

## MINUTES

### LANE COUNTY LOCAL GOVERNMENT BOUNDARY COMMISSION

Eugene City Hall  
Council Chamber (777 Pearl Street)

August 3, 2006  
7:00 p.m.

**PRESENT:** Clay Myers, chair; Eleanor Mulder, vice chair; Van Heeter, secretary; Karen Seidel; Christine Larson

**ABSENT:** Jim Spickerman, Ernie Olson

#### **I. CALL TO ORDER – ROLL CALL**

Clay Myers, chair, called the meeting of the Lane County Local Government Boundary Commission to order. Members of the boundary commission introduced themselves. Executive Officer Paula Taylor, boundary commission staff, called the roll.

#### **II. APPROVAL OF EXPENSES – MAY/JUNE 2006**

\* Moved/seconded (Seidel/Larson) to approve the expenses of May 2006 (\$12,363.36) and June 2006 (\$14,076.05). The motion passed unanimously, 5:0 (commissioners Myers, Mulder, Larson, Seidel, and Heeter voting yes).

#### **III. APPROVAL OF MINUTES – APRIL 6, JUNE 1, and JULY 11, 2006**

Ms. Mulder asked that the minutes be considered individually. There was no objection.

\* Moved/seconded (Larson/Seidel) to approve the minutes of April 6, 2006.

Ms. Mulder provided Ms. Taylor with some minor typographical changes to the minutes.

The motion passed, 4:0:1 (commissioners Myers, Mulder, Seidel, and Larson voting yes; commissioner Heeter abstaining from the vote as he was not present at the meeting).

\* Moved/seconded (Mulder/Heeter) to approve the minutes of June 1, 2006.

Ms. Mulder referred to page 5 and asked that the first sentence in paragraph 5 be revised to read "Ms. Mulder said she was on the Housing Advisory Board of St. Vincent de Paul, but that board made no binding decision about upcoming projects."

Ms. Seidel referred to paragraph 7 on page 7 and said that what was purchased from the county in sentence 1 was not included. She also questioned the meaning of the third sentence in that paragraph.

Ms. Mulder and Ms. Seidel pointed out pagination problems with the June 1 minutes. Ms. Taylor indicated she would resubmit the minutes to the commission when corrected and accurately paginated.

With the concurrence of the second, Mr. Heeter, Ms. Mulder withdrew her motion.

\* Moved/seconded (Larson/Mulder) to approve the minutes of July 11, 2006.

Referring to page 3 of the minutes, Ms. Mulder pointed out that the first sentence under item A in Other Business should have read (italicized text added) "Ms. Taylor indicated that there was *not* a quorum of the boundary commission. . ." Ms. Seidel noted that earlier on the same page, the minutes indicated the motion to approve BC File C EU 06 – 27 passed unanimously; however, Mr. Olson voted in opposition.

Ms. Seidel questioned the final sentence on page 1 of the July 11 minutes as it did not make sense. Ms. Taylor indicated it might be another pagination problem and she would check into it.

With the concurrence of her second, Ms. Mulder, Ms. Larson withdrew her motion.

#### IV. NEW BUSINESS: PUBLIC HEARING

##### Annexation of Territory to the City of Eugene (Peterson)

- A. BC File C EU 06 – 44  
Initiated by property owner petition  
Action under ORS 199.490(1)(c) of the boundary commission law  
Received on June 8, 2006  
Action to be taken by September 6, 2006

##### Description

The annexation area included one tax lot located in the Santa Clara region of north Eugene, north of Beltline Road, east of River Road, south of Beacon Drive, north of Spring Creek Drive, and west of Calumet Circle

Property owner: John Peterson (P.O. Box 22132, Eugene)

Tax lot: 900, T17S R04W S02 Map 21

Acres: ± 1.30

Estimate of existing population: 4 (one duplex)

Existing land use: Residential

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

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

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

##### Reason for Annexation

The property owner requested annexation in order to prepare the property for low-density residential development. The Eugene-Springfield Metropolitan Area General Plan 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 July 13, 2006.* A second notice may be published in a newspaper of general circulation or notice of the hearing may be mailed to each owner of land in the affected territory not more than 15 days before the hearing. "Affected territory" as defined by ORS 199.415(3) means the territory described in the petition. The "petition" includes a resolution, order, or any other form of initiatory action for a boundary change [ORS 199.415(14)]. The petition or resolution, as required by ORS 199.490(4) also includes a legal description, which must meet the requirements of ORS 308.225 [OAR 191-006-0000(3)]. *In this case, notice of the hearing was sent to the affected property owner (John Peterson, owner of the private property proposed for annexation and initiator of the annexation request) on July 20, 2006.* The final notice required by the boundary commission law is the posting of a notice of the public hearing in the affected city, district, or territory at least 15 days before the hearing. *In this case notice of the public hearing was posted in the area of the annexation, at the Eugene city hall, and at the Lane County courthouse on July 19, 2006.*

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

Paula Taylor, Executive Officer, reviewed the notice for the public hearing. Mr. Myers called for objections to the notice. There was no objection to the notice.

Ms. Taylor said the annexation was to the City of Eugene and was initiated by property owner petition. The request included one tax lot, and the property owner requested annexation to allow for additional residential development. The property was adjacent to other previously annexed properties but not contiguous to the main body of the City of Eugene.

Ms. Taylor incorporated the staff notes and other related materials into the public record in accordance with boundary commission law and administrative rules.

Ms. Taylor noted the size of the property in question and said it was designated low-density residential and would be rezoned in a manner consistent with that designation. The property was within the boundaries of the Eugene-Springfield Metropolitan Area General Plan, the applicable land use plan for the area.

Regarding referrals to other units of local government, Ms. Taylor said the staff notes contained the letters received from the special districts and staff's response to those concerns.

Ms. Taylor said that the staff notes also included the boundary commission standards that the commission used to evaluate the application. She said that the application met the commission's criteria and she recommended approval of the application. It was consistent with the comprehensive plan and plan designation.

Ms. Taylor noted that required services could be provided by the City of Eugene. The annexation would be served by existing facilities. Access would be taken from existing roads that were already inside the city.

Ms. Taylor called attention to the findings and reasons in the staff report, which supported the staff recommendation.

Ms. Mulder asked if Katy Lane would be the only access to the property. Ms. Taylor said yes. The issue of additional access would be addressed through the building permit process.

Proponent's Opening Statement – None

Public Officials in Support

Kurt Yeiter, Eugene Planning Division, Principle Planner, concurred with the staff report and recommendation of approval. He said as long as urbanization was occurring on the site State law required its annexation. He noted that public works staff was also present to answer questions.

Others in Support – None

Public Officials in Opposition

Vicki Walker, State Senator for District 7, said her constituents did not support any kind of annexation into the City of Eugene. While she was not opposed to the specific proposal because of what the developer intended to do, she did oppose island annexations and what she termed "forced annexations." She recalled testimony from a work group during the most recent legislature that held up the River Road and Santa Clara area as a "poster child" for how not to approach annexation. She opposed a piecemeal approach to annexation and looked forward to working with the Board of County Commissioners on the issue.

Ms. Larson asked Ms. Walker how the annexation in question represented an island annexation. Ms. Walker asserted that that it was an island annexation because it was encroachment on the unincorporated area and residents in the area got very uncomfortable with annexation because they think "they're next."

Others in Opposition

Jim Seaberry, 2394 Stark Street, Eugene, asked how a developed property could receive services from the city, and if that was not why the city annexed roads?

Those Neither in Support nor Opposition

Rob Handy, 455-1/2 River Road, Eugene, called attention to advisory information from the River Road Community Organization for reference at the later work session.

Jim Torrey, 3593 River Point Drive, Eugene, said the property annexation was initiated by the property owner, which was the right way to do it. His concern with regard to school annexations and the annexation of roadways, bikeways, waterways, and easements that created islands that prevented an annexation vote was a major issue for him and for residents of River Road and Santa Clara. He said that when Eugene first started annexing schools, it was a direct result of the Thurston shooting and the need to get police to the schools. There was never any intention on the part of the council to create roads as boundaries for island annexations, and he was very concerned that if the city continued to use roads as a way to annex without a vote, it would be doing a tremendous injustice to those impacted and created a terrible sense of government. Laws should be predictable and understandable, and people living in the area do not find the laws to be so. He said that one should not have to be a huge corporation like Nike to avoid annexation.

Rebuttal by Proponents – None

Mr. Myers closed the public hearing.

- \* Moved/seconded (Larson/Seidel) to approve the annexation of territory to the City of Eugene (BC File C EU 06 – 44) with the findings and reasons included in the August 3, 2006, staff notes.

Ms. Larson noted that the annexation in question created no islands and involved no roads.

Mr. Heeter said that the request met the statutory requirements of the boundary commission and he did not see that the commission had a choice.

- \* The motion passed unanimously, 5:0 (commissioners Myers, Mulder, Larson, Seidel, and Heeter voting in favor).

## V. OTHER

### A. Election of Officers

- \* Moved/seconded (Heeter/Seidel) to maintain the current slate of boundary commission officers (Mr. Myers as chair, Ms. Mulder as vice chair, Mr. Heeter as secretary). The motion passed unanimously, 5:0 (commissioners Myers, Mulder, Larson, Seidel, and Heeter voting in favor).

### B. Other

John Dodson requested a point of personal privilege, which was granted by Mr. Myers. Citing Oregon Revised Statute 199.505, Mr. Dotson submitted copies of an appeal of BC File EU 06 – 27 to the boundary commission. Additionally, he called attention to a source title excerpt from a report by the Senate Bill 887 Annexation Work Group; the complete report was presented to the House Interim Land Use Committee on August 8, 2006, by Linda Ludwig of the League of Oregon Cities. He referred the commission to a statement on page 9 related to the lack of individual notification and suggesting that property owners adjacent to the rights-of-way were in the affected territory. He asked the commission to consider that information during its work session.

The meeting was adjourned 7:31 p.m.

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Clay Myers, Chair  
Lane County Local Government Boundary Commission

(Recorded by Kimberly Young)

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Last Saved: September 29, 2006*