

W.7.b

Agenda Cover Memorandum

Agenda Date: May 13 or 14, 2003

To: Lane County Board of Commissioners

Department: Board of County Commissioners

Presented By: Bill Van Vactor, County Administrator
Kent Howe, Planning Director

Agenda Item Title: DISCUSSION AND DIRECTION/Request of the Lane Library League for Library District Formation

I. ISSUE OR PROBLEM

On January 29, 2003, the Lane Library League proposed the formation of two library districts to provide service to approximately 90,000 residents of Lane County that are without direct library service.

II. DISCUSSION

A. Background

At the January meeting, the Board directed staff to work with our partners in the Metro Plan and to come back with a list of issues and a plan for proceeding; as a scoping exercise before the Board of Commissioners moved forward. After receiving the assignment, staff of the impacted governments, Lane County, City of Eugene, City of Springfield, and Lane County Boundary Commission met to discuss the direction of the Board of County Commissioners. We drafted a tentative outline of key issues to discuss with representatives of the Lane Library League. The Metropolitan Planning Directors also met on this issue with their respective legal counsels and prepared a white paper on questions regarding the Metro Plan if this region of the state wanted to consider greater use of special purpose districts. This paper, dated January 22, 2003, is attached.

In addition, Greg Mott of Springfield, listed all of the plan policies in the Metro Plan that would need to be addressed if we move in the direction of special purpose district formation within the Metro Plan. In addition, Larry Hill who works in the finance section of the City of Eugene, prepared a comprehensive outline of the steps required

for district formation. There is general consensus of the government officials that formation of a district as proposed by the Lane Library League is extremely complex and, from a staff perspective, not feasible for the November 2004 election. We therefore attempted to draft interim strategies that address at least part of the goals of the Lane Library League.

On April 11, 2003, affected staff met with the Lane Library League and learned in more detail about their proposal. A copy of the League's vision is attached. The Lane Library League has now shifted to a May 2006 election.

B. Alternatives/Options

The Metro Planning Directors Agenda for April 11, 2003, identifies options for library services. One alternative is the status quo; citizens pay annual fee for service. This alternative does not involve major processes to levy funds or amend the Metro Plan. Currently any citizen living in an area without library services may contract with a nearby city for library services. For example, the fee for Eugene is \$80 and the fee in Springfield is \$60.

A second alternative, interim for 2004, is a modest two-year levy to fund an annual scholarship program based on need for families that can't afford the fee, so that no citizen and/or child of Lane County is denied library service.

Looking past 2004, toward 2006, additional alternatives include, surgical (i.e., minimal and limited) amendments to the Metro Plan to address the Lane Library League issue only. Although this may sound rather minimal, as you can see from the provisions in the Metro Plan that would need to be addressed, it is in fact significant and could easily run into legal trouble. Another alternative is to alter the existing County Service District (CSD) boundary to add a new library service. This would potentially eliminate the formation issue (if no one petitioned for election) but would still require the development and voter approval of a tax base, if funding is to be property tax based. This also limits future expansion of services for the CSD, as once the tax base is approved, there is no mechanism to change it.

The last alternative is a comprehensive reconsideration of how services are provided in the metropolitan area. With the passing of Ballot Measures 5, 47/50, funding public services is a timely issue. With a change in law regarding annexation to cities, special purpose districts could become an important tool in the mix of local government services. The time frame under these last three alternatives is a proposal to the voters in Spring of 2006. (This date is suggested by the City of Eugene, because November 2006 is the scheduled date for the renewal of Eugene's Library levy.) However, the effect of a spring election date does create a steep burden as the double majority rule would apply, assuming the funding mechanism is a property tax.

In addition, it would be important to have a local government discussion about the relevancy of the Lane County Boundary Commission. Right now the policy statements

in this chapter of the ORS make special purpose district formation within the geographic area like the Metro Plan very difficult.

C. Recommendation

Due to the limited resources of Lane County government and the complexity of this task, Land Management Division and County Administration concur that if the Board of Commissioners want to take this on as a top priority for Lane County government with a likely ballot measure in 2006, then we must find a source of funding in the FY 03-04 budget to begin this work. We simply do not have the existing staff to absorb this level of additional work. Eugene and Springfield expressed similar concerns regarding their staff resource levels.

D. Timing

Assuming we can overcome the staffing issue, we recommend that the issue of formation and taxation be placed on a schedule for consideration during the 2006 calendar year. Other, short-term options to help address the lack of direct service may be possible in 2004.

III. IMPLEMENTATION/FOLLOW-UP

As directed by the Board of County Commissioners.

IV. ATTACHMENTS

1. The Lane Library League vision dated April 11, 2003.
2. Planning Directors and Legal Counsel's memo to the Board of January 22, 2003.
3. The Metro Plan Text Applicable to the Formation of, or Reconfiguration of Special Districts (Greg Mott memo).
4. Summary of Legal Requirements Applying to Formation of Special Districts (Larry Hill).
5. Agenda outline of the April 11 meeting with the Lane Library League.



Memorandum

To: Bill Van Vactor, County Administrator
From: Jennifer Pratt, Coordinator
Date: April 11, 2003
Subject: **The Lane Library League Vision**

As per your request at our meeting last Friday, the following is a summary of the Lane Library League's current vision for our effort:

The Lane Library League was founded in 1999 by a group of Lane County citizens with a vision of bringing modern library service to everyone in the county. With the help of a state library grant, the group formalized in 2002, and has since been in the process of exploring and refining their vision. Our intention now is to gather more signatures than any group has done in the past and to pass a ballot measure that publicly funds high-quality library service for everyone in May 2006.

Currently, the League has two proposals for a governance structure that we are sharing with others and seeking feedback. One of these proposals assumes four library districts: (1) the existing Siuslaw and (2) Fern Ridge districts (3) a new "Emerald" district with Eugene at the hub serving the 4J and Bethel school districts, and (4) a new "East Lane" district with Springfield as the hub, serving all the rest of the county. The second proposal assumes three districts: (1) the existing Siuslaw and (2) Fern Ridge districts, and (3) a new "Lane Library" district serving all the rest of the county. With either of these structures, we propose that new districts contract to Eugene, Springfield, Fern Ridge, and Siuslaw libraries to provide service to the rest of the county. In this manner, the existing libraries would retain ownership of their buildings and maintain control over personnel needs and issues. We also propose universal service, so that any resident could check out materials anywhere in the county.

We are aware of many of the issues that need to be explored further, massaged, and creatively addressed. Not least among these are a metro plan amendment, tax rate differentials, unions, and net lender issues (how to fairly balance the needs of libraries that lend out more books than they borrow). We recognize the challenges that lie ahead.

The League has met with representatives of every city that would be impacted by this measure except Coburg and has received support, at least in concept, from all of them. We have also met a number of times with City of Eugene staff and Paula Taylor of the Boundary Commission and believe we have a fairly realistic picture of what it will take to achieve our vision. It will take a lot!

Our hope is that we can find a way to work with all governmental jurisdictions, particularly the cities of Eugene and Springfield and Lane County, to meet everyone's needs and objectives for library service. There is no doubt that everyone we've met with would like to see expanded coverage of this important service. We realize that it's a question of funding and timing. It is the League's hope that this is the time and that, together, we can find and leverage all the necessary resources.

January 22, 2003

To: Mike Kelly, City Manager, Springfield
Jim Carlson, City Manager pro tem, Eugene
Bill Van Vactor, County Administrator

From: Metro Planning Directors and Legal Counsel

Re: Springfield Question Regarding Metro Plan Amendment Requirement for Shift of Service to District Format

The Metro Planning Directors and Legal Counsel met on January 15, 2003 to discuss a question posed by Springfield staff. The following is a summary of the discussion and conclusions. This summary is based on notes by Joe Leahy, Springfield City Attorney. Background information is provided in e-mails from Greg Mott, attached to this summary.

1. Present:
Springfield: Greg Mott; Joe Leahy
Eugene: Jan Childs, Glenn Klein; Jim Croteau
Lane County: Kent Howe, Steve Vorhes

2. Question presented for discussion:

Whether or not a city can shift the role of fire and life safety, parks and recreation, and library services to a district format without Metro Plan text amendments. The boundaries for either of these would go beyond the city limits and may well go beyond the urban growth boundary and Metro Plan boundary.

3. Discussion:

A. Answer, no. Not without an overhaul of the basic provisions of the Metro Area General Plan by elected officials. We believe this requires a need to reexamine the basic policy in the Metro Plan that the cities are the providers of key urban service within the Metro Area General Plan.

B. Going forward on this matter would require a decision by elected officials to undertake an amendment process consider whether amendments are appropriate, and actually make the amendments to the plan. The time frame presents difficulties noted in D below.

C. Elected officials undertaking this discussion may also wish to consider whether a possible distinction exists between services which stimulate development (sanitary sewers and piped water) and urban services which serve development (fire, library, parks). Undertaking this process may also stimulate a discussion by the elected officials as to other mechanisms which

may be available to raise revenue which are preferable to amendment of the Metro Area General Plan.

D. We have serious reservations as to whether a decision to undertake an amendment process, initiate and complete an amendment process, and proposals for combining districts or forming new districts will be able to occur by November of 2004. Based on the processes and types of decisions which will be required in this process, we believe that November 2006 is a more likely date.

E. Lane Library League is anxious to undertake the process in order to obtain a November 2004 ballot date. This time frame is unlikely to be met.

Please contact your respective staff if you have additional questions.

Attc: December 20, 2002 E-mail from Greg Mott to Jan Childs and Kent Howe

I have been asked to bring forward a topic for discussion among the PD's as well as the respective legal counsels for the meeting on the 14th (or sooner, if possible). The topic is the formation of, or transformation of urban service districts through annexation or district creation. The services under consideration are fire and life safety and library.

The question is whether or not the city can shift the role of these services to a district format or a contract format without a Metro Plan text amendment. The boundaries for either of these formats would go beyond the city limits and may well go beyond the urban growth boundary and Metro Plan boundary.

I sent each of you an e-mail last summer regarding the formation of a new library district and asked if you thought it would require a Metro Plan text amendment. Both of you said yes based on the way I posed the question. This is essentially the same question, but now I would like to have the legal counsels at the same table as us so that we can come to an agreement that, yes, this requires a Metro Plan text amendment, that, yes, all three governing bodies would need to make this decision, and that, yes, we need a shot or two at crafting the text language for such an amendment.

One other question that must inevitably come up is, is this thing dead on arrival because of existing divergent political beliefs or disagreements regarding present and future municipal service delivery? Have your eo's or executive management teams already had this discussion and decided not to go forward? If this hasn't happened, is there some way you can get a read from these people before the 14th?

Joe has already broached the subject and meeting date with Steve V. and Glenn K. so I think they're waiting for the official confirmation of the meeting. Joe suggested a morning meeting, the way we have done in the past if that's possible. I'm OK with that whether it's on the 14th or some earlier date. Could you each forward this message to your respective legal counsels for scheduling purposes. Thank you very much, and merry Christmas. I'll be back in the office on the 26th and 27th as well as the 30th and 31st, but those other week days around the holidays I'll be gone.

gmott

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Metro Plan Text Applicable to the Formation of, or Reconfiguration of Special Service Districts

INTRODUCTION (Chapter I)

PLAN PRINCIPLES

E. Relationship to Other Plans and Policies

"Refinements to the Metropolitan Plan can include: 1) city-wide comprehensive policy documents, such as the 1984 Eugene Community Goals and Policies; 2) functional plans and policies addressing single subjects throughout the area, such as water, sewer or transportation plans; and 3) neighborhood plans or special area studies that address those issues that are unique to a specific geographical area. In all cases, the Metropolitan Plan is the guiding document, and refinement plans and policies must be consistent with the Metropolitan Plan. Should inconsistencies occur, the Metropolitan Plan is the prevailing policy document. The process for reviewing and adopting refinement plans is outlined in Chapter IV." (p. I-5)

F. Relationship to Lane County Rural Comprehensive Plan

"The boundaries of the Metropolitan Area General Plan are adjacent to the boundaries of the Lane County General Plan that surround the Eugene-Springfield metropolitan area. There is no overlap between the boundaries of the Metropolitan Area General Plan and that of the Lane County General Plan." (p. I-6)

G. Relationship to Statewide Planning Goals

"As required by state law, the Metropolitan Area General Plan has been developed in accordance with the statewide planning goals adopted by the State Land Conservation and Development Commission and published in April 1977, as amended through June 1997.

"These goals provide the standards and set the framework for the planning programs of all governmental agencies and bodies in the metropolitan area. The Metropolitan Area General Plan addresses each of the LCDC goals (as well as local goals) and contains objectives and policies aimed at compliance with the LCDC Goals." (p. I-6)

H. Relationship to the Technical Supplement, Working Papers, and Public Facilities Plan

The Public Facilities Plan also serves as a background information document supporting the Metropolitan Plan. The only portions of the Public Facilities Plan which establish public policy are incorporated in Metropolitan Plan policy and in Appendix A." (p. I-7)

I. General Findings and Assumptions

General Assumptions

"1. A population of 293,000 is expected to reside in the metropolitan area by the year 2000. This is a 59 percent increase from the 1977 population of 184,300. Since this Plan is designed to accommodate the expected population rather than remain static until 2000, it can be adjusted periodically as changes in population trends are detected. (The population projection range for the Residential Land Use and Housing Element is 291,700 to 311,100. The expected population for the year 2015 is 301,400.)" (p. I-7)

"7. Public policies controlling the Eugene-Springfield metropolitan area's growth pattern will continue to be effective. For example, compact urban growth will continue to enhance the opportunity to preserve important natural assets, such as rural open space and agricultural land." (p. I-8)

General Findings

"2. Orderly metropolitan growth cannot be accomplished without coordination of public investments. Such coordination can be enhanced through use of the Public Facilities Plan and scheduling of priorities." (p. I-8)

"5. Financial and taxing inequities are generated when urban development is allowed to occur in unincorporated areas on the periphery of Springfield and Eugene because many residents of such developments are at least partially dependent on streets, parks, and other non-direct fee facilities and services provided by those cities and financed from their revenues." (p. I-9)

FUNDAMENTAL PRINCIPLES (Chapter II)

PLAN ELEMENTS

Plan Principles

"3. The Plan and most of its elements are oriented to and require that urban development occur in a compact configuration within a prescribed urban service area. Elaboration of this principle is treated in Sections B, C, D, and E of this chapter, and the Public Utilities, Services, and Facilities element in Chapter III." (P. II-1)

"4. Comprehensive plans identify and establish the Plan-zone consistency concept and recognize the importance of timing concerning implementation techniques. Implementation techniques, including zoning, shall generally be consistent with the precepts established in the Metropolitan Plan, which is the broad policy document for the metropolitan area. The consistency test shall continuously be applied to implementation measures and public actions taken to rectify inconsistencies when the general direction provided by the Plan is modified. A variety of potential solutions to consistency problems

exist, including modification to the Plan or alteration to the implementation techniques themselves." (P. II-1)

"6. The Metropolitan Plan is based on the premise that Eugene and Springfield, the two existing cities, are the logical providers of services accommodating urban levels of development within the urban growth boundary." (p. II-1)

"7. The Metropolitan Plan was developed to meet the supporting facilities and services necessary to serve a population of 293,700. That population level may be reached before or after the year 2000, depending upon the rate of growth. The Plan is based on the needs of a future population level and not a specific year." (p. II-1)

A. Metropolitan Goals

Growth Management and the Urban Service Area

"Use urban, urbanizable, and rural lands efficiently." (p. II-A-1)

"Encourage orderly and efficient conversion of land from rural to urban uses in response to urban needs, taking into account metropolitan and statewide goals." (p. II-A-1)

"Protect rural lands best suited for non-urban uses from incompatible urban encroachment." (p. II-A-1)

Public Facilities and Services

"1. Provide and maintain public facilities and services in an efficient and environmentally responsible manner." (p. II-A-2)

2. Provide public facilities and services in a manner that encourages orderly and sequential growth." (p. II-A-2)

Citizen Involvement

"Continue to develop, maintain, and refine programs and procedures that maximize the opportunity for meaningful, ongoing citizen involvement in the community's planning and planning implementation processes consistent with mandatory statewide planning standards." (p. II-A-3)

Plan Review, Amendment and Refinement

"Ensure that the Metropolitan Area General Plan is responsive to the changing conditions, needs, and attitudes of the community and is fully integrated with surrounding subarea plans." (p. II-A-3)

B. Growth Management

Findings

"2. Beneficial results of compact urban growth include:

d. Decreased acreage of leapfrogged vacant land, thus resulting in more efficient and less costly provision and use of utilities, roads, and public services such as fire protection." (p. II-B-1)

Goals

"1. Use urban, urbanizable, and rural lands efficiently." (p. II-B-3)

"2. Encourage orderly and efficient conversion of land from rural to urban uses in response to urban needs, taking into account metropolitan and statewide goals." (p. II-B-3)

"3. Protect rural lands best suited for nonurban uses from incompatible urban encroachment." (p. II-B-3)

Objectives

"1. Continue to minimize urban scatteration and sprawl by encouraging compact growth and sequential development." (p. II-B-3)

"10. Allow smaller outlying communities the opportunity to plan for their own futures without being engulfed by unlimited outward expansion of the metropolitan area." (p. II-B-3)

"11. Identify methods of establishing an urban transition program which will eventually reduce service delivery inefficiencies by providing for the provision of key urban services only by cities." (p. II-B-3)

Policies

"1. The urban growth boundary and sequential development shall continue to be implemented as an essential means to achieve compact urban growth. The provision of all urban services shall be concentrated inside the urban growth boundary." (p. II-B-3)

"3. Control of location, timing, and financing of major public investments that directly influence the growth form of the metropolitan area shall be planned and coordinated on a metropolitan-wide basis." (p. II-B-4)

"9. A full range of key urban facilities and services shall be provided to urban areas according to demonstrated need and budgetary priorities." (p. II-B-4)

"12. When the following criteria are met, either Springfield or Eugene may annex land which is not contiguous to its boundaries.

a. The area to be annexed will be provided an urban service(s) which is (are) desired immediately by residents/property owners.

b. The area to be annexed can be serviced (with minimum level of services as directed in the Metropolitan Plan) in a timely and cost-efficient manner and is a logical extension of the city's service delivery system.

c. The annexation proposal is accompanied by support within the area proposed for annexation from the owners of at least half the land area in the affected territory." (p. II-B-5)

"13. With a signed annexation agreement or initiation of a transition plan, and upon concurrence by the serving jurisdiction, extraterritorial extension of services for specific life-safety services shall be granted." (p. II-B-5)

"15. Creation of new service districts or zones of benefit within the jurisdictional boundaries of the Metropolitan Plan shall be considered only when all of the following criteria are satisfied:

"a. There is not other method of delivering public services which are required to mitigate against extreme health hazard or public safety conditions.

"b. The three metropolitan area general purpose governments concur with the proposal to form the service district or zone of benefit.

"c. The district or zone of benefit is an interim services delivery method, and there are legal assurances, such as annexation agreements, to ensure that annexation to the appropriate city occurs within the planning period.

"d. The serving city is not capable of providing the full range of urban services in the short term, although it is recognized that urban services will be provided by a city consistent with adopted public facilities plans and capital improvement programs.

"e. The district or zone of benefit will contract with the appropriate city for interim service delivery until annexation to the city." (p. II-B-5)

"18. As annexations to cities occur over time, existing service districts within the urban growth boundary shall be dissolved. The cities should consider developing intergovernmental agreements, which address transition issues raised by annexation, with affected special service districts." (p. II-B-6)

"19. The realignment (possible consolidation or merger) of fringe special service districts shall be examined to:

"a. Promote urban service transition to cities within the urban growth boundary.

"b. Provide continued and comprehensive rural level services to property and people outside the urban growth boundary.

"c. Provide more efficient service delivery and more efficient governmental structure for serving the immediate urban fringe." (p. II-B-6)

"20. Annexation of territory to existing service districts within the urban growth boundary shall occur only when the following criteria are met:

"a. Immediate annexation to a city is not possible because the required public services cannot be provided in a timely manner (within five years, as outlined in an adopted capital improvements program).

"b. Except for areas that have no fire protection, affected property owners have signed consent to annex agreements with the applicable city which meet the 'triple-majority' requirements of the annexation law." (p. II-B-6)

"21. When unincorporated territory within the urban growth boundary is provided with any new urban service, that service shall be provided by the following method (in priority order).

"a. Annexation to a city;

"b. Contractual annexation agreements with a city;

"c. Annexation to an existing district (under conditions described previously in Policy #19); or

"d. Creation of a new service district (under conditions described previously in Policy #14)." (p. II-B-6 & II-B-7)

"22. Cities shall not extend water or sanitary sewer service outside city limits to serve a residence or business without first obtaining a valid 'triple-majority' annexation petition, consent to annex agreement, or a health hazard annexation." (p. II-B-7)

D. Urban and Urbanizable Land

"In summary, the cities should continually monitor the conversion of urbanizable land to urban and pursue active annexation programs based on local policies and applicable provisions of this Plan including, for example:

"1. Orderly economic provision of public facilities and services (maintenance and development of capital improvement programs)." (p. II-D-3)

"4. Cooperation with other utilities and providers of urban services to ensure coordination with their respective capital improvement programs." (p. II-D-3)

E. The Plan Diagram

"8. Rural Residential, Rural Commercial, and Rural Industrial

"The prefix 'rural' refers to the location of these designations or rural portions of the plan outside the urban growth boundary. The actual uses may or may not be rural in nature. These rural designations reflect existing patterns of development or commitment to rural lifestyle and have been carefully documented and described with appropriate findings as exceptions to agricultural or forest resource goals." (p. II-E-10)

"Development on vacant or underdeveloped 'rural residential,' 'rural commercial,' or 'rural industrial' designated parcels is permissible when rural level services are approved and when such development is done in accordance with other applicable policies." (p. II-E-11)

"9. Exceptions

"All new exceptions to, or expansion of, adopted exceptions onto rural resource lands or residential, commercial, industrial, or government non-resource diagram designations or uses outside the urban growth boundary require application of Plan amendment procedures in Chapter IV and Appendix A. Those new or expanded exceptions must meet requirements of Statewide Goals and Administrative Rules and must comply with applicable Plan policies. Background information on all adopted exception areas is detailed in the Exceptions Working Paper and Addendum. (p. II-E-11)

"Within adopted exception areas, uses and densities must be consistent with zoning and Plan designations and policies. Changes to use, density, or zone which are not consistent with the Plan require a Plan amendment following the process in Chapter IV. Such amendments must be accompanied by an explanation of the reason for the amendment (proposed use, intensity, size, timing, available and proposed service and facility improvements) and must be in compliance with other applicable Plan policies and the following criteria:

- "a. compatibility with existing development pattern and density;*
- "b. adequacy of on-site sewage disposal suitability or community sewerage;*
- "c. domestic water supply availability;*
- "d. adequate access;*
- "e. availability of rural-level services (refer to page III-G-2);*
- "f. lack of natural hazards; and*
- "g. compatibility with resource lands adjacent to the exception area." (p. II-E-12)*

"15. Urban Reserves

These rural areas are located beyond the urban growth boundary and are not needed to satisfy urban demands associated with a population of 293,700. These areas have been identified, based on current trends and policies, as areas for urban development beyond the planning period. Certain public utilities; services; and facilities, particularly water, sanitary sewers, and storm sewers, can be provided to areas designated urban reserve most economically, following extension from areas within the urban growth boundary because of topographic features. Designating these areas at this time will assist in the

preparation of capital improvements programs that extend beyond the planning period of the Plan." (p. II-E-13)

"Urban levels of public utilities, facilities, and services shall be designed and sized to serve urban reserve areas; capacity and financing plans shall be calculated to serve urban reserve lands. For purposes of future planning, urban reserve areas shall be assumed to develop as low density residential at densities used in preparation of this Plan. Urban level services shall not be extended to urban reserve areas until they are included within the urban growth boundary through future amendments or updates." (p. II-E-13)

"16. Urban Growth Boundary

"Factor 3. 'Orderly and economic provision of public facilities and services;

The urban growth boundary is based partly on the cost of providing urban services to the metropolitan area (for example, ridgelines and other topographic features were considered). The diagram reflects the concept of compact urban growth, sequential development, and opportunities for the least costly provision of public services and facilities." (p. II-E-15)

SPECIFIC ELEMENTS (Chapter III)

A. Residential Land Use and Housing Element

"Residential Land Supply and Demand

"Policies

"A.4 Use annexation, provision of adequate public facilities and services, rezoning, redevelopment, and infill to meet the 20-year projected housing demand." (p. III-A-6)

"A.7 Endeavor to provide key urban services and facilities required to maintain a five-year supply of serviced, buildable residential land." (p. III-A-6)

"A.8 Require development to pay the cost, as determined by the local jurisdiction, of extending public services and infrastructure. The cities shall examine ways to provide subsidies or incentives for providing infrastructure that support affordable housing and/or higher density housing." (p. III-A-6)

"A.10 Promote higher residential density inside the urban growth boundary that utilizes existing infrastructure, improves the efficiency of public services and facilities, and conserves rural resource lands outside the urban growth boundary." (p. III-A-8)

"A.35 Coordinate local residential land use and housing planning with other elements of this plan, including public facilities and services, and other local plans, to ensure consistency among policies." (p. III-A-14)

B. Economic Element

"Objectives

"10. Provide the necessary public facilities and services to allow economic development." (p. III-B-4)

"Policies

"27. Eugene, Springfield, and Lane County shall improve monitoring of economic development and trends and shall cooperate in studying and protecting other potential industrial lands outside the urban growth boundary." (p. III-B-6)

C. Environmental Resources Element

"Policies

"9. During the next Metropolitan Plan update, a study should be initiated to examine ways of buffering and protecting agricultural lands on the urban fringe from the effects of urban development. The study should also evaluate approaches to use in order to maintain physical separation between the Eugene-Springfield metropolitan areas and smaller outlying communities." (p. III-C-8)

"40. In addition to any of the above policies, these policies apply to forest lands within the jurisdictional boundaries of the Eugene-Springfield Metropolitan Area General Plan but outside the urban growth boundary:

"p. Lands designated within the Metropolitan Area General Plan as forest land shall be zoned Nonimpacted Forest Lands (F-1, RCP) or Impacted Forest Lands (F-2, RCP).

"(2) Impacted Forest Land Zones (F-2, RCP) Characteristics:

"(a) Predominantly ownerships developed by residences or nonforest uses.

"(b) Predominantly ownerships 80 acres or less in size.

"(c) Ownerships generally contiguous to tracts containing less than 80 acres and residences and/or adjacent to developed or committed areas for which an exception has been taken in the Metropolitan Area General Plan or Rural Comprehensive Plan.

"(d) Provided with a level of public facilities and services, and roads intended primarily for direct services to rural residences." (p. III-C-18)

G. Public Facilities and Services Element

"The policies in this element complement Metro Plan Chapter II-A: Fundamental Principles and Chapter II-B: Growth Management. Consistent with the principle of compact urban growth prescribed in Chapter II, the policies in this element call for future urban water and wastewater services to be provided exclusively within the urban growth boundary. This policy direction is consistent with Statewide Planning Goal 11, 'To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.' On urban lands, new development must be served by at least the minimum level of key urban services at the time development is completed and, ultimately, by a full range of key urban services. On rural lands within the Plan boundary, development must be served by rural levels of service. Users of facilities and services in rural areas are spread out geographically, resulting in a higher per-user cost for some services and, often, in an inadequate revenue base to support a higher level of service in the future. Some urban facilities may be located or managed outside the urban growth boundary, as allowed by state law, but only to serve development within the urban growth boundary." (p. III-G-1)

"Urban facilities and services within the urban growth boundary are provided by the City of Eugene, the City of Springfield, Lane County, Eugene Water & Electric Board (EWEB), the Springfield Utility Board (SUB), the Metropolitan Wastewater Management Commission (MWWMC), electric cooperatives, and special service districts. Special service districts provide schools and bus service, and, in some areas outside the cities, they provide water, electric, fire service or parks and recreation service. This element provides guidelines for special service districts in line with the compact urban development fundamental principle of the Metro Plan." (p. III-G-1)

Findings

"7. In accordance with ORS 195.020-080, Eugene, Springfield, Lane County and special service districts are required to enter into coordination agreements that define how planning coordination and urban services (water, wastewater, fire, parks, open space and recreation, and streets, roads and mass transit) will be provided within the urban growth boundary." (p. III-G-4)

"9. Duplication of services prevents the most economical distribution of public facilities and services." (p. III-G-4)

Policies

"G.1 Extend the minimum level and full range of key urban facilities and services in an orderly and efficient manner consistent with the growth management policies in Chapter II-B, relevant policies in this chapter, and other Metro Plan policies." (p. III-G-4)

"G.4 The cities and Lane County shall coordinate with EWEB, SUB, and special service districts operating in the metropolitan area, to provide the opportunity to review and

comment on proposed public facilities, plans, programs, and public improvement projects or changes thereto that may affect one another's area of responsibility." (p. III-G-5)

"G.6 Efforts shall be made to reduce the number of unnecessary special service districts and to revise confusing or illogical service boundaries, including those that result in a duplication of effort or overlap of service. When possible, these efforts shall be pursued in cooperation with the affected jurisdictions." (p. III-G-5)

"G.8 The cities and county shall coordinate with cities surrounding the metropolitan area to develop a growth management strategy. This strategy will address regional public facility needs." (p. III-G-5)

"G.27 Plan for the following levels of service for rural designations outside the urban growth boundary within the Metro Plan Boundary:

- a. Agriculture, Forest Land, Sand and Gravel, and Parks and Open Space. No minimum level of service is established.*
- b. Rural Residential, Rural Commercial, Rural Industrial, and Government and Education. On-site sewage disposal, individual water systems, rural level of fire and police protection, electric and communication service, schools, and reasonable access to solid waste disposal facility." (p. III-G-13)*

K. Citizen Involvement Element

Policies

"4. Maintain an ongoing metropolitan region policy committee, known as the Metropolitan Policy Committee (MPC), to provide policy direction on major Plan updates, Plan amendments, and special studies. MPC shall resolve land use issues and other disagreements among the two cities and the county and fulfill other intergovernmental functions as required by the three metropolitan governments." (p. III-K-3)

PLAN REVIEW, AMENDMENT AND REFINEMENT (Chapter IV)

Plan Amendments and Refinements

Policies

"3. All amendments to the Metropolitan Plan shall be classified as a Type I or Type II amendment depending upon the specific changes sought by the initiator of the proposal.

- a. A Type I amendment shall include any change to the urban growth boundary or the jurisdictional boundary of the Plan; any change that requires a goal exception to be*

taken under statewide planning goal 2 that is not related to the UGB expansion; and any amendment to the Plan text that is non-site specific.

b. A Type II amendment shall include any change to the Plan diagram or Plan text that is site specific and not otherwise a Type I category amendment.

c. Adoption or amendment of some refinement plans, functional plans or special area plans may, in some circumstances, be classified as Type I or Type II amendments.

Amendments to the Metropolitan Plan that result from state mandated Periodic Review or Metropolitan Plan Updates also shall be classified as Type I or Type II amendments depending upon the specific changes that would result from these actions." (p. IV-2)

"5. The approval process for Metropolitan Plan amendments, including the number of governing bodies who participate and the timeline for final action, will vary depending upon the classification of amendment and whether a determination is made that the proposed amendment will have Regional Impact.

a. All three governing bodies must approve non-site-specific text amendments; site specific diagram amendments that involve a UGB or Plan Boundary change that crosses the Willamette or McKenzie Rivers or that crosses over a ridge into a new basin, and, amendments that involve a goal exception not related to a UGB expansion.

b. A site specific Type Metropolitan Plan amendment that involves a UGB expansion or Plan Boundary change and a Type II Metropolitan Plan amendment between the city limits and Plan Boundary, must be approved by the home city and Lane County (Springfield is the home city for amendments east of I-5 and Eugene is the home city for amendments west of I-5). The non-home city will be sent a referral of the proposed amendment and, based upon a determination that the proposal will have Regional Impact, may participate in the decision. Unless the non-home city makes affirmative findings of Regional Impact, the non-home city will not participate in the decision.

c. An amendment will be considered to have Regional Impact if:

(1) It will require an amendment to a jointly adopted functional plan (TransPlan, PFP, etc.) in order to provide the subject property with an adequate level of urban services; or

(2) It has a demonstrable impact on the water, storm drainage, sanitary sewer or transportation facilities of the non-home city; or

(3) It affects the buildable land inventory by significantly adding to LDR, CI, LMI or HI designations or significantly reducing the MDR, HDR or CC designations.

d. A jurisdiction may amend a plan designation without causing Regional Impact when this action is taken to: compensate for reductions in buildable land caused by protection of newly discovered natural resources within its own jurisdiction; or, accommodate the contiguous expansion of an existing business with a site specific requirement. Decisions on all Type II amendments within city limits shall be the sole responsibility of the home city." (p. IV-3)

GLOSSARY (Chapter V)

"The purpose of the Glossary is to define commonly used terms, as used in the Metropolitan Area General Plan

"23. Key urban facilities and services:

Minimum level: wastewater service, stormwater service, solid waste management, water service, fire and emergency medical services, police protection, city-wide parks and recreation programs, electric service, land use controls, communication facilities, and public schools on a district-wide basis (in other words, not necessarily within walking distance of all students served.)

Full range: the minimum level of key urban facilities and services plus urban public transit, natural gas, street lighting, libraries, local parks, local recreation facilities and services, and health services." (p. V-3)

"42. Rural lands: Those lands that are outside the urban growth boundary. Rural lands are agricultural, forest, or open space lands; or other lands suitable for sparse settlement, small farms, or acreage homesites with limited public services, and which are not suitable, necessary or intended for urban use." (p. V-5)

"46. Special service district: Any unit of local government, other than a city, county, an association of local governments performing land use planning functions under ORS 195.025 authorized and regulated by statute, or metropolitan service district formed under ORS Chapter 268. Special service districts include but are not limited to the following: domestic water district, domestic water associations and water cooperatives; irrigation districts; regional air quality control authorities; rural fire protection districts; school districts; mass transit districts; sanitary districts; and parks and recreation districts." (p. V-6)

"52. Urban growth boundary: A site-specific line, delineated on a map or by written description, that separates urban and urbanizable lands from rural lands." (p. V-6)

Summary of Legal Requirements Applying to Formation of Special Districts

Revised 4/17/03

Notes:

- A. The following requirements are listed generally in sequence of occurrence.
- B. Formation of special districts process is generally governed by ORS Chapters 198 and 199, but statutes in other chapters apply as noted.
- C. Each type of special district is also subject to a specific principal Act in the statutes.
- D. Metro Plan amendment process is specific to the Eugene-Springfield metropolitan area and is governed by local code.
- E. These requirements apply to those types of special districts under boundary commission jurisdiction, including but not limited to park & recreation, library, highway lighting, rural fire protection, and county service districts.
- F. Section 3 details specific requirements for library special districts. Different requirements apply to other types of special districts as detailed in their principal Acts.

1 Eugene-Springfield Metro Plan amendment procedure (per local code)...

- 1.1 Governing body initiates amendment process by motion.
- 1.2 Proposed amendment is referred to other two jurisdictions within 10 days of initiation.
- 1.3 Planning staff of jurisdiction initiating amendment investigates and reports within 30 days.
- 1.4 Report is submitted to all 3 planning commissions.
- 1.5 All 3 planning commissions hold joint public hearing within 30 days of staff report.
- 1.6 Each planning commission shall make a recommendation to its governing body within 30 days of hearing and close of evidentiary record.
- 1.7 Governing bodies shall hold joint public hearing within 30 days of last planning commission action.
- 1.8 Each governing body shall approve, modify, or deny amendment within 30 days after joint public hearing.
- 1.9 If actions are identical, amendment goes into effect immediately.
- 1.10 The proposed amendments must be part of the acknowledged plan in order for the boundary commission to accept a formation proposal subject to the amendments (OAR 191-006-0010(1)(h)).
- 1.11 Conflict resolution process if jurisdictions' actions differ (per local code)...
 - 1.11.1 Amendment is referred to metro policy committee within 5 days after last governing body's action.
 - 1.11.2 Metro policy committee shall meet within 30 days to hold hearing on amendment.
 - 1.11.3 Metro committee may develop a recommendation to governing bodies within 30 days of referral.
 - 1.11.4 Governing bodies shall adopt identical actions within 45 days of receiving metro committee
 - 1.11.5 If amendment fails, planning director shall issue final denial decision within 5 days.
 - 1.11.6 If actions are identical, amendment goes into effect immediately.

2 Economic feasibility statement for district formation...

- 2.1 Before circulating a petition for formation of a district, the chief petitioners shall complete an economic feasibility statement for the proposed district (ORS 198.749).
- 2.2 If the petition proposes formation it shall be accompanied by an economic feasibility analysis and an estimate of the tax rate that will be required to provide the services and functions (ORS 199.476(1)).
- 2.3 The economic feasibility statement shall form the basis for the proposed permanent rate limit for operating taxes (ORS 198.749).
- 2.4 The economic feasibility statement shall...
 - 2.4.1 Describe the services and functions to be performed or provided by the proposed district (ORS 198.749(1) and ORS 199.476(1)).
 - 2.4.2 Analyze relationships between those services and functions and other existing or needed government services (ORS 198.749(2) and ORS 199.476(1)).
 - 2.4.3 *Economic feasibility should discuss impact on existing districts and the likelihood of compression under \$10/\$1000 general government tax cap.*
 - 2.4.4 Include a proposed first year line item operating budget and projected third year line item budget for the new district that demonstrate its economic feasibility (ORS 198.749(3) and ORS 199.476(1)).

2.4.5 The analysis and estimate of the tax rate shall be prepared in cooperation with the county assessor and Dept. of Revenue (ORS 199.476(1)).

2.4.6 *Limitations on total allowable tax levy for each type of district are provided by specific principal Act.*

3 Statutes specifically governing library district formation (requirements will vary for other types of districts depending upon the district's principal Act)...

3.1 A library district may be created as provided in ORS 198.705 to 198.955 and 357.216 to 357.286 (ORS 357.221(1)).

3.2 A petition for formation of a district shall state the method of election of the board of the district from among the methods described in ORS 357.241 (ORS 357.221(2)).

3.3 Library district board...

3.3.1 The officers of the district shall be a board of five members to be elected (ORS 357.226(1)).

3.3.2 Five board members shall be elected at the election for district formation (ORS 357.231(1)).

3.3.3 Initial terms of library district board members...

3.3.3.1 If the effective date of formation is an odd-numbered year, two board members shall be elected for four-year terms and three for two-year terms (ORS 357.231(2)).

3.3.3.2 If the effective date of formation is an even-numbered year, two board members shall be elected for three-year terms and three for one-year terms (ORS 357.231(2)).

3.3.3.3 The regular term of board members is four years (ORS 357.236(4)).

3.3.4 Method of electing library district board...

3.3.4.1 Candidates for election by zone shall be nominated by electors of the zones (ORS

3.3.4.2 The district board members may be elected in one of the following methods or

3.3.4.2.1 Elected by zones of as nearly equal population as possible according to latest federal census (ORS 357.241(1)(a)).

3.3.4.2.2 Elected at large by position number (ORS 357.241(1)(b)).

3.4 The total amount of money that may be levied by a library district shall not exceed one-fourth of one percent (.0025) of the real market value of all taxable property within the district (ORS 357.266).

4 Three alternative methods to initiate formation of district...

4.1 Initiation of formation of district by petition

4.1.1 Filing prospective petition for Formation.

4.1.1.1 Before circulating a petition for formation of a district, the petitioners shall file with the county clerk a prospective petition (ORS 198.748).

4.1.1.2 The prospective petition shall include a description of the boundaries of the territory proposed to be included in the district (ORS 198.748).

4.1.1.3 Content of petition proposing formation. The petition shall...

4.1.1.3.1 State it is filed pursuant to ORS 198.705 to 198.955 (ORS 198.750(1)(a)).

4.1.1.3.2 State names of all affected districts and all affected counties (ORS 198.750(1)(b)).

4.1.1.3.3 Designate principal Act of each affected district (ORS 198.750(1)(c)).

4.1.1.3.4 State the nature of the proposal is formation of a district (ORS 198.750(1)(d)).

4.1.1.3.5 State whether the territory subject to petition is inhabited or uninhabited (ORS 198.750(1)(e)).

4.1.1.3.6 If district board members are to be elected, state number of members of the board (ORS 198.750(1)(f)).

4.1.1.3.7 If the proposal is for formation, include a proposed permanent rate limit for operating taxes sufficient to support the services and functions described in the economic feasibility statement (ORS 198.750(1)(g)).

4.1.1.3.8 Set forth any proposed terms and conditions to which a proposed formation is subject (ORS 198.750(1)(h)).

- 4.1.1.3.9 State, or indicate opposite each signature, whether signers of the petition are landowners within the district or electors registered in the district, or both (ORS 198.750(1)(i)).
- 4.1.1.3.10 Request that proceedings be taken for the formation proposed (ORS 198.750(1)(j)).
- 4.1.1.3.11 A district may consist of contiguous or non-contiguous territory (ORS 198.720(1)).
- 4.1.1.3.12 A district may not include territory within another district under the same principal Act when the other district is authorized to perform and is performing the same services (ORS 198.720(2)).
- 4.1.1.3.13 The boundary of a proposed district shall include only such territory as may in reason be served by the facilities and services of the district (ORS 198.720(3)).
- 4.1.1.3.14 Description of district...
 - 4.1.1.3.14.1 If the petition proposes formation of a district, it shall set forth a description of the boundaries of the territory proposed to be included in the district (ORS 198.750(2)).
 - 4.1.1.3.14.2 Petition shall be accompanied by...
 - 4.1.1.3.14.2.1 County assessor's cadastral maps (OAR 191-006-0010(1)(d)).
 - 4.1.1.3.14.2.2 A legal description of the district as defined in ORS 308.225(2) (OAR 191-006-0010(1)(e)).
- 4.1.1.3.15 The petition may propose a name for the new district (ORS 198.750(3)).
- 4.1.1.3.16 The petition shall designate not more than three persons as chief petitioners, setting forth their names and mailing addresses (ORS 198.760(3)).
- 4.1.2 Signature requirements for petition...
 - 4.1.2.1 The person circulating the petition shall certify on each signature sheet of the petition that every person who signed the petition did so in the presence of the person circulating the petition (ORS 198.750(3)).
 - 4.1.2.2 Number of Signatures Required. A petition for formation shall...
 - 4.1.2.2.1 Be signed by not less than fifteen percent of the electors or 100 electors, whichever is greater, registered in the territory subject to the petition (ORS 198.755(1)(a)), or...
 - 4.1.2.2.2 Fifteen owners of land or the owners of 10 percent of the acreage, whichever is the greater number of signers, within the territory subject to the petition (ORS 198.755(1)(b)).
 - 4.1.2.3 Requirements for Signers of Petition...
 - 4.1.2.3.1 Each signer may also print the person's name and date of signing. If the person is signing the petition as an elector, the address of the person's place of residence shall be added (ORS 198.760(1)).
 - 4.1.2.3.2 If the person is signing the petition as an elector, the address of the person's place of residence shall be added (ORS 198.760(1)).
- 4.1.3 Requirement for obtaining resolution of support from city...
 - 4.1.3.1 If any part of the territory of the proposed district is within a city, the chief petitioners must obtain a resolution of the city council approving the petition (ORS 198.720(1)).
- 4.1.4 Requirements for filing petition after gathering signatures...
 - 4.1.4.1 A petition for formation shall be filed with the county clerk (ORS 198.748).
 - 4.1.4.2 After a petition has been offered for filing, a person may not withdraw their name. If the person is signing the petition as an elector, the address of the person's place of residence shall be added (ORS 198.760(2)).

- 4.1.4.3 A petition shall not be accepted for filing unless the signatures have been secured within six months of the date on which the first signature was affixed (ORS 198.765(1)).
- 4.1.4.4 A petition shall not be accepted for filing if it is not accompanied by the economic feasibility statement required under ORS 198.749 (198.765(1)).
- 4.1.4.5 If any part of the territory of the proposed district is within a city, the petition shall be accompanied by a certified copy of a resolution of the city council approving the petition (ORS (198.720(1))).
- 4.1.4.6 When a petition for formation of a district includes a proposed permanent rate limit for operating taxes, it shall be filed not later than 180 days before the next primary or general election (ORS 198.765(1)).
- 4.1.4.7 Within 10 days after a petition is offered for filing, the county clerk shall examine the petition and determine if it signed by the requisite number of qualified signers (ORS 198.765(2)).
- 4.1.4.8 If the requisite number of signers have signed the petition, the county clerk shall file the petition (ORS 198.765(2)).
- 4.1.4.9 Bond, cash deposit or other security deposit required to accompany petition...
 - 4.1.4.9.1 Deposit shall be in a form and amount approved by county board, not to exceed \$100 for each precinct in the proposed district, up to a maximum of \$10,000 (ORS 198.775(1)).
 - 4.1.4.9.2 If the proposed formation is effected, the district shall be libel for the costs. Not later than the 30th day after the election the county clerk shall refund the deposit (ORS 198.775(2)).
 - 4.1.4.9.3 If the proposed formation is not effected, the county shall collect the costs of the attempted formation from the deposit (198.775(3)).
 - 4.1.4.9.4 Any portion of the deposit left after costs shall be returned to chief petitioners (ORS 198.775(3)).

4.2 Initiation of district formation by county board...

- 4.2.1 The county board may initiate formation of a district, to be located entirely within the county, by an order setting forth...
 - 4.2.1.1 The intention of the board to initiate the formation of a district and citing the principal Act (ORS 198.835(1)(a)).
 - 4.2.1.2 The names and boundaries of the proposed district (ORS 198.835(1)(b)).
 - 4.2.1.3 The date, time and place of a public hearing on the proposal (ORS 198.835(1)(c)).
 - 4.2.1.4 If any part of the territory of the proposed district is within a city, the order shall be accompanied by a certified copy of a resolution of the governing body of the city approving the order (ORS 198.835(3)).
 - 4.2.1.5 The county shall bear the cost of formation of a district under ORS 198.835, except costs for preliminary engineering studies and surveys in connection with the district may be reimbursed by the new district (ORS 198.845).
- 4.2.2 *Economic feasibility statement and resolution of support from city council will be required as in initiative petition method.*

4.3 Initiation of formation of district by boundary commission...

- 4.3.1 A boundary commission may initiate major boundary change process by adopting and within 10 days filing with the county clerk a resolution proposing the change (ORS 199.485(1)).
- 4.3.2 When the resolution is filed by the commission it shall be considered as if it were a petition (ORS 199.485(1)).
- 4.3.3 The resolution shall...
 - 4.3.3.1 Identify the affected city or district (ORS 199.485(2)(a)).
 - 4.3.3.2 State the kind of boundary change proposed (ORS 199.485(2)(b)).
 - 4.3.3.3 Contain a legal description of the boundaries of the affected territory (ORS 199.485(2)(c)).
 - 4.3.3.4 Designate the principal Act of the district (ORS 199.485(2)(d)).

4.3.3.5 Have attached a map showing the location of the affected territory (ORS 199.485(2)(e)).

4.3.3.6 Include whatever additional information the principal Act requires with a petition for such a boundary change (ORS 199.485(2)(f)).

4.3.4 *Economic feasibility statement and resolution of support from city council will be required as in initiative petition method.*

5 County process upon filing petition of formation...

- 5.1 County board files certified copy of petition with boundary commission within 10 days after the petition is filed with the board (ORS 198.800(1)(a) and ORS 199.476(1)).
- 5.2 Suspension of county proceeding...
 - 5.2.1 The proceeding shall be suspended from the date the petition is filed until the date the boundary commission files a certified copy of its final order with the county (ORS 199.476(2)).
 - 5.2.2 The suspension shall not continue for more than 120 days after the date the boundary commission receives the petition (ORS 199.476(2)).
 - 5.2.3 If the final order is not adopted by the boundary commission within 120 days, the petition shall be considered approved by the commission (ORS 199.476(3)).
 - 5.2.4 If the final order of the boundary commission is appealed to the Court of Appeals within 60 days after the date of the final order, the suspension shall continue until judicial review is determined (ORS 199.476(4)).

6 Boundary Commission process...

- 6.1 Lane County Local Government Boundary Commission has jurisdiction over major boundary changes of certain districts (ORS 199.460, ORS 199.420).
- 6.2 A proposal to form a district is a major boundary change procedure (ORS 199.415(11)).
- 6.3 All filing requirements must be met and accepted in a completeness check by the published boundary commission filing deadline for a hearing date (OAR 191-006-005(4)).
- 6.4 The boundary commission's executive officer or staff shall accomplish a completeness check of a filing within 16 working hours of receipt of a filing (OAR 191-006-005(5)).
- 6.5 Until the boundary commission filing requirements are met and accepted by the commission's executive officer or staff, the respective statutory timelines for commission processing do not begin (OAR 191-006-005(6)).
- 6.6 Boundary commission filing requirements shall include...
 - 6.6.1 A filing fee (OAR 191-006-0010(1)(a)).
 - 6.6.2 An original and true copy of the petition, resolution or other initiating documents in accordance with applicable statutes (OAR 191-006-0010(1)(b)).
 - 6.6.3 When a proposal is initiated by electoral petition, the petitions must be accompanied by certification by county elections that the signatures meet statutory requirements (OAR 191-006-0010(1)(b)).
 - 6.6.4 A boundary commission information form (OAR 191-006-0010(1)(c)).
 - 6.6.5 County assessor's cadastral maps (OAR 191-006-0010(1)(d)).
 - 6.6.6 A legal description of the district (OAR 191-006-0010(1)(e)).
 - 6.6.7 Economic feasibility analysis (OAR 191-006-0010(1)(f)).
 - 6.6.8 Written information indicating consistency of the proposed boundary change with the acknowledged comprehensive plan and land use planning regulations (OAR 191-006-0010(1)(g)).
 - 6.6.9 Other information requested by the boundary commission as necessary for commission review and to address commission standards (ORS 191-006-0005(7)).
- 6.7 When boundary commission receives petition it shall...
 - 6.7.1 Apply applicable standards as expressed in ORS 199.410 and ORS 199.462 (OAR 191-006-0005(1)).
 - 6.7.1.1 Standards for boundary commission review of proposal for formation...

- 6.7.1.1.1 Commission shall consider local comprehensive planning, economic, demographic and sociological trends and projections, past and prospective physical development of land that would be affected (ORS 199.462).
- 6.7.1.1.2 Territory within a city may not be included within a district without the consent of the city council (ORS 199.462(2)(a)).
- 6.7.1.1.3 Territory within a district may not be included in another district subject to the same principal Act (ORS 199.462(2)).
- 6.7.2 Cause a study to be made of proposal (ORS 199.461(1)(a)).
- 6.7.3 Consider the effect on other units of government (OAR 191-030-0020(4)(a)).
- 6.7.4 Consider alternative solutions where the intergovernmental options are identified and make decisions based on the most effective long-range option among identified options (OAR 191-030-0020(4)(b)).
- 6.7.5 Determine that the proposal demonstrates that an adequate level of future and existing services and facilities are available or can be provided in a timely manner (OAR 191-030-0020(4)(c)).
- 6.7.6 Determine that there is assurance that the quality and quantity of services can meet existing and future growth (OAR 191-030-0020(4)(c)).
- 6.7.7 Determine that the proposed unit of government is financially viable (OAR 191-030-0020(4)(c)).
- 6.7.8 The comprehensive plan's economic, demographic, and sociological trends are projections and its environmental policies, pertinent to the proposal, shall be addressed (OAR 191-030-0020(4)(d)).
- 6.7.9 Conduct one or more public hearings on the proposal (ORS 199.461(1)(b)).
 - 6.7.9.1 Public hearing requirements...
 - 6.7.9.1.1 Notice of public hearing shall be published by at least one insertion in a newspaper not more than 25 nor less than 15 days before the hearing (ORS 199.463(1)).
 - 6.7.9.1.2 A second notice of public hearing may be published by at least one insertion in a newspaper or by first-class letter to each owner of land in the affected territory not more than 15 nor less than 8 days before the hearing (ORS 199.463(1)).
 - 6.7.9.1.3 Notice may also be posted in not less than three public places within the affected territory at least 15 days before the hearing and may provide for publication by radio or television (ORS 199.463(1)).
 - 6.7.9.1.4 Notice shall describe the proposed boundary change, state time & place, and that any interested person may appear and be heard (ORS 199.463(2)).
 - 6.7.9.1.5 A hearing may be adjourned or continued to another time so long as notice meets requirements of ORS chapter 193 (ORS 199.463(3)).
- 6.7.10 After study and hearings the boundary commission may alter proposed district boundaries (ORS 199.461(1)(c)).
- 6.7.11 The boundary commission must find that the proposal complies with the statewide planning goals and is consistent with comprehensive plans and land use regulations as provided in the Commission's State Agency Coordination Program (OAR 191-030-0020(25)).
- 6.7.12 On the basis of the study and facts presented at hearing, the boundary commission shall by order, stating the reasons, approve the proposal as presented or as modified by the commission, or disapprove the proposal (ORS 199.461(4)).
- 6.7.13 Any person interested in the boundary change may petition for judicial review of the order; jurisdiction is with the Court of Appeals (ORS 199.461(4)).
- 6.7.14 Immediately after the effective date of final order, the boundary commission shall file a certified copy of the order with the county clerk (ORS 199.461(5)).

7 Resumption of county process...

- 7.1 If the boundary commission approves the petition for formation, a certified copy of the final order shall be filed with the county (ORS 199.480).
- 7.2 The county need not call or hold a hearing on the petition and shall not change the boundaries as described in the commission's final order (ORS 199.480(1)(a)).
- 7.3 The county board shall enter an order...
 - 7.3.1 Declaring the boundary commission's approval of the petition for formation (ORS 198.810(1)).
 - 7.3.2 Setting forth the name and boundaries of the proposed district as determined by the boundary commission (ORS 198.810(1)).
 - 7.3.3 If the county board is to hold a hearing, fixing a place, and time not less than 20 nor more than 50 days after the date of the order, for a final hearing on the petition (ORS 198.810(1)).
 - 7.3.4 The county board shall file the legal description and a map of the proposed change in final approved form with the county assessor & Dept. of Revenue prior to the next March 31 (ORS 308.225(2)(a)).
 - 7.3.5 A "proposed change" means a boundary change which has not become final or effective by March 31, but which is certain to become final prior to July 1 (ORS 308.225(5)).
- 7.4 Election required to be scheduled if permanent rate limit is proposed...
 - 7.4.1 County board shall provide by order election if permanent rate limit for operating taxes is proposed (ORS 198.810(3)(a) and ORS 198.815(1)).
 - 7.4.2 County board shall submit to elector the question of forming the district (ORS 198.815(1)).
 - 7.4.3 The board shall cause notice of the election to be published by two insertions (ORS 198.815(1)).
 - 7.4.4 The order shall set the election on the next primary or general election for which the filing deadline can be met (ORS 198.815(2)).
 - 7.4.5 The order shall also state that members of the district board will also be voted for (ORS 198.815(2)).
 - 7.4.6 The order shall require the county elections official to include with the ballot a map or other description of the proposed district boundaries, and a statement of the permanent rate with ORS 250.035 (ORS 198.815(3)).
 - 7.4.7 When the proposed district includes a permanent rate limit for operating taxes, the ballot title should clearly indicate that a single question is being proposed, which is...
 - 7.4.7.1 Whether the proposed district shall be formed (ORS 198.815(4)(a)(A)), and...
 - 7.4.7.2 Whether the permanent rate limit shall be adopted (ORS 198.815(4)(a)(B)).
 - 7.4.8 The ballot title shall be in compliance with ORS 250.036 (ORS 198.815((4)(b))).
 - 7.4.9 Proposal must receive a majority of votes cast, and at least 50% of registered voters have participated or the election is a general election in an even-numbered year (ORS 198.815(5)).
 - 7.4.10 The county clerk shall file the legal description and a map of the proposed change in final approved form with the county assessor & Dept. of Revenue prior to the next March 31 (ORS 308.225(2)(a)).
 - 7.4.11 Board candidates...
 - 7.4.11.1 Candidates to be voted on as members of a first district board shall be nominated as provided by ORS chapter 255 and the principal Act (ORS 198.815(2)).

8 Within 30 days after the election is held...

- 8.1 If a majority of voters were in favor, the county board shall enter an order establishing the district (ORS 198.820(1)).
- 8.2 Votes for members of the board shall be canvassed if the district is approved, and certificates of election issues to those receiving the most votes (ORS 198.820(1)).
- 8.3 After the date of the formation order, the district shall be established as a municipal corporation under the principal Act (ORS 198.820).
- 8.4 The county clerk shall file a duplicate order of formation of a district with Dept. of Revenue, Secretary of State, city clerks, and county assessor within 10 days after order is adopted (ORS 198.780).
- 8.5 For purpose of ad valorem taxation, a boundary change must be filed in final approved form with the county assessor and the Dept. of Revenue as provided in ORS 308.225 (ORS 198.720(4)).

METRO PLANNING DIRECTORS

DATE: Friday, April 11, 2003

TIME: 7:00am - 8:30am

LOCATION: BCC Conference Rm, Lane County Public Service Bldg.

CONVENOR: Kent Howe, 682-3734

LIBRARY DISTRICT FORMATION

AGENDA

7:00 - REVIEW OF CHARGE - Bill VanVactor

7:10 DISCUSSION OF IDENTIFIED OPTIONS FOR LIBRARY SERVICES

- Status quo -- pay current annual (or reduced) fee for service
- Interim for FY04 -- 2-year levy to fund annual fees for families that can't afford
- Surgical (ie, limited) amendments to Metro Plan for Lane Library League only
- Alter existing County Service District to add function and area for library service
- Comprehensive reconsideration of how services are provided (significant amendments to the Metro Plan)

7:30 - REVIEW OF STATUTORY REQUIREMENTS FOR FORMATION OF SPECIAL LIBRARY DISTRICT

8:15 IDENTIFICATION OF ISSUES

- Funding urban services
- Metro Plan Amendments
- Financial
- District Formation
- Annexation
- Tax Rate Limits
- Alternatives
- Timelines

8:25 SCHEDULE PRESENTATION TO BOARD OF COUNTY COMMISSIONERS