

MINUTES

LANE COUNTY LOCAL GOVERNMENT BOUNDARY COMMISSION

Eugene City Hall
Council Chamber (777 Pearl Street)

June 7, 2007
7:00 p.m.

PRESENT: Eleanor Mulder, vice chair; Van Heeter, secretary; Karen Seidel; Christine Larson; Renee Buchanan

ABSENT: Clay Myers, chair; Bud Stewart

I. CALL TO ORDER – ROLL CALL

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

II. APPROVAL OF EXPENSES – MARCH/APRIL 2007

* Moved/seconded (Seidel/Larson) to approve the expenses for March, 2007, (\$14,819.25) and April, 2007, (\$12,122.31). The motion passed unanimously, 5-0 (commissioners Mulder, Heeter, Seidel, Larson, and Buchanan voting yes).

III. APPROVAL OF MINUTES – APRIL 5, 2007

Approval of the minutes of April 5, 2007, was postponed to the commission's next meeting.

IV. NEW BUSINESS: PUBLIC HEARING

Annexation of Territory to the City of Eugene (Bush)

- A. BC File C EU 07 – 16
Initiated by property owner petition
Action under ORS 199.490(1)(c) of the boundary commission law
Received May 4, 2007
Action to be taken by August 2, 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 owner: Ronald Bush (P.O. Box 7842, Eugene)

Tax lot: 1000, T17S R04W S11 Map 31

Acres: ± 0.50

Estimate of existing population: 3 (one residential unit)

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), electricity (EWEB)

Reason for Annexation

The property was proposed for annexation to prepare for future residential development. There were no specific development plans at this time. The Eugene-Springfield Metropolitan Area General 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 adequacy of 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 that a single tax lot was proposed for annexation to the City of Eugene and the annexation area was proposed for residential development. She said responses to referrals were received from the Santa Clara Water District and the Santa Clara fire district and the staff analysis summarized their objections to the annexation. Copies of the objection letters were included in the staff report, as well as staff response to their concerns. No other referral responses had been received.

Ms. Taylor said the boundary commission standards were analyzed with respect to the annexation request. She said if approved for annexation, the tax lot would not be contiguous to the main body of the City of Eugene, but was in an area where other properties had been annexed. Required urban services necessary for residential development were available and the boundary commission staff recommended approval of the annexation as submitted.

Ms. Taylor stated that the findings and reasons in the staff report supported the recommendation of approval and if the boundary commission modified or denied the proposal those findings would need to be adjusted.

Ms. Mulder commented, regarding stormwater, that soakage trenches were more sensible than dry wells.

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

Ann Siegenthaler, City of Eugene Planning Division, indicated that the city was in support of the application as proposed, concurred with the staff recommendations and findings and found that the annexation proposal met the Metro Plan and Eugene code requirements for annexation.

Others in Support – None

Public Officials in Opposition – None

Others in Opposition – None

Those Neither in Support or Opposition – None

Rebuttal by Proponents – None

There being no further requests to speak, Ms. Mulder closed the public hearing and opened the item for discussion.

Boundary Commission Deliberation and Decision

- * Moved/seconded (Larson/Seidel) to approve BC File C EU 07 – 16 annexing territory to the City of Eugene, with on the findings and reasons in the June 7, 2007, staff report.

Ms. Larson commented that the annexation was as straightforward as it was possible to be.

- * The motion passed unanimously, 5:0 (commissioners Mulder, Seidel, Heeter, Larson, and Buchanan voting yes).

Annexation of Territory to the City of Eugene (ETNA LLC)

B. BC File C EU 07 – 19
Initiated by property owner petition
Action under ORS 199.490(1)(c) of the boundary commission law
Received May 7, 2007
Action to be taken by August 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, north of Hunsaker Lane, west of Daffodil Court, and south of Azalea Drive

Property owner: ETNA LLC (389 W 6th Avenue, Unit 201, Eugene)

Tax lot: 5900, T17S R04W S11 Map 41

Acres: ± 0.33

Estimate of existing population: 0 (one residential unit)

Existing land use: Commercial business

Existing zoning in Lane County: C-1/UL, neighborhood commercial with urbanizable lands overlay; R-1/UL, low-density residential with urbanizable lands overlay

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: Police (Oregon State Police, Lane County Sheriff), schools (Eugene School District 4J), roads (Lane County, City of Eugene), water (Santa Clara Water District), fire (Santa Clara RFPD), wastewater (City of Eugene), electricity (EWEB)

Reason for Annexation:

The annexation was requested to prepare the site for additional commercial development. The Eugene-Springfield Metropolitan Area General 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 adequacy of 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. She stated that the annexation was in the Santa Clara area and contiguous to the main body of the City of Eugene; other properties in the area had been recently annexed to the city. The property was currently zoned for commercial and low-density residential development and the property owner tended to proceed with development plans consistent with the appropriate plan designations. There was a possibility that the property owner would submit an application to the city for plan amendments or zone changes to bring the entire property into commercial uses, but that was a separate process outside of the boundary commission's purview.

Ms. Taylor indicated that the Santa Clara Rural Fire Protection District (RFPD) and Santa Clara Water District objected to the annexation and their letters were attached to the staff report, along with staff responses to those concerns. She said an analysis of the annexation was completed on the basis of the boundary commission's standards. Staff found that the annexation was consistent with those standards and recommended approval of the annexation. She said the findings and reasons in the staff report were based on approval of the request as submitted and would need to be adjusted if the boundary commission modified or denied the proposal.

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

Ms. Mulder opened the public hearing.

Proponent's Opening Statement

Dan Terrell, law offices of Bill Kloos, representing the applicant, ETNA LLC, stated that there was concurrence with the staff analysis and reiterated that approval of the application would be consistent with many of the boundary commission's recent annexation decisions in the Santa Clara area.

Public Officials in Support

Ann Siegenthaler, City of Eugene Planning Division, indicated that the city was in support of the application as proposed, concurred with the staff recommendations and findings and was in support of the boundary commission's approval of the request.

Others in Support – None

Public Officials in Opposition – None

Others in Opposition – None

Those Neither in Support nor Opposition – None

Rebuttal by Proponents – None

There being no further requests to speak, Ms. Mulder closed the public hearing and opened the item for discussion.

Boundary Commission Deliberation and Decision

- * Moved/seconded (Heeter/Larson) to approve BC File C EU 07 – 19 annexing territory to the City of Eugene, based on the findings and reasons in the June 7, 2007, staff notes. The motion passed unanimously, 5:0 (commissioners Mulder, Seidel, Heeter, Larson, and Buchanan voting yes).

Annexation of Territory to the City of Eugene (Hulbert)

- C. BC File C EU 07 – 22
Initiated by property owner petition
Action under ORS 199.490(1)(c) of the boundary commission law
Received May 8, 2007
Action to be taken by August 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, east and south of River Loop No. 2, and west of Scenic Drive

Property owners: Jack and Gloria Hulbert (229 E. Mountain Drive, Santa Barbara, CA)

Tax lot: 1300, T17S R04W S02 Map 41

Acres: ± 0.42

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 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), electricity (EWEB)

Reason for Annexation

The annexation was requested in order to partition the annexation area for additional residential development. The Eugene-Springfield Metropolitan Area General 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 provided the staff report, incorporating the staff notes and related materials into the public record in accordance with the boundary commission's administrative rules. She stated that the annexation area as submitted consisted of one tax lot, currently designated for residential development.

Ms. Taylor indicated that the Santa Clara Rural Fire Protection District (RFPD) and Santa Clara Water District objected to the annexation and their letters were attached to the staff report, along with staff responses to those concerns. She said an analysis of the annexation was completed on the basis of the boundary commission's standards. Staff found that the annexation was consistent with those standards and recommended approval of the annexation. She said the findings and reasons in the staff report were based on approval of the request as submitted and would need to be adjusted if the boundary commission modified or denied the proposal.

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

Ann Siegenthaler, City of Eugene Planning Division, indicated that the city was in support of the application as proposed, concurred with the staff recommendations and findings and was in support of the boundary commission's approval of the request.

Others in Support – None

Public Officials in Opposition – None

Others in Opposition – None

Those Neither in Support nor Opposition – None

Rebuttal by Proponents – None

There being no further requests to speak, Ms. Mulder closed the public hearing and opened the item for discussion.

Boundary Commission Deliberation and Decision

- * Moved/seconded (Seidel/Heeter) to approve BC File C EU 07 – 22 annexing territory to the City of Eugene, based on the findings and reasons in the June 7, 2007, staff notes. The motion passed unanimously, 5:0 (commissioners Mulder, Seidel, Heeter, Larson, and Buchanan voting yes).

Annexation of Territory to the City of Eugene (Santa Clara Church of Christ)

- D. BC File C EU 07 – 23
Initiated by property owner petition
Action under ORS 199.490(1)(c) of the boundary commission law
Received May 8, 2007
Action to be taken by August 6, 2007

Description

As submitted, the annexation area included four tax lots located in the Santa Clara region of north Eugene, north of Beltline Road, west of River Road, north of Santa Clara Avenue, south of Belmont Street, and east of Jasmine Street

Property owner: Santa Clara Church of Christ (2600 Belmont, Eugene)

Tax lots: 300, 400, 600, and 700, T17S R04W S11 Map 43

Acres: ± 4.09

Estimate of existing population: 0

Existing land use: Church and related facilities, commercial, and vacant

Existing zoning in Lane County: AG/UL, agricultural with urbanizable lands overlay; and 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 (Santa Clara RFPD), wastewater (City of Eugene), electricity (EWEB)

Reason for Annexation

The annexation was requested in order to proceed with development of additional parking area and the potential of future office space construction. The Eugene-Springfield Metropolitan Area 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.

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

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. She said there were four tax lots under the same ownership and all were proposed for annexation. She said the property was partially developed with a church and related facilities and annexation was being requested because future development was planned. She stated that the annexation was within the urban growth boundary, in the Santa Clara area and contiguous to the main body of the City of Eugene.

Ms. Taylor indicated that the Santa Clara Rural Fire Protection District (RFPD) objected to the annexation and its letter was attached to the staff report, along with staff response to those concerns. She said an analysis of the annexation was completed on the basis of the boundary commission's standards. Staff found that the annexation was consistent with those standards and recommended approval of the annexation. She said the findings and reasons in the staff report were based on

approval of the request as submitted and would need to be adjusted if the boundary commission modified or denied the proposal.

Ms. Mulder opened the public hearing.

Proponent's Opening Statement – None

Public Officials in Support

Ann Siegenthaler, City of Eugene Planning Division, indicated that the city was in support of the application as proposed, concurred with the staff recommendations and findings and was in support of the boundary commission's approval of the request.

Others in Support – None

Public Officials in Opposition – None

Others in Opposition – None

Those Neither in Support nor Opposition – None

Rebuttal by Proponents – None

There being no further requests to speak, Ms. Mulder closed the public hearing and opened the item for discussion.

Boundary Commission Deliberation and Decision

- * Moved/seconded (Larson/Seidel) to approve BC File C EU 07 – 23 annexing territory to the City of Eugene, based on the findings and reasons in the June 7, 2007, staff notes. The motion passed unanimously, 5:0 (commissioners Mulder, Seidel, Heeter, Larson, and Buchanan voting yes).

Annexation of Territory to the City of Eugene (Jensen/Nelson)

- E. BC File C EU 07 – 14
Initiated by property owner petition
Action under ORS 199.490(1)(c) of the boundary commission law
Received April 24, 2007
Action to be taken by July 23, 2007

Description

As submitted, the annexation area included one tax located in the Santa Clara region of north Eugene, north of Beltline Road, east of River Road, south of Calumet Avenue, west of Thunderbird Street, and east of Spring Meadow Avenue
Property owners: Sonja Jensen (P.O. Box 5932, Eugene) and Debbie Nelson (281 Naismith Blvd, Eugene)
Tax lot: 427, T17S R04W S02 Map 12
Acres: ± 0.22
Estimate of existing population: 0 (one residential unit)
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, City of Eugene), water (Santa Clara Water District), fire (Santa Clara RFPD), wastewater (City of Eugene), electricity (EWEB)

Reason for Annexation

The annexation was requested in order to prepare for additional low-density residential development. The Eugene-Springfield Metropolitan Area General 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 provided the staff report, incorporating the staff notes and related materials into the public record in accordance with the boundary commission's administrative rules. She said the annexation as submitted consisted of one tax lot, currently designated for residential development. She said the City of Eugene had requested modification of the annexation application to include a small segment of Calumet Avenue, as illustrated by maps in the staff report. She said that notices had been sent to property owners adjacent to the road right-of-way that was proposed for annexation.

Ms. Taylor indicated that the Santa Clara Rural Fire Protection District (RFPD) and Santa Clara Water District objected to the annexation and their letters were attached to the staff report, along with staff responses to those concerns. She said an analysis of the annexation was completed on the basis of the boundary commission's standards. Staff found that the annexation, whether approved as submitted or as modified to include a segment of Calumet Avenue, was consistent with those standards and required services could be provided. She said that staff recommended approval of the annexation area as modified. The findings and reasons in the staff report supported the staff recommendation of modification and approval and would need to be adjusted if the boundary commission chose not to modify the request or denied it.

Mr. Heeter asked what the boundary commission's policy with respect to street right-of-way annexations was. Ms. Taylor replied that the change had occurred when the Eugene city council directed city staff to not include any road right-of-way that would result in the creation of an island. She said since that staff direction, the requests to annex road rights-of-way adjacent to tax lots were much more modest. She said that the boundary commission's policy had not changed; the city's policy had changed to reduce the scope of right-of-way annexation requests. She noted that previously the boundary commission had received annexation proposals that included right-of-way in the original filings; recently modification requests had been requested by the city after the annexation was filed with the boundary commission.

Ms. Mulder opened the public hearing.

Proponent's Opening Statement

Tim O'Dell, representing the applicants, stated that the intent was to subdivide the property into two parcels for future development. He said the applicants were amenable to the road right-of-way annexation requested by the City of Eugene.

Public Officials in Support

Ann Siegenthaler, City of Eugene Planning Division, explained that direction to staff from the city council asked staff to refrain from including street right-of-way segments that would result in islands of unincorporated territory; that was a focus of staff analysis of annexation applications. She said that specific direction related to islanding properties through right-of-way annexations did not change existing policies that directed staff to include right-of-way in annexation proposals when logical and appropriate.

Ms. Siegenthaler stated that the city was requesting modification of the Jensen/Nelson annexation request based on factors such as the functional classification of the street, whether the applicant might benefit from access to the street during future development stages, whether the applicant might be required to dedicate right-of-way or work with the city, rather than the county, on facilities permits. She said another factor was location of the street segment relative to other properties that had been recently annexed. Calumet Avenue was a minor collector, but annexing the segment in front of the parcel would connect it to a larger area of previously annexed properties and provide certainty to the applicant in terms of consolidating permitting into a single agency during construction.

Ms. Siegenthaler asked that the boundary commission support the inclusion of the right-of-way segment, but if unable to do so, the city did support annexation of the parcel itself.

Others in Support– None

Public Officials in Opposition– None

Others in Opposition

John Dotson, 2447 Canterbury Street, Eugene, stated he did not object to annexation of the property, but was opposed to annexation of the segment of Calumet Avenue requested by the City of Eugene. He said the right-of-way would form a bridge between two pieces of annexed property and create a key to annexation. He said that every time a street was included, that was one step closer to the annexation process. He objected to inclusion of the street segment in the application.

Those Neither in Support nor Opposition – None

Rebuttal by Proponents

Mr. O'Dell said the applicant had no objection to including the small segment of Calumet Avenue in the annexation.

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

Boundary Commission Deliberation and Decision

- * Moved/Seconded (Heeter/Larson) to approve BC File C EU 07 – 14, annexing territory to the City of Eugene, as modified to include Calumet Avenue right-of-way as requested by the City of Eugene, based on the findings and reasons in the June 7, 2007, staff notes.

Ms. Buchanan remarked that she appreciated the discussions with boundary commission and City of Eugene staff regarding right-of-way annexations as it had helped to clarify the issue.

Ms. Larson commented that she was in favor of annexing Calumet Avenue in the hopes that would result in better signage in the area.

- * The motion passed unanimously, 5:0 (commissioners Mulder, Seidel, Heeter, Larson, and Buchanan voting yes).

Annexation of Territory to the City of Eugene (Freedom 4 LLC)

- F. BC File C EU 07 – 20
Initiated by property owner petition
Action under ORS 199.490(1)(c) of the boundary commission law
Received May 7, 2007
Action to be taken by August 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, west of River Road, north of Irving Road, east of Crocker Road, and west of Ladarrah Street

Property owner: Freedom 4 LLC (P.O. Box 5932, Eugene)

Tax lot: 600, T17S R04W S11 Map 32

Acres: ± 0.36

Estimate of existing population: 3 (one residential unit)

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), electricity (EWEB)

Reason for Annexation

The annexation was requested in order to prepare the property for additional low-density residential development. The Eugene-Springfield Metropolitan Area General 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 and incorporated the staff notes and related materials into the public record in accordance with boundary commission law. She said the annexation had been initiated by the property owner for one tax lot located in the Santa Clara region of north Eugene. She said the annexation was not contiguous to the main body of the City of Eugene. She said the property was planned for low-density residential development and annexation was required to allow for additional residential development to occur. After receipt of the annexation application from the property owner the boundary commission also received a written request from the City of Eugene requesting that a segment of Crocker Road be included in the annexation area; maps included in the staff report illustrated the proposed annexation and modification. She said that approval of the annexation with road right-of-way included would not result in creation of any islands of unincorporated property.

Ms. Taylor indicated that the Santa Clara Rural Fire Protection District (RFPD) and Santa Clara Water District objected to the annexation and their letters were attached to the staff report, along with staff responses to those concerns. She said an analysis of the annexation was completed on the basis of the boundary commission's standards. Staff found that the annexation, either as originally submitted or as modified, was consistent with those standards and recommended approval of the annexation. She said the findings and reasons in the staff report were based on approval of the request as modified to include Crocker Road right-of-way; if the boundary commission chose to not modify or to deny the request the findings and reasons would need to be adjusted.

Ms. Mulder opened the public hearing.

Proponent's Opening Statement

Tim O'Dell, representing the applicant, said he supported the boundary commission staff's recommendation for annexation. He said the applicant wished to see the property annexed and planned to partition it to provide another buildable lot.

Public Officials in Support

Ann Siegenthaler, City of Eugene Planning Division, stated that the City of Eugene supported the application as it complied with Metro Plan policies related to annexations and the Eugene code requirements. She said the city was requesting modification of the annexation request to include a short portion of Crocker Road in front of the applicant's parcel and extending southward to include the frontage along two previously annexed parcels. She said that would provide what the city felt was a logical and appropriate segment of right-of-way that would connect three annexed parcels.

Ms. Siegenthaler asked that the boundary commission support the inclusion of the right-of-way segment, but if unable to do so, the city did support annexation of the parcel as originally proposed.

Others in Support– None

Public Officials in Opposition– None

Others in Opposition

John Dotson, 2447 Canterbury Street, Eugene, stated that this request was different from the previous request he discussed. He said his objection was to the inclusion of the street right-of-way in

the annexation, not annexation of the property itself. He said that every time a street was included, that was one step closer to the annexation process. He objected to annexation of the street segment in the application and saw no reason for it to be included as two other parcels along the street had been annexed without including the right-of-way. He noted on the map that Crocker Road connected with Irvington Road, which had already been annexed. He said that illustrated the full scale of the island that could occur as he felt the goal was to eventually annex the entire street.

Those Neither in Support nor Opposition – None

Rebuttal by Proponents

Mr. O'Dell indicated that the applicant was neutral on the question of including a segment of Crocker Road in the annexation.

Ms. Siegenthaler clarified that inclusion of that segment of Crocker Road would not create any islands of unincorporated territory.

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

Boundary Commission Deliberation and Decision

- * Moved/seconded (Seidel/Buchanan) to modify the annexation request to include a segment of Crocker Road right-of-way. The motion passed unanimously, 5:0 (commissioners Mulder, Seidel, Heeter, Larson, and Buchanan voting yes).
- * Moved/seconded (Seidel/Larson) to approve BC File C EU 07 – 20 annexing territory to the City of Eugene, as modified, incorporating the findings and reasons in the June 7, 2007, staff notes. The motion passed unanimously, 5:0 (commissioners Mulder, Seidel, Heeter, Larson, and Buchanan voting yes).

Annexation of Territory to the City of Eugene (Atkins/Henry)

G. BC File C EU 07 – 24
Initiated by property owner petition
Action under ORS 199.490(1)(c) of the boundary commission law
Received May 8, 2007
Action to be taken by August 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, north of Wilkes Drive, west of Poplar Street, and east of Banner Street

Property owners: Dale Atkins and Jill Henry (440 Wilkes Dr, Eugene)

Tax lot 900, T17S R04W S01 Map 33

Acres: ± 0.49

Estimate of existing population: 2 (one residential unit)

Existing land use: Residential

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

Applicable comprehensive plan: Eugene-Springfield Metropolitan Area General Plan (acknowledged in 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), electricity (EWEB)

Reason for Annexation

The annexation was requested in order to prepare the property for additional low-density residential development. The Eugene-Springfield Metropolitan Area General 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 that had been initiated by the property owners, for one tax lot. She incorporated the staff notes and related materials into the public record in accordance with boundary commission law. The property was designated for low-density residential development and annexation was requested to prepare for additional residential development in the future. She said the lot in the annexation request was not contiguous to the main body of the city and located in an area where other properties had been annexed. She said following receipt of the annexation request, the boundary commission received a request from the City of Eugene to modify the application to include a segment of Wilkes Drive; maps in the staff report reflected that the segment was located between Banner Street and Kendra Street and went from intersection to intersection. She said if modified, the single lot annexation would be connected to other properties that had been previously annexed. She said that no unincorporated islands would be created by inclusion of the right-of-way as requested.

Ms. Taylor said that adjacent property owners were notified of the proposal for right-of-way annexation. She said that letters of objection to the annexation were received from the Santa Clara Water District and Santa Clara Rural Fire Protection District (RFPD); those letters and staff responses to concerns were attached to the staff report. She said that boundary commission's standards for annexation were addressed with the application, both as submitted and as modified. Staff concluded that the annexation either as submitted or modified was consistent with standards and the Metro Plan and recommended that the boundary commission modify the proposal to include Wilkes Drive right-of-way and approve the modified annexation. She said if the boundary commission chose not to include road right-of-way or to deny the application, the findings and reasons in support would need to be adjusted to reflect that action.

Ms. Mulder opened the public hearing.

Proponent's Opening Statement

Ron Funke, Custom Planning LLC, representing the applicants, stated that the applicants were well prepared to accomplish the intended development. He indicated that the applicants had no position with respect to inclusion of street right-of-way in the annexation and hoped that the annexation of their property would be approved.

Public Officials in Support

Ann Siegenthaler, City of Eugene Planning Division, stated that the City of Eugene concurred with the boundary commission staff's notes and findings in support of the annexation proposal for the property. She said the city had requested modification to include a segment of Wilkes Drive and was asking for a logical and appropriate segment that extended in a manner that would connect right-of-way segments from block to block, rather than ending in the middle of a parcel. She said the segment from Banner Street, in front of the subject parcel, eastward to Kendra Street was about a 500-foot section; Wilkes Drive was classified as a major collector, which met one of the other priority factors related to annexation of right-of-way. She noted that the segment of Wilkes Drive would also connect several previously annexed properties to the subject parcel.

Ms. Siegenthaler asked that the boundary commission support the inclusion of the right-of-way segment, but if unable to do so, the city did support annexation of the parcel as originally proposed.

Others in Support– None

Public Officials in Opposition– None

Others in Opposition

John Dotson, 2447 Canterbury Street, Eugene, commented on the City of Eugene's policy to annex collector streets, which was used to justify these requests. He said that annexation of collector streets, when viewed on a map, would inevitably result in the creation of islands.

Those Neither in Support nor Opposition – None

Rebuttal by Proponents – None

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

Boundary Commission Deliberation and Decision

Mr. Heeter expressed doubt about supporting the city's request to include Wilkes Drive right-of-way as he did not see the need for it. He said in previous cases streets had been annexed up to and abutting the subject property, but in this case the right-of-way on either side of the segment was not annexed and it would create a "street island." He would take a more conservative approach and not support the right-of-way annexation request.

- * Moved/seconded (Heeter/Larson) to approve the annexation request as originally submitted, without the modification that included street right-of-way.

Ms. Larson said she would support the motion, but Wilkes Drive was an important street that would need to be improved and Lane County would not be doing that; the property owners of the City of Eugene would be doing that. She felt at this point it would be better to have a plan for accomplishing that as Wilkes Drive was one of the few through streets in that part of the city. She thought it would be more straightforward to request annexation of its full length, instead of taking a piecemeal approach.

Ms. Mulder stated she would oppose the motion because despite the fact it was a relatively short segment, there were reasons related to utilities under the street and emergency responses to traffic accidents. She said the county had no ability to respond. She was in favor of having streets annexed and while she agreed with the council's direction to avoid creating islands, it seemed in this case annexing the street was appropriate.

Ms. Seidel said she would also vote against the motion as she wanted to include the street. She noted that if two of the five commissioners were not in support of the motion it lacked the necessary four votes to pass a final order.

* Mr. Heeter withdrew his motion. Ms. Larson withdrew her second.

Ms. Buchanan asked if the city had standards for determining what was logical and appropriate for street annexation requests that the boundary commission could review in order to better understand the city's rationale for those requests. Ms. Taylor said she would work with city staff to provide those materials.

Ms. Siegenthaler described the city's practices for evaluating right-of-way inclusion. She said there was no standard policy as each annexation situation was different. She reiterated the council's direction to avoid creating islands of unincorporated property and said that staff used that policy and the Metro Plan for guidance in determining right-of-way annexation. She said that factors in deciding the extent of right-of-way to be requested included functional classification of the street, what areas in the vicinity had already been annexed, and opportunities to connect previously annexed areas without creating islands. She said that permitting requirements, street development standards, and coordination during the development stage were also considerations. She said in some instances the county recommended annexing a larger portion of a street than just in front of the subject parcel because of signalization or the access management plan for the area.

Ms. Larson said it would be helpful to forget that it was a street and remember that it was a right-of-way for many things. She thought it would be useful for the commission to understand what utilities might be involved or what plans existed for bike paths or other improvements to encourage support of the city's right-of-way annexation requests.

Mr. Heeter agreed it would be helpful for the city to provide as detailed information as possible about the rationale for each right-of-way annexation request.

Mr. Heeter asked if it was true there were intergovernmental agreements in place that did not restrict access to utilities and emergency services. Ms. Siegenthaler said there was some information that the situation could make it more difficult or confusing for emergency vehicles. She said there was a mutual aid agreement with respect to fire response.

* Moved/seconded (Seidel/Buchanan) to modify the annexation request to include a segment of Wilkes Drive right-of-way. The motion passed, 4:1 (commissioners Mulder, Seidel, Larson, and Buchanan voting yes; commissioner Heeter voting no).

* Moved/seconded (Seidel/Larson) to approve BC File C EU 07 – 24 annexing territory to the City of Eugene, as modified, incorporating the findings and reasons in the June 7, 2007 staff notes. The motion passed, 4:1 (commissioners Mulder, Seidel, Larson, and Buchanan voting yes; Heeter voting no).

VI. OTHER BUSINESS

A. 2007 Legislative Session

Ms. Taylor reported that SB 417 was now enrolled, which meant it had been signed and would become effective January 2, 2008. She said the operative date of the bill was July 1, 2008, and at that time the boundary commission would be abolished. She said the boundary commission would continue to receive and process applications prior to January 2, 2008, and would remain in existence to process those applications received until June 30, 2008. After January 2, 2008, new applications for boundary changes would be filed with the applicable city and boundary changes for special districts would be filed with Lane County.

Continuing, Ms. Taylor stated that the legislation also abolished the boundary commission fund at the end of the FY 2007-08 and transferred any unexpended revenues to Lane County and gave the applicable cities and Lane County the authority to finish any processing on any pending applications initiated under boundary commission law. She said all boundary commission records would be sent to the state archivist after the operative date of the bill and any disputes regarding disposition of records would be resolved by the governor.

Ms. Taylor said the boundary commission had adopted a budget for next year and assessment letters had been sent. She said with consensus from the advisory committee, the boundary commission did not adopt the budget and fees as administrative rules as it had in the past to provide more flexibility during the next several months if changes were needed. She said there was a suggestion that the boundary commission meet more frequently to stay better informed on the budget process and revenues.

Mr. Heeter left the meeting at 8:40 p.m.

Ms. Taylor proposed providing budget information to the boundary commission as she had been for the past several months, and during the months when there was no meeting she would forward the budget reports to members for review. She said that other jurisdictions were beginning to discuss what changes needed to occur in order for them to begin processing boundary change applications in January 2008. She said that the Lane Council of Governments (LCOG) could provide some technical assistance.

Ms. Larson cautioned that other jurisdictions should not assume that Ms. Taylor would be available to assist them as it was her first responsibility to assist the boundary commission in completing its tasks within the allotted time. Ms. Taylor replied that it would be helpful for the boundary commission to provide some direction on the extent to which she should be available to assist other jurisdictions in preparing for their new responsibilities.

Ms. Larson observed that there was also a question of equity as different jurisdictions would have different levels of need and those levels might not be consistent with the levels of assessment. She said that jurisdictions' assessment paid for boundary commission services and they had a right to expect action on proposals filed with the commission.

Ms. Mulder said it was only fair to those jurisdictions paying fees to have those revenues spent on boundary commission work, rather than providing technical assistance to various local government entities.

Ms. Buchanan asserted that Ms. Taylor's first priority should be as staff to the boundary commission and she should monitor her time appropriately. She said if boundary commission duties took all of Ms. Taylor's time she should not sacrifice the commission's needs to assist other jurisdictions.

Ms. Larson said that if technical assistance services were required of Ms. Taylor, they should be paid for from another funding source.

Ms. Buchanan suggested establishing a separate fee schedule for consultant services provided by Ms. Taylor, if there was time for her to provide those services. Ms. Taylor agreed that LCOG had the capacity to establish that type of structure.

Ms. Taylor commented that she preferred to retain the boundary commission files in Lane County instead of sending them to the state archives. She said there seemed to be considerable interest storing the files locally so they could be available to access for reference purposes. She said the files represented a valuable resource for local jurisdictions and she would discuss options with the state archivist.

Ms. Buchanan asked to see data on the number of requests and type of process as part of the monthly reports. Ms. Taylor agreed that would be helpful to illustrate to jurisdictions the volume of work associated with the boundary commission. She said she would be preparing a report detailing the changes as a result of SB 417 to help inform jurisdictions about what they could expect in the future as responsibilities for boundary changes shifted.

Ms. Taylor thanked the boundary commission for its feedback.

Ms. Mulder adjourned the meeting at 9:00 p.m.

Eleanor Mulder, Vice Chair
Lane County Local Government Boundary Commission

(Recorded by Lynn Taylor)

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