

CITIZENS AGAINST ANNEXATION

**P.O. BOX 1212
FLORENCE, OREGON 97439**



July 7, 2008

Florence City Council
250 Hwy 101
Florence, Oregon 97439

RE: Public Testimony
Annexation of Rhododendron Drive and Driftwood Shores

Councilors:

First, as a representative of Citizens Against Annexation, as well as personally, I object to the annexation of Rhododendron Drive and Driftwood Shores. I also object to the re-zoning contemplated which would change the development density of the parcels in question, thereby increasing the demand on Heceta Water District's production capacity, city sewer capacity, and city services in general.

During the February 19, 2008 City Council meeting, staff stated that "...the 2020 Plan is used for projects inside the City limits; until the 2020 Plan is co-adopted, anything in the UGB will have the 1988 plan applied." The County has not yet co-adopted the 2020 Plan, therefore only the 1988 Comprehensive Plan, and accompanying zoning map, is applicable. Neither does this annexation comply with the requirements of the Lane County/Florence Intergovernmental Agreement (attached)

Many of CAA's supporters, whether they live inside or outside City limits, are greatly concerned about a number of issues with regard to this proposed annexation:

1. Short term and long term costs to City residents, residents inside the Urban Growth Boundary, and residents inside Heceta Water District, for this proposed annexation
2. Long term implications of the "annexation island" which will be formed by annexation of Rhododendron Drive out to Driftwood Shores (see map attached)
3. Forced annexation by this, or a future, City Council

City's Annexation Policy

The City Council recently adopted an "annexation policy" wherein it states that the city will not force any property owner to be annexed. That policy is in the form of a resolution, which can easily and quickly be reversed by this or any succeeding city council. If the City Council intends to hold to that policy, CAA requests:

The City Council adopt both **City Code** and **Comprehensive Plan** amendments which clearly and unequivocally state,

"The City of Florence shall NOT

- 1. Require annexation of any property within the Urban Growth Boundary without the consent of the property owner;**
- 2. Require, expect, or request, any waiver of any rights to oppose annexation prior to development, subdivision, etc. on properties within the Urban Growth Boundary;**
- 3. Enforce any previously signed or recorded waivers of any rights to oppose annexation of any properties within the Urban Growth Boundary.**

Driftwood Shores Annexation Proposal

These issues, obviously, are not our only concerns regarding the annexation of Driftwood Shores, but are some of the issues we believe must be dealt with relating to this particular annexation proposal.

Attached are a series of questions dealing with both of these integral annexations. We believe that it is your responsibility, as representatives of the voters, to

1. Ensure all Councilors are provided with specific answers to these questions prior to deliberations; and
2. Ensure the public is provided with specific answers to these questions, as part of the public participation process.

You will note that some of the questions deal with the costs associated with the previous annexation of Rhododendron Drive to Fawn Ridge. You likely will receive requests to simply ignore any issues relating to the Fawn Ridge annexation, as some will claim that it is unrelated to this particular annexation. Those claims are not correct, the two annexations are inextricably legally, as well as physically, connected.

Fawn Ridge Annexation Not Yet Final

You are likely aware that the Fawn Ridge annexation is currently awaiting determination before the Oregon Court of Appeals. At this point in time, finalization of the Fawn Ridge annexation is

tenuous, at best. The City of Florence has intervened in the Court of Appeals case, but the current backlog at the Court of Appeals is between six months and one year. The City could well be opening a Pandora's box of costly litigation should the city annex Driftwood Shores **before** the annexation of Fawn Ridge is judicially ratified.

This kind of annexation is called a "cherry-stem." Consider the implications and cost of the legal morass created should a City find itself burdened with a 'cherry' annexation, without a connecting "stem".

Consider, if you will, the implications of a City Council that has approved the expenditure of hundreds of thousands of dollars on laying so-called "dry sewer lines," outside city limits, should the Fawn Ridge annexation be reversed.

This annexation should not be considered until the Fawn Ridge annexation has been finalized.

Real Reason for Annexation

This is not some unexpected crisis. There has not suddenly been any threat to public health. There has been no investigation, or request, or even contact, from the Oregon Department of Health regarding any sewage problem that can only be remedied by extension of City sewer lines.

Representatives of Driftwood Shores Homeowners Association have stated in a number of public forums that the reason they applied for annexation is that they do not want to spend their own money on the (expected) refurbishing of their aging sewage treatment plant.

Perhaps the Driftwood Shores Homeowners Association has, unwisely, not budgeted over the years for this expected expense as a proper homeowners association should have done. When the motel was first allowed to build on the beach there certainly were assurances made to the County that continued maintenance and rehabilitation of the sewage treatment plant would be part and parcel of the development.

Perhaps the Homeowners Association would like to remove their sewage treatment plant to make room for a more profitable development venture. Or perhaps their motivation is something entirely different, something that has not been made clear to the Council or the public. **The bottom line: this annexation is precipitated by greed, not need.**

Carrot and Stick

The prospect of room-tax dollars has been held out to the City Council as a carrot on a string - with the string miraculously held aloft by promises and assurances that it's 'good for the city.' What has been hidden from view is the stick - the true cost to the City residents of this unnecessary extension of city limits, and city services.

The City applied for a facilities permit (Lane County Permit No. 080044) to install sewer lines -

outside city limits - all the way out to Driftwood Shores, on January 22, 2008. That means the city had to approve engineering expenses to prepare the application materials well before that date, long before the Driftwood Shores Homeowners Association even voted on whether or not to apply for annexation (on March 8, 2008), and before the annexation application was actually filed. (See attached March 24, 2008 City staff report) This proposed annexation has already cost the citizens of Florence hundreds of thousands of dollars, and it has not even been approved by the City Council. In many circles, this is called gambling with the taxpayer's money.

Staff responses to questions submitted during the Planning Commission hearing about the expenses already incurred, and expected, for this proposed annexation have been inadequate. The excerpt from the Governor's Report on Growth (attached) is one example of the costs that should be discussed by the Council and the public. Before the City Council moves ahead with this annexation, **a full audit, or cost analysis, should be undertaken and provided to the Council and the public.**

Conclusion

By forcing the people of Florence to finance the largely unwanted extension of sewer lines, sewer pump stations, and city services all the way out to Driftwood Shores, this annexation would be benefitting a few condo owners living outside city limits, at the expense of the residents you, as a City Councilor, were elected to serve. By reference, I hereby incorporate all opposing testimony previously presented to the Planning Commission on this matter. This annexation should not be approved.

Lea Patten
Citizens Against Annexation

Encl.: CAA Questions
Lane County Memorandum, 2/20/2007
Lane County Intergovernmental Agreement
Florence City Council Meeting Minutes, 2/19/2008 (pages 20-23)
CAA Annexation Island Map
Governor's Report on Growth (Excerpt)
Florence staff report to City Council, 3/24/08
Heceta Water District letter to City of Florence, 2/12/08
Heceta Water District letter to Lane County Planning Commission, 4/15/08

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July 6, 2008

Questions

Proposed annexation of Rhododendron Drive and Driftwood Shores

1. Annexation Section 1, Rhododendron Drive from City limits to Fawn Ridge:

City's cost for staff time:

For planning approval process?

To supervise sewer construction project?

For transferring Rhododendron Drive to city ownership from County ownership?

City's attorney costs:

For reviewing and advising staff re: annexation process?

For representation of city during Boundary Commission process?

For representation of city during LUBA appeal process?

For representation of city as intervenor during Court of Appeals appeal process to date,
plus expected costs to complete?

For estimated Supreme Court appeal process?

For representation during transfer process of Rhododendron Drive to city ownership from
County ownership?

For acquisition of land for pump station(s)?

City's cost for engineers, surveyors, etc.:

Funds already spent

Expected engineering services to complete project?

For transferring Rhododendron Drive to city ownership from County ownership?

City's cost for:

Sewer pipes and materials?

Sewer pump station?

For property for pump station siting?

Cost of project NOT covered by 20-year loan?

Property tax increase for current city property owners, or sewer rate increases (current and
expected), needed to pay for expense not covered by 20-year loan?

Systems Development Charges expected from Fawn Ridge?

2. Section 2, Rhododendron Drive from Fawn Ridge to Driftwood Shores

City's share of cost of digging the trench from Fawn Ridge to Driftwood Shores?

City's cost - over and above trench digging - for tearing up and replacing parts of Rhody Drive to avoid contamination of water lines, phone lines, etc.?

City's cost for staff time:

For planning approval process?

For County Facilities permit process?

To supervise sewer construction project?

For transferring Rhododendron Drive to city ownership from County ownership?

City's attorney costs:

For reviewing and advising staff re: annexation process?

Estimated for representation of city during LUBA appeal process?

For representation during transfer process of Rhododendron Drive to city ownership from County ownership?

For acquisition of land for pump station(s)?

City's cost for engineers, surveyors, etc.:

Funds already spent

For preparing County Facilities Permit application?

Expected engineering services to complete project?

For transferring Rhododendron Drive to city ownership from County ownership?

City's cost for:

Sewer pipes and materials?

Sewer pump station(s)?

For land for pump station siting?

Cost of project NOT covered by 20-year loan?

Property tax increase for current city property owners, or sewer rate increases (current and expected), needed to pay for expense not covered by 20-year loan?

Systems Development Charge and/or 'contribution' from property to be annexed.

20-year Loan

What project(s) will funded from 20-year loan?

Property tax increase, or sewer rate increase, needed to pay for 20-year loan?

Portion of Systems Development Charges expected from Driftwood Shores to be applied to 20-year loan?