

Representatives and House Land Use Committee Administrator Beaton and Assistant Arrington:

I am writing to relay my confidence in Oregon's historic land use planning goals passed decades ago that allow for the systematic incorporation of properties inside Urban Growth Boundaries (UGBs), and the protection that affords for other land uses particularly agriculture and forestry. Most of these original Statewide Planning Goals date back to 1974.

Link To Legislation: http://www.oregon.gov/LCD/docs/history/original_goals_012575.pdf

This forward thinking legislation established that municipalities and the state as a whole should encourage urbanization inside UGBs for housing, to provide economies of scale for public infrastructure, for transportation, and for economic reasonings in general, leaving other lands for other purposes including: recreation, open spaces, and the aforementioned agriculture and forestry. These goals were established to, and do protect the environment, protect the natural resource based economy, and provide greater urban densities which prevents sprawl, among the many other valuable purposes. These mechanisms were progressive, landmark decisions that are studied and replicated in states across the nation, and occurred at a time when the term "sprawl" was not in most peoples' vocabulary. I express my confidence in these goals and the processes that have followed leading to their implementation, as they have served Oregonians for decades, and should be allowed to protect and serve us into the future. As a result I oppose any legislation which undermines these statewide planning goals, particularly narrow legislation aimed at small municipalities.

As you likely know, Lincoln City has an Urban Growth Boundary. It includes the unincorporated areas of Neotsu, parts of Otis, and Roads End. Through the statewide planning goals, stepwise annexation within this UGB is not only to be expected, but is in fact called for and desired. So called "enclaves" near Devils Lake were annexed as Lincoln City previously extended its municipal boundary. Currently, a process of annexation is occurring for the area known as Roads End. Now another important concept of the land use planning goals includes citizen participation. To Lincoln City's credit, this current annexation has afforded the public untold hours of opportunities for citizen involvement. Covering the governmental beat for a media outlet in 2004-2005, I can personally attest to the public process being at least that old. Moreover, the original agreement that provided the area of Roads End municipal water dates back nearly 40 years and to my knowledge includes the specific understanding that the area would be annexed at sometime in the future. That future began some 12 years ago when the agreement expired. Even without a binding contract the City of Lincoln City continues to provide this water service outside of its boundaries. At some point however an expired contract truly expires, and steps Lincoln City has taken to require consents to annex for ongoing water service is a logical approach to regain a meaningful contract with the population it is serving, while at the same time reaching to achieve annexation which again is called for by our Statewide Planning Goals. Not only is it logical to require a contract from those the City provides water to, it is inconceivable to go on without one. The city, well within its rights, is now requiring such agreements, and recently received enough of those signed contracts (a triple majority of property owners, properties, and valuation) to annex Roads End.

Some of course have attempted all matters of efforts to slow down or defeat this process including lawsuits, some of which have been resolved to Lincoln City's favor while newer suits remain pending. Further some are claiming they were coerced into signing a consent to annex and now seek to revoke their legally binding authorizations. It is my understanding that HB 2028 (SB 773) is yet another attempt at undoing this stepwise and legal annexation. A small, but well funded group of individuals is to my understanding not only asking the legislature to interfere in a local issue of annexation of properties clearing within the Urban Growth Boundary of the municipality, and an area that currently enjoys ongoing services from the same city without a contract for those services, but this small group of well funded individuals, (most of whom are likely largely second, possibly third homeowners as Roads End is approximately 90% non resident) are doing so at the expense of interfering with longstanding, solid land use planning created for the whole State of Oregon.

House Bill 2028 (Senate Bill 773) would prohibit a city or a district from seeking consents to annex from not only areas with existing legal contracts to provide extraterritorial services, but also from those properties which receive such services without a contract, or even from those properties without an active service connection for a year. In the case of Roads End, the water services contract expired over a decade ago, and as such this is no emergency as HB 2028 (SB 773) would also seek to declare. The City has not acted unlawfully, in fact it acts in the interest of those that live or own properties in Roads End that want to contractually secure long-term water service. I urge you to oppose such legislation, and any and all legislation that seeks to uproot legal proceedings by a city or district and the Statewide Land use Planning Goals for the mere betterment to those that may oppose such proceedings. Citizen involvement in the planning process (now legal process and legislative process) was never meant to favor only those with the most resources. As such I would encourage you to revisit the Statewide Planning Goals to see how HB 2028 (SB 773) unjustly interferes with these longstanding sensible planning efforts for the state.

Sincerely,

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