

MINUTES

LANE COUNTY LOCAL GOVERNMENT BOUNDARY COMMISSION

Eugene City Hall
Council Chamber (777 Pearl Street)

February 2, 2006
7:00 p.m.

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

ABSENT: Van Heeter, Jim Spickerman

I. CALL TO ORDER – ROLL CALL

Chair Clay Myers convened the meeting at 7:00 p.m.

Paula Taylor, Executive Officer, called the roll.

II. APPROVAL OF EXPENSES – NOVEMBER/DECEMBER 2005

- * Moved and seconded (Larson/Seidel) to approve the expenses for November 2005 (\$10,167.69) and December 2005 (\$6,001.36). The motion passed unanimously; 5:0 (commissioners Myers, Mulder, Seidel, Larson, and Olson voting yes).

III. APPROVAL OF MINUTES – DECEMBER 1, 2005

- * Moved and seconded (Mulder/Seidel) to approve the minutes of December 1, 2005. The motion passed unanimously; 5:0 (commissioners Myers, Mulder, Seidel, Larson, and Olson voting yes).

IV. NEW BUSINESS: PUBLIC HEARING

Annexation of Territory to the City of Eugene (Adams)

- A. BC File C EU 06 – 09
Initiated by property owner petition
Action under ORS 199.490(1)(c) of the boundary commission law
Received on January 3, 2006
Action to be taken by April 3, 2006

Description

The annexation area includes on tax lot located in the Santa Clara region of north Eugene, north of Beltline Road, west of River Road, north of Irving Road, and east of Irving Court

Property owner: Mindi Adams (245 Irving Road, Eugene)
Tax lot: 3200, T17S R04W S11 Map 42

Acres: ± 0.48
Estimate of existing population: 1 (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), water (Santa Clara Water District), fire (Santa Clara Rural Fire Protection District), wastewater (City of Eugene)

Reason for Annexation

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

Notice

As required by ORS 199.463(1), notice of a public hearing must be published in a newspaper of general circulation not more than 25 days nor less than 15 days before the hearing. *In this case, notice of the public hearing was advertised in The Register Guard on January 13, 2006.* A second notice may be published in a newspaper of general circulation or notice of the hearing may be mailed to each owner of land in the affected territory not more than 15 days before the hearing. "Affected territory" as defined by ORS 199.415(3) means the territory described in the petition. The "petition" includes a resolution, order, or any other form of initiatory action for a boundary change [ORS 199.415(14)]. The petition or resolution, as required by ORS 199.490(4) also includes a legal description, which must meet the requirements of ORS 308.225 [OAR 191-006-0000(3)]. *In this case, notice of the hearing was sent to the affected property owner (Mindi Adams, owner of the private property proposed for annexation and initiator of the annexation request) on January 20, 2006.* The final notice required by the boundary commission law is the posting of a notice of the public hearing in the affected city, district, or territory at least 15 days before the hearing. *In this case notice of the public hearing was posted in the area of the annexation, at the Eugene city hall, and at the Lane County courthouse on January 18, 2006.*

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

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

Ms. Taylor provided the staff report and entered it into the public hearing in accordance with the commission's administrative rules. She said the annexation was not contiguous to the main body of the City of Eugene but was in an area where other noncontiguous annexations. She noted that the Santa Clara fire and water districts had raised objections similar to past objections to annexations in that they objected to continuation of annexations that caused territories to be withdrawn from their district boundaries. She noted that the written staff report included a response to those concerns. She reiterated that the same concerns had been raised for most of the annexations in the Santa Clara area and the response had been similar each time.

Ms. Taylor said the annexation area was within the urban growth boundary of the City of Eugene and noted that the written staff report identified the services that needed to be provided to the area in order for annexations to be approved and development to occur. She said the annexation met the standards for approval and recommended that the annexation be approved by the commission as submitted.

Mr. Myers opened the public hearing.

Proponent's Opening Statement

Matt Fitzner, Metro Planning, Q Street, Springfield, spoke as the applicant's representative. He stated his agreement with the staff recommendation and made himself available for questions.

Public Officials in Support

Kurt Yeiter, Principal Planner for the City of Eugene, expressed his support for the annexation. He noted that the city had not requested any street right-of-way be annexed along with this application.

Others in Support -- None

Public Officials in Opposition -- None

Others in Opposition

Those Neither in Support nor Opposition -- None

Rebuttal by Proponents -- None

Mr. Myers closed the public hearing.

Boundary Commission Discussion and Decision

- * Moved and seconded (Larson, Mulder) to approve the annexation of territory to the City of Eugene (BC File C EU 06 – 09) with the findings and reasons in the February 2, 2006, staff report. The motion passed unanimously; 5:0 (commissioners Mulder, Olson, Larson, Myers, and Seidel voting yes).

Annexation of Territory to the City of Eugene (G&R Building Concepts, Inc./JLA Investments LLC/Scenic Drive)

- B. BC File C EU 06 – 04
 - Initiated by property owner petition
 - Action under ORS 199.490(1)(c) of the boundary commission law
 - Received on December 15, 2005
 - Action to be taken by March 15, 2006

Description

The annexation area includes one tax lot and a portion of Scenic Drive located in the Santa Clara Region of north Eugene, north of Beltline Road, east of River Road,

west of Scenic Drive, north of Spring Creek Drive, and north and south of Herman Street, - the portion of Scenic Drive included in the annexation area is the segment from Spring Creek Drive to the north property line of tax lot 200, T17S R04W, S02 Map 11

Property owners: G&R Building Concepts, Inc. (1135 Cal Young Road, Eugene), and JLA Investments LLC (P.O. Box 2617, Eugene)

Tax lot: 300, T17S R04W S02 Map 11

Acres: ± 3.19 (± 1.94 acres in TL 300; ± 1.25 acres in rd r/w)

Estimate of existing population: 0 (one residential unit)

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

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

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

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

Reason for Annexation

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

Notice

As required by ORS 199.463(1), notice of a public hearing must be published in a newspaper of general circulation not more than 25 days nor less than 15 days before the hearing. *In this case, notice of the public hearing was advertised in the Register Guard on January 13, 2006.* A second notice may be published in a newspaper of general circulation or notice of the hearing may be mailed to each owner of land in the affected territory not more than 15 days before the hearing. "Affected territory" as defined by ORS 199.415(3) means the territory described in the petition. The "petition" includes a resolution, order, or any other form of initiatory action for a boundary change [ORS 199.415(14)]. The petition or resolution, as required by ORS 199.490(4) also includes a legal description, which must meet the requirements of ORS 308.225 [OAR 191-006-0000(3)]. *In this case, notice of the hearing was sent to the affected property owner (G&R Building Concepts, Inc. and JLA Investments LLC, owners of the private property and initiators of the annexation request) on January 20, 2006.* The final notice required by the boundary commission law is the posting of a notice of the public hearing in the affected city, district, or territory at least 15 days before the hearing. *In this case notice of the public hearing was posted in the area of the annexation, at the Eugene city hall, and at the Lane County courthouse on January 18, 2006.*

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

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

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

Ms. Taylor said staff were recommending approval of the annexation as submitted. She said if the commission approved the annexation it would not be effective for 45 days. She said there were two electors in the annexation area. She noted that the annexation was a non-contiguous but added that the boundary commission law allowed noncontiguous annexations to be approved if they were consistent with boundary commission standards and with the local comprehensive plan. She noted that there had been referrals from Santa Clara water and fire districts objecting to annexations that withdrew properties from their district boundaries.

Ms. Taylor said staff had reviewed each of the approval standards for the annexation. She said the area was within the urban growth boundary and was in an area where other non contiguous annexations had occurred. She said the segment of Scenic Drive which was included in the annexation would connect several other noncontiguous areas of the city. She said she had heard from city staff that the purpose for annexation of road rights-of-way was to provide connectivity between annexed areas. She said urban services that were required were available or could be provided in a reasonable time. She said staff were recommending approval of the annexation with the findings and reasons in the written staff report.

Mr. Myers opened the public hearing.

Proponent's Opening Statement -- None

Public Officials in Support

Kurt Yeiter, Principal Planner, City of Eugene, concurred with the staff recommendation. He noted that the property was zoned for low-density residential and added that most of the properties along Scenic Drive were already annexed into the City of Eugene.

Mr. Yeiter noted that the Eugene-Springfield Metropolitan Area General Plan anticipated that the area would transition into the City of Eugene and that the city would be the urban services provider for the area. He said the city had been looking for a logical and appropriate street system for providing service to annexed areas. He said the city was, with the owners consent, recommending that a section of Scenic Drive one block in length be included with the annexation.

Mr. Yeiter stressed that it was never the intent of the city to delay the annexations of private property by causing them to be denied because of an attached street annexation. He said part of the reason for annexing street right-of-ways next to properties planned to be developed was that having the streets under city jurisdiction helped to provide service access to city properties. He remarked that it was illogical to have city properties with no access provided. He added that it eased the development process for the applicant. He went on to say there was a benefit to neighborhoods because city street standards were more compatible with the nature of the neighborhood.

In response to a question from Ms. Seidel regarding possible street improvement assessments, Mr. Yeiter said both the city and the county had processes that allowed for street improvements and assessments for those improvements. He said an annexation did not trigger improvements or assessments but noted that assessments were charged to new development for short sections of street that did not meet city standards. He reiterated that annexation would not trigger

assessments or immediate street improvements but future development could trigger an assessment or street improvements for those new development areas.

Jim Carlson, Eugene Assistant City Manager, said the City of Eugene had redone its processes for street assessment. He said the city now had new development pay equivalent assessments so it did not have to keep track of irrevocable petitions.

Others in Opposition

Jim Seaberry, 3294 Stark Street, Eugene, spoke in opposition to the right-of-way annexation. He opined that the annexation was superfluous and urged the commission to deny the application.

Those Neither in Support nor Opposition – None

Rebuttal by Proponents – None

Mr. Myers closed the public hearing.

Boundary Commission Discussion and Decision

- * Moved and Seconded (Seidel/Mulder) seconded to approve the annexation of territory to the City of Eugene (BC File C EU 06 – 04) with the findings and reasons included in the February 2, 2006, staff report.

Commissioner Olson raised concern over annexing street rights-of-way.

In response to a question from commissioner Mulder regarding what would happen if costs for street improvements increased after assessments had been made, Mr. Carlson said the money collected would go into a pot and be used for current improvements and at the time the improvements were made there would be new money available that would cover the current costs of the improvements.

- * The motion passed; 4:1 (commissioners Myers, Mulder, Larson, and Seidel voting yes; commissioner Olson voting no).

Annexation of Territory to the City of Eugene (Walker and Bush Investments V/Ruby Avenue)

- C. BC File C EU 06 – 06
Initiated by property owner petition
Action under ORS 199.490(1)(c) of the boundary commission law
Received on December 22, 2005
Action to be taken by March 22, 2006

Description

The annexation area includes one tax lot and a portion of Ruby Avenue located in the Santa Clara Region of north Eugene, north of Beltline Road, west of River Road, south of Ruby Avenue, and east of Quince Street—the portion of Ruby Avenue included in the annexation area is the segment from the west property line of tax lot 4500, T17S R04W S11 Map 43

Property owner: Walker and Bush Investment V (2622 Erin Way, Eugene)
Tax lot: 2700, T17S R04W S11 Map 11

Acres: ± 1.30 (± 0.46 acres in TL 2700; ± 0.84 acres in rd r/w)
Estimate of existing population: 0 (one residential unit)
Existing land use: Residential, road right-of-way
Existing zoning in Lane County: R-1/UL, low-density residential with urbanizable lands overlays
Applicable comprehensive plan: Eugene-Springfield Metropolitan Area General Plan (acknowledged in 1982 and as subsequently amended)
Existing public services to the property: Police (Oregon State Police, Lane County Sheriff), schools (Eugene School District 4J), roads, (Lane County), water (Santa Clara Water District), fire (Santa Clara Rural Fire Protection District), wastewater (City of Eugene)

Reason for Annexation

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

Notice

As required by ORS 199.463(1), notice of a public hearing must be published in a newspaper of general circulation not more than 25 days nor less than 15 days before the hearing. *In this case, notice of the public hearing was advertised in The Register Guard on January 13, 2006.* A second notice may be published in a newspaper of general circulation or notice of the hearing may be mailed to each owner of land in the affected territory not more than 15 days before the hearing. "Affected territory" as defined by ORS 199.415(3) means the territory described in the petition. The "petition" includes a resolution, order, or any other form of initiatory action for a boundary change [ORS 199.415(14)]. The petition or resolution, as required by ORS 199.490(4) also includes a legal description, which must meet the requirements of ORS 308.225 [OAR 191-006-0000(3)]. *In this case, notice of the hearing was sent to the affected property owner (Walker and Bush Investments, owner of the private property proposed for annexation and initiator of this annexation request) on January 20, 2006.* The final notice required by the boundary commission law is the posting of a notice of the public hearing in the affected city, district, or territory at least 15 days before the hearing. *In this case notice of the public hearing was posted in the area of the annexation, at the Eugene city hall, and at the Lane County courthouse on January 18, 2006.*

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

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

Dean Hack, 197 Ruby Avenue, Eugene, said he received no mailed notice but had seen the postings in the area.

Ms. Taylor noted that the notice provided was consistent with boundary commission law. She said there was no requirement for mailed notice to adjacent property owners. She acknowledged that the commission had heard community concerns of a similar nature before and noted that there had been no final decision regarding increasing public notice provided. She said there would be budget considerations to providing additional notice to adjacent property owners.

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

Ms. Taylor said the annexation area was contiguous to Eugene and totally surrounded by annexed areas to the City of Eugene. She said the annexation was being requested to proceed with residential development. She noted that if the annexation were approved it would not take effect for 45 days. She said there were two electors within the annexation area. She said the Santa Clara water and fire districts had raised similar objections to those that had been made in the past and noted that responses to those objections were included in the written staff report.

Ms. Taylor said urban services could be provided to the property and staff was recommending approval of the annexation application.

Mr. Myers opened the public hearing.

Proponent's Opening Statement

Sue Walker, Walker and Bush Investments, questioned the last sentence on page ten of the staff report regarding access to the property and whether it referred to access to proposed development or existing access to the property.

Ms. Taylor said the Lane County public works department could provide a better response, but opined that the department was recommending shared access. She suggested contacting Lane County public works for a more specific answer. She said development issues were addressed through separate processes with the City of Eugene.

Public Officials in Support

Kurt Yeiter, Principal Planner, City of Eugene, spoke in support of the application. He said the city was, with the consent of the property owner, recommending that a section of Ruby Avenue be included in the annexation area.

Regarding the applicant's question, Mr. Yeiter said when the city first received a development application referrals sent to different departments and agencies to collect comments about providing services to the development area. He said sometimes jurisdictions provided comments beyond the adequacy of services. He said the county was most likely providing a notification to the applicant that there would be criteria to be addressed during the development process. He said if the street was not annexed then the county street standards and criteria would apply but said if the street was annexed then it would become a city street and the city criteria for driveway access would apply.

Mr. Yeiter noted that the county had identified the street as a minor collector. He said the city had a neighborhood collector designation that fit within a 46-foot right-of-way so there would not be a request for additional right-of-way.

Others in Support – None

Public Officials in Opposition – None

Others in Opposition

Dean Hack, 197 Ruby Avenue, Eugene, spoke in opposition to the annexation. He remarked that the street right-of-way reached to the end of the street. He raised concern that he would be assessed for street improvements or lose part of his yard to expanded right-of-way.

Jim Seaberry, 3294 Stark Street, Eugene, stressed that services needed to be provided to annexed areas. He said the River Road Water District owned the lines that provided water to the area and not the City of Eugene.

Mr. Seaberry raised concern that the annexation would create an islanded territory that could be annexed without the vote of the people.

Rebuttal by Proponents – None

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

Boundary Commission Discussion and Decision

- * Moved and seconded (Larson/Mulder) to approve the annexation of territory to the City of Eugene (C EU 06 – 06) with the findings and reasons included in the February 2, 2006, staff report. The motion passed; 4:1 (commissioners Myers, Mulder, Seidel, and Larson voting yes; commissioner Olson voting no).

Annexation of Territory to the City of Eugene (Walden/Bryon Street/Irvington Drive/Argon Avenue)

- D. BC File C EU 06 – 08
Initiated by property owner petition
Action under ORS 199.490(1)(c) of the boundary commission law
Received on December 28, 2005
Action to be taken by March 28, 2006

Description

The annexation area includes one tax lot and portions of Byron Street, Argon Avenue, and Irvington Drive located in the Santa Clara Region of north Eugene, north of Beltline Road, west of River Road, north of Irvington Drive, east of Byron Street, and west of Countryside Lane – the portion of Byron Street included in the annexation area is located north of tax lot 1300 at the north end of Byron Street, and the portion of Irvington Drive included is east of Byron Street to the existing city limits just west of River Road

Property owners: Richard and Charlotte Walden (235 Irvington Drive, Eugene)

Tax lot: 1300, T17S R04W S02 Map 34

Acres: ± 3.07 (± 0.47 acres in TL 1300; ± 2.60 acres in rd r/w)

Estimate of existing population: 2 (one residential unit)

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

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

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

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

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

Reason for Annexation

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

Notice

As required by ORS 199.463(1), notice of a public hearing must be published in a newspaper of general circulation not more than 25 days nor less than 15 days before the hearing. *In this case, notice of the public hearing was advertised in The Register Guard on January 13, 2006.* A second notice may be published in a newspaper of general circulation or notice of the hearing may be mailed to each owner of land in the affected territory not more than 15 days before the hearing. "Affected territory" as defined by ORS 199.415(3) means the territory described in the petition. The "petition" includes a resolution, order, or any other form of initiatory action for a boundary change [ORS 199.415(14)]. The petition or resolution, as required by ORS 199.490(4) also includes a legal description, which must meet the requirements of ORS 308.225 [OAR 191-006-0000(3)]. *In this case, notice of the hearing was sent to the affected property owners (Richard and Charlotte Walden, owners of the private property proposed for annexation and initiators of this annexation request) on January 20, 2006.* The final notice required by the boundary commission law is the posting of a notice of the public hearing in the affected city, district, or territory at least 15 days before the hearing. *In this case notice of the public hearing was posted in the area of the annexation, at the Eugene city hall, and at the Lane County courthouse on January 18, 2006.*

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

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

Ms. Taylor provided the staff report and entered the printed staff report into the public hearing in accordance with the commission's administrative rules. Ms. Taylor said staff was recommending approval of the annexation application. She noted that if the application were approved it would not be effective for 45 days and added that there was one elector in the area of annexation.

Ms. Taylor said the Santa Clara fire and water districts had raised objections to the annexation on similar grounds as previous annexations and noted that the responses to the objections were included in the written staff report.

Ms. Taylor said the criteria for approval had been met under boundary commission law. She said all required services could be provided. She said annexation was required for new development to proceed.

Mr. Myers opened the public hearing.

Proponent's Opening Statement

Ron Funke, 2595 Charnelton, Eugene, spoke as the applicant's representative. He expressed his agreement with the staff report. He added that there was good logic in annexation of street rights-of-way around the property.

Public Officials in Support

Kurt Yeiter, Principal Planner, City of Eugene, spoke in support the application. He said much of the surrounding area had already been annexed and reiterated that services could be provided to the property. He noted that the property was a corner lot and for appropriate and logical street connectivity between annexed area the city was, with the property owners consent, recommending segments of Argon Avenue, Byron Avenue, and Irvington Roads rights-of-way be included in the annexation area. He added that the rights-of-way would also provide connectivity to new areas of developments.

Mr. Yeiter noted that the street annexation created new islands of unincorporated properties. He stressed that the city had never initiated the annexation of an islanded area. He said the city had hired a transition manager and a team of consultants to find the best method of transitioning as more properties were annexed. He said he was hopeful that the process would provide the guidance for how islanded areas would transition to the City of Eugene.

Jim Carlson, Eugene Assistant City Manager, provided additional information on the islanded properties. He said properties to the west of the proposed islanded area took access from Byron and Argon Streets. He said the area was in transition. He said Lane County had already improved Irvington Drive to city standards and had already made its assessments for those improvements.

Others in Support – None

Public Officials in Opposition – None

Others in Opposition

Jim Seaberry, 3294 Stark, Eugene, said creating an islanded territory took away a person's right to vote on future annexations. He said he did not understand how a vote could be taken away from a person and yet they could be considered unaffected by public officials.

Those Neither in Support nor Opposition – None

Rebuttal by Proponents

Ron Funke said he did not see any "affected neighbors" at the hearing that evening. He said it was the annexation of the streets that would create the islanded areas.

Mr. Myers closed the public hearing.

Boundary Commission Discussion and Decision

- * Moved and seconded (Larson/Seidel) to approve the annexation of territory to the City of Eugene (BC File C EU 06 – 08) with the findings and reasons in the February 2, 2006, staff report. The

motion passed; 4:1 (commissioners Myers, Mulder, Seidel, and Larson voting yes; commissioner Olson voting no).

Annexation of Territory to the City of Eugene (Kauble)

- E. BC File C EU 06 – 07
Initiated by property owner petition
Action under ORS 199.490(1)(c) of the boundary commission law
Received on December 22, 2005
Action to be taken by March 22, 2006

Description

As submitted the annexation area includes one tax lot located in the Santa Clara Region of north Eugene, north of Beltline Road, west of River Road, south and west of Ferndale Drive

Property owners: John and Susan Kauble (3002 Ferndale Drive, Eugene)

Tax lot: 2200, T17S R04W S11 Map 42

Acres: ± 1.84

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 overlays

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

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

Reason for Annexation

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

Notice

As required by ORS 199.463(1), notice of a public hearing must be published in a newspaper of general circulation not more than 25 days nor less than 15 days before the hearing. *In this case, notice of the public hearing was advertised in The Register Guard on January 13, 2006.* A second notice may be published in a newspaper of general circulation or notice of the hearing may be mailed to each owner of land in the affected territory not more than 15 days before the hearing. "Affected territory" as defined by ORS 199.415(3) means the territory described in the petition. The "petition" includes a resolution, order, or any other form of initiatory action for a boundary change [ORS 199.415(14)]. The petition or resolution, as required by ORS 199.490(4) also includes a legal description, which must meet the requirements of ORS 308.225 [OAR 191-006-0000(3)]. *In this case, notice of the hearing was sent to the affected property owners (John and Susan Kauble, owners of the property proposed for annexation and initiators of this annexation request) on January 20, 2006.* The final notice required by the boundary commission law is the posting of a notice of the public hearing in the affected city, district, or territory at least 15 days before the hearing.

In this case notice of the public hearing was posted in the area of the annexation, at the Eugene city hall, and at the Lane County courthouse on January 18, 2006.

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

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

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

Ms. Taylor said that after the commission had received the request for annexation, there had been two requests from the City of Eugene to modify the proposal. The requests were to include the street rights-of-way of Ferndale Drive from Greenfield Avenue to Irving Road and a small segment of Dahlia Lane, as well as including two city owned tax lots. She said if the annexation was modified it would create an island of one tax lot. She noted that it was unusual for the commission to receive a request for a modification after the initial annexation request had been submitted but noted that the boundary commission had the authority under the law to modify the application if it so desired. She said the written staff report included an analysis of the annexation request as submitted, as well as if it is modified.

Ms. Taylor said the annexation included one privately owned tax lot that had three electors within the annexation area. She said the annexation, as submitted as well as modified, would be a noncontiguous annexation. She said the tax lot was adjacent to another noncontiguous annexed portion of the City of Eugene. She said if the modified application were approved then it would bring in city owned properties contiguous to the property in question. She said the approval of the modification to include road rights-of-way would provide connectivity with other noncontiguous annexed areas. She said the city owned properties proposed for inclusion in the request were slated for neighborhood park development.

Ms. Taylor noted that there were three electors on the property proposed for annexation and two electors on one of the properties included in the modified request. She said there would be an opportunity for those electors to request an election and if signatures were obtained then an election would have to be held.

Ms. Taylor said the owner of the one tax lot that would be islanded by the annexation was not interested in annexation of her property and had concerns over the island being created but did not oppose the annexation.

Ms. Taylor said the provisions that allowed the city to initiate islanded annexations were found in Oregon law and could be used without consent but reiterated that the city had not used those provisions in many years. She said the current practice was to support annexation where property owners were requesting annexation.

Ms. Taylor said the commission had received a letter from the City of Eugene Parks Department requesting that it include the proposed park land properties in the annexation.

Ms. Taylor said the Santa Clara water and fire districts had sent objections similar to those raised in other annexations. She said the objections were to the original application. She said she had sent the staff notes for the modification request and had not heard any additional comments.

Ms. Taylor said the application as submitted or as modified met the approval criteria of boundary commission law. She noted that services could be provided to the annexed area. She said there were four options for action.

1. Approve the original annexation as submitted.
2. Modify the original application by including the two city owned tax lots and the rights-of-way of Ferndale Drive and Dahlia Lane.
3. Modify the application to include only the city owned properties and not the road rights-of-way.
4. Include Ferndale Drive and Dahlia Lane rights-of-way and not the city owned properties.

Ms. Taylor said staff was recommending modification to include the city owned property and the road rights of way and then approve the annexation as modified.

Mr. Myers opened the public hearing

Proponent's Opening Statement

John Kauble, 3002 Ferndale Drive, Eugene, said he supported the application.

Dan Olmstead, EGR and Associates, spoke in support of the application. He said he approved of including the proposed park land in the application.

Public Officials in Support

Kurt Yeiter, Principal Planner, City of Eugene, thanked Ms. Taylor for working with the last minute changes. He said the inclusion of the road rights-of-way were logical and appropriate for connectivity with other annexed areas and added that it made sense for lots owned by the City of Eugene for parks to be included within the city limits.

Jim Carlson, Eugene Assistant City Manager, said the city owned property was vacant and added that it was not uncommon for people registered on the property to move and not reregister in another location. He said the city could challenge residency on the property and the elections clerk would require the people to prove their residency. He added that the city owned property that would be made into a neighborhood park which would be the seventh park to be designated in the Santa Clara area. He said the site would be cleared and opened to the neighborhood but would not be developed at the current time.

Mr. Carlson noted that the city had moved a 24-hour ambulance paramedic unit to station 11 in the Santa Clara area. He said this was a new service made available to residents in the Santa Clara area.

Others in Support – None

Public Officials in Opposition – None

Others in Opposition

Jim Seaberry, 3294 Stark, Eugene, said Santa Clara Avenue was too narrow near Fire Station 11 and noted that there was a bicycle lane that disappeared in front of the housing development

across the street from the fire station. He raised concern that a child would be hurt while riding in the street along that portion of the road.

Those Neither in Support nor Opposition – None

Rebuttal by Proponents – None

Mr. Myers closed the public hearing.

Boundary Commission Discussion and Decision

- * Moved and seconded (Seidel/Larson) modify the annexation to include two tax lots owned by the City of Eugene (701 and 702, T17S R04W S11 Map 24) and the rights-of-way of Ferndale Drive and Dahlia Lane. The motion passed; 4:1 (commissioners Myers, Larson, Seidel, and Mulder voting yes; commissioner Olson voting no).
- * Moved and seconded (Seidel/Mulder) to approve the modified annexation to the City of Eugene (BC File C EU 06 – 07) including the findings and reasons in the February 2, 2006, staff report. The motion passed; 4:1 (commissioners Myers, Larson, Seidel, and Mulder voting yes; commissioner Olson voting no).

Annexation of Territory to the City of Eugene (Jeffries/River Ridge Ltd./N Delta Highway/Ayres Road)

F. BC File C EU 06 – 10
Initiated by property owner petition
Action under ORS 199.490(1)(c) of the boundary commission law
Received on January 3, 2006
Action to be taken by April 3, 2006

Description

The annexation area includes two partial tax lots and portions of N Delta Highway and Ayres Road located in the Willakenzie region of north Eugene, north of Ayres Road, and west of N Delta Highway. The portion of N Delta Highway included in the annexation areas is adjacent to tax 306 and is north of Ayres Road and the portion of Ayres Road included bisects tax lot 306 and is west of N Delta Highway

Property owner: Eric and Deborah Jefferies (3800 N Delta Highway, Eugene) and River Ridge Ltd. (3800 N Delta Highway, Eugene)

Tax lots: part of 305 and part of 306, T17S R04W S07

Acres: ± 31.97 (± 29.14 acres in TLs 305 and 306; ± 2.83 acres in rd r/w)

Estimate of existing population: 4 (three residential units)

Existing land use: Residential, golf course, and road right-of-way

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

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

Existing public services to the property: Police (Oregon State Police, Lane County Sheriff), schools (Eugene School District 4J), roads (Lane County), water (onsite systems), fire (partially in the Willakenzie Rural Fire Protection District), wastewater (individual subsurface sewage disposal systems)

Reason for Annexation

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

Notice

As required by ORS 199.463(1), notice of a public hearing must be published in a newspaper of general circulation not more than 25 days nor less than 15 days before the hearing. *In this case, notice of the public hearing was advertised in The Register Guard on January 13, 2006.* A second notice may be published in a newspaper of general circulation or notice of the hearing may be mailed to each owner of land in the affected territory not more than 15 days before the hearing. "Affected territory" as defined by ORS 199.415(3) means the territory described in the petition. The "petition" includes a resolution, order, or any other form of initiatory action for a boundary change [ORS 199.415(14)]. The petition or resolution, as required by ORS 199.490(4) also includes a legal description, which must meet the requirements of ORS 308.225 [OAR 191-006-0000(3)]. *In this case, notice of the hearing was sent to the affected property owners (Eric and Deborah Jeffries and River Ridge Ltd., owners of the properties proposed for annexation and initiators of this annexation) on January 20, 2006.* The final notice required by the boundary commission law is the posting of a notice of the public hearing in the affected city, district, or territory at least 15 days before the hearing. *In this case notice of the public hearing was posted in the area of the annexation, at the Eugene City hall, and at the Lane County Courthouse on January 18, 2006.*

Chair Myers called for declarations of *ex parte* contact or conflicts of interest. Ms. Larson noted for the record that her husband worked for McKenzie Willamette Hospital and Sacred Heart Medical center. She stressed that she had not discussed any details of the hearing with her husband.

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

Charles Biggs, 540 Antelope Way, Eugene, suggested that boundary commission meetings be published on the public meetings calendar as a way of soliciting more public input.

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

Ms. Taylor said the annexation came to the commission by petition from the property owners. She said the annexation area was zoned and designated for low-density residential development. She said that if the annexation were approved it would not be effective for 45 days. She noted that there were two electors on the property. She said the annexation included the segment of N Delta Highway that was immediately adjacent to the east, as well as the portion of Ayres Road bisecting tax lot 306.

Ms. Taylor said the annexation as submitted as well as the two modification areas, were within the urban growth boundary and would define the limit of the urban growth boundary in two places. She said the site could possibly be developed with a regional hospital. She said the property was still in private ownership and there had not been any transfer of ownership since the application had been submitted. She staff had reviewed the application based on the existing zoning and designation and stressed that many processes had to be completed before the site could be developed for a hospital. She noted that the staff analysis had addressed the standards applied by the commission as well as some additional exhibits. She said she had received no referral responses on the annexation. She said most of the property is in the Willakenzie fire district. She said if the annexation were approved then the property would be withdrawn from that district and fire services would be provided by the City of Eugene. She said the city had provided proof that services could be extended to the area of annexation.

Ms. Taylor said the city had asked that the boundary commission modify the request to include a 600 foot segment of Ayers Road and noted that the remainder was already within the city. She added that there was also a section of N Delta Highway (about 260 feet) that was requested for modification to the proposed annexation. She said the application met the boundary commission criteria for approval. She said the boundary commission was required to act consistently with the appropriate comprehensive plan for the annexation area. She said annexation was the first step in the process of determining whether a property would be developed. She said land use issues were the responsibility of the City of Eugene planning and development authority.

Ms. Taylor said she had received an e-mail with an attached letter from Charles Biggs that she submitted into the record.

Mr. Myers opened the public hearing.

Proponent's Opening Statement

Rick Satre, Satre and Associates, Eugene, spoke in favor of the annexation. He thanked Ms. Taylor for an excellent staff report. He said the description of the property was accurate and said the purpose of the annexation was to facilitate a planned transfer of ownership and to develop a regional hospital. He agreed with the findings in the staff report that the criteria for approval had been met.

Debbie Jefferies requested that if the land were not used for the hospital then the land would remain as it was originally zoned.

Rosie Pryor, Director of Marketing and Planning for McKenzie Willamette Hospital, 1460 G Street, Springfield, said McKenzie Willamette had entered into a binding agreement with the property owners to purchase the parcel of land. She urged the commission to carefully consider approval of the application.

Public Officials in Support

Kurt Yeiter, City of Eugene, said the annexation application met all the criteria for approval of the annexation. He noted that there would be many other required approvals and opportunities for public review before development on the land could occur. He added that the city would support a withdrawal of the private properties, if the hospital decided not to locate on the land in question if the land had not been altered after annexation.

Public Officials in Opposition – None

Those in Opposition

Kevin Matthews, Friends of Eugene, 1192 Lawrence, Eugene, spoke in opposition to the annexation. He said the request presented an existential question for the commission. He questioned why the commission existed and if it would automatically approve any annexation desired by the City of Eugene.

Mr. Matthews questioned whether the local comprehensive plan contemplated a regional hospital on the site. He said the Metro Plan required the consulting refinement plans when considering new development. He opined that the role of the commission was to annex according to the comprehensive plan.

Mr. Matthews said the city had contradicted its own operating policies since there was a city council policy not to take action that would increase the value of property while the city was reviewing Measure 37 issues.

Mr. Matthews commented that one of the commissioners had a conflict of interest by being married to a person who worked part time at Sacred Heart. He also questioned the validity of the staff report.

Mike Weaver, River Point Subdivision, Eugene, asked that the annexation be denied because it was meant to be a first step in the development of a hospital. He said this was not consistent with the Metro Plan and the Willakenzie Refinement Plan. He raised concern over the fact that local zoning did not include the development of a hospital when he purchased his property. He said the impacts of a hospital on the area would be tremendous.

Mr. Weaver said traffic should be considered before development of a hospital and urged the commission delay a vote until a traffic study was complete.

Charles Biggs, 540 Antelope Way, Eugene, spoke against the annexation. He submitted written material into the record. He said that there was a drainage way on the property and suggested that natural drainage was a key urban feature that needed to be preserved.

Mr. Biggs requested that the hearing be extended so that there would be more time to solicit public input and for the information he had submitted to city staff could be reviewed.

Mr. Biggs showed computer generated pictures of what the site would look like if it was developed as a hospital.

Mr. Biggs requested that the record be left open to receive more written testimony.

Those Neither in Support no Opposition – None

Rebuttal by Proponents

Mr. Satre said the Metro Plan did not contemplate a regional hospital anywhere. He stressed that the Metro Plan did not have a land use designation. He said hospitals were permitted or not permitted in other land use designations and were the result of other public decision processes. He added that the question of whether a hospital was a good use of the land was not within the

purview of the boundary commission when making an annexation decision. He stressed that the use would be decided through a Metro Plan amendment, refinement plan amendment, and a zone change. He said there had been full disclosure of the eventual plan but stressed that there would be future public processes before that development could occur.

Mr. Satre said that extending the hearing would necessitate a special meeting and that public notice for that meeting would have to be sent out.

Regarding the images shown to give an idea of what a hospital would look like on the site, he said site design was a land use process that happened after the two plan amendments and the zone change.

In response to a question from Ms. Seidel regarding finding 17 in the staff report regarding street services and transportation improvements being done in a timely manner, Mr. Satre said the City of Eugene indicated that services were available or could be provided in a timely manner. He said a transportation analysis was underway and added that the scope of the analysis was developed in cooperation with the affected jurisdictions which were the City of Eugene, Lane County, and the State of Oregon. He reiterated that the analysis was underway and went from River Road and Beltline on the west to include the full on/off ramps associated with the Beltline Road/Delta Highway interchange. He added that the analysis also included intersection analysis of Delta and Ayres Road, Delta and Green Acres, Ayres and Gilham, and Gilham and Crescent Avenue. He stressed the importance of remembering that state law allowed for the identification of impacts through mitigation measures accompanied with the proposed plan amendments and development approvals during the land use process.

In response to a question from Mr. Myers regarding the challenge to Ms. Larson's impartiality, Ms. Taylor said the commission would have to make a determination among itself. She noted that Ms. Larson had stated for the record that she had no conversations about the proposal.

Ms. Larson noted that physicians did not receive financial compensation from a hospital.

Ms. Taylor noted that the conflict of interest law called required a direct financial benefit as a reason for conflict of interest.

Regarding the request to extend the hearing, Mr. Myers established that there was no desire among the commission to extend the record for testimony.

Mr. Myers closed the public hearing.

Boundary Commission Discussion and Decision

- * Moved and seconded (Seidel/Larson) to modify the annexation proposal (BC File C EU 06 – 10) by adding Ayers Road and N Delta Highway rights-of-way. The motion passed unanimously; 5:0 (commissioners Myers, Mulder, Seidel, Olson, and Larson voting yes).
- * Moved and seconded (Mulder/Seidel) to approve the annexation of territory to the City of Eugene (BC File E CU 06 – 10) as modified with the findings and reasons included in the February 2, 2006, staff report. The motion passed unanimously; 5:0 (commissioners Myers, Mulder, Seidel, Olson, and Larson voting yes).

V. OTHER BUSINESS

There was no other business.

The meeting adjourned at 10:45 p.m.

Clay Myers, Chair
Lane County Local Government Boundary Commission

(Recorded by Joe Sams)

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