



COUNCIL PUBLIC HEARING

Wednesday, June 04, 2025

APPROVED MINUTES

MEMBERS PRESENT

Mayor Jennifer Massey
Council President Jessica Chilton
Councilor Mark Gundersen
Councilor Russell Hubbard
Councilor Brandon Sundeen

STAFF PRESENT

John Walsh, City Administrator
Kathy Payne, City Recorder
Crystal King, Communications Officer
Jacob Graichen, City Planner

OTHERS

Amanda McFerson
Agnes Petersen
MaryAnne Anderson

OPEN PUBLIC HEARING – 6:15 p.m.

TOPIC

1. Annexation of Property Located at 35262 Fir Street (Greg & Amanda McFeron)

City Planner Jacob Graichen reviewed preliminary matters. There were no potential or actual conflicts of interest, bias in this matter, exparte communications, or site visits. There were no objections from the audience for the Council to make a fair decision. Graichen went on to present the staff report on the annexation request for the property located at 35262 Fir Street, owned by Greg and Amanda McFeron.

Graichen provided background on the annexation request, noting it dated back to 2000 and was related to a sewer use agreement with a five-year renewal interval. He explained that the property was about 70-feet from the nearest City limit line, which raised questions about adjacency requirements for annexation.

Graichen discussed the advantages of annexation for the property owners, including lower utility rates and more flexible rules for adding a second dwelling unit. He noted that the Planning Commission had recommended zoning the property as R-7 if annexed, based on surrounding zoning patterns.

PUBLIC COMMENT

Applicant

- ◆ Amanda McFeron. Spoke about her confusion regarding the annexation status of her property. She mentioned that she and her husband, Greg, were under the impression that their property had been fully annexed back in 1999 when they signed paperwork related to the sewer connection. However, it was revealed that only their sewer line, as part of a STEP system, had

been annexed, leaving the property itself outside City limits. As a result, they have paid over \$16,000 more in utility costs over the years since being outside City limits doubled their utility rates. During the proceedings, McFeron expressed frustration over the financial burden and reiterated that they had been diligent in signing all required documents at the time.

Council debated the validity of the original petition and waiver signed in 1999, which included a clause waiving the one-year time limitation established by ORS 222.173. Council members expressed mixed feelings about setting a precedent for handling such old annexation requests given the legal ambiguity and proposed that the waiver should be reviewed by legal counsel to ensure it met current legal standards.

Several Council members were empathetic to the McFeron's plight, acknowledging the significant financial hardship they had undergone due to the annexation oversight. There was discussion about various options: continuing the public hearing to get a legal opinion, requesting a new petition from the McFeron's, or conditionally approving the annexation based on the attorney's review of the waiver's validity. Ultimately, the Council showed a leaning towards the latter option to avoid further delays and costs for the property owners while also fulfilling their due diligence responsibilities and ensuring legal clarity.

In Favor – None

Neutral

- ◆ Agnes Petersen. Recommended the Council table any annexation where the signed document was more than a year old, citing State law concerns. She suggested having property owners sign new, recent requests for annexation.
- ◆ MaryAnne Anderson. Expressed concerns about the City's process for handling old annexation requests and questioning the applicability of current statutes to documents signed decades ago.

In Opposition – None

Council and Graichen discussed a proposal to continue the hearing to seek legal advice regarding the validity of the waiver signed in 1999 by the McFeron's that waived the one-year time limitation mandated by ORS 222.173. Council members acknowledged the financial burden faced by the McFeron's, who inadvertently paid significantly higher utility rates due to the oversight. Various options were considered to address the situation, such as obtaining a legal opinion, drafting a new petition, or conditionally approving the annexation contingent upon legal clearance of the waiver. The Council expressed a preference for a solution that would not further delay the annexation process for the property owners while ensuring compliance with legal standards. Ultimately, there was a suggestion to consider approving the annexation subject to an attorney's review, thereby balancing the need for legal assurance with the intent to swiftly rectify the issue for the McFeron's.

CLOSE PUBLIC HEARING – 6:58 p.m.

Respectfully submitted by Lisa Scholl, Deputy City Recorder.

ATTEST:

/s/ Kathy Payne

Kathy Payne, City Recorder

/s/ Jennifer Massey

Jennifer Massey, Mayor