

MINUTES

LANE COUNTY LOCAL GOVERNMENT BOUNDARY COMMISSION

Eugene City Hall
Council Chamber (777 Pearl Street)

June 2, 2005
7:00 p.m.

PRESENT: Clay Myers, chair; Eleanor Mulder, vice chair; Van Heeter, secretary; Karen Seidel; Jim Spickerman

ABSENT: Christine Larson; Ernie Olson

I. CALL TO ORDER – ROLL CALL

Clay Myers, chair, called the meeting to order at 7:02 p.m. Commissioners introduced themselves. Paula Taylor, boundary commission staff, called the roll.

II. APPROVAL OF EXPENSES – MARCH/APRIL 2005

* Moved and seconded (Seidel/Spickerman) to approve the boundary commission expenses for March 2005 (\$10,467.94) and April 2005 (\$11,070.50). The motion passed unanimously, 5:0 (commissioners Myers, Mulder, Seidel, Heeter, and Spickerman voting yes).

III. APPROVAL OF MINUTES – APRIL 7, 2005

* Moved and seconded (Heeter/Seidel) to approve the minutes of April 7, 2005. The motion passed unanimously, 5:0 (commissioners Myers, Mulder, Seidel, Heeter, and Spickerman voting yes).

IV. NEW BUSINESS: PUBLIC HEARING

Annexation of Territory to the City of Florence (Cocciolo Family Trust)

- A. BC File C FL 05 – 18
Initiated by Resolution No. 24, Series 2003 by the City of Florence with consents from property owner and electors
Action under ORS 199.490(2)(a)(B) of the boundary commission law
Received April 25, 2005
Action to be taken by July 25, 2005

Description

Located in north Florence, east of Highway 101, east of Heceta Beach Road, south of Taylor Road, north of Munsel Lake Road

Property owner: Cocciolo Family Trust (05456 Canary Road, Florence)

Tax lot: 2400, T18S R12W S11

Acres: ± 41.51

Estimate of existing population: 0

Existing land use: Vacant

Existing zoning in Lane County: M-2, light industrial

Applicable comprehensive plan: Comprehensive Plan for the City of Florence
(acknowledged by LCDC in 1983 and has been subsequently amended)

Existing public services to the property: Police (Oregon State Police, Lane County Sheriff), schools (Siuslaw School District 97J), roads (City of Florence), fire (Siuslaw Rural Fire Protection District #1), library (Siuslaw Public Library District), ambulance (Western Lane Ambulance District), port (Port of Siuslaw), electricity (Central Lincoln People's Utility District)

Reason for Annexation

The property owner is requesting annexation to in preparation for residential development within the annexation area. Annexation to the City of Florence is required prior to the provision of urban services.

Notice

As required by ORS 199.463(1), notice of a public hearing must be published in a newspaper of general circulation not more than 25 days nor less than 15 days before the hearing. *In this case, notice of the public hearing was advertised in The Siuslaw News on May 11, 2005.* A second notice may be published in a newspaper of general circulation OR notice of the hearing may be mailed to each owner of land in the affected territory not more than 15 days before the hearing. "Affected territory" as defined by ORS 199.415(3) means the territory described in the petition. The "petition" includes a resolution, order, and any other form of initiatory action for a boundary change [ORS 199.415(14)]. The petition or resolution, as required by ORS 199.490(4) also includes a legal description, which must meet the requirements of ORS 308.225 [OAR 191-006-0000(3)]. *In this case, notice of the hearing was sent to the affected property owner (Cocciola Family Trust, owner of the property proposed for annexation) on May 23, 2005.* The final notice required by the boundary commission law is the posting of a notice of the public hearing in the affected city, district, or territory at least 15 days before the hearing. *In this case, notice of the public hearing was posted in the area of the annexation and at the Florence city hall on May 12, 2005, and at the Lane County courthouse on May 18, 2005.*

Mr. Myers called for *ex parte* contacts and conflicts of interest.

Mr. Heeter stated that he had known the applicants for many years, and had had periodic business dealings with the applicant. He affirmed he did not have a conflict of interest and his intent to vote.

Mr. Myers noted there was no one present who wished to question Mr. Heeter's impartiality.

Ms. Taylor reviewed the notice of the hearing. No objection was voiced to the hearing notice.

Ms. Taylor reported that the annexation was initiated by Resolution No. 24, Series 2003 by the City of Florence with consents from property owners. The Florence planning commission recommended approval of the annexation to the city council on June 12, 2001, and clarified the zoning on July 10, 2001.

Ms. Taylor incorporated the staff notes into the public record in accordance with boundary commission rules.

Ms. Taylor said if the boundary commission approved the annexation it would become effective upon passage of the final order. At the time the staff report was prepared, no registered voters lived on the property.

Ms. Taylor noted referrals were sent and a response was received from the Heceta Water District on June 1, 2005, objecting to the annexation. The letter was entered into the record.

Ms. Taylor noted that the staff report addressed the boundary commission standards and she concluded the application met the standards. She stated if the boundary commission approved the annexation, the property would be withdrawn from the Heceta Water District and the Siuslaw Rural Fire Protection District (RFPD) #1, in accordance with applicable statutes. She recommended approval of the annexation.

Ms. Taylor confirmed Mr. Heeter's question that the property directly to the south of the subject property was a ring annexation.

Mr. Myers opened the public hearing.

Proponent's Opening Statement

Linda Sarnoff, Community Services Director for the City of Florence, represented the City of Florence. Ms. Sarnoff said the city recently upgraded its facilities by drilling new wells, installed a biologically friendly air removal process in the new water treatment plant, and expanded the wastewater treatment plant in order to have adequate capacity to serve all of the properties in the urban growth boundary (UGB).

Ms. Sarnoff said the City of Florence recently began communications with the Heceta Water District on how to move the property between the city and the district. She added that the first communication was scheduled for June 17, 2005. She expressed the hope that this would be a long and productive relationship.

Ms. Sarnoff stated that the City of Florence had the capability to serve the property, the property was within the city's UGB, and represented the logical progression that had been anticipated at the time the comprehensive plan for the City of Florence was adopted.

Ms. Sarnoff concluded by saying that the City of Florence supported the boundary commission staff recommendation.

Ms. Mulder asked why a ring annexation was included in the site.

Ms. Taylor said the ring annexation was located south of the annexation area, while the annexation proposal before the boundary commission was to annex the entire tax lot. Under the old taxing structure, the City of Florence had developed the ring annexation strategy to allow development to occur outside the city by entering into intergovernmental agreements and contracts with property owners. After the properties developed, the city used the island provisions to annex the island area increasing the tax base by a greater assessed valuation. Ms. Taylor said that strategy was no longer used. She added that the ring created an island and that the city would eventually annex the island. She noted that this was the final ring annexation for the City of Florence.

Public Officials in Support – None

Others in Support – None

Public Officials in Opposition – None

Others in Opposition – None

Those Neither in Support nor Opposition – None

Mr. Myers closed the public hearing.

Boundary Commission Discussion and Decision

- * Moved and seconded (Seidel/Heeter) to approve the annexation of territory to the City of Florence (BC File C FL 05 – 18) based on the findings and reasons included in the June 2, 2005, staff report. The motion passed unanimously, 5:0 (commissioners Myers, Mulder, Seidel, Heeter, and Spickerman voting yes).

Annexation of Territory to the City of Springfield (Meyers/Rogers)

- B. BC File C SP 05 – 16
Initiated by Resolution 05-19 by the City of Springfield with consents from property owners/electors
Action under ORS 199.490(1)(a) of the boundary commission law
Received April 20, 2005
Action to be taken by July 18, 2005

Description

Located in southwest Springfield, north of Kellogg Road east of Anderson Street, west of Oak Meadows Place and Aspen Street

Property owners: Stewart Meyers (33461 Bloomberg Road, Eugene) and Tamra Rogers (496 South 69th Place, Springfield)

Tax lot: 916, T17S R03W S24 Map 22

Acres: ± 0.52

Estimate of existing population: 0 (one residential unit)

Existing land use: Residential, vacant

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

Notice

As required by ORS 199.463(1), notice of a public hearing must be published in a newspaper of general circulation not more than 25 days nor less than 15 days before the hearing. *In this case, notice of the public hearing was advertised in the Springfield News on May 13, 2005.* A second notice may be published in a newspaper of general

circulation or notice of the hearing may be mailed to each owner of land in the affected territory not more than 15 days before the hearing. "Affected territory" as defined by ORS 199.415(3) means the territory described in the petition. The "petition" includes a resolution, order, or any other form of initiatory action for a boundary change [ORS 199.415(14)]. The petition or resolution, as required by ORS 199.490(4) also includes a legal description, which must meet the requirements of ORS 308.225 [OAR 191-006-0000(3)]. *In this case, notice of the hearing was sent to the affected property owners (Stewart Meyers and Tamra Rogers, owners of the property proposed for annexation) on May 25, 2005.* The final notice required by the boundary commission law is the posting of a notice of the public hearing in the affected city, district, or territory at least 15 days before the hearing. *In this case, notice of the public hearing was posted in the area of the annexation, at the Springfield city hall, and at the Lane County courthouse on May 18, 2005.*

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

Ms. Taylor reviewed the notice of the hearing. No objection was voiced to the notice of the hearing.

Ms. Taylor provided the staff report. She said the annexation was initiated by council resolution by the City of Springfield with consent from the property owners.

Ms. Taylor incorporated the staff notes into the public record in accordance with boundary commission rules.

Ms. Taylor said the boundary commission must act on the proposal by July 18, 2005. She added that the annexation was contiguous to the City of Springfield city limits and the property owners had consented in writing to annexation. Ms. Taylor said that the owners proposed to partition the property if the annexation was approved by the boundary commission. The annexation was located within the urban growth boundary (UGB) of the Eugene-Springfield Metropolitan Area General Plan (Metro Plan).

Ms. Taylor reported that no referral responses had been received.

Ms. Taylor reported that the staff report addressed each of the boundary commission standards, and staff found the annexation consistent with the standards. She said that the services required to be provided by the Metro Plan can be provided and the city had indicated how each service would be provided.

Ms. Taylor said if the annexation was approved, it would be zoned consistent with the plan designation.

Ms. Taylor recommended approval of the annexation. Findings and reasons in support of the recommendation were included in the staff report.

Mr. Myers opened the public hearing.

Proponent's Opening Statement

Stewart Meyers, 33461 Bloomberg Road, Eugene, owner of the subject property, requested that the site be annexed so that it could be prepared for additional development.

Public Officials in Support

Kitti Gale, Springfield planner, said the Springfield city council had approved a resolution initiating the annexation supporting the proposed annexation and the city supported the recommendation for approval.

Others in Support – None

Public Officials in Opposition – None

Others in Opposition – None

Those Neither in Support nor Opposition – None

Rebuttal by the Proponents – None

Mr. Myers closed the public hearing.

Boundary Commission Discussion and Decision

- * Moved and seconded (Seidel/Mulder) to approve the annexation of territory to the City of Springfield (BC File C SP 05 – 16) based on the findings and reasons included in the June 2, 2005, staff report. The motion passed unanimously, 5:0 (commissioners Myers, Mulder, Seidel, Heeter, and Spickerman voting yes).

Annexation of Territory to the City of Eugene (G & R Building Concepts, Inc.)

- C. BC File C EU 05 – 17
Initiated by property owner petition
Action under ORS 199.464(1)(c) of the boundary commission law
Received April 22, 2005
Action to be taken by July 21, 2005

Description

Located in Santa Clara region of north Eugene, north of Beltline Road, west of River Road, south of Irvington Drive, west of the Northwest Expressway

Property owner: G & R Building Concepts, Inc. (1135 Cal Young Road, Eugene)

Tax lot: 3700, T17S R04W S03 Map 33

Acres: ± 0.50

Estimate of existing population: 0 (one residential unit)

Existing land use: Residential

Existing zoning in Lane County: AG/UL/CAS, agricultural with urbanizable lands and commercial airport safety 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 (Bethel School District 52), roads (Lane County), water (Santa Clara Water District), fire (Lane Rural Fire/Rescue), wastewater (City of Eugene)

Reason for Annexation

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

Notice

As required by ORS 199.463(1), notice of a public hearing must be published in a newspaper of general circulation not more than 25 days nor less than 15 days before the hearing. *In this case, notice of the public hearing was advertised in The Register-Guard on May 12, 2005.* A second notice may be published in a newspaper of general circulation or notice of the hearing may be mailed to each owner of land in the affected territory not more than 15 days before the hearing. "Affected territory" as defined by ORS 199.415(3) means the territory described in the petition. The "petition" includes a resolution, order, or any other form of initiatory action for a boundary change [ORS 199.415(14)]. The petition or resolution, as required by ORS 199.490(4) also includes a legal description, which must meet the requirements of ORS 308.225 [OAR 191-006-0000(3)]. *In this case, notice of the hearing was sent to the affected property owner (G & R Building Concepts, Inc., owner of the property proposed for annexation and initiator of this annexation request) on May 23, 2005.* The final notice required by the boundary commission law is the posting of a notice of the public hearing in the affected city, district, or territory at least 15 days before the hearing. *In this case, notice of the public hearing was posted in the area of the annexation, at the Eugene city hall, and at the Lane County courthouse on May 18, 2005.*

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

Ms. Taylor reviewed the notice of the hearing.

Mr. Myers determined there was no objection to the adequacy of the notice.

Ms. Taylor reported that the annexation was initiated by property owner petition. She said the subject property was not contiguous to the main body of the City of Eugene. However, there were other noncontiguous pieces of the city in this region of north Eugene and the annexation was within the urban growth boundary (UGB) of the comprehensive plan.

Ms. Taylor reported that no referral responses had been received.

Ms. Taylor reported that if the annexation was approved by the commission the proposal area would be automatically withdrawn from the Lane Rural Fire/Rescue fire district and the city would provide fire protection and emergency medical services to the proposed annexation area in accordance with the applicable provisions in Oregon law.

Furthermore, upon annexation, Ms. Taylor stated that the area would be annexed automatically into the Lane County Metropolitan Wastewater Service District, in accordance with the application provisions in Oregon law.

Ms. Taylor incorporated the staff report into the public record in accordance with boundary commission rules.

Ms. Taylor said that the annexation, if approved, would not be effective until mid-July, because the annexation petition was initiated by the property owner.

Ms. Taylor reported that the staff report addressed each of the boundary commission standards and staff found the annexation to be consistent with the standards. She said that the services required to be provided by the Eugene-Springfield Metropolitan Area General Plan (Metro Plan) can be provided and the city had indicated how each of those services would be provided.

Ms. Taylor recommended approval of the annexation. Findings and reasons in support of the recommendation were included in the staff report.

Ms. Seidel said she was surprised that the subject property was within the Santa Clara Water District and Lane Rural Fire/Rescue, noting that she had assumed that those districts had coterminous boundaries. She also expressed surprise that the Santa Clara Water District did not object to the annexation proposal.

Ms. Taylor confirmed that those districts did not have coterminous boundaries and offered to bring a map to a future meeting that illustrated the boundaries of the various special district service providers in the River Road and Santa Clara areas.

In response to a question from Ms. Seidel, Ms. Taylor corrected page IV-C-8, second paragraph, second sentence, to read: "Lane County public works staff indicates that Irvington Drive is a Lane County road functionally classified as an urban minor arterial road within the Eugene urban growth boundary."

Ms. Mulder requested that staff provide a map that illustrated the dividing line between the Bethel School District 52 and the Eugene School District 4J.

Mr. Myers opened the public hearing.

Proponent's Opening Statement

Kurt Yeiter, Eugene Planning and Development Department, Principal Planner, 99 West 10th Avenue, stated that the City of Eugene supported the application. He said the application was consistent with all applicable city policies and recommended approval.

Mr. Yeiter stated that the city was not requesting that any accompanying street right-of-way be included in this annexation application. He added that it was the city's policy to look for logical and appropriate street segments to include in annexations. As properties develop after annexation to city occurs, the development standards for the streets can be coordinated with new development to facilitate issuing permits for the various development components.

Mr. Yeiter said the current city policy consistent with the Metro Plan sought to have voluntary annexations and with property owner support include street rights-of-way were determined to be appropriate and logical.

Public Officials in Support – None

Others in Support – None

Public Officials in Opposition – None

Others in Opposition – None

Those Neither in Support nor Opposition – None

Rebuttal by the Proponents – None

Mr. Myers closed the public hearing.

Boundary Commission Discussion and Decision

- * Moved and seconded (Heeter/Spickerman) to approve the annexation of territory to the City of Eugene (BC File C EU 05 – 17) based on the findings and reasons included in the June 2, 2005, staff report. The motion passed unanimously, 5:0 (commissioners Myers, Mulder, Seidel, Heeter, and Spickerman voting yes).

Annexation of Territory to the City of Eugene (Shapitka/Keim/Ava St/Myoak Dr)

- D. BC File C EU 05 – 19
Initiated by property owner petition
Action under ORS 199.464(1)(c) of the boundary commission law
Received May 3, 2005
Action to be taken by August 1, 2005

Description

Located in Santa Clara region of north Eugene, north of Beltline Road, west of River Road, north of Myoak Road, east of Ava Street

Property owners: Joseph Shapitka (424 Terra Linda Avenue, Eugene) and Marvin Keim (845 Elm Drive, Eugene)

Tax lot: 3700, T17S R04W S11Map 13

Acres: ± 2.52 (± 1.92 acres in TL 5300; ± 0.60 acres in rd r/w)

Estimate of existing population: 4 (one residential unit)

Existing land use: Residential, vacant

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

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

Existing public services to the property: Police (Oregon State Police, Lane County Sheriff), schools (Bethel School District 52), roads (Lane County), water (Santa Clara Water District), fire (Lane Rural Fire/Rescue), wastewater (City of Eugene)

Reason for Annexation

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

Notice

As required by ORS 199.463(1), notice of a public hearing must be published in a newspaper of general circulation not more than 25 days nor less than 15 days before the hearing. *In this case, notice of the public hearing was advertised in The Register-Guard on May 12, 2005.* A second notice may be published in a newspaper of general circulation or notice of the hearing may be mailed to each owner of land in the affected territory not more than 15 days before the hearing. “Affected territory” as defined by ORS 199.415(3) means the territory described in the petition. The “petition” includes a resolution, order, or any other form of initiatory action for a boundary change [ORS 199.415(14)]. The petition or resolution, as required by ORS 199.490(4) also includes a

legal description, which must meet the requirements of ORS 308.225 [OAR 191-006-0000(3)]. *In this case, notice of the hearing was sent to the affected property owner (Joseph Shapitka and Marvin Keim, owners of the property proposed for annexation and initiators of this annexation request) on May 23, 2005.* The final notice required by the boundary commission law is the posting of a notice of the public hearing in the affected city, district, or territory at least 15 days before the hearing. *In this case, notice of the public hearing was posted in the area of the annexation, at the Eugene city hall, and at the Lane County courthouse on May 18, 2005.*

Mr. Myers called for *ex parte* contacts or conflicts of interest.

Mr. Spickerman stated that he had a potential conflict of interest and would, therefore, participate neither in the discussion nor vote on the application.

Ms. Taylor reviewed the notice of the hearing.

Mark Taubenkrau, 99 West Myoak Drive, Eugene, objected to the adequacy of the notice. In response to Mr. Myers, Mr. Taubenkrau stated that he did not have adequate time to prepare for the public hearing and asked the commission to table consideration of the application until the next boundary commission meeting.

Ms. Taylor said that the statutorily required second notice was sent only to the affected property owners of the area being annexed, adding that the only properties being annexed were owned by Joseph Shapitka and Marvin Keim. She added that the staff report had been mailed to the two owners in the potential islanded area. The commission has directed staff to send the staff report to owners of properties potentially islanded by an annexation proposal before the commission, however, this was not a statutory requirement related to notice.

The boundary commission proceeded with its consideration of this annexation request.

Ms. Taylor reported that the annexation was initiated by property owner petition. She stated that the boundary commission must take action on the proposal by August 1, 2005. If the commission did not take action, the proposal would be approved as submitted.

Ms. Taylor said the subject property was not contiguous to the main body of the City of Eugene. However, there were other noncontiguous portions of the city in this region of north Eugene and the annexation was within the urban growth boundary (UGB) of the comprehensive plan.

Ms. Taylor incorporated the staff report into the public record in accordance with boundary commission rules.

Ms. Taylor noted referral responses received from the Santa Clara Water District and Santa Clara Rural Protection Fire District (RFPD) objecting to the annexation. Those objections were noted and responded to in the staff report. The issues raised by the two districts were similar to those raised in past annexations. The staff response was that the annexation met the criteria in the Eugene-Springfield Metropolitan Area General Plan (Metro Plan) and annexation was appropriate.

Ms. Taylor said the staff report addressed the boundary commission standards and she concluded that application met the standards. She recommended approval of the annexation.

Ms. Taylor distributed copies of a letter received from Marie Gray, 353 Knoop Street, Eugene. Ms. Taylor summarized the contents of the letter and entered it into the record. Ms. Taylor explained Ms. Gray's comment about the "Bend plan", noting that the "Bend plan" was allowed under Oregon law and was commonly referred to as an annexation plan. Ms. Taylor explained the various provisions of the applicable law. Ms. Taylor stated that she would follow up on Ms. Gray's request for a written response.

Mr. Myers opened the public hearing.

Proponent's Opening Statement

Kurt Yeiter, Eugene Planning and Development Department, Principal Planner, 99 West 10th Avenue, stated that the City of Eugene supported the application.

Mr. Yeiter said there were two components of the annexation area—the petition from the private property owners to develop the property and the request by the City of Eugene that the streets be added to that annexation. He said it was never the city's intent when including streets with the consent of the initiator of the annexation to unduly delay development plans of private property.

Mr. Yeiter said historically annexation in the Santa Clara and River Road areas had been piecemeal. He noted that previous efforts to annex the entire area, as well as incorporate the area as a separate city, had failed. He stated that the current city practice was to include street segments when logical and appropriate and to annex the full street width right-of-way. He said there were no plans to include adjacent privately owned properties, but rather to have streets that provide access to developments be within the city limits.

Mr. Yeiter said the city's policy, based upon the Metro Plan, was to pursue where possible voluntary annexations. He iterated the city had not pursued island annexations, with one recent exception related to industrial properties on River Avenue, where street improvements were planned. He said that Lane County did not authorize the city to assess adjacent properties and the city council declined to authorize a nonvoluntary annexation.

Mr. Yeiter said the application was consistent with all applicable city policies and recommended approval.

Joseph Shapitka, 424 Terra Linda Avenue, Eugene, owner of the property in question, agreed with Ms. Taylor that the proposed annexation met the commission's criteria and he requested approval of the application.

Public Officials in Support – None

Others in Support – None

Public Officials in Opposition – None

Others in Opposition

Mark Taubenkrau, 99 West Myoak Drive, Eugene, requested that the commission deny the annexation request. Mr. Taubenkrau read a letter to the commission into the record and submitted a written copy of the letter as well as a copy of a letter to Lane County Commissioner Bobby Green from Ms. Taylor.

Mr. Taubenkrau challenged Mr. Yeiter's statement that Ava Street and West Myoak Drive would need no improvement. He stated that Ava Street was a single lane, pot hole filled, dirt road that would require improvements to access the planned eleven houses. He added that West Myoak Drive was barely a one lane, unimproved paved road. He asserted that the proposed annexation would eventually result in assessments to the adjacent property owners.

Connie Browning, 90 West Myoak Drive, Eugene, spoke in opposition to the proposed annexation. She stated that she agreed with Mr. Taubenkrau and was concerned about use of unmaintained roads with limited or no access and dead ends. She agreed with the traffic problems and noise. She asserted that the City of Eugene was pushing to chop up the Santa Clara area through annexation. She said she had no objection to private property owners wishing to develop their property, but it should not be to the detriment of the surrounding community, neighbors, and property owners.

Patricia Levin, 137 West Myoak Drive, Eugene, said that Lane County has declined to maintain Myoak Drive and she has maintained it herself. She stated that the City of Eugene was building a fire station in the area and the Santa Clara fire department would eventually be weeded out. She questioned how emergency vehicles would access and exit the area on narrow, unimproved roads.

Gary Miller, 79 West Myoak Drive, Eugene, stated that he was the owner of one of the islands that would be created. He asserted he was not opposed Mr. Shapitka developing his property. He stated before the property annexation was approved, there should be an agreement for either the City of Eugene or Mr. Shapitka to pay for all road improvements, rather than the other property owners. He said he did not want to pay for the City of Eugene annexation.

Scott Lawrence, 40 West Myoak Drive, Eugene, stated that he and his wife wished the proposed development south of Ava Street would not occur. He expressed concerns about increased traffic on Myoak Drive, as well as access and egress to River Road. He added that he had not problem with Mr. Shapitka developing his property, but it was not fair to expect other property owners to pay for the upgrades to the streets.

Andrea Linerud, 99 West Myoak Drive, Eugene, submitted a petition signed by 35 neighbors to Ms. Taylor. She said that a telephone pole was located in the middle of Ava Street that made it difficult for emergency vehicles to pass. She added that the increased traffic in the neighborhood would change the character of the neighborhood.

Larry Blank, 60 West Myoak Drive, Eugene, asked the commission to deny the annexation request until Lane County would allow access to River Road from the property in question. He said the increase in traffic would create access and egress hazards.

Dave VanSickle, 2057 Grove Street, Eugene, spoke in opposition to the annexation request. He said ongoing annexations in the area resulted in creation of islands and people losing their right to vote.

Robert Browning, 90 West Myoak Drive, Eugene, opposed the proposed annexation petition. He said that the quality of life in the neighborhood would be diminished and the residents on West Myoak Drive and Ava Street would be adversely affected by annexation of the streets. He stated he was not opposed to Mr. Shapitka's development proposal. He stated that the city would need to provide street and related improvements to support increased traffic, the cost of which would be unfairly born by the neighbors. He said there was inadequate fire access to the proposed annexation area. He asked the commission to deny the annexation request until access was provided from River Road.

John Taylor, 3036 River Road, Eugene, stated that he owned other property in the area and was concerned about his water easement if Ava Street was developed. He said he was not allowed to develop his property in 1995 because the City of Eugene could not get permission from the property owners. He said the annexation application to Ava Street under consideration should be denied because it affected him directly in many ways. He said Lane County had never maintained the road, but it had been maintained by the residents. He asked the commission to deny the annexation request. He said he was not opposed to Mr. Shapitka developing his property.

Steven Chase, 2980 Ava Street, Eugene, stated that he agreed with most of the previous speakers comments. He suggested providing more access along River Road rather than less to break up the traffic congestion. He added that the increase in traffic would change the quiet character of the neighborhood and create safety concerns for the neighborhood children and pets.

Those Neither in Support nor Opposition – None

Rebuttal by the Proponents

Mr. Yeiter stated that although several of the speakers had stated that they owned the street, the street was currently a public right-of-way, rather than a transfer of ownership. He added that the policies of the Metro Plan required that before properties could be developed they needed to be annexed to the city. He added that often applicants did not produce development plans until annexation requests were approved.

Mr. Yeiter said that Mr. Shapitka had informed him that he intended to do some street improvements on River Road and Ava as part of his development, but he did not plan to do private improvements on Myoak. Mr. Yeiter added that the full transportation circulation plan would not be known until the development plans had been submitted and approved by the City of Eugene.

Mr. Yeiter said he did not know about the history of John Taylor's property and could not comment on Mr. Taylor's 1995 annexation issues.

Mr. Yeiter concluded that until the annexation policies changed, the City of Eugene was seeking logical and appropriate solutions to street issues and looked to the commission for guidance.

Ms. Mulder asked if it was true that the proposed annexation of the two streets would have no effect on either the cost to the current property owners or the amount of traffic, noting that the traffic would be present regardless of whether or not the streets were in the city.

Mr. Yeiter responded that he suspected that Ms. Mulder's assertion was correct but he was not certain. He added that the off-site improvements would potentially be mitigated by the development. He said if Ava Street was isolated, the traffic would travel that route, which could result in some improvements to Myoak Drive occurring.

Mr. Yeiter stated that Assistant City Manager Jim Carlson had testified before the boundary commission in the past that the City of Eugene was not in a position to improve streets without a combined development effort or petition by residents, with identified assessed costs to adjacent properties. He understood that Lane County had similar assessment policies. He said he did not know how Lane County would treat the street if Myoak Drive was not annexed but needed improvements.

Mr. Yeiter said if the annexation was approved, with or without the streets, there would be another development review process, either subdivision or planned unit development (PUD), at which time the public would have an opportunity to comment on the private party's development plans.

Ms. Seidel asked if future development plans, information about circulation patterns, and other development issues would be available for public comment. In response to Ms. Seidel's question, Mr. Yeiter said there would be a chance for public input. He added that a request for a subdivision could be completed at the staff level and did not require a formal hearing.

Mr. Shapitka said that he needed to improve Ava Street to provide adequate access to his property, but that he needed to conform with the adopted standards for access and egress to River Road. He added that John Hammer was developing other property in conjunction with Mr. Shapitka in the area that would result in additional road improvements.

Mr. Myers closed the public hearing.

Boundary Commission Discussion and Decision

Mr. Heeter stated that the development plans, street ownership issues, and future street developments were between the property owners and the applicable jurisdiction—in this case, the City of Eugene or Lane County. The boundary commission was restricted to a narrow focus—of reviewing and approving or denying an annexation of property to the city. If the annexation request met boundary commission standards, the commission was obligated to approve the request. He added that the other issues, while important to the people, were not within the purview of the boundary commission. The commission could do nothing about road improvements, traffic congestion, or access and egress. He counseled the property owners to take their concerns to the City of Eugene, if the annexation was approved, or Lane County, if the annexation request was denied.

Ms. Mulder agreed with Mr. Heeter. She asked if, after reviewing the development plan, staff determined that the access was inadequate, could the number of dwellings be limited due to traffic problems.

Mr. Yeiter replied that was possible.

- * Moved and seconded (Mulder/Seidel) to approve the annexation of territory to the City of Eugene (BC File C EU 05 – 19) based on the findings and reasons included in the June 2, 2005, staff report. The motion passed unanimously, 4:0:1 (commissioners Myers, Mulder, Seidel, and Heeter voting yes; commissioner Spickerman abstaining).

Annexation of Territory to the City of Cottage Grove (Ramsing/Wulff/Kishen/CG-Lorane Hwy)

- E. BC File C CG 05 – 20
 - Initiated by property owner petition
 - Action under ORS 199.490(1)(c) of the boundary commission law
 - Received May 3, 2005
 - Action to be taken by August 1, 2005

Description

Located in west Cottage Grove south of West Main Street/Cemetery Road, north and south of Cottage Grove-Lorane Highway, east of S Street, including a portion of Cottage Grove-Lorane Highway

Property owners: Rolly Eugene and Karrie Kishen (2110 West Main Street, Cottage Grove) and the Ramsing Joint Trust and Wilhelm & Helen Wulff 2003 Trust (2280 South Louis Lane, Eugene)

Tax lots: 500, 800, 1500, 1600, and 1700, T20S R03W S29 Map 34

Acres: ± 15.95 (± 14.93 ac in tax lots; ± 0.58 ac in rd r/w; ± 0.29 ac in creek)

Estimate of existing population: 8 (three residential units)

Existing land use: Residential, vacant pastures, road right-of-way, creek

Existing zoning in Lane County: RR-5, rural residential with 5-acre minimum lot size

Applicable comprehensive plan: Cottage Grove Comprehensive Land Use Plan (acknowledged by LCDC in February 1981 and as subsequently amended)

Existing public services to the property: Police (Oregon State Police, Lane County Sheriff), schools (South Lane School District 45J), roads (Lane County, City of Cottage Grove), fire (South Lane County Fire and Rescue), electricity (Emerald People's Utility District)

Reason for Annexation

The property owners are requesting annexation to prepare the site for a mix of single-family residential and multi-family residential structures. The Cottage Grove Comprehensive Land Use Plan requires properties to annex in order to receive urban services.

Notice

As required by ORS 199.463(1), notice of a public hearing must be published in a newspaper of general circulation not more than 25 days nor less than 15 days before the hearing. *In this case, notice of the public hearing was advertised in the Cottage Grove Sentinel on May 11, 2005.* A second notice may be published in a newspaper of general circulation or notice of the hearing may be mailed to each owner of land in the affected territory not more than 15 days before the hearing. "Affected territory" as defined by ORS 199.415(3) means the territory described in the petition. The "petition" includes a resolution, order, or any other form of initiatory action for a boundary change [ORS 199.415(14)]. The petition or resolution, as required by ORS 199.490(4) also includes a legal description, which must meet the requirements of ORS 308.225 [OAR 191-006-0000(3)]. *In this case, notice of the hearing was sent to the affected property owners (Rolly Eugene & Karrie Kishen, Ramsing Joint Trust, and Wilhelm & Helen Wulff 2003 Trust, owners of the property proposed for annexation and initiators of this annexation) on May 23, 2005.* The final notice required by the boundary commission law is the posting of a notice of the public hearing in the affected city, district, or territory at least 15 days before the hearing. *In this case, notice of the public hearing was posted in the area of the annexation, at the Cottage Grove city hall, and at the Lane County courthouse on May 18, 2005.*

Mr. Myers called for *ex parte* contacts or conflicts of interest.

Ms. Seidel stated that she was acquainted with one of the property owners, Margo Ramsing, and was acquainted with her late husband, Ken Ramsing. She said she had never discussed nor had any knowledge about the Ramsings involvement in Cottage Grove properties. She believed she did not have a conflict.

Mr. Myers noted there was no one present who wished to question Ms. Seidel's impartiality.

Ms. Taylor reviewed the notice of the hearing.

Mr. Myers determined there was no objection to the adequacy of the notice.

Ms. Taylor reported that this annexation to the City of Cottage Grove came to the boundary commission by consents from the property owners. She stated that the boundary commission must take action on the proposal by August 1, 2005. If the commission did not take action, the proposal would be approved as submitted.

Ms. Taylor incorporated the staff report into the public record in accordance with boundary commission rules.

Ms. Taylor said the staff report addressed the boundary commission standards in regard to this annexations and she concluded that the application met the commission's standards. She added that the annexation would result in the creation of an island. She noted that the owners of the islanded property had been contacted by the applicant's agent and were aware that their property would be islanded, but did not wish to annex their property

Ms. Taylor stated that the current practice of the City of Cottage Grove was to support annexations in which there was consent from the property owners and did not initiate annexations using the island provisions.

Ms. Taylor recommended approval of the annexation. Findings and reasons in support of the recommendation were included in the staff report.

There were no questions from commissioners.

Mr. Myers opened the public hearing.

Proponent's Opening Statement

Jim Belknap, 1785 East Main Street, P.O. Box 865, Cottage Grove, represented the Ramsing Joint Trust and the Wilhelm & Helen Wulff 2003 Joint Trust. He stated that Mr. Ramsing recently passed away, and his widow, Margaret Ramsing, was the successor trustee and continued to pursue the annexation action under consideration. Ms. Ramsing and her brother, Wilhelm (Fred) Wulff, believed there was no future in agriculture for the property and wished to annex the property for future development.

Mr. Belknap commended Ms. Taylor for her staff work on the report prepared for the boundary commission.

Public Officials in Support – None

Others in Support

Michael Voight, 1207 East Harrison, represented R. E. Kishen and Karrie Kishen. Mr. Voight identified himself as the owner of property adjacent to the property under consideration for annexation. He asked the boundary commission to approve the application. He said he would not be able to annex his property into Cottage Grove unless it was contiguous to property within

the Cottage Grove city limits. He added that the water and wastewater problems he faced could be resolved by connecting to city water and wastewater services.

Jim and Chris Vanderplatt, 155 South S Street, Cottage Grove, identified themselves as the owners of the islanded property that would be created as a result of approval of the proposed annexation. He stated that they had declined an invitation to join the annexation. He expressed concern that Bryant Street would take approximately 1/3 of their property and leave them with no backyard. He hoped that other solutions could be negotiated, noting that they would take appropriate legal action to stop the process if an acceptable solution could not be negotiated.

Ms. Vanderplatt said they supported the annexation request. However, the construction of Carver Street had resulted in water accumulating in their yard and she was concerned about more runoff water and their privacy. She added that they accepted the City of Cottage Grove plan for high-density residential development in the area, but were concerned that their property would be taken away from them.

Public Officials in Opposition – None

Others in Opposition – None

Those Neither in Support nor Opposition – None

Rebuttal by the Proponents

Jim Belknap, 1785 East Main Street, P.O. Box 865, Cottage Grove, represented the Ramsing Joint Trust, and the Wilhelm & Helen Wulff 2003 Joint Trust. Mr. Belknap acknowledged that the concerns of Mr. and Ms. Vanderplatt were legitimate. He stated that Bryant Street could be extended across the Vanderplatt property through a condemnation proceeding. He opined that the possibility of condemnation was virtually nonexistent, noting that to the best of his knowledge the City of Cottage Grove had never carried out a condemnation proceeding. Mr. Belknap stated there was adequate access to the proposed annexation property via Carver Street and Clark Street.

In response to a question from Ms. Seidel regarding stormwater, Mr. Belknap said that the City of Cottage Grove would require construction of a 30-inch stormwater drain in the utility easement by the developer along the south boundary of the property. He noted that the developer would bear the cost of the code required 12-inch stormwater drain, while the City of Cottage Grove would bear the cost of upgrading the stormwater drain up to 30 inches, as identified in the city's master stormwater drainage plan. He added that the city recognized that there was a water problem in this area and anticipated that there would be some improvement to an existing drainage ditch on the part of the developer. Mr. Belknap said an issue that could factor into any drainage proposal was the possible presence of wetlands in the southwest corner of the property. He said the western end of Bryant Street and Carver Street was notorious for having a high water table and seasonally shrinking and swelling of soils. He expressed hope that the city would correct some of the problems by requiring additional drainage on the part of the developer.

Ms. Mulder said she was curious about the planning process that located high-density residential so close to the urban growth boundary. Mr. Belknap replied that he did not know, noting that he was not involved in the development of the city's comprehensive plan that identified the property for high-density residential use.

Mr. Myers closed the public hearing.

Boundary Commission Discussion and Decision

- * Moved and seconded (Heeter/Mulder) to approve the annexation of territory to the City of Cottage Grove (BC File C CG 05 – 20) based on the findings and reasons included in the June 2, 2005, staff report. The motion passed unanimously, 5:0 (commissioners Myers, Mulder, Seidel, Heeter, and Spickerman voting yes).

Annexation of Territory to the City of Cottage Grove (SunRise Ridge LLC/Thies/Watson)

- F. BC File C CG 05 – 21
Initiated by property owner petition
Action under ORS 199.490(1)(c) of the boundary commission law
Received May 3, 2005
Action to be taken by August 1, 2005

Description

Located in northwest Cottage Grove, north Birch Avenue, west of Holly Avenue
Property owner: SunRise Ridge LLC (P.O. Box 10545, Eugene); and Pamela Thies and Christine Watson (309 North P Street, Cottage Grove)
Tax lots: part of 203 and part of 205, T20S R03W S29
Acres: ± 70
Estimate of existing population: 0
Existing land use: Vacant
Existing zoning in Lane County: F-2, impacted forest lands
Applicable comprehensive plan: Cottage Grove Comprehensive Land Use Plan (acknowledged by LCDC in February 1981 and as subsequently amended)
Existing public services to the property: Police (Oregon State Police, Lane County Sheriff), schools (South Lane School District 45J), roads (Lane County, City of Cottage Grove), fire (South Lane County Fire and Rescue), electricity (Emerald People's Utility District)

Reason for Annexation

The property owners are requesting annexation to prepare the site for residential development. The Cottage Grove Comprehensive Land Use Plan requires properties to annex in order to receive urban services.

Notice

As required by ORS 199.463(1), notice of a public hearing must be published in a newspaper of general circulation not more than 25 days nor less than 15 days before the hearing. *In this case, notice of the public hearing was advertised in the Cottage Grove Sentinel on May 11, 2005.* A second notice may be published in a newspaper of general circulation or notice of the hearing may be mailed to each owner of land in the affected territory not more than 15 days before the hearing. "Affected territory" as defined by ORS 199.415(3) means the territory described in the petition. The "petition" includes a resolution, order, or any other form of initiatory action for a boundary change [ORS 199.415(14)]. The petition or resolution, as required by ORS 199.490(4) also includes a legal description, which must meet the requirements of ORS 308.225 [OAR 191-006-0000(3)]. *In this case, notice of the hearing was sent to the affected property owners (SunRise Ridge LLC, and Pamela Thies and Christine Watson, owners of the property proposed for annexation) on May 23 and 25, 2005, respectively.* The final notice required by the boundary commission law is the posting of a notice of the public hearing in the affected city, district, or territory at least 15 days before the hearing. *In this case,*

notice of the public hearing was posted in the area of the annexation, at the Cottage Grove city hall, and at the Lane County courthouse on May 18, 2005.

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

Ms. Taylor reviewed the notice of the hearing.

Mr. Myers determined there was no objection to the adequacy of the notice.

Ms. Taylor reported that this annexation to the City of Cottage Grove came to the boundary commission with consents from the property owners. She stated that the boundary commission must take action on the proposal by August 1, 2005. If the commission did not take action, the proposal would be approved as submitted.

Ms. Taylor said the proposed annexation would create an island consisting of three full tax lots and a portion of a fourth tax lot. She added that the City of Cottage Grove currently supported requests for annexation where there were consents from the property owners. She said the annexation was within the urban growth boundary (UGB). She said the area was proposed to be developed in phases and the developer wished to proceed with phases one and two in 2005, and phases three and four at a later time.

Ms. Taylor incorporated the staff report into the public record in accordance with boundary commission rules.

Ms. Taylor said the staff report addressed the boundary commission standards in regard to this annexation and she concluded that the application met the commission's standards. She added that not all of the development related answers were known at the present time. She said that the development would be consistent with the Cottage Grove Comprehensive Land Use Plan, as well as the city's water and wastewater master plans.

Ms. Taylor recommended approval of the annexation. Findings and reasons in support of the recommendation were included in the staff report.

Mr. Myers opened the public hearing.

Proponent's Opening Statement

Creed Eckert, a land use planner with Metro Planning, a subsidiary of Olsen and Morris, was representing the applicant—SunRise Ridge LLC. He said the applicant agreed with the staff report prepared by Ms. Taylor. He said the application and staff report clearly demonstrated that the criteria for the boundary commission's approval of annexation had been met. He noted specifically that the property could be served by the necessary infrastructure, public services, and utilities.

Mr. Eckert said the comprehensive plan identified the subject property as appropriate and it was intended for an urban level of residential development.

Mr. Eckert said that the City of Cottage Grove transportation plan had identified two streets as proposed for extension into the site and improvement as necessary to serve the city. Additionally, water, wastewater, and storm drain improvements would be constructed consistent with the city's adopted utility plans and land use regulations for the area.

Mr. Eckert said the applicant had been in communication with neighbors regarding the proposal, acknowledging that this did not imply support by the neighbors. He asked the commission to adhere to the commission's scope of authority and to defer other issues related to development to the local authorities.

Referring to a triangular piece of property inadvertently omitted from the property transfer and included in the annexation request, Mr. Eckert said it would be deeded to SunRise Ridge LLC for inclusion in the planned unit development (PUD).

Related to the primary proposed access points, M Street and O Street, Mr. Eckert described the proposed access and egress points that would minimize the traffic impacts to adjacent neighborhoods.

Mr. Eckert stated that the project surveyor, Mr. Olsen, was present to answer questions.

Ms. Mulder opined that a PUD was proposed because of the terrain. Mr. Eckert confirmed that the hillside terrain was steep. He said the PUD that provided heightened public review and input on design issues by the jurisdiction was chosen. In exchange for using the PUD process, cities typically provided some flexibility in their development standards.

In response to Ms. Mulder's question about the elevation differences, Mr. Eckert replied that the difference was considerable.

Public Officials in Support – None

Others in Support – None

Public Officials in Opposition – None

Others in Opposition

Laura Flores, 715 Chestnut Avenue, Cottage Grove, identified herself as one of the citizens who supported the public hearing before the boundary commission. Ms. Flores spoke in opposition to the annexation proposal because the number one land use planning goal in the State of Oregon was citizen involvement. She opined that citizen involvement specifically regarding transportation systems planning was lacking. She stated that the comprehensive plan had not been reviewed by the citizens for 20 years and was out of touch with the current population of Cottage Grove. Ms. Flores stated that the proposal should not be annexed until it was in compliance with the comprehensive plan and an appropriate transportation plan had been adopted. She added that according to the Cottage Grove buildable lands analysis and inventory SunRise Ridge would house about 25 percent of Cottage Grove's population growth during the next 20 years. Ms. Flores asked the boundary commission to deny the annexation request at the present time.

Mr. Myers asked those wishing to speak to speak concisely and limit their comments to issues that had not already been addressed.

Rebecca Leak, 138 North River Road, Cottage Grove, read letters from Kathy Bellaveta and Dorothy Chase, who could not attend the meeting.

Kathy Bellaveta, 78529 Halderman Road, Cottage Grove, wrote about several concerns related to the addition of over 250 homes close to an historic neighborhood district. Her greatest concern

was traffic. She challenged the estimated number of new daily trips proposed by the applicant and the proposed traffic routing.

Dorothy Chase, 38 South M Street Cottage Grove, wrote about her concern regarding the 500 and 100 year floodplain assessment issues. She stated that the hospital identified to serve as a buffer between current residents from the proposed development was not a functioning hospital and contained several empty buildings that were potential commercial developments. She was concerned about improvements to the water system and challenged the traffic impact analysis.

Roselle Bircher, 904 Ash Avenue, Cottage Grove, said she agreed with the two previous speakers in opposition to the proposed annexation. She read from a prepared statement and provided a copy to Ms. Taylor. Ms. Bircher said the Cottage Grove planning commission made zone change recommendations for the proposed zone change for the SunRise Ridge development based upon the traffic impact analysis completed by the developer that contained several incorrect conclusions based upon flawed information. Ms. Bircher requested that the boundary commission deny the annexation request.

Joan Seidel, 1142 Ash Avenue, Cottage Grove, provided copies of two maps, one from Tony Herrig and one from herself, to Ms. Taylor for distribution to commissioners.

Speaking on behalf of Tony Herrig, 1520 Anthony Avenue, Cottage Grove, Ms. Seidel said Mr. Herrig was concerned about the traffic congestion and safety related to an elementary school and high school on R Street.

Ms. Seidel said she did not understand the proponent's statement related to adding four exits to the east and was concerned about major traffic problems. She added that the buildable lands map showed a slide area on top of SunRise Ridge.

Mr. Myers noted that although Ms. Seidel's concerns were valid, they were beyond the consideration of the boundary commission.

Ellie Tatum, 833 Birch Avenue, Cottage Grove, provided a handout to Ms. Taylor. Ms. Tatum asked the boundary commission to deny the annexation request at this time.

Desiree Nelson, 1132 Ash Avenue, Cottage Grove, said this public hearing was the only public process available to the people and asked the commission to seriously consider the issues under its jurisdiction. She said given the scope and timing of the proposed project, the annexation would change the face of Cottage Grove and its historical neighborhood. She stated more annexations were coming without appropriate planning, noting the transportation systems plan and comprehensive plan were not complete, and the premise that the annexation would not affect the character and livability of the adjacent neighborhood was not correct. Additionally, she expressed concerns about rezoning that would occur simultaneously if the annexation was approved. She opined that the city needed to go back to its original documents due to the size and scope of the current proposal as well as future proposals. She stated that there were not many venues for the public to enter their concerns into the public record.

James Kness, 232 North J Street, Cottage Grove, provided Ms. Taylor with a copy of written testimony for the members of the commission. Desiree Nelson, 1132 Ash Avenue, Cottage Grove, read Mr. Kness' letter into the record. Mr. Kness stated that the city and the applicant had been shining on the public and the boundary commission in causing them to believe that the questions of services have been adequately addressed. He held to the premise that they had not been adequately addressed.

Those Neither in Support nor Opposition – None

Rebuttal by the Proponents

Creed Eckert responded to a number of statements made at the public hearing. He opined that the theme of the opposition testimony was related to the inadequacy of the existing comprehensive plan, particularly the transportation element, in that they were out of date and out of touch with the people. He asserted that this was beyond the scope of the boundary commission's review and that the applicant had met the current requirements. He stated if the goals were inadequate that was a matter of local housekeeping that could create substantial problems for a community that needed to be addressed either through the periodic review procedure, the post acknowledgement plan procedure, or other public forums that needed to take place at the local level.

Mr. Eckert stated that particularly in jurisdictions with limited resources, refinement plans were developed at such time as key stakeholders had an idea to pursue, which was the case with this annexation request, albeit this proposal was debatable as a desirable plan.

Mr. Eckert asserted that the annexation was in compliance with the current comprehensive plan. He added that a detailed transportation impact study had been completed, which was conceptually approved by the city engineer, including mitigation measures to offset the impacts of the potential development, including off-site improvements to address traffic impacts. He said the adequacy of the measures had been challenged as being inadequate, with the capacity of city streets and traffic level being portrayed as being incorrect. He said the information available and provided in the application, in the record of the city's proceedings, and in Ms. Taylor's staff report was the best available information. He added that he had heard no professional testimony to contradict that professional evidence.

Mr. Eckert said that the property was outside of the 100 year floodplain. There was opportunity for public input specific to the annexation and the traffic impact study (TIS). He questioned whether the concerns about the TIS had been brought into the record at the city council forum.

Addressing the concerns about employment for residents of 250 new homes, Mr. Eckert said population and employment ratios varied greatly from jurisdiction to jurisdiction, but typically were not on a one-to-one scale, adding this was not part of the commission's decision criteria.

Mr. Eckert said he participated in a pre-application meeting with the developer and city representatives from Fire and Life Safety, in which road grades were specifically reviewed. The conclusion was that limited stretches of roadway in excess of 15 percent grade were acceptable in some circumstances, the representative from Fire and Life Safety signed off on the proposal.

Mr. Eckert said that the four eastbound connectors do not directly involve Birch, Ash, or Chestnut Streets. The city engineer said that the findings appeared feasible on the surface. He could not answer at the present time how the four eastbound connectors related to the slide area.

Mr. Eckert said that the statement that the city could not provide water service above the 740 foot contour was inaccurate. Above 740 feet, the project engineer said that the developer would have to provide a pump station to provide adequate flows. The need for a reservoir in the future for this project and/or anticipated development was not known at the present time. The applicant would be required to participate in construction of such a reservoir. There had been no information provided to Mr. Eckert that provision of water service to any elevation of the site was not feasible.

Mr. Eckert acknowledged that the impact of traffic on 250 homes was a valid concern that needed to be considered in the appropriate local public forum in the PUD hearings.

Mr. Eckert asserted that to delay approving the annexation request until the comprehensive plan was improved was outside of the commission's scope. If the premises and findings of the comprehensive plan are incorrect and need to be updated, the issue currently before the commission was did the application meet the current criteria. He stated that the staff report and the application adequately evidenced that those criteria had been met.

Mr. Eckert said there had been prior public hearings at the city related to this annexation.

Mr. Eckert said that the consideration of cumulative impacts that involved the assumption of other, subsequent annexations should not be used as a justification for denial of the annexation application.

Mr. Myers closed the public hearing.

Boundary Commission Discussion and Decision

Ms. Seidel expressed frustration and disappointment that there was no representative from the City of Cottage Grove present as there were two major annexation proposals before the commission. She said Mr. Eckert had done an excellent job of discussing the proposal. She added that the City of Cottage Grove city council reviewed and supported the annexation proposal. She encouraged the people present to be more active in all of the hearings and actions at the city level.

Ms. Mulder said it had been intimated by the speakers that there would be no further opportunity for public input, while Mr. Eckert that there would be a public hearing at the PUD process. She asked whether the planning commission would make a recommended to the city council on the PUD.

Ms. Taylor replied that she had no knowledge about the procedure for the PUD process in Cottage Grove. She added that the city council action to pass the resolution occurred with a staff recommendation but with no planning commission recommendation. The planning commission activity will occur on the rezoning request.

Ms. Flores said the planning commission meeting regarding the PUD application had been postponed until June 15, 2005, at which time there would be a public hearing.

Mr. Spickerman said that the boundary commission's role was very prescribed. He said if the comprehensive plan and the TIS were bad, the commission was still required to accept them. He added that transportation was not a public service by state statutes. The only way to deal with transportation was with a traffic study and suggested the concerned citizens hire a traffic engineer to counter the applicant's TIS.

- * Moved and seconded (Spickerman/Seidel) to approve the annexation of territory to the City of Cottage Grove (BC File C CG 05 – 21) based on the findings and reasons included in the June 2, 2005, staff report. The motion passed unanimously, 5:0 (commissioners Myers, Mulder, Seidel, Heeter, and Spickerman voting yes).

V. OTHER BUSINESS

A. Hazeldell Rural Fire District Dissolution Meeting

Ms. Taylor said a meeting for the Hazeldell Rural Fire District dissolution was tentatively scheduled for June 28, 2005. She would get back to commissioners when the date was confirmed.

Mr. Heeter left at 10:20 p.m.

B. Legislative Update

Ms. Taylor reported that a bill introduced to abolish the boundary commission was still in committee.

Mr. Spickerman added that several bills related to islanded and annexed property had been introduced.

C. Other

There was no other business.

The meeting adjourned at 10:24 p.m.

Clay Myers, Chair
Lane County Local Government Boundary Commission

(Recorded by Linda Henry)
\\clsrv111\lgs\bc\minutes\min\050602.doc

LCBC:LCOG: \\CLSRV111\LGS\BC\MINUTES\MIN\050602.DOC
Last Saved: July 28, 2005