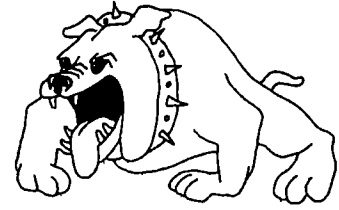


W. 10. b.

# Citizens Against Annexation

P.O. Box 1212  
Florence, Oregon 97439



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October 5, 2007

Lane County Commissioners  
125 East Eighth  
Eugene, Oregon 97401

Heceta Water District Commissioners  
87845 Hwy. 101  
Florence, Oregon 97439

RE: Lane County Boundary Commission Decision 9/27/07  
Request for Objection and Election  
Annexation of Fawn Ridge East, Fawn Ridge West, Rhododendron Drive, Sebastian  
Street, Ures Property

Commissioners:

Enclosed are signed petitions containing 306 signatures of residents and homeowners living within the Florence Urban Growth Boundary and/or Heceta Water District boundaries. Also enclosed are letters submitted as public testimony during various hearings, 15 of those letter writers are not signers on the petition, resulting in a total number of 321 individuals who have put their opposition to the Fawn Ridge and Rhododendron Drive annexation in writing.

We believe that ORS 199.507(1)(b)(2) validates the right of both the County and the Water District to call for a vote within their boundaries. There are five possible voting 'groups' involved:

## **Voters within Lane County**

The people most effected by this annexation are residents and voters in Lane County - the privately owned properties being annexed, private properties threatened with the island annexation (see below), as well as Lane County public roadways and properties. It seems unwieldy to us that every voter in the county should be asked to make a decision on such a localized issue. However, if that is the only method of obtaining an elective decision on the annexation, we would certainly support that method.

### **Voters within Heceta Water District**

The people most effected by this annexation are also residents of Heceta Water District. The Water District Board of Commissioners formally objected to this annexation because - in part - there was no statutorily required Intergovernmental Agreement in place which would give the District, and the property owners, some sense of certainty about who would be providing water service in the area in the future. The Water District objected for a number of other reasons, as well. (See enclosed Heceta Water District letter to Boundary Commission). About 60% of the Water District's customer base resides within the Urban Growth Boundary, and any annexation of District property - without an intergovernmental agreement - can have a huge impact on District facilities planning, and ability to continue to serve the District's customers.

### **Voters within the area to be annexed**

According to the City's testimony, there are no voters within the area to be annexed.

### **Voters within the Annexation Island**

The annexation of 1.3 miles of Rhododendron, when combined with the annexation of Sebastian Street and the cherry-stem Fawn Ridge properties, is an obvious effort on the city's part to form an annexation island for many of the people who signed this petition. The city has already obtained written permission from the State of Oregon for annexation of the large parcel of state land that lies due west of these homes. Recently enacted legislation will not protect these people from forced island annexation because the length of Rhododendron Drive that is being annexed will be less than the 25% perimeter limitation set out in the new statutes. (See map attached).

### **Voters within the Urban Growth Boundary**

City representatives have publicly stated, on numerous occasions, that the City intends to annex all the properties within the Urban Growth Boundary - it is a primary goal set out in the City's as yet uncompleted 2020 Comprehensive Plan. The signatures on the petition clearly show that a vast majority of those living within the City's Urban Growth boundary do not want to be annexed into the city. These voters have **no** right to vote in City activities. Approximately 60% of the Water District's customer base live within the Urban Growth Boundary. Their only democratic recourse for the Boundary Commission's actions is to either the County Commissioners or Heceta Water District Commissioners.

### **Logical Voting Area**

It appears to us that the most logical election 'area' would encompass those most directly, and immediately, effected by this. We believe the overlapping jurisdictions of County and Water District interests provide sufficient justification for a special election in the local area defined as those registered to vote:

within the "island" which will be formed by the cherry-stem annexation: the boundary of Rhododendron Drive, Sebastian Street, the ocean and the northern City limits, as well as those property owners whose property abuts either Rhododendron Drive or Sebastian Street.

We understand that this is an unprecedented request. But this is an equally unprecedented situation. Fortunately, the Oregon State Legislature wisely made provisions which allow the County Commissioners and the Water District to intervene in the annexation process on behalf of the public's interest.

The Local Boundary Commission has been dissolved by the Legislature. Beginning January 2008, it will be, as it is in every other county in the state, the Lane County Commissioner's right and duty to make these decisions. The Boundary Commission, with virtually no oversight, still has a number of proposed Lane County annexations in line, waiting for their approval. We believe that bringing this issue to an election will temper the Boundary Commission's actions in the final days before dissolution, to more closely coincide with the Lane County Commissioner's deliberative processes.

We believe both the County and the Water District have not only the right, but the obligation to respond to the outcry from the voters, and call for an election.

Thank you,

Citizens Against Annexation



# ANNEX ISLAND

PACIFIC OCEAN

UGR

UGB

OREGON DEPT.  
OF  
STATE LANDS  
(BEACH & Dunes  
North Jetty)

SIUSSLAW RIVER

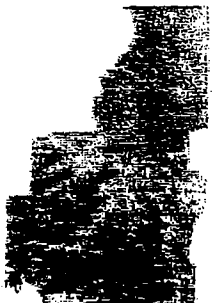
CITY LIMITS

HIGHWAY 101

LEWIS

CITY LIMITS

HICKS ROAD RD



### Annexation Petition Map



EXHIBIT C

Scale 1:11,281  
1 in = 940 ft

# Siuslaw News

SATURDAY

177TH YEAR • ISSUE NO. 34

APRIL 28 • 2007

STAFFERS: IRL COMMINIUSHS OF FLORENCE • JAMES CITY • WESTLAKE • MARLTON • SMISSONDA • DEADWOOD • VAGHATS AND ALL POINTS BETWEEN

50 CENTS



## Citizens buck growth and spreading city limits

*An organized group hosted a town hall meeting to rally residents against annexation.*

By **Theresa Baer**  
Siuslaw News

Citizens Against Annexation affirmed its self-stated position to a packed house in a town hall-type meeting last Wednesday evening at the Florence Events Center.

The April 25 meeting was a culmination of a well-organized campaign that has been fueled by the prospects of the city annexing Rhododendron Drive and the North Local Improvement District, a pending inter-government agreement with Heceta Water District, and recent development surging into and beyond the city's urban growth boundaries.

During the two-hour session, a four-person panel presented views on annexation with the theme "Who Wins and Who Pays?" Eugene attorney Dan Stotter, a spokesman for Citizens Against Annexation (CAA), set the tone for the evening's discussions with a heavy-handed use of the term "forced annexation."

"We've been left with very, very little recognition or support by the elected officials, particularly the Florence City Council or staff," Stotter said, opening the meeting, "and in response to that situation we decided about a year ago that it was very, very important to form an organization to do something about that problem. And as a result, we created a nonprofit group, Citizens Against Annexation. This is our first town forum."

Stotter has taken the position that Florence residents living outside city limits are not always given the same level of attention at city hall as those who live within the city, and that Florence officials should make clear their policy on annexation to allay residents' concerns.

"In less than one year (since) we created this organization," he said. "I can report that the City of Florence has not successfully been able to get any forced annexations down our throat in that period of time. And we've just begun to fight."

Other panelists included Jim Seaberry, also from the Eugene area, who successfully worked to stave off annexation of a Santa Clara neighborhood. Seaberry compared the CAA to the NRA and urged homeowners to speak up for their rights.

Jerry Ritter, a member of Oregon Communities for a Voice in Annexation, warned of the various methods government entities use to annex territory and described a number of statutes, including

See **ANNEXATION 6A**

6A Siuslaw News | SATURDAY, APRIL 28, 2007

### Annexation

from 1A

pending legislation, that result in annexations.

Stephanie Chestler, a member of the CAA board, was the only Florence-area panelist. Chestler presented an enthusiastic and detailed report on potential costs to residents as a city expands.

"The city people, the city fathers, if you will, keep saying they need 100 new homes a year," Chestler said. "A hundred new homes built every year is going to cost the city taxpayers \$2,735,000 in 1998 money."

Chestler was referring to findings published in a 1999 book titled "Better Not Bigger," written by Eben Fodor and substantiated when it was used as a guide by former governor John Kitzhaber and the state's Task Force on Growth in Oregon.

Chestler explained that Fodor's research on the effects of development and expansion over 25 years shows that growth is far more likely to be "a drain than a gain on the local treasury."

"In the past, the accepted thinking was that annexation was a good thing — more people, more taxes, more money in the government coffers to provide needed services," she said. "But the cost of services outweighed the newly collected taxes."

CAA members, which may number as many as 800, and other Florence residents have expressed their concern over not having evidence of the city's official stand on the subject of annexation. The fear of "forced annexations" prevailed before, during and after the public meeting.

Though no city officials addressed Wednesday night's crowd, Mayor Phil Brubaker stated

on Thursday that the policy of the city is reflected in city council meeting minutes. He also stated on record that the city does not force annexations.

A formal policy statement, as such, has yet to be discovered in the minutes (by this reporter), but annexation was the topic of discussion in the council's Jan. 22 meeting, the result of repeated questions and comments put to the city by residents living outside the city.

Much of the consternation at that time was spurred by the Fawn Ridge development along Rhododendron Drive. In December 2006 letters were mailed to some citizens in the area that did state the city's position. The mailing seemed to generate more distrust and anxiety than enlightenment. Copies of the letter were circulated at the CAA meeting.

In City Council's Jan. 22 meeting agenda, which was not avail-

able during the CAA session, the Community Development Department had outlined the city's "goals for urbanization" and stated:

"At this point in time, the city is accepting applications from property owners and affirms our support of property owners within the UGB who wish to annex to the city in order to obtain city services and/or to achieve an urban level of development. The city is also encouraging annexation in conjunction with development in the urbanization area. The city is obligated to consider annexations to implement the Comprehensive Plan which calls for eventual conversion to urban use of all land within the UGB. The city is processing these annexations and is not attempting to include other properties into the annexation unless so requested by a property owner."

Brubaker explained that the city's growth budget is based on

100 additional units of housing each year, Florence's historical growth rate. "It's in our 2020 Plan and what we need to balance our revenue."

The mayor, like some people who participated in the forum, acknowledged the homeowners who had signed agreements upon purchasing their homes that they would allow future annexation.

"The city has no plan to exercise that right," Brubaker said.

Stotter said in a telephone interview, "It is my view that this is not a legal process."

"I'm sorry to see that there are people inclined to spend time and money jousting at windmills. The city is not a dragon on this," he said.

Brubaker added, "I hope this has not become a 'we versus them' mentality. That's the potential tragedy in all this."

Stotter told the crowd of about

200 at the events center that the CAA will be "actively monitoring the city's activities. ... The city is going to have to dot the i's and cross the t's."

"We will have some surprises that won't be discussed here," he said. Stotter urged the session participants to sign up as volunteers for the CAA and to exercise their opinions by "making informed decisions during elections."

The state of Oregon set the initial guidelines for UGBs and annexation, to which counties and cities must conform, according to West Lane County Commissioner Bill Fleeson.

Stotter stated in the phone interview that the city drives the annexation process, not the state.

"They are elected to make policy decisions," he said of city officials, "and one would hope those decisions benefit the majority of citizens."