

MINUTES

LANE COUNTY LOCAL GOVERNMENT BOUNDARY COMMISSION

Eugene City Hall
Council Chamber (777 Pearl Street)

October 4, 2007
7:00 p.m.

PRESENT: Clay Myers, chair; Eleanor Mulder, vice chair; Christine Larson; Renée Buchanan; Bud Stewart

ABSENT: Karen Seidel; Van Heeter, secretary

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 called the roll.

II. APPROVAL OF EXPENSES – JULY/AUGUST 2007

- * Moved/seconded (Mulder/Buchanan) to approve the expenses of July 2007 (\$15,873.90) and August 2007 (\$13,414.80). The motion passed unanimously, 5:0 (commissioners Myers, Larson, Buchanan, Stewart, and Mulder voting yes).

III. APPROVAL OF MINUTES – AUGUST 2, 2007

Ms. Mulder offered the following correction to the minutes from the meeting held on August 2:

- “He summarized his points by saying the statute had not been ~~me~~-met;...”

- * Moved/seconded (Mulder/Larson) to approve the minutes of August 2, 2007, as amended. The motion passed, 4:0:1 (commissioners Myers, Stewart, Mulder, and Larson voting yes; commissioner Buchanan abstained as she was not at the meeting).

IV. OLD BUSINESS: PUBLIC HEARING

Postponed from the August 2, 2007, Public Meeting – Annexation of Territory to the City of Eugene (Environ-Metal Properties LLC/River Land Properties LLC)

- A. BC File C EU 07 – 37
Initiated by property owner petitions
Action under ORS 199.490(1)(c) of the boundary commission law
Received July 3, 2007
Action to be taken by July 3, 2008

Description

As submitted, the annexation area included one full tax lot and a portion of one tax lot located in southeast Eugene, north of 30th Avenue, south of Everglades Street, and northwest of Bloomberg Road

Property owners: Environ-Metal Properties LLC (PO Box 832, Sweet Home) and River Land Properties LLC (PO Box 832, Sweet Home)

Tax lots: all of 701 and part of 702, T18S R03W S10

Acres: ± 130.00

Estimate of existing population: 0

Existing land use: Vacant, forest

Existing zoning in Lane County: AG/WR/UL, agricultural with water resource and urbanizable land overlays

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

Existing public services to the property: Police (Oregon State Police, Lane County Sheriff), schools (Eugene School District 4J), roads (Lane County, City of Eugene)

Reason for Annexation

The property owners requested annexation to prepare the site for 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 Eugene Register-Guard on September 13, 2007.* 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 (Environ-Metal Properties LLC/River Land Properties LLC, owners of the properties proposed for annexation) on September 26, 2007.* 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 September 19, 2007.*

Clay Myers, chair, introduced the first item on the docket and called for *ex parte* contacts or conflicts of interest. None were declared.

Paula Taylor, Executive Officer, reviewed the notice provided for the hearing. There was no objection to the adequacy of the notice provided. The staff notes and all materials submitted for this application were entered into the record in accordance with the boundary commission's administrative rules.

Ms. Taylor said the annexation had been initiated by the property owners. She noted that the annexation as submitted included all of one tax lot and a portion of another and was currently forested and unimproved. She stated that the property owners were preparing the property for development. She related that after the application had been submitted there was some question about the location of the urban growth boundary (UGB). She said a revised map had been submitted that showed the UGB location and the annexation as submitted. She underscored that the intent of the annexation was to be entirely within the UGB and as such, should the boundary commission proceed with approval of the annexation, staff recommended approval of the revised annexation area.

Ms. Taylor said the staff report included a letter from the City of Eugene addressing the city's rationale and criteria used in the review of the location of the UGB and a reduced copy of the topography map used by the applicant, Lane County, and Eugene staff.

Ms. Taylor stated that the boundary commission's administrative rules established four criteria that should be addressed. Staff had conducted this analysis and concluded that the annexation area was contiguous to the UGB and annexed out to the UGB and was contiguous to the existing city limits of the City of Eugene. She said the Metro Plan dictated that properties must annex in order to be developed and that urban services could be identified. She reported that staff had determined that annexation to the city would provide the needed services. Staff recommended that the commission modify the proposal as shown on the map exhibit attached to the staff report. She stated that the findings and reasons were included in the report. She provided one minor correction in that the acreage of the proposed annexation was circa 124.50 acres. She suggested the commission first modify the application as recommended if it was inclined to approve it.

Mr. Myers opened the public hearing.

Proponent's Opening Statement

Jim Spickerman, 975 Oak Street, Suite 800, Eugene, stated that he represented the applicant. He agreed with staff's recommendation to support the annexation.

Public Officials in Support

Ann Siegenthaler, City of Eugene Planning Division, conveyed the city's support for the modified annexation proposal and concurred with the boundary commission's staff proposal. She stated that the original application had included a request for interpretation of the UGB location, which in some cases in the original proposal did extend past the ridgeline. She related that the city had supported that in the original proposal based on policies in the Metro Plan that provide for interpretation of the UGB location. She explained that the UGB was not currently mapped as parcel specific in certain areas of the city and the ridgeline was one of those areas. She said the Metro Plan provided some latitude to make those interpretations. She stated that the city had supported the proposal based on the Metro Plan policies and based on the precedent in which the city council and boundary commission had approved annexations in the South Hills that extended past the ridgeline. She said since the original proposal had been submitted it had been modified and the application before the boundary commission was one that both the City of Eugene and Lane County had concurred on. She reiterated that all of the land proposed to be annexed was located within the UGB.

Others in Support – None

Public Officials in Opposition – None

Others in Opposition – None

Those Neither in Support nor Opposition

Bruce Mulligan, 3026 Hendricks Hill Drive, Eugene, stated that he was president of the Hendricks Hill Association. He thanked the boundary commission for serving on the commission as citizen volunteers. He wished to comment on transportation infrastructure, specifically one of the four connections proposed in tandem with the Everglades Street right of way and Laurel Hill Drive. He related that during his tenure on the budget committee the membership of that group looked at the transportation infrastructure of the City of Eugene and made recommendations to the city council. He said Laurel Hill Drive was given as an example of a road in failure, calling it a “loose connection of potholes.” He averred that it would be problematic to make it the connector for Everglades Street. He urged the commission to amend the findings so that the annexation would be approved with the condition that no connection to the transportation system via Everglades Street be considered an adequate provision of public services as required by the comprehensive plan.

Rebuttal by Proponents

Mr. Spickerman stated that his clients had no desire to connect by that street. He said if there was some insistence that this connection be established that would be an issue between the city and the Laurel Hill Neighbors as it was not up to the client to take care of it. He stated that, as a matter of law, a condition must be able to be tied to a criterion and the aforementioned recommendation could not be so tied.

Mr. Myers closed the public hearing.

Boundary Commission Deliberation and Decision

Ms. Larson asked staff to speak to the issues raised by Mr. Mulligan. Ms. Siegenthaler responded that there were existing policies that addressed transportation growth. She stated that no connections were being proposed at this time. She explained that during the development application the applicant, developer, and staff would discuss issues of concern and traffic impacts and what the most logical connections would be among those issues. She thought a traffic impact analysis would most likely be required.

- * Moved/seconded (Mulder/Buchanan) to modify the acreage listed in the staff report to 124.50 acres and to conform with the agreed upon urban growth boundary. The motion passed, 5:0 (commissioners Myers, Larson, Stewart, Buchanan, and Mulder voting yes).
- * Moved/seconded (Buchanan/Mulder) to approve BC File C EU 07 – 37 annexing territory to the City of Eugene, as modified, based on the findings and reasons in the October 4, 2007, staff report. The motion passed, 5:0 (commissioners Myers, Larson, Stewart, Buchanan, and Mulder voting yes).

V. NEW BUSINESS: PUBLIC HEARING

Annexation of Territory to the City of Eugene (Baudichon)

- A. BC File C EU 07 – 42
Initiated by property owner petition
Action under ORS 199.490(1)(c) of the boundary commission law
Received July 24, 2007
Action to be taken by October 22, 2007

Description

As submitted, the annexation area included one tax lot located in the River Road region of north Eugene, south of Beltline Road, east of River Road, north of Arbor Drive, and east of Rome Lane

Property owners: Philip and Debra Baudichon (525 Horn Lane)

Tax lot: 4500, T17S R04W S24 Map 21

Acres: ± 0.84

Estimate of existing population: 0 (one single-family residential unit)

Existing land uses: Residential

Existing zonings in Lane County: R-1/WR/UL, low-density residential with water resource and urbanizable land overlays

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

Existing public services to the property: Police (Oregon State Police, Lane County Sheriff), schools (Eugene School District 4J), roads (Lane County), water (River Road Water District), fire (River Road Water District contracting with the City of Eugene), parks (River Road Park and Recreation District), electricity (EWEB), wastewater (City of Eugene)

Reason for Annexation

If annexed, the property would be developed residentially. 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 September 13, 2007.* 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 (Philip and Debra Baudichon, owners of the private property proposed for annexation and initiators of this annexation request) on September 26, 2007.* 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 September 19, 2007.*

Clay Myers, chair, introduced the item and called for *ex parte* contacts or conflicts of interest. None were declared.

Paula Taylor, Executive Officer, reviewed the notice provided for the hearing. There was no objection to the adequacy of the notice provided. The staff notes and other materials submitted for this application were entered into the record in accordance with the boundary commission's administrative rules.

Ms. Taylor reported that after receipt of the application the boundary commission had received a written request from the City of Eugene to include a segment of Arbor Drive that was immediately adjacent to the lot proposed for annexation. She said the modification area was delineated on maps contained in the staff report.

Ms. Taylor stated that the standards the boundary commission applied were reviewed with this application and staff had concluded that the application was consistent with the standards. Annexation to the City of Eugene was consistent with the comprehensive plan and was considered to be a logical extension of the city limits as it was contiguous to the city limits and the inclusion of the road would bring in a logical section of the right of way that was also contiguous with the city limits. She said the required services to the property could be provided. Staff supported approval of the annexation with a modification to include the segment of Arbor Drive that was adjacent to tax lot 4500.

Mr. Myers opened the public hearing.

Proponent's Opening Statement – None

Public Officials in Support

Ann Siegenthaler, Associate Planner for the City of Eugene, conveyed the city's support for the proposal to annex Mr. Baudichon's parcel. She reiterated the city's request to include a portion of the Arbor Drive right-of-way. She said although Arbor Drive was not classified as a local access road and was not one of the city's higher priority road classifications for annexation, it was a logical inclusion as it only fronted the applicant's property and its inclusion would create no islands. She stated that the inclusion of the road was consistent with the Metro Plan policies and asked the boundary commission support the modification. She added that if the boundary commission could not support the modification to the request, the city would request that the boundary commission proceed with approval of the annexation of the property.

Others in Support – None

Public Officials in Opposition – None

Others in Opposition – None

Those Neither in Support or Opposition – None

Rebuttal by Proponents – None

Mr. Myers closed the public hearing.

Boundary Commission Discussion and Decision

Mr. Stewart asked why the city was interested in the “back portion” of a deadend street that was not connected to any other city rights of way. Ms. Siegenthaler replied that the primary reason was that the Metro Plan encouraged annexation of rights of way wherever it was logical and appropriate. She explained that the city felt it was consistent with policies but it was also typically something that benefited the applicant later in the development stage.

- * Moved/seconded (Larson/Mulder) moved to modify the application to include 260 feet of Arbor Drive right of way that fronted the property subject to BC File C EU 07 – 42. The motion passed unanimously, 5:0 (commissioners Myers, Mulder, Larson, Stewart, and Buchanan voting in favor).
- * Moved/seconded (Buchanan/Mulder) to approve BC File C EU 07 – 42, as modified, annexing territory to the City of Eugene based on the findings and reasons in the October 4, 2007 staff report. The motion passed unanimously, 5:0 (commissioners Myers, Mulder, Larson, Stewart, and Buchanan voting in favor).

Annexation of Territory to the City of Eugene (Willocks)

- B. BC File C EU 07 – 46
Initiated by property owner petition
Action under ORS 199.490(1)(c) of the boundary commission law
Received August 21, 2007
Action to be taken by November 19, 2007

Description

As submitted, the annexation area included one tax lot located in the River Road region of north Eugene, south of Beltline Road, west of River Road, south of Elkay Drive, west of North Park Avenue, and east of the Northwest Expressway

Property owners: Kent and Bethel Willocks (900 North Park Avenue, Eugene)

Tax lot: 100, T17S R04W S23 Map 30

Acres: ± 0.47

Estimate of existing population: 2 (one single family residential unit)

Existing land use: Residential

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

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

Existing public services to the property: Police (Oregon State Police, Lane County Sheriff), school (Eugene School District 4J), roads (Lane County), water (River Road Water District), fire (River Road Water District contracting with the City of Eugene), parks (River Road Park and Recreation District), wastewater (City of Eugene), electricity (EWEB)

Reason for Annexation

The property owners 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 September 13, 2007.* 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 (Kent and Bethel Willocks, owners of the private property proposed for annexation and initiators of this annexation request) on September 26, 2007.* 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 September 19, 2007.*

Clay Myers, chair, introduced the item and called for *ex parte* contacts or conflicts of interest. None were declared.

Ms. Mulder requested to be excused from the duration of the proceedings. Mr. Myers granted her request.

Paula Taylor, Executive Officer, reviewed the notice provided for the hearing. There was no objection to the adequacy of the notice provided. The staff notes and all of the materials submitted with this application were entered into the record in accordance with the boundary commission's administrative rules.

Ms. Taylor related that the annexation was a single lot annexation that had been initiated by the property owners. She stated that the annexation was located within the UGB. She related that the City of Eugene had submitted a written request to modify the proposal to include a segment of North Park Avenue. She explained that the annexation, as submitted or modified, would not be contiguous to the main body of the City of Eugene but it would be contiguous to other previously annexed properties. She said if the road right of way segment was included in the annexation it would become a more extensive connection to the other previously annexed properties, which would provide another step toward connectivity of the annexed properties in that area. She noted that the boundary commission had received no referral responses on the annexation. She also noted that the Metro Plan acknowledged that the annexed areas would reduce the size of the service areas from the two special districts in the area and had policies that indicated the City of Eugene would be the ultimate provider of services for the area. She conveyed staff's recommendation to modify the proposal to include the request made by the City of Eugene and to then approve the annexation as modified.

Mr. Myers opened the public hearing.

Proponent's Opening Statement

Ron Funke, Custom Planning Services, 99 West 10th Avenue, Suite 119, Eugene, spoke on behalf of the Willocks. He said his clients supported the city's request so long as it did not hinder their ability to annex the property.

Public Officials in Support

Ann Siegenthaler, Associate Planner for the City of Eugene, conveyed the city's support for the proposal to annex the Willocks' parcel. She reiterated the city's request to include a portion of North Park Avenue, a small segment approximately 286 feet long. She stated that it would connect the Willocks parcel and that portion of the right-of-way to other areas already annexed to the city. She underscored that no islands of unincorporated territory would be created by the inclusion of the right of way portion. She stated that the proposed annexation including the modification request was consistent with the Metro Plan policies. The city anticipated that this parcel and adjacent rights of way would ultimately be annexed to the city and so believed that the proposal should be supported by the boundary commission. She added that if the boundary commission could not support the modification to include road right-of-way, the city would request that the boundary commission proceed with approval of the annexation of the property.

Others in Support – None

Public Officials in Opposition – None

Others in Opposition – None

Those Neither in Support or Opposition – None

Rebuttal by Proponents – None

Mr. Myers closed the public hearing.

Boundary Commission Discussion and Decision

- * Moved/seconded (Stewart/Larson) moved to modify the application to include North Park Avenue right-of-way. The motion passed unanimously, 4:0 (commissioners Myers, Larson, Stewart, and Buchanan voting in favor).
- * Moved/seconded (Larson/Buchanan) to approve BC File C EU 07 – 46, as modified, annexing territory to the City of Eugene based on the findings and reasons in the October 4, 2007, staff report. The motion passed unanimously, 4:0 (commissioners Myers, Larson, Stewart, and Buchanan voting in favor).

Annexation of Territory to the City of Eugene (Brotherton I LLC/Brotherton II LLC/Brotherton III LLC)

- C. BC File C EU 07 – 53
Initiated by property owner petition
Action under ORS 199.490(1)(c) of the boundary commission law
Received September 4, 2007
Action to be taken by December 3, 2007

Description

As submitted, the annexation area included four tax lots located in the Santa Clara region of north Eugene, north of Beltline Road, east of River Road, north of River Loop No. 2, south of Oroyan Avenue, and north and south of Swain Lane
Property owners: Brotherton I LLC, Brotherton II LLC, Brotherton III LLC (PO Box 2771, Eugene)
Tax lots: 400, 406, 702, and 800, T17S R04W S02, Map 42
Acres: ± 3.05
Estimate of existing population: 1 (five mobile homes)
Existing land uses: Residential, vacant
Existing zoning in Lane County: C-1/UL, neighborhood commercial with urbanizable land overlay; AG/UL, agriculture with urbanizable land overlay
Applicable comprehensive plan: Eugene-Springfield Metropolitan Area General Plan (acknowledged in August 1982 and has been subsequently amended)
Existing public services to the property: Police (Oregon State Police, Lane County Sheriff), schools (Eugene School District 4J), roads (Lane County, City of Springfield), water (Santa Clara Water District), fire (Santa Clara Rural Fire Protection District), wastewater (City of Eugene), electricity (EWEB)

Reason for Annexation

The property owners requested annexation in order to prepare the site for commercial 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 September 13, 2007.* 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 (Brotherton I LLC, Brotherton II LLC, and Brotherton III LLC, owners of the properties proposed for annexation and initiators of this annexation request) on September 24, 2007.* 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 September 19, 2007.

Clay Myers, chair, introduced the item and called for *ex parte* contacts or conflicts of interest. None were declared.

Paula Taylor, Executive Officer, reviewed the notice provided for the hearing. There was no objection to the adequacy of the notice provided. The staff notes and other application materials were entered into the record in accordance with the boundary commission's administrative rules.

Ms. Taylor said the annexation had been initiated by the property owners and included four tax lots located in the Santa Clara region of north Eugene. She related that the City of Eugene had submitted a written request to modify the proposal to include a segment of the Swain Lane right-of-way. She stated that if the road was included it would connect the properties owned by the Brotherton LLCs and if not included there would be annexation areas located to the north and to the south of Swain Lane. The city's request for the modification and its rationale were included in the staff report. She noted that the boundary commission had asked staff to send notice to adjacent property owners when road rights of way were being proposed for annexation and those notices had been sent. She added that she had sent notices to adjacent property owners relative to the city requested modifications on the previous two items on the boundary commission docket.

Ms. Taylor stated that the annexation was located in the Santa Clara Water District and the Santa Clara fire district. The boundary commission had received a letter from the Santa Clara Water District objecting to the annexation, which was attached to the staff report. She explained that the district objected to the loss of future customers and staff acknowledged that the district would be impacted. She stated that based on the policies in the Metro Plan, the only opportunity for properties to be redeveloped in that area was for annexation to occur. She said staff had concluded that the annexation did meet boundary commission criteria as it was within the UGB and though it was a non-contiguous annexation it met the Metro Plan criteria for annexation. She added staff's recommendation to include the city recommended modification to the proposal to include the aforementioned segment of Swain Lane.

Mr. Myers opened the public hearing.

Proponent's Opening Statement

Jim Spickerman, 975 Oak Street, Suite 800, Eugene, representing the applicants, conveyed his agreement with the staff report. He related that his clients had no objection to the inclusion of the Swain Lane right-of-way.

Public Officials in Support

Ann Siegenthaler, City of Eugene Planning Division, conveyed the city's support for the annexation proposal and concurred with the boundary commission's staff report. She reiterated the city's request to modify the annexation proposal to include the Swain Lane right of way as it fit the city's general guidelines for logical street connectivity.

Others in Support

Daniel Cooper provided testimony unrelated to the annexation request.

Florence Challe stated that she had two properties fronting Swain Lane. She asked if the intention was to widen the street.

Public Officials in Opposition – None

Others in Opposition

Cindy Armstrong, 121 Swain Lane, Eugene, opposed the annexation. She said she owned three properties in that area and had seen much development occur in that area. She felt it was not helping the area as it was being “out-taxed.” She stated that a large subdivision had been built that connected to the back of Swain Lane and seven homes had been built on a lot on River Loop. She averred that developers LLC was trying to “overbuild and overtax” the whole Santa Clara area. She added that she did not wish to annex her property.

Those Neither in Support nor Opposition – None

Rebuttal by Proponents

Mr. Spickerman assured residents from Swain Lane that the development was a “long way” from consideration of widening any streets. He said the next stage of the process would be to rezone the property, still a long way from a development plan. He stated that what would be done with Swain Lane was dependent “to some extent” on what the city would require. He noted that Swain Lane was important as a place to put utilities. He underscored that there would be more opportunities for public input as the process unfolded. He clarified that all of the property in question was currently designated as commercial in the Metro Plan. He did not know at this point what would be developed there but he did not think that it would likely be residential properties unless there were commercial enterprises somehow connected to them.

Mr. Myers closed the public hearing.

Boundary Commission Discussion and Decision

Mr. Stewart commented, in response to concerns regarding density of development in the Santa Clara region, that he sympathized with the testimony. He said it was disappointing to watch an area convert from open space in the 1940s and 1950s to developed areas today, but this was to be expected of land that was located within the UGB.

- * Moved/seconded (Stewart/Larson) moved to modify the application to include Swain Lane right-of-way. The motion passed unanimously, 4:0 (commissioners Myers, Larson, Stewart, and Buchanan voting in favor).
- * Moved/seconded (Buchanan/Larson) to approve BC File C EU 07 – 53, as modified, annexing territory to the City of Eugene based on the findings and reasons in the October 4, 2007, staff report. The motion passed unanimously, 4:0 (commissioners Myers, Larson, Stewart, and Buchanan voting in favor).

Annexation of Territory to the City of Eugene (T. White Investments LLC)

- D. BC File C EU 07 – 52
Initiated by property owner petition
Action under ORS 199.490(1)(c) of the boundary commission law
Received September 4, 2007
Action to be taken by December 3, 2007

Description

As submitted, the annexation area includes one tax lot located in the Chase Gardens region of east Eugene, south of relocated Garden Way, and north and west of Old Garden Way

Property owners: T. White Investments LLC (696 Country Club Road, Eugene)

Tax lot: 1800, T17S R03W S28 Map 40

Acres: ± 0.90

Estimate of existing population: 0

Existing land use: Vacant

Existing zoning in Lane County: AG/UL, agricultural with urbanizable land overlay

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

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

Reason for Annexation

The property owner requested annexation to prepare the site for commercial 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 September 13, 2007.* 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 (T. White Investments LLC, owner of the property proposed for annexation and initiator of this annexation request) on September 26, 2007.* 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 September 19, 2007.*

Clay Myers, chair, introduced the item and called for *ex parte* contacts or conflicts of interest. None were declared.

Paula Taylor, Executive Officer, reviewed the notice provided for the hearing. There was no objection to the adequacy of the notice provided. The staff notes along with all other material submitted for this application were entered into the record in accordance with the boundary commission's administrative rules.

Ms. Taylor related that the annexation to the City of Eugene was initiated by the property owner. She stated that the annexation was located in an area that was completely surrounded by the city limits. She said the property was currently not developed and was designated for commercial uses in the comprehensive plan. She related that the City of Eugene had submitted a written request to modify the annexation area to include the portion of Garden Way, or Old Garden Way, that was located south of the tax lot proposed for annexation. She noted that this would be the remainder of Garden Way not already in the city. She reported that the property in question was included in the Willakenzie fire district and would be withdrawn from that district subsequent to annexation, if so approved. She noted that the Willakenzie fire district contracted with the City of Eugene for fire services and the annexation would mean those services would be provided directly. She conveyed staff's recommendation to modify the proposal to include Garden Way right-of-way as required by the city and then approve the annexation as modified. She stated that the findings and reasons in the staff report supported that recommendation.

Mr. Myers opened the public hearing.

Proponent's Opening Statement

Kip Amend, Eric Hall Architects, Inc., 116 Highway 99 North, Eugene, spoke on behalf of T. White Investments, LLC. He stated that the annexation would allow his client to improve the property as a contiguous development and in compliance with the City of Eugene's land use standards that had been part of the comprehensive plan and a public policy process over the last several years. He averred that the annexation would assist the City of Eugene in the completion of facility services to the Chase Nodal Development area, which included the improvement of access and nodal development connectivity to the site.

Public Officials in Support

Ann Siegenthaler, Associate Planner for the City of Eugene, conveyed the city's support for the annexation proposal. She reiterated the city's request to include a portion of Old Garden Way. She said it was a relatively short segment of right of way and was the last remaining parcel of unannexed right-of-way on Garden Way. She stated that the annexation of that portion would connect the applicant's parcel to other areas already annexed to the city and, as such, was a logical and appropriate street segment to include in this annexation. She stressed that no islands would be created by said annexation and that it was consistent with the Metro Plan policies. She added that if the boundary commission could not support the modification to the request, the city would request that the boundary commission proceed with approval of the annexation of the property.

Others in Support – None

Public Officials in Opposition – None

Others in Opposition – None

Those Neither in Support or Opposition – None

Rebuttal by Proponents – None

Mr. Myers closed the public hearing.

Boundary Commission Discussion and Decision

- * Moved/seconded (Larson/Buchanan) moved to modify the application to include Old Garden Way right-of-way. The motion passed unanimously, 4:0 (commissioners Myers, Larson, Stewart, and Buchanan voting in favor).
- * Moved/seconded (Larson/Buchanan) to approve BC File C EU 07 – 52, as modified, annexing territory to the City of Eugene based on the findings and reasons in the October 4, 2007, staff report. The motion passed unanimously, 4:0 (commissioners Myers, Larson, Stewart, and Buchanan voting in favor).

Annexation of Territory to the City of Eugene (Johnson)

- E. BC File C EU 07 – 47
Initiated by property owner petition
Action under ORS 199.490(1)(c) of the boundary commission law
Received August 27, 2007
Action to be taken by November 26, 2007

Description

As submitted, the annexation area includes one tax lot located in the Santa Clara region of north Eugene, north of Beltline Road, west of River Road, north of Ferndale Drive, and west of Cindy Street.

Property owners: Randolph and Ann Johnson (4420 Avalon Street, Eugene)

Tax lot: 2800, T17S R04W S11, Map 13

Acres: ± 0.93

Estimate of existing population: 0 (one residential unit)

Existing land use: Residential

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

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

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

Reason for Annexation

The annexation was requested in order to prepare the area 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 September 13, 2007.* 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 (Kenneth Taylor Trustee, on behalf of Randolph and Ann Johnson, owners of the property proposed for annexation and initiator of this annexation request) on September 26, 2007.* 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 September 29, 2007.*

Clay Myers, chair, introduced the item and called for *ex parte* contacts or conflicts of interest. None were declared.

Paula Taylor, Executive Officer, reviewed the notice provided for the hearing. There was no objection to the adequacy of the notice provided. The staff notes along with all materials submitted in the application were entered into the record in accordance with the boundary commission's administrative rules.

Ms. Taylor said the annexation was for a single lot in the Santa Clara region of north Eugene and had been initiated by the property owner. She stated that approval of the annexation request would leave an unincorporated island of four tax lots. She related that the tax lot in question was contiguous to many other parts of the city that were not contiguous in this region of Santa Clara and was adjacent to a segment of right-of-way that had been previously annexed.

Ms. Taylor stated that the boundary commission had received a letter from the Santa Clara Water District objecting to the annexation, which was attached to the staff report. She explained that the district objected to the loss of future customers and staff acknowledged that the district would be impacted. She stated that based on the policies in the Metro Plan, the only opportunity for the property to be redeveloped in that area was for annexation to occur. This was not a non-contiguous annexation and the services required for future development to occur within the territory proposed for annexation could be provided. She conveyed staff's recommendation to approve the annexation based on the findings and reasons included in the staff report.

Mr. Myers opened the public hearing.

Proponent's Opening Statement – None

Public Officials in Support

Ann Siegenthaler, City of Eugene Planning Division, conveyed the city's support for the annexation request and concurred with the findings in the boundary commission staff report. She said city staff had reviewed the annexation and found that it met all of the Metro Plan's policies related to annexation, specifically the policies that state that the city was the logical provider for services in that area.

Others in Support – None

Public Officials in Opposition – None

Others in Opposition – None

Those Neither in Support nor Opposition – None

Rebuttal by Proponents – None

Mr. Myers closed the public hearing.

Boundary Commission Discussion and Decision

Mr. Stewart ascertained from Ms. Siegenthaler that the creation of an islanded area was not prohibited by policy. She underscored that the city's annexation policies had not changed and there were no Metro Plan policies that dictated that an individual may not annex their parcel if it created islands of other parcels. She said there had been recent council direction related to the annexation of rights of way but it did not affect annexations initiated of properties by the owner.

Ms. Taylor added that the state legislature had passed some legislation that would change how cities could use the provisions for how islanded properties could be annexed.

- * Moved/seconded (Larson/Buchanan) to approve BC File C EU 07 – 47 annexing territory to the City of Eugene based on the findings and reasons in the October 4, 2007, staff report. The motion passed unanimously, 4:0 (commissioners Myers, Larson, Stewart, and Buchanan voting in favor).

Annexation of Territory to the City of Eugene (Corey Development LLC)

- F. BC File C EU 07 – 48
Initiated by property owner petition
Action under ORS 199.490(1)(c) of the boundary commission law
Received August 23, 2007
Action to be taken by November 21, 2007

Description

As submitted, the annexation area included one tax lot located in the Santa Clara region of north Eugene, north of Beltline Road, east of River Road, north of Spring Creek Drive, and west of Herman Street.

Property owners: Corey Development LLC (3956 Mirror Pond Way, Eugene)

Tax lot: 600, T17S R04W S02, Map 11

Acres: ± 0.93

Estimate of existing population: 0 (one residential unit)

Existing land use: Residential

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

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

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

Reason for Annexation

The annexation was requested in order to prepare the area 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 September 13, 2007.* 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 (David Corey, on behalf of Corey Development LLC, owner of the private property proposed for annexation and initiator of this annexation request) on September 24, 2007.* 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 September 19, 2007.*

Clay Myers, chair, introduced the item and called for *ex parte* contacts or conflicts of interest. None were declared.

Paula Taylor, Executive Officer, reviewed the notice provided for the hearing. There was no objection to the adequacy of the notice provided. The staff notes along with all other materials received in the application were entered into the record in accordance with the boundary commission's administrative rules.

Ms. Taylor said the annexation included a single tax lot initiated by the property owner. She stated that the staff report had been incorporated in the public record. She related that the annexation area was zoned and designated for residential development and the owner was requesting annexation for the purpose of pursuing such development. She explained that the annexation was in the northern area of Santa Clara that was within the UGB. If the boundary commission approved the annexation it would create an islanded area of seven properties. She underscored that the staff report had been sent to each of those property owners and that the annexation did not include any of those properties.

Ms. Taylor reported that the boundary commission had received a letter from the Santa Clara Water District objecting to the annexation, which was attached to the staff report. She stated that based on the policies in the Metro Plan, the only opportunity for the property to be redeveloped in that area was for annexation to occur. She said the property would be withdrawn from the Santa Clara Water District and the Santa Clara fire district after the annexation occurred. She related that the Metro Plan required that certain urban services and facilities be available in order for properties to annex and be developed; staff had reviewed the service delivery information from the City of Eugene and had determined that services were available or could be made available in the area of annexation.

Ms. Taylor conveyed staff's recommendation to approve the annexation based on the findings and reasons set forth in the staff report.

Mr. Myers opened the public hearing.

Proponent's Opening Statement

Scott Goebel, Goebel Engineering & Surveying, 310 Garfield Street, Eugene, stated that he represented the applicant. He respectfully requested approval of the annexation. He noted that the property owner wished to develop the property as low-density residential to utilize the urbanized land that was available without expanding the UGB.

Public Officials in Support

Ann Siegenthaler, City of Eugene Planning Division, conveyed the city's support for the annexation request and concurred with the findings in the boundary commission staff report. She said city staff had reviewed the annexation and found that it met all of the Metro Plan's policies related to annexation.

Others in Support – None

Public Officials in Opposition – None

Others in Opposition

George Brown, 485 Spring Creek Drive, Eugene, said he owned one of the properties that would be islanded by the annexation. He requested clarification on how islanding was defined and what the implications of being islanded were.

Ms. Taylor explained that this referred to properties that were surrounded by properties that had been annexed by the City.

Mr. Brown expressed concern regarding an increase in taxation for fire and police services. He said area residents were already overburdened. He also felt concern that the Santa Clara Water District was not being compensated for the lost customers or their existing systems. He was worried that his right to keep his property from being annexed would be taken away.

Mary Fisher, 4343 Herman Street, Eugene, stated that she had lived at her house since 1988. She averred that the city had allowed backfilling into a drain field and water kept backing up. She wondered what plans there were to address the water runoff.

Those Neither in Support nor Opposition – None

Rebuttal by Proponents – None

Mr. Myers asked Ms. Siegenthaler if she could respond to Ms. Fisher's concern.

Ms. Siegenthaler said water runoff was one of many issues that would be addressed in the development phase of a property. She noted that the City of Eugene had recently adopted new stormwater standards and established certain thresholds. She offered to speak with Ms. Fisher after the hearing.

Mr. Myers asked city staff to comment regarding forced annexation. Ms. Siegenthaler responded that the city had no policies currently that encouraged forced annexations. She said the Metro Plan stated that the preferred method of annexation was through owner applications.

Mr. Myers closed the public hearing.

Boundary Commission Discussion and Decision

- * Moved/seconded (Larson/Buchanan) to approve BC File C EU 07 – 48 annexing territory to the City of Eugene based on the findings and reasons in the October 4, 2007, staff report. The motion passed unanimously, 4:0 (commissioners Myers, Larson, Stewart, and Buchanan voting in favor).

VII. OTHER BUSINESS

A. Boundary Change Transition Update

Ms. Taylor reported that the Lane Council of Governments (LCOG) had developed a scope of work to assist cities in Lane County to be prepared for their new authority to process their own boundary changes in January, 2008. She related that they had met several times with regional managers and individually with the planning directors of Eugene, Springfield, and Lane County as well as with small city planners. She said there was mixed interest in contracting with LCOG to help with the transition. She stated that the county intended to proceed with an intergovernmental agreement for assistance from LCOG, but some of the smaller cities were uncertain as to how to pay for such assistance. She averred that there were misperceptions of what the bill was thought to do and what it actually was doing. She had heard department heads make a presentation to the Lane Board of County Commissioners several weeks earlier and thought they had represented the impacts to their departments eloquently. She felt the county commissioners had responded well. She noted that there had been some questions regarding funding mechanisms. She related that this was unclear and that it may take litigation to get that clarified.

Ms. Taylor stated that the boundary commission had one more regularly scheduled meeting before the end of the year and no more annexation requests would be accepted by the body after December 31. She said some effort was being made to contact non-contiguous property owners to let them know that the process as it currently was undertaken would no longer be available after January 1, 2008.

Mr. Myers asked who was contacting the property owners. Ms. Taylor replied that Ron Funke of Custom Planning had taken this on. He was also developing a website with different kinds of information.

Mr. Stewart asked if the cities and the county would be required to “jump through the hoops” the current boundary commission had to undertake. Ms. Taylor responded that she was not certain if their requirements would be the same given that some of the noticing requirements, among others, were specific to boundary commission law. She said most cities review the annexations by staff.

In response to a question from Mr. Myers, Ms. Taylor surmised that there would be one or two more meetings after January 1.

Ms. Buchanan asked if the applications would still have a number of days attached to them after which they were automatically approved. Ms. Taylor replied that this was specific to boundary commission law.

Mr. Stewart asked if there would be a way to liberalize the standards in order to expedite them should there be a rush of minor annexation requests. Ms. Taylor responded that anyone could use the expedited process. Mr. Stewart suggested that staff encourage people to do so.

Mr. Myers asked if any fallout had been experienced as a result of the last hearing. Ms. Taylor replied that copies of the final order had been requested by all of the attorneys involved and one had requested a list of all of the parties of record with their addresses. She said given that all of the information was in the public record it would not be a good use of staff resources to work on garnering more information for them.

B. Other

There were no other items raised at this time.

Mr. Myers adjourned the meeting at 8:52 p.m.

Clay Myers, Chair
Lane County Local Government Boundary Commission

(Recorded by Ruth Atcherson)

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