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**DIVISION 1**

**PROCEDURAL RULES**

**193-001-0000**

**Notice Rule**

Prior to adoption, amendment, or repeals 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 21 days prior to the effective date.

(2) 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 at least 28 days prior to the effective date.

(3) By providing a news release by mail to the KEX, KUPL, KXL, KGON radio stations; the KATU, KGW, KOPB, KOIN and KPTV television stations; the Canby Herald, Clackamas County Review, Daily Journal of Commerce, Gresham Outlook, Hillsboro Argus, Lake Oswego Review, Molalla Pioneer, Sandy Post, The Oregonian, Tigard Times, Tualatin Times, Valley Times, Cornelius/Forest Grove Times, West Linn Tidings and Wilsonville Spokesman newspapers.

Stat. Auth.: ORS 199.452, ORS 199.432 & ORS 199.455

Stats. Implemented: ORS 199.452 & ORS 199.463

Hist.: PLGB 3-1989, f. & cert. ef. 3-15-89; PLGB 1-1995, f. & cert. ef. 1-23-95

**193-001-0005**

**Rules of Procedure**

(1) Meetings. Regular meeting shall be held at such time and place as the Commission shall designate. Special meetings may be held on call of the Chairman or of any three members. Special meetings will be called in accordance with ORS 192.610 to 192.710 (public meetings law).

(2) Public Meetings. 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 provision include proper public notice of meetings, written minutes of all meetings, executive sessions for certain purposes and prohibition on smoking in public meetings.

(3) Quorum. A majority of the members of the Commission constitutes a quorum for the transaction of business, and a majority of a quorum may act for the Commission, except that approval of a majority of the members of the Commission is required to adopt a final order. A quorum is not lost if a member or members disqualify themselves from voting on any given item.

(4) Parliamentary Procedure. The rules contained in **Roberts Rules of Order**, Revised shall govern proceedings of the Commission where applicable and not inconsistent with these Rules.

**(5) Officers:**

(a) At its last regular meeting in June, the Commission shall elect one of its members to serve as Chairman for the ensuing year and until this successor is elected and qualified. A Vice-Chairman shall be elected from the membership at the same meeting to serve for the same period of time. The Chairman or Vice-Chairman may be removed at any time by a majority vote of the entire authorized membership of the Commission. In the event the Chairmanship of the Commission is permanently vacated for any reason, the Commission may elect a new Chairman to serve the remainder of that term. In the even of the absence of the Chairman from a Commission meeting, the Vice-Chairman shall serve as temporary Chairman. In the event of the absence of both the Chairman and the Vice-Chairman the Commission may elect a temporary Chairman;

(b) The Chairman shall have authority to sign all documents on behalf of the Commission and in the even of his unavailability the Vice-Chairman shall have the same authority;

(c) The Chairman may make or second any motion and present and discuss any matter as a member and shall be entitled to vote on all matters.

(6) Staff. 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.

**(7) Agenda:**

(a) The Executive Officer shall prepare an agenda for Commission meetings and transmit it before the meeting to all Commission members and to such agencies or organizations interested in the meeting as may request it;

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

**(8) Order of Business at Meetings:**

(a) The order of business at meetings, unless otherwise authorized by the Commission, shall be as follows:

- (A) Call to order;
- (B) Calling of roll;
- (C) Approval of Minutes;
- (D) Agenda business;
- (E) Other business, at the discretion of the Chairman;
- (F) Adjournment.

(b) The Chairman may postpone or continue any pending matter at any time or the Commission may adjourn to any particular time and place or to a time and place to be designated by the Chairman.

(9) Minutes. Minutes of the Commission shall be provided in accord with the provisions of ORS 192.650. The minutes shall be sent to the Commission members for reading and editing prior to Commission meetings. There need be no actual reading of the minutes at the meetings but a vote for their approval as written or corrected shall be available to other interested parties upon request.

(10) Committees. The Chairman may appoint such committees as are required to carry out the work of the Commission.

(11) Travel Expenses. Expenses will be allowed for Commission members and staff for those items at the rates established in the Administrative Rules of the State of Oregon.

(12) Advisory Committee. As directed in ORS 199.450 the Commission shall appoint an Advisory Committee of nine members, including two city officers, two county officers and two district officers and three public members one of whom shall serve as chairperson. The Commission may appoint or consult with other advisers whenever it deems it advisable.

(13) Amendment. Any of these rules may be amended in accordance with the Administrative Procedures Act.

(14) Processing Proposals:

(a) Filing Petition. There shall be filed with the Commissions the original or a certified copy of a petition or any other form of initiatory action for a boundary change;

(b) Study, hearing. Upon the filing of a petition or any other form of initiatory action for a boundary change, the Executive Officer or other members of the commission staff shall forthwith:

(A) Cause a study to be made of the proposal. The study shall include a consideration of:

(i) The policy positions and papers found in OAR 193, Division 5;

(ii) Economic, demographic and sociological trends and projections pertinent to the proposal;

(iii) Past and prospective physical development of land that would directly or indirectly be affected by the proposed boundary change for the purpose of enabling the Commission to guide the creation and growth of cities and special service districts in Oregon in order 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. The study shall also include a consideration of consistency with local comprehensive plans. 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.

(B) In order to determine that a boundary proposal is consistent with an acknowledged comprehensive plan and land use regulations, the Commission may rely on the interpretation of the adopting government of its applicable comprehensive plan and land use regulations or make its independent determination of compliance with the same. In making the above determination, the Commission may rely on any of the following:

(i) Written information supplied by the applicants on Commission data forms. Where necessary the Commission shall assure the validity of the applicant's consistency information by evaluating it against the applicable comprehensive plan and land use regulations and consulting with the affected local government(s). In such cases, verifying a proposal's consistency may involve written or verbal confirmation to the Commission, or Commission acquisition and inspection of city or county land use plans, regulations and related documents; or

(ii) A letter or other equivalent written documentation from the local planning agency or governing body stating that the boundary change proposal is permitted under the jurisdiction's comprehensive plan; or

(iii) A copy of the local land use permit or equivalent documentation from the city or county planning agency or the local governing body that the boundary change proposal has received land use approval; or

(iv) Other information provided to the Commission equivalent to paragraphs (B)(i) through (iii) of this section including but not limited to testimony at a Commission hearing.

(C) Designate a date for a public hearing on the proposed boundary change before the Commission and give notice of the public hearing as required by ORS 199.463. The Commission shall furnish the notice of hearing in writing to the filing agency and the originator of the petition, if any.

(D) Termination Of Boundary Commission Activities.

(i) Policy.

(I) Policy: Prior to its termination the Boundary Commission wishes to establish cut-off dates after which it will no longer accept boundary change proposals for processing.

(II) Basis for policy: This policy is based on the Commission's understanding that any boundary change proposal which has not finished processing by December 31, 1998 may have to begin processing again at the local level after December 31st.

(III) The Commission is concerned that applications which have not been finally decided (including the issuance of a final order) by December 31, 1998 may have to begin processing all over again at the local level after December 31, 1998 under the provisions of Section 11, Chapter 516, Oregon Laws 1997. The Commission believes it will have difficulty processing proposed boundary changes in the last several months of its existence because adequate staffing to process the proposals may not be available. The Commission notes that ORS 199.476(3) and 199.490 (7) provide for automatic approval of proposed boundary changes if the Commission does not act within 120 days ("major" boundary changes) or 90 days ("minor" boundary changes.)

(IV) If the Commission does have difficulty processing proposed boundary changes in the last months of its existence it can take advantage of the automatic approval provisions as long as major boundary change proposals are received more than 120 days prior to December 31, 1998 and minor boundary change proposals are received more than 90 days prior to December 31, 1998. In order to coordinate these requirements with the Commission's already established 1998 hearing schedule, the cut-off dates established below may be slightly longer than the 90 and 120 days prior to December 31, 1998.

(ii) Deadline For Receipt Of Applications. The Commission will not accept applications for minor boundary changes after 5:00 pm September 11, 1998 and the Commission will not accept applications for major boundary changes after 5:00 pm August 14, 1998.

(c) Final Order. After the study, hearing and consideration by the Commission, the Commission shall issue as soon as possible its final order setting forth its decision, and the findings and the reasons for the decision of the Commission. A copy of the final order shall be sent to the filing agency, the originator of the petition, those persons specified in ORS 199.461(5), and upon request, to other interested parties.

(15) Supporting Materials. The Commission shall prescribe and from time to time may change forms to be completed and filed by proponents or others interested in any proposal before the Commission for hearing, containing information considered by the Commission to be necessary to assist it in carrying out its purposes. The completed forms shall be filed with the Commission at its regular office on or before a cut-off date set by the Commission or its staff for assembling the next public hearing agenda. Said cut-off dates for such filings shall be published in a schedule and such schedule made available to the general public at the Commission office. The Commission shall reserve the right to change this schedule as the need arises. Unless changed by the Commission, the forms filed with the Commission shall be in writing, signed on behalf of the filing agency, the chief petitioner or any other interested party, and shall include the following unless waived in whole or part by the Commission or its Executive Officer:

(a) A description of the nature of the proposed action, including the statutory provisions under which the action is sought and the name and address of any filing agency designated by the principal act involved;

(b) Legal description of the territory involved in the proposed action;

(c) A county assessor's section or quarter section map, showing the territory subject to the proceedings and its relationship to existing boundaries together with significant geographical features, including bodies of water and major streets and highways;

(d) Completed certifications of property ownership, registered voter status and map and legal description accuracy, as appropriate to the particular method of initiation;

(e) A description of the population characteristics and the demographic, economic and sociological nature of the territory subject to the proceeding;

(f) Comprehensive statement of reasons in support of the proposed change, including its relationship to long-range planning.

(16) In reaching a decision on a proposal (including an expedited proposal) or an alternative, the Commission may consider the following factors and objectives and shall consider factor (n). The factors listed in subsections (a) through (o) of this section for consideration by the Commission are factors which might also have been considered by local land use planning agencies upon which the adopted comprehensive plans are commonly predicated. The Commission may rely on the applicable Comprehensive Plan for information and policy direction in these considerations:

(a) Population and territory; population density; land area and land uses; comprehensive use plans and zoning; per capita assessed valuation; topography, natural boundaries and drainage basin, proximity to other populated areas; the likelihood of significant growth in the area and in adjacent incorporated and unincorporated areas during the next ten years; location and most desirable future location of community facilities;

(b) Municipal services; need for municipal services; effect of ordinances, governmental codes, regulations and resolutions on existing uses; present cost and adequacy of governmental services and controls in area; prospects of governmental services from other sources, probable future needs for such services and controls; probable effect of proposal or alternative on cost and adequacy of services and controls in area and adjacent area; the effect on the finances, debt structure, and contractual obligations and rights of all affected governmental units;

(c) The effect of the proposal or alternative on adjacent areas, on mutual economic and social interests, and on the local governmental structure;

(d) Preservation of natural neighborhoods and communities;

(e) Use of physical boundaries, including but not limited to bodies of water, highways, and land contours;

(f) Creation and preservation of logical service areas;

(g) Prevention of abnormally irregular boundaries;

(h) Discouragement of multiple incorporations of small cities;

(i) Dissolution of inactive special purpose districts;

(j) Adjustment of impractical boundaries;

(k) Incorporation as cities or annexation to cities of unincorporated areas which are urban in character;

(l) A statement as to the providing of public services to the area, including a time schedule;

(m) Such other reasons as may be required by the Executive Officer or the Commission from time to time;

(n) In order to adopted a final order approving a boundary change or service extension proposal, the Commission shall adopt a finding or findings indicating that the proposal complies with the statewide planning goals (if the goals are directly applicable) and is consistent with the applicable acknowledged comprehensive plan(s) and land use regulations in accordance with the administrative rules and procedures contained in the Commission's State Agency Coordination Program, which is hereby adopted by reference. ORS 197.180 requires that the Commission's determination be "consistent" with Comprehensive Plans and comply with the statewide planning goals. The Commission's State Agency Coordination Program describes how this consistency and compatibility will be assured. When the Commission acts consistently with acknowledged comprehensive plans, it is acting in compliance with the statewide planning goals. Since all comprehensive plans in the state have been acknowledged to be in compliance with the statewide goals, except with those situations described below, the Commission does not anticipate having to adopt findings directly against the statewide goals:

(A) The situations where the Commission shall adopt findings based on the statewide goals when acting on a proposal include:

(i) When the acknowledged comprehensive plan does not contain any specific or general policy direction for determining

consistency with the boundary change proposal subject to paragraph (14)(b)(B) of this rule; or

(ii) When the proposal being reviewed by the Commission specifically relates to or is to occur in an area not subject to an acknowledged comprehensive plan; or

(iii) When the Commission is required to adopt goal findings based upon a new or amended statewide goal or administrative rule under OAR Chapter 660 enacted by LCDC; or

(iv) When the Commission is required to adopt goal findings in response to an appellate court decision or change in statutes.

(B) If goal findings are required, the Commission shall adhere to the following procedures subject to the time limits imposed by ORS 199.476(3) and 199.490(7):

(i) Confirm that a situation actually exists requiring the Commission to adopt findings of compliance with one or more of the statewide goals; and

(ii) Identify the specific statewide goals which the Commission must address; and

(iii) If necessary, consult directly with the affected local governments; and

(vi) If necessary request interpretive guidance from the Department of Land Conservation and Development and the Attorney General's Office; and

(v) Rely on any relevant goal interpretation for state agencies adopted by LCDC under OAR Chapter 660; and

(vi) Adopt any necessary findings to assure compliance with the statewide goals.

(o) The policy positions and papers in OAR 1993, Division 5.

(17) Public Hearings:

(a) Time, place and purpose of hearings. Public hearings before the Commission on proposed boundary changes or on the adoption or amending of Commission rules shall be held at the time and place designated for public hearing and specified in the publication of notice of hearing. The purpose of the public hearing is to obtain information from individuals concerning the specific proposal before the Commission;

(b) Adjournment. A hearing may be adjourned or continued to another time as specified in ORS 199.463(3);

(c) Persons entitled to be heard; control of agenda:

(A) Any interested person may appear and shall be given a reasonable opportunity to be heard on a proposed boundary change or on the adoption or amending of Commission rules;

(B) Parties wishing to be heard shall give their names and addresses in writing to the Commission at the time they give their testimony. The presiding officer conducting the hearing may also require those testifying to orally state their name and address so that the identity and interest of all parties present will be known to those at the hearing;

(C) Any person may appear in his own behalf or by submitting a written statement in advance of the day of the hearing, or an appearance may be made on behalf of any person by his attorney or other authorized representative and thereafter all notices, documents and orders may be served upon such attorney or representative and such service shall be considered valid service for all purposes;

(D) The Executive Officer shall establish the agenda for public hearings. The presiding officer of the Commission shall attempt to give adequate time to proponents and opponents of a proposed boundary change, but may limit the time available for discussion on any proposed boundary change. Proponents shall have the opportunity to present rebuttal testimony provided such testimony is limited to refuting testimony provided by opponents. The presiding officer of the Commission may in his discretion assign times and time limits to original and rebuttal testimony;

(E) Only Commission members and staff may ask questions of the person giving testimony. All questions concerning the hearing and testimony given shall be made through the presiding officer;

(F) Proceedings may be consolidated for hearing at the discretion of the Commission.



(18) Definitions. The definitions contained in ORS 199.415 are applicable to the rules.

(19) Conflict of Interest. If a Commission member has a conflict he shall declare that conflict at the earliest practical moment.

[ED. NOTE: The Publication(s) referred to or incorporated by reference in this rule are available from the agency.]

Stat. Auth.: ORS 199.452

Stats. Implemented: ORS 199, ORS 268 & SB 947 of the 69th Legislative Assembly

Hist.: PLGB 4-1982, f. 12-6-82, ef. 1-2-83; PLGB 4-1989, f. 12-20-89, cert. ef. 12-18-89; PLGB 2-1990, f. 3-14-90, cert. ef. 3-9-90; PMBC 2-1998, f. & cert. ef. 7-7-98

## DIVISION 5

### POLICIES

#### 193-005-0000

##### Policies

(1) Policy on incorporated status:

(a) Policy: The Boundary Commission generally sees cities as the primary providers of urban services;

(b) Basis for policy: This policy is based on the Commission's understanding of its purpose in simplifying governmental structure and on its long term view of how governmental structure relates to the economy, efficiency and equity of urban service provision.

(2) Policy on mediation, coordination and maintenance of financial integrity:

(a) Policy: The Boundary Commission's role includes mediating disputes arising over boundaries, coordinating service delivery, and exploring ways to keep units of government financially secure;

(b) Basis for policy: This policy is based on the Commission's desire to act as a catalyst to bring about greater long range planning and coordination of the boundary change process. This role is especially important during periods of time when special service districts have lost much of their financial base as a result of annexation-caused withdrawals of territory but still have duties to perform.

(3) Policy on long range governmental structure:

(a) Policy: The Boundary Commission generally favors logical long term arrangements of governmental structure which may dictate approval of irregular boundaries in the short term;

(b) Basis for policy: This policy is based on the Commission's understanding that the Legislature desires the Commission to help create a lasting system of responsive, efficient and economical governmental structure. This understanding comes from a reading of the Boundary Commission statute (particularly the "standards" and "policy" sections), and from legislative intent expressed in numerous hearings held and reports issued since the Boundary Commission was first created.

Stat. Auth.: ORS 183 & ORS 199

Stats. Implemented: ORS 199.410 & ORS 199.462

Hist.: PLGB 5-1982, f. 12-6-82, ef. 1-2-83

#### Policy Papers

#### 193-005-0005

##### Incorporated Status

(1) Background:

(a) The Boundary Commission Advisory Committee recently (1981-82) held a series of hearings with representatives of special districts and cities. A report was issued with recommendations to the Commission, one of which states: **"The Boundary Commission should let it be known that urbanized areas should be placed into incorporated cities for municipal services. This goal should be spelled out in statute as well as policy"**. This proposed policy states the desires of most cities within the Boundary Commission's jurisdiction. For the special districts the policy reflects what many of them see to be the reality of the situation even if this does not coincide with their preference. Many of the

units feel the Commission maintains this policy de facto and would prefer it be a stated public fact, even though they may disagree with it;

(b) One very clear reason for the existence of boundary commissions which has been re-emphasized a number of times by the Legislature since the original law was passed, is to hold down the number of governmental units. When the Portland Boundary Commission came into existence there were approximately 305 units under its jurisdiction. Today there are 150.<sup>1</sup> Annexation of urban and urbanizable land to cities slowly but surely lessens the need for new single purpose units of government and will eventually lead to elimination of some existing single purpose districts. Special districts were originally formed as interim devices to deliver services until the areas they served became highly urbanized and needed the full services of a city.

**NOTE:** 1 16 of these were eliminated when Columbia County was dropped from BC jurisdiction.

(c) The existence of many different governmental units makes the delivery of urban services unnecessarily complex. The visibility and hence political accountability of many of these units is relatively low. (The average election turnout according to a study in the early '70s was in the neighborhood of 4 - 5 percent for special district elections.) Cities on the other hand have a relatively much higher visibility and accountability. (A single city with five elected officials might deliver the same services as four special districts with 20 elected officials.) Cities have the ability to balance service needs and allocate scarce resources after comparing the relative merit of each service. Special service districts cannot do this;

(d) Within cities there is relative equity of service levels. With delivery by many units, this equity is often lost. The level of service varies widely, with some being unacceptably low and others being particularly high;

(e) Cities generally offer a wide range of necessary services for an urban area. Outside of cities some less popular but necessary services such as storm drainage and parks and recreation are often not available. Cities generally do a better job of long range planning for service delivery, particularly when it comes to these less popular and visible services. They do so precisely because cities are by nature supposed to be full service providers. As the need increases for a new service, the city responds by beginning to plan for it. Each special district plans only for the service it currently provides. Thus, planning for a new service is often not done until the need for the service is critical and with crisis at hand;

(f) Cities offer greater opportunity for economies of scale and operational coordination. Through interdepartmental joint purchasing and joint operations, economies can be effected in cities that are usually not possible in small single purpose units. A water and a sewer department in a city, for instance, may have a single crew and share backhoes, trucks, etc., whereas a water district and a sewer district serving the same area may duplicate manpower and equipment;

(g) Cities have greater fiscal resources available to them than many single or limited purpose units. Thus, cities are better able to balance the burden of paying for services and reducing potential heavy impacts on any one segment of the community.

(2) Policy constraints:

(a) This policy on incorporated status does relate to the section of boundary commission law which changes the Commission with maintaining the financial integrity of all units of government. Clearly, the Commission must uphold this portion of the statute as well as to meet its structural improvement goals. The policy on Mediation, Coordination and Maintenance of Financial Integrity addresses this need;

(b) Thus, the Commission must temper this policy when it conflicts with the maintenance of financial integrity of a special service district. The Commission should view financial integrity as applying in each individual case as well as the cumulative effect. However, the potential negative impact of an action (or actions) on a unit's financial integrity must be considered to be an

actual threat to the unit's fiscal integrity, ability to continue operation, solvency or efficiency.

Stat. Auth.: ORS 183 & ORS 199

Stats. Implemented: ORS 199.410 & ORS 199.462

Hist.: PLGB 5-1982, f. 12-6-82, ef. 1-2-83

**193-005-0010**

**Mediation, Coordination and Maintenance of Financial Integrity**

(1) It is the intent of the Boundary Commission to promote greater long range planning and coordination in relation to the boundary change process. The Commission and its staff will attempt to be a catalyst in exploring better ways to provide public services from a governmental structure point of view, involving particularly the districts, cities and counties it serves as well as other interests in the region.

(2) This role of searching for ways to improve the service delivery systems will emphasize positive innovative approaches. As a continuation of longstanding practice, the Commission and staff will attempt to mediate interjurisdictional disputes arising from boundary determination and service delivery.

(3) An important aspect of the above role is the Commission's charge to maintain the financial integrity of units of government involved in the boundary change process.

(4) On a case by case basis the Commission and its staff will study ways to keep districts financially secure during periods of time when they have lost much of their financial resources due to encroaching city annexation, but still have a duty to provide service. In many cases the community at large (i.e. the patrons of such districts) may have a responsibility to help phase out districts that eventually will be entirely annexed and the Boundary Commission could be the agent to define the methods.

Stat. Auth.: ORS 183 & ORS 199

Stats. Implemented: ORS 199.410 & ORS 199.462

Hist.: PLGB 5-1982, f. 12-6-82, ef. 1-2-83

**193-005-0015**

**Long Range Governmental Structure**

(1) The Boundary Commission views as a major reason for its existence the facilitation of an economical efficient system of governmental structure. The boundary commission statute charges the Commission with guiding the creation and growth of units of government with this in mind. The statute likewise cautions the Commission against creating illogical extensions of boundaries. The Commission believes it should prevent creation of permanently illogical boundaries.

(2) However, the nature of the boundary change process is incremental. Because large inhabited areas generally resist annexation to units of government, most annexations are relatively small. Growth of city and district boundaries when viewed in this light, is almost always "illogical" by definition since the addition of each lot or group of lots creates irregularity in the boundary.

(3) The Boundary Commission must therefore look at the longer range picture of governmental structure and service delivery when reviewing individual proposals. When that longer range view indicates eventual logic, economy, efficiency, structural simplification, greater community identity, equity — and other long term results compatible with sound long term governmental structure, — the Commission may choose to approve proposals which at first glance may appear to be illogical extensions. This long term view may dictate annexations of "island" areas or conscious creation of island areas where circumstances warrant this approach. Particularly in the latter case, the Boundary Commission encourages units of government to work with the Commission and its staff.

(4) In the past, the Commission has encouraged some cities to explore ways of eliminating particularly tortured service boundaries. Such encouragement is always tempered with other standards and requirements of the law (such as the timing and availability of services); so that while the overall goal is kept in sight,

individual proposals are judged separately, with some accepted and some rejected.

Stat. Auth.: ORS 183 & ORS 199

Stats. Implemented: ORS 199.410 & ORS 199.462

Hist.: PLGB 5-1982, f. 12-6-82, ef. 1-2-83

**DIVISION 10**

**SERVICE CHARGES**

**193-010-0000**

**Filing Fee**

(1) 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 199.164 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 (5) of this rule.

(2) 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 or government filing the petition with the Boundary Commission in the case of minor boundary changes and any other actions provided for by ORS Chapter 199, 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). Nothing herein shall prohibit the Chief Petitioner from collecting the filing fee from property owners and/or voters in the territory described in the petition.

(3) The Commission shall use county assessor's quarter section maps, records and other documents provided by or on file with the county assessor 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 shall not be included in the acreage computation unless the proposal as initiated includes only territory within a public way. In such case the filing fee shall be the minimum fee in section (5) of this rule.

(4) As used in this rule, "Urban Growth Boundary" means that boundary of a city, county or district adopted or proposed as part of the comprehensive land use plan to meet requirements of Statewide Planning Goal #14. The Metropolitan Service District's adopted urban growth boundary (also referred to as the regional urban growth boundary) is included within the meaning of this definition.

(5) Filing Fee: Type of Action/Unit or Jurisdiction:

(a) Minor Boundary Changes (Annexations, Withdrawals, Transfers) for the Following Unit, \$225:

(A) Metropolitan Service Districts;

(B) Highway Lighting Districts;

(C) Vector Control Districts;

(D) Rural Fire Protection Districts;

(E) Geothermal Heating Districts;

(F) Library Districts;

(G) Road Districts.

(b) Annexation to or Withdrawal of Entire Cities from Districts:

(A) Cities 10,000 and under, \$895;

(B) Cities over 10,000, \$1,790.

(c) Transfers Between, Annexation to or Withdrawal from: Cities, Sewer Districts or Sewer Authorities. Water Authorities. County Service Districts or Water Districts Inside the Regional Urban Growth Boundary:

(A) Consisting of one acre or less, \$225;

(B) Consisting of more than 1 acre but less than 2 acres, \$395;

- (C) Consisting of at least 2 acres but less than 5 acres, \$605;
- (D) Consisting of at least 5 acres but less than 10 acres, \$895;
- (E) Consisting of at least 10 acres but less than 20 acres, \$1,160;
- (F) Consisting of at least 20 acres but less than 40 acres, \$1,535;
- (G) Consisting of 40 acres or more, \$1,835.
- (d) Transfers Between, Annexation to or Withdrawal from Water Districts and County Service Districts Outside the Regional Urban Growth Boundary. Park and Recreation Districts:
  - (A) Consisting of 5 acres or less, \$225;
  - (B) Consisting of more than 5 acres but less than 10 acres, \$395;
  - (C) Consisting of at least 10 acres but less than 20 acres, \$560;
  - (D) Consisting of at least 20 acres but less than 30 acres, \$725;
  - (E) Consisting of 30 acres or more, \$895.
- (e) Formation of or Addition of Function to District Which Includes Any Part of Regional Urban Growth Boundary. Continue Existence of County Service District, \$2,655;
- (f) Formation of or Addition of Function to a District Outside of Regional Urban Growth Boundary:
  - (A) Districts 500 and under, \$1,795;
  - (B) Districts over 500, \$2,240.
- (g) Dissolution, Joint Dissolution and Formation, Merger, Consolidation of Districts. Dissolution of District and Transfer of Its Functions to a County Service District, \$1,795.
- (h) Formation of City Including Economic Feasibility Analysis Review:
  - (A) Inside Regional Urban Growth Boundary, \$5,515;
  - (B) Outside Regional Urban Growth Boundary, \$2,755.
  - (i) Merger or Consolidation of Cities, \$3,130;
  - (j) Dissolution of a City, \$3,130;
  - (k) Extraterritorial Sewer and Water:
    - (A) Water line extensions for line 2 inches diameter and under, \$225;
    - (B) Water line extensions for line over 2 inches diameter, \$395;
    - (C) Sewer line extensions, \$225.
  - (l) Water Allocation, Private Water and Sewer System Formation. Joint Water and Sewer Formation:
    - (A) Initial water allocation, \$895;
    - (B) Water additional allocation up to 10 acres, \$225;
    - (C) Water additional allocation 10 acres and above, \$895;
    - (D) Water or sewer formation, \$1,535;
    - (E) Water and sewer formation, \$1,765.

Stat. Auth.: ORS 199.452 & ORS 199.457  
 Stats. Implemented: ORS 199.457  
 Hist.: PLGB 1-1980(Temp), f. & ef. 10-22-80; PLGB 1-1981, f. & ef. 4-20-81; PLGB 2-1983, f. 6-10-83, ef. 7-1-83; PLGB 2-1986(Temp), f. & ef. 6-11-86; PLGB 3-1986, f. & ef. 12-16-86; PLGB 1-1989, f. 2-13-89, cert. ef. 7-1-89; PLGB 2-1991, f. 6-3-91, cert. ef. 7-1-91; PLGB 2-1993, f. 6-7-93, cert. ef. 7-1-93; PLGB 2-1994, f. 6-6-94, cert. ef. 7-1-94; PGLB 4-1995, f. 5-9-96, cert. ef. 7-1-95

#### **193-010-0005**

##### **Copying Charge**

The Boundary Commission staff may charge for the copying of any information on file or any document of interest to any person at the rate of \$0.25 per page.

Stat. Auth.: ORS 199.452 & ORS 199.457  
 Stats. Implemented: ORS 199.457  
 Hist.: PLGB 1-1980(Temp), f. & ef. 10-22-80; PLGB 1-1981, f. & ef. 4-20-81; PLGB 2-1986(Temp), f. & ef. 6-11-86; PLGB 2-1993, f. 6-7-93, cert. ef. 7-1-93

## **DIVISION 15**

### **PRE-TAX CONTRIBUTION RULE**

#### **193-015-0000**

##### **Pre-Tax Contribution Rule**

The Portland Metropolitan Area Local Government Boundary Commission shall use employee "pre-tax" dollars for contributions to the Public Employees Retirement System (PERS) under provisions of **Internal Revenue Code, Section 414(h)(2)**. Accordingly:

- (1) The Portland Boundary Commission shall designate any employee contribution to PERS from the employees' salaries as the employer's contribution, thus "picking up" that contribution.
- (2) The Contribution shall be deducted directly from the employee's wages so that the employee does not have the option of receiving his or her contribution as salary and of making the contribution himself or herself.
- (3) The contribution shall be made with the understanding that the employee's reported salary on the W-2 for tax purposes shall be reduced by the amount of that contribution.

Stat. Auth.: ORS 199.452  
 Stats. Implemented: ORS 199  
 Hist.: PLGB 2-1995, f. 1-18-95, cert. ef. 7-1-95

## **DIVISION 20**

### **BUDGET AND ASSESSMENTS**

#### **193-020-0000**

##### **1998 Budget and Assessments**

(1) Pursuant to ORS 199.457, the Portland Metropolitan Area Local Government Boundary Commission approves \$252,217 for the 1998. This amount is to be raised by the following methods:

- (a) 16 percent from filing fees \$40,000 (ORS 199.457(3));
- (b) 26 percent from assessments upon cities and counties \$67,085 (ORS 199.457(4));
- (c) 20 percent from assessments upon districts \$49,779 (ORS 199.457(5));
- (d) 38 percent from balance carried forward from previous fiscal year \$95,353.

(2) The per capita rate in accordance with ORS 199.457(4) is \$.10: [Schedule not included. See ED. NOTE.]

(3) The rate per thousand assessed valuation in accordance with ORS 199.457(5) is \$.00159 per thousand assessed valuation. [Schedule not included. See ED. NOTE.]

(4) Seven units of government qualify for a flat rate of 1/2\* of \$5,000, and three units qualify for the flat rate of 1/2\* of \$7,500.

(5) Schedule "A" lists the amounts of money to be assessed against each unit based upon the above rates.

(6) Half year assessments are noted on Schedule "A". One-half of this assessment shall be made quarterly and is due on the first day of each quarter (July 1, 1998 and October 1, 1998). (Nothing in this rule however, shall preclude units from paying their full assessment at the beginning of the first quarter.)

[NOTE: The effective date of this rule is July 1, 1998.]  
 [ED. NOTE: The Schedule referenced in this rule is not printed in the OAR Compilation. Copies are available from the agency.]

Stat. Auth.: ORS 199  
 Stats. Implemented: ORS 199.452 & ORS 199.457  
 Hist.: PLGB 1-1982(Temp), f. 2-25-82, ef. 7-1-82; PLGB 2-1982(Temp), f. 2-25-82, ef. 3-29-82; PLGB 3-1982, f. & ef. 7-30-82; PLGB 1-1983, f. 2-23-83, ef. 7-1-83; PLGB 1-1984, f. 2-27-84, ef. 7-1-84; PLGB 1-1985, f. 2-11-85, ef. 7-1-85; PLGB 1-1986, f. 2-12-86, ef. 7-1-86; PLGB 1-1988, f. 2-18-88, ef. 7-1-88; PLGB 2-1989, f. 2-13-89, cert. ef. 7-1-89; PLGB 1-1990, f. 2-14-90, cert. ef. 7-1-90; PLGB 1-1991, f. 2-12-91, cert. ef. 7-1-91; PLGB 1-1992, f. 2-19-92, cert. ef. 7-1-92; PLGB 1-1993, f. 2-16-93, cert. ef. 7-1-93; PLGB 1-1994, f. 2-15-94, cert. ef. 7-1-94; PLGB 3-1995, f. 2-13-95, cert. ef. 7-1-95; PLGB 1-1996, f. 3-1-96, cert. ef. 7-1-96; PLGB 1-1997, f. 2-14-97, cert. ef. 7-1-97; PMBC 1-1998, f. 2-10-98, cert. ef. 7-1-98