

MINUTES

LANE COUNTY LOCAL GOVERNMENT BOUNDARY COMMISSION

Eugene City Hall
Council Chamber (777 Pearl Street)

September 27, 2007
7:00 p.m.

PRESENT: Clay Myers, chair; Eleanor Mulder, vice chair; Van Heeter, Bud Stewart, Renee Buchanan, Christine Larson

ABSENT: Karen Seidel

I. CALL TO ORDER – ROLL CALL

Clay Myers, chair, called the meeting to order. Paula Taylor, boundary commission staff, called the roll.

II. OLD BUSINESS

Postponed from the August 2, 2007, Public Meeting – Annexation of Territory to the City of Florence (Ures, et al./Rhododendron Drive/Sebastian Street)

- A. BC File C FL 07 – 36
Initiated by Resolution No. 8, Series 2007, by the City of Florence with consents from property owners/electors
As submitted, the annexation area includes 43 tax lots located along the westerly boundary of the City of Florence, east and west of Rhododendron Drive, north of Rhodowood Drive, and north and south of Sebastian Street; including portions of Rhododendron Drive and Sebastian Street

Paula Taylor, Executive Officer, stated that the annexation application was received by the boundary commission and had a public hearing at the August 2, 2007, meeting. She said following public testimony the commission closed the public hearing and postponed deliberation and decision-making until September 27, 2007, in order to obtain additional information on the following issues:

- Agreement between the City of Florence and one of the property owners to postpone annexation of the two subdivisions until after the Fawn Ridge East Subdivision had been recorded.
- Determination of whether the annexation had been initiated validly.

Ms. Taylor introduced Richard Whitman of the Attorney General's office to provide a response to legal questions raised at the previous public hearing. She said Mr. Whitman had suggested the commission go into executive session for purposes of receiving advice from legal counsel.

Commissioner Buchanan announced that she did not attend the boundary commission's August 2, 2007, meeting but had listened to a recording of the meeting and felt she was able to participate in a

discussion of the matter. She declared that she had no *ex parte* contacts. She noted for the record that Mike Reeder, attorney for the developer, was a personal friend, but she had not discussed the case with him.

EXECUTIVE SESSION

Mr. Myers called the Lane County Local Government Boundary Commission into executive session pursuant to ORS 192.660 for purposes set forth in ORS 192.660(2)(f) and (h). He stated that representatives of the news media and designated staff would be allowed to attend the executive session. He said that no decisions would be made until the commission reconvened in open session.

OLD BUSINESS (continued)

Mr. Myers called the boundary commission back into open session. He noted that Commissioner Stewart had arrived just prior to the executive session. He opened boundary commission deliberations.

Commissioner Larson stated that she favored annexation of the property, but felt it was wise for the commission to take additional time to consider the issues raised during the public hearing. She felt based on her experience as a Springfield city councilor the proposal by the City of Florence met the criteria for annexation, although findings would need to be changed prior to approval.

Commissioner Mulder agreed with Ms. Larson's comments and noted that the Fawn Ridge East subdivision had now been properly recorded.

Ms. Taylor reported that she had received additional correspondence since the last boundary commission meeting. She said if the commission wished to see the correspondence it would need to reopen the record and receive that information so that it would be available to everyone for comment.

Mr. Myers determined that none of the commission members wished to reopen the record.

Ms. Mulder asked staff to read the recommended modifications of findings into the record.

Ms. Taylor stated that existing finding #1 would be modified by replacing the reference to ORS 199.490(2)(a)(B) with ORS 199.490(2)(a)(A). A new finding #2 would read as follows: "Consents were received by the City of Florence representing more than half the owners of the land in the territory to be annexed who own more than half the land and the real property represents more than half of the assessed value of all of the property in the territory to be annexed." The remainder of the findings would be renumbered. Existing finding #2 would be modified by eliminating the word "was" in the second sentence. Existing finding #5 would be modified by adding the following sentence: "The public hearing was closed and the request was postponed to September 27, 2007, for deliberation and decision making." Reason #1 would be modified as follows: "The proposal was supported by the City of Florence *and the owners of the properties proposed for annexation and the property owners and electors.*"

- * Moved/seconded (Larson/Heeter) to approve the recommended modifications to findings and reasons as stated for the record by Ms. Taylor. The motion passed unanimously, 6:0 (commissioners Myers, Mulder, Buchanan, Heeter, Larson, and Stewart voting yes).

- * Moved/seconded (Larson/Mulder) to approve BC File C FL 07 – 36 annexing territory to the City of Florence including the findings and reasons as modified. The motion passed unanimously, 6:0 (commissioners Myers, Mulder, Buchanan, Heeter, Larson, and Stewart voting yes).

III. OTHER BUSINESS

There was no other business.

Mr. Myers adjourned the meeting at 8:00 p.m.

Clay Myers, Chair
Lane County Local Government Boundary Commission

(Recorded by Lynn Taylor)

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