She noted that there was usually nothing in the staff notes about street rights-of-way. She said the commission needed a rationale for why right-of-way was included in the staff notes. She stressed that the rationale was needed whether or not the annexations are separate or connected to a property annexation.

Ms. Seidel wondered if it was logical for the streets that needed to be annexed be included in an annexation separate from property annexations.

In response to a question from Ms. Mulder regarding whether streets would stay the same if they were annexed or would the city have to make improvements, Ms. Keppler said if a blanket annexation was made then the streets would stay as they were. She noted that the city was concerned that all properties in the city have a viable system for stormwater drainage. She said the city tried to recover that water in the city system. She noted that the county was reluctant to allow stormwater facilities to be installed because of possible liability to maintain that part of the system that was located outside of the city. She said it was the intent of the city to maintain any stormwater facilities that it installed. She said much of the stormwater system work in the River Road and Santa Clara areas had not been done because of the mixed jurisdiction.

In response to a question from Ms. Mulder regarding whether city policy allowed all properties in the city to have access to the city drainage system, Ms. Keppler said developments were required to provide an improved point of discharge for stormwater. She said staff was also working on completing development standards so there would be a requirement to treat the stormwater before it was received by a city drainage facility.

Regarding the assessment process, Ms. Seidel said the people who came to testify were concerned that streets would be improved and they would be assessed and also had concerns over road annexations that would create islands so properties would be automatically annexed. She stressed the importance of public education in these matters. She said more information needed to be supplied to neighbors in the public notice process.

Ms. Seidel said she had faith in the stated intent of city staff that islanded property owners would not be annexed by the city without consent of the property owner. She said, however, that she would not be comfortable saying to a person at a public hearing that the city would never assess them for road improvements.

Mr. Yeiter said it had been extremely rare that the city assessed for an open street improvement or forced an annexation on unwilling residents. He stated, however, that the city did not want to give up that capability since it could prove an effective tool in the future. He added that the city wanted to keep the ability for use in other parts of the urban area. He cited an instance near Chase Gardens. He said there were scattered places where single houses were not annexed but were using all city utilities and services. He also cited River Avenue as another example. He said funding was provided for street improvements and the city approached the board of county commissioners regarding forced annexations so street improvements could be made. He said the board of county commissioners and the Eugene city council had unanimously refused permission for the island annexation. He said staff had then worked with individual property owners and had eventually received permission from the board of county commissioners to do individual annexations.

Mr. Reed said a pamphlet was being produced that would profile all of the services provided in River Road and Santa Clara and show which jurisdiction provided those services, give contact numbers, and provide answers to frequently asked questions.

In response to a question from Ms. Seidel regarding how the notice process could be changed when road annexations were involved, Ms. Taylor said more information on annexations of road rights-of-way would be incorporated into the staff report, such as the classification of roads that were included in an annexation. She said there needed to be more discussion by the commission to develop a strategy to provide notice and information to other interested property owners when adjacent right-of-way was being annexed. She suggested that the commission should discuss the legal implications of providing notice in excess of the existing legal requirement.

In response to a question from Ms. Seidel regarding the possibility of providing the legally required notice and forwarding information to Mr. Reed so he could provide notice to more neighbors, Mr. Reed said he was concerned about the work load on his already thinly spread staff. He stressed that if he provided more notice then he would receive all the phone calls about the annexation. He remarked that the River Road and Santa Clara areas were a contentious environment with a strong lack of trust of the City of Eugene's intentions.

Ms. Taylor noted that it was difficult to convince citizens in River Road and Santa Clara that staff was being truthful in answering questions. She indicated, however, that she could add contact numbers on posting notices, prepare larger sized notices for posting, and try to provide more information to residents about annexations. She said there would be financial impacts that needed to be considered by the boundary commission during the budget process before implementing too many additional notice requirements.

Ms. Mulder agreed that larger posting notices and inclusion of a rationale for annexations of road rights-of-way in the staff report were good ideas. She added that financial impacts of providing more information would need to be discussed.

In response to a question from Ms. Seidel regarding whether road annexation information could be included in the local neighborhood newsletter, Mr. Reed said that would be a great venue to provide information.

Ms. Mulder requested that the members of the boundary commission also receive copies of the newsletter.

III. UPDATE ON THE RIVER ROAD AND SANTA CLARA TRANSITION PLAN

David Reed, Transition Manager, distributed a written update. He said when the project was begun staff had made a point of talking to stakeholders and noted when these conversations happened staff had clearly perceived the theme of disenfranchisement and distrust but noted that there was a common theme among community leaders desiring a sound public process and opportunities for public input. He said community leaders had been found that were using the transition plan to promote innovative solutions and seek an atmosphere of collaboration among governing bodies. He said the major benchmark for the project was the “*2002 River Road and Santa Clara Urban Services Committee Report.*” He said the report was citizen generated and was done extremely well. He acknowledged that there were some citizens who did not agree and had some skepticism over the process but stressed that he thought the report was an outstanding piece of work. He said the four themes that came out of the report were trust, equity, voice, and collaboration.

Mr. Reed said the task force consisted of 12 members from the area and was a very strong group that was representative of the community. The group really wanted to get involved in a community visioning exercise. He said Santa Clara and River Road areas had rich history and heritage value and noted that people from the area had little opportunity to express their values in a way that reflected their vision of the future. The transition team was inspired with the commitment of the members to design a preferred structure for the community and a plan to transition to that preferred structure for governance and service delivery. He said the future report would have themes of landscaping, governance, and institutions. He said a final draft of the new report of the transition team would be ready by the end of the fiscal year.

Ms. Seidel expressed her desire for the boundary commission to contribute to the transition process and asked for suggestions from Mr. Reed regarding how the commission could help.

Mr. Reed said the commission had already helped by calling for transparency of process, public education, and clear rationale for the right-of-way annexations.

The work session adjourned at 6:40 p.m.

Eleanor Mulder, Vice chair
Lane County Local Government Boundary Commission

(Recorded by Joe Sams)

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