

SUPPLEMENTAL STAFF NOTES

LANE COUNTY LOCAL GOVERNMENT BOUNDARY COMMISSION

(99 East Broadway, Suite 400, Eugene, OR 97401-3111)

Eugene City Hall Council Chamber
777 Pearl Street, Eugene

September 27, 2007
7:00 p.m.

Postponed from the August 2, 2007, Public Meeting – Annexation of Territory to the City of Florence (Ures, et al./Rhododendron Drive/Sebastian Street)

II.A. BC File C FL 07 – 36

Initiated by Resolution No. 8, Series 2007, by the City of Florence with consents from property owners/electors

Action under ORS 199.490(2)(a)(B) of the boundary commission law

Received July 3, 2007

Action to be taken by October 1, 2007

Description

As submitted, the annexation area includes 43 tax lots located along the westerly boundary of the City of Florence, east and west of Rhododendron Drive, north of Rhodowood Drive, and north and south of Sebastian Street; including portions of Rhododendron Drive and Sebastian Street

Property owners¹: Refer to Exhibit IV-F-1

Tax lots: 2000, 2001, T18S R12W S04 Map 44; 100 to 4100, T18S R12W S09 Map 11

Acres: ± 44.96 (± 34.38 acres in tax lots; ± 10.58 acres in road right-of-way)

Estimate of existing population: 4 (three residential units—two under construction)

Existing land uses: Residential, vacant, road right-of-way

Existing zoning in Lane County: RA, suburban residential; RA/MH, suburban residential with mobile home district overlay

Applicable comprehensive plans: 1988 City of Florence Comprehensive Plan and the Realization 2020 Comprehensive Plan for the City of Florence, Oregon (acknowledged in August 1982 and has been subsequently amended)

Existing public services to the property: Police (Oregon State Police, Lane County Sheriff), schools (Siuslaw School District 97J), roads (Lane County), fire (Siuslaw Rural Fire Protection District #1), wastewater (onsite individual subsurface sewage disposal systems), water (Heceta Water District), electricity (Central Lincoln PUD), library (Siuslaw Public Library District), port (Port of Siuslaw), ambulance (Western Lane Ambulance District)

Reason for Annexation

The tax lotted portion of the annexation area is planned for residential development. Annexation to the City of Florence will ensure that urban services will be provided to a

¹ Property owner means the owner of the title of real property or the contract purchaser of real property as shown on the last available complete assessment roll. ORS 199.415(13)

developing area. The Florence Comprehensive Plan and the 2020 Realization Pan supports the annexation of properties in order to receive urban services.

This annexation request was before the boundary commission at its August 2, 2007, meeting at which a public hearing was held. After receiving testimony, the public hearing was closed and the decision was made to postpone the commission's deliberation on this matter until September 27, 2007. The postponement was supported by the commission to allow for the recording of the Fawn Ridge East subdivision to be completed and to allow for legal counsel review regarding concerns raised about the initiating method for this annexation. The August 2, 2007, staff report on this annexation can be viewed at www.lcog.org click on Meetings, Boundary Commission, then the link to the Florence annexation staff report (C FL 07 – 36).

Draft minutes from the August meeting for this item are attached as Exhibit II-A-1. The recording of the Fawn Ridge Subdivision East has occurred and the recorded document is attached as Exhibit II-A-2.

In response to the testimony regarding the initiating method for this annexation, a confidential letter of interpretation from the commission's legal counsel is nearly finalized. As noted on the agenda, the commission may hold an executive session to confer with legal counsel as allowed by ORS 192.660(2)(h) or ORS 192.660(2)(f).

The commission has closed the public hearing on this annexation request and will determine how to proceed with their deliberation and decision making after the executive session.

*LCBC:LCOG: L:\BCS N\2007\CFL0736 SN 9-27-07.DOC
Last Saved: September 21, 2007*

EXHIBIT II-A-1

Agenda Item – II.A. C FL 07 – 36
Annexation to Florence (Ures, et al./Rhododendron
Drive/Sebastian Street

Draft Minutes for the August 2, 2007, Public Hearing

LANE COUNTY LOCAL GOVERNMENT BOUNDARY COMMISSION
EXCERPT FROM THE AUGUST 2, 2008, DRAFT MINUTES

Annexation of Territory to the City of Florence (Ures, et al./Rhododendron Drive/Sebastian Street)

- F. BC File C FL 07 – 36
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Property owners: Refer to Exhibit IV-F-1 in the August 2, 2007, staff report incorporated hereby by reference

Tax lots: 2000, 2001, T18S R12W S04 Map 44; 100 to 4100, T18S R12W S09 Map 11

Acres: ± 44.96 (± 34.38 acres in tax lots; ± 10.58 acres in road right-of-way)

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Reason for Annexation

The tax-lotted portion of the annexation area was planned for residential development. Annexation to the City of Florence will ensure that urban services would be provided to a developing area. The Florence Comprehensive Plan and the 2020 Realization Pan supports the annexation of properties in order to receive urban services.

Clay Myers, chair, called for *ex parte* contacts or conflicts of interest.

Commissioner Heeter declared that he resided in Florence and was a real estate broker with an active license. He noted the recent controversy over development issues in the community and said while the annexation was not the major controversy it was part of the issue. He acknowledged having a number of conversations with individuals in the community that were “casual” and not substantive and stated he had not formed a bias as a result of those conversations. He had not had contact with the developer or any of the developer’s employees as

far as he was aware and had no financial interest in the project. He did not believe he had a conflict of interest and felt he would be able to weigh the public testimony and the written record and apply the boundary commission's standards.

There were no questions regarding Mr. Heeter's declaration.

Paula Taylor, Executive Officer, reviewed the notice of the hearing. No objection was voiced to the adequacy of the notice.

Ms. Taylor reviewed the annexation request and incorporated the staff notes and related materials into the public record in accordance with boundary commission law. She said the annexation was initiated by city council resolution using the double majority method after receiving consents from owners and electors. She noted that additional information had been submitted after preparation of the staff report and that material was provided to each commissioner and incorporated into the record.

Ms. Taylor said the validity of the initiating process used by the City of Florence had been challenged by Daniel Stotter on the basis that there were no electors in the annexation area. She said a brief history of the double majority provisions in state law was included in the staff report along with an explanation of how the boundary commission had used the process in the past, which concluded that it was permissible if there were no electors. She said staff had determined it was a valid filing and proceeded with the staff review.

Ms. Taylor described the annexation area consisting of 43 tax lots and some existing road right-of-way of Rhododendron Drive and Sebastian Street. She said consents were received from nearly all of the property owners. She reviewed the correspondence contained in the additional information packet. She said that development in the annexation area would consist of two subdivisions: Fawn Ridge West and Fawn Ridge East. She said both subdivisions had received approval from Lane County for subdivision and development and it was expected the county would provide final plat approval for the Fawn Ridge East subdivision. She said if the boundary commission did not approve the annexation, the development proposals would proceed. She said the annexation had been reviewed and was supported by both the Florence city council and planning commission and it would not create any islanded area; Rhododendron Drive would be the infrastructure used to provide a variety of urban services. She indicated that the City of Florence would not withdraw the territory from the Heceta Water District and explanatory materials were included in the related materials.

Ms. Taylor remarked there were currently two comprehensive plans for the City of Florence: the 1998 county co-adopted comprehensive plan and a more recent 2020 comprehensive plan approved by the city and acknowledged by the state. She said the county had not yet co-adopted the 2020 plan and therefore the city addressed both comprehensive plans in its analysis. She said staff had determined that the annexation met the boundary commission's standards and recommended approval of the annexation; findings and reasons supporting that recommendation were included in the staff report.

Mr. Myers opened the public hearing.

Proponent's Opening Statement

Jerome Lidz, attorney for City of Florence, described the procedural dilemma related to the Fawn Ridge development. He said the initial plan was for the county to approve the subdivision

proposal and when the subdivision plats had been approved and recorded the properties would be annexed to the City of Florence. He said that Fawn Ridge West had been approved and the plat recorded, but the final plat for Fawn Ridge East had not yet been approved; although approval was anticipated the recording date of the final plat was still uncertain. He asked the boundary commission to hold the public hearing and receive all of the public testimony, then hold the record open for purposes of receiving notification of the subdivision plat and delay a decision until both halves of the subdivision were ready to be annexed. He said that development was already occurring in Fawn Ridge West and it was in the property owners' interest, as well as the city's interest, to know if there would be a city sewer connection.

In response to a question from Ms. Seidel, Ms. Taylor said the commission could hold a full public hearing, close the hearing and then limit any new information to final status of the Fawn Ridge East subdivision plat. She said the commission could then set a date for a meeting to make its decision on the annexation.

Ms. Mulder asked why Lane County was involved in the matter. Ms. Taylor replied that the county had authority in that area, which was outside of the city limits but inside the urban growth boundary.

Mr. Heeter asked if the public hearing could be continued. Ms. Taylor replied that the hearing could be continued to the commission's October meeting if there was no objection, but the commission also had the option of holding a special meeting to take action on the item.

Ms. Larson preferred to hear the public testimony and then close the hearing.

Ms. Taylor commented that the commission could make a decision regarding closing the hearing after receiving the public testimony.

Continuing with his presentation, Mr. Lidz said the primary reason for the annexation proposal was to make city services available to urban density development. He said in this case the property was being developed and the alternative to annexation was urban level density without urban level services. Regarding whether there could be a double majority annexation when there were no electors in the area to be annexed, he said that was consistent with the commission's past practices and the objection raised by Mr. Stotter did not cite any decisions that it could not be done. He said the purpose of a double majority process was to protect the interests of electors registered in the area to be annexed; if there were no electors there were no such interests that required protection. He felt the proposal would also have met the criteria for a triple majority.

Mr. Lidz asserted that the wisdom of the development was not at issue; the question was whether the development received sanitary sewer service and police protection and the people living there contributed to the City of Florence's expenses for providing urban services. He said there were two groups of opponents: residents of subdivisions along Rhododendron Drive who opposed forced annexation of their property and nearby residents who opposed growth. He emphasized the city had no proposal to compel anyone to annex to the city and annexing Fawn Ridge would not create an island. He said it was understandable that people did not want to see growth in their neighborhoods, but development was inevitable at the edges of a city. He noted the county had already approved the development and it would proceed whether or not it was inside or outside the Florence city limits.

Mr. Lidz noted the objection from Heceta Water District, but since the district would continue to serve the Fawn Ridge subdivisions after annexation it was unclear how there would be a negative

impact on the district. He said a member of the water district's board raised a concern that the district might not have sufficient water to serve the subdivisions and if that occurred, the city could provide water service to Fawn Ridge, although the plan was for Heceta Water District to provide service.

Mr. Lidz clarified a reference in the staff report to an agreement by the property owner to finance a wastewater line in Rhododendron Drive. He said currently, as a condition of the county's approval of the subdivisions, the property owner was obliged to construct street improvements to Rhododendron Drive and during the process of coming to that agreement the parties concluded it was more appropriate to invest in public infrastructure so residents of the subdivision could receive urban services. He said if the county released the owner from his obligation he would contribute \$925,000 to the city's installation of a sewer line along Rhododendron Drive.

Mr. Lidz remarked that many of the comments the commission had received were the same as those received by the Florence planning commission and a point-by-point response to those was included in the agenda packet. He said the decision should be based on whether the proposal met the commission's adopted policies and standards on annexation, as detailed in the staff report.

Public Officials in Support

Mike Miller, Florence Public Works, stated that the city had always planned that the Fawn Ridge East and West developments would be provided service by the Heceta Water District; however, the city had surplus capacity if the water district concluded it could not provide service. He said the city could provide service through an existing intertie with the water district or construct a new water distribution line to the development in conjunction with construction of the sewer line. He said the city had capacity to provide sanitary sewer service to the development.

David Livesay, GSI Water Solutions, related that he had been asked by the City of Florence to evaluate the potential for any water quality problems associated with septic drain field seepage and any benefits that may result from having sanitary sewer service to the proposed annexation. He described the methodology, including researching problems that had occurred in other communities across the state, that he used to reach the conclusion that there was a potential for problems and it was in the public's interest for the city to provide sanitary sewer service to the development. He provided copies of his report and resume for the record.

In response to a question from Ms. Seidel, Mr. Livesay said the development density of the Fawn Ridge subdivisions was approximately one-half acre lots.

Sandra Belson, Florence Community Development Director, related that the issue of annexation was raised when the county sent the city referrals as part of the development process. She said the first approach to the annexation was to include the state land along the ocean on the west side of Fawn Ridge and that could have resulted in some confusion as including that land would have created an island. She said the city had decided a year ago that the state land would not be included and only the properties that would benefit from the development and require urban services would be annexed. She said Rhododendron Drive was included as the service corridor to Fawn Ridge to accommodate the sanitary sewer and provide a roadway to the subdivision for police patrol and emergency vehicle access. She said no properties that objected to annexation were included in the proposal, even though they were between Fawn Ridge and the city limits. She said that recent legislation further protected those property owners from forced annexation.

Ms. Belson said the last change to the annexation request during the city's process was the addition of two properties to the north of Sebastian Street at the property owners' request and Sebastian Street would be the service corridor to those properties. She said the city process had followed city policies regarding public notification as required by Goal 1 and public hearings were held by the city council and the planning commission and properly noticed. She said the record was held open and there was ample opportunity for public testimony before the city council made its decision.

Ms. Belson said the city had been using the Realization 2020 plan since it was adopted in 2002. She said Florence had been in periodic review for a number of years and it was still in that process; as tasks were completed and the state signed off on them, the comprehensive plan was amended. She said co-adoption would occur once periodic review was finished. She said Realization 2020 was in compliance and recognized by the state as the city's comprehensive plan, but the intergovernmental agreement with Lane County required co-adoption. She said the annexation complied with both the 1998 comprehensive plan being used by the county and Realization 2020. She pointed out that testimony in the record indicated the annexation did not comply with the plans, but did not provide any specifics. She said the city believed it had used the appropriate process and findings indicated compliance with the comprehensive plan and consistency with boundary commission standards.

Ms. Belson submitted letters from Branch Engineering demonstrating all of the improvements within both subdivisions had been completed and signed off on by the city. She emphasized that annexation of a street was different than assuming jurisdiction for it; Rhododendron Drive and Sebastian Street would remain under the jurisdiction of Lane County after annexation until a process for surrender was completed.

Others in Support

Mike Reeder, 800 Willamette Street, Eugene, attorney for the developer, clarified that the developer had no agreement to finance the installation of a wastewater line in Rhododendron Drive prior to development. He said the only agreement was installation of dry lines and that had been completed. He said all septic tests had been done and approved by Lane County sanitation, but if there was an agreement with the City of Florence to provide wastewater, that was a better option.

Mr. Reeder supported the city's request for a postponement and explained the county's delay was due to typographical errors on the letters of credit that secured the obligations of the developer to make the agreed upon improvements. He emphasized that the developer's agreement with the city was that Fawn Ridge East would not be annexed until there was recording of the final plat. He said that was within the commission's authority under OAR 191-005-0070 and ORS 199.495 allowed an annexation to be conditioned upon the occurrence of a certain event. He noted that development would occur in the area with or without annexation. He said the city, the developer and an individual who would become the first elector in the annexation area were in support of the annexation.

Mr. Heeter indicated confusion regarding whether or not there was an agreement with the city regarding the provision of sanitary services to the development.

Mr. Reeder said the developer's position was that the April 2006 agreement currently in effect with the city assured that neither Fawn Ridge East nor Fawn Ridge West would be annexed to the city prior to final subdivision approval by Lane County and recordation of the final plats. He said

there had been informal discussions among the county, city and developer regarding whether that section of Rhododendron Drive should be improved to current county standards when the rest of the street was not, or whether the money be better spent if the developer used \$925,000 of his own funds to help fund installation of a sewer system. He said there would be no formal agreement until a decision on annexation was made and certain conditions were satisfied.

Jim Hurst, the developer of the Fawn Ridge subdivisions, stated he was in negotiations regarding the sewer trunk line and did intend to install it, but could not do it until the property was annexed. He did not want it to appear he had agreed to install the main trunk line before the subdivisions were begun. He had installed sewer lines in the subdivisions and fully intended to provide funds for the connecting sewer line when the annexation was completed.

Mr. Lidz stated the city was committed to installing a sanitary sewer connection between the city limits and the Fawn Ridge subdivisions; the only question was whether or not there would be a contribution from Mr. Hurst and an agreement had been reviewed by the city council, which authorized the city manager to sign it.

Public Officials in Opposition

Robert Hursh, Heceta Water District chairperson, clarified the timeline of negotiations between the district and the City of Florence on an intergovernmental agreement to provide water. He said negotiations were suspended in May because three of the five board members were not elected and the new members had not yet taken a position. He stated the water district was opposed to the annexation because it would cause financial jeopardy. He hoped the record could remain open and the annexation postponed until such time as an agreement could be reached with the city to protect the district's tax base and revenue.

Mr. Heeter asked how the district would be affected financially if it was still going to provide water to the annexed area. Mr. Hursh explained the district had two types of debt: bond debt, which encumbered anyone in the water district when it was approved, and a loan from the state's revolving fund to construct filtration plants. He said the district obtained its water from Clear Lake and was limited to withdrawing one million gallons of water per day and the district had come close to that limit numerous times. He said as growth occurred within the urban growth boundary and in the district, demand for water became the district's problem and, therefore, the district wanted an intergovernmental agreement that specified the city would not remove growth from that particular area unless it was by mutual agreement.

Ms. Seidel commented that Resolution 3 from the City of Florence addressed that issue. Mr. Hursh reiterated the district had no agreement with the city, not even for surplus water. He asked the commission to keep the record open until an agreement was reached.

Others in Opposition

Daniel Stotter, attorney representing Citizens Against Annexation, 541 Willamette Street, Eugene, submitted written testimony for the record and indicated he would address three substantive issues and two procedural issues. He distributed a copy of the double majority annexation statute, ORS 199.490(2)(a)(B). He said the commission was bound by the statute and reviewed its provisions. He said the term "majority" meant more than half and gave several examples of what constituted a majority and what did not. He said that having zero electors and zero consents did not represent a majority or meet the intent of the statute; at most it was a tie. He said the staff's argument that in the past the commission had determined zero was a majority

of zero did not mean that was true; if the commission had erred in the past that did not make it true today.

Mr. Stotter disagreed with staff's determination there were no other methods for annexation. He said there was a triple majority system, requiring no electors, that had been determined to be constitutional and distributed a court decision illustrating that point. He asserted there was another mechanism that could be used when there were water quality concerns that did not require a majority of electors. He summarized his points by saying the statute had not been met, it was ludicrous to say that because something happened in the past it was true and the Oregon courts had determined there was no problem with the privileges and conclusions clause. He said the double majority mechanism could not be used if there was no majority.

Continuing, Mr. Stotter cited the statutory procedural requirements and said the requirement that a governing body file a notice of intent with the boundary commission before soliciting statements of consent had not been met. He said written consents were obtained before the filing of notice and, therefore, did not meet the procedural requirement and the annexation should be denied. He asserted there was evidence in the record that indicated landowner consents were required in order for the landowners to obtain their land-use approvals and the courts had determined that was unlawful.

Mr. Stotter declared the law required the boundary commission to independently review the land use requirements. He said the commission could conduct its own review of the land use requirements, determine which comprehensive plan applied and whether it had been met, or defer "rubber stamp" to the city and violate the law. He concluded by formally objecting to any continuance to the October meeting as the annexation should simply be denied because the statute was not met.

Liam Sherlock, 777 High Street, Eugene, attorney representing a property owner to the north and adjacent to the subject property, characterized the annexation as a classic cherry stem, leapfrogging proposal. He incorporated in the record by reference comments from Debby Todd and the Citizens Against Annexation. He said the proposal was not orderly development under Florence's comprehensive plan. He said the development would be serviced by a road and water supply not under the jurisdiction of the city and no resolution regarding the sewage system had been achieved. He asked why land would be annexed to a city if not to provide essential public services. He said even calls for police assistance would be confusing in terms of whether they were from an annexed or unannexed property in the area and there was no agreement with the water district regarding the provision of water services in the future. He noted the commission was to provide an impartial forum for the resolution of local jurisdictional questions and he did not feel the findings had sufficiently addressed Heceta Water District's issues.

Mr. Sherlock commented that the sewer system was also a point of confusion. He heard the developer indicate an intent to providing funding, but that was based on unspecified conditions. He questioned how the balance of the cost of that infrastructure would be paid for. He said the development was not orderly because it jumped over a third of a mile of unannexed residential areas to benefit a new development that would require an extension of services but bypass existing development; orderly development would serve those properties first.

Mr. Sherlock concluded by asking if a continuance was allowed, it be conditioned upon approval of an intergovernmental agreement between Heceta Water District and the City of Florence. He agreed with Mr. Stotter that there was an alternative process that could have been used and asked that the annexation application be denied.

Those Neither in Support nor Opposition

John Dotson, 2447 Canterbury Street, Eugene, noted regarding the concerns about extension of sewer service that there were a number of alternatives to septic systems and a sewer line to handle waste management.

Rebuttal by Proponents

Mr. Lidz said the statute presumed the double majority was there to protect electors and if there were none, protection was not necessary. He said if the triple majority process had been used the proposal would have satisfied those requirements as well. Referring to Mr. Stotter's assertion that the commission had erred in previous determinations, he suggested the commission seek its own legal counsel in the matter of past practices. He disagreed with Mr. Stotter's statement that the consents were invalid and did not feel Mr. Stotter had standing to raise that issue; only someone who felt his or her consent was invalidly obtained could make that complaint to the commission. He said it was not necessary for the commission to determine which comprehensive plan applied, but the answer was simple: inside the city limits the Realization 2020 plan applied; the 1998 plan applied to county actions.

Mr. Lidz also disagreed that the annexation was not orderly development. He cited OAR 191-030-0020, which recognized that the boundary change process was inherently incremental and there would be decisions that created seemingly illogical boundaries in the short term. He affirmed that the city would build a sewer system and the only question was whether there was a contribution from the developer, although the city would proceed regardless. He said the estimated cost of the system was less than the proposed \$925,000 contribution. He said the Heceta Water District had not articulated a specific concern that the city could address; it was not the district's authority to decide if annexation could occur but rather to decide if it would provide service. He asked the commission not to condition any decision on an intergovernmental agreement between the district and the city.

Mr. Myers asked if it was the city's position that it would provide water if an agreement could not be reached. Mr. Lidz confirmed it was the city's intent.

Ms. Larson asked for clarification of the relationship between Resolution 6 and Resolution 3. Mr. Lidz replied that Resolution 6 was a 2006 resolution and Resolution 3 was from 2007.

Bob Willoughby, Florence City Manager, stated the 2006 resolution established a policy that the city would not withdraw from the urban growth boundary the territory of the Heceta Water District except for an area along Highway 101. He said the 2007 resolution repealed Resolution 6 to the extent the properties in the area along Highway 101 would be withdrawn from the district when annexed. He said the purpose was to assure the water district that the city had no intent to harm it financially.

In response to a question from Mr. Heeter, Mr. Lidz said his opinion was that the consents were not illegal and there was no one with standing in the matter who was raising a concern that the consent was compelled.

Regarding Mr. Stotter's assertion that consents were required of landowners in order to obtain land use approval, Ms. Belson pointed out that Jim Hurst was the developer and as far as she knew all of the other consenting property owners bought their property after the subdivision was

approved and all land use actions taken. She said if the city annexed and withdrew property from Heceta Water District, the property was still obligated to pay the bonded indebtedness.

Mr. Myers asked if development could occur inside the city limits without connecting to the city sewer. Ms. Belson said if sewer service was available a connection was required.

Mr. Miller said the cost estimate for construction of the sewer line to Fawn Ridge was \$830,000, including a 30 percent contingency.

The commission held a discussion of procedural options and the need for legal counsel related to issues raised during public testimony.

* Moved/seconded (Heeter/Larson) to direct staff to follow up on the boundary commission's concerns about the legal questions raised during the public hearing and to obtain legal interpretation and legal advice on how to proceed. The motion passed unanimously, 6:0 (commissioners Myers, Mulder, Seidel, Heeter, Larson, and Stewart voting yes).

* Moved/seconded (Larson/Seidel) to close the public hearing. The motion passed unanimously, 6:0 (commissioners Myers, Mulder, Seidel, Heeter, Larson, and Stewart voting yes).

Mr. Myers closed the public hearing.

* Moved/seconded (Seidel/Mulder) to continue BC File C FL 07 - 36 annexing territory to the City of Florence to a special meeting on September 27, 2007, for purposes of boundary commission deliberation only. The motion passed unanimously, 6:0 (commissioners Myers, Mulder, Seidel, Heeter, Larson, and Stewart voting yes).

DRAFT

EXHIBIT II-A-2

Agenda Item – II.A. C FL 07 – 36
Annexation to Florence (Ures, et al./Rhododendron
Drive/Sebastian Street

Recorded Plat of Fawn Ridge East Subdivision

FAWN RIDGE EAST

NE 1/4, SEC. 9, T18S, R12W, W.M.
LANE COUNTY, OREGON
JULY 25, 2007

LANE COUNTY SURVEYORS OFFICE
C.S. FILE NO. 10622
FILING DATE 6 Aug. 07 5

RECORDED
DATE 6 Aug. 07
COUNTY CLERK
BY: [Signature]

Division of Chief Deputy Clerk
Lane County Deeds and Records
2007-05666
\$416.00
9933251520870940660010018
09/06/2007 10:55:41 AM
RPL-SUBD Cal-1 51m-9 CASHIER 04
\$5.00 \$420.00 \$10.00 \$11.00

SURVEYORS CERTIFICATE:

I, EUGENE M. WOBBE, REGISTERED PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT I HAVE CAUSED TO BE CORRECTLY SURVEYED AND MARKED WITH PROPER MONUMENTS THE FOLLOWING DESCRIBED PLAT:
BEGINNING AT THE NORTHEAST CORNER OF SECTION 9, TOWNSHIP 18 SOUTH RANGE 12 WEST OF THE WILLAMETTE MERIDIAN, SAID POINT ALSO BEING THE NORTHEAST CORNER OF GOVERNMENT LOT 1 IN SAID SECTION 9, THENCE ALONG THE EASTERLY LINE OF SAID GOVERNMENT LOT 1, SOUTH 27° 08' 24" WEST FOR 1321.68 FEET TO THE SOUTHERLY LINE OF SAID GOVERNMENT LOT 1, THENCE ALONG SAID SOUTHERLY LINE NORTH 87° 31' 06" WEST FOR 147.17 FEET TO THE EASTERLY RIGHT OF WAY LINE OF RHODOENDRON DRIVE, THENCE ALONG SAID EASTERLY RIGHT OF WAY LINE NORTH 38° 01' 08" WEST FOR 385.35 FEET, THENCE ALONG A 624.83 FOOT RADIUS CURVE TO THE RIGHT (THE CHORD OF WHICH BEARS NORTH 19° 23' 51" WEST 529.13 FEET), A DISTANCE OF 536.82 FEET, THENCE NORTH 2° 49' 36" WEST FOR 71.05 FEET, THENCE ALONG A 984.83 FOOT RADIUS CURVE TO THE LEFT (THE CHORD OF WHICH BEARS NORTH 8° 28' 21" WEST 194.38 FEET), A DISTANCE OF 194.69 FEET, THENCE NORTH 14° 06' 06" WEST FOR 301.71 FEET TO THE NORTHERLY LINE OF SAID GOVERNMENT LOT 1, THENCE ALONG SAID NORTHERLY LINE SOUTH 87° 39' 30" EAST FOR 887.13 FEET TO THE POINT OF BEGINNING, IN LANE COUNTY, OREGON.

DECLARATION:

KNOW ALL MEN THAT FLORENCE 2, LLC, A DELAWARE LIMITED LIABILITY COMPANY, IS THE OWNER OF THE PROPERTY DESCRIBED HEREON AND DOES HEREBY LAYOUT AND SUBDIVIDE THE SAME AS SHOWN ON THE PLAT IN ACCORDANCE WITH OREGON REVISED STATUTES, CHAPTER 92 AND TO CREATE THE PRIVATE ROADS AND DEDICATE THE PUBLIC UTILITY EASEMENTS AND DO DECLARE THE PRIVATE GREEN BELT AND THE PRIVATE FENCE AND LANDSCAPE EASEMENTS AS SHOWN ON THE PLAT. THE CONTROL STRIPS ARE CREATED BY SEPARATE DOCUMENT TO BE HELD IN TRUST BY LANE COUNTY.

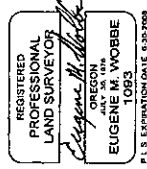
[Signature]
JAMES H. HURST, PRESIDENT
HURST COMPANIES OF OREGON, INC., MANAGING MEMBER
FLORENCE 2, LLC

ACKNOWLEDGMENT: STATE OF OREGON) SS
COUNTY OF LANE)

PERSONALLY APPEARED BEFORE ME THE ABOVE NAMED JAMES H. HURST, PRESIDENT OF HURST COMPANIES OF OREGON, INC., AN OREGON CORPORATION, MANAGING MEMBER OF FLORENCE 2, LLC, A DELAWARE LIMITED LIABILITY COMPANY, WHO IS KNOWN TO ME TO BE THE INDIVIDUAL WHO EXECUTED THE ABOVE INSTRUMENT IN BEHALF OF SAID COMPANY AND HE HAS ACKNOWLEDGED THE FOREGOING INSTRUMENT TO BE A VOLUNTARY ACT AND DEED.

SUBSCRIBED BEFORE ME THIS 26th DAY OF July, 2007.

Pamela S. Card
PAMELA S. CARD
NOTARY PUBLIC - OREGON
COMMISSION NO. 390754
COMMISSION EXPIRES: DECEMBER 22, 2009



WOBBE & ASSOCIATES, INC.
510 KINGWOOD ST., P.O. BOX 3083
FLORENCE, OR 97439

LANE COUNTY APPROVALS:

COUNTY ASSESSOR: [Signature] DATE 8/3/07
COUNTY SURVEYOR: [Signature] DATE 8-6-07
LANE COUNTY BOARD OF COMMISSIONERS: [Signature] DATE 8-6-07
PLANNING DIRECTOR: [Signature] DATE 08/03/07
LAND MANAGEMENT DIVISION