

DIVISION 1

PROCEDURAL RULES

191-001-0000 Notice of Proposed Rule

DIVISION 5

RULES OF PROCEDURE

191-005-0000 Meetings
191-005-0005 Public Meetings
191-005-0010 Hearing Notice (ORS 199.463)
191-005-0015 Study Sessions
191-005-0020 Quorum (ORS 199.445)
191-005-0025 Voting
191-005-0030 Parliamentary Procedure
191-005-0035 Officers
191-005-0040 Committees
191-005-0045 Travel Expenses
191-005-0050 Staff (ORS 199.455)
191-005-0055 Initiating Proposals
191-005-0060 Study
191-005-0065 Agenda
191-005-0070 Continuance
191-005-0075 Postponement
191-005-0080 Final Order
191-005-0085 Expedited Procedure
191-005-0090 Amendment
191-005-0095 State Agency Coordination Program

DIVISION 6

FILING REQUIREMENTS

191-006-0000 Definitions
191-006-0005 Commission Filing Policies
191-006-0010 Major Boundary Changes
191-006-0015 Minor Boundary Changes
191-006-0020 Community Water and Sewer Systems

DIVISION 10

FILING FEE RULE/SCHEDULE

191-010-0000 Filing Fee Rule/Schedule

DIVISION 20

BUDGET AND ASSESSMENTS

191-020-0000 FY 1998-99 Budget and Assessments

DIVISION 30

POLICIES

191-030-0000 Policies
191-030-0010 Definitions
191-030-0020 Policy Implementation

DIVISION 1

PROCEDURAL RULES

191-001-0000
Notice of Proposed Rule

Prior to the adoption, amendment, repeal of any rule, the commission shall give notice of the proposed adoption, amendment, or repeal:

(1) In the Secretary of State's Bulletin referred to in ORS 183.360 at least 15 days prior to the effective date;

(2) By legal notice in a newspaper of general circulation in Lane County;

(3) By mailing a copy to each city, district and county under the commission's jurisdiction and to other interested persons on the commission's mailing list;

(4) By providing a news release by mail to radio and television stations, newspapers in the commission's jurisdiction, and UPI and AP.

Stat. Auth.: ORS 183

Stats. Implemented: ORS 199.452

Hist.: LCBC 1-1980, f. & ef. 10-13-80

DIVISION 5

RULES OF PROCEDURE

191-005-0000
Meetings

A regular meeting of the Commission shall be held at such time and place as the Commission may establish in a published schedule made available to the general public in the Commission office. Said schedule shall establish filing deadlines by which proposals must be filed to be set for public hearing. The deadline shall be a minimum of 30 calendar days prior to the scheduled hearing date on that proposal not counting the date of the hearing. The Commission shall reserve the right to change its meeting schedule as needed. Special meetings of the Commission may be called by the chairperson or any three members of the Commission upon not less than 48 hours written notice of the time, place, and purpose thereof to each members' address, nor less than 24 hours notice to the public.

Stat. Auth.: ORS 199

Stats. Implemented: ORS 199.461 & ORS 199.463

Hist.: LCBC 2-1985, f. 3-1-85, ef. 3-22-85

191-005-0005
Public Meetings

(1) Meetings of the Commission shall be open to the public. The provisions of ORS 192.610 to 192.710 shall apply to all meetings of the Commission. These provisions include proper public notice of meetings, written minutes of all meetings, executive meetings only for certain purposes, and prohibition of smoking in public meetings.

(2) Minutes of the Commission shall include summary statements of Commission members and those persons testifying before the Commission on important points and a concise, specific statement of action approved or disapproved. Approved minutes shall be available for review to interested parties upon request.

Stat. Auth.: ORS 199

Stats. Implemented: ORS 192.601 - ORS 192.710 & ORS 199.463

Hist.: LCBC 2-1985, f. 3-1-85, ef. 3-22-85

191-005-0010
Hearing Notice (ORS 199.463)

Notice of a public hearing conducted by the Commission for a boundary change or other action shall be published by at least one insertion in a newspaper of general circulation in the affected city, district, or territory, not more than 25 days nor less than 15 days before the hearing. Second notice by the Commission may be given by insertion in a newspaper of general circulation in the affected area, or by letter sent first-class to each affected property owner not more than 15 days nor less than 8 days before the hearing. Affected property owner means each owner of land within the proposal or modified proposal. The notice shall contain a description of the proposed boundary change, or an application under ORS 199.464, state the time and place of the hearing and that any interested person may appear and be given a reasonable opportunity to be heard. The Commission shall cause the notice to be posted within the affected city, district, or territory at least 15 days before the hearing.

Stat. Auth.: ORS 199

Stats. Implemented: ORS 199.463

Hist.: LCBC 2-1985, f. 3-1-85, ef. 3-22-85

191-005-0015

Study Sessions

The Commission may conduct study sessions for the purpose of investigating matters before it. Such sessions shall be governed by the provisions of ORS 192.610 to 192.710. Adequate (24 hours) notice shall be given to the public but the Commission may limit or disallow public testimony.

Stat. Auth.: ORS 199

Stats. Implemented: ORS 192.610 - ORS 192.710 & ORS 199.459 - ORS 199.519

Hist.: LCBC 2-1985, f. 3-1-85, ef. 3-22-85

191-005-0020

Quorum (ORS 199.445)

A majority of the members of the Commission (4) constitutes a quorum for the transaction of business, and a majority of a quorum may act for the Commission. However, it takes four affirmative votes of the Commission to:

- (1) Adopt a final order under ORS 199.461;
- (2) Adopt rules under ORS 199.452.

Stat. Auth.: ORS 199

Stats. Implemented: ORS 199.445

Hist.: LCBC 2-1985, f. 3-1-85, ef. 3-22-85

191-005-0025

Voting

Voting on all matters before the Commission shall be by open ballot. Members, including the presiding officer, shall be required to vote on all matters before the Commission, unless a member has a direct personal or pecuniary interest in such matter. When a conflict of interest arises, the affected member shall refrain from discussing or voting on the matter and such member shall not be considered present for the purpose of determining whether a majority vote of those present has been cast.

Stat. Auth.: ORS 199

Stats. Implemented: ORS 199.445

Hist.: LCBC 2-1985, f. 3-1-85, ef. 3-22-85

191-005-0030

Parliamentary Procedure

The rules contained in **Robert's Rules of Order Revised** shall govern proceedings of the Commission where applicable and not inconsistent with these rules.

[Publications: The publication(s) referred to or incorporated by reference in this rule are available from the Commission.]

Stat. Auth.: ORS 199

Stats. Implemented: ORS 199.410 - ORS 199.519

Hist.: LCBC 2-1985, f. 3-1-85, ef. 3-22-85

191-005-0035

Officers

(1) At its last regular meeting prior to July 1, the Commission shall elect a chairperson, vice chairperson and secretary for the ensuing year or until their successors are elected and qualified. The chairperson shall preside at all meetings of the Commission unless absent. The vice chairperson shall have all powers and duties of the chairperson if the chairperson is unable to act. Subsequently, the secretary will assume duties if other officers are not available. In the event no officers are present at a hearing, through either absence or abstention, the remaining members shall elect a temporary chairperson. All officers shall serve at the pleasure of the Commission and the Commission may declare any office vacant at any time at a meeting at which four members of the Commission are present and voting. In the event of a vacancy occurring in any office, for any cause, the Commission shall fill the vacancy by an election for the unexpired term of the predecessor in office.

(2) The chairperson shall have authority to sign all documents on behalf of the Commission and in the event that the chairperson is unavailable the vice chairperson, and subsequently the secretary shall have the same authority.

(3) The chairperson may make or second any motion and

present and discuss any matter as a member and shall be entitled to vote on all matters.

Stat. Auth.: ORS 199

Stats. Implemented: ORS 199.410 - ORS 199.519

Hist.: LCBC 2-1985, f. 3-1-85, ef. 3-22-85

191-005-0040

Committees

(1) The presiding officer may appoint such committees as are required to carry out the work of the Commission.

(2) As directed in ORS 199.450, the Commission shall appoint an advisory committee of nine members including three city officers, one county officer, three district officers, and two public members. The purpose of the advisory committee is to advise and assist the Commission in carrying out its purposes under ORS 199.410 to 199.519. The committee shall meet at the request of the Commission to review Commission policies and practices. Except as specified under ORS 199.450(3), the committee has the authority to review and submit recommendations on any proposal before the Commission. In addition, the advisory committee shall review each administrative rule prior to its adoption and review the annual budget and assessments of the Commission and make any recommendations it deems necessary. Under ORS 199.450(4), any budgets or assessments levied shall not be effective unless approved by the advisory committee.

(3) Advisory committee members shall be appointed by the Commission for a term of two years with the term of office beginning in July and ending in June. In the event of a vacancy, the Commission shall appoint another member of similar qualifications to serve the duration of the term. Upon expiration of a term, a committee member may serve until a successor has been appointed.

Stat. Auth.: ORS 199

Stats. Implemented: ORS 199.410 - ORS 199.519

Hist.: LCBC 2-1985, f. 3-1-85, ef. 3-22-85

191-005-0045

Travel Expenses

Expenses will be allowed for Commission members and staff at the rates established in the Administrative Rules of the State of Oregon.

Stat. Auth.: ORS 199

Stats. Implemented: ORS 199.432, ORS 199.455 & ORS 199.457

Hist.: LCBC 2-1985, f. 3-1-85, ef. 3-22-85

191-005-0050

Staff (ORS 199.455)

The Commission shall have a staff consisting of an executive officer and such other employees as needed. The executive officer shall function under supervision and control of the Commission.

Stat. Auth.: ORS 199

Stats. Implemented: ORS 199.455

Hist.: LCBC 2-1985, f. 3-1-85, ef. 3-22-85

191-005-0055

Initiating Proposals

(1) The materials required for boundary change proposals may vary for different types of boundary changes. The Commission may establish filing requirements for various types of boundary changes in accordance with applicable statutes. The following materials shall be filed with the Commission at its regular office on or before a cut-off date set by the Commission for assembling the next public hearing agenda. Examples of materials required include, but are not limited to:

- (a) Original or certified copy of the petition, resolution, or other form of initiatory action;
- (b) Filing fee;
- (c) Legal description;
- (d) Assessor's cadastral map;
- (e) Commission information form.

(2) The Commission may prescribe and may change forms to be completed and filed by proponents or others interested in any

proposal. The information will assist the Commission in carrying out its purposes.

Stat. Auth.: ORS 199

Stats. Implemented: ORS 199.410 - ORS 199.519

Hist.: LCBC 2-1985, f. 3-1-85, ef. 3-22-85

191-005-0060

Study

Upon the filing of a petition or any other form of initiatory action for a boundary change, staff shall cause a study to be made of the proposal. The study shall address the applicable standards outlined in ORS 199.410 and 199.462. The standards shall include consideration of economic, demographic and sociological trends and projections pertinent to the proposal, past and prospective physical development of land that would directly or indirectly be affected by the proposed boundary change and other matters that may enable the Commission to guide the creation and growth of cities and special service districts in Oregon, to prevent illogical extensions of local government boundaries and to assure adequate quality and quantity of public services and the financial integrity of each unit of local government. Also, the study shall consider state planning goals, and county, city, and other applicable plans and policies (ORS 199.410). When considering a boundary change in an area for which there is an acknowledged comprehensive plan, the Commission shall consider the acknowledged plan and does not have to address statewide goals. The Commission or its staff may request the governing bodies of cities, counties, and districts located within the area of jurisdiction of the Commission to provide information, records, materials, and other forms of support, and, if available, consulting services and staff assistance (ORS 199.455). The staff notes resulting from the study shall be available for distribution at least four days prior to the public hearing to the Commission and all affected parties.

Stat. Auth.: ORS 199

Stats. Implemented: ORS 199.410 - ORS 199.519

Hist.: LCBC 2-1985, f. 3-1-85, ef. 3-22-85

191-005-0065

Agenda

(1) The staff shall prepare an agenda for each Commission meeting and transmit it and the staff study notes before the meeting to all Commission members and to such agencies or organizations interested in the meeting as may request it.

(2) Commission members wishing to have items on the agenda shall advise the staff prior to the meeting and request that time be reserved on the agenda for that particular item they wish to present.

(3) The following shall be the order of business for regular meetings before the Commission unless modified by the presiding officer with the consent of a majority of the members present:

- (a) Call to Order — Roll Call;
- (b) Approval of Expenditures;
- (c) Approval of Minutes;
- (d) Old Business — Public Hearings;
- (e) New Business — Public Hearings: Proceedings may be consolidated for hearing at the discretion of the Commission:

- (A) Chairperson states the order of business;
- (B) Declaration of ex-parte contacts and conflicts of interest;
- (C) Time may be allotted for specific agenda items — the chairperson or Commission may establish limits on public testimony;

(D) Notice of hearing read — objections to the adequacy of the notice may be given in writing or orally by any interested party;

(E) Review of the printed staff notes — the staff notes shall be entered automatically as part of the public record;

(F) Open public hearing portion of meeting: Any party wishing to be heard shall give name and address to the Commission prior to giving testimony:

- (i) Proponents opening statement,
- (ii) Those supporting the proposal:
- (I) Public officials,

(II) Other interested persons.

(iii) Those opposing the proposal:

(I) Public officials,

(II) Other interested persons.

(iv) Rebuttal by proponents.

(G) Close hearing to public; the matter is then before the Commission.

(H) Commission discussion and decision — No further public testimony shall be taken; however, the Commission may direct questions to staff or other parties present.

(f) Other business.

(g) Adjournment.

Stat. Auth.: ORS 199

Stats. Implemented: ORS 199.410 - ORS 199.519

Hist.: LCBC 2-1985, f. 3-1-85, ef. 3-22-85

191-005-0070

Continuance

The chairperson or Commission may continue any pending matter to another day, but not more than seven days later than the day stated in the notice of the hearing. A meeting is continued when the Commission reviews a proposal heard at a previous public hearing, and the hearings are within the time limits established under ORS 199.480 (120-day limit) and ORS 199.490(7) (90-day limit). When continuing a matter, the Commission may continue the public hearing, may restrict public testimony to specific issues, or may proceed without additional testimony. If any matter is continued to a meeting time and place other than that stated in the original notice of hearing, or for more than seven days, notice shall be revised and republished as required under ORS 199.463.

Stat. Auth.: ORS 199

Stats. Implemented: ORS 199.463, ORS 199.480 & ORS 199.490

Hist.: LCBC 2-1985, f. 3-1-85, ef. 3-22-85

191-005-0075

Postponement

A matter is postponed when the Commission rehears or deliberates on a proposal after the limits established under ORS 199.490(7), but less than one year from the date of filing. A postponement requires the consent of the Commission and all other affected parties appearing at a hearing. If any matter is postponed, notice of a public hearing shall be revised and republished in accordance with ORS 199.463. The Commission cannot postpone a major boundary change beyond the time limits set forth in ORS 199.480 (120-day limit).

Stat. Auth.: ORS 199

Stats. Implemented: ORS 199.463, ORS 199.480 & ORS 199.490

Hist.: LCBC 2-1985, f. 3-1-85, ef. 3-22-85

191-005-0080

Final Order

(1) On the basis of its study and hearing, the Commission shall approve any proposal as presented or as modified by the Commission or disapprove any petition or resolution by an order stating the findings and reasons for the decision (ORS 199.461).

(2) After the study, hearing, and consideration by the Commission, the Commission shall issue in a timely manner its final order setting forth its decision and the supporting findings and reasons for the decision. A copy of the final order shall be sent in accordance with ORS 199.461 (120-day limit), ORS 199.480 and 199.490(7) (90-day limit). The Commission shall send a copy of the final order to the chief petitioner.

(3) If the Commission fails to pass a final order within statutory time lines, the proposal as submitted shall be considered approved by the Commission.

(4) Annexation of a territory to a city may require withdrawal action from some districts or may automatically imply withdrawal, such as from a fire district. The Commission shall notify district offices when territory has been automatically withdrawn by sending a copy of the final order.

Stat. Auth.: ORS 199

Stats. Implemented: ORS 199.445, ORS 199.461, ORS 199.480 & ORS

199.490

Hist.: LCBC 2-1985, f. 3-1-85, ef. 3-22-85

191-005-0085**Expedited Procedure**

In accordance with ORS 199.466, when submitting a proposal for annexation or an extraterritorial extension of water or sewer lines, the proponent may request Commission approval without a study, public hearing, and adoption of a final order. If the proponent requests use of the expedited procedure, staff, within 15 days of the filing date, shall prepare an analysis of the proposal, which may be modified by staff, and shall make recommendations for disposition of the proposal. If after 15 days of the filing date, no analysis and recommendation is prepared, the proposal shall be processed as required under ORS 199.461. If within 25 days after the filing date, the Commission does not receive a request for a public hearing, the proposal shall be considered approved as submitted or modified. However, if a request for public hearing is received by the Commission within 25 days after filing, the proposal shall be processed as provided by ORS 199.460 to 199.463 and ORS 199.490 to 199.519.

Stat. Auth.: ORS 199

Stats. Implemented: ORS 199.466

Hist.: LCBC 2-1985, f. 3-1-85, ef. 3-22-85

191-005-0090**Amendment**

These rules may be amended in accordance with the Administrative Procedures Act (ORS 183.310 to 183.550) and Commission law (ORS 199.452).

Stat. Auth.: ORS 199

Stats. Implemented: ORS 199.452

Hist.: LCBC 2-1985, f. 3-1-85, ef. 3-22-85

191-005-0095**State Agency Coordination Program**

The Commission shall apply the rules and procedures contained in its certified State Agency Coordination (SAC) Program in the following cases:

(1) When determining situations where the Commission will adopt findings against the Oregon Land Conservation and Development Commission's (LCDC) Statewide Planning Goals;

(2) When adopting findings that the Commission's action complies with the statewide planning goals;

(3) When adopting findings that the Commission's action is consistent with the applicable acknowledged comprehensive plan and land use regulations;

(4) When coordinating with affected state and federal agencies and with special districts as the Commission considers a proposal;

(5) When relying on land use information to make consistency determination;

(6) When cooperating with and providing technical assistance to local governments;

(7) When amending the Commission's SAC Program.

Stat. Auth.: ORS 199

Stats. Implemented: ORS 199.410 - ORS 199.519

Hist.: LCBC 1-1989, f. & cert. ef. 2-7-89

DIVISION 6**FILING REQUIREMENTS****191-006-0000****Definitions**

(1) "Petition" refers to any initiating document such as signature sheets, resolutions, orders, or articles of incorporation, required by the Commission to initiate Commission action on a proposal. In the case of a petition initiated by property owners, the person signing on behalf of a corporation or business must provide evidence showing that person is authorized to sign legal documents for the firm.

(2) "Proposal" refers to any boundary change or application allowed under ORS 199.464. The term also refers to the set of documents required by the Commission prior to initiating the Commission procedures within the applicable statutory timeframe.

(3) "Cadastral Map" means a map prepared by the assessor's office showing bearings and distances.

(4) "Legal Description" is as defined in ORS 308.225(2). A legal description shall consist of a series of courses in which the first course shall start at a point of beginning. Each course shall be identified by bearings and distances and, when available, refer to deed lines, deed corners and other monuments, or, in lieu of bearings and distances, be identified by reference to:

(a) Township, range, section, or section subdivision lines of the U.S. Rectangular survey system;

(b) Survey centerline or right-of-way lines of public roads, streets, or highways;

(c) Ordinary high water or ordinary low water of tidal lands;

(d) Right-of-way lines of railroads;

(e) Any line identified on the plat of any recorded subdivision defined in ORS 92.010;

(f) Donation land claims;

(g) Line of ordinary high water and line of ordinary low water of rivers and streams, as defined in ORS 274.005, or the thread of rivers and streams.

(5) "Major Boundary Change" means formations, incorporations, mergers, consolidations, and dissolutions of a city or district.

(6) "Minor Boundary Change" means annexations, withdrawals, transfers of territory, and extraterritorial extensions of water or sewer lines.

(7) "Community Water System" means a water distribution system whether publicly or privately owned which serves more than three residences or other user where water is provided for public consumption including, but not limited to, a school, farm labor camp, an industrial establishment, a recreational facility, a restaurant, a motel, a mobile home park, or a group care home.

(8) "Community Sewer System" means pipelines or conduits, pumping stations, and force mains, and all other structures, devices, appurtenances and facilities used for collecting or conducting wastes to an ultimate point for treatment or disposal, which serves more than one lot or parcel, or more than one condominium unit, or more than one unit of a planned unit development.

(9) "Economic Feasibility Analysis" means the study which addresses the short-term and long-term financial estimate for the proposed new unit of government. The economic feasibility analysis shall contain:

(a) A description of the services and functions to be performed or provided by the proposed governmental unit;

(b) An analysis of the relationships between those services and functions and other existing or needed government services;

(c) Proposed first and third year budgets for the new unit of government that demonstrate its economic feasibility;

(d) The proposed tax base and tax rate.

Stat. Auth.: ORS 199

Stats. Implemented: ORS 199.410 - ORS 199.519

Hist.: LCBC 3-1985, f. 12-20-85, ef. 1-4-86

191-006-0005**Commission Filing Policies**

(1) In reviewing and acting on proposed major and minor boundary changes and establishing of community water or sewer systems, the Commission shall apply its applicable standards as expressed in ORS 199.410 and ORS 199.462.

(2) The executive officer shall prepare and maintain a summary of said Commission legislative standards for review and distribution to interested parties.

(3) The executive officer shall prepare and maintain Commission information forms and instructions for each category of boundary change.

(4) All boundary change filing requirements must be met and accepted in a completeness check by the Commission's executive

officer or staff designee by the published and adopted Commission filing deadline for a hearing date.

(5) The Commission's executive officer or staff designee will accomplish the completeness check of a filing within 16 working hours of receipt of a filing. For example, if an issue is filed at 8 a.m. on a working day, staff must finish the completeness check by 8 a.m. two working days hence.

(6) Until the Commission filing requirements are met and accepted by the Commission's executive officer or staff designee, the respective statutory timelines for Commission processing of minor and major boundary changes does not begin.

(7) The executive officer or staff designee may request other information of applicants, petitioners, or other parties necessary to carry out the purposes of Commission review and to address the Commission standards. Examples include, but are not limited to auxiliary maps, responses to staff or Commission questions, or responses to issues or questions raised during the Commission's referral and public hearing processes.

(8) Applicants are encouraged to schedule a preapplication meeting with boundary commission staff well in advance of established filing deadlines.

Stat. Auth: ORS 199

Stats. Implemented: ORS 199.410 - 199.519

Hist.: LCBC 3-1985, f. 12-20-85, ef. 1-4-86

191-006-0010

Major Boundary Changes

(1) Filing requirements for all major boundary change proposals shall include the following items:

(a) Filing fee;

(b) Original or true copy of petition, resolution, or other initiating documents in accordance with applicable statutes; when a proposal is initiated by electoral petition, the petitions must be accompanied with certification by county elections officer that the signatures meet statutory requirements;

(c) Commission information form;

(d) County assessor's cadastral map(s) (except in proposals for incorporation of cities initiated by electoral petition);

(e) Legal description (except in proposals for incorporation of cities initiated by electoral petition);

(f) Economic feasibility analysis (for incorporation of cities or districts; not required for mergers, consolidations, or dissolutions);

(g) All parties submitting a proposal to the Commission must submit written information, as described in the Commission's certified State Agency Coordination (SAC) Program indicating consistency of the proposed boundary change with the applicable acknowledged comprehensive plan and local land use regulations. If the proposal requires compliance with statewide planning goals, the applicant must submit draft findings for Commission consideration which demonstrate compliance of the proposed boundary change with the applicable statewide planning goals;

(h) When the proposal is subject to a proposed plan amendment to the applicable acknowledged comprehensive plan and/or land use regulations, the Commission will not accept the boundary change proposal as a valid filing until the proposed amendment becomes part of the acknowledged plan pursuant to ORS 197.610 to 197.625 or 197.640 to 197.647, as applicable.

(2) In addition to the requirements listed in section (1) of this rule, major boundary changes, when initiated by Commission resolution, shall include the following items:

(a) Identification of the affected city or districts;

(b) Statement of the kind of boundary change proposed;

(c) For city or district merger or consolidation debt distribution plan;

(d) For city or district dissolution plan of dissolution;

(e) For districts, designation of the principal Act;

(f) Whatever additional information the city or district principal Act authorizes or requires petitioners to include with a petition for such a boundary change.

(3) In addition to the requirements listed in section (1) of this rule, a formation of a city or district, when initiated by electoral

petition, shall include the following items:

(a) Name of the proposed city or district;

(b) For the incorporation of cities, a map indicating the exterior borders of the proposed city not more than 14 by 17 inches in size.

(4) In addition to the requirements listed in section (1) of this rule, a merger or consolidation, when initiated by electoral petition, shall include the following item: Debt distribution plan.

(5) In addition to the requirements listed in section (1) of this rule, a dissolution, when initiated by electoral petition, shall include the following item: Plan of dissolution.

Stat. Auth: ORS 199

Stats. Implemented: ORS 199.410 - 199.519

Hist.: LCBC 3-1985, f. 12-20-85, ef. 1-4-86; LCBC 1-1989, f. & cert. ef. 2-7-89

191-006-0015

Minor Boundary Changes

(1) Filing requirements for all proposals for a minor boundary change shall include the following items:

(a) Filing fee;

(b) Original or true copy of petition, resolution, or other initiating document in accordance with ORS 199.490 or 199.464; when a proposal is initiated by electoral petitions, the petitions must be accompanied with certification by county elections officer that the signatures meet the statutory requirements;

(c) Commission information form;

(d) County assessor's cadastral map(s);

(e) Legal description;

(f) All parties submitting a proposal to the Commission must submit written information, as described in the Commission's certified State Agency Coordination (SAC) Program indicating consistency of the proposed boundary change with the applicable acknowledged comprehensive plan and local land use regulations. If the proposal requires compliance with statewide planning goals, the applicant must submit draft findings for Commission consideration which demonstrate compliance of the proposed boundary change with the applicable statewide planning goals;

(g) When the proposal is subject to a proposed plan amendment to the applicable acknowledged comprehensive plan and/or land use regulations, the Commission will not accept the boundary change proposal as a valid filing until the proposed amendment becomes part of the acknowledged plan pursuant to ORS 197.610 to 197.625 or 197.640 to 197.647, as applicable.

(2) In addition to the above requirements, the following items are required for specific types of Commission action:

(a) Annexations, withdrawals, and transfer of territory:

(A) The name of the affected city or district and whether the proposal is to annex, withdraw, or transfer territory;

(B) For district proposals — designation of the principal Act.

(b) Extraterritorial extension of water lines:

(A) The source of the supply and quantity of water available;

(B) The proposed number of service connections and location;

(C) The transmission, distribution, and storage system size and location.

(c) Extraterritorial extension of sewer lines:

(A) The location of the treatment facility and outfall or other method of disposal;

(B) The size and location of the collection system;

(C) The proposed number of service connections and location.

Stat. Auth.: ORS 199

Stats. Implemented: ORS 199.410 - ORS 199.519

Hist.: LCBC 3-1985, f. 12-20-85, ef. 1-4-86; LCBC 1-1989, f. & cert. ef. 2-7-89

191-006-0020

Community Water and Sewer Systems

(1) Filing requirements for formation of a community water or sewer system shall include the following items:

(a) Filing fee;

- (b) Initiating letter/application;
- (c) Commission information form;
- (d) County assessor's cadastral map(s);
- (e) Legal description;
- (f) Technical and financial feasibility reports;
- (g) Documentation that a legal entity will be formed with responsibility for the community system (e.g., homeowners' association draft agreement);

(h) Evidence of coordination with other affected units of government and other service providers where applicable (e.g., cities, water districts or other providers of domestic water supply and distribution, other community water or sewer systems, sanitary districts, and rural fire protection districts); this evidence can consist of written statements from affected governments or service providers or a written statement from applicant detailing the required coordination (e.g., notes from meetings, items of substance discussed, and resolution of any issues identified during coordination);

(i) Written statement from Lane County that the proposed system is consistent with the acknowledged comprehensive plan and other land use regulations;

(j) All parties submitting a proposal to the Commission must submit written information, as described in the Commission's certified State Agency Coordination (SAC) Program indicating consistency of the proposed boundary change with the applicable acknowledged comprehensive plan and local land use regulations. If the proposal requires compliance with statewide planning goals, the applicant must submit draft findings for Commission consideration which demonstrate compliance of the proposed boundary change with the applicable statewide planning goals;

(k) When the proposal is subject to a proposed plan amendment to the applicable acknowledged comprehensive plan and/or land use regulations, the Commission will not accept the boundary change proposal as a valid filing until the proposed amendment becomes part of the acknowledged plan pursuant to ORS 197.610 to 197.625 or 197.640 to 197.647, as applicable.

(2) In addition to the requirements listed in section (1) of this rule, applications for formation of a community water system must include the following items:

- (a) Preliminary water system layout plan;
- (b) Engineer's report addressing quantity and quality requirements and relationship of proposed water system to the sewer system(s);

(c) Written statement from Lane County including: acceptability of the proposed system and acknowledgment of satisfactory preliminary review of system (Lane County administers Oregon State Health Division water system standards through intergovernmental agreement between Lane County and State of Oregon).

(3) In addition to the requirements listed in section (1) of this rule, applications for formation of a community sewer system must include the following items:

- (a) Preliminary sewer system layout plans;
- (b) Engineer's report addressing capacity and local and state environmental quality issues and relationship of sewer system to the water source and distribution system(s);

(c) Written statement from Lane County or Oregon Department of Environmental Quality including acceptability of the proposed system and acknowledgment of satisfactory preliminary review of the system.

Stat. Auth.: ORS 199

Stats. Implemented: ORS 199.410 - ORS 199.519

Hist.: LCBC 3-1985, f. 12-20-85, ef. 1-4-86; LCBC 1-1989, f. & cert. ef. 2-7-89

DIVISION 10

FILING FEE RULE/SCHEDULE

191-010-0000

Filing Fee Rule/Schedule

(1) Pursuant to Chapter 12, Oregon Laws 1980, the Lane

Oregon Administrative Rules Compilation

County Local Government Boundary Commission hereby establishes the following charges for services necessary to defray the costs of operating the Commission and to carry out the purposes of ORS 199.410 to 199.512.

(2) No proposal for a boundary change, as defined in ORS 199.415, and no water or sewer line extension proposal or any other action set forth in ORS 199.464 requiring Boundary Commission consideration and approval shall be considered filed with the Commission unless accompanied by a filing fee in the amount indicated in section (8) of this rule.

(3) It shall be the responsibility of the chief petitioner to transmit the filing fee to the Commission at the time the petition is filed with the Commission. As used in this rule, "chief petitioner" means the person or unit of government filing the petition with the Boundary Commission in the case of minor boundary changes and actions provided by ORS 199.464 and, in the case of major boundary changes, the person or unit of government filing the petition with the filing agency according to the principal act, provided that a city council or district board shall be the chief petitioner for boundary change proposals initiated pursuant to ORS 199.490(2) and (5) and water and sewer line extensions and connections as set forth in ORS 199.464(3). The chief petitioner may collect the filing fee from property owners and/or voters in the territory described in the petition.

(4) The Commission shall use the County Assessor's records to determine the acreage of the proposal for the purpose of computing the filing fee. For the purpose of determining the acreage for the filing fee, land within a public way or ownership shall not be included in the acreage computation unless the proposal, as initiated, includes only territory within a public way or ownership. In such case, the filing fee shall be the minimum fee in section (8) of this rule under the applicable section.

(5) As used in this rule, "urban growth boundary" means the boundary that a city and county have adopted or proposed as part of the comprehensive land use plan to meet the requirements of statewide planning Goal 14.

(6) Annexations initiated in accordance with ORS 222.750 and 199.490(5), "islands," shall be subject to the minimum fee for city annexations in section (8) of this rule.

(7) Effective July 1, 1991, dissolution of inactive districts initiated pursuant to ORS 198.335 to 198.365 shall require the applicable fee consistent with section (8) of this rule. Reimbursement of all or any portion of the required filing fee will be made on a case-by-case basis and shall require a majority vote of a quorum of the Commission. In determining the amount of possible reimbursement, the Commission shall consider the remaining debts and assets of the district, the actual processing costs to the Commission, and the Commission's financial situation.

(8) Type of Action/Unit or Jurisdiction:

(a)(A) Minor boundary changes (annexations/withdrawals/transfers) for the following: (* exist in Lane County):

- (i) Park and recreation district*;
- (ii) Metropolitan service district;
- (iii) Highway lighting;
- (iv) County service district* (except sewer/water);
- (v) Vector control district;
- (vi) Rural fire protection district*;
- (vii) Geothermal heating district.

(B) Fees:

- (i) Up to 150 acres — \$170;
- (ii) 151 to 640 acres — \$315;
- (iii) Over 640 acres — \$410.

(b) Minor boundary changes (annexations/withdrawals/transfers):

- (A) Consisting of less than 5 acres — \$450;
- (B) Consisting of 5 acres or more but less than 10 acres — \$715;
- (C) Consisting of 10 acres or more but less than 25 acres — \$935;
- (D) Consisting of 25 acres or more but less than 50 acres — \$1,170;
- (E) Consisting of 50 acres or more — \$1,345.

(c) Major boundary changes (formations, dissolutions, mergers* and consolidations*):

(A) Cities:

- (i) Under 500 population — \$1,070;
- (ii) 500 to 2,500 population — \$1,260;
- (iii) 2,501 to 5,000 population — \$1,590;
- (iv) 5,001 to 10,000 population — \$2,130;
- (v) 10,001 to 15,000 population — \$3,200;
- (vi) 15,001 to 20,000 population — \$3,600;
- (vii) 20,001 to 25,000 population — \$4,260;
- (viii) Over 25,000 population — \$5,325.

(B) Districts:

- (i) Under \$10 million assessed valuation — \$1,000;
- (ii) \$10,000,000 to 25,000,000 assessed valuation — \$1,470;
- (iii) \$25,000,001 to 50,000,000 assessed valuation — \$1,945;
- (iv) \$50,000,001 to 150,000,000 assessed valuation — \$2,330;

(v) \$150,000,001 to 250,000,000 assessed valuation — \$2,760;

(vi) Over \$250 million assessed valuation — \$3,200.

NOTE: *For mergers and consolidations, the highest fee is used based on the highest assessed value or population of the affected city and/or district.

(d) Extraterritorial sewer or water line extensions (public and private) — \$170.

(e) Formation of privately owned sewer and water systems — \$620.

(f) Initial allocation of territory to privately owned water system — \$880:

(A) Allocation of additional territory to privately owned water systems (up to 10 acres) — \$460;

(B) Allocation of additional territory to privately owned water systems (more than 10 acres) — \$625.

(g) "Contractual Annexations":

(A) Review of proposed contract between city and applicant by boundary commission (public hearing) — \$170;

(B) Hearing on creation of "ring" (island)/extraterritorial service extensions by boundary commission:

(i) Based on total area (ring + island) see section (8) of this rule — \$450-1,345;

(ii) For each service extension — \$170.

(C) Hearing on final annexation of territory — \$170.

NOTE: Annexations to Lane County Metropolitan Wastewater Service District concurrent with Eugene or Springfield annexations are automatic fee. Annexations to Willamalane Park and Recreation District concurrent with Springfield annexations are automatic — no fee.

NOTE: An annexation with a delayed effective date may be considered a single filing with one application and filing fee (consistent with #8(b) above) without separate water and sewer extension requests — when the annexing area is contiguous to existing city limits and water and sewer lines to serve the annexing area lie wholly within the city limits and the area to be annexed.

Stat. Auth.: ORS 199.452, ORS 199.457 & ORS 199.458

Stats. Implemented: ORS 199.457

Hist.: LCBC 2-1980(Temp), f. & ef. 10-31-80; LCBC 1-1981 (Temp), f. & ef. 1-13-81; LCBC 2-1981, f. & ef. 4-6-81; LCBC 3-1981, f. 10-7-81, ef. 11-1-81; LCBC 2-1984, f. 4-9-84, ef. 5-4-84; LCBC 3-1989, f. 6-16-89, cert. ef. 7-1-89; LCBC 2-1990, f. 3-8-90, cert. ef. 7-1-90; LCBC 1-1992, f. 4-16-92, cert. ef. 7-1-92; LCBC 2-1993, f. 4-16-93, cert. ef. 7-1-93; LCBC 1-1994, f. 3-28-94, cert. ef. 7-1-94; LCBC 1-1995, f. & cert. ef. 5-12-95; LCBC 1-1996, f. & cert. ef. 4-19-96; LCBC 1-1997, f. & cert. ef. 5-8-97; LCBC 1-1998, f. & cert. ef. 4-27-98

DIVISION 20

BUDGET AND ASSESSMENTS

191-020-0000

FY 1998-99 Budget and Assessments

(1) Pursuant to ORS 199.457 and ORS 199.458, the Lane County Local Government Boundary Commission and its advisory

committee adopted a supplemental FY 1997-98 budget of \$115,769 and approved a FY 1998-99 budget of \$112,812. This amount is to be raised by the following methods:

(a) FY 1997-98 cash carryover of \$8,967 (8 percent);

(b) Accounts receivable of \$6,145 (6 percent);

(c) Approximately 29 percent from filing fees (\$33,000) [ORS 199.457(3)];

(d) Approximately 57 percent from assessments upon cities and Lane County (\$64,140) [ORS 199.457 (4) and 199.458];

(e) Approximately 1 percent from assessments upon districts (\$560) [ORS 199.475(5) and 199.458].

(2) The per capita rate in accordance with ORS 199.457(4) is 13.63¢:

37% budget (\$42,055)

total 1997 population (308,500) = 13.63¢

(3) The amount of revenues not assessable to districts is \$22,085 divided proportionately according to ratio of unincorporated population between the City of Eugene (\$12,588) and Lane County (\$9,497) plus \$42,055 totals \$64,140 in assessments from cities and Lane County (ORS 199.458).

(4) The rate per thousand assessed valuation in accordance with ORS 199.457(5) is \$.00256 per thousand assessed valuation:

20% budget (\$22,645) - flat rates (\$5,000)

(AV of affected units (\$6,857,241,264)

= \$.00000257 x \$1,000 = \$.00257 per \$1,000

(5) Two units of government qualify for a flat rate of \$2,500.

(6) The amount of revenues not assessable to districts is \$22,085 leaving \$560 in assessments from districts (ORS 199.468).

(7) Exhibit 1 lists the amounts of money to be assessed against each unit based upon the above rates.

(8) Full year assessments are noted on Exhibit 1. One-quarter of this assessment shall be made at least quarterly and is due the first day of each quarter (July 1, 1998; October 1, 1998; January 1, 1999; April 1, 1999).

[ED. NOTE: The Exhibit(s) referenced in this rule is not printed in the OAR Compilation. Copies are available from the Commission.]

Stat. Auth.: ORS 199.452, ORS 199.457 & ORS 199.468

Stats. Implemented: ORS 199.457 & ORS 199.458

Hist.: LCBC 1-1982(Temp), f. 2-25-82, ef. 3-29-82; LCBC 2-1982(Temp), f. 2-25-82, ef. 7-1-82; LCBC 3-1982, f. 7-27-82, ef. 8-20-82; LCBC 1-1983, f. 3-18-83, ef. 4-23-83; LCBC 1-1984, f. 4-5-84, ef. 5-4-84; LCBC 1-1985, f. 2-26-85, ef. 3-22-85; LCBC 1-1986, f. 2-21-86, ef. 3-21-86; LCBC 2-1989, f. 3-10-89, cert. ef. 4-3-89; LCBC 1-1990, f. 3-7-90, cert. ef. 3-28-90; LCBC 1-1991, f. 3-6-91, cert. ef. 3-27-91; LCBC 2-1992, f. & cert. ef. 5-21-92; LCBC 1-1993, f. 3-25-93, cert. ef. 3-31-93; LCBC 2-1994, f. 3-28-94, cert. ef. 3-31-94; LCBC 2-1995, f. & cert. ef. 5-12-95; LCBC 2-1996, f. & cert. ef. 10-30-96; LCBC 2-1997, f. & cert. ef. 5-9-97; LCBC 2-1998, f. & cert. ef. 6-25-98

DIVISION 30

POLICIES

191-030-0000

Policies

(1) It is the policy of the Commission to reduce the fragmented approach to the provision of public services. Basis for policy: This policy is based on the Commission's statutory purpose to simplify governmental structure and on its long-term view of the governmental structure relates to the economy, efficiency, and equity of urban service provision. The Commission shall favor general purpose governments over single service governments and special districts. Where a general purpose government can provide service, the Commission shall favor the provision by that unit of government rather than creation of another unit of government. The Commission shall discourage the proliferation of special districts throughout Lane County.

(2) It is the policy of the Commission to promote the long term goal of the efficient provision of public services and the orderly growth of local government boundaries. Basis for policy:

The Commission's statutory direction is to help create and guide the growth of a responsive, efficient, and economical governmental structure. In so doing, the Commission considers the timing and phasing of the provision of urban services which may, in the short-term, result in irregular boundaries.

(3) It is the policy of the Commission to provide an impartial forum for the resolution of local government jurisdictional questions. Basis for policy: The Commission desires to act as a catalyst to bring about greater long-range planning and coordination of boundary change processes.

Stat. Auth.: ORS 199

Stats. Implemented: ORS 199.410 - ORS 199.510

Hist.: LCBC 1-1987, f. 2-17-87, ef. 3-7-87

191-030-0010

Definitions

(1) "Commission" means Lane County Local Government Boundary Commission.

(2) "Rural Land" means those lands which are outside an urban growth boundary.

(3) "Urban" and "Urbanizable Lands" have the meaning given in the LCDC goals promulgated under ORS 197 or, where more specifically defined in an acknowledged comprehensive plan, the meaning given in that plan.

(4) "Comprehensive Plan" has the meaning given in ORS 197.015(5).

(5) "Public Health Hazard" has the meaning given in ORS 222.850(5).

(6) "Pre-Existing" means prior to the statutory authority provided in ORS 199.

(7) "Ring Annexation Area" means an unincorporated area intentionally surrounded by a city which will receive limited city services from that city and which will be annexed once full development of the site has occurred.

(8) "Extraterritorial Extension" means extension of a water or sewer line or facilities outside a city's or district's boundaries.

(9) "Sphere of Influence" means an area of interest beyond the urban growth boundary which is defined and designated in some comprehensive plans. Within this area, proposed land use activities and policies must be coordinated by the applicant with the affected city to allow opportunity for review and comment prior to submittal of a proposal with the Commission.

(10) "Consistency" has the meaning given the term "compatibility" as defined in the Land Conservation and Development Commission's (LCDC) administrative rules at OAR 660-030-0005(5) and (7). It means there are no remaining conflicts between the Commission's land use program and the applicable city or county comprehensive plan and related land use regulations which have been acknowledged by LCDC.

Stat. Auth.: ORS 199

Stats. Implemented: ORS 199.410 - 199.510

Hist.: LCBC 1-1987, f. 2-17-87, ef. 3-7-87; LCBC 1-1989, f. & cert. ef. 2-7-89

191-030-0020

Policy Implementation

(1) Within the policy framework outlined in an acknowledged comprehensive plan, the Commission shall recognize cities as the logical providers of urban services for territory within acknowledged urban growth boundaries.

(2) Annexation to cities shall be the method preferred and encouraged by the Commission for delivering urban services to urbanizable land.

(3) Because the boundary change process is inherently incremental, orderly efficient growth of government service boundaries may require approval of annexations by the Commission that create seemingly illogical boundaries in the short term. Commission decisions shall be guided by the ability to provide orderly and timely progression toward a defined service boundary rather than the shape and location of public service boundaries.

(4) When studying proposals, the Commission staff shall prepare an analysis of the proposal based on the following standards, where applicable. When considering proposals, the Commission

shall consider the following standards. When making its decision, the Commission shall adopt findings that the applicable standards have been met:

(a) The Commission provides an impartial forum for resolution of local jurisdictional questions. In keeping with its role as an impartial forum, the Commission shall consider the affect of the boundary change on other units of government;

(b) In order to ensure orderly determination and adjustment of local government boundaries to best meet the needs of Lane County, the Commission shall consider alternative solutions where intergovernmental options are identified and make decisions based on the most effective long-range option among identified alternatives;

(c) Consistent with acknowledged comprehensive plans and land use regulations and in order to promote orderly future development, the proposal must demonstrate that an adequate level of future and existing services and facilities are available or can be provided in a timely manner. An adequate level of services includes assurance that the quality and quantity of services can meet existing and future growth. For major boundary changes, there must be assurance that the proposed unit of government is financially viable;

(d) The comprehensive plan's economic, demographic, and sociological trends and projections and its environmental policies, pertinent to the proposal, shall be addressed.

(5) Within an urban growth boundary, the Commission shall encourage the provision of an urban level of public services as identified in a comprehensive plan in a manner consistent with Commission law and policies.

(6) The Commission shall support provision of a rural level of fire protection and emergency medical services to all residents of rural Lane County. Individual water supply systems and one-site sewage disposal systems are recognized as appropriate levels of service in most rural areas. Community water and sewer systems may be approved to serve rural densities when site conditions allow, when the proposed uses are consistent with the Lane County Rural Comprehensive Plan, and when proposals are consistent with other Commission standards and policies.

(7) The Commission shall apply, in order, the following priorities among methods of servicing urbanizable land when the required level of services identified in a city's comprehensive plan can be extended by a city:

(a) Annexation to a city;

(b) Extraterritorial extension of city water and sanitary sewer facilities accompanied by a signed agreement to annex to the appropriate city;

(c) Intergovernmental agreement between a city and existing special district to provide city services on a contractual basis;

(d) Annexation to an existing special district with district services provided;

(e) Extraterritorial extension of district water or sewer facilities under the conditions of implementing policy # 13;

(f) Formation of a new unit of government.

(8) The Commission recognizes that unique circumstances may necessitate annexation by special districts within an urban growth boundary as an interim service delivery solution. Unless expressly allowed in the comprehensive plan, the Commission shall approve annexations in such cases only where the following criteria can be met:

(a) Immediate annexation to a city is not feasible because the city is not capable of providing urban level services in an orderly and timely manner. However, it is recognized that urban services will eventually be provided by a city;

(b) The proposed interim solution is consistent with applicable comprehensive plan policies; and

(c) The proposal is for an interim service delivery solution and there are legal instruments in place to ensure that annexation to an existing city occurs.

(9) The Commission shall recognize the high priority of approving annexations to an existing city of developed, urbanizable land contiguous to that city's boundaries. Unless prohibited by local comprehensive plan policies, the Commission shall

approve non-contiguous annexations to an existing city within an urban growth boundary, provided the required level of urban services can be extended in an orderly and timely manner.

(10) The Commission shall not approve annexation of territory to a city outside an acknowledged urban growth boundary. Annexation of territory to a city may be approved by the Commission outside an urban growth boundary only when the urban growth boundary is modified by a city's comprehensive plan amendment process to include the area proposed for annexation.

(11) The Commission shall approve the extraterritorial extension of water or sanitary sewer service by a city or district within an urban growth boundary under any of the following conditions:

(a) To alleviate a declared public health hazard on property which does not otherwise meet city and Commission annexation standards for annexable land; or

(b) To accommodate the development of sanitary sewer or water systems in a manner consistent with adopted comprehensive plans, adopted public facilities plans, facilities master system plans, and capital improvement programs; or

(c) To serve non-contiguous city territory; or

(d) To extend services to "ring" annexation areas where a full range of city services will be extended in conjunction with phased development; or

(e) To extend services in accordance with pre-existing inter-governmental agreements or contracts, or with other legal requirements (e.g., with an approved plan of dissolution).

(12) When water or sewer service is extended to property beyond city boundaries, the city shall require that the property owner(s) agree in writing to annex to the appropriate city when the required level of services can be extended to the territory.

(13) When water service is extended beyond district boundaries, the Commission shall encourage the district to secure an agreement, where appropriate, from the property owner(s) to ensure annexation to the district occurs in a timely manner. If the property is within an urban growth boundary, the special district shall require consent in writing, when required by an acknowledged comprehensive plan, from the property owner(s) to annex to the appropriate city prior to receiving an extraterritorial extension of district water service.

(14) Outside an urban growth boundary, the Commission shall approve extraterritorial extension of city water or sanitary sewer service under any of the following conditions:

(a) To extend services in accordance with pre-existing inter-governmental agreements or contracts; or

(b) To extend service in accordance with an approved plan of dissolution; or

(c) To extend services where specifically provided for by comprehensive plan policies; or

(d) To alleviate a declared public health hazard which does not otherwise meet city and Commission standards for annexation; or

(e) To fulfill any other legal requirements for service.

(15) In order to provide more efficient provision of rural fire protection, the Commission shall favor annexations to existing rural fire protection districts over proposals to create new districts. When territory is within a reasonable servicing distance of an existing fire district, the Commission shall require evidence that annexation is not feasible prior to allowing formation of a new district.

(16) The Commission shall approve the merger and consolidation of cities and special districts when such actions would create a more efficient, economical unit of government and a less fragmented method of service.

(17) Prior to formation of a new community water system, the Commission shall require evidence that existing sources (existing cities, water districts or community water systems) are unable to service the subject territory. When existing sources can provide service, the Commission shall require use of existing sources rather than formation of a new system. The Commission shall not support creation of a community water system within an urban growth boundary unless allowed by comprehensive plan policies.

(18) Prior to approving creation of a community water system, the Commission shall require evidence of sanitary sewage treatment methods consistent with the proposed level of water service.

(19) Boundaries for an incorporation or formation proposal shall be dictated by the capacity of the proposed unit of government to provide public services in an efficient, timely manner. As necessary, the Commission shall modify proposals to maintain consistency with comprehensive plan directives, Commission policies and standards, and for the purpose of making a more logical government service boundary.

(20) When annexation of territory to a city substantially erodes the financial base of a special district, the Commission shall encourage the use of intergovernmental agreements between the city and affected district, and merger or consolidation of existing special districts to maintain the quantity and quality of services to the remaining district territory.

(21) When a proposed city incorporation would substantially reduce the financial base and service ability of a special district, the Commission shall require documentation that methods of maintaining an adequate quality and quantity of service to the remaining district territory have been discussed by proponents and the affected district. The resolution of such issues shall be addressed in the economic feasibility study.

(22) While the Commission has authority to initiate boundary changes, the Commission recommends that proposals be initiated by a city, district, property owner or registered voter method prior to exercising Commission authority to initiate a boundary change.

(23) The Commission encourages the use of the property owner "triple-majority" method formally initiated by city or district resolution for initiating annexation proposals.

(24) Extraterritorial extension of water or sanitary sewer service made in accordance with an approved plan of dissolution shall not be subject to Commission review.

(25) To adopt a final order approving a boundary change proposal, the Commission must find that the proposal complies with the statewide planning goals and is consistent with the applicable acknowledged comprehensive plans and land use regulations as provided in the Commission's State Agency Coordination (SAC) Program, which is hereby adopted by reference. Failure of the proposal to be found in compliance with the statewide planning goals or to be consistent with the acknowledged comprehensive plan and land use regulations will result in denial of the proposal by the Commission.

Stat. Auth.: ORS 199

Stats. Implemented: ORS 199.410 - ORS 199.510

Hist.: LCBC 1-1987, f. 2-17-87, ef. 3-7-87; LCBC 1-1989, f. & cert. ef. 2-7-89
