

T.7.a.

AGENDA COVER MEMO

DATE: April 5, 2005 (first reading)
April 19, 2005 (second reading, public hearing)

TO: LANE COUNTY BOARD OF COMMISSIONERS
EUGENE CITY COUNCIL
SPRINGFIELD CITY COUNCIL

FROM: KENT HOWE, LANE COUNTY PLANNING DIRECTOR
LAND MANAGEMENT DIVISION

ORDINANCE NO. PA 1221 -- IN THE MATTER OF AMENDING THE EUGENE-SPRINGFIELD METROPOLITAN AREA GENERAL PLAN (METRO PLAN) TO CLARIFY AND PROVIDE GREATER FLEXIBILITY FOR PUBLIC SAFETY SERVICE DELIVERY IN THE EUGENE-SPRINGFIELD METROPOLITAN AREA (METRO PLAN, GROWTH MANAGEMENT, POLICY 15).

I. MOTION

1. **For April 5, 2005:** I move approval of the first reading and setting the second reading and joint public hearing on Ordinance No. PA 1221 for April 19, 2005 at 7:00 PM in Harris Hall, 125 East 8th Avenue, Eugene.
2. **For April 19, 2005 or later:** I move approval of Ordinance No. PA 1221.

II. ISSUE OR PROBLEM

Should the Board and City Councils adopt the proposed amendment to the *Metro Plan* that will provide greater clarity and flexibility in providing public safety services in the metropolitan area? This action is unanimously recommended for approval by the Lane County Planning Commission. The Planning Commissions of both cities had concerns with some specific aspects of the language but generally supported the proposed amendment and recommended approval with some suggested revisions, as discussed below.

III. DISCUSSION

A. Background

The *Metro Plan* Chapter II Growth Management Policy 15 provides the requirements for the creation of new special service districts within the Plan Boundary of the *Metro Plan*. This policy was adopted prior to the changes to local government financing that resulted from the passage of Ballot Measures 5, 47, and 50. These changes have drastically affected the Lane County General Fund ability to finance public safety. Consequently, public safety services are not able to keep up with the needs of Lane County citizens, both inside and outside the *Metro Plan* area.

The goal of this proposed policy amendment is to clearly authorize a new financing vehicle without undermining the compact urban growth policies of the *Metro Plan*. A countywide public safety district could help fund many services currently provided almost exclusively by Lane County agencies. The Sheriff, District Attorney, Youth Services and Health and Human Services operate within all city limits and provide many services cities do not currently provide.

B. Analysis

The fundamental Metro Plan principle establishing two cities as the logical providers of services accommodating urban levels of development does not address or preclude the types of services contemplated in the proposed countywide public safety service district. The fact that the cities do not generally provide the contemplated public safety services is evidence that these services are not an element of an urban level of development; rather they are basic, on-going county services provided regardless of development level. Most of the contemplated services are very different than the "police protection" described in the Metro Plan definition of "key urban facilities and services."

The proposal simply does not affect the policies that compel delivery of truly urban development services by cities rather than special districts. The rest of the Metro Plan policies remain intact. This proposed policy exception does not weaken the position of Eugene and Springfield relative to the other growth management policies or their ability to annex land or control the proliferation of other growth-inducing special districts.

The proposed amendment was presented to the Planning Commissions of the three Metro jurisdictions for evaluation in a public hearing on February 1, 2005. Following the public hearing the Commission's each held deliberations, and all three voted for recommending approval of the Plan amendment, with the specific nuance's described below. Commission reasoning is set forth in the Minutes of the meetings, attached to this packet.

Eugene Planning Commission Action

The Eugene Planning Commission deliberated at noon on February 28, 2005. Their discussion established that they generally supported the proposed amendment, but had concerns with the "notwithstanding" language, the "including but not limited to" language and the specificity of the district. The Eugene Planning Commission recognized that the services to be dealt with in this amendment are services the County already provides, and the City does not, as required by State Statute. They also recognized that the proposed policy is not a growth inducing amendment; it is consistent with the major tenants of the Metro Plan.

They understood the "notwithstanding" language was a legal term making this provision an exception. They were uncomfortable with the exception, but had no alternative recommendation. Regarding the specificity of the district, they were concerned with limiting the amendment to a single countywide district and listing only the public safety services that could be provided by such a district. They agreed that the language to amend the Metro Plan should not be limited to those services solely required of the County under State Statute. There are some very beneficial services provided by the County related to public safety that reasonably should be included in the

district, if it moves forward. However, they were concerned over control of the services the district would provide. They concluded with a unanimous recommendation to the elected officials to approve the proposed Metro Plan amendment with some revisions to address the single district concerns and the concern of limiting such a district to the proposed list of services provided.

Springfield Planning Commission Action

The Springfield Planning Commission deliberated on March 1, 2005, and also voted unanimously to forward a recommendation to the elected officials to approve the proposed Metro Plan amendment with revisions to address the single district concerns.

Further discussion after their vote regarding the scope of the public safety district resulted in a suggestion for the elected officials to consider a single district within the county, rather than a single countywide district. The concern was that adopted language for the amendment should not preclude a single-benefit district being created within the county even if one or more jurisdictions do not want to participate in the district to be created by this action. There was no vote taken on the language suggested. However, the alternative language was considered a way to facilitate formation of the public safety district if not all jurisdictions ultimately choose to participate and is worth consideration by the elected officials in their deliberations.

Lane County Planning Commission Action

The Lane County Planning Commission deliberated on March 15, 2005. The revised language suggested by the Eugene and Springfield planning commissions was discussed. However, the Lane County Planning Commission did not recommend revised language for adoption by the elected officials. They did support the rationale of the revised language, and suggested the elected officials should be the ones to wordsmith any revisions to the proposal that was presented to the Planning Commissions. Therefore, they recommended adoption of the amendment as put forth by County staff to the Planning Commissions at the hearing. That recommendation has been incorporated into Ordinance No. PA 1221.

C. Alternatives/Options

1. Adopt Ordinance No. PA 1221 to amend *Metro Plan* Chapter II Growth Management Policy 15 to add Section f. and provide greater clarity and flexibility for public safety service delivery within the Eugene-Springfield Metro Plan Boundary.
2. Modify Ordinance No. PA 1221 as directed to amend *Metro Plan* Chapter II Growth Management Policy 15 to add Section f. and provide greater flexibility for public safety service delivery within the Eugene-Springfield Metro Plan Boundary.
3. Do not adopt Ordinance No. PA 1221 to amend *Metro Plan* Chapter II Growth Management Policy 15 to add Section f.

D. Recommendation

There was general support by all three planning commissions on the proposed amendment to allow formation of a public safety district within the Metro Plan. However, each planning commission made different suggestions for the elected officials to consider. Some staff developed revisions attempting to address the various concerns will be presented at the public hearing. Ultimately, it will be up to the elected officials to determine the merits of the concerns and alternative language to be included in the Metro Plan. The Lane County Planning Commission recommended text is in the presented Ordinance No. PA 1221. Alternative 1 would follow the Lane County Planning Commission recommendation.

E. Timing

Amending the *Metro Plan* Chapter II Growth Management Policy 15 to add Section f. is the critical first step in the comprehensive process to form a county service district to fund public safety services in Lane County. The goal is to complete the necessary formation processes and negotiations to generate a public ballot measure for the November 2006 general election to create a special district.

IV. IMPLEMENTATION/FOLLOW-UP

Upon adoption of an identical *Metro Plan* amendment by all three jurisdictions, the Department of Land Conservation and Development will be notified of this post acknowledgement plan amendment, and the Board of County Commissioners will continue discussion with the 12 cities in the County and prepare the application for formation of the district to the Lane County Boundary Commission.

V. ATTACHMENTS

1. Ordinance No. PA 1221 with Exhibits "A" and "B"
 - Exhibit A; *Metro Plan*, Growth Management, Policy 15 f.
 - Exhibit B; findings in support of the amendment
2. Planning Commission Staff Reports, Attachments, & Handouts
 - a. February 1, 2005, with attachments A, B, C, D & E
 - A. Draft *Metro Plan* Growth Management Policy 15.f.
 - B. Findings in Support
 - C. *Metro Plan* Chapter II.C.5. Growth Management Policies
 - D. Register Guard Editorial, October 17, 2004
 - E. Sheriff's Quarterly Volume 3 No.1, January 2005
 - b. February 1, 2005 documents distributed at the Joint Planning Commission Workshop
 - A. Memo from Bill Van Vactor to Joint Planning Commissions
 - B. Measure 50 Explanatory Statement
 - C. 2002-2003 Tax Rate & Value Information for Oregon Counties,
Sorted by Comparable Tax Rate (Including O&C Revenue).

- D. Public Safety District Estimated Permanent Authority
Compression Within Lane County Cities
- c. February 16, 2005 Staff Report, with attachments
 - A. Eugene City Council Mtg. minutes June 28, 2004
 - B. February 8, 2005 Memorandum from Bill Van Vactor with attachments
 - C. February 1, 2005 minutes, Joint Planning Commission Public Hearing
- 3. Draft Minutes of Eugene Planning Commission deliberations; February 28, 2005 (to be delivered in supplemental mailing)
- 4. Minutes of Springfield Planning Commission deliberations; March 1, 2005 (to be delivered in supplemental mailing)
- 5. Draft Minutes of Lane County Planning Commission deliberations; March 15, 2005

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

ORDINANCE NO. PA 1221) **IN THE MATTER OF AMENDING THE EUGENE–**
) **SPRINGFIELD METROPOLITAN AREA GENERAL PLAN**
) **(METRO PLAN) TO CLARIFY AND PROVIDE GREATER**
) **FLEXIBILITY FOR PUBLIC SAFETY SERVICE DELIVERY**
) **IN THE EUGENE-SPRINGFIELD METROPOLITAN AREA**
) **(METRO PLAN, *GROWTH MANAGEMENT, POLICY 15*).**

WHEREAS, on August 25, 2004, the Lane County Board of Commissioners initiated an amendment to the Eugene–Springfield Metropolitan Area General Plan (Metro Plan) Growth Management Policy 15 to clarify and provide greater flexibility for public safety service delivery to the citizens of the Eugene-Springfield metropolitan area within the Metro Plan boundary; and

WHEREAS, Chapter IV of the Metro Plan sets forth procedures for amendment, which for Lane County are implemented by the provisions of Lane Code 12.200 through 12.245; and

WHEREAS, the current Metro Plan, as adopted in 1982 and subsequently amended, contains fundamental principles and growth management policies in Chapter II that apply to the delivery of public services to the citizens of the metropolitan area, including policies applicable to the creation of new special service districts; and

WHEREAS, the proposed amendment to Metro Plan, *Growth Management, Policy 15* would allow the creation of a special service district providing public safety services within the Metro Plan boundary and clarify the distinction between services provided by the cities to accommodate “urban levels of development” and the described public safety services traditionally provided by Lane County; and

WHEREAS, following a joint public hearing with the Eugene and Springfield Planning Commissions on February 1, 2005, the Lane County Planning Commission recommended revision of the growth management policies by adoption of the proposed amendment to provide flexibility for basic, ongoing county public safety services to the Lane County Board of Commissioners by action taken at a public meeting held by the Planning Commission on March 15, 2005; and

WHEREAS, the Eugene and Springfield planning commissions recommended adoption of the proposed Metro Plan amendment with revisions to make it clear that the policy would apply to a single countywide public safety service district; and

WHEREAS, the Board of County Commissioners has conducted a public hearing jointly with the city councils of Eugene and Springfield on April 19, 2005, and is now ready to take action based upon the above recommendations and the evidence and testimony already in the record as well as the evidence and testimony presented at the public hearing held in the matter of amending the Metro Plan.

NOW THEREFORE, the Board of County Commissioners of Lane County ordains as follows:

The Metro Plan *Growth Management, Policy 15* is amended to add a new subsection “F”, as set forth in Exhibit “A” attached and incorporated herein, which new subsection is hereby adopted as an amendment to the Metro Plan.

FURTHER, although not part of this Ordinance, the Board of County Commissioners adopts the Legislative Findings set forth in the attached Exhibit "B."

ENACTED this _____ day of _____, 2005.

Chair, Lane County Board of Commissioners

Recording Secretary for this Meeting of the Board

APPROVED AS TO FORM

Date _____ Lane County

OFFICE OF LEGAL COUNSEL

Ordinance No. PA 1221 - Exhibit A

Amend the Metro Plan, *Growth Management, Policy 15* to add a new subsection “f.” (existing Metro Plan page II-B-5/Periodic Review revised Metro Plan page II-C-5) to read as follows:

“15. Creation of new special service districts or zones of benefit within the Plan Boundary of the *Metro Plan* shall be considered only when all of the following criteria are satisfied:

- a. There is no 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 service 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 servicing city is not capable of providing the full range of urban facilities and services in the short term, although it is recognized that urban facilities and 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 annexed to the appropriate city.
- f. Notwithstanding the above provisions of this policy and all other related policies and text in this Plan, a district or zone of benefit may be created and maintained to provide preventive and reactive public safety services, including but not limited to, adult and youth corrections services, crime prevention, prosecution, detention, supervision, mental health and alcohol and drug services, victim services, drug court, interagency narcotics enforcement, patrol, investigation and arrest.”

....

Exhibit B
To Ordinance No. PA 1221

**FINDINGS IN SUPPORT OF AN ORDINANCE AMENDING THE EUGENE-
SPRINGFIELD METROPOLITAN AREA GENERAL PLAN (METRO PLAN) TO
CLARIFY AND PROVIDE GREATER FLEXIBILITY FOR PUBLIC SAFETY
SERVICE DELIVERY IN THE EUGENE-SPRINGFIELD METROPOLITAN AREA
(METRO PLAN, *GROWTH MANAGEMENT, POLICY 15*).**

The following criteria from Lane Code 12.225(2), Springfield Development Code Section 7.070(3) and Eugene City Code Section 9.7730(3) shall be applied by the elected officials in approving or denying an amendment to the *Metro Plan*:

- (a) The amendment must be consistent with the relevant statewide planning goals adopted by the Land Conservation and Development Commission; and
- (b) Adoption of the amendment must not make the *Metro Plan* internally inconsistent.

The Lane County Board of Commissioners makes the following findings with respect to the criteria set forth in Lane Code 12.225(2):

Criterion #1: Lane Code 12.225(2)(a) : The amendment must be consistent with the relevant statewide planning goals adopted by the Land Conservation and Development Commission.

Goal 1—Citizen Involvement: *To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.*

This *Metro Plan* amendment proposal is subject to the public notification and hearing processes adopted by the City of Springfield in SDC 7.100, City of Eugene in EC 9.118 to 9.136, and Lane County in LC 12.240. This amendment was considered at a joint public hearing before the Springfield, Eugene, and Lane County Planning Commissions on February 1, 2005. On January 12, 2005, more than twenty days prior to the February 1, 2005 joint planning commission public hearing, a legal ad was published in the Eugene Register Guard.

Following a recommendation from the planning commissions, the Springfield and Eugene City Councils and Lane County Board of Commissioners held a duly noticed joint public hearing to consider approval, modification, or denial of the amendment on April 19, 2005. On March 30, 2005, more than twenty days prior to the April 19, 2005 joint elected official's public hearing, a legal ad was published in the Eugene Register Guard.

The Oregon Department of Land Conservation and Development (DLCD) received a Notice of the proposed *Metro Plan* amendment on December 15, 2004, at least 45 days prior to the February 1, 2005 joint planning commission public hearing on the *Metro Plan* amendment.

These processes afford opportunity for citizen involvement during all phases of the planning process. Therefore, the *Metro Plan* amendment is consistent with Statewide Planning Goal 1.

Goal 2—Land Use Planning: *To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.*

This proposal to amend *Metro Plan* Growth Management Policy 15 is consistent with Plan amendment provisions found in the *Metro Plan*, as codified in the Eugene City Code, Springfield Development Code and Lane Code. The *Metro Plan* is an acknowledged comprehensive plan, pursuant to provisions specified by the Land Conservation and Development Commission.

Provisions in the Springfield Development Code (SDC 77.010 to 7.110), Eugene City Code (EC 9.118 to 9.136), and Lane Code (LC 12.240) specify the means by which the *Metro Plan* may be amended. This proposal and the process for reviewing the requested amendment follow the procedures outlined in the Springfield, Eugene, and Lane County Codes, thus conforming with the established land use planning process consistent with Goal 2.

The record shows that there is an adequate factual base to support the *Metro Plan* amendment, as Goal 2 requires. Therefore, the *Metro Plan* amendment is consistent with Statewide Planning Goal 2.

Goal 3—Agricultural Land: *To preserve and maintain agricultural lands.*

Goal 4—Forest Land: *To conserve forest lands by maintaining the forest land base and to protect the state's forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species as the leading use on forest land consistent with sound management of soil, air, water, and fish and wildlife resources and to provide for recreational opportunities and agriculture.*

Goal 5—Open Spaces, Scenic and Historic Areas, and Natural Resources: *To conserve open space and protect natural and scenic resources.*

Goal 6—Air, Water and Land Resources Quality: *To maintain and improve the quality of the air, water and land resources of the state.*

Goal 7—Areas Subject to Natural Disasters and Hazards: *To protect life and property from natural disasters and hazards.*

Goal 8—Recreational Needs: *To satisfy the recreational needs of the citizens of the state and visitors, and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.*

Goal 9—Economic Development: *To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.*

Goal 10—Housing: *To provide for the housing needs of citizens of the state.*

The *Metro Plan* amendment to Growth Management Policy 15 makes no changes to findings, objectives, policies or land designations in the *Metro Plan* that affect Statewide Planning Goals 3 through 10. Therefore, the *Metro Plan* amendment does not affect these Statewide Planning Goals.

Goal 11—Public Facilities and Services: *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.*

The proposed *Metro Plan* amendment to growth management policy 15 addresses the orderly arrangement and provision for basic, on-going county public safety services. The amendment clarifies the distinction between those facilities and services provided by the cities to accommodate urban levels of development and the described public safety services traditionally provided by Lane County. There is a need for clarity and flexibility in the *Metro Plan* to enable improved and dependable public safety service for urban and rural development within the realities of the current financing constraints. Therefore, the *Metro Plan* amendment is consistent with Statewide Planning Goal 11.

Goal 12—Transportation: *To provide and encourage a safe, convenient and economic transportation system.*

The proposed amendment will not significantly affect a transportation facility and will not affect compliance with policies or projects contained in *TransPlan*, a functional refinement to the *Metro Plan*, acknowledged as complying with the requirements of Goal 12. Therefore, the amendment does not affect *Metro Plan* compliance with Goal 12.

Goal 13—Energy Conservation: *To conserve energy.*

The *Metro Plan* amendment makes no changes to policies or designations affecting areas subject to natural disasters and hazards. Therefore, the *Metro Plan* amendment does not affect statewide planning goal 13.

Goal 14—Urbanization: *To provide for an orderly and efficient transition from rural to urban land use.*

The proposed *Metro Plan* amendment does not convert land from rural to urban use. The proposed public safety service district is not a growth inducing service that will encourage urban sprawl and scattered in-cohesive development. Public facilities such as water, wastewater, stormwater and transportation services and facilities are recognized as the drivers of increased density and more urban development. Therefore, the *Metro Plan* amendment is consistent with Statewide Planning Goal 14.

Goal 15—Willamette River Greenway: *To protect, conserve, enhance and maintain the natural, scenic, historical, agricultural, economic and recreational qualities of lands along the Willamette River as the Willamette River Greenway.*

The *Metro Plan* amendment makes no changes to policies or findings in the *Metro Plan* affecting the Willamette River Greenway. Therefore, the *Metro Plan* amendment has no affect on Statewide Planning Goal 15.

Goals 16 through 19 (Estuarine Resources, Coastal Shorelands, Beaches and Dunes, and Ocean Resources):

These lands are not present in central Lane County, therefore, these statewide planning goals are not relevant to the Metro area.

Criterion #2: Eugene City Code Section 9.128(3)(b), Springfield Development Code 7.070(3)(b), and Lane Code 12.225(2)(b): *Adoption of the amendment must not make the Metro Plan internally inconsistent.*

The *Metro Plan* Public Facilities and Services policies recognize water, wastewater, stormwater and transportation services or facilities as the drivers of the urban growth form. The *Metro Plan* Growth Management and Special Service District policies were developed to guide city development and provide more uniform and orderly services on the urban fringe. This proposed public safety service district is not a growth inducing service that will encourage urban sprawl.

Service districts or other entities within the Metro Plan are currently providing transit, schools, parks, fire and EMS, electric, water, communication, either directly or through contract. Lane County is already providing (or has in the past) the following public safety services countywide: Adult and youth correction services, prosecution, detention, supervision, mental health and alcohol and drug services for offenders, drug court, interagency narcotics enforcement, patrol, investigation, and arrest. In many cases Lane County is the exclusive provider. In some cases,

services are provided by contract and IGA's to assist the city and county citizens. This *Metro Plan* policy amendment has been coordinated with the Public Safety providers and will enhance, not detract from, the public services provided by the cities. Therefore, the proposed amendment to Growth Management Policy 15 clarifies the status of public safety services and delivery and is consistent within the *Metro Plan*.

Thus, the proposed *Metro Plan* amendment will not make the *Metro Plan* internally inconsistent and the proposed revision is consistent with this criterion.

CONCLUSION

Based on the findings set forth herein, the Eugene and Springfield City Councils and the Lane County Board of Commissioners conclude that the proposed amendment to *Metro Plan* Growth Management Policy 15 is found to be consistent with relevant statewide planning goals adopted by the Land Conservation and Development Commission and adoption of the *Metro Plan* amendment will not make the *Metro Plan* internally inconsistent.

AGENDA COVER MEMO

DATE: February 1, 2005 Planning Commission Meeting Date

TO: JOINT EUGENE/SPRINGFIELD/LANE COUNTY
PLANNING COMMISSIONERS

FROM : KENT HOWE, PLANNING DIRECTOR
LAND MANAGEMENT DIVISION

AGENDA ITEM TITLE: IN THE MATTER OF AMENDING THE EUGENE-SPRINGFIELD METROPOLITAN AREA GENERAL PLAN POLICIES TO CLARIFY AND PROVIDE GREATER FLEXIBILITY IN SERVICE DELIVERY FOR A PUBLIC SAFETY SPECIAL DISTRICT, (METRO PLAN GROWTH MANAGEMENT POLICY 15, PAGE II-B-5 OR PERIODIC REVIEW REVISED METRO PLAN PAGE II-C-5).

I. MOTION:

RECOMMEND THE EUGENE/SPRINGFIELD METROPOLITAN AREA ELECTED OFFICIALS ADOPT THE METRO PLAN GROWTH MANAGEMENT POLICY 15 AMENDMENT TO PROVIDE GREATER FLEXIBILITY IN SERVICE DELIVERY FOR A PUBLIC SAFETY SPECIAL DISTRICT.

II. ISSUE OR PROBLEM

On August 25, 2005, the Board of County Commissioners initiated a Eugene/Springfield Metro Plan (*Metro Plan*) amendment (Order 04-8-25-8) to Chapter II Growth Management Policy 15 that would provide greater flexibility for service delivery in the Eugene/Springfield Metro Area.

III. DISCUSSION

A. BACKGROUND

The *Metro Plan* Chapter II Growth Management Policy 15 provides the requirements for the creation of new special service districts within the Plan Boundary of the *Metro Plan*. This policy was adopted prior to the changes to local government financing that resulted from the passage of Ballot Measures 5, 47 and 50. These changes have drastically affected the Lane County General Fund ability to finance public safety. Consequently, public safety services are not able to keep up with the needs of Lane County citizens, both inside and outside the *Metro Plan*.

The goal of this policy amendment is to authorize a new financing vehicle without undermining the compact urban growth policies of the *Metro Plan*.

B. ANALYSIS

Pursuant to Lane Code Chapter 12, the proposed amendment is a Type I *Metro Plan* amendment because it is a non-site specific amendment of the Plan text. A Metro Plan text Type I amendment must be approved by all three governing bodies.

The applicable criteria for approval of a *Metro Plan* text Type I amendment are:

- a) The amendment must be consistent with the relevant statewide planning goals adopted by the Land Conservation and Development Commission; and
- b) Adoption of the amendment must not make the *Metro Plan* internally inconsistent.

1) Consistency with relevant statewide planning goals:

- Goal 1 - Citizen Involvement

Develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

Public notice has been provided pursuant to Lane Code requirements. The Metro Planning Commissions are conducting a public hearing February 1st to involve citizens and solicit public comment on the draft amendments. Subsequent to the Joint Planning Commission Public Hearing, the Metro Area elected officials will also conduct a joint public hearing which will also involve the public and solicit public comment. The elected officials will consider the public input in the action they take on the draft *Metro Plan* amendment.

- Goal 2 – Land Use Planning

To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.

The *Metro Plan* policy amendment is being considered under the framework of Lane Code Chapter 12, Metro Plan Amendment Process which requires consistency with the relevant statewide planning goals and internal consistency within the *Metro Plan*.

- Goal 3 – Agricultural Lands - Not relevant
- Goal 4 – Forest Lands - Not relevant
- Goal 5 – Open Spaces, Scenic and Historic Areas, and Natural Areas - Not relevant
- Goal 6 – Air, Water and Land Resources Quality - Not Relevant
- Goal 7 – Natural Hazards - Not Relevant
- Goal 8 – Recreational Needs - Not Relevant
- Goal 9 – Economic Development - Not Relevant
- Goal 10 – Housing - Not Relevant

- Goal 11 – Public Facilities and Services

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.

Urban services refers to the appropriate type and level of police protection. The proposed *Metro Plan* amendment is specifically addressing the orderly and efficient arrangement of provision for public services for urban and rural development within the realities of the current financing constraints.

- Goal 12 – Transportation - Not Relevant
- Goal 13 – Energy Conservation - Not Relevant
- Goal 14 – Urbanization

To provide for an orderly and efficient transition from rural to urban land use.

The proposed public safety service district is not a growth inducing service that will encourage urban scatteration and sprawl. Statewide Goal 11 and the Public Facility Rule recognize water, wastewater, stormwater and transportation services or facilities as the drivers of the urban growth form.

- Goal 15 – Willamette Greenway - Not Relevant
- Goal 16 – Estuarine Resources - Not Relevant
- Goal 17 – Coastal Shorelands - Not Relevant
- Goal 18 – Beaches and Dunes - Not Relevant
- Goal 19 – Ocean Resources - Not Relevant

Conclusion: The proposed *Metro Plan* amendment is consistent with the relevant statewide planning goals adopted by the Land Conservation and Development Commission.

2) Internal consistency within *Metro Plan*

The *Metro Plan* Public Facility and Services Policies recognize water, wastewater, stormwater and transportation services or facilities as the drivers of the urban growth form. The *Metro Plan* Growth Management and Special Service District Policies were developed to guide city development and provide more uniform and orderly services on the urban fringe. This proposed public safety service district is not a growth inducing service that will encourage urban scatteration and sprawl.

Service districts or other entities within the *Metro Plan* are currently providing transit, schools, parks, fire and EMS, electric, water, communication, either directly or through contract. Lane County is already providing (or has in the past) the following public safety services countywide:

- adult and youth corrections services
- prosecution
- detention
- supervision
- mental health and alcohol and drug services for offenders
- drug court
- interagency narcotics enforcement
- patrol
- investigation
- arrest

In many cases Lane County is the exclusive provider. In some cases services are provided by contract and IGAs to assist the city and county citizens.

C. CONCLUSION

This policy has been coordinated with the Public Safety providers and will enhance and will not detract from the public services provided by Eugene and Springfield. This policy does not weaken the position of Eugene and Springfield relative to the growth management policies or their ability to annex land or to control the proliferation of other new special districts.

Therefore, the *Metro Plan* should not preclude these public safety services from being provided by special service districts. The proposed amendment to *Metro Plan* Growth Management Policy 15 is found to be internally consistent with the *Metro Plan* Policies and the Statewide Planning Goals and Guidelines.

D. ALTERNATIVE/OPTIONS

1. Recommend the Eugene/Springfield/Lane County Elected Officials adopt proposed *Metro Plan* amendment to Chapter II Growth Management Policy 15 that would provide greater flexibility for service delivery in the Eugene/Springfield Metro Area.
2. Recommend the Eugene/Springfield/Lane County Elected Officials modify the proposed *Metro Plan* amendment to Chapter II Growth Management Policy 15.
3. Recommend the Eugene/Springfield/Lane County Elected Officials not adopt the proposed *Metro Plan* amendment to Chapter II Growth Management Policy 15.

RECOMMENDATION

Alternative 1.

IV. ATTACHMENTS:

1. Attachment A - Draft *Metro Plan* Growth Management Policy 15.f.
2. Attachment B - Findings in Support
3. Attachment C - *Metro Plan* Chapter II. C. 5. Growth Management Policies
4. Attachment D - Register Guard Editorial, October 17, 2004

Attachment A

Metro Plan Amendment Proposal to Growth Management Policy 15

Existing Metro Plan page II-B-5/Periodic Review revised Metro Plan page II-C-5

Policy 15. Creation of new special service district

- f. Notwithstanding the above provisions of this policy and all other related policies and text in this Plan, a district or zone of benefit may be created and maintained to provide public safety services, including but not limited to, adult and youth corrections services, prosecution, detention, supervision, mental health and alcohol and drug services for offenders, drug court, interagency narcotics enforcement, patrol, investigation and arrest.

Attachment B

Findings in Support

- Significant changes in local government financing have occurred as a result of statewide Measures 5, 47 and 50.
- Financing changes have affected the Lane County General Fund which finances Public Safety countywide.
- Consequently, public safety services are not able to keep up with the needs of Lane County citizens inside and outside of the Metro Plan area.
- Goals of proposed change are to authorize a new financing vehicle without undermining the compact urban growth policies of the Metro Plan.
- The growth management and special service district policies were developed to guide city development and provide more uniform and orderly services on the urban fringe.
- The Metro Plan should not preclude these public safety services from being provided by special service districts.
- Service districts or other entities are currently providing transit, schools, parks, fire and EMS, electric, water, communication, either directly or through contract.
- This proposed public safety service district is not a growth inducing service that will encourage urban scatteration and sprawl. The Statewide Goal 11 and Public Facility Rule recognize water, wastewater, stormwater and transportation services or facilities as the drivers of the urban growth form.
- Lane County is already providing (or has in the past) each service listed in 15.f. countywide and in many cases is the exclusive provider. In some cases services are provided by contract and IGAs to assist the city and county citizens.
- This policy has been coordinated with the Public Safety providers and will enhance and will not detract from the public services provided by Eugene and Springfield.
- This policy does not weaken the position of Eugene and Springfield relative to the growth management policies or their ability to annex land or to control the proliferation of other growth-inducing special districts.

Revised Attachment A

Metro Plan Amendment Proposal to Growth Management Policy 15

Existing Metro Plan page II-B-5/Periodic Review revised Metro Plan page II-C-5

Policy 15. Creation of new special service district . . .

- f. Notwithstanding the above provisions of this policy and all other related policies and text in this Plan, a district or zone of benefit may be created and maintained to provide preventive and reactive public safety services, including but not limited to, adult and youth corrections services, crime prevention, prosecution, detention, supervision, mental health and alcohol and drug services for offenders, victim services, drug court, interagency narcotics enforcement, patrol, investigation and arrest.

C. Growth Management Goals, Findings, and Policies

To effectively control the potential for urban sprawl and scattered urbanization, compact growth and the urban growth boundary (UGB) are, and will remain, the primary growth management techniques for directing geographic patterns of urbanization in the community. In general, this means the filling in of vacant and underutilized lands, as well as redevelopment inside the UGB.

Outward expansion of the UGB will occur only when it is proven necessary according to the policies set forth in this *Metro Plan*, particularly in this element.

Goals

1. Use urban, urbanizable, and rural lands efficiently.
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.
3. Protect rural lands best suited for non-urban uses from incompatible urban encroachment.

Findings and Policies

Findings

1. Many metropolitan areas within the United States that have not implemented geographic growth management techniques suffer from scattered or leapfrog urban growth that leaves vacant and underutilized land in its path and encourages isolated residential developments far from metropolitan centers. Until adoption of the *1990 Plan's* urban service area concept, portions of this metropolitan area were characterized by these phenomena.
2. Beneficial results of compact urban growth include:
 - a. Use of most vacant leftover parcels where utilities assessed to abutting property owners are already in place.
 - b. Protection of productive forest lands, agricultural lands, and open space from premature urban development.
 - c. More efficient use of limited fuel energy resources and greater use of bicycle and pedestrian facilities due to less miles of streets and less auto dependence than otherwise would be required.
 - 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.

- e. Greater urban public transit efficiency by providing a higher level of service for a given investment in transit equipment and the like.
3. The disadvantages of a too-compact UGB can be a disproportionately greater increase in the value of vacant land within the Eugene-Springfield area, which would contribute to higher housing prices. Factors other than size and location of the UGB and city limits affect land and housing costs. These include site characteristics, interest rates, state and federal tax laws, existing public service availability, and future public facility costs.
 4. Periodic evaluation of land use needs compared to land supply provides a basis for orderly and non-excessive conversion of rural land to urbanizable land and provides a basis for public action to adjust the supply upward in response to the rate of consumption.
 5. Prior to the late 1960s, Eugene and Springfield had no growth management policy and, therefore, growth patterns were generally dictated by natural physical characteristics.
 6. Mandatory statewide planning goals adopted by the Land Conservation and Development Commission (LCDC) require that all communities in the state establish UGBs to identify and separate urbanizable land from rural land.
 7. Between 1970 and 1983, Springfield's population increased about four percent and Eugene's about 2.5 percent a year, but unincorporated portions of the metropolitan area experienced a population decline. About 17 percent of the total increase in the population was related to annexations. This indicates that growth is occurring in cities, which is consistent with the compact urban growth concept and limitations on urban scatteration into unincorporated areas, as first embodied in the *1990 Plan*.
 8. In addition to Finding 7 above, evidence that the UGB is an effective growth management tool includes the following:
 - a. Consistent reduction over time of vacant land within the UGB.
 - b. Reduction of vacant residential zoned land in Springfield and Eugene.
 - c. Greater value of vacant land within Springfield and Eugene than similar land outside incorporated areas but within the UGB .
 - d. Increase since 1970 of the proportionate share of residential building permits issued within city limits.
 9. Reduction in the use of zoning provisions and regulatory processes that favor single-family detached dwellings on standard size parcels would increase the opportunity to realize higher net residential densities than are presently occurring, particularly in newly developing areas.

10. A variety of public services are provided by Lane County and special service districts to unincorporated portions of the Eugene-Springfield metropolitan area.
11. In 1986, the Cities of Eugene and Springfield entered into Urban Transition Agreements with Lane County which transferred from the county to the cities administration for building and land use within the urbanizable portion of the UGB.

Objectives

1. Continue to minimize urban scatteration and sprawl by encouraging compact growth and sequential development.
2. Insure that land supply is kept in proper relationship to land use needs.
3. Conserve those lands needed to efficiently accommodate expected urban growth.
4. Protect rural land and open space from premature urbanization.
5. When necessary to meet urban needs, utilize the least productive agricultural lands for needed expansion.
6. Encourage new and maintain existing rural land uses where productive or beneficial outside the urban growth boundary.
7. Shape and plan for a compact urban growth form to provide for growth while preserving the special character of the metropolitan area.
8. Encourage development of suitable vacant, underdeveloped, and redevelopable land where services are available, thus capitalizing on public expenditures already made for these services.
9. Protect life and property from natural hazards and natural disasters.
10. Allow smaller outlying communities the opportunity to plan for their own futures without being engulfed by unlimited outward expansion of the metropolitan area.
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.

Policies

1. The UGB 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 UGB.

2. The UGB shall lie along the outside edge of existing and planned rights-of-way that form a portion of the UGB so that the full right-of-way is within the UGB.
3. Control of location, timing, and financing of the major public investments that directly influence the growth form of the metropolitan area shall be planned and coordinated on a metropolitan-wide basis.
4. Lane County shall discourage urban development in urbanizable and rural areas and encourage compact development of outlying communities.
5. To maintain the existing physical autonomy of the smaller outlying communities, urban development on agricultural and rural lands beyond the UGB shall be restricted and based on at least the following criteria:
 - a. Preservation and conservation of natural resources
 - b. Conformity with the policies and provisions of the *Lane County Rural Comprehensive Plan* that borders the metropolitan area
 - c. Conformance with applicable mandatory statewide planning goals.
6. Outlying communities close to Springfield and Eugene shall be encouraged to develop plans and programs in support of compact urban development.
7. Conversion of rural and rural agricultural land to urbanizable land through *Metro Plan* amendments expanding the UGB shall be consistent with mandatory statewide planning goal.
8. Land within the UGB may be converted from urbanizable to urban only through annexation to a city when it is found that:
 - a. A minimum level of key urban facilities and services can be provided to the area in an orderly and efficient manner.
 - b. There will be a logical area and time within which to deliver urban services and facilities. Conversion of urbanizable land to urban shall also be consistent with the *Metro Plan*.
9. A full range of key urban facilities and services shall be provided to urban areas according to demonstrated need and budgetary priorities.
10. Annexation to a city through normal processes shall continue to be the highest priority.
11. The tax differential concept, as provided for in ORS 222.111 (2), shall be one mechanism that can be employed in urban transition areas.

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 key urban facilities and services as directed in the *Metro 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.
13. Police, fire and emergency medical services may be provided through extraterritorial extension with a signed annexation agreement or initiation of a transition plan and upon concurrence by the serving jurisdiction.
14. Both Eugene and Springfield shall examine potential assessment deferral programs for low-income households.
15. Creation of new special service districts or zones of benefit within the Plan Boundary of the *Metro Plan* shall be considered only when all of the following criteria are satisfied:
 - a. There is no 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 service 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 servicing city is not capable of providing the full range of urban facilities and services in the short term, although it is recognized that urban facilities and 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 annexed to the appropriate city.
16. Ultimately, land within the UGB shall be annexed to a city and provided with the required minimum level of urban facilities and services. While the time frame for annexation may vary, annexation should occur as land transitions from urbanizable to urban.

17. Eugene and Springfield and their respective utility branches, Eugene Water & Electric Board (EWEB) and Springfield Utility Board (SUB), shall be the water and electrical service providers within the UGB.
18. As annexations to cities occur over time, existing special service districts within the UGB shall be dissolved. The cities should consider developing intergovernmental agreements, which address transition issues raised by annexation, with affected special service districts.
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 UGB.
 - b. Provide continued and comprehensive rural level services to property and people outside the UGB.
 - c. Provide more efficient service delivery and more efficient governmental structure for serving the immediate urban fringe.
20. Annexation of territory to existing service districts within the UGB shall occur only when the following criteria are met:
 - a. Immediate annexation to a city is not possible because the required minimum level of key urban facilities and 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 consistent with Oregon annexation law.

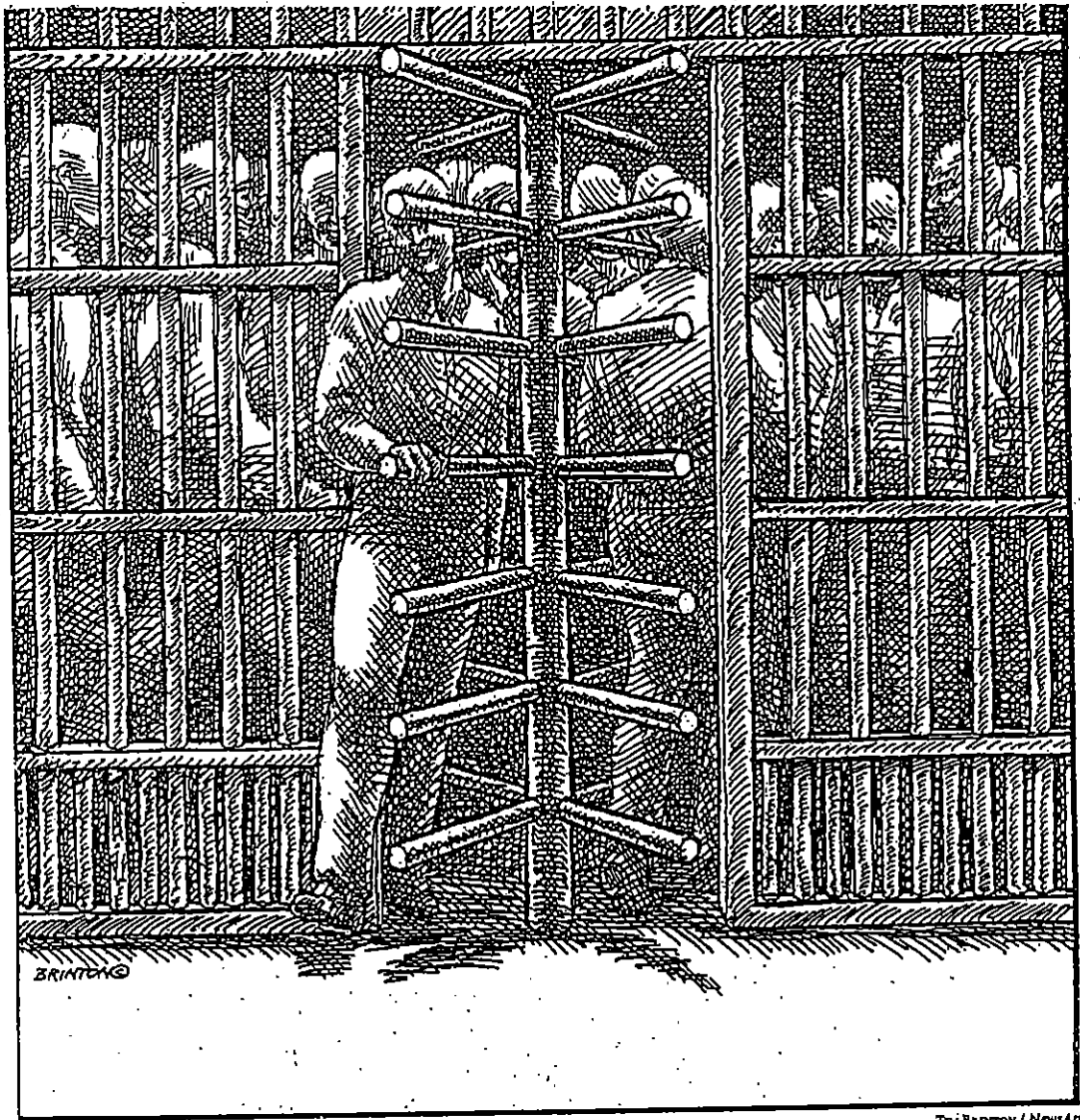
Such annexations shall be considered as interim service delivery solutions until ultimate annexation to a city occurs.
21. When unincorporated territory within the UGB is provided with any new urban service, that service shall be provided by the following method (in priority order).
 - a. Annexation to a city;
 - b. Contractual annexation agreements with a city;
 - c. Annexation to an existing district (under conditions described previously in Policy #20); or
 - d. Creation of a new service district (under conditions described previously in Policy #15).

22. Cities shall not extend water or wastewater service outside city limits to serve a residence or business without first obtaining a valid annexation petition, a consent to annex agreement, or when a health hazard annexation is required.
23. Regulatory and fiscal incentives that direct the geographic allocation of growth and density according to adopted plans and policies shall be examined and, when practical, adopted.
24. To accomplish the Fundamental Principle of compact urban growth addressed in the text and on the *Metro Plan* Diagram, overall metropolitan-wide density of new residential construction, but not necessarily each project, shall average approximately six dwelling units per gross acre over the planning period.
25. When conducting metropolitan planning studies, particularly the *Public Facilities and Services Plan*, consider the orderly provision and financing of public services and the overall impact on population and geographical growth in the metropolitan area. Where appropriate, future planning studies should include specific analysis of the growth impacts suggested by that particular study for the metropolitan area.
26. Based upon direction provided in Policies 4, 8, and 24 of this section, any development taking place in an urbanizable area shall be designed to the development standards of the city which would be responsible for eventually providing a minimum level of key urban services to the area. Unless the following conditions are met, the minimum lot size for campus industrial designated areas shall be 50 acres and the minimum lot size for all other designations shall be 10 acres. Creation of new parcels in the urbanizable area will comply with the following standards:
 - a. The approval of a conceptual plan for ultimate development at urban densities in accord with applicable plans and policies.
 - b. Proposed land uses and densities conform to applicable plans and policies.
 - c. The owner of the property has signed an agreement with the adjacent city which provides:
 - (1) The owner and his or her successors in interest are obligated to support annexation proceedings should the city, at its option, initiate annexation.
 - (2) The owner and his or her successors in interest agree not to challenge any annexation of the subject property.
 - (3) The owner and his or her successors in interest will acquire city approval for any subsequent new use, change of use, or substantial intensification of use of the property. The city will not withhold appropriate approval of the use arbitrarily if it is in compliance with applicable plans, policies, and

standards, as interpreted by the city, as well as the conceptual plan approved under subsection a above.

27. Any lot under five acres in size to be created in an urbanizable area will require utilizing the following additional standards:
 - a. The property will be owned by a governmental agency or public utility.
 - b. A majority of parcels located within 100 feet of the property are smaller than five acres.
 - c. No more than three parcels are being created.
28. The siting of all residences on urbanizable lots served by on-site sewage disposal systems shall be reviewed by Lane County to ensure the efficient future conversion of these lots to urban densities according to *Metro Plan* assumptions and minimum density requirements.
29. The approval of on-site sewage disposal systems for rural and urbanizable area uses and developments shall be the responsibility of Lane County, subject to: (a) applicable state law; (b) the criteria for the creation of new lots in Policies 26, 27 above; (c) the requirement for the siting of residences in Policy 28 above; (d) requirements of Policy 30; and (e) the requirements for special heavy industrial designated areas.
30. In order to encourage economic diversification, on-site sewage disposal systems shall be allowed for industrial development and for commercial development allowed within Campus Industrial designated areas in conjunction with annexation to a city, when extension of the public wastewater system is imminent or is identified as part of an approved capital improvement program.
31. Eugene, Springfield, and Lane County shall continue to involve affected local governments and other urban service providers in development of future, applicable *Metro Plan* revisions, including amendments and updates.
32. If expansion of the UGB is contemplated, all other options should be considered and eliminated before consideration of expanding the UGB in the area west of Highway 99 and north of Royal Avenue.

Note: For other related policy discussion, see the Public Facilities and Services Element in Chapter III-G.



THE BRINTON / NEWSART

PUBLIC SAFETY IN CRISIS MODE

Lack of adequate funding cuts to the core of services

BY ALEX GARDNER
For The Register-Guard

Before Ballot Measure 5 passed in 1990, Oregon government was relatively stable. Many of us didn't realize it at the time, but our government did a pretty air job.

We had a sound education system, including higher education institutions that were strong, accessible and affordable. Our law enforcement system, though imperfect, was solvent and by, today's standards, well staffed. Our social service programs met most of the needs of our least fortunate citizens. There was some waste, and there was plenty of room for improvement in all areas, but our government worked, and we had every reason to be optimistic about the future.

Measure 5 marked the beginning of a sustained attack on government service in Oregon. A persistent campaign of misinformation vilified government agencies and workers. Time and again, we were told that gov-

ernment had plenty of money. It often wasn't true, but the message stuck.

As a result, support for government has eroded to the point where many critical programs are held together only by an awkward patchwork of temporary state and federal grants. Our system is in trouble. Evidence of the deterioration is all around us.

The Oregon State Police agency is forced to compete with our children's education for limited general fund support, so its staff has been slashed. As the agency's responsibilities have multiplied and our state's population has grown, we should expect state police staffing to be almost double what it was 25 years ago. It isn't. The Oregon State Police department actually has 30 percent fewer sworn officers than it had in 1980. The patrol division has been slashed by an astonishing 50 percent. We now have 60 percent fewer

troopers per resident than the average of three neighboring states.

Our local law enforcement community is in even worse shape. The Lane County Sheriff's Office no longer has deputies to investigate felony property crimes. If you live outside city limits, and your house is burglarized, calling 911 will not bring a police officer unless the burglar is still in your house. Lane County's narcotics enforcement team has been dissolved, just as the governor is identifying methamphetamines as one of the greatest threats to our children and community.

The Lane County Jail, now more than 25 years old, needs to be expanded by more than 330 beds just to meet the minimum needs that our community established in 1999. In fact, the jail is so undersized that a number of years ago, a federal judge intervened to limit the number of inmates the jail could hold — and that was before the sheriff had to

Alex Gardner is the Lane County district attorney.

Please turn to PUBLIC SAFETY, Page B4

Public safety: Staff lacks the resources to do the job

Continued from Page B1

close another 119 beds due to understaffing.

This year, the Lane County jail is expected to prematurely release between 6,000 and 7,000 inmates because of crowding. Most criminals will not be held before trial, and most will serve only a fraction of their sentences following conviction. A woman recently convicted of felony theft was released after serving only 23 hours of her 180-day jail sentence — and that was before the jail closed more beds.

Lane County desperately needs a bigger jail, but our sheriff doesn't even have the money to operate the little jail we've got.

The Oregon Constitution identifies the district attorney as the law enforcement authority within a given jurisdiction. The district attorney is a gatekeeper in the law enforcement system; every felony case from every police agency in the county must move through the DA's office to move forward.

Unfortunately, the Lane County DA's office has been crippled by years of increasing caseloads and financial starvation. The office has lost 11 lawyer positions (more than 30 percent), nine investigator positions (more than 80 percent), and a proportionately large number of support staff since 1981, when the caseload was less than half of what it is today.

The DA's office will receive almost 8,000 cases this year. Deputy district attorneys' caseloads are nearly three times as heavy as the caseloads of their 1981 counterparts. At current staffing, 200 to 300 cases per month are either rejected for lack of resources or treated as non-criminal violations, and the DA's office has been told to expect yet another severe cut next spring.

Lane County's Community Corrections department is similarly understaffed. Parole and probation officers supervise about twice as many offenders as national standards recommend. To add insult to injury, these officers have been deprived of most of the tools they need to do their jobs. They have little jail space available to them, so their ability to sanction misconduct is severely limited. Little drug treatment is available, and most of the other traditional alternatives for managing offenders are either unavailable or over-filled.

The staffing situation is almost as grim in the county Juvenile Department and Mental Health Department. Our public servants simply don't have the resources to do what we're asking of them.

Lane County has some great people doing difficult jobs, but we can't double their work, cut their resources and then expect them to be successful.

Difficult juveniles don't go away when they're ignored — they just become more expensive problems when they mature into difficult adults.

The mentally ill who no longer receive county services are still here — they're just out wandering around without adequate treatment, medication or supervision, frequently com-

pounding the problems for the police, jail and emergency medical systems.

When we cut the methadone program for heroin addicts, we're not reducing drug use — we're just ensuring that the addicts find their drugs on the streets and, generally, support their habits through stealing, prostitution, drug dealing and other illegal activities.

We don't need to speculate about the results of our poor choices; the consequences are there to be measured.

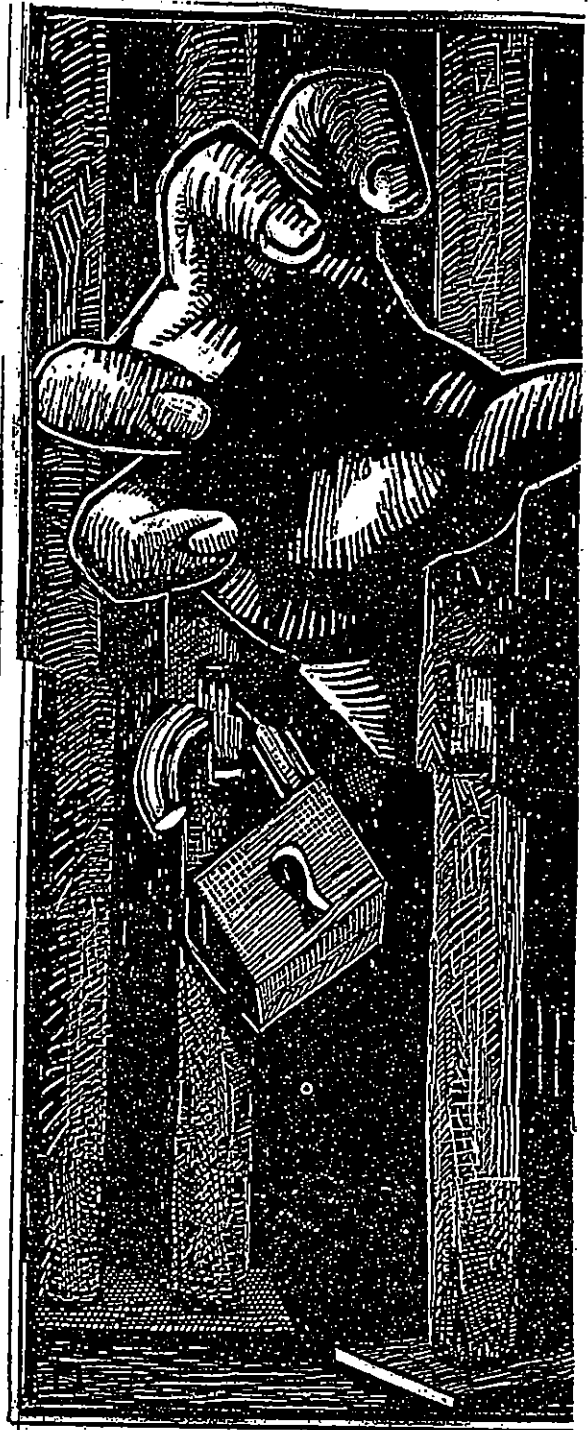
In 1999, the juvenile arrest rate in Eugene was higher than in 90 percent of the cities in the U.S. During that year, the last year for which I have complete statistics, the crime rate for Eugene was in the top 15 percent of American cities with populations greater than 25,000. The 1999 index crime rate for Eugene was higher than the rates in Los Angeles, New York City, San Francisco, Las Vegas and Philadelphia.

We should attack this problem by subjecting every related government program to a cost-benefit analysis that compares the actual costs of each problem-solution pair. We should first know whether it costs us more to fix a problem or ignore it. With that information in hand, we should consider the costs and benefits that are more difficult to quantify — such as the equally important, but more ethereal, "quality of life" considerations.

For example, let's consider the question, "Should tax dollars be used to fund treatment for criminal drug addicts?" The extreme anti-tax-no-matter-what faction would say, "No, they put themselves in that situation, they can get themselves out of it. We shouldn't have to pay for the consequences of their voluntary choices."

Nobody wants to pay for somebody else's stupidity, but that response completely misses the point. If the objective is to make the community safe and save money, we need to ask, "Does it cost us more money to treat or ignore the criminal drug addicts?"

That question produces a more useful, solution-driven answer. The data show that for every \$1 invested in addiction treatment, \$7 is saved by reducing costs in criminal justice, health care and emergency-room visits, welfare, disability and other costs.



Of course, in Lane County we can't get many of these folks into drug treatment, because we can't afford to prosecute them properly and, without a functional jail, we can't keep them clean and sober long enough to make a clear-headed decision to get treatment.

Crime also changes the way we feel about our community and what it costs to live here. How do you feel about your community as the crime rate increases and graffiti and vandalism become increasingly common? What is the cost of feeling more vulnerable when you leave your house for the weekend? How do you feel when you're walking with your child and you see a mentally ill man arguing with himself or urinating on the sidewalk?

Crime drives up our insurance and medical costs. The costs associated with car theft, vandalism and uninsured visits to emergency rooms are not paid through the generosity of the insurance companies and medical providers, we pay them in the form of higher premiums and medical fees. What does it cost to ignore those problems? What's it worth to fix them? Wouldn't we rather live in a community that did so?

Our law enforcement system works properly only when all of the essential partner-systems are intact. If you don't fund mental health, former patients end up clogging the emergency rooms and the criminal justice system, where their care costs much more and is much less effective. If we don't fund an adequate jail, the police officers end up re-arresting the same criminals over and over again, and without any jail time or drug treatment, the cycle repeats itself indefinitely.

Right now, we're living the worst possible scenario: None of the component programs are funded to do the job, so we're spending lots of money and making little or no progress.

Here's the argument for adequately funding the interrelated systems of law enforcement, drug treatment and mental health:

- 1) It's the morally right thing to do. A society should protect its most vulnerable citizens and take care of people who are unable to care for themselves.

- 2) It's the most effective way to protect and enhance the quality of life in our community. The cost is worth it because it pays enormous dividends in quality of life.

- 3) It saves money. In the long term, it's much less expensive to tackle these problems head-on than it is to ignore them.

- 4) A safe community promotes healthy growth and economic vitality.

The conclusion is inescapable: Responsible citizens must overcome apathy, become informed and act. Sometimes, influencing the political process

is as simple as writing a letter or making a call. It may seem silly, but the few people who regularly gather on the courthouse steps exert more influence on the political system than the thousands who sit at home grumbling but doing nothing about the choices made by their representatives.

If the apathetic home-sitters would use their phones, their computers and their votes, they could pitch the politicians making irresponsible decisions and fix these problems quickly.

At \$1.25 per \$1,000 of assessed property value, Lane County's tax rate ranks 35th out of 36 counties. Our citizens may be paying plenty of taxes, but the money isn't going to the county. We're going to have to put political gamesmanship aside and fix the revenue side of the county financial equation, or the downward spiral in community safety support will continue in Lane County. Please take the time to study the issues and hold politicians accountable.

the Sheriff's Quarterly



Volume Three - No. 1
January 2005

Sheriff's Voice

PAST SHERIFF, JAN CLEMENTS, LOOKS BACK...

It has been my privilege to be your elected Sheriff for the last eight years. From the Pacific to the Cascades, Lane County's natural beauty and unique communities offer our citizens and visitors a magnificent environment in which to live, work, and enjoy. It has always been our mission to make Lane County a safer place to be. Together we accomplished many deeds. I thank and give credit to my dedicated and hard working staff and citizen support for making these accomplishments a reality. Below is a brief accomplishment report. As my predecessors played a part, so will my successors. Thank you!

Forest Work Camp: We reopened 60 beds, inmates built 60 bed at a \$250 savings to taxpayers, expanded camp to 95+ beds with Federal Forest dollars.

(con't. on page 2)



Russel Burger
New Sheriff of Lane County

We are currently deluged with crime scene investigation dramatizations on TV, emotionally-charged law enforcement shows, real or otherwise, and melodramatic interrogations of suspects by vehement detectives. We have to ask if this is really how it is with crime scenes. Or is the process more humbling and down to earth? According to Lane County Forensic Technician, Richard 'Sandy' Sanders, what we see on TV is over-dramatized in many ways. For one thing, investigative personnel are actually more specialized in their individual fields and not the jack-of-all-trades heroes we often see on TV.



Forensics: Lane County's Own CSI

A veteran of 12 years with the Lane County Sheriff's Office, Mr. Sanders sees his position as a scientific one, as opposed to a dramatic one, not that science can't be dramatic on some levels. All crime investigations strive for powerful conclusions. The devil is, in the details when it comes to gathering evidence and preparing legally sound evidentiary cases for felony crimes. The task of the forensic technician is to ferret out and evaluate bits of evidence for analysis use in court trials, and for the permanent county record.

Sandy is accompanied by Paula Bell, fellow forensics technician, formerly with the Oregon State Police, who brings considerable skill to the local forensics team. She shares the field duties with Sandy and also has a special talent for the

"All crime investigations strive for powerful and positive conclusions..."

investigation and positive as they say, comes to

(con't. on page 3)

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The Sheriff's Voice

(Sheriff's Voice, con't. from Page 1)

Jail: Built \$10 million 152-bed jail addition with state/federal funds, streamlined inmate booking, made staffing more efficient

Community Corrections: Expanded Community Corrections Center by 29 beds with state funds

Defender & Offender Management Center: Collaborated with Pretrial Release and Parole & Probation to develop Assessment Center to better place and manage inmates.

Multi-agency Teams: Formed Eugene/County SWAT team, reformed Major Crimes Investigation team, participated in regional Explosive Disposal Unit, codeployed with Oregon State Police to better respond to police calls, developed Canine unit

Traffic Enforcement: Expanded Traffic Enforcement Team to reduce serious injury and fatal crashes, and developed Accident Reconstruction Team.

Forest Deputy Patrol: Formed Forest Deputy Patrol program with Federal Forest dollars.

(con't. below)

To Contact Us :

Adult Corrections 682-2101
Civil (Serve papers) . . . 682-4156
Custody Referee's Office .682-4201
Police Services Admin. . .682-3729
Non Emergency #. . . .682-4141
Police Services Records . .682-3775
Jail Records682-4263
SO Administration682-3980
Towed Vehicles682-4156

The Sheriff's Quarterly

is issued quarterly

as a public outreach service,

edited by Charlene Sabini, volunteer at the Lane County Sheriff's Office.

We welcome your questions and concerns regarding the Sheriff's Quarterly.

Please direct them to

Jackie Mikalonis at 541-682-4115

or to jacqlyn.mikalonis@co.lane.or.us

There are approximately 3,000 recorded deaths in Lane County each year. The Lane County Medical Examiner takes jurisdiction in approximately 300 of these annually. Of these, 50 are suicides, 12 are homicides, and 150 require an autopsy performed. The Lane County Medical Examiner's Office has jurisdiction in deaths relating to known criminal activity, subjects of unknown identity, subjects under 40 yrs of age with no primary physician, drug-related deaths, on-the-job deaths, major trauma or vehicular accidents, and emergency room deaths occurring less than 24 hrs after admission. The Medical Examiner determines the cause and manner of each death. The team who officiates over disposition of the deceased varies, but often



Johnnie Bergman, Pathology Assistant and
Frank Ratti, Deputy Medical Examiner

The Medical Examiner's Team: The Buck REALLY Stops Here

includes the Lane County Sheriff's Office in primary scene investigations of death. The District Medical Examiner, a physician, has the final word on cause- and manner-of-death issues that can be presented in a court of law. Medical examiners are seldom a part of law enforcement, and are an appointed (rather than elected) position. The role of Deputy Medical Examiner is an investigative representative of the physician medical examiner. He/she is authorized to remove (or take custody of) a body from the scene of occurrence. He/she may take custody of property, evidence, or weapons from a scene when that scene requires investigation. The deputy M.E. may also enter and secure the premises when a death investigation is required. This authority exists in order to preserve evidence (and to take custody of remains), and is covered in Oregon Revised Statutes No. 146.

Our county Medical Examiners, forensic pathologists Edward F. Wilson, M.D. & Sam Vickers, M.D., recently retired. Presently Lane County is without a pathologist who can perform autopsies. Frank D. Ratti, our Chief Deputy Medical Examiner, is part of a team searching for candidates to replacement these distinguished pathologists, who served Lane County for over 30 years. This Lane County position has been funded by the Oregon State Medical Examiner's Office-

...The Deputy Medical Examiner's jurisdiction is... sensitive and important, to say the least...

(Con't. on Page 4)

(Sheriff's Voice, con't. from upper left)

Communications/Reception Counter: Expanded Dispatch Center, created single reception counter for walk-in customers for fingerprinting, records, concealed handgun licensing and civil process services.

Organizational Development: Developed Strategic Plan, reorganized department, reducing divisions from three to two, established Critical Incident Response Team for peer support, established department Chaplain Program, changed organizational culture to foster staff support and development and instill customer service values.

Jan Clements

(Forensics, con't. from p. 1)

administrative details connected to forensics. No piece of evidence moves through the system without a full and accurate record of everyone who handled it.

The Lane County Sheriff's Office forensics program was a work-in-progress until 2001, when new equipment and investigative/analytical tools were added to the office. Of especial note is the digital imaging hardware/software capability. With the acquisition of good digital cameras and the equipment needed to download, store, and access crime scene images, the Sheriff's Office is now able to provide instant access of images to the District Attorney and other authorized agents. This one capability alone has paid for itself in time saved, evidence presented expediently and in general expenses reduced.

Forensics' office location, while very compact and small compared to other jurisdictions, was physically remodeled during this same period. New flooring, furnishings, computers, bar-code filing systems, analytical equipment, evidence lockers and storage areas were installed. Available space was optimized and redesigned for efficiency. A barcode evidence filing system using the Bar-coded Evidence Analysis Statistics & Tracking software ("BEAST"), has saved hours of paperwork and tedium over recent years. The newer fingerprint processing chamber and sealed evidence drying cabinets have assured that evidence is more carefully handled and accuracy attained. Large new rolling file shelves allow easier access to evidence. Forensic evidence can consist of anything at all: Drugs, guns, weapons, clothing, perishable soft tissue samples, blood, urine, household objects, documents—anything, including subtleties like fingerprints and residual DNA. These items require secure storage. Much of the space occupied in forensics is dedicated to storage of evidence and records. Physical evidence is stored while awaiting court trials or appeals. Court cases under appeal can take years, which means the evidence needs storage and accessibility during long time periods.

Is there job satisfaction in the life of a forensics technician? Of course there is. When science steps in and brings evidence to the surface, there is considerable fulfillment and the strong possibility for solution of a crime. Sandy said that when he approaches a crime scene and "walks up someone's driveway, that means they're probably already having a very bad day." Sandy's work may be the last honorable service performed for a crime victim. Conducting a thorough and professional investigation and assisting the family with closure while executing justice is the ultimate goal. 🚓

**Q
A
Q
A
Q
A**

Q: Knowing that Lane County extends all the way out to the Pacific Coast, does the Sheriff's Office have any jurisdiction over activity on our beaches...?

A: Yes. The Sheriff's Oregon Dunes Patrol is staffed by a deputy through a grant fund from Oregon State Parks and Recreation Department's ATV Fund and federal reimbursements to Lane County. This unit provides law enforcement, emergency medical response, search & rescue, and public education services to visitors frequenting this beautiful recreation area. Trained reserve deputies routinely assist on weekends, holidays and with special events. 🚓

GRANTS and GIFTS

Life-Saving Equipment ...and More!

The State Department of Human Services recently awarded The Lane County Sheriff's Office funds from the Rural Access to Emergency Devices Program. The grant will allow the Sheriff's Office to purchase an automated external defibrillator (or AED) that can save lives. When a sudden cardiac arrest occurs, acting quickly is necessary. AEDs deliver shocks to the heart in order to restart a heart that has gone into arrest. The equipment has to be light, durable, and reliable. All 394 Sheriff's Office employees receive training in first aid, CPR, and the use of AEDs. The new AED will be placed in one of the Forest Work Camp Vehicles that travel on isolated rural sections of Lane County daily. The grant is intended to supply remote rural areas with this life-saving device. Currently, the Sheriff's Office has 13 AEDs placed throughout the organization—from the Marine Patrols to the Search and Rescue crew. This new device will add to the life-saving capacity of the Sheriff's Office.

"The grant is intended to supply remote rural areas with this life-saving device."

The Alliance for Community Traffic Safety had awarded the Sheriff's Office with a \$5,000 Building Safer Communities Mini-Grant. The grant will be used to purchase bike helmets, booster seats and bike repair supplies for the "Bikes For Kids" event to be held in the fall of 2005. The event is supported through volunteer efforts on the part of the Sheriff's Office staff in collaboration with several other agencies and community partners. The Bikes for Kids event targets specific populations and promotes bike and child passenger safety. Be on the lookout next fall for this fun-filled day. 🚓

WAKE-UP CALL

When hiking outdoors in winter think 'small and functional' when it comes to survival gear. Darkness and cold can sneak up quickly and strand you or put you at serious risk.



Your vehicle: Have a good battery in the vehicle, carry extra blankets, food, flashlights/batteries, gloves, plastic tarp, and tire chains.

Your person: Small compass, fire starter materials, matches/cigarette lighters, flashlight/batteries, two large garbage bags for emergency shelter, half-inch closed cell foam for sitting on, 50-ft of parachute cord for make-shift shelter, 50' of bright surveyors' flagging and a marking pen. Take along personal medications, too. Include a cell phone or a GPS device, too, even though the cell may not function where you are.

Stay hydrated and stay dry. Those two things will go a long way toward keeping you comfortable and alive. 🚗

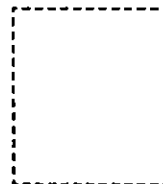
Deputy Medical Examiner, con't.

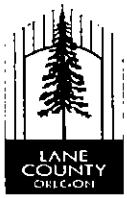
(con't. from p. 2) managed by Oregon State Police. Mr. Ratti, employee of the Lane County District Attorney's Office, largely coordinates and facilitates investigations connected to deaths and interacts with county investigators, police departments, pathology technicians, and other specialists connected to the medical examiner's office and with the families or colleagues of the deceased. Frank has been with the Medical Examiner's Office for 19 years and has occupied several other critical positions as well (Search and Rescue, EMT, Ski-Patrol). Without local pathologists, however, many bodies for autopsy are being sent to Portland. The home team feels that a pathologist drawn from our own community may provide more valuable insights in certain investigations, owing to knowledge of the local public health system, the local law enforcement agencies, and first hand-knowledge of scenes of death.

For three decades Lane County has used a small morgue facility within Sacred Heart Medical Center in Eugene. Mr. Ratti is assisted in death investigations by former paramedic Lynn M. Walter, by a local anthropology specialist, Jeanne McLaughlin, and by a surgical nurse, Robert Christensen, RN. Each is registered with the American Board of Medicolegal Death Investigators. Johnnie Bergman, employed as an autopsy assistant for Sacred Heart Hospital since 1971 also assists during autopsies. Mr. Bergman's services can include assisting at autopsies required for medical reasons, brain tissue screenings for diseases (such as Mad Cow Disease), obtaining specimens for toxicology analyses, dental records matching, examination of unknown skeletal remains, identification of accident or crime victims, and more. The retail value of an average autopsy can be approximately \$1,200. Civilian next-of-kin may order an autopsy if the medical examiner declines, but the cost defaults to the citizen ordering it.

One common thread in the careers of this team is the attention to detail and the thoroughness with which the work is done--both for the sake of professionalism and for reasons of personal responsibility. It's not without considerable pride that this county investigations team performs its work. Toughest part of the job? Mr. Ratti regularly communicates with the deceased's next of kin or colleagues, and this interaction is predictably sensitive, but necessary. 🚗

Lane County Sheriff's Office
125 East 8th Avenue
Eugene, OR 97401





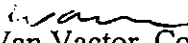
LANE COUNTY

PUBLIC SERVICE BUILDING, 125 EAST 8TH AVENUE, EUGENE, OR 97401/(541) 682-4203/FAX (541) 682-4616

Feb. 1, 05 2b.
Distributed A.
at Workshop

February 1, 2005

To: Lane County Planning Commission
Eugene Planning Commission
Springfield Planning Commission

From:  Bill Van Vactor, County Administrator

Property tax changes

1982 -- The year the Metro Plan was acknowledged as being in compliance with the state's land use planning goals. General purpose governments' property tax base grew at 6% per year.

1990 -- Ballot Measure 5 passes, property tax capped at \$15.00 per \$1,000 of assessed value excluding bonds: \$10.00 for general government and \$5.00 for schools. Creates the concept of compression when voters approve rates in excess of limits. The issue of compression will be the subject of focused discussion before the boundary commission as financial impact is a substantive criterion in district formation proceedings.

1996 -- Ballot Measure 47.

1997 -- As a result of legislative action Ballot Measure 50 supersedes Ballot Measure 47. This measure rolled assessed values back by 17% and capped growth at 3% annually. It created "permanent" tax rates. Unlike the old tax base law, there is no legal mechanism by which a general purpose government may seek to have its permanent rate increased. Local option levies are limited to five years. See explanatory statement.

Current condition

What we have learned over the last seven years is that Lane County's tax rate of \$1.27 per \$1,000 is not adequate to provide the services necessary to serve 325,000 citizens. Lane County's tax rate, even when the revenue from Secure Rural Schools is added in, is 35 out of 39 (three counties have different rates between cities and rural areas). See chart. Lane County is significantly below comparable counties, and within Lane County its rate is more appropriate for a limited purpose special district than a general purpose government charged with providing critical life, health and safety services. See chart.

The bottom line is that how Oregon finances general purpose governments has changed drastically since 1984. Lane County now needs to find a permanent source of sufficient revenue with which to provide critical public safety services. What the amendment does is allow Lane County to propose a new financing vehicle without altering the compact urban growth policies in the Metro Plan. Once this plan amendment is approved, Lane County can proceed to file its formation petition with the Boundary Commission. As a matter of that process, if the new district's tax rate is to apply inside a city, that city's city council must adopt a resolution approving the petition.

MEASURE NO. 50

2b.
B.

EXPLANATORY STATEMENT

In 1996, voters approved Measure 47, an amendment to the Oregon Constitution that limits the amount of property taxes that may be collected from each parcel of property. The limitation first applies for the 1997-1998 tax year and reduces taxes on each parcel of property to their level in a prior tax year. Measure 47 permits a three percent increase in taxes each year for tax years following 1997-1998. Measure 47 permits a taxing district to impose new or additional taxes if the taxes have been approved by voters. Measure 47 creates a number of exceptions that allow for taxes to be increased by more than the otherwise applicable limitation. Measure 47 imposes certain spending priority requirements and expenditure limitations.

This measure would replace the percentage of tax limitations in Measure 47 with a reduction in the maximum assessed value of property for the 1997-1998 tax year and a limitation on the percentage amount that the maximum assessed value of property may increase each tax year. This measure also directs the Legislative Assembly to generally reduce property tax levies by an average of 17 percent. Specifically, this measure does the following:

- * Reduces the maximum assessed value of property for the 1997-1998 tax year to 90 percent of the property's assessed value for the 1995-1996 tax year. For tax years subsequent to 1997-1998, the maximum assessed value of property would increase by three percent per year.
- * Limits increases in assessed value for new property, improvements and certain other events to a fraction of the property's real market value.
- * Directs the Legislative Assembly to reduce the total amount of levy of taxing districts by a statewide average of 17 percent for the 1997-1998 tax year. Excepts certain taxes from reduction. Adopts policy of distributing reductions so as to approximate Measure 47 reductions. For subsequent tax years, requires the district to permanently fix tax rate at 1997-1998 level.
- * Permits voters of taxing district to elect to impose local option property taxes in excess of amount otherwise constitutionally permitted. Limits duration of local option tax to five years or ten years, if used to fund capital projects. Prescribes voter participation requirements.
- * Prohibits local government from increasing fees as alternative revenue source to make up for property tax revenue reduction caused by initial implementation of this measure, unless approved by voters.
- * Retains existing property tax rate limitation of \$5 per \$1,000 of value for schools and \$10 per \$1,000 of value for nonschool government (1990 Measure 5). Retains existing constitutional exception from all tax limitations for taxes levied to pay bonds if bonds are approved by voters. Prescribes voter participation requirements.

(This impartial statement explaining the ballot measure was provided by the 1997 Legislature.)

Appendix B

26.
C.
pg. 1

2002-2003 RATE AND VALUE INFORMATION FOR OREGON COUNTIES Sorted by Comparable Tax Rate, Including O&C Revenue														
COUNTY	REAL MKT VALUE	REAL MKT VALUE	REAL MKT VALUE	O&C REVENUE	LOCAL OPTION USED	PERM. RT COUNTY EXT.	PERM. RT COUNTY EXT.	LOCAL OPTION LAW ENF.	TOTAL TAXED VALUE	EQUIV. O&C RATE	TAX RATE	MEDIAN FAMILY INCOME	MEDIAN FAMILY INCOME	RANK
1 WHEELER	104,329	104,329	104,329	1,035,357	0.5947	0.5584	0.5584		10,0554	-	10,0554	37,500	37,500	38
2 SHERMAN	207,234	207,234	207,234	1,035,357	0.5947	0.5584	0.5584		9,1921	-	9,1921	49,500	49,500	37
3 LAKE	501,408	501,408	501,408	1,035,357	0.5947	0.5584	0.5584		6,7280	-	6,7280	40,500	40,500	23
4 HARNEY	444,251	444,251	444,251	1,035,357	0.5947	0.5584	0.5584		6,4328	-	6,4328	42,900	42,900	31
5 DOUGLAS	6,214,322	6,214,322	6,214,322	1,035,357	0.5947	0.5584	0.5584		5,7362	-	5,7362	44,000	44,000	32
6 MORROW	1,326,365	1,326,365	1,326,365	1,035,357	0.5947	0.5584	0.5584		5,1837	-	5,1837	46,000	46,000	22
7 MULTNOMAH	63,415,110	63,415,110	63,415,110	1,035,357	0.5947	0.5584	0.5584		4,9625	0.0244	4,9625	65,800	65,800	5
8 WALLOWA	608,197	608,197	608,197	1,035,357	0.5947	0.5584	0.5584		4,5488	-	4,5488	44,000	44,000	36
9 BAKER	1,046,981	1,046,981	1,046,981	1,035,357	0.5947	0.5584	0.5584		4,3403	-	4,3403	40,600	40,600	26
10 WASCO	1,593,801	1,593,801	1,593,801	1,035,357	0.5947	0.5584	0.5584		4,2518	-	4,2518	48,700	48,700	21
11 JEFFERSON	1,300,382	1,300,382	1,300,382	1,035,357	0.5947	0.5584	0.5584		4,1612	-	4,1612	43,800	43,800	29
12 CROOK(CITY)	1,216,604	1,216,604	1,216,604	1,035,357	0.5947	0.5584	0.5584		4,0888	-	4,0888	45,100	45,100	34
13 GRANT	420,421	420,421	420,421	1,035,357	0.5947	0.5584	0.5584		3,8794	-	3,8794	41,000	41,000	19
14 GILLIAM	259,165	259,165	259,165	1,035,357	0.5947	0.5584	0.5584		3,8450	-	3,8450	46,800	46,800	15
15 BENTON	6,051,348	6,051,348	6,051,348	1,035,357	0.5947	0.5584	0.5584		3,7984	0.5491	3,7984	65,300	65,300	1
16 JACKSON	14,817,809	14,817,809	14,817,809	1,035,357	0.5947	0.5584	0.5584		3,7022	1.4063	3,7022	49,500	49,500	13
17 JOSEPHINE	4,801,493	4,801,493	4,801,493	1,035,357	0.5947	0.5584	0.5584		3,6862	2.9239	3,6862	41,300	41,300	23
18 COOS	3,602,983	3,602,983	3,602,983	1,035,357	0.5947	0.5584	0.5584		3,6752	1.8197	3,6752	42,300	42,300	38
19 LINN	6,692,735	6,692,735	6,692,735	1,035,357	0.5947	0.5584	0.5584		3,4528	0.4596	3,4528	49,500	49,500	18
20 WASHINGTON	45,004,178	45,004,178	45,004,178	1,035,357	0.5947	0.5584	0.5584		3,3280	0.0183	3,3280	65,800	65,800	6
21 LINCOLN	5,344,289	5,344,289	5,344,289	1,035,357	0.5947	0.5584	0.5584		3,2656	0.0820	3,2656	43,900	43,900	25
22 UMATILLA	4,218,068	4,218,068	4,218,068	1,035,357	0.5947	0.5584	0.5584		3,2159	-	3,2159	46,900	46,900	14
23 CLACKAMAS(RURAL)	32,394,752	32,394,752	32,394,752	1,035,357	0.5947	0.5584	0.5584		3,1940	0.2200	3,1940	65,800	65,800	3
24 DESCHUTES(RURAL)	14,283,430	14,283,430	14,283,430	1,035,357	0.5947	0.5584	0.5584		3,1324	-	3,1324	54,200	54,200	11
25 MARION	17,573,591	17,573,591	17,573,591	1,035,357	0.5947	0.5584	0.5584		3,1282	0.1041	3,1282	52,800	52,800	8
26 UNION	1,284,959	1,284,959	1,284,959	1,035,357	0.5947	0.5584	0.5584		3,0348	-	3,0348	45,400	45,400	18
27 KLAMATH	4,107,504	4,107,504	4,107,504	1,035,357	0.5947	0.5584	0.5584		3,0281	0.6562	3,0281	43,700	43,700	24
28 YAMHILL	5,625,565	5,625,565	5,625,565	1,035,357	0.5947	0.5584	0.5584		2,7704	0.1538	2,7704	65,800	65,800	7
29 TILLAMOOK	3,209,276	3,209,276	3,209,276	1,035,357	0.5947	0.5584	0.5584		2,7434	0.2035	2,7434	46,100	46,100	27
30 COLUMBIA	3,580,601	3,580,601	3,580,601	1,035,357	0.5947	0.5584	0.5584		2,6787	0.6810	2,6787	65,800	65,800	4
31 MALHEUR	1,446,136	1,446,136	1,446,136	1,035,357	0.5947	0.5584	0.5584		2,5822	-	2,5822	39,500	39,500	28
32 CURRY	1,980,398	1,980,398	1,980,398	1,035,357	0.5947	0.5584	0.5584		2,5547	1.9785	2,5547	40,800	40,800	30
33 CLACKAMAS(CITY)	32,394,752	32,394,752	32,394,752	1,035,357	0.5947	0.5584	0.5584		2,4042	-	2,4042	65,800	65,800	2
34 POLK	3,630,674	3,630,674	3,630,674	1,035,357	0.5947	0.5584	0.5584		2,4005	0.6985	2,4005	52,800	52,800	9
35 CLATSOP	1,586,076	1,586,076	1,586,076	1,035,357	0.5947	0.5584	0.5584		2,3551	-	2,3551	47,200	47,200	12
36 HOOD RIVER	4,352,311	4,352,311	4,352,311	1,035,357	0.5947	0.5584	0.5584		1,5068	-	1,5068	49,400	49,400	10
37 CLATSOP	14,283,430	14,283,430	14,283,430	1,035,357	0.5947	0.5584	0.5584		1,3800	-	1,3800	54,200	54,200	16
38 DESCHUTES (CITY)	1,216,604	1,216,604	1,216,604	1,035,357	0.5947	0.5584	0.5584		-	-	-	45,100	45,100	35
39 CROOK (RURAL)														

Note: three counties have a separate rate within incorporated city limits.

Rank	Property	Rate (\$/1000)
1	City of West Fir	9.30
2	City of Cottage Grove	7.21
3	City of Oakridge	7.20
4	City of Eugene	7.01
5	City of Junction City	6.04
6	City of Veneta	5.64
7	City of Springfield	4.74
8	City of Coburg	3.75
9	Lake Creek RFPD	3.08
10	River Road Park & Rec	3.06
11	City of Florence	2.86
12	Lowell RFPD	2.70
13	City of Creswell	2.67
14	Eugene 1 RFPD	2.54
15	Bailey-Spencer RFPD	2.39
16	Zumwalt RFPD	2.34
17	Lorane RFPD	2.30
18	City of Lowell	2.16
19	Swishhome RFPD	2.15
20	Lane Rural Fire & Res	2.12
21	Rainbow Water & Fire	2.06
22	Lane Co 1 RFPD	1.98
23	Willamalane Park & Rec	1.97
24	River Road Water	1.97
25	Mohawk Valley RFPD	1.91
26	Glenwood Water	1.90
27	Willakenzie RFPD	1.88
28	Goshen RFPD	1.72
29	Monroe RFPD	1.69
30	McKenzie RFPD	1.61
31	Siuslaw RFPD	1.54
32	Dexter RFPD	1.42
33	Mapleton RFPD	1.39
34	Coburg RFPD	1.33
35	Lane County	1.27
36	Upper McKenzie RFPD	1.20
37	Pleasant Hill RFPD	1.10
38	So Lane County RFPD	1.05
39	Santa Clara RFPD	1.04
40	Creswell RFPD	1.02
41	Junction City RFPD	0.98
42	Blue River Water	0.95
43	Siuslaw Public Library	0.52
44	Marcola Water	0.40
45	Fern Ridge Library	0.38
46	McKenzie Palisades Water	0.36
47	West Lane Ambulance	0.32
48	River Road Sub 1 Water	0.28
49	Junction City Water	0.25
50	Siuslaw Port	0.15

OTHER OREGON COUNTY TAX RATES:

Washington County	(2003)	2.90
Multnomah County	(2003)	5.27
Marion County	(2003)	3.01
Clackamas County	(2003)	2.40



Lane County Public Safety District

Permanent Authority Compression Within Cities

2b
D.

	\$1.00	\$2.00	\$3.00	\$4.00	\$5.00
Coburg					
Before Compression	445,526	445,526	445,526	445,526	445,526
After Compression	445,526	445,526	441,460	428,305	409,207
Loss From Compression	0	0	4,065	17,221	36,318

Cottage Grove					
Before Compression	2,588,481	2,588,481	2,588,481	2,588,481	2,588,481
After Compression	2,588,481	2,560,298	2,490,784	2,364,957	2,235,139
Loss From Compression	0	28,183	97,697	223,524	353,342

Creswell					
Before Compression	457,320	457,320	457,320	457,320	457,320
After Compression	457,320	457,320	457,320	457,320	457,320
Loss From Compression	0	0	0	0	0

Eugene					
Before Compression	64,731,358	64,731,358	64,731,358	64,731,358	64,731,358
After Compression	64,731,281	64,134,280	63,097,288	61,607,468	59,240,836
Loss From Compression	76	597,077	1,634,070	3,123,889	5,490,521

Florence					
Before Compression	1,597,873	1,597,873	1,597,873	1,597,873	1,597,873
After Compression	1,597,873	1,597,873	1,597,873	1,597,873	1,595,628
Loss From Compression	0	0	0	0	2,245

Junction City					
Before Compression	1,381,854	1,381,854	1,381,854	1,381,854	1,381,854
After Compression	1,381,854	1,375,693	1,354,567	1,324,738	1,288,523
Loss From Compression	0	6,161	27,287	57,116	93,331

Lowell					
Before Compression	71,392	71,392	71,392	71,392	71,392
After Compression	71,392	71,392	71,392	71,277	70,233
Loss From Compression	0	0	0	115	1,159

Oakridge					
Before Compression	687,279	687,279	687,279	687,279	687,279
After Compression	687,279	677,151	652,055	621,106	587,072
Loss From Compression	0	10,128	35,224	66,173	100,207

Springfield					
Before Compression	13,300,600	13,300,600	13,300,600	13,300,600	13,300,600
After Compression	13,300,600	13,298,246	12,998,164	12,657,228	12,197,282
Loss From Compression	0	2,354	302,436	643,372	1,103,318

Veneta					
Before Compression	679,890	679,890	679,890	679,890	679,890
After Compression	657,291	636,883	608,551	578,745	550,858
Loss From Compression	22,599	43,007	71,339	101,145	129,032

Westfir					
Before Compression	82,805	82,805	82,805	82,805	82,805
After Compression	80,388	77,228	73,529	69,853	66,081
Loss From Compression	2,417	5,577	9,276	12,952	16,724

Lane County Department of Assessment and Taxation
Numbers are estimated based on 2004 information and are not actual.



Lane County Public Safety District

26.
D.

Permanent Authority Compression Summary					
	\$1.00	\$2.00	\$3.00	\$4.00	\$5.00
Coburg	-	-	4,065	17,221	36,318
Cottage Grove	-	28,183	97,697	223,524	353,342
Creswell	-	-	-	-	-
Eugene	76	597,077	1,634,070	3,123,889	5,490,521
Florence	-	-	-	-	2,245
Junction City	-	6,161	27,287	57,116	93,331
Lowell	-	-	-	115	1,159
Oakridge	-	10,128	35,224	66,173	100,207
Springfield	-	2,354	302,436	643,372	1,103,318
Veneta	22,599	43,007	71,339	101,145	129,032
Westfir	2,417	5,577	9,276	12,952	16,724
Lane County	6,168	130,708	362,514	693,494	1,189,184
Total	31,260	823,195	2,543,908	4,939,001	8,515,382

Permanent Authority Compression Within Cities

	\$1.00	\$2.00	\$3.00	\$4.00	\$5.00
COBURG RURAL FIRE PROTECTION DISTRICT	0	0	1,439	17,221	12,857
SOUTH LANE COUNTY LANE FIRE & RESCUE (Creswell)	0	0	0	0	0
SOUTH LANE COUNTY FIRE & RESCUE (Cottage Grove)	0	4,503	15,609	35,712	56,458
FERN RIDGE LIBRARY DISTRICT	1,339	2,921	5,295	7,702	9,927
LANE COUNTY FIRE DISTRICT #1	6,947	15,132	27,427	39,895	51,399
LOWELL RURAL FIRE PROTECTION	0	0	0	143	1,447
SIUSLAW PUBLIC LIBRARY	0	0	0	0	405
PORT OF SIUSLAW	0	0	0	0	116
WEST LANE AMBULANCE	0	0	0	0	251
JUNCTION CITY RURAL FIRE PROTECTION	0	1,003	4,444	9,302	15,200
Willamalane Gap Bond	0	9	1,148	2,443	4,190
Willamalane Park and Recreation	0	980	125,892	267,810	459,268
JUNCTION CITY WATER	0	1	2	3	4

Lane County Department of Assessment and Taxation
Numbers are estimated based on 2004 information and are not actual.



Lane County Public Safety District

Local Option Compression Summary

	\$1.00	\$2.00	\$3.00	\$4.00	\$5.00
CE City of Eugene - LO Library	593,646	1,054,640	1,765,687	2,953,602	3,912,058
CE City of Eugene - LO Youth	977,474	1,736,530	2,907,313	4,863,288	6,441,445
City of Springfield - Police	11,367	461,523	614,572	926,643	1,300,670
City of Springfield - Fire	6,200	251,740	335,221	505,442	709,456

Gain to Urban Renewal Districts from Public Safety District

	\$1.00	\$2.00	\$3.00	\$4.00	\$5.00
Coburg Urban Renewal	20,832	41,664	61,926	80,107	95,669
Eugene Downtown Urban Renewal	81,433	159,969	232,812	277,620	347,894
Eugene Riverfront Urban Renewal	20,229	39,533	57,072	71,387	82,891
Veneta Urban Renewal	25,329	48,401	68,401	85,865	101,139

Lane County Department of Assessment and Taxation
Numbers are estimated based on 2004 information and are not actual.

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**AGENDA COVER MEMO
(Supplemental)**

DATE: February 16, 2005

**TO: EUGENE, SPRINGFIELD & LANE COUNTY
PLANNING COMMISSIONS**

**FROM: KENT HOWE, PLANNING DIRECTOR
LAND MANAGEMENT DIVISION**

DELIBERATION/RECOMMENDATION: IN THE MATTER OF AMENDING THE EUGENE-SPRINGFIELD METROPOLITAN AREA GENERAL PLAN POLICIES TO CLARIFY AND PROVIDE GREATER FLEXIBILITY IN SERVICE DELIVERY FOR A COUNTYWIDE PUBLIC SAFETY SPECIAL DISTRICT, (METRO PLAN GROWTH MANAGEMENT POLICY 15, PAGE II-B-5 OR PERIODIC REVIEW REVISED METRO PLAN PAGE II-C-5).

I. BACKGROUND

On February 1, 2005, the Joint Eugene/Springfield/Lane County Planning Commissions conducted a public hearing on the proposed amendment to the Eugene/Springfield Metro Plan (*Metro Plan*) to Chapter II Growth Management Policy 15 that would provide greater flexibility in the service delivery of a countywide public safety special district in the Eugene/Springfield Metro Area.

The Joint Planning Commission closed the public hearing and left the record open for comments for seven days. Staff received two written comments: 1) a copy of the minutes from the June 28, 2004, Eugene City Council work session; and 2) written comments with attachments from Lane County Administrator, Bill VanVactor, dated February 8, 2005.

II. PLANNING COMMISSION QUESTIONS/STAFF RESPONSE

This section provides answers to the questions asked by Planning Commissioners.

Q. Commissioner Hudspeth asked what were the implications of the e-mail from Eugene City Councilor David Kelly asserting that the City of Eugene was on record as not having any interest in special districts ?

A. It is not clear from the email if Counselor Kelly understood the nature of the proposed countywide public safety special district. In the June 28, 2004, minutes of the Eugene City Council, Counselor Kelly stated that he concurred with Metro Plan policies stating that cities were the logical provider of urban services, although he could see economies of scale that might be realized from the formation of countywide service districts overseen by the Board of County Commissioners. Counselor Kelly's

statement seems consistent with the proposed countywide public safety special district.

Q. Commissioner Siekiel-Zdzienicki requested a copy of the minutes of the June 28, 2004, Eugene City Council meeting.

A. Minutes of the June 28, 2004, Eugene City Council meeting are attached.

Q. Commissioner Hledik requested clarification on the fundamental principle of the plan addressing cities as the logical providers of urban services and cited language in the County Board Order 04-8-25-8 that appeared to contradict by stating "...Lane County is the logical provider of many countywide public safety services for urban, suburban, and rural Lane County."

A. The fundamental Metro Plan principle establishing the two cities as the logical providers of services accommodating urban levels of development does not address or preclude the types of services contemplated in the proposed countywide public safety district. The fact that the cities do not generally provide the contemplated district services is evidence that these services are not an element of an urban level of development; rather they are basic, on-going county services regardless of development level. None of the proposed countywide public safety district services are even remotely related to services that accommodate or address urban levels of development. Consequently, the proposal simply does not affect the policies that compel delivery of truly urban development services by cities rather than special districts.

Q. Commissioner Belcher asked if the phrase "not limited to" in the proposed language was necessary because he thought it raises issues of ambiguity for future interpretations. He cited the existing criteria in Policy 15 for forming a special district and asked if consistency could be achieved by an amendment that said those criteria could be ignored with the "notwithstanding" language.

A. Most of those services are mandated by constitutional or statutory provisions that establish county authority to provide the service. And most of the contemplated services are very different than the "police protection" described in the Metro Plan definition of "key urban facilities and services."

Rather than revise all of the Metro Plan policies which address services that accommodate urban levels of development, the proposed "notwithstanding" language provides a narrow exception to the Metro Plan with the addition to Policy 15. None of the proposed public safety special district contemplated services are even remotely related to services that accommodate or address urban levels of development. Consequently, the proposal simply does not affect the policies that compel delivery of truly urban development services by cities rather than special districts. The rest of the Metro Plan policies remain intact. This proposed policy exception does not weaken the position of Eugene and Springfield relative to the other growth management

policies or their ability to annex land or control the proliferation of other growth-inducing special districts.

The proposed addition to Growth Management Policy 15 will not create an internal inconsistency within the Metro Plan because it is a narrowly drawn exception that recognizes countywide public safety services are already currently provided within cities; a countywide public safety district does not change that fact. The proposed countywide public safety service district would not provide growth inducing services in the metropolitan area.

Q. Commissioner Cole was concerned about how many districts could be created under the amendment and wanted to see revisions to the language that would restrict the amendment to a single district.

A. The proposed language is written in the singular - *“A district or zone of benefit” may be created and maintained to provide preventive and reactive public safety services...* The proposed public safety special district is a single countywide public safety special district that would provide the unique county services described in the proposed policy.

III. ATTACHMENTS:

1. Attachment A- June 28, 2004, minutes of Eugene City Council meeting
2. Attachment B- February 8, 2005, Memorandum from
County Administrator, Bill VanVactor with attachments
3. Attachment C- February 1, 2005 minutes, Joint Planning Commission Public Hearing

MINUTES EXCERPT

Eugene City Council

Work Session

McNutt Room--City Hall

June 28, 2004 5:30 p.m.

COUNCILORS PRESENT: Bonny Bettman, George Poling, Nancy Nathanson, Scott Meisner, David Kelly, Betty Taylor, Gary Papé, Jennifer Solomon.

As his Honor Mayor James D. Torrey was unable to attend the meeting in person to act as chair, City Council President Bonny Bettman called the meeting of the Eugene City Council to order.

C. WORK SESSION: Examination of Potential Changes to Eugene-Springfield Metropolitan Area General Plan Concerning Special Districts

Planning and Development Director Tom Coyle joined the council for the item. He reported that Springfield had initiated an amendment to the Eugene-Springfield Metropolitan Area General Plan (Metro Plan) to allow for the possibility of special districts to provide urban-level services; the details of the amendment were overviewed in a memorandum included in the packet that was prepared by Lane Council of Governments (LCOG) staff, dated May 5, 2004, and entitled *Scope of Work: Metro Plan Text Amendment Related to Urban Services Delivery*. Mr. Coyle noted questions that had arisen about the issue of funding and distributed the e-mail response that had been sent out. He reviewed the questions and answers.

1. What are cost, time, and resource differences between a Metro Plan amendment initiated by a single jurisdiction and an amendment processed by LCOG?

Mr. Coyle said there would be no significant difference between the costs of the two processes.

2. Will LCOG be using regional funds for this effort?

Mr. Coyle said that LCOG had assured the City that no funds from the Planning Division's annual contribution to LCOG would be used to process the amendment.

3. Has the Lane Board of County Commissioners discussed this topic since May?

Mr. Coyle said that the commissioners had not discussed the issue, but hoped to by early fall.

Mr. Coyle called attention to an intended motion prepared by staff for Ms. Bettman.

Mr. Coyle thanked Assistant City Manager Jim Carlson and Senior Planner Kurt Yeiter for their contributions to the materials provided to the council. Ms. Bettman clarified that the first question actually referred to the difference in the process for an amendment initiated solely by just one jurisdiction. She was also concerned about cost, and noted that Commissioner Bobby Green, among others, had requested information about that subject, but she had yet to see it.

Ms. Bettman said her interest in holding the work session was because Springfield's proposal represented a fundamental change to the Metro Plan. She termed it the "mother of all policy issues." Ms. Bettman said the amendment spoke to the underlying premises behind who had the authority to provide services and levy taxes.

In the spirit of home rule, Ms. Bettman said she did not object to Springfield pursuing a site-specific amendment to the Metro Plan. She did not object if Springfield wanted to pursue the ability to create special districts to provide its citizens with public safety services, but did not

want Eugene to be pulled along in the process by default. She wanted the council to weigh in on the issue sooner rather than later. Ms. Bettman called the council's attention to the ambitious work program associated with the amendment, which did not provide for input from the council until nearly the end of the process.

Mr. Kelly agreed what was contemplated by Springfield represented a very fundamental change to the Metro Plan. He said that he concurred with Metro Plan policies stating that cities were the logical provider of urban services, although he could see economies of scale that might be realized from the formation of countywide service districts overseen by the Board of County Commissioners. That could provide greater public accountability than a small district board. However, like Ms. Bettman, Mr. Kelly did not object to Springfield moving on alone.

Mr. Kelly underscored the council's previous direction regarding the topic as reflected in its approval of the Planning Division's work program, when it deleted special districts as a priority. He indicated he would offer the motion prepared for Ms. Bettman to the body with some slight modifications. Mr. Kelly said that given that Eugene would be part of the amendment process in any case, he did not want to spend City money until it was necessary to do so.

Mr. Meisner said that sometimes solutions are contemplated without complete consideration of all the ramifications involved. He sympathized with Springfield's interest in pursuing the issue given its interest in forming a fire district. However, he believed what Springfield contemplated, if not site-specific, was a fundamental shift in the Metro Plan, which was a reflection of Senate Bill 100. The proposal was a contradiction of statewide planning rules. While he understood the budget crisis impelling the proposal, Mr. Meisner called for caution. He pointed out that the City required annexation as a condition of development in the River Road/Santa Clara area, which was premised on the City's Urban Services Agreement with the County, which was premised on Metro Plan policy. He feared that if the community did not proceed with caution, the City's actions in that area could be called into question.

Mr. Papé anticipated the Department of Land Conservation and Development (DLCD) would soon be considering significant changes to State planning laws to bring them up to date. Mr. Papé wanted to see more flexibility in the Metro Plan. Because of the difficulty of revising the Metro Plan, Mr. Papé thought different approaches to service delivery needed to be considered. He pointed to the Tualatin Fire District as an example of regional service delivery he would like the local community to be able to replicate. At this time, the Metro Plan did not allow for that, and the community was further constrained by the financial limits imposed by past ballot measure such as Ballot Measure 5 and Ballot Measures 47/50.

Mayor Torrey suggested a subcommittee of the local elected officials be brought together to discuss the topic. He did not want to break up the local land use compact if that could be avoided, but thought Springfield had legitimate concerns that needed to be addressed. He did not think it was necessary for the amendment process to take so long.

Mr. Kelly, seconded by Ms. Taylor, moved to direct the City Manager not to expend City funds or staff time and resources for an LCOG study of the use of special districts to provide urban services or for processing a Metro Plan amendment initiated by the City of Springfield or Lane County regarding special districts. This motion would not prohibit reasonable use of staff time to review and consult with staff of Lane County and Springfield on these matters. Furthermore, any proposed amendments should be specific to Springfield.

Mr. Kelly said that while his motion spoke to the staff resources expended by Eugene staff, it did not preclude Springfield staff from picking up the telephone and asking Eugene staff a question. Mr. Kelly acknowledged Mr. Papé's long-time interest in the formation of a fire district but pointed out a council majority did not share that interest.

Mr. Kelly also acknowledged that the DLCD intended to review Senate Bill 100 and consider possible changes, but that was a two- to three-year process. He thought it was premature to make amendments to the Metro Plan in anticipation of the outcome of that process.

Mr. Kelly and Ms. Taylor accepted a friendly amendment from Mr. Meisner to change the word "should" to "shall" in the last sentence of the motion. Mr. Meisner questioned whether the motion should be revised to provide either Springfield or Lane County with the authority to initiate a site-specific amendment.

Responding to a question from City Manager Taylor regarding the intent of the motion, Ms. Bettman said the intent of the motion was to narrow the City's scope of involvement in the study to be conducted by LCOG and initiated by Springfield.

Ms. Bettman welcomed Commissioner Bobby Green to the meeting.

Mr. Papé expressed concern that the motion was restrictive and unfriendly to Eugene's partners in the land use compact. He continued to advocate for sufficient flexibility in the Metro Plan that ensured most urban services were provided by cities but did not foreclose the possibility of other approaches.

Ms. Nathanson expressed concern that, through the motion, the council would be sending a message that did not reflect its intent. She said if it was council's intent that it did not want to pursue such changes for Eugene, she wished to state it differently. Ms. Nathanson suggested a motion directing the manager not to make expenditures in a way that was inconsistent with the council's previous direction in regard to the Planning Division work program. She believed the motion on the floor could be interpreted as being noncooperative.

Mayor Torrey agreed with the remarks of Ms. Nathanson. He suggested the council accomplish what it wished to accomplish and not attempt to dictate to Lane County or Springfield what they do.

Mr. Kelly pointed out that Springfield could initiate any Metro Plan amendments it wished to. Speaking to Ms. Nathanson's concerns, he invited alternate wording. He said he included the last sentence in the motion to indicate it was the sense of the council that proposed amendments should be specific to Springfield.

Mr. Lidz [City Attorney] determined that Mr. Kelly was not attempting to limit the scope of the amendments offered by Springfield. Mr. Kelly said that Springfield could proceed as it wished.

Ms. Bettman said the motion she initially suggested was much broader in intent. It had suggested Springfield could move forward in its best interest but Eugene was not interested in changing the policies in the Metro Plan at this time. She thought Eugene would be a better partner to indicate it was not interested in a fundamental change in the way services were provided before Springfield went through an expensive and time-consuming amendments process.

Ms. Bettman pointed out that the Springfield City Council recently gave its legal counsel direction to examine the question of opting out of the Metro Plan altogether. She asked what would happen if Springfield moved forward with that while the community was going through the amendments process. She reiterated that the responsible thing to do was to provide input early in the process. If Eugene was not to weigh in on the topic at this time, Ms. Bettman suggested the council propose a broader time line for the process that provided for more public input and for the elected officials to have input into the scope of work. The existing time line did not allow for that.

Ms. Taylor supported the motion. She did not want to spend tax money on the effort. However, she did not think the last sentence in the motion was needed.

Ms. Taylor, seconded by Mr. Papé, moved to amend the motion by striking the last sentence. Ms. Nathanson reiterated her preference for different language in the motion. She suggested the following alternative wording: Move to inform the City Manager and ask the manager to inform Lane County and the City of Springfield that Eugene is not interested in pursuing a Metro Plan policy amendment for the use of special districts applicable to Eugene at this time.

Ms. Nathanson declined to offer her text as an amendment to the amendment to the motion, preferring rather to vote the motion down.

Mr. Kelly endorsed the concepts in Ms. Nathanson's suggested motion. He indicated opposition to the amendment because it did not communicate that the council was not interested in a Metro Plan policy change that applied to Eugene's actions.

Ms. Bettman also opposed the amendment because it removed the element of the motion that addressed how such a policy change would address Eugene. Otherwise, the motion was redundant in terms of what the council had done in regard to the Planning Division's work program and neutralized the intent of the motion.

The amendment to the motion failed, 5:3, Ms. Taylor, Mr. Papé, and Mr. Meisner voting yes.

With the concurrence of Ms. Taylor, the second to the motion, Mr. Kelly withdrew his motion.

Ms. Nathanson, seconded by Mr. Kelly, moved to inform the City Manager and ask the City Manager to inform Springfield and Lane County that Eugene is not interested in pursuing a Metro Plan amendment for the use of special districts applicable to Eugene at this time.

Mr. Kelly determined from City Manager Taylor that he would interpret the motion as minimizing the City's staff time and money spent on the issue of special districts.

Responding to a question from Ms. Taylor about the purpose of the motion, City Manager Taylor said the discussion helped clarify the council's position when it approved the Planning Division's work plan. It also gave direction to staff about the sense of the council as it applied to the degree of coordination and interest in the topic of special districts as they related to any solutions concerning Eugene. He thought the motion was helpful.

Mr. Meisner supported the motion, although he questioned the inclusion of the phrase "at this time" as the motion was merely a "snapshot in time," and it seemed to cloud the issue somewhat.

Mr. Papé said his vote for the Planning Division's priorities was not a vote for forgoing other projects not on the highest priority list. That included an examination of special districts. He did not think the council was uninterested in the question.

Speaking to Ms. Nathanson's remarks, Mr. Papé thought now was an appropriate time for a break with regard to the "command language" governing local land use policies, and the break would help future councils by allowing them to consider other cost-effective service delivery options without going through a lengthy Metro Plan amendment process. Those options might include solutions other than service districts. He noted that the work proposed to be done was to be paid for out of Springfield and Lane County's contracts with the Lane Council of Governments. Mr. Papé said he was unable to support the motion.

Ms. Bettman said that at both the Metropolitan Policy Committee and Joint Elected Officials meetings, Springfield and LCOG staff requested direction about the topic from the three jurisdictions. It was her perception the item was moving forward without any body outside Springfield taking definitive action.

Ms. Bettman asked if there was a qualitative difference between the council "informing" and the council "directing" the manager. Mr. Taylor did not think so; he interpreted both as conveying the sense of the council's direction.

Ms. Bettman asked City Manager Taylor how he would interpret the motion in terms of Mr. Papé's issue regarding the Planning Division work program and allocation of funds. Was it implicit in the motion that the council was not interested in the expenditure of resources outside an occasional staff response to a question? She asked City Manager Taylor how he would implement the motion. City Manager Taylor recalled the council's discussion about the Planning Division work program, which he believed allowed for staff work on non-priority items as needed, and the council's work session on special districts as a means to deliver fire and emergency services, at which it agreed to revisit the idea after a year had passed. He did not interpret the motion as being so restrictive it would preclude staff from responding to the council's direction from the work session on fire and emergency services. That effort did not involve Planning Division staff and did not affect the division's work program priorities. He believed it was unlikely staff would do additional work on the subject of special districts as the City had higher priorities and a council majority had expressed no interest in going forward.

Ms. Bettman noted the motion specifically mentioned special districts as opposed to changes to Metro Plan policy, which dictated that cities would provide urban services. Mr. Coyle concurred with the comments of City Manager Taylor. He said the City would continue to work with the other jurisdictions on administrative issues such as ways to simplify processes. There was no specific work program item related to special districts outside that related to the interest expressed by Springfield and the item related to the fire district question.

Ms. Bettman said the Springfield-proposed amendment dealt specifically with the policy governing urban service delivery, and asked that the motion be amended to mention the policies governing urban service delivery. Ms. Nathanson concurred, and offered the following:

Ms. Nathanson, seconded by Mr. Kelly, moved to inform the City Manager and ask the manager to inform Lane County and the City of Springfield that Eugene is not interested in pursuing a Metro Plan amendment regarding special districts or urban service delivery alternatives at this time.

Ms. Bettman indicated support for the motion and thanked Ms. Nathanson for rewording the motion.

Ms. Solomon indicated she would be unable to support the motion as amended because it precluded the City Council from pursuing other alternative or creative service delivery methods.

Mr. Kelly supported the motion. Speaking to Ms. Solomon's remarks, he said nothing in the motion prevented the council from having a great idea for an urban service delivery alternative and beginning to explore the idea. It merely informed the current process initiated by the City of Springfield. Mr. Kelly thought the amendment being contemplated was premature given the DLCDD's review, and that it was dangerous to invite such broad changes to the Metro Plan. He believed that Springfield would want to know what Eugene supported before it proposed an amendment to the other jurisdictions that Eugene could not vote for. The motion made it more likely Springfield would craft an amendment that was focused on Springfield's needs and that could be supported by Eugene.

Mayor Torrey determined from City Manager Taylor that the motion did not preclude the manager from offering suggestions for process improvements to the council.

Mr. Papé said if the council wanted an alternative service delivery system, it would have to seek a Metro Plan amendment. He wanted to see the amendment from Springfield go forward, and hoped it was sufficiently broad to allow for flexibility in Eugene in how urban services were delivered.

Mr. Meisner did not think Springfield contemplated an amendment that was sufficiently broad to accomplish what Mr. Papé had discussed. He suggested that in order for Mr. Papé to accomplish his goals, he would need to propose a second amendment and get the council's support. Mr. Meisner said the amendment being proposed was intended to allow Springfield to accomplish the proposal for annexation to the Willakenzie Fire District that had been denied by the Lane County Local Government Boundary Commission.

Mr. Meisner determined from Mr. Lidz that the State would review any Metro Plan amendments for consistency with statewide goals.

Ms. Bettman said the question before the council was who provided the urban services the City was now providing. In times of tight budgets, service districts allowed for the creation of another layer of government able to levy taxes, so it was another way to increase taxes. She said that the fact the municipalities were the provider of urban services was consistent with State land use goals and she believed was the most appropriate way for such services to be provided. Ms. Bettman said if the community expressed a desire for a regional government or overlapping layers of government, the council should move to institute an inclusive and broad-based public outreach process. She said the Springfield proposal represented a unilateral decision by one jurisdiction which, by virtue of existing laws, would drive other jurisdictions along with it unless the Eugene council made a definitive statement at this time.

Ms. Bettman said the City should let Springfield and Lane County know where it stood on the issue.

The motion passed, 6:2; Mr. Papé and Ms. Solomon voting in opposition.
The meeting adjourned at 6:50 p.m.

February 8, 2005

**To: Lane County Planning Commissioners
Eugene Planning Commissioners
Springfield Planning Commissioners**

From: Bill Van Vactor, County Administrator

Thank you for your courtesy and careful consideration of the proposed Metro Plan amendment initiated by the Lane County Board of Commissioners. Additional material from that Board deliberation and action is enclosed to provide background and insight into the reasons for the proposal. I will try to highlight some of those reasons and explain how the proposal fits the Metro Plan.

The public safety community in all of Lane County faces significant struggles without a more permanent sustainable revenue picture. The proposal to revise Growth Management Policy 15 sets forth a Metro Plan change that could provide for sustainable revenue without affecting the fundamental growth management principles of the Metro Plan. What follows will highlight services that are provided almost exclusively by Lane County. I will also try to point out a few potential revenue benefits to cities should a public safety district formation proceed.

A countywide public safety district could help fund many services currently provided almost exclusively by Lane County agencies. The Sheriff, District Attorney, Youth Services and Health and Human Services operate within all city limits and provide many services cities do not themselves currently provide to their own constituents. Most of those services are mandated. Constitutional or statutory provisions establish county authority for youth and adult corrections, youth services, criminal prosecution, parole and probation, prisoner transport, civil process and mental health crisis services for urban, suburban and rural Lane County. For example, less than 26% of the felony caseload handled by the District Attorney originates outside the cities of Eugene and Springfield. In addition, those jurisdictions account for 52% of the misdemeanor caseload processed by the District Attorney.

The fundamental Metro Plan principle establishing two cities as the logical providers of services accommodating urban levels of development does not address or preclude the types of services contemplated in the proposed countywide public safety district. The fact that the cities do not generally provide the contemplated district services is evidence that these services are not an element of an urban level of development; rather they are basic, on-going county services regardless of development level. Most of the contemplated services are very different than the "police protection" described in the Metro Plan definition of "key urban facilities and services." The one area of overlap might be the reference to "patrol" in the proposed amendment. Because patrol levels provided by the Sheriff are currently so low and new funding for this will need to compete with all the other contemplated services, we do not believe any duplication of services will occur. In addition, city residents are also beneficiaries of Sheriff's patrol in many ways.

Formation of a countywide public safety district actually might not conflict with the Metro Plan, but we felt it prudent to address language that could present the most significant potential for debate. One source of such a debate is the existing language of Metro Plan Growth Management Policy 15. Clarification of authority to form a countywide district in the metropolitan area is a logical and straight-forward means to reduce the risk of debate and focus discussions instead on whether citizens want the contemplated county services and what they are willing to pay.

Rather than revise all of the Metro Plan parts which address services that accommodate urban levels of development, we crafted a narrow exception to the Metro Plan with the proposed addition to Policy 15. If amended, it would include the following language:

- f. Notwithstanding the above provisions of this policy and all other related policies and text in this Plan, a district or zone of benefit may be created and maintained to provide preventive and reactive public safety services, including but not limited to, adult and youth corrections services, crime prevention, prosecution, detention, supervision, mental health and alcohol and drug services, victim services, drug court, interagency narcotics enforcement, patrol, investigation and arrest.

None of those contemplated services are even remotely related to services that accommodate or address urban levels of development. Consequently, the proposal simply does not affect the policies that compel delivery of truly urban development services by cities rather than special districts. The rest of the Metro Plan policies remain intact. This proposed policy exception does not weaken the position of Eugene and Springfield relative to the other growth management policies or their ability to annex land or control the proliferation of other growth-inducing special districts.

Depending on the outcome of discussions with each city, a public safety district might also assist cities with funding for some of the county-delivered services they currently help pay for within their city limits, and even funding some city services that are interagency endeavors. Some of the examples we have discussed include jail services, interagency narcotic enforcement, drug lab cleanup, burglary or property crime task forces, domestic violence investigations, peer courts, school juvenile counselors, continued felony and misdemeanor prosecution, prisoner transport, civil process service, mental health crises intervention, detoxification services and parole or probation supervision. With various innovative and cooperative approaches, a countywide public safety district might be able to alleviate or replace some of the current funding cities devote to those services.

In conclusion, we think the proposed Metro Plan amendment will permit continued or improved countywide public safety services in a way that does not affect any of the fundamental growth management principles of the Metro Plan. The proposed addition to Growth Management Policy 15 will not create an internal inconsistency within the Metro Plan because it is a narrowly drawn exception that recognizes countywide public safety services are already currently provided within cities; a countywide public safety district does not change that fact. The proposed countywide public safety service district would not provide growth inducing services in the metropolitan area.

AGENDA COVER MEMO

W11 a
04-8-25-8

DATE: August 25, 2004
TO: Lane County Board of Commissioners
DEPT.: Lane County Sheriff's Office
Lane County Administration
PRESENTED BY: Jan Clements, Russ Burger – Sheriff's Office
Bill VanVactor - County Administrator

AGENDA ITEM TITLE: ORDER ___ /IN THE MATTER OF CONSIDERING
CONCEPTS OF A PUBLIC SAFETY SPECIAL DISTRICT
AND INITIATION OF METRO PLAN AMENDMENTS TO
CLARIFY AND PROVIDE GREATER FLEXIBILITY IN
SERVICE DELIVERY IN THE EUGENE-SPRINGFIELD
METROPOLITAN AREA

I. MOTION

MOVE TO APPROVE ORDER NO. ___ DIRECTING FURTHER STAFF WORK
NECESSARY TO INITIATE FORMATION OF A PUBLIC SAFETY SPECIAL
DISTRICT AND INITIATING METRO PLAN AMENDMENTS TO CLARIFY AND
PROVIDE GREATER FLEXIBILITY FOR SERVICE DELIVERY IN THE EUGENE-
SPRINGFIELD METROPOLITAN AREA

II. ISSUE OR PROBLEM

There are two related issues for the Board to consider. The first issue is the concept of a countywide public safety special district. The second issue is to consider initiating non-site specific text amendments to the Eugene-Springfield Metropolitan Area General Plan (Metro Plan) in order to provide greater clarity in the formation of a public safety special district while retaining consistency with the fundamental growth management principles of the Metro Plan.

III. DISCUSSION

A. Background

Many county public safety services are funded primarily with property tax revenue, which flows to the county's general fund. Local property taxes are subject to constitutional, statutory, and political and practical constraints. These revenue constraints are increasingly pressuring local governments to make difficult choices of either thinning

service capacity or foregoing some services in order to maintain others. County residents and visitors continue to expect at least adequate and in many cases improved services from county government.

Lane County is faced with the challenge of struggling to keep rapidly escalating costs balanced within modest revenue growth. In the discretionary general fund this meant cutting \$2.7 million from county services for FY 04/05, primarily because the cost of contributing to PERS and medical coverage for employees and retirees has increased by six per cent per year, while voter-approved property tax limitation measures cap property tax increases to three per cent annually.

With expenses outstripping revenues, public safety activities are impacted more so than other services, because those services use approximately 70 percent of the county's discretionary general fund.

The five-year general fund forecast predicts the revenue/expenditure gap to grow each year. Additional reductions leave Lane County's law enforcement, corrections programs (including the jail), juvenile justice programs, the District Attorney's prosecution services, and parole and probation services with very little capacity to meet the criminal justice system demands in this region. Continued reductions in the law enforcement arena create a substantial public safety risk for the community.

To address the chronic financial problems and to focus on the "First Priority" of the County's Strategic Plan, which calls for allocating resources to services addressing critical life & health safety needs, a countywide public safety district has been suggested. This proposal is a strategy that would provide stable, dedicated funding for necessary public safety services that have historically been provided by the county. Because a special district typically has its own permanent property tax rate, it may provide sustainable funding of its particular services. Each proposal for use of a special district requires careful fiscal and legal analysis, and extensive intergovernmental and community input. This agenda item does not provide this level of analysis, but presents a launching point for the Board of County Commissioners to discuss a draft outline of public safety special district components and direct further staff development of necessary information to formally initiate formation of such a district. It also provides an opportunity for the Board to consider initiating Metro Plan amendments to clarify and provide for greater flexibility in the provision of services in the Eugene-Springfield metropolitan area to facilitate the formation of a public safety special district consistent with the fundamental principles of the Metro Plan.

B. Analysis

Special Districts

Revenue

Cities and counties are unable to maintain the services they provided in the past, much less meet increased demands. Special districts can be used as a strategy to provide revenue for

necessary countywide or specific services. Each type of special district is authorized by State statutes to provide particular services funded by its own independent revenue sources. A special district may provide more stable and adequate funding for the district's particular services than can be provided within the county's permanent property tax rate limit because a special district typically has a voter-approved permanent property tax rate limit dedicated for its purposes and not shared with other programs and services or with other time-limited local option levies.

Formation

Each plan for use of a special district requires fiscal and legal analysis and extensive intergovernmental and community involvement. Since the concept of a proposed countywide public safety special district would include both unincorporated areas as well as incorporated cities, the formation documents must include approval by resolution from the governing body of each city within the district.

County service districts are established under Oregon Revised Statutes Chapter 451 and formation of a countywide public safety district is governed by ORS 198.705 to 198.955, as well as the provisions of ORS chapter 199 governing the Local Government Boundary Commission. There are two options for formation of a county service district. One is by petition, the other by resolution or order of the Board of County Commissioners. The Board may initiate formation of a district, to be located entirely within the county, by an order setting forth:

- The intention of the Board of County Commissioners to initiate the formation of a district and citing the principal Act;
- The name and boundaries of the proposed district;
- If any part of the territory of the proposed district falls within a city, the order shall be accompanied by a certified copy of the city approval; and
- The county shall bear the cost of formation of a district, except costs for preliminary engineering studies and surveys in connection with the district shall be reimbursed by the new district if formation is ultimately successful.

A county service district is allowed by its principal Act to provide law enforcement among other services.

Local Government Boundary Commission

The State Legislature first required comprehensive local land use plans in 1963. In 1973, the Legislature adopted Senate Bill 100, adjusting planning requirements and providing for detailed statewide land use planning goals. Boundary Commissions were intended by the Legislative Assembly to establish policies and exercise powers in order to create a governmental structure that promotes efficiency and economy in providing the widest range of necessary services in a manner that encourages and provides planned, well-ordered and efficient development patterns.

Boundary Commissions were formed to guide the creation and growth of special service districts and were intended to reduce fragmented approaches to service delivery by

encouraging single agency service delivery over service delivery by several agencies.

The Lane County Local Government Boundary Commission was created under ORS Chapter 199, and has jurisdiction over local government boundary changes for many special districts. Today, the Lane County Boundary Commission is the only local government boundary commission still existing in the state.

The Boundary Commission policies regarding efficient delivery of services do not prohibit the use of special districts. The local comprehensive plan is the primary tool employed to express legislative policy about local service delivery needs. Part of the requirement for Boundary Commission action is a determination that the proposal is consistent with the comprehensive plans of the involved area. In this case, only the Eugene-Springfield Metropolitan Area General Plan (Metro Plan) was adopted with specific expressions of what entity should provide services under these policies.

However, the Metro Plan was developed and acknowledged before voter-approved property tax limitations, Measures 5 and 50, restricted local government's ability to finance services via property tax increases.

Metro Plan

The Metro Plan is the official long-range general plan of metropolitan Lane County and the cities of Eugene and Springfield. Its policies and land use designations apply only within the area under the jurisdiction of the Plan. The Metro Plan sets forth general planning policies and land use allocations and serves as the basis for the coordinated development of programs concerning the use and conservation of physical resources, furtherance of assets, and development or redevelopment of the metro area.

Any proposed new special district within the area of the Metro Plan must be consistent with the Plan. Depending on the content of a public safety service district, the Metro Plan does appear to contain policies and perhaps definitions that might act as obstacles to formation of a new district. All other adopted and acknowledged comprehensive plans within Lane County do not seem to preclude formation of a public safety service district but will need to be carefully reviewed and analyzed to ensure consistency if the proposed public safety special district concept proceeds.

The Metro Plan, Growth Management, Policy #15 addresses creation of new service districts and states that service districts are considered "interim" service delivery methods. The Metro Plan calls for annexations to occur over time and existing service districts within the urban growth boundary to be dissolved. The Metro Plan does recognize that Lane County provides a variety of public services to unincorporated portions of the Eugene-Springfield metropolitan area. Currently, Lane County provides countywide public safety services such as corrections, juvenile justice, prosecution, and parole and probation, in incorporated as well as unincorporated areas of the county.

The Metro Plan, Growth Management, Policy # 8 states "land within the urban growth boundary may be converted from urbanizable to urban only through annexation to a city

when it is found that:

- a. A minimum level of 'key urban facilities' and services can be provided to the area in an orderly and efficient manner."

The Metro Plan Glossary defines minimum level of "key urban facilities and services" to include "police protection" as well as other services including but not limited to stormwater service, solid waste management, water service, fire and emergency medical services and public schools. "Police protection" is not further defined and may present an interpretation issue when trying to form a public safety special district.

Lane County was and is the logical provider of many of the countywide public safety services for urban, suburban, and rural Lane County. It was not anticipated that cities would provide these services once any region or area reached an urban density level and these services do not encourage or promote growth or development. In addition, historically, there have been other mutijurisdictional law enforcement services such as drug interdiction, SWAT, and domestic violence investigation services provided by Lane County, within and outside of Eugene/Springfield's urban growth boundary. The emphasis of the Metro Plan and the land use planning goals it supports reduce the fragmented approach to service delivery by encouraging single agency service delivery over service delivery by several agencies. None of the public safety services currently or historically provided by Lane County outside the urban growth boundary have discouraged compact growth or augmented sprawl.

Public Safety Special District

There are several public safety services traditionally provided by, or statutorily mandated for, Lane County. These include, but are not limited to corrections (both youth and adult), parole and probation, prosecution, and unincorporated patrol. The decline in the county's financial resources has led to system degradation as indicated by:

- A reduction in jail beds
- A 'matrix' system at the jail that releases inmates into the community on a daily basis
- More than 100 parolees per parole officer to manage
- Fewer and fewer crimes prosecuted by the District Attorney's Office
- A youth detention facility operating at minimal capacity
- Rural and suburban police patrol minimized to unacceptable levels
- The elimination of interagency drug team participation
- The elimination of interagency special tactics teams to deal with critical incidents

The goal of creating a countywide service district is to provide a separate funding source for public safety services. The goal of the district would be to make available the kinds of public safety services the county currently is under authority or mandated to provide, not to displace any other jurisdiction or create a duplication of services.

The timeline goal is to put the proposal on the November 2006 general election ballot. The exact description of a Lane County public safety district is in the preliminary stages. A district of this type will need input from a variety of sources and comprehensive analysis before decision makers can finalize the details and outline the specifics of the district's components.

Creation of some form of a public safety district in 2006 will help close the expense/revenue gap of the county general fund and at the same time help sustain a rapidly deteriorating public safety system. This is a strategy that allows the organization to move forward in a time of fiscal stress.

C. Alternatives/Options

1. Move approval of the Board Order to direct more staff work on forming a public safety special district and initiating Metro Plan amendments in order to provide greater clarity in the formation of a public safety special district consistent with the Metro Plan.
2. Do not approve the Board Order at this time. If the Board decides to pursue special district formation at later date, the timeline for putting the issue on a November 2006 ballot is shortened and compromises the timeframe for getting the necessary work completed.

D. Recommendations

Staff recommends Alternative 1, above, to move approval of the Board Order.

E. Timing

In order for a special district proposal to be placed on a November 2006 ballot, work needs to begin promptly following Board Order approval.

IV. IMPLEMENTATION/FOLLOW-UP

Staff will begin work immediately to put together a work plan for formation of a special district to be voted on in the November 2006 general election. Staff will also complete work on analyzing the Metro Plan in order to process specific amendment recommendations consistent with the Board Order.

V. ATTACHMENTS

1. Board Order

IN THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

ORDER 04-)	IN THE MATTER OF CONSIDERING CONCEPTS OF A
)	PUBLIC SAFETY SPECIAL DISTRICT AND INITIATION OF
)	METRO PLAN AMENDMENTS TO CLARIFY AND PROVIDE
)	GREATER FLEXIBILITY IN SERVICE DELIVERY IN THE
)	EUGENE-SPRINGFIELD METROPOLITAN AREA

WHEREAS, revenue constraints are increasingly pressuring local governments to make difficult choices; and

WHEREAS, Lane County is faced with the challenge of struggling to keep escalating costs balanced with modest revenue growth; and

WHEREAS, the Lane County Strategic Plan calls for allocating resources to those services that are effective in addressing immediate and critical life and health safety needs as a first priority; and

WHEREAS, special districts can be used as a strategy to provide revenue for certain necessary countywide services; and

WHEREAS, any proposed special district within the area of the Eugene-Springfield Metropolitan Area General Plan (Metro Plan) must be consistent with the Plan; and

WHEREAS, the Metro Plan appears to contain policies and definitions that make it unclear whether formation of a new public safety special district would be consistent with the Metro Plan; and

WHEREAS, Lane County is the logical provider of many countywide public safety services for urban, suburban and rural Lane County; and

WHEREAS, these public safety services do not encourage or promote growth or development.

NOW THEREFORE IT IS HEREBY ORDERED, that the Board of County Commissioners directs further staff work necessary to allow the Board to formally initiate formation of a public safety special district.

IT IS HEREBY FURTHER ORDERED, that the Board of County Commissioners initiates Metro Plan amendments to clarify and provide greater flexibility in service delivery in the Eugene-Springfield metropolitan area.

Dated this _____ day of August 2004.

Chair, Lane County Board of Commissioners

APPROVED AS TO FORM

Date 8-17-2004 Lane County

Stephen J. Varner
OFFICE OF LEGAL COUNSEL

PASSED

IN THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

ORDER 04- 8-25-8)	IN THE MATTER OF CONSIDERING CONCEPTS OF A
)	PUBLIC SAFETY SPECIAL DISTRICT AND INITIATION OF
)	METRO PLAN AMENDMENTS TO CLARIFY AND PROVIDE
)	GREATER FLEXIBILITY IN SERVICE DELIVERY IN THE
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WHEREAS, these public safety services do not encourage or promote growth or development.

NOW THEREFORE IT IS HEREBY ORDERED, that the Board of County Commissioners directs further staff work necessary to allow the Board to formally initiate formation of a public safety special district.

IT IS HEREBY FURTHER ORDERED, that the Board of County Commissioners initiates Metro Plan amendments to clarify and provide greater flexibility in service delivery in the Eugene-Springfield metropolitan area.

Dated this 25th day of August 2004.


Chair, Lane County Board of Commissioners

APPROVED AS TO FORM

Date 8-17-2004 Lane County


OFFICE OF LEGAL COUNSEL

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Get that rock rolling

Clements' public safety plan is worth considering

Even if the idea goes nowhere — a distinct possibility — Lane County Sheriff Jan Clements deserves points for creativity and persistence for his proposal to establish an independent countywide public safety district.

During his nearly two terms as sheriff, Clements' quest for a stable, reliable source of funding for public safety programs has had a Sisyphean quality. Like the ancient king of Greek mythology, Clements' lot has been to endlessly roll a huge stone up a hill only to watch it tumble each time back to the bottom.

Well, almost every time. County voters in 1997 approved a one-year levy for law enforcement, but they rejected nine other different public safety proposals, including innovative plans to create a special law-enforcement district in the Mohawk and McKenzie valleys and to impose a countywide income tax. More conventional strategies also have failed, including four-year property tax levies and bond issues for improvement of corrections and law enforcement facilities.

Now, the resilient Clements has returned with yet another proposal, one that potentially could put the county's habitually underfunded and overextended public safety programs on sound financial footing. While still in the conceptual stage and lacking in detail, the basic idea is to create a new countywide taxing district that would raise tax revenues dedicated exclusively to public safety services such as rural patrols, narcotics enforcement, prosecution, adult and juvenile corrections and parole and probation services.

That sounds both simple and logical. But before it could become reality, supporters would have to roll this very large and unwieldy proposal up not one but several hills, the steepest of which would be the well-established skepticism of county voters.

Hill No. 1 would be amending the Metro Plan, which governs long-range planning and land-use in urban areas in the county and Eugene-Springfield metropolitan area. While not an insurmountable obstacle, the plan would have to be changed to allow formation of a new district.

Hill No. 2 would be weighing the proposal's impacts on existing

county government. Public safety programs currently make up about 70 percent of the county's general fund budget. Splitting those programs — and the budgets that go with them — off to a new and separate taxing district, one with its own governing board, would radically change the character and nature of county government. While such a move would ease commissioners' annual budgeting migraines, it remains to be seen how they would feel about such a major downsizing of their political domain.

Hill No. 3 would be determining the structure of the new public safety district and deciding who has final say over critical budget and policy matters. How, for example, would a new district board relate to the sheriff and district attorney, both of whom are independent elected officials?

Hill No. 4 — they're getting taller now — would be determining the tax impacts. Clements favors a two-tier tax system for the new district, one that would ensure equity between urban areas that already pay for their own police protection.

That's the simple part of the tax equation. Next comes dealing with the impacts on the county's budget. If county voters approve a new district, then the tax dollars that currently flow into the general fund and pay for public safety programs would be freed up for other county services.

Clements rightly argues that taxpayers won't go along with his plan unless they receive a proportionate reduction in their county general fund taxes. And there's the rub. One of the biggest incentives for county officials in considering the plan is the prospect of using those freed-up general fund dollars to patch the gaping holes in the remainder of the county's budget.

And that brings us to the last and final hill — the one known as Mount Voter, a treacherous, ice-covered slope that Clements knows all too well.

Despite the many obstacles, Clements' idea is worth considering. Commissioners, who are scheduled to discuss the plan on Wednesday, should direct staff to take the preliminary steps necessary for a Metro Plan amendment and to do the groundwork necessary to get this rock rolling.

Slow down reforms

The Register-Guard
8-24-04



We need to be a

Jerry Harris (le an interesting q whether The Regi print letters to the offensive racist sta

On the one han one from Brian Ro 28) blaming affir: lice misconduct se ion of an isolated extremely unfair and who is trying Should the twisted informed person l The Register-Guar

On the other ha representative of community. Here i hear white people c racism, insisting t gene is racist. If F sent a part of our e we need to hear hi in order to be awar truly exists in our c

SUSAN ROGEE
Eugene

Terrorists, libera

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Sunday, Byrne said his troops were not adequately equipped to engage in conflict with an insurgency that stages regular and deadly attacks on convoys with rocket-propelled grenades and powerful roadside bombs.

In particular, the general cited an inadequate supply of fully armored Humvees, a shortage that has forced troops to retrofit vehicles with bolt-on armor that leaves the bottoms of the vehicles unprotected. That's

gon officials failed to anticipate and were shamefully unprepared to fi

Members of Oregon's congressional delegation, including Rep. Peter DeFazio, have been hammering the military for more than a year to do a better job of equipping National Guard and Reserve troops. There have been some improvements, but the job remains inexcusably far from finished.

Springfield's bold move

County should now address jail-bed shortage

Lane County officials may not like Springfield's decision to take corrections matters into the city's own hands — and out of the county's — but they have to admire the forceful, innovative leadership that pulled it off.

Frustrated by the revolving door at the county jail and the city's stratospheric property crime rate, the Springfield City Council asked city residents to pay \$28.7 million to build a new downtown public safety center that includes a 100-bed jail.

The measure not only passed, it passed by a substantial margin at a time when many other money measures were exploding like shot-gunned skeet across the county and state. And it passed in a community that has previously demonstrated its willingness to shoot down tax proposals.

Even more surprising is the fact that Springfield residents voted in favor of a jail that might never be built. While city officials plan to proceed with building the new police station and municipal court, they have pledged not to build the jail portion of the project — or issue the bonds needed to do so — until they devise a way to pay for the estimated \$1.4 million in operating costs.

They also have said the jail won't be built if the county finds a way to expand its jail capacity and satisfy the city's corrections needs.

In approving the public safety measure, Springfield voters made an impressive statement of trust in the city's leadership. Now, the City Council and administration must demonstrate that trust was merited by not only showing that it can cover operations costs, but also by

proving that its estimates, which county corrections officials have warned may be low, are accurate.

Meanwhile, county officials, in particular those who have insisted that corrections should be addressed at the county and not municipal level, now have a prime opportunity to demonstrate their own leadership by resolving the county's shortage of jail beds.

County commissioners, who have tolerated an intolerable corrections status quo for far too long, have talked recently about creating a countywide public service district that would address the jail-bed shortage and an array of other public safety concerns. But so far, the commissioners have been long on talk and short on action.

Any attempt to form a public safety district would face serious obstacles, the most daunting of which would be convincing county voters to go along with creating a new layer of local government and increasing taxes to pay for it. That's hardly an attractive prospect for county officials who haven't passed a money measure for nearly a decade.

Commissioners should be open to other possibilities, as well. For example, the county might consider co-operating with Springfield's jail project, perhaps even leasing beds from the city in an arrangement similar to the one in which the city has leased jail beds from the county in the past.

That may or may not be a viable strategy. The point is that commissioners should be bold and innovative in addressing the county's corrections crisis — just as Springfield was in deciding to build its own jail.

But it is important to visualize a society being both responsible and more fun, healthy, community-oriented and economically sufficient. The Europeans are demonstrating this while outcompeting us on many socioeconomic fronts. It's time to embrace the future while leaving the frontier mentality behind. It's time to rejoin the world.

It's time to talk about solutions and support leadership which does.

TOM BOWERMAN
Eugene

The benefits of mail elections

I realize that not everyone is in favor of Oregon's vote-by-mail elections, but wasn't it nice that we didn't have to wait in line in the elements for 45 minutes, show a picture ID, answer questions by lawyers or challenges by observers and not have someone follow us to our car to take down our plate number?

ROBERT DICKINSON
Eugene

We must stop carnage in Iraq

While it comes as no great surprise that George Bush is supported by mainstream Christians and their single-mindedness, I was just curious how these Christians reconcile the deaths of more than 100,000 Iraqi civilians. Is death by abortion different from death by smart bombs? Do the families grieve less? Are Arabs less human or diminished in God's eyes because they are not Christians? Where is the outrage?

The Iraqi people were not involved with Sept. 11. To lend any support to this crusading president in his quest to impose his will on another country is tantamount to promoting further death to innocents.

The blood is on all our hands if we refuse to stop this carnage.

LESLIE MARTI
Eugene

Racial harmony wishful thinking

With all the ad nauseam talk about racism and racial profiling, there is a different voice in the wilderness.

Diversity and harmony between the races is wishful thinking at the least, a dream at best.

The reality is that if we haven't reached the utopia in these hundreds of years by now, it will never come to fruition. The majority of people — regardless of their respective races — are simply more comfortable relating to people who look like themselves.

So Anna G'a been offended t Nov. 1) about faith on the day most important New Year. She liked the article which, she im what some Chr holiday.

Does that m satisfied if the tion of The R pagan beliefs as tian ones? That would see the the paper on a but somehow I zier would be al

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CATHERI
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MINUTES

Joint Planning Commissions
Lane County, Springfield, and Eugene
Public Hearing
Harris Hall
125 East 8th Avenue – Eugene, Oregon

February 1, 2005
7 p.m.

PRESENT: Juanita Kirkham, Chair; Marion Esty, Jacque Betz, Mark Herbert, James Carmichael, Ed Becker, Lisa Arkin, Jozef Siekiel-Zdzienicki, Lane County Planning Commission members; John Lawless, President; Rick Duncan, Jon Belcher, Randy Hledik, Phillip Hudspeth, Eugene Planning Commission members; Steve Moe, Chair; Lee Beyer, Frank Cross, Gayle Decker, David Cole, Springfield Planning Commission members; Kent Howe, Stephanie Schulz, Jerry Kendall, Lane County Planning staff; Susan Muir, Kurt Yeiter, Eugene Planning staff.

ABSENT: Steve Dignam, Lane County Planning Commission member; Mitzi Colbath, Anne Marie Levis, Eugene Planning Commission members; Greg Shaver, Bill Carpenter, Springfield Planning Commission members.

1. Welcome and Introductions

Commissioner Kirkham welcomed those present to a joint public hearing of the Lane County, Springfield, and Eugene planning commissions.

Commissioner Kirkham opened the public hearing for the Lane County Planning Commission.

Commissioner Moe opened the public hearing for the Springfield Planning Commission.

Commissioner Lawless opened the public hearing for the Eugene Planning Commission.

Commissioner Kirkham called for public comments on non-agenda items.

2. Public Comments on Non-agenda Items

There was no one wishing to speak.

3. Joint Public hearing –Amendment to the Eugene-Springfield Metropolitan Area General Plan Policies to Clarify and Provide Greater Flexibility in Service Delivery for a Public Safety Special District.

Kent Howe, Lane County Planning Director, stated that pursuant to his remarks during the work session, the County had determined that because of the ambiguity in the Metro Plan language the “surgical” approach proposed by the County was the best way to make district formation consistent with the plan. He said that Growth Management Policy 15 of the Metro Plan was proposed for amendment and criteria

for review were that the proposal was consistent with the relevant statewide planning goals and resulted in internal consistency with the Metro Plan. He said staff had found that both of those criteria for amending the Metro Plan were met and supported a recommendation for the amendment. He said that the planning commissions could deliberate following the staff presentations and either act as a joint body or deliberate and act separately.

Bill Van Vactor, Lane County Administrator, stated that when the Metro Plan was acknowledged in 1982 funding of local government was significantly different and consisted of a tax base system that could grow at six percent per year. He said that Lane County, Eugene, and Springfield all had a funding mechanism that allowed for a reasonable amount of growth to occur each year; subsequently ballot measures had capped property taxes at \$15 per thousand, with \$5 for education and \$10 for general government. He said that when voters approved measures that exceeded those limits compression occurred, first of local option levies and then of permanent rates. He said that subsequently Ballot Measure 50 had the effect of rolling back assessed values statewide by 17 percent and capping growth at 3 percent annually, creating permanent tax rates for which no legal mechanism existed for requesting a permanent rate increase from the voters. He said that the service district was a permanent solution to stabilize funding and preferable to a local option levy that would be limited to five years. He stated that Lane County's current tax rate of \$1.27 per thousand was completely inadequate to provide the necessary services for 325,000 county residents. He said that the addition of Secure Rural Schools revenue still left Lane County with almost the lowest tax rate in the State and one more appropriate to a limited or special purpose district than a unit of general purpose government charged with providing critical life, health, and safety services. He indicated the public safety district would be established as an Oregon Revised Statutes (ORS) 451 financing vehicle and the Board of County Commissioners would remain the governing body with a five member citizen budget committee. He said the language was very narrowly drafted to avoid raising policy issues with regard to urban growth or the creation of other districts. He stated that the planning commissions' review was the first step in a lengthy process; when the proposal went before the Boundary Commission it would focus on the compression issue and viability for financing for the proposed district. He pointed out that in order for the district rate to apply inside the corporate limits of a city, the city would have to provide a resolution of support for inclusion in the petition formation application; a resolution of consent and approval would be required from all 12 cities within Lane County and a collaborative process to set the rate and services was anticipated.

Commissioner Arkin asked if revenue from the district would be overseen by the county commissioners. Mr. Van Vactor said that a budget committee composed of the five commissioners and five citizens would provide oversight.

Russ Burger, Lane County Sheriff, stated that the public safety system included services ranging from prevention, enforcement, arrest, incarceration, prosecution, treatment and transition, and supervision. He said the system was broken and he and other County department heads were there to discuss degradation of the system currently utilized to address public safety in Lane County. He said that there were 119 empty beds at the jail, no burglary or property crime investigators, the domestic violence position was in jeopardy each year, and the interagency narcotics enforcement team was closed last year due to budget cuts. He said those were issues faced by the Sheriff's Office and similar problems existed throughout the system. He stressed the importance of the fact that the system had degraded to the point that a permanent solution was critical. He said the Metro Plan amendment to allow for a public safety district was the opportunity for citizens to decide if they wanted dedicated funding for public safety in Lane County.

Lisa Smith, Lane County Department of Youth Services (DYS), declared that the public safety system in Lane County faced persistent and significant financial and resource challenges. She pointed out that the challenges did not occur in isolation within any department but were interconnected; what impacted one part of the system impacted all other parts of the system and ultimately affected citizens and communities. She said that DYS was the sole juvenile justice provider, by statute, for detention and probation services

in Lane County. She used charts to illustrate referrals by area, with 42 percent of referrals from the Eugene area, 27 percent from the Springfield area, and 31 percent from rural areas. She commented that citizens' expectations of DYS were threefold:

1. hold youth offenders accountable,
2. lock up youth offenders who posed the greatest risk to the community, and
3. provide appropriate and adequate treatment to juveniles so they left the system with more skills than when they entered.

Ms. Smith said the current system had incurred such significant reductions that those expectations were at peril and reductions in beds and treatment options undermined DYS' ability to provide a balance of correction and treatment services, with most facilities operating at less than 50 percent capacity. She indicated that DYS had sustained major cuts in State funding and was facing significant reductions in federal funding. She stated that while DYS had been successful in securing grant funding over the past ten years, those grants were expiring and a permanent, stable funding source was essential in order to provide a balance of correction and treatment services to ensure community safety.

Alex Gardner, Lane County Assistant District Attorney, said the County's proposal would not be before the commissions if there was any other feasible way to establish permanent, stable funding for public safety services. He said that County employees had been struggling with grossly inadequate staffing for a long time and there had been some by-products of that disadvantage that would allow citizens and elected officials to determine if they were getting "bang for the buck." He encouraged commissioners to compare caseloads in the District Attorney's office and supervisor to line worker ratios; the organization was very lean and had existed in starvation mode for some time – there was no place else to cut. He pointed out that by Constitution the District Attorney (DA) was a State employee and the DA's duties could not be assumed by the cities. He said that given current caseloads the DA provided services at about one-third of the cost for a city to provide those services. He provided as an example of a collaborative effort in the DA's office the "24 hour team" services for victims. He said that one employee was dedicated to supervising the team's 30,000 volunteer hours and the office provided a car, telephone, and pager system. He said the program had been eliminated because the paid employee position was cut from the budget.

Rob Rockstroh, Department of Health and Human Services (DHHS), said that his department's role in the public safety system was parole and probation, mental health, and alcohol and drug treatment. He described the services provided by his department that could not be provided by other entities because it required police power, including civil commitment holds, closure of restaurants because of unsafe practices, and quarantine for communicable diseases. He said that DHHS services were funded primarily by the County with state and federal matching grants. He noted that while parole and probation services were countywide, in reality most offenders were from the cities. He said that a partnership between the State and County resulted in provision of services throughout the County. He described the probation and parole services that provided supervision of offenders in the community and had not been funded adequately in many years. He discussed the impact to DHHS of cuts in the Oregon Health Plan, including loss of methadone treatment. He emphasized the seriousness of problems related to methamphetamine, which demanded services from across the system.

Jim Gangle, Lane County Assessor, provided a brief overview of the issue of compression that resulted when passage of Measure 5 limited the maximum rate, based on the real market value, on which property could be taxed. He said there was a \$5 rate for education and a \$10 rate for government and any time that \$10 rate was exceeded based on the real market value, the tax collected was compressed down to \$10. He said the vehicle proposed to fund the public safety district was property tax by creating a new permanent rate for the district and as a consequence there would begin to be compression in other governmental districts depending on the amount of rate established for the public safety district. He reminded the commissions that local option levies would be compressed first, then the permanent rates.

Anna Morrison, Lane County Board of Commissioners chair, commended the efforts of staff to demonstrate the nature of the problem within the public safety system in Lane County. She hoped that Mr. Gangle's discussion of compression issues was helpful. She stressed the crucial condition of the public safety system. She described the composition of the Public Safety Coordinating Council (PSCC), which was mandated in all counties by the State. She said the council had discussed at length the lack of resources for public safety and been unable to agree on a solution the public would accept, despite the continuous complaints related to lack of capacity in the system. She said the County's proposal was an effort to address the problem as inaction was no longer acceptable and the State would not provide financial assistance. She indicated a willingness to send jail prisoners back to the state if adequate resources to operate that facility did not become available. She noted the presentations from department heads that illustrated the lack of resources throughout the system. She agreed that methamphetamine use was reaching levels that dramatically affected the community and had personally witnessed its impact during ride-alongs with deputies.

Commissioner Hudspeth referred to an e-mail from Eugene City Councilor David Kelly asserting that the City of Eugene was on record as not having any interest in special districts. He asked what the implications of that were for the public safety district proposal.

Ms. Morrison said that the e-mail reflected a territorial issue within Lane County, although Eugene had been represented on the PSCC and understood the urgent need for a solution. She said that all of the cities in Lane County would have to agree to the formation of a district. She was disturbed by the e-mail but not surprised because of the territorial issue. She hoped that jurisdictions could work collaboratively and pursue a solution through a communitywide perspective. She noted that cities did not compensate the County for loss of revenue from urban renewal districts, but the County was willing to discuss with the cities all options for moving forward with the public safety proposal.

Mr. Howe referred to Metro Plan Growth Management Policy 15 and said the County was proposing to add subsection f, which would read: "Notwithstanding the above provisions of this policy and all other related policies and text in this Plan, a district or zone of benefit may be created and maintained to provide for these public safety services..." He reminded the commissions that their role was to determine whether the amendment was consistent with State goals and guidelines and internally consistent with the Metro Plan policies.

Commissioner Kirkham called for public testimony.

Charles Biggs, 540 Antelope Way, Eugene, asked that the record be held open 21 days in order to give a person who owned property in each of the jurisdictions 7 days to research the impacts to their investments. He stated that the term "public safety services" was vague, unending, and expandable and should be submitted to a double majority vote.

Lauri Segel, 1000 Friends of Oregon, 1192 Lawrence Street, Eugene, asked commissioners to consider tightening the language in the proposal but did not have comments on the merit or lack of merit of the proposal. She said the findings and policy amendment were in some respects poorly crafted. Regarding the findings in attachment B to the staff report, she said she did not see the appropriateness of the fifth bulleted item as the proposal did not relate to providing services on the urban fringe and requested that the public safety services be more defined and the policy amendment did not list a number of services and state "...not limited to these." She said that there were references to interim district provision with the expectation of annexation to the appropriate city but the proposal was not meant to be an interim response; it was meant to be permanent. She did not think the amendment went far enough in addressing consistency with the Metro Plan by only adding a subsection f.

There being no one else wishing to testify, Commissioner Kirkham called for deliberation by commissioners.

Commissioner Siekiel-Zdzienicki requested a copy of the minutes of the Eugene City Council meeting during which action on a special service district was taken in order to better understanding why the council had adopted its position.

Regarding amending the Metro Plan and internal consistency, Commissioner Hledik called for information and further discussion on the fundamental principle of the plan addressing cities as the logical providers of urban services, citing language in Lane County 04-8-25-8 that stated "...Lane County is the logical provider of many countywide public safety services for urban, suburban, and rural Lane County." He said that language appeared to contradict the fundamental principle that cities were the logical providers.

Commissioner Herbert said that a request during public testimony to hold the record open so that property owners could analyze the financial impact of a special district on their investments was unrealistic as it would take months of negotiations among the jurisdictions before financial impacts could be ascertained. He said that the special district was chosen as the financing vehicle for public safety because it was permanent and stable instead of a five-year levy that would have to go back to the voters. He interpreted the Metro Plan policy to say that if something came under the jurisdiction of a city because of an annexation, at that point it would revert to the city, which was a different issue; one related to stable funding and the other to a change in jurisdiction. He listed four issues that would need to be addressed from the perspective of the County:

- public safety issues, broadly defined, were compelling and systemic
- the County was legally responsible for providing certain services and was the most efficient vehicle for providing those services
- was the amendment consistent with the planning goals and did it fit the criteria
- was the amendment defined in such a narrow way that it did not open "Pandora's box" and create an easy way for special service districts to be created to fund other things

Commissioner Herbert said he felt that those issues were satisfactorily addressed and his recommendation from the Lane County Planning Commission was to recommend approval to the Board of Commissioners immediately.

Commissioner Esty agreed with Commissioner Herbert's remarks. She added that the proposal was clearly drawn, easy to understand, and did not conflict with the interests of cities. She also had witnessed the problems created by methamphetamine use, which was a countywide issue that affected all aspects of community life. She thanked staff for their presentations and urged support for the proposal.

Commissioner Belcher said that he understood the significance of the problem but the issue before the commissions was a Metro Plan amendment and that should be the focus of their attention. He asked of the phrase "...not limited to" in the proposed language was necessary as it raise issues of ambiguity for future interpretations. He cited the existing criteria in Policy 15 for forming a special district and asked if consistency could be achieved by an amendment that said those criteria could be ignored.

Commissioner Beyer agreed that there was a problem that needed to be addressed. He reflected on the adoption of the Metro Plan at a time when general purpose governments had the ability to create revenue that the public supported in order to deliver services and that situation had now changed. He said the plan was not written for the purpose that was being discussed and if that was an agreed upon direction then other changes that recognized some services would always be done by the County should also be

included. He agreed with Commissioner Belcher's remarks about internal consistency issues. He urged caution in considering amendments to the Metro Plan. He suggested that the Springfield Planning Commission take additional time to deliberate the matter and reminded the commissions that it was essential for elected officials to support the proposal.

Commissioner Carmichael thanked staff for their compelling presentations and agreed with Commissioner Beyer about the magnitude of the issue and the need for support from elected officials. He suggested that the commissions take an additional seven days to review the language, leave the record open, and then meet individual to vote.

Commissioner Lawless agreed with commissioners Beyer and Carmichael that it was important to take additional time to carefully consider the implications of a Metro Plan amendment and the proposed language. He suggested that the Eugene Planning Commission also deliberate the matter independently and supported the seven day extension of time.

Commissioner Herbert moved that the Lane County Planning Commission recommend approval of the Metro Plan Growth Management Policy 15 amendment to provide greater flexibility in service delivery for a public safety district.

Commissioner Kirkham declined to accept a motion until deliberations had been concluded.

Commissioner Siekiel-Zdzienicki agreed with Commissioner Carmichael that the commission should extend the comment period and deliberations for seven days and tighten the language and discuss the matter separately. He repeated his request for a copy of the June 28, 2004, Eugene City Council work session minutes.

Commissioner Cole said his main concern was uncertainty about how many districts could be created under the amendment and wanted to see revisions to the language that would restrict the amendment to a single district.

Commissioner Decker remarked that a recommendation from the planning commission to the council carried some weight and she agreed with the need for additional time to review and discuss the proposed Metro Plan amendment.

Commissioner Moe said it was the consensus of the Springfield Planning Commission to delay action on the amendment.

Commissioner Lawless said it was the consensus of the Eugene Planning Commission to delay action on the amendment.

Commission Hudspeth disagreed with Commissioner Lawless. He said he did not feel that action should be delayed and the commission should move forward with a vote of support and further deliberations would occur when the issue came before the City Council.

Commissioner Herbert moved, seconded by Commissioner Esty, to recommend that the Lane County Board of Commissioners adopt the Metro Plan Growth Management Policy 15 amendment to provide greater flexibility in service delivery for a public safety district.

Commissioner Herbert expressed confidence that the commission had the support of local elected officials, specifically the Board of County Commissioners.

Commissioner Becker asked if the motion reflected certainty that the applicable criteria had been satisfied. Commissioner Herbert replied that it did.

Commissioner Arkin expressed appreciation for comments from staff and elected officials and supported the concept of increasing taxes to support public services. She was hesitant to vote affirmatively only because she felt more time was needed to discuss the implications to assure that the language was appropriate to the commission's intentions.

The motion failed, 5:3; commissioners Betz, Esty, and Herbert voting in favor.

Commissioner Carmichael moved, seconded by Commissioner Siekiel-Zdzienicki, that the Lane County Planning Commission extend the deadline for public comment for seven days and reevaluate the matter at its next meeting.

Commissioner Siekiel-Zdzienicki stated that he always voted for taxes as taxes operated the government.

Commissioner Herbert said he did not perceive a negative vote on his motion as being against the proposal; he was sensitive to the need to move forward with the matter given the number of jurisdictions that would need to be involved.

The motion passed, 7:1; Commissioner Betz voting in opposition.

Commissioner Beyer moved, seconded by Commissioner Decker, that the Springfield Planning Commission leave the public record open for seven days and take up the item at a future meeting. The motion passed, 5:0.

Commissioner Belcher moved, seconded by Commissioner Duncan, that the Eugene Planning Commission leave the public record open for seven days and work with staff to schedule deliberation of the matter on a future agenda.

Commissioner Duncan thanked staff for the information provided to the commission. He said that the language of the proposal would be reviewed to assure it was acceptable to Eugene's elected officials, which was why additional time had been requested.

The motion passed, 4:1; Commissioner Hudspeth voting in opposition.

Commissioner Kirkham adjourned the joint public hearing.

Commissioner Moe adjourned the meeting of the Springfield Planning Commission at 8:25 p.m.

Commissioner Lawless adjourned the meeting of the Eugene Planning Commission at 8:25 p.m.

(Recorded by Lynn Taylor)

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MINUTES

Lane County Planning Commission
BCC Conference Room - Lane County Courthouse

March 15, 2005
5:30 p.m.

PRESENT: Steve Dignam, Chair; James Carmichael, Vice Chair; Lisa Arkin, Ed Becker, Jozef Siekiel-Zdzienicki, Marion Esty, Juanita Kirkham, members; Stephanie Schulz, Staff; Bill Van Vactor, Doug Harclerod, Rob Rockstroh, Russ Burger, Lisa Smith, Jim Gangle, Alex Gardner, Anna Morrison, Karen Gaffney, Ralf Christensen

ABSENT: Mark Herbert

I. APPROVAL OF NOVEMBER 16, 2004 MINUTES

Mr. Dignam convened the meeting at 5:30 pm. He asked for public comment on issues not being discussed that evening.

There were no members of the public wishing to speak.

Mr. Dignam noted that that Commissioner Jacque Betz had resigned from the Commission and took an opportunity to thank Ms. Betz for her years of service.

Mr. Becker, seconded by Ms. Kirkham, moved to approve the minutes of November 16, 2004. The motion passed unanimously.

II. DELIBERATION/RECOMMENDATION – Amendment to the Eugene Springfield Metropolitan Area General Plan Policies to clarify and provide a greater flexibility in service delivery for a public safety special district. (Metro Plan Growth Management Policy 15, Page II-B-5 or Periodic Review Revised Metro Plan page II-C-5.)

Mr. Dignam noted that additional information from Bill Van Vactor and Kent Howe had been distributed to the commissioners.

In response to a question from Ms. Arkin regarding action taken by the Eugene and Springfield Planning Commissions on the issue, Kent Howe said the Eugene Planning Commission had recommended adding language to 15(f) by adding a single county wide zone of benefit. He said the Eugene Planning Commission had unanimously recommended that language. He said Springfield Planning Commission had recommended the same language. He noted that, after that action had been taken, there had been a recommendation to have further discussion over the term 'single, county wide, district' because it might create an inconsistency in the Metro Plan. He said the suggested language was a 'single district within the County.' He said both commissions had unanimously voted to move the matter on to elected officials. He said staff had determined that the two criteria for approving an amendment had been met.

The criteria were:

1. The amendment must be consistent with the relative statewide planning goals adopted by LCDC
2. The adoption of the amendment must not make the Metro Plan internally inconsistent.

In response to a question from Mr. Siekiel-Zdzienicki regarding whether the Eugene Planning Commission had discussed the compression aspect they would face, Mr. Howe said that was not within their purview.

In response to a question from Ms. Arkin regarding whether some cities could opt out of the special district and would therefore not be served, Mr. Howe said this was why the Springfield Planning Commission had suggested the wording of 'a single district within the County' rather than a single County Wide district.'

In response to a question from Ms. Arkin regarding whether services would be available to cities that opted out of the special district, Bill Van Vactor said, from a practical point of view, if one or two small cities opted out then there would be annexation issues later if they wanted to be included. He said if larger cities did not consent then that would effectively kill the proposal.

In response to a question from Ms. Esty regarding whether there was a timeline for cities to be included in the district, Mr. Van Vactor said no timeline was set but noted that there was always the option of filing an annexation application with the Boundary Commission.

In response to a question from Mr. Becker regarding whether the concerns of the Eugene City Council had raised were addressed, Mr. Howe said the meeting packet contained the answers to the questions had been asked by elected officials. He noted that no policy language had been changed as a result of questions asked.

In response to a question from Mr. Dignam regarding what the staff recommendation was, Mr. Howe said the intent of the language was clear enough that the County needed to be unanimous with the other planning commissions, but offered the caveat of considering the language suggested by the Springfield Planning Commission regarding the wording of a single district within the county.

In response to a question from Ms. Arkin regarding what would happen if the voters did not approve the amendment, Mr. Van Vactor said voters might not approve the amendment. He said the only way to get funding for public safety was a special district. He added that the suggested language by Springfield should be added. He said the district was a last resort but was a viable option if it was financed. He noted that if the amendment were approved now then the matter could be put before voters numerous times.

In response to a question from Ms. Arkin regarding the costs of getting the matter to the voters, Mr. Dignam urged the commission to focus their efforts on the two criteria described by planning staff. He said there was a broad scope of information within public safety financing but stressed that they were not in the purview of the planning commission discussion.

Ms. Arkin said she was trying to determine whether the special district would be viable if it were not approved by the voters.

Planning Director Howe reiterated that the proposal was an option for financing public safety services.

Mr. Becker said he was convinced that the staff recommendation was the best way to proceed.

Ms. Kirkham agreed with Mr. Becker and said it was not the place of the planning commission to word craft the amendment document.

Mr. Carmichael said the testimony provided had been among the most compelling that he had ever heard. He said the testimony should be given to the public to ensure that there was public support. He stressed the importance of the issue. He said he agreed with Ms. Kirkham that the planning commission should not try to wordsmith the recommended language but said he was in favor of adding the suggested language in section F of the document.

Mr. Siekiel-Zdzienicki said he was in favor of the suggested language addition so the whole thing would not fail if a large city opted out.

Mr. Dignam said he was in favor of approval of the document. He said there was no conflict with either of the criteria identified by staff.

In response to a question from Ms. Arkin regarding compression and whether the tax rate would be the same for people in rural districts as people within a city under compression, Mr. Howe noted that the hearing was closed and said any answers provided by Mr. Gangle would be open to rebuttal.

County Counsel reiterated that the record was closed. He questioned how Ms. Arkin's question was relevant to the criteria for approval identified by staff. He said there was some legal risk in getting an answer to Ms. Arkin's question in that rebuttal to any new information had to be allowed.

Mr. Carmichael said the answer was not pertinent to the planning portion of the discussion that the commission was deliberating that evening.

Ms. Arkin withdrew her question and stated that she wholeheartedly supported the district. She commented that if the matter did not feel fair to the citizens, then they would not vote for it.

Ms. Kirkham, seconded by Mr. Becker, moved to approve the amendment as proposed in Revised Attachment A.

Mr. Siekiel-Zdzienicki said he would support the motion but raised a concern that Eugene and Springfield residents would not vote in favor of it.

The motion passed unanimously.