

City of Springfield
Work Session Meeting

MINUTES OF THE WORK SESSION MEETING OF
THE SPRINGFIELD CITY COUNCIL HELD
MONDAY, NOVEMBER 5, 2007

The City of Springfield Council met in a work session in the Jesse Maine Meeting Room, 225 Fifth Street, Springfield, Oregon, on Monday, November 5, 2007 at 6:30 p.m., with Mayor Leiken presiding.

ATTENDANCE

Present were Mayor Leiken and Councilors Lundberg, Wylie, Ballew, Ralston, and Woodrow. Also present were City Manager Gino Grimaldi, Assistant City Manager Jeff Towery, City Attorney Joe Leahy, City Attorney Matt Cox, City Recorder Amy Sowa and members of the staff.

Councilor Pishioneri was absent (excused).

1. Annexation Transition Update.

Planning Manager Greg Mott presented the staff report on this item. The 2007 Oregon Legislature abolished the Lane County Boundary Commission and transferred all urban annexation responsibilities to the cities and all district annexation responsibilities to Lane County. The law requires cities and the county to assume these new responsibilities on January 2, 2008.

Senate Bill 417, enacted this past June, calls for the abolishment of the Lane County Boundary Commission, the cessation of city-county assessments to fund Boundary Commission operations, and the termination of staff, all on June 30, 2008. However, because the Boundary Commission meets only once every two months and because there are a number of annexations pending, the cities and Lane County will process all annexation applications submitted after December 31, 2007. It is this latter deadline that requires fairly swift action by the Council to implement changes to the City Development Code and enable the City Council to assume annexation responsibilities by the first of the year.

Mr. Mott said the City had eight or nine annexations that they would try to get before Council prior to the December 31, 2007 deadline so the Lane County Boundary Commission could process those.

Springfield has entered into an agreement with Lane Council of Governments (LCOG), principally Boundary Commission staff, to provide us with assistance during this transition including review and advice on new Code language; preparation of forms and documents; establishment of protocols for notice of annexation; and assistance processing the first several applications to "debug" our new responsibilities. This service will cost approximately \$12-\$15 thousand dollars over the next 6-8 months and will be funded by contractual services accounts that will be paid back through collection of annexation comprehensive planning fees. The Council will also review proposed new annexation processing fees now that this process is exclusively the responsibility of the City of Springfield.

The attached Council Briefing Memorandum provides more detail about the steps that must be taken to implement SB 417 as well as some of the consequences of this law.

The Planning Commission would hold a public hearing on November 19 and would forward a recommendation to the City Council. The City Council would then hold a public hearing and consider adoption of an emergency ordinance to make the necessary code amendments on December 3, 2007. Because this was a state mandate, Springfield was required to send a notice to the Department of Land Conservation and Development (DLCD) Commission 45 days prior to the first hearing before the Planning Commission. That timeline had affected the dates when this would go before the Planning Commission and City Council.

Mr. Mott explained some of the steps that had been taken to prepare for this transition, including multiple meetings with LCOG, Eugene, Lane County and Springfield staff. He noted the similarities with Springfield's proposed ordinance compared to that of Eugene's, but said there would be areas where the two would need to be different. The ordinance would have some options built into it, so there would most likely be some public testimony before the Planning Commission. Springfield's amendments to the Code would be consistent with ORS 222, but would also include more specific language for the City. Certain policies would be abolished with the Boundary Commission whether the City made the amendments or not. Amendments to the Code regarding this change in the annexation process would need input from Eugene and Lane County. These changes would also affect the Metro Plan.

Mr. Mott noted that Council's responsibility would be much greater under this new law. They would now be the decision makers. The staff would be responsible to make sure the documents were accurate, the process was accurate and notification was given to all affected organizations, bringing about an increase in staff's workload. The Council would be responsible for adjusting the City limits and the Lane County Board of Commissioners would be responsible for special districts. Councilor Ballew asked about withdrawals from water districts. Mr. Mott said staff hoped to delegate that responsibility to the County. An agreement would need to be made with the County and approved by the State. Creation of districts, such as Library or Fire Districts, would be Lane County's responsibility.

Mr. Mott said the other aspect to this was the perspective that this would be a land use decision and was subject to a different set of rules regarding appeals. Land Use Board of Appeals (LUBA) would have jurisdiction as a general rule of thumb. Staff would strive to write the resolution as clearly as possible, criteria as clear as possible, and would recommend that annexations be conducted as public hearings to avoid appeals. He referred to the Council Briefing Memo and extra-territorial extensions and how ORS 222 addressed extensions. There was no provision for an expedited process in ORS 222. The draft ordinance included information on how annexations were processed. Staff recommended that Council hold a public hearing and adopt the ordinance.

Councilor Woodrow asked if we had any idea if we needed additional staff to accomplish this.

Mr. Mott said that was difficult to say. The City did have a contract with LCOG to provide assistance with annexations over a period of time. He said he had no sense of time that could be needed by City staff yet. A lot of it would depend on the number of annexations requested. He gave examples of things that could spur annexations in certain areas of the City. The City would

accept the annexations and process them, and if we felt we would have trouble accessing them, we may extend the contract with LCOG or look at other options.

Councilor Ballew asked if we felt we could recover our costs with our fees.

Mr. Mott said Planning Supervisor Jim Donovan was working on the proposed fee structure.

Mr. Leahy said the fee needed to recover the cost, but no more.

Councilor Ballew asked if the City needed County concurrence if we annexed property from the unincorporated area. No. She asked if there was liability if the City made procedural errors in the process.

Mr. Mott said he didn't recall reading any court decisions on writ of mandamus, such as failure to act within a timeline and the liability of the applicant requesting circuit court approval of annexation in those cases. There was a technical peculiarity with this process. The effective date of the annexation was when noted by the Secretary of State. The failure to provide the Secretary of State with accurate information would influence the effective date of an annexation and could affect the City's ability to collect taxes on the property and the ability of the residents of the property to vote. The sequence of events must be documented.

Councilor Ralston discussed extra-territorial extensions.

Mr. Mott discussed the differences in ORS 222 and the Metro Plan in regards to extra-territorial extensions. Staff hoped to resolve that issue in time.

Councilor Ralston noted that the Boundary Commission rules allowed non-contiguous annexation, but ORS 222 did not allow non-contiguous annexations. It would prohibit properties that were non-contiguous.

Mr. Mott said they had requested a clear understanding of that issue so they could provide Council with a good definition. If the road right of way was annexed from the City to the property, the property could be considered contiguous. He noted that the more contiguous the properties being annexed, the better it was for coordinating City services.

Councilor Wylie asked if the City would be more liable for the annexation decisions if there were appeals.

Mr. Leahy said yes. If it was a decision made by the City, and was a land use decision appealed to LUBA, it would be against the City. The Boundary Commission appeals were to the Court of Appeals, and the Boundary Commission's decisions were defended by the Attorney General. The City would have more responsibility. If LUBA made a decision that the City was wrong, the City's decision would be overturned, there would not be a fine or penalty.

Councilor Ballew asked who proposed this legislation.

Mr. Mott said Senator Walker initiated this.

Mayor Leiken said it had been discussed in three sessions over a period of six years by many legislators.

Mr. Mott said there were other elements to ORS 222, such as requiring annexations to go to the citizens for a vote, but that would require a change to Springfield's Charter.

Mr. Leahy said staff would give Council a definition of contiguous. The system through the Lane County Boundary Commission had worked well for the City, in part because those annexations were not land use decisions for Springfield. If they were a land use decision, it may be more difficult for the City to ask a large developer to pay the upfront costs associated with their annexation in the form of an annexation agreement. Staff was researching that, but as a land use decision, the Dolan principal applied. He explained.

Councilor Lundberg discussed contiguous annexations and the City's ability to provide all services. This change caused the City and the Council to take on a different role. As staff moved through the process with LCOG, she would be interested in seeing the preliminary numbers of the type of staffing and time needed for the different scenarios. She would like to see the potential costs.

Mr. Leahy said they could possibly offload the defense of LUBA to the developer and the developer's attorney.

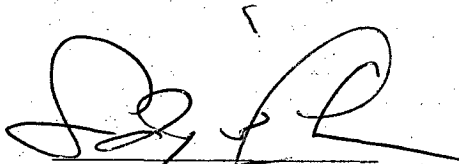
Councilor Lundberg she would like to see an explanation of how the costs shifted back to the City in certain circumstances.

Mayor Leiken said other cities were currently processing their own annexations. He suggested staff check with those cities and get as much information from them as possible. Leverage resources and relationships with other communities. This issue would bring the elected officials together to have a serious discussion about the Metro Plan.

ADJOURNMENT

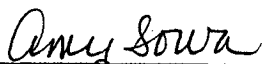
The meeting was adjourned at 7:04 pm.

Minutes Recorder – Amy Sowa



Sidney W. Leiken
Mayor

Attest:



Amy Sowa
City Recorder