

MINUTES

LANE COUNTY LOCAL GOVERNMENT BOUNDARY COMMISSION

Eugene City Hall
Council Chamber (777 Pearl Street)

February 1, 2007
7:00 p.m.

PRESENT: Eleanor Mulder, vice chair; Karen Seidel; Bud Stewart; Christine Larson

ABSENT: Clay Myers, chair; Van Heeter, secretary; Jim Spickerman

I. CALL TO ORDER – ROLL CALL

Eleanor Mulder, vice chair, called the meeting to order. Members of the commission introduced themselves. Paula Taylor, boundary commission staff, called the roll.

II. APPROVAL OF EXPENSES – NOVEMBER/DECEMBER 2006

- * Moved/seconded (Seidel/Larson) to approve the expenses for November (\$12,271.29) and December (\$11,768.99) 2006. The motion passed unanimously, 4:0 (commissioners Mulder, Seidel, Larson, and Stewart voting yes).

III. APPROVAL OF MINUTES – DECEMBER 7, 2006

- * Moved/seconded (Larson/Seidel) to approve the minutes of December 7, 2006, as submitted. The motion passed unanimously, 4:0 (commissioners Mulder, Seidel, Larson, and Stewart voting yes).

IV. OLD BUSINESS: PUBLIC HEARING

Postponed from the December 7, 2006, Public Meeting – Annexation of Territory to the City of Eugene (Coughran)

- A. BC File C EU 06 – 69
Initiated by property owner petition
Action under ORS 199.490(1)(c) of the boundary commission law
Received November 6, 2006
Action to be taken by February 5, 2007

Description

As submitted, the annexation area included one tax lot located in the Santa Clara region of north Eugene, north of Beltline Road, east of River Road, south of River Loop 1, and east of Peregrine Street

Property owners: Brian and Ellen Coughran (3763 Julia Loop, Eugene)

Tax lot: 104, T17S R04W S12 Map 20

Acres: ± 0.96

Estimate of existing population: 0 (two single-family residences)

Existing land use: Residential
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 August 1982 and has been subsequently amended)
Existing public services to the property: Police (Oregon State Police, Lane County Sheriff), schools (Eugene School District 4J), roads (Lane County), fire (Santa Clara Rural Fire Protection District), water (part in the Santa Clara Water District), electric (EWEB), wastewater (City of Eugene)

Reason for Annexation

The property owners requested annexation in order to prepare the property for subdivision and future residential development. The Eugene-Springfield Metropolitan General Area Plan required properties to annex in order to receive urban services.

Eleanor Mulder, vice chair, called for *ex parte* contacts or conflicts of interest. There were none.

Paula Taylor, Executive Officer, welcomed Mr. Stewart to the boundary commission.

Ms. Taylor provided the staff presentation, recalling the boundary commission had postponed the application due to questions about the legal status of the public right-of-way adjacent to the annexing property. The property owner wanted to work with Lane County regarding options for acquiring the tax lot or getting it dedicated to be public right-of-way. The property owner requested an additional postponement to April 2007. Ms. Taylor said the City of Eugene concurred in that request and also contemplated a modification to the annexation.

Ms. Taylor said the boundary commission received another request for a modification to the annexation from a property owner immediately east of the public right-of-way to include their property. That modification request would be included in the packet and would undergo staff analysis. Ms. Taylor indicated that she preferred to present the annexations as a complete packet. She concurred with the request to postpone, noting it would take the annexation request beyond the 90th day established in state law for action; however, the commission could postpone consideration of an annexation request up to one-year from the date of filing if there was no objection from the public.

- * Moved/seconded (Seidel/Larson) to postpone the public hearing and any action on BC File C EU 06 – 69, annexation territory to the City of Eugene, until the boundary commission’s April 2007 meeting. The motion passed unanimously, 4:0 (commissioners Mulder, Seidel, Larson, and Stewart voting yes).

V. NEW BUSINESS

Annexation of Territory to the City of Springfield (Benson/Anderson Lane)

- A. BC File C SP 07 – 03
Initiated by Resolution 06-49 by the City of Springfield with consents from property owners/electors
Action under ORS 199.490(2)(a)(B) of the boundary commission law
Received December 12, 2006
Action to be taken by March 12, 2007

Description

The annexation area included one tax lot located in southwest Springfield, south of Centennial Boulevard, east of Anderson Lane, north of Kellogg Road, and a portion of Anderson Lane from Centennial Boulevard south to Kellogg Road

Property owner: Vern Benson (940 Highway 99 North, Eugene)

Tax lot: 101, T17S R03W S33 Map 11

Acres: ± 2.38 (± 2.10 acres in tax lot 101; ± 0.28 acres in right-of-way)

Estimate of existing population: 10 (one residential unit)

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

Existing zoning in Lane County: LDR/UF-10, low-density residential with urbanizing fringe overlay

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

Existing public services to the property: Police (Oregon State Police, Lane County Sheriff), schools (Springfield School District 19), roads (Lane County, City of Springfield), water (Rainbow Water and Fire District), fire (Rainbow Water and Fire District contracting with the City of Springfield), wastewater (onsite individual subsurface sewage disposal system), park (Willamalane Park and Recreation District)

Reason for Annexation

The property owner requested annexation in order to prepare the site for additional residential development, a 14-lot subdivision. The Eugene-Springfield Metropolitan General Area Plan required properties to annex in order to receive urban services.

Eleanor Mulder, vice chair, called for *ex parte* contacts or conflicts of interest. There were none.

Paula Taylor, Executive Officer, reviewed the notice of the public hearing. No objection was voiced to the notice given for the public hearing.

Ms. Taylor provided the staff report. She incorporated the staff notes and related materials into the public record in accordance with boundary commission's administrative rules. She noted that if the commission approved the annexation, it would become effective upon passage of the final order. She reported that the property owner requested annexation to allow residential development to proceed. In addition, the City of Springfield requested that a portion of Anderson Lane be annexed. Ms. Taylor noted that part of the street was already annexed, and about ten feet of the road would not be annexed; the City of Springfield anticipated those segments would be included with other annexation applications.

Ms. Taylor recommended approval of the application as being consistent with the commission's standards. The city supported the application and indicated services could be provided. No objection was voiced to the annexation in response to referrals.

Ms. Mulder determined commissioners had no questions of Ms. Taylor.

Ms. Mulder opened the public hearing.

Proponent's Opening Statement – None

Public Officials in Support

Linda Pauly, City of Springfield, 225 5th Street, Springfield, said the Springfield city council conducted a public hearing on the annexation request and adopted Resolution 06-49, a resolution that initiated the annexation and requested the commission to approve the annexation. She said the street annexation was needed to construct a wastewater line in the right-of-way. Services were immediately available or could be provided in a timely manner by the applicant, who had entered into a financial agreement with the City of Springfield about the provision of certain services. She said the application met the city's standards for annexation.

Others in Support – None

Public Officials in Opposition – None

Those Neither in Support nor Opposition – None

Rebuttal by Proponents – None

Ms. Mulder closed the public hearing and called for action by the commission.

- * Moved/seconded (Larson/Seidel) to approve BC File C SP 07 – 03, annexing territory to the City of Springfield based on the findings and reasons in the February 1, 2007, staff report. The motion passed unanimously, 4:0 (commissioners Mulder, Seidel, Larson, and Stewart voting yes).

Annexation of Territory to the City of Eugene (Chalus Construction, Lt.)

- B. BC File C EU 07 – 05
Initiated by property owner petition
Action under ORS 199.490(1)(c) of the boundary commission law
Received December 21, 2006
Action to be taken by March 21, 2007

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 Santa Clara Avenue, and east of Dalton Drive

Property owner: Chalus Construction, Ltd. (4147 Hampshire Lane, Eugene)

Tax lot: 3022, T17S R04W S11 Map 43

Acres: ± 0.29

Estimate of existing population: 0

Existing land use: 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 August 1982 and has been subsequently amended)

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

Reason for Annexation

The annexation was requested in order to prepare the private property for low-density residential development. The Eugene-Springfield Metropolitan General Area Plan required properties to annex in order to receive urban services.

Eleanor Mulder, vice chair, called for *ex parte* contacts or conflicts of interest. There were none.

Paula Taylor, executive officer, reviewed the notice of the hearing. No objection was voiced to the adequacy of the notice.

Ms. Taylor reviewed the annexation request, which was for one tax lot. She incorporated the staff notes and related materials into the public record in accordance with boundary commission's administrative rules.

Ms. Taylor said the annexation request was in an islanded residential area that would continue to become smaller as properties in it were annexed.

Ms. Taylor noted the referral responses from the Santa Clara Water District and Santa Clara fire district and the staff response to their objections were addressed in the staff report. The fire district continued to object to annexation as it related to its long-term financial viability.

Ms. Taylor said the staff analysis indicated the proposal was consistent with the boundary commission's standards. The city supported the annexation and indicated services could be provided to the property, which was contiguous to the main body of the city of Eugene. She recommended approval of the annexation request.

Ms. Seidel asked if the finding needed to be modified to indicate it was undeveloped. Ms. Taylor concurred, and modified finding 7 accordingly.

Ms. Mulder opened the public hearing.

Proponent's Opening Statement – None

Public Officials in Support

Ann Siegenthaler, Eugene Planning Division, concurred with the staff report and indicated Eugene's support for the annexation request as the city was the logical provider of urban services for the property, which could be served immediately. The property must be annexed to develop, and the owner had indicated a desire to build a house on the lot. There was no street right-of-way requested in the annexation proposal. Santa Clara Avenue, which the property fronted, was already annexed.

Others in Support – None

Public Officials in Opposition

Chris Edwards, State Representative House District 14, objected to the entire process of annexation and said he was not supportive of "how the Eugene-Springfield Metropolitan Area General Plan worked." He considered the annexation process undemocratic and said he was working at the state level to change the process.

Those Neither in Support nor Opposition – None

Rebuttal by Proponents – None

There being no further requests to speak, Ms. Mulder closed the public hearing.

- * Moved/seconded (Seidel/Larson) to approve BC File C EU 07 – 05 annexing territory to the City of Eugene based on the findings and reasons in the February 1, 2007, staff notes. The motion passed unanimously, 4:0 (commissioners Mulder, Seidel, Larson, and Stewart voting yes.)

Annexation of Territory to the City of Eugene (Schmitz Homeplace LLC/River Road

- C. BC File C EU 07 – 06
Initiated by property owner petition
Action under ORS 199.490(1)(c) of the boundary commission law
Received December 29, 2006
Action to be taken by March 29, 2007

Description

The annexation area included two tax lots located in the River Road region of north Eugene, south of Beltline Road, west of River Road, south of Maynard Avenue, north of Lindner Lane, and east of Vergreen Drive, and includes the portion of River Road between Rosewood Avenue and Arbor Avenue

Property owner: Schmitz Homeplace LLC (1350, 1380, 1410 River Road, Eugene)

Tax lots: 4600 and 6200, T17S R04W S13 Map 33

Acres: ± 15.54 (± 9.29 acres in tax lots 4600 and 6200; ± 6.25 acres in road right-of-way)

Estimate of existing population: 4 (three residential units)

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

Existing zoning in Lane County: R-1/UL, low-density residential with urbanizing fringe overlay

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

Existing public services to the property: Police (Oregon State Police, Lane County Sheriff), schools (Eugene School District 4J), roads (Lane County), water (River Road Water District), fire (River Road Water District contracting with the City of Eugene), parks (River Road Parks and Recreation District), wastewater (City of Eugene), electricity (EWEB)

Reason for Annexation

The property owner requested annexation to prepare the property for development and included a portion of River Road in the request. Inclusion of River Road right-of-way facilitated the delivery of urban services to properties developing inside the City of Eugene. The Eugene-Springfield Metropolitan General Area Plan required properties to annex in order to receive services.

Eleanor Mulder, vice chair, called for *ex parte* contacts or conflicts of interest. There were none, although Ms. Mulder noted that she and Ms. Seidel had attended the recent Eugene city council work session during which it took action directing city staff to avoid modifying annexations in such a way that they created islands.

Paula Taylor, Executive Officer, reviewed the notice, including the notice related to the road right-of-way. There was no objection to the adequacy of the notice. She incorporated the staff notes and related materials into the public record in accordance with boundary commission's administrative rules.

Ms. Taylor reviewed the annexation request. She said the staff analysis indicated the application was consistent with the boundary commission law and staff recommended approval of the annexation. She noted the recent action taken by the Eugene council mentioned by Ms. Mulder and said as a result of that action Eugene staff had examined other alternatives for the road right-of-way to accommodate the developer's interest in having access to River Road. The property owner's representative had presented a written request to the boundary commission to modify the application to include the segment of River Road from Maynard Avenue to Merry Lane. She said the city concurred in that request. She noted that the commission had received a map at their places showing the impact of the request.

Ms. Taylor called attention to new findings related to the road right-of-way annexation. A consequence of removing the right-of-way was that the annexation would no longer be contiguous to the City of Eugene, and she recommended a finding that the annexation met the boundary commission criteria related to noncontiguous annexations. She recommended the finding related to islanding be deleted and the findings renumbered.

Ms. Taylor called attention to the referral response from the River Road park district, which expressed concerns that if the islanded areas were annexed, it would have a significant financial impact on the district. She was unsure if the district was aware of the modification being proposed and anticipated that properties would continue to annex to the city as property owners chose.

Ms. Taylor noted the separate development process the property owner would go through with the City of Eugene, during which issues such as access to the road would be addressed.

Ms. Mulder called for questions from the commission. She addressed a question from the audience by referring to the Eugene council's action.

Ms. Mulder opened the public hearing.

Proponent's Opening Statement – None

David Dotson, Willamette Valley Planning, 350 NW Polk Street, Corvallis, represented the applicants. He thanked city and county staff for their work on the proposal, and said the applicant hoped to abandon the existing driveway in return for access to River Road. That would provide a connection right to Hatton Avenue. He concurred with the staff recommendation related to the road right-of-way. Regarding the existing farmhouse, he said it was listed on the National Historic Register and would be preserved. It was likely that the separate garage would be shifted toward the house to accommodate development, which would require further work with the Eugene Historic Review Board.

Public Officials in Support

Ann Siegenthaler, Eugene Planning Division, concurred with the staff report and supported the property owner's revised annexation request. She reviewed the modification being proposed.

She emphasized no islands would be created as a result of the annexation. Ms. Siegenthaler noted past city policy documents driving the annexation of roadways and emphasized that the city council continued to support road annexations in the appropriate circumstances. She offered to return after the council's resolution had been fully documented to answer questions from the commission.

Rob Handy, 455½ River Road, Eugene, supported the modified annexation and urged the commission to modify the application further to eliminate the block to the north so it was not annexed, although he offered no reason for his request. He thanked the boundary commission for its sensitivity and thoughtfulness over the last few months. He then shared his general thoughts about the subject of annexation.

Others in Support – None

Public Officials in Opposition

Chris Edwards, State Representative House District 14, objected to the entire process of annexation and said he was not supportive of “how the Eugene-Springfield Metropolitan Area General Plan worked.” He considered the annexation process undemocratic and said he was working at the State level to change the process.

Those Neither in Support nor Opposition – None

Rebuttal by Proponents – None

Ms. Seidel noted that the objection from the park district was the first such objection the commission had received from the district. She recognized the agreement between the district and City of Eugene and asked what had changed. Ms. Siegenthaler did not know the status of the agreement or if it was still in effect. Ms. Taylor indicated she discussed the annexation with the superintendent of the district, who expressed concern about the cumulative effect of annexations on the district. The current intergovernmental agreement between the district and Eugene was a flat rate amount no matter the number of withdrawals, as opposed to the previous in-lieu-of-taxes calculation. She pointed out that there were fewer annexations in the River Road area than in the Santa Clara area, and the district had been concerned about the potential of an island area being annexed all at once. However, the district was also aware of the implications of the Metro Plan and was willing to be a participant to a discussion of transition issues when the time was appropriate.

Ms. Mulder noted changes in the laws that govern taxation and suggested that was the reason for the basis of the agreements now in place. Ms. Taylor concurred.

Mr. Dotson said it was his understanding that when road rights-of-way were transferred to the city, they must occur at the nearest intersection. The property in question was nearly in line with Merry Lane, so the road right-of-way was nearly identical with the property frontage. To the north, the next nearest road was Maynard, which was the reason the annexation extended to that intersection.

Ms. Mulder closed the public hearing and called on the commission for comments, questions, or action.

- * Moved/seconded (Larson/Seidel) to modify the annexation request by adding a new finding 3 and renumbering the findings so that existing finding 3 became new finding 4, existing finding 4 became new finding 5, and existing finding 5 was deleted. New finding 3 would exclude portions of the River Road right-of-way extending from Maynard Avenue to the north and Merry Lane on the south. The modified annexation would total 10.92 acres and was not contiguous to the main body of the City of Eugene. A new finding 13 would be added that indicated the proposed annexation met the criteria for noncontiguous annexations in boundary commission law and the Metro Plan. The motion passed unanimously, 4:0 (commissioners Mulder, Seidel, Larson, and Stewart voting yes).
- * Moved/seconded (Larson/Seidel) to approve BC File C EU 07 – 06 annexing territory to the City of Eugene, as modified, and based on the amended findings and reasons. The motion passed unanimously, 4:0 (commissioners Mulder, Seidel, Larson, and Stewart voting yes).

Formation of Row River Valley Water District

- D. BC File W RRV 07 – 04
 Initiated by Order No. 16-12-13-2 of the Lane Board of County Commissioners for formation of the Row River Valley Water District and forwarding it to the Lane County Boundary Commission
 Action under ORS Chapters 198, 199, and 264
 Received December 22, 2006
 Action to be taken by April 23, 2007

Description

The proposed water district is generally located southeast of the City of Cottage Grove, along Shoreline Drive, Row River Road, Booth Kelly Camp Road, Wicks Road, Sallee Road, Lower Brice Creek Road, and Layng Creek Road, including the communities of Culp Creek and Dorena, in Sections 11, 19, 30, 31, 32, 33, 34, 35, and 36, T21S R01W; Sections 3, 4, 10, 11, 13, 14, and 24, T21S R02W; and Section 5, T22S R01W

Area: ± 15 square miles

Estimate of existing population: 725; approximately 315 dwellings

Existing zoning in Lane County: Varied, including rural residential (RR-1, RR-5, RR-10), rural commercial (R-CR), rural industrial (R-M-3), rural public facility (R-PF), rural park and recreation (R-PR), nonimpacted forest (F-1), impacted forest (F-2), and exclusive farm use (E-40) with rural comprehensive plan (RCP) overlay district

Applicable comprehensive plan: Lane County Rural Comprehensive Plan (acknowledged in September 1984 and has been subsequently amended)

Existing public services to the property: Police (Oregon State Police, Lane County Sheriff), roads (Lane County, State Highway Division), electricity (Lane Electric Cooperative), education (South Lane School District 45J, Lane Community College, Lane Education Service District), timber/fire patrol (Eastern Lane District of the State Forestry Department)

Reason for Formation

Formation of a water district was requested in order to operate a community water system to serve residents and businesses that in spring 2007 would lose their current water service from the City of Cottage Grove.

Eleanor Mulder, vice chair, called for conflicts of interest or *ex parte* contacts. There were none.

Paula Taylor, Executive Officer, introduced the proposal for the formation of a water district. She reviewed the adequacy of the notice provided to the public regarding the public hearing. No objection was voiced as to the adequacy of the notice.

Ms. Taylor provided the staff report, which she incorporated into the public record in accordance with boundary commission's administrative rules along with other materials related to the application. She reviewed the request, noting it had been initiated by the Lane Board of County Commissioners rather than the electors, but at the request of area residents. Ms. Taylor noted the well-publicized circumstances that led to the formation proposal, and said the proposal was necessary to allow the residents of Row River Valley to continue to receive water.

Ms. Taylor recommended approval of the proposal, and said if the commission passed a final order, it would be returned to Lane County for completion of the formation process. She said that because the district would be dependent on fees rather than property taxes an election was not necessary, but district proponents had factored that possibility into its time line. Ms. Taylor noted the potential that if the district was approved, it was possible its board would return with boundary modification because of uncertainty about the properties included in the district boundaries at this time.

Ms. Taylor noted the receipt of written requests from three property owners to include their properties in the formation request. She said she would reflect that modification in the legal description if the commission decided to approve the formation request. She reviewed the proposed draft finding that would be necessary if the properties were included. Ms. Taylor noted the maps available to demonstrate the impact of the additions.

Ms. Mulder opened the public hearing.

Proponent's Opening Statement

John Kirk, 375 Row River Road, Dorena, Row River Valley Water Association President, noted the many people present who supported the proposal. They rose in support of his statement. Mr. Kirk noted the time the process had taken considerable time and energy. He noted the inclusion of signatures of commitment to the district in the meeting materials.

Mr. Kirk emphasized that the district was proposed only when the City of Cottage Grove abandoned the area. Residents were attempting to take advantage of what could have been a disaster and turn it into an opportunity. Mr. Kirk said that wells were not an option for many, and water was essential to the economic well-being of the area. He said a group of home and business owners faced the possibility of no water service in more than 90 years. Cottage Grove had taken its water from Layng Creek and in the process provided service to Row River Valley residents. It had become an essential service. If it was removed, 10 businesses and more than 70 homeowners would have no choice but to leave the area, attracting transients to the area. He urged the commission to approve the district formation proposal.

Ken Jones, the attorney representing the district proponents, offered to answer any commission questions. He briefly noted the short time the proponents had to form the district to avoid the loss of a water supply, and said that four months would be lost if the proponents were not able to meet

the May, 2007, election deadlines, allowing the election of a board that could negotiate with the City of Cottage Grove and the US Forest Service.

Public Officials in Support

Faye Stewart, Lane County Commissioner, thanked Ms. Taylor for all her work on the proposal. He said the process was under a tight time line and progress was being made. He noted the unanimous support of the Board of County Commissioners for the formation proposal and the financial support the county provided for feasibility studies and the boundary commission filing fee. He said the district was the only option for many of the residents of the area. Commissioner Stewart also noted the two schools in the district boundaries, suggesting that without water, they might have to close. He pointed out that about 65 percent of the district residents had below-average incomes.

Others in Support

Michael Marshall, Damon Point Trailer Park, #12, said he would have to move without water. He said that if there was concern that taxes might be needed, he thought it possible the drinking water from Layng Creek could be bottled and sold as it was very pure.

Ms. Seidel spoke to the boundary commission criteria related to the financial viability of the proposed district, and asked if the costs of the capital projects being proposed took into account the skyrocketing costs of construction. Mike McKenzie-Bahr, Lane County Economic and Community Development Department, said that 2006 and 2008 projections were included in the feasibility study, so those cost increases were partially accounted for, but the longer the projects were postponed, the more expensive it became. District proponents were hoping to include some of those capital costs in the first year of district formation. Responding to a question from Ms. Seidel about the community development grant application, Mr. McKenzie-Bahr indicated the application would be submitted either in July or September 2007. He said the association went to the City of Cottage Grove for assistance in submitting the grant in time for the March deadline, but Cottage Grove declined to submit the application and the county must wait until it is eligible to submit the application in September.

Ms. Seidel asked if it was true that the top priority projects would not allow additional users to connect to the system. Mr. McKenzie-Bahr said that was the engineer's recommendation. When the district was formed and the board met and talked to the users, it would establish its priorities. He said that no additional water had been identified for additional customers.

Ms. Seidel said it appeared the money from Cottage Grove and the grant would cover the costs of the top priority projects as identified by the engineer. To serve additional households or businesses, the district would have to be in a position to implement project F. Mr. McKenzie-Bahr said that new customers could be added if additional water was available. Ms. Seidel said that Cottage Grove was only granting the district so much in water rights, making stopping the system leakage imperative. She asked if the district would have to hold a vote for bonded debt before it got the state safe drinking water loan. Mr. McKenzie-Bahr said the area had already qualified for a loan; it was then up to the district to decide how to involve its users in that decision.

Responding to a question from Ms. Seidel, Mr. Kirk clarified that the district proponents had concurrence from approximately 60 percent of those in the proposed district supporting the creation of the district. There were 100 hook-ups that support about 150 homes and businesses.

There were 300 to 400 total homes in the district. Ms. Seidel expressed concern that in the event of a tax rate increase or approval of debt service, the district would have to appeal both to current and potential users, which she thought would be challenging.

Mr. Kirk said that that district proponents believed that while they might not raise enough money for a perfect system, they could raise enough money in grants to allow future add-ons to the system as those funds became available. The first goal of proponents was to create the district, make the needed immediate changes that were necessary, and then make other changes as funds became available. Additionally, the storage allocated to the district by Cottage Grove would support about 375 houses, so the amount of water should not be a problem. Mr. Kirk did not think the district would have to go to the public for loan funds. Mr. Jones added that the feasibility study included a sizeable portion for capital expenditures and reserves and loan repayment, and those costs could be built into rates if needed.

Ms. Mulder asked about the turbidity of Layng Creek and its affect on that creek as a water source. Mr. McKenzie-Bahr said Prather Creek was one of two intakes used by Cottage Grove. Layng Creek was the other intake. Most of the turbidity issues arose in the winter and they were largely associated with the Prather Creek intake, which would not be used by the district. He noted that the engineers were recommending the use of large settling ponds and membrane plants to address turbidity issues. Commissioner Stewart added that turbidity occurred at high water times, and storage would avoid the need for treating water during high turbidity times.

Ms. Seidel asked how many hours in personnel time could be purchased by \$10,000. Mr. Kirk said the water system contemplated required a Class 3 operator, and the majority of hours spent in treatment and system oversight would come from volunteers. The Class 3 operator would oversee the volunteers and ensure that State guidelines were being met. Ms. Seidel hoped that there were many volunteers. Mr. Kirk said there were many, many people wishing to volunteer.

Mr. McKenzie-Bahr spoke to the feasibility study, noting that the firm that prepared the report had been hired by the state to assist small communities that could not do such things on their own. The state provided the community with recommendations about the use of volunteers and information about other systems that rely on volunteers. He said the county also assisted the rural communities with grant writing. He anticipated that large federal grants would be done by Lane County, which would take a percentage of the grants for administrative overhead.

Richard Hardin, 36885 Shoreview Drive, Dorena, Vice Chair of the River Row Valley Water Association, said he had been in the construction industry for 30 years and was currently a building inspector for the City of Eugene with experience with water treatment plants and facilities. He had the ability to oversee the project.

Renee Williams, 3727 Row River Road, Dorena, supported the district formation request, emphasizing how it brought the community together. Residents chose where they lived for a reason.

Those Opposed to the Proposal – None

Those Neither in Support nor Opposition – None

Ms. Taylor said the assessor's map and legal descriptions both make many references to railroad rights-of-way, all of which had been abandoned and converted to trails. She said the legal description would be adjusted to refer to the abandoned railroad rights-of-way now in use as a

trail to make it clear that the abandoned railroad rights-of-way were not being included in the district.

There being no further requests to speak, Ms. Mulder closed the public hearing.

- * Moved/seconded (Larson/Seidel) to modify the formation proposal to include five additional properties (tax lot 1201, 21-02-14, Malcolm McGee; tax lot 1206, 21-02-14, Robin Grim; and tax lots 1203, 1204, and 1207, 21-02-14, Richard and Sheila Hardin) and to add a new finding 5 that stated the boundaries of the water district as submitted were modified by the boundary commission to include the five cited tax lots totaling approximately 6.98 acres at the written requests of the property owners. The lots were zoned RR-5 with five-acre minimum lot size and contain residential development; the modification area was contiguous to the boundaries of the proposed district, and one house was served by the existing water system. The other findings were to be renumbered accordingly. The motion passed unanimously, 4:0 (commissioners Mulder, Seidel, Larson, and Stewart voting yes).
- * Moved/seconded (Larson/Seidel) to approve BC File W RRV 07 – 04 forming the Row River Valley Water District, as modified, based on the amended findings and reasons. The motion passed unanimously, 4:0 (commissioners Mulder, Seidel, Larson, and Stewart voting yes).

VI. OTHER BUSINESS

A. Update on Annexation of Roadways

Ms. Taylor noted Resolution 4358, A Resolution Adopting Guidelines for Annexation Proposals and Repealing Resolution 4002, included in the meeting packet. She was unsure that the resolution addressed the real issues the commission dealt with in regard to annexations of roadways in the River Road and Santa Clara areas and suggested there might still be value in having more discussion under the assumption more road right-of-way annexations would be proposed in the future. Ms. Larson agreed. For example, she thought that roads in front of schools and care facilities should be annexed to ensure that there was certainty about the public response to emergency calls. Ms. Seidel supported holding another meeting on the issue.

Ms. Taylor anticipated the continuing controversy about road rights-of-way in spite of the council action. She said she would arrange a follow-up meeting and ensure Eugene staff was there, and do some research on the practices of other communities in Lane County.

B. Updated on FY 2006-07 Budget

Ms. Taylor said she would arrange a luncheon meeting to discuss the revised fiscal year (FY) 2006-07 budget and proposed FY 2007-08 budget with the commission's advisory committee to adopt next year's budget.

C. 2007 Legislative Session

Ms. Taylor said she included proposed Senate Bill 417 abolishing the boundary commission in the packet, and reported that she was still analyzing the bill, portions of which seemed inconsistent with existing state law. Commissioners briefly discussed the ramifications of the proposed legislation, which was sponsored by three local legislators.

D. Other

Ms. Seidel noted that she would not be present at the April meeting.

Ms. Mulder adjourned the meeting at 9:35 p.m.

Eleanor Mulder, Vice Chair
Lane County Local Government Boundary Commission

(Recorded by Kimberly Young)

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