

MINUTES

LANE COUNTY LOCAL GOVERNMENT BOUNDARY COMMISSION

Eugene City Hall
Council Chamber (777 Pearl Street)

April 5, 2007
7:00 p.m.

PRESENT: Clay Myers, chair; Eleanor Mulder, vice chair; Jim Spickerman, Bud Stewart

ABSENT: Karen Seidel, Van Heeter, Christine Larson

I. CALL TO ORDER – ROLL CALL

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

II. APPROVAL OF EXPENSES – JANUARY/FEBRUARY 2007

- * Moved/seconded (Mulder/Spickerman) to approve the expenses for January, 2007, (\$13,862.01) and February, 2007, (\$15,261.13). The motion passed unanimously, 4:0 (commissioners Mulder, Myers, Spickerman and Stewart voting yes).

III. APPROVAL OF MINUTES – FEBRUARY 1, 2007

- * Moved/seconded (Mulder/Stewart) to approve the minutes of February 1, 2007, as submitted. The motion passed unanimously, 2:0:2 (commissioners Mulder and Stewart voting yes, commissioners Myers and Spickerman abstaining).

IV. OLD BUSINESS: PUBLIC HEARING

Postponed from the December 7, 2006, and February 1, 2007, Public Meetings – 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 November 6, 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) and the River Road/Santa Clara Urban Facilities Plan

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.

Clay Myers, 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, incorporating the staff notes and related materials into the public record in accordance with the boundary commission's administrative rules.

Ms. Taylor stated the annexation request was filed with the boundary commission on November 6, 2006, and scheduled for a public hearing on December 7, 2006. At the request of the applicant and with the concurrence of the City of Eugene, the annexation request was postponed to the February 1, 2007 public hearing. At the February meeting, the applicant requested another postponement to the April 2007 meeting. No objections to the postponement beyond February 5, 2007, the 90 day statutory time frame, were made. Staff reports from the December 7, 2006, and February 1, 2007, meetings were attached to the agenda for the April 5, 2007, Lane County Local Government Boundary Commission meeting and incorporated into the record as part of the public hearing. The boundary commission supported the postponement request to allow the owner the opportunity to clarify the legal status of a piece of land tax lotted on the assessor's map adjacent to the original annexation. Determination of the legal status of the strip of land would clarify what portion was public right-of-way and what portion was tax lotted property.

Ms. Taylor reviewed the annexation request and the processes which the applicant had completed to clarify the legal status of the piece of land in question.

Ms. Taylor recommended that the boundary commission modify the original annexation area as outlined in the staff notes and approve the modified annexation.

Ms. Taylor called attention to a numbering error in the findings, which would be corrected before incorporating them into the final order.

Mr. Myers called for questions from the commission.

Proponent's Opening Statement – None

Public Officials in Support

Ann Siegenthaler, City of Eugene Planning Division, said the City of Eugene supported the original application as proposed by the Coughrans as well as the application as it was proposed to be modified. Inclusion of tax lot 101 and Zane Lane was important for the applicants in terms of future development of the land and would provide the right-of-way necessary to serve other parcels in the area that were expected to annex in the future. The Crowley's parcel, tax lot 801, was also proposed to be included as a modification to this application. Inclusion of the Zane Lane right-of-way portion would allow the Crowley's to develop their parcel in the future. The City of Eugene found that all of the city policies for annexations had been addressed and concurred with the staff recommendation that the boundary commission should approve the modified annexation request.

Others in Support – None

Public Officials in Opposition – None

Others in Opposition – None

Those Neither in Support or Opposition

Jim Seaberry, 1475 Green Acres Road, Eugene, had several questions:

- Did the City of Eugene pay a fee for the right-of-way in the application?
- Did the Crowleys pay a fee because their property would be annexed if the Zane Lane right-of-way went through because it was being appended to the application under consideration?
- Will this cause any islands to be created?

Ms. Taylor responded that the original annexation application initiated by the property owners paid the filing fee consistent with the boundary commission's administrative rules. The boundary commission law allowed the boundary commission to consider modification requests, noting there were two, from the City of Eugene and Mr. and Mrs. Crowley. There were no provisions in the commission's filing fee schedule to assess additional fees when considering modifications. The commission had received the original filing fee. No islands would be created as a result of the annexation.

Rebuttal by Proponents – None

Mr. Myers closed the public hearing.

Boundary Commission Deliberation and Decision

Mr. Spickerman opined there could not be a more logical annexation, noting the request filled out the area of existing properties within the urban growth boundary (UGB) and created no islands. Annexation of the right-of-way was a non-issue.

- * Moved/seconded (Spickerman/Mulder) to approve BC File C EU 06 – 69 annexing territory to the City of Eugene, as modified, and based on the amended findings and reasons in the April 5, 2007, staff report.

In response to Mr. Stewart, Ms. Taylor said a part of Zane Lane had been dedicated to the public through a deed process through Lane County. The error that occurred was in the subsequent transactions in which Lane County acquired some of the property through foreclosure and deeded the top half for right-of-way to Zane Lane while the narrow, bottom portion remained in county

ownership. Research of records provided evidence that Zane Lane was correctly dedicated for public right-of-way and the dimensions were shown correctly on the tax map. The bottom portion was quit claim deeded to the Coughrans and would likely be part of the future right-of-way.

The motion passed unanimously, 4:0 (commissioners Mulder, Myers, Spickerman and Stewart voting yes).

In response to a question from John Dotson, Ms. Taylor said provisions in Oregon Revised Statutes (ORS) 199 gave the boundary commission authority to modify proposals from property owners.

V. NEW BUSINESS

Wastewater Line Extension – City of Eugene (Legacy Interceptor)

- A. BC File X S 07 – 08
Initiated by petition from the City of Eugene
Action under ORS 199.464 of the boundary commission law
Received February 28, 2007
Action to be taken by March 17, 2007

Description

The Legacy Interceptor was located in the Bethel region of west Eugene and the portion that was included in this application was located outside the city limits south of Royal Avenue, west of Terry Street, and north and east of Amazon Creek and would traverse along the southerly edge of tax lot 1300, T17S R04W S29 and tax lot 100, T17S R04W S29 Map 13

Existing land use: Vacant agricultural land

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

Existing public services to the property: Fire (Willakenzie RFPD contracting with the City of Eugene), police (Oregon State Police, Lane County Sheriff), schools (Eugene School District 4-J), roads (Lane County, City of Eugene)

Reason for Extension

The Legacy Interceptor was needed to serve existing and future development in west Eugene within the Eugene city limits. A portion of the wastewater system extension would be located outside the Eugene city limits and inside the acknowledged UGB. Boundary commission approval was needed for the portion of the interceptor located outside the city limits.

Clay Myers, 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, incorporating the staff notes and related materials into the public record in accordance with the boundary commission's administrative rules.

Ms. Taylor explained Metro Plan policies 21 and 22, describing the methods for providing key urban services and facilities within the urban growth boundary. The segment of the proposed line included in this application was located outside the city limits. The owners of the properties the sewer line

would traverse had not requested annexation. An easement had been granted across one of the two properties. Discussions with the owners of the second property were continuing. These two properties were in an area totally surrounded by the city limits; however, annexation was not being requested or required. No connections to the new line outside the city limits were being requested or granted as part of this request.

Ms. Taylor said the boundary commission's review was based on tentative plans. If some realignment occurred due to things outside the process governed by the boundary commission, the law still allowed for the boundary commission's approval to include some adjustments to the specific location of the interceptor. This facility had been planned for quite some time, and the City of Eugene was now in a position to move forward with the plans to begin development of the urban facility that would serve an area larger than the area it traversed. The project would constitute a major infrastructure for the west Eugene area.

Ms. Taylor had concluded that the part of the system outside of the city limits was consistent with the Metro Plan policies and with boundary commission policies and law. She recommended approval of the application as being consistent with the commission's standards. She added the findings and reasons in the staff report supported the recommendation of approval.

Mr. Myers determined commissioners had no questions of Ms. Taylor.

Mr. Myers opened the public hearing.

Proponent's Opening Statement

Ann Siegenthaler, City of Eugene, Planning Division, said the City of Eugene supported the extraterritorial extension proposal. Staff had reviewed the proposal and found the proposal had been in the planning stages for a number of years, was contained in a number of City adopted policies and plans approved by elected officials, and had undergone numerous public reviews through the adoption process, citing the Capital Improvement Program (CIP), the Royal Avenue Specific Area Plan and the Urban Sanitary Sewer Master Plan, as examples. She added the proposal and alignment were consistent with those plans. Furthermore, the improvement had been anticipated for many years by the property owners in the Royal Node area. The improvement was considered an essential facility to alleviate current service capacity issues, and to serve future development on parcels in the Royal Node area. The development was expected and encouraged in the Royal Avenue Specific Area Plan.

Public Officials in Support

Peggy Keppler, City of Eugene, Public Works Engineering Division, offered a map that illustrated both existing and future sites that would be served by the project. She noted the system was at capacity and needed to be taken off line. She said the wastewater system currently served 1,939 acres. The area to be served by the proposed annexation contained 1,772 acres of undevelopable land consisting of wetlands and other protected area, and 2,474 acres that needed service.

Mr. Stewart opined the existence of wetlands was the reason the proposed sewer line could not be moved to the south and west, outside of the area that was not inside the city limits.

Ms. Keppler said the wetlands in the area had been evaluated in conjunction with the development of the Royal Avenue Specific Area Plan, and this was the most preferred route to avoid most of the wetlands. There was an enhancement plan for the rest of the area.

Mr. Stewart asked if the request was approved, would the proposed sewer line become the sewer service to the affected properties.

Ms. Keppler responded that the properties adjacent to the proposed line would be able to connect to the sewer line. However, those properties that were not annexed would be not allowed to connect until they annexed.

Others in Support – None

Public Officials in Opposition – None

Others in Opposition

Jim Seaberry, 1475 Green Acres Road, Eugene, said this sounded like River Road/Santa Clara all over again. He asked if the line was for the collection or disposal of sewage. He asserted if the line was for collection of sewage on county property it needed approval by Lane County. He added if the purpose was to serve future homes, the action was premature. He added previous attempts to force connection to sewers in River Road and Santa Clara had been deemed illegal by the courts.

Rob Handy, 455½ River Road, Eugene, said it would be prudent for the commission to disapprove the request because the request was premature. He encouraged the commission to hold off making a decision. He said current discussions in the area and the demise of the WEP had divided the community and created controversy. He asserted no federal or state permits had been issued or were pending, and no environmental impact statement had been prepared. Mr. Handy offered a packet of information containing the following documents which he entered into the record:

- March 17, 2007, Register Guard article, *Route of new sewer line questioned*.
- April 5, 2007, memorandum to Lane County Boundary Commission from Rob Handy, RE: Wastewater Line Extension—City of Eugene (Legacy Interceptor) BC File X S 07-08
- Boundary commission standards
- Legacy Interceptor Project #4383 Construction Cross Sections from City of Eugene Department of Public Works Engineering Division

Those Neither in Support nor Opposition – None

Rebuttal by Proponents

Responding to Mr. Handy's comments, Ms. Keppler said the City of Eugene had made application for a joint permit with the Division of State Lands (DSL) and the Army Corps of Engineers (ACE). There was a public hearing tonight on the application, with both processes were being undertaken concurrently. She said construction could not commence until the permit was issued with a hoped for construction to start in June 2007 and construction end before the wet fall season.

Mr. Myers closed the public hearing.

Boundary Commission Deliberation and Decision

Mr. Spickerman stated that the project consisted of installing a line across two pieces of property that had not been annexed to the city to many properties that had been annexed. He averred that installing a sewer line was as far away as possible from the situation described by both Mr. Seaberry

and Mr. Handy. Although he appreciated Mr. Handy's concern, Mr. Spickerman asserted Mr. Handy was very familiar with the approval process. Nothing would happen in the ground without DSL, ACE, and Department of Environmental Quality (DEQ) authorization. The boundary commission was simply deciding if those authorizations were granted, the proposed line could cross some ground outside of the city limits. He saw no problem, particularly related to the criteria.

Mr. Stewart thought he was being asked to pass judgment based on material in which he was not an expert. He said the other agencies were eminently qualified to make those decisions.

Ms. Mulder did not support tabling making a decision until the other agencies had made decisions.

- * Moved/seconded (Stewart/Mulder) to approve BC File X S 07 – 08 for the extraterritorial wastewater interceptor extension by the City of Eugene based on the findings and reasons in the April 5, 2007, staff report. The motion passed unanimously, 4:0 (commissioners Mulder, Myers, Spickerman, and Stewart voting yes).

Annexation of Territory to the City of Eugene (Niemeyer)

- B. BC File C EU 07 – 09
Initiated by property owner petition
Action under ORS 199.490(1)(c) of the boundary commission law
Received February 28, 2007
Action to be taken by May 29, 2007

Description

As submitted, the annexation area included one tax lot located in the River Road region of north Eugene, south of Beltline Road, west of River Road, east of Sunny Drive, west of Golden Avenue, and north of Horn Lane

Property owner: Fred Niemeyer (3614 Emerald Street, Eugene)

Tax lot: 7200, T17S R04W S14 Map 43

Acres: ± 0.45

Estimate of existing population: 2 (one single family 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 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 (Santa Clara Water District), fire (River Road Water District contracting with the City of Eugene), parks (River Road Park and Recreation District), wastewater (City of Eugene), electric (EWEB)

Reason for Annexation

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

Clay Myers, 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 that had been initiated by the property owner, for one tax lot. It contained some residential development and was designated for low-density residential development if annexation was approved. She incorporated the staff notes and related materials into the public record in accordance with boundary commission administrative rules.

Ms. Taylor said the staff analysis indicated the proposal was consistent with the boundary commission's standards. The boundary commission had received a request from the City of Eugene requesting modification to include a segment of Sunny Drive. The tax lot was adjacent to other properties on the north and south that had previously been annexed to the city. The segment of Sunny Drive that was the subject of the modification request was adjacent to all of the properties that were already annexed or would be annexed through the proposed request. The entire annexation and modification areas were within the urban growth boundary of the Metro Plan.

Ms. Taylor noted that referrals had been sent to Lane County, the River Road Water District, and the River Road Park and Recreation District, and there no responses had been received. The annexation was planned for residential development and the services required by the comprehensive plan could be provided.

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.

Mr. Myers opened the public hearing.

Proponent's Opening Statement

Fred Niemeyer, 3614 Emerald Street, Eugene, reiterated that his annexation met all of the criteria. If there were any issues with Sunny Drive in the annexation process, he hoped that the property itself would still be able to be annexed.

Public Officials in Support

Ann Siegenthaler, Eugene Planning Division, concurred with the staff report and indicated the City of Eugene's support for the annexation request as meeting the annexation approval criteria in the Metro Plan. The City of Eugene asked that the application be modified to include the small portion of right-of-way that fronted the Niemeyer property and also the adjacent annexed property to the south and to the north. The request for the right-of-way along the Niemeyer parcel did not create any islands and was consistent with adopted policies for right-of-way annexations. The city asked if the boundary commission was unable to support the right-of-way inclusion that it support the application to annex the Niemeyer parcel.

Others in Support – None

Public Officials in Opposition – None

Others in Opposition

John Dotson, 2447 Canterbury, Eugene, stated that the applicant had control over only his property. He said when the city modified that application, that was a separate filing, and the city should pay a filing fee for the service.

Those Neither in Support nor Opposition – None

Rebuttal by Proponents – None

There being no further requests to speak, Mr. Myers closed the public hearing.

Boundary Commission Deliberation and Decision

- * Moved/seconded (Mulder/Spickerman) to approve BC File C EU 07 – 09 annexing territory to the City of Eugene, with modifications requested by the City of Eugene, and based on the findings and reasons in the April 5, 2007, staff notes. The motion passed unanimously, 4:0 (commissioners Mulder, Spickerman, Myers, and Stewart voting yes.)

Annexation of Territory to the City of Eugene (Baugnon)

- C. BC File C EU 07 – 11
Initiated by property owner petition
Action under ORS 199.490(1)(c) of the boundary commission law
Received March 2, 2007
Action to be taken by May 31, 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 Hunsaker Lane, west of Klamath Street, and east of Ross Lane

Property owners: Bryan and Yoko Baugnon (1033 Seventh Street, Springfield)

Tax lot: 201, T17S R04W S12 Map 34

Acres: ± 0.21

Estimate of existing population: 0

Existing land use: Vacant

Existing zoning in Lane County: R-1/UL, low-density residential with urbanizing lands 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 (Santa Clara Water District), fire (Santa Clara RFPD)

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 requires properties to annex in order to receive services.

Clay Myers, 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. She incorporated the staff notes and related materials into the public record in accordance with boundary commission law.

Ms. Taylor reviewed the annexation request. The owners' written consent initiated the annexation request, which included one tax lot. If annexation was approved this evening, the property would be readied for new residential development.

After receipt of the annexation application, the City of Eugene submitted a written request asking the boundary commission to modify the annexation area to include the segment of Klamath Street fronting the Baugnon parcel and a previously annexed parcel to the south. This annexation and the Klamath Street right-of-way were contiguous with the City of Eugene and adjacent to previously annexed properties. Services required by the Metro Plan for new development had been addressed in the staff report and could be provided after annexation was approved.

Boundary commission referrals were sent to the Lane County Land Management Division, Lane County Environmental Health Division, Lane County Board of Commissioners, Santa Clara Rural Fire Protection District (RFPD), and Santa Clara Water District.

The boundary commission received a letter in response to referral requests from the Santa Clara Water District, objecting to this proposal because the district would lose customers if the property was annexed to the City of Eugene. The concerns were documented in the staff note.

The referral to the Santa Clara Rural Fire Protection District was mistakenly not mailed to the fire district. At the time of preparation of the staff report, a referral response was not found in the file. Boundary commission staff contacted fire district staff who asked to have the following information entered into the record: Consistent with the fire district's policy, the fire district did object to the annexation. 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 application was consistent with the boundary commission law and staff recommended approval of the annexation with modifications as requested by the City of Eugene. If the boundary commission did not modify the request as recommended or denied the proposal, the findings and reasons would need to be adjusted.

Mr. Myers opened the public hearing.

Proponent's Opening Statement – None

Public Officials in Support

Ann Siegenthaler, Eugene Planning Division, concurred with the staff report and supported the property owner's annexation request. The City of Eugene asked that the application be modified to include a small portion of the Klamath Street right-of-way as described in the boundary commission staff report.

Others in Support – None

Public Officials in Opposition – None

Others in Opposition

Jim Seaberry, 1475 Green Acres Road, Eugene, said it was obvious there was a new method of submitting agendas and streets and other properties would always be a consideration. He expressed his objection to all of the annexations done in this manner.

Those Neither in Support nor Opposition – None

Rebuttal by Proponents – None

Boundary Commission Deliberation and Decision

Mr. Stewart observed a narrow sliver of land on the north side of the annexation area, west of Klamath Street that terminated. Additionally, there was no sidewalk leading to Ross Lane. He asked the significance of these features.

Ms. Taylor said this platted subdivision was in the county. The ten foot sliver of land was in the original subdivision lot 6 which was now tax lot 201. The additional ten feet was purchased by the property owner to the north to become a part of that ownership.

- * Moved/seconded (Mulder/Spickerman) to approve BC File C EU 07 – 11 annexing territory to the City of Eugene, with modifications requested by the City of Eugene, and based on the findings and reasons in the April 5, 2007, staff report. The motion passed unanimously, 4:0 (commissioners Mulder, Spickerman, Myers, and Stewart voting yes.)

Annexation of Territory to the City of Eugene (Bruce)

- D. BC File C EU 07 – 12
Initiated by property owner petition
Action under ORS 199.490(1)(c) of the boundary commission law
Received March 6, 2007
Action to be taken by June 4, 2007

Description

As submitted, the annexation area included one tax lot located in the Santa Clara region of north Eugene, north of Beltline Road, west of River Road, north of Irving Road, east of Ferndale Drive, and west of Irving Court

Property owners: Roger Bruce, Kyle and Eleasha Bruce (375 Irving Road, Eugene)

Tax lot: 900, T17S R04W S11 Map 31

Area: ± 0.45

Estimate of existing population: 3 (single family residence)

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), water (Santa Clara Water District), fire (Santa Clara RFPD), wastewater (City of Eugene), electric (EWEB)

Reason for Annexation

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

Clay Myers, 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 that had been initiated by the property owners, for one tax lot. The property was designated for low-density residential development if annexation was approved. She incorporated the staff notes and related materials into the public record in accordance with boundary commission administrative rules.

Ms. Taylor said the staff analysis indicated the proposal was consistent with the boundary commission's standards. The boundary commission had received a request from the City of Eugene requesting modification to include a segment of Irving Road from Dover Street east to Newcastle Street, totaling approximately 0.95 acres.

Ms. Taylor noted the referral responses to Lane County Land Management Division, Lane County Environmental Health Division, Lane County Board of Commissioners, the Santa Clara Water District and the Santa Clara Rural Fire Protection District (RFPD).

The Santa Clara fire district, consistent with the fire district's policy, had submitted a letter objecting to the annexation. The fire district continued to object to annexation as it related to its long-term financial viability, as documented in the staff report.

The Santa Clara Water District submitted a letter objecting to this proposal regarding concerns about financial considerations as documented in the staff report.

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. Ms. Taylor recommended approval of the annexation request.

Mr. Myers opened the public hearing.

Proponent's Opening Statement

Kyle Bruce, 375 Irving Road, Eugene, stated he wished to annex the property to enable him to divide the lot into two lots to be able to add another single family home. He asked the boundary commission to continue the annexation process. He added he had no opinion regarding the segment of Irving Road requested by the City of Eugene.

Public Officials in Support

Ann Siegenthaler, Eugene Planning Division, concurred with the staff report and supported the property owner's annexation request. The City of Eugene asked that the application be modified to include a one block segment of Irving Road that would provide frontage along the annexed Bruce parcel and connect the Bruce parcel to several other annexed properties, as described in the boundary commission staff report. The segment of right-of-way in the proposed annexation would be

consistent with the city's practice of including logical block to block segments of minor arterial collectors such as Irving Road. The annexation request was supported by the Metro Plan and current city practices regarding right-of-way annexations. It was also consistent with recent city council direction to avoid creating any islands with right-of-way annexation requests. She asked if the boundary commission could not support the addition of the right-of-way, that it find in favor of the applicant's proposal.

Others in Support – None

Public Officials in Opposition – None

Others in Opposition

Jim Seaberry, 1475 Green Acres Road, Eugene, expressed his opposition to block to block annexation.

Those Neither in Support nor Opposition – None

Rebuttal by Proponents – None

There being no further requests to speak, Mr. Myers closed the public hearing.

Boundary Commission Deliberation and Decision

- * Moved/seconded (Mulder/Spickerman) to approve BC File C EU 07 – 12 annexing territory to the City of Eugene, with modifications requested by the City of Eugene, and based on the findings and reasons in the April 5, 2007, staff report.

In response to Mr. Stewart, Ms. Siegenthaler explained when looking at right-of-way annexations, several guidelines were taken into consideration, including clear direction from the city council prohibiting creation of islands of unincorporated territories. She added the city also looked at the road classification, focusing on major and minor arterials. This annexation connected a number of parcels that were already annexed. Thus, a logical location to end the right-of-way was at the end of a block. It was the city's practice to end right-of-way annexations at the end of blocks, rather than mid-block. Ms. Siegenthaler further explained there would be no assessment triggered by the right-of-way annexation.

- * The motion passed unanimously, 4:0 (commissioners Mulder, Spickerman, Myers, and Stewart voting yes.)

VI. OTHER BUSINESS

A. 2007 Legislative Session

Ms. Taylor provided an overview of Senate Bill (SB) 417, a copy of which was distributed to commissioners. She said the bill would abolish the boundary commission. The bill had had one public hearing and a work session by the Senate Education and General Government Committee. The committee supported amendments proposed on March 29, 2007, and passage of the bill with a do pass recommendation. The bill passed out of committee and would be scheduled for a Senate floor vote some time in the future. If the bill passed on the Senate floor, it would be forwarded to the House and assigned to a committee for processing.

Past boundary commissions had not taken positions on bills to abolish the boundary commission, feeling the legislature had the power to create and abolish boundary commissions. The staff recommendation was for the boundary commission to direct staff to continue to track SB 417 and provide updates to the boundary commission on its progress. Ms. Taylor reported she was watching several other bills, including a wide range on annexation, many dealing with island provisions in Oregon law, all with the intention of limiting cities' abilities to annex and create islanded areas.

B. Update on FY 2006-07 Budget

Ms. Taylor said the boundary commission had requested information regarding the actual charges incurred by the agency. She reviewed to a document entitled *Lane County Local Government Boundary Commission Estimated Budget for FY 2006-07*, copy of which was distributed to commissioners.

C. FY 2007-08 Public Hearing Schedule

Ms. Taylor asked the boundary commission to approve the FY 2007-08 Public Hearing Schedule a copy of which had been included in the agenda packets.

- * Moved/seconded (Mulder/Spickerman) to approve the FY 2007-08 Public Hearing Schedule as presented. The motion passed unanimously, 4:0 (commissioners Mulder, Spickerman, Myers, and Stewart voting yes.)

D. FY 2007-08 LCLGBC/LCOG Intergovernmental Agreement

Ms. Taylor asked the boundary commission to approve the FY 2007-08 Intergovernmental Agreement with the Lane Council of Governments (LCOG) a copy of which had been included in the agenda packets.

In response to Mr. Myers, Ms. Taylor said either party could terminate the agreement with 30 days prior notice.

- * Moved/seconded (Stewart/Mulder) that the boundary commission chair was authorized to sign the proposed FY 2007-08 Intergovernmental Agreement with LCOG as presented. The motion passed unanimously, 4:0 (commissioners Mulder, Spickerman, Myers, and Stewart voting yes.)

E. Update on Annexation of Roadways

Following a brief discussion, Mr. Myers proposed deferring action on annexation of roadways to the next meeting when the commission would have more direction from the legislature.

F. Other

Ms. Taylor reported that Jim Spickerman had resigned his position as a Eugene representative on the Lane County Local Government Boundary Commission. She distributed copies of his letter of resignation dated April 2, 2007.

Mr. Spickerman said he had encountered many conflicts of interest that caused him to resign his position.

On behalf of the boundary commission, Mr. Myers regretfully accepted Mr. Spickerman's resignation.

Mr. Myers adjourned the meeting at 8:55 p.m.

Clay Myers, Chair
Lane County Local Government Boundary Commission

(Recorded by Linda Henry)