

MINUTES

LANE COUNTY LOCAL GOVERNMENT BOUNDARY COMMISSION WORK SESSION

Eugene City Hall
Council Chamber (777 Pearl Street)

August 3, 2006
7:45 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 work session of the Lane County Local Government Boundary Commission to order at 7:45 p.m. Members of the boundary commission introduced themselves. Paula Taylor, boundary commission staff, called the roll.

II. DISCUSSION OF END OF YEAR FISCAL YEAR 2005-06 BUDGET

Ms. Larson noted that the fiscal year (FY) 2006 budget had been approved and asked if the budget was final. Ms. Taylor indicated that Lane Council of Governments (LCOG) would not finish its budget process until later in the month. Ms. Larson asked if a supplemental budget to accommodate extra notice expenses could be done. Ms. Taylor said that typically a mid-year adjustment was made, and suggested that the budget could be changed then and the commission would need to meet with its advisory committee. She was unsure that the commission's current level of activity would continue into this fiscal year.

Ms. Seidel said that she raised the issue because the commission had not previously seen the actual numbers, and they differed from the revised budget in that filing fee revenue was nearly twice as high as anticipated. She asked why filing fee revenues were so high and if that would continue the next year. Ms. Taylor did not know. She said that the commission processed 60 applications since January 2006, but she could not predict the future. She said the commission would have a better sense mid-year of the revenue levels.

Ms. Seidel suggested the commission consider raising filing fees or decreasing assessments. Ms. Mulder pointed out that expenses were also higher than anticipated due to greater activity. Ms. Seidel said "not much." Ms. Taylor said the charts included in the packet were prepared based on the proposed budget and revised FY 2006 budget; the actual budget would show a slightly different amount. She noted that the budget included funding for extra staff time to help with the higher number of boundary change applications. She reiterated that the discussion would be easier to have mid-year.

Ms. Seidel suggested that the commission meet again with the advisory committee when the commission received the mid-year information. There was general concurrence.

Ms. Larson reminded the commission that it was contemplating additional notice and did not know the costs of providing that at this time.

III. DISCUSSION ON THE INCLUSION OF ROAD RIGHTS-OF-WAY IN ANNEXATIONS TO EUGENE

Ms. Larson said that the issue was not only relevant to annexations in Eugene. The commission needed some criteria to decide whether a road annexation was appropriate in association with a development annexation proposal for anywhere the commission had jurisdiction. Perhaps the commission could learn what worked for other jurisdictions. She recalled that Springfield only annexed the road right-of-way directly in front of the residence being annexed. People questioned the piecemeal result, but when one considered it from the point of view of the resident unwilling to be annexed, their point of view changed.

Ms. Taylor said different jurisdictions process annexations differently and use different routes for applications to reach the boundary commission. She suggested that the commission might wish to consider whether there was sufficient local processes to ensure that annexations were not controversial and could use the expedited process.

Ms. Taylor said that Springfield initiated every annexation by council resolution, and looked to the property owner to decide whether to use the expedited process. She did not know if including a road in an annexation outside the River Road and Santa Clara areas was controversial.

Mr. Heeter said the commission could not set forth a policy regarding street right-of-way annexations. The commission had criteria established in the statutes, and if the annexation proposal met the criteria the commission must approve it. He said the issue of annexing the roads was an issue, but it was mainly an issue because of the infill and island annexations occurring in the area. He thought the commission needed to consider them on a case-by-case basis. He understood the mistrust people felt for Eugene, and while the city currently had a policy it did not force annexation, future councils could change that.

Ms. Seidel said that part of her dissatisfaction was with the process. She felt uncomfortable when the city used an annexation to include road right-of-way because it made the process uncomfortable for the owner, who, in turn, could not use the expedited process. She would not be comfortable with an expedited procedure that included right-of-way in the River Road and Santa Clara areas. She preferred that the city look at the area, consider its priorities, and submit an annexation request for streets alone.

Ms. Seidel agreed with Ms. Larson about the need to determine what criteria should be used to evaluate road annexations. She asked Ms. Taylor what criteria she used to evaluate the annexations. Ms. Taylor said she looked at the broad criteria used by the commission. Everything inside the urban growth boundary (UGB) will be annexed. Ms. Seidel said that if that was the criteria, she did not think the commission could disapprove an annexation, because it achieved the goal of annexing out to the UGB.

Mr. Heeter suggested that the commission ask the Metropolitan Policy Committee for direction on road annexations. Ms. Taylor suggested that the request was more appropriately directed toward the individual units of government. Mr. Heeter said that the law required the commission to act consistently with the comprehensive plan, and if the plan addressed the issue, it would make the boundary commission's life easier.

Ms. Larson said she understood the property owners' reluctance to be annexed without a vote or their choice. However, the commission had not studied the costs of annexing piecemeal as

opposed to Ms. Seidel's suggestion about what made sense to annex now. The financial aspect of the annexation of road rights-of-way and easements was large and she questioned the hit and miss approach of annexation and whether it was a way to reduce government expenditures.

Mr. Heeter said that made good fiscal sense, but was that part of the commission's criteria. Ms. Larson believed it was given the commission's focus on orderly service delivery.

Ms. Mulder said that another question was how to get different groups to agree when property owners living next door had different ideas about what to do with their property. She wanted to hear from Eugene about ways it had to mitigate the fiscal impact of annexation on property owners. She believed that eventually, people will say that the rural nature of the area had changed and the residents would move somewhere else.

Mr. Heeter asked when Eugene began including road rights-of-way in annexations. Ms. Taylor said that the pendulum had swung over time, in that, many years ago annexations routinely included private properties and roadways. Then there was a period where annexations did not include any roadways. She recalled that Eugene staff came to the boundary commission about two years ago and had a work session about including road segments with annexations. Initially the commission saw only a few, and they were not long road segments. Now there was a shift toward including longer segments with the goal of acting more comprehensively and logically. Each road segment was different, and the reasons for the inclusion of each road in an annexation application were different. She sometimes questioned why the road annexations were not the same, for example, why some went around a corner and why some did not.

Ms. Seidel wanted more information in the staff notes about the specific reasons that the city had for annexing a street segment.

Ms. Mulder recalled that the police wanted the commission to annex intersections for greater clarity in dispatching.

Mr. Myers asked if the commission would use the information to make decisions if the city provided a rationale for the inclusion of a road right-of-way. Ms. Seidel said that if the commission used the rationale of annexing to the urban growth boundary, there was no issue. If the commission wanted to do more and be able to determine if something was reasonable, the information would be useful.

Mr. Heeter agreed that the information would be useful. He pointed out that one of the criteria for annexation was the impact of an annexation on other units of government.

Mr. Heeter asked Eugene staff why the city does not tell the commission the reason for the inclusion of road right-of-way in annexation requests. Assistant City Manager Carlson said that staff did attempt to provide that rationale but it might not all get included in the staff report. He offered to provide that information to the commission.

Ms. Larson said she would like to see a list of everything that required right-of-way and what that right-of-way contained such as utilities. She wanted to know if they were in place now and if they were needed now or needed later. She thought that information would help her to make sense of the process.

Ms. Mulder mentioned connectivity with the greenway as another rationale for providing connectivity with city streets.

Mr. Heeter said that Eugene needed to know that the commission was receiving sufficient comment from interested parties that it would be looking at any annexation proposal where the city added road right-of-way very carefully. He did not accept the rationale that emergency services would not be able to serve a site if it was not on an annexed road. He pointed out that intergovernmental agreements govern service delivery in the area.

Ms. Larson said that in her experience, emergency service responders do get confused sometimes about whether a property was annexed.

Ms. Seidel suggested that the information provided by 9-1-1 staff indicated that annexation of the roads did not clear up confusion.

Responding to a question from Ms. Seidel about a suggestion she previously made in regard to how Eugene processed annexations, Ms. Mulder acknowledged the expense it would require on the part of the city for the city council to process annexations.

Ms. Seidel pointed out that it was council policy that the city was following, and she questioned whether the council was aware of the problems the policy was causing. Ms. Mulder said she believed the council was but was content to let the commission take the heat. She believed it would be appropriate for the council to give the commission direction. She pointed out that even though some of the county commissioners grumbled about annexation, the Board of County Commissioners had authorized the jurisdictional transfer of annexed roads.

Ms. Larson asked Ms. Taylor to secure the policies of each Lane County city in regard to how it addressed road rights-of-way in their annexations. Mr. Myers suggested adding service districts to the request. Mr. Heeter preferred to start with the cities.

Mr. Heeter asked that the letter state why the commission was requesting the information.

IV. DISCUSSION ON NOTICE PROVIDED TO OWNERS ADJACENT TO ROAD RIGHTS-OF-WAY PROPOSED FOR ANNEXATION

Ms. Seidel commended the sample notice prepared by Ms. Taylor.

Mr. Heeter suggested that the commission provide similar notice for all road right-of-way annexations in Lane County. There was general concurrence. Ms. Taylor said she would share that information with the staff of the affected jurisdictions.

The commission briefly discussed whether to require all annexations including roads to go through a public hearing process. Responding to a question from Ms. Taylor, Ms. Seidel said that all expedited annexations including roads should be noticed. Ms. Taylor said that she would discuss the issue with applicants and suggest to them the potential that a public hearing would be requested, which would possibly steer them toward the public hearing process.

Ms. Larson expressed concern about the boundary commission making that requirement for the public hearing and about making a policy directed at one area of the county. Mr. Myers said he would support holding a public hearing for any annexation including a road right-of-way until the issues raised by the commission were cleared up. Ms. Taylor said the commission could adopt a motion that could be implemented through an administrative rule if it believed it to be necessary, or it could direct staff to process such annexations through the public hearing process.

Ms. Larson suggested that interested parties such as the Lane County Homebuilders Association be noticed of the boundary commission's action. She also suggested that legal counsel review the proposal. Ms. Taylor indicated she would secure legal review.

The commission agreed that the courtesy notice should be mailed separately from the legal notice requirements. The commission further agreed that the courtesy notice would be provided only to property owners adjacent to the annexing roadway. The commission also agreed that if no roadway was included in the annexation request, no courtesy notices would be sent.

Mr. Myers asked if there was a statutory height for postings. Ms. Taylor said the law called for posting in the area in at least three places but did not specify a height. Ms. Seidel encouraged Ms. Taylor to employ the web site more liberally.

- * Moved/second (Larson/Heeter) to (a) direct staff to gather information from the cities about the annexation of roadways, including their policies and practices, the pros and cons of including roadways, and other relevant information, (b) direct staff to send a letter to the development community and chambers of commerce about the interim practice for the six-months of requiring a public hearing on annexations that included existing road right-of-way, and (c) seek legal review of the process. The motion passed unanimously, 5:0 (commissioners Myers, Mulder, Larson, Seidel, and Heeter voting yes).

V. OTHER BUSINESS

Mr. Myers adjourned the meeting at 9:10 p.m.

Clay Myers, Chair
Lane County Local Government Boundary Commission

(Recorded by Kimberly Young)

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