

September 21, 2015

To: Mayor Traber and Members of the Corvallis City Council
From: League of Women Voters of Corvallis, Laura Lahm Evenson, President
Re: Extension of City Services Outside of City Limits

The League of Women Voters of Corvallis is a strong supporter of comprehensive planning and of measures to ensure its effective, impartial, and lawful implementation.

The League understands that the City Staff is trying to find a way for the Council to allow Beit Am to proceed with plans to build their synagogue. However, we request you DENY the approval of the Ordinance before you. The applicant and project are immaterial to the issue at hand, which is extension of City services without annexation. Adoption of this Ordinance is likely to result in unforeseen consequences, as noted in the Staff Report. Such was the case with the Coronado property, and now the City must bear the cost of appeals.

There are two reasons for our opposition to this Ordinance.

1. Abrogates the City Charter and Land Development Code

In the mid-1970s, Corvallis voters passed two Charter Amendments addressing annexation. These amendments work hand in hand. The 1974 Amendment (Section 52) prohibits extension of City Services outside the city limits unless mandated by State law or by an Ordinance passed by City Council. The Amendment passed in 1976 (Section 53) states that *"Unless mandated by State law, annexation, delayed or otherwise, to the city of Corvallis may only be approved by a prior majority among the electorate."* Land Development Code (LDC) language was adopted to implement these amendments. The draft ordinance before you tonight is not in keeping with the provisions in Sections 52 and 53 of the City Charter. The City and its residents have relied on the process set forth by these amendments to provide orderly, cost-efficient growth for 40 years. The proposed Ordinance is so broad that it essentially disregards both Charter Amendments 52 and 53, by not providing for orderly extension of services, and by not requiring an annexation vote before building.

The LDC says *"...The City shall furnish no services or enter into any agreement or contract to furnish such services to property outside the corporate limits of the City unless the City Council shall have first adopted an ordinance approving the same..."*. The provision within Charter Amendment 52, which gives the Council the ability to write an ordinance, has been used for exceptions only, not for a blanket allowance. Since 1974, the city has used this provision rarely, if at all.

2. Setting a Precedent

Many properties in the urban growth boundary abut the City limits. If owners of property north of the Timberhill development choose to build in the County and request use of City water to meet the Fire Code, what happens to our public hearing and annexation process? The irrevocable annexation clause in this Ordinance removes Corvallis voters' ability to vote on annexations before building takes place. Additionally, with no specific timeline for annexation, annexation may never occur, costing the City valuable tax base.

We also wonder when, in this situation, does the public process set forth in Section 2.7.50 of the LDC take place? This process requires a Planning Commission hearing, for the Commission to make a recommendation to the Council, and a Council public hearing before a final decision is made.

In conclusion, League believes that if City water is necessary to meet the requirements of the Fire Code to allow building on the Beit Am property, it should be annexed to the City before building. In this case, because the decision by the Fire Marshal requiring extension of City water into the County is unprecedented, the City itself might consider placing the annexation on the ballot. Also we strongly recommend that the City, County and the Fire Marshal be required to inform all parties abutting the city, who are contemplating development, of all requirements at the *beginning* of the application process.

Thank you for the opportunity to express our concerns.

A handwritten signature in black ink, appearing to read "Laura Lahm Evenson". The signature is fluid and cursive, with a large initial "L" and "E".

Laura Lahm Evenson, President
League of Women Voters of Corvallis