

VI-D. OTHER BUSINESS

- A. SB 417 – Abolishing the Lane Boundary Commission

- B. Eugene Resolution No. 4358 – Guidelines for Annexation Proposals
(adopted January 25, 1993)

Senate Bill 417

Sponsored by Senator WALKER, Representatives BARNHART, C EDWARDS

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure as introduced.

Abolishes local government boundary commission having jurisdiction in Lane County and Lane County Local Government Boundary Commission Fund.

Transfers moneys in fund to Lane County for specified purposes.

A BILL FOR AN ACT

1
2 Relating to boundary commissions; creating new provisions; amending ORS 183.315, 183.635, 199.430,
3 199.432, 199.457, 267.207 and 267.263; repealing ORS 199.425, 199.458 and 199.459; and appropri-
4 ating money.

5 **Be It Enacted by the People of the State of Oregon:**

6 **SECTION 1. (1) The local government boundary commission having jurisdiction in Lane**
7 **County is abolished. On the operative date of this section, the tenure of office of the mem-**
8 **bers of the commission and of any advisory committee appointed by the commission ceases.**

9 **(2) All the duties, functions and powers of the commission are abolished.**

10 **SECTION 2. (1) The members of the local government boundary commission having ju-**
11 **risdiction in Lane County shall:**

12 **(a) Deliver to the State Archivist all records and property within the jurisdiction of the**
13 **commission that relate to the duties, functions and powers abolished by section 1 of this 2007**
14 **Act except as provided in section 4 of this 2007 Act; and**

15 **(b) Terminate those employees engaged primarily in the exercise of the duties, functions**
16 **and powers abolished by section 1 of this 2007 Act.**

17 **(2) The State Archivist shall take possession of the records and property described in**
18 **subsection (1)(a) of this section for archival purposes.**

19 **(3) The Governor shall resolve any dispute between the commission and the State**
20 **Archivist relating to transfers of records and property.**

21 **SECTION 3. (1) The Lane County Local Government Boundary Commission Fund is**
22 **abolished.**

23 **(2) The unexpended moneys in the fund and the unexpended balances of amounts au-**
24 **thorized to be expended by the local government boundary commission having jurisdiction in**
25 **Lane County for the biennium beginning July 1, 2007, from revenues dedicated, continuously**
26 **appropriated, appropriated or otherwise made available for the purpose of administering and**
27 **enforcing the duties, functions and powers abolished by section 1 of this 2007 Act are ap-**
28 **propriated and transferred to Lane County for:**

29 **(a) Payment of costs incurred in relation to an action, proceeding or prosecution de-**
30 **scribed in section 4 of this 2007 Act or a liability, duty or obligation described in section 5**
31 **of this 2007 Act; and**

NOTE: Matter in boldfaced type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted.
New sections are in boldfaced type.

1 (b) Equitable distribution to local governments, as defined in ORS 174.116, within Lane
2 County for the purpose of paying the costs of those local governments that are associated
3 with future boundary changes.

4 (3) The expenditure classifications, if any, established by Acts authorizing or limiting
5 expenditures by the commission remain applicable to expenditures by a local government in
6 Lane County.

7 SECTION 4. (1) The abolishment of the duties, functions and powers of the local gov-
8 ernment boundary commission having jurisdiction in Lane County by section 1 of this 2007
9 Act does not affect any action, proceeding or prosecution involving or with respect to those
10 duties, functions and powers begun before and pending at the time of abolishment, except
11 that Lane County is substituted for the commission in the action, proceeding or prosecution.

12 (2) The members of the commission shall deliver to Lane County all records and property
13 within the jurisdiction of the commission that relate to a pending action, proceeding or
14 prosecution.

15 SECTION 5. (1) Nothing in sections 1 to 6 of this 2007 Act, the amendments to ORS
16 183.315, 183.635, 199.430, 199.432, 199.457, 267.207 and 267.263 by sections 7 to 13 of this 2007
17 Act and the repeal of ORS 199.425, 199.458 and 199.459 by section 14 of this 2007 Act relieves
18 a person of a liability, duty or obligation accruing under or with respect to the duties, func-
19 tions and powers abolished by section 1 of this 2007 Act. Lane County may undertake the
20 collection or enforcement of the liabilities, duties or obligations.

21 (2) The rights and obligations of the local government boundary commission having ju-
22 risdiction in Lane County legally incurred under contracts, leases and business transactions
23 executed, entered into or begun before the operative date of section 1 of this 2007 Act are
24 transferred to Lane County. For the purpose of succession to these rights and obligations,
25 Lane County is a continuation of the commission and not a new authority.

26 SECTION 6. Whenever, in an uncodified law or resolution of the Legislative Assembly
27 or in a rule, document, record or proceeding authorized by the Legislative Assembly, refer-
28 ence is made to the local government boundary commission having jurisdiction in Lane
29 County or a member or employee of the commission, the reference is considered to be a
30 reference to Lane County or an officer or employee of Lane County.

31 SECTION 7. ORS 183.315 is amended to read:

32 183.315. (1) The provisions of ORS 183.410, 183.415, 183.425, 183.440, 183.450, 183.452, 183.458,
33 183.460, 183.470 and 183.480 do not apply to local government boundary commissions created pur-
34 suant to ORS [199.425 or] 199.430, the Department of Revenue, State Accident Insurance Fund Cor-
35 poration, Department of Consumer and Business Services with respect to its functions under ORS
36 chapters 654 and 656, Psychiatric Security Review Board or State Board of Parole and Post-Prison
37 Supervision.

38 (2) This chapter does not apply with respect to actions of the Governor authorized under ORS
39 chapter 240 and ORS 396.125 or actions of the Adjutant General authorized under ORS 396.160 (14).

40 (3) The provisions of ORS 183.410, 183.415, 183.425, 183.440, 183.450, 183.452, 183.458 and 183.460
41 do not apply to the Employment Appeals Board or the Employment Department.

42 (4) The Employment Department shall be exempt from the provisions of this chapter to the ex-
43 tent that a formal finding of the United States Secretary of Labor is made that such provision con-
44 flicts with the terms of the federal law, acceptance of which by the state is a condition precedent
45 to continued certification by the United States Secretary of Labor of the state's law.

1 (5) The provisions of ORS 183.415 to 183.430, 183.440 to 183.460, 183.470 to 183.485 and 183.490
2 to 183.500 do not apply to orders issued to persons who:

3 (a) Have been committed pursuant to ORS 137.124 to the custody of the Department of Cor-
4 rections or are otherwise confined in a Department of Corrections facility; or

5 (b) Seek to visit an inmate confined in a Department of Corrections facility.

6 (6) ORS 183.410, 183.415, 183.425, 183.440, 183.450, 183.460, 183.470 and 183.482 (3) do not apply
7 to the Public Utility Commission. Notwithstanding ORS 183.480 and except as provided in ORS
8 757.495 and 759.390, only a party to a hearing before the Public Utility Commission is entitled to
9 seek judicial review of an order of the commission.

10 (7) The provisions of this chapter do not apply to the suspension, cancellation or termination
11 of an apprenticeship or training agreement under ORS 660.060.

12 (8) The provisions of ORS 183.413 to 183.497 do not apply to administrative proceedings con-
13 ducted under rules adopted by the Secretary of State under ORS 246.190.

14 **SECTION 8.** ORS 183.635 is amended to read:

15 183.635. (1) Except as provided in this section, all agencies must use administrative law judges
16 assigned from the Office of Administrative Hearings established under ORS 183.605 to conduct con-
17 tested case hearings, without regard to whether those hearings are subject to the procedural re-
18 quirements for contested case hearings.

19 (2) The following agencies need not use administrative law judges assigned from the office:

20 (a) Attorney General.

21 (b) Boards of stewards appointed by the Oregon Racing Commission.

22 (c) Bureau of Labor and Industries and the Commissioner of the Bureau of Labor and Industries.

23 (d) Department of Corrections.

24 (e) Department of Education, State Board of Education and Superintendent of Public Instruction.

25 (f) Department of Higher Education and institutions of higher education listed in ORS 352.002.

26 (g) Department of Human Services for vocational rehabilitation services cases under 29 U.S.C.
27 722(c) and disability determination cases under 42 U.S.C. 405.

28 (h) Department of Revenue.

29 (i) Department of State Police.

30 (j) Employment Appeals Board.

31 (k) Employment Relations Board.

32 (L) Energy Facility Siting Council.

33 (m) Fair Dismissal Appeals Board.

34 (n) Governor.

35 (o) Land Conservation and Development Commission.

36 (p) Land Use Board of Appeals.

37 (q) Local government boundary commissions created pursuant to ORS [199.425 or] 199.430.

38 (r) Oregon Youth Authority.

39 (s) Psychiatric Security Review Board.

40 (t) Public Utility Commission.

41 (u) Secretary of State.

42 (v) State Accident Insurance Fund Corporation.

43 (w) State Apprenticeship and Training Council.

44 (x) State Board of Parole and Post-Prison Supervision.

45 (y) State Land Board.

1 *valuation of all districts and such districts shall not be assessed. For a boundary commission created*
 2 *pursuant to ORS 199.425 any district with an assessed valuation over \$1 billion shall be assessed a*
 3 *flat rate of \$2,500 per year and such district's assessed valuation shall not be included in the total*
 4 *assessed valuation of all districts within the jurisdiction of the commission. An assessment made under*
 5 *this subsection shall not exceed 0.00878 dollars per thousand dollars of assessed valuation per year for*
 6 *a boundary commission created pursuant to ORS 199.425.] However, assessments shall not be made*
 7 *by a boundary commission under this subsection against a highway lighting district organized under*
 8 *ORS chapter 372, a vector control district organized under ORS chapter 452 or a county service*
 9 *district organized under ORS chapter 451 for the purpose of providing street lighting works or vec-*
 10 *tor control.*

11 (6) For each fiscal year beginning on or after July 1, 1982, the commission shall notify each city,
 12 county or district governing body of its intent to levy an assessment under this section and the
 13 amount of the assessment for each city, county and district at least 120 days before the beginning
 14 of the fiscal year for which the assessment will be made.

15 (7) The decision of the commission to assess the cities, counties and districts within its juris-
 16 diction, and the amount of the assessment upon each, shall be binding upon those governmental
 17 bodies. Cities, counties and districts shall pay their assessment in equal quarterly payments as the
 18 commission may require except that any city or district with a total annual assessment of less than
 19 \$100 shall pay the total assessment in one installment at the time specified for the second quarterly
 20 payment.

21 (8) When a city or district located in a county outside the jurisdiction of a boundary commission
 22 annexes or otherwise incorporates territory located within the jurisdiction of a boundary commis-
 23 sion, the boundary commission shall assess the city or district with the portion of the total amount
 24 determined under subsection (4) or (5) of this section as the assessed valuation of the territory of
 25 the city or district within the jurisdiction of the boundary commission bears to the total assessed
 26 valuation of the entire city or district.

27 **SECTION 12.** ORS 267.207 is amended to read:

28 267.207. (1) The board of directors of a mass transit district may alter the territorial boundaries
 29 of the district by a nonemergency ordinance adopted at any regular meeting.

30 (2) If an ordinance annexing territory to a district is initiated or referred by, or referred to, the
 31 electors of the district, it shall not take effect unless approved by a majority of the electors regis-
 32 tered in the territory proposed to be annexed to the district voting on the question and by a ma-
 33 jority of the electors of the district voting on the question.

34 (3)(a) The board of directors of a mass transit district, as a result of the continuing compre-
 35 hensive transportation planning process required by the Federal Transit Administration, shall de-
 36 termine annually the territory in the district within which the transit system of the district will
 37 operate. When the board determines during such planning process for any fiscal year that it will
 38 not provide transit service during that fiscal year to an area presently within the district, the board
 39 shall by ordinance withdraw from that area on the date specified in the ordinance, and that area
 40 shall no longer be part of the district. The board shall by ordinance set forth the criteria to be used
 41 in making the determinations described in this subsection.

42 (b) Subject to paragraph (a) of this subsection, the territorial jurisdiction of a district shall in-
 43 clude:

44 (A) All territory located within the boundaries of a metropolitan service district;

45 (B) Each census tract within which the transit system of the district operates, or such smaller

1 portion of the tract as determined by the board; and

2 (C) If so determined by the board of directors, any territory located within two and one-half
3 miles or less of the transit system of the district or any route used by that system for the trans-
4 portation of passengers.

5 (4) If an ordinance withdrawing territory from a district is initiated or referred by, or referred
6 to, the electors of the district it shall not take effect unless approved by a majority of the electors
7 of the entire district voting on the question.

8 (5) [*Notwithstanding ORS 199.425,*] The alteration of the boundaries of a district under this
9 section [*shall not be*] is **not** subject to the jurisdiction or review of a local government boundary
10 commission.

11 **SECTION 13.** ORS 267.263 is amended to read:

12 267.263. [*Notwithstanding ORS 199.425,*] The alteration of the boundaries of a district under ORS
13 267.250 to 267.263 is not subject to the jurisdiction or review of a local government boundary com-
14 mission.

15 **SECTION 14.** ORS 199.425, 199.458 and 199.459 are repealed.

16 **SECTION 15.** (1) Sections 1, 3, 5 and 6 of this 2007 Act, the amendments to ORS 183.315,
17 183.635, 199.430, 199.432, 199.457, 267.207 and 267.263 by sections 7 to 13 of this 2007 Act and
18 the repeal of ORS 199.425, 199.458 and 199.459 by section 14 of this 2007 Act become operative
19 on July 1, 2008.

20 (2) Lane County and the local government boundary commission having jurisdiction in
21 Lane County may take any action necessary under sections 2 and 4 of this 2007 Act before
22 the operative date of sections 1, 3, 5 and 6 of this 2007 Act, the amendments to ORS 183.315,
23 183.635, 199.430, 199.432, 199.457, 267.207 and 267.263 by sections 7 to 13 of this 2007 Act and
24 the repeal of ORS 199.425, 199.458 and 199.459 by section 14 of this 2007 Act.

25



RESOLUTION NO. ~~4370~~
4358

**A RESOLUTION ADOPTING GUIDELINES FOR
ANNEXATION PROPOSALS, AND REPEALING
RESOLUTION NO. 4002.**

The City Council of the City of Eugene finds that:

1. Under ORS 199.490 proposals for annexation of territory to the City of Eugene may be initiated before the Lane County Local Government Boundary Commission by property owners or by resolution of the City Council.

2. In order to insure that the areas proposed to be annexed are logical and reasonable areas for annexation the Council, by Resolution No. 4002 adopted on September 17, 1986, adopted standards and guidelines governing the formation of annexation proposals.

3. The Planning Commission has discussed proposed revisions to those administrative guidelines at its meetings of May 21, 1992, June 2, 1992, June 16, 1992, and September 22, 1992, and has recommended that the City Council repeal Resolution No. 4002 and the guidelines adopted therein, and adopt the Administrative Guidelines for Annexation Proposals attached as Exhibit A hereto to assist the City Council, Planning Commission, staff and others involved in the formation and adjudication of annexation proposals.

NOW, THEREFORE,

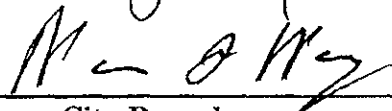
**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EUGENE, a
Municipal Corporation of the State of Oregon, as follows:**

Section 1. Based upon the above findings, which are adopted herein, Resolution No. 4002, and the guidelines for annexation proposals adopted therein, is hereby repealed.

Section 2. The Administrative Guidelines for Annexation Proposals attached as Exhibit A hereto and incorporated herein by reference are adopted as the policy of the City of Eugene to be utilized in the formation, processing and adjudication of annexation proposals, together with such other criteria as may be required to be applied under State law and adopted City policy. These guidelines shall be considered and evaluated by the staff, Planning Commission, and City Council in the processing and development of annexation proposals to be initiated before the Lane County Local Government Boundary Commission.

Section 3. The City Recorder is requested to forward a copy of this Resolution to the Planning Commission, Planning and Development Department, and other affected agencies or departments.

The foregoing Resolution adopted the 25 day of January, 1993.

A handwritten signature in cursive script, appearing to read "M. A. King", is written over a horizontal line.

City Recorder

Exhibit A

ADMINISTRATIVE GUIDELINES FOR ANNEXATIONS

Annexation Processing Guidelines

Annexation proposals meeting all of the following criteria should be processed through the Boundary Commission process rather than the full City process.

1. The annexation proposal is consistent with criteria in the Eugene Code and policies in the Metropolitan Plan pertaining to annexation.
2. The proposed city zoning is consistent with the Metropolitan Plan and applicable neighborhood refinement plan.

Annexation Initiation and Formation Guidelines

Under any of the following conditions the City should initiate annexation of property within the urban growth boundary.

1. Property is owned by the City of Eugene.
2. Annexation of the area is consistent with signed annexation agreements or with an adopted annexation plan.
3. The City Council has directed staff to initiate the annexation of a particular area.
4. The area meets the criteria for a health hazard annexation.

Under any of the following conditions property owner initiated annexation requests should be expanded to include road rights-of-way or public land.

1. Annexation of road rights-of-way will simplify the development process and eliminate dual permitting and inspection processes involving both the City and the County.
2. Annexation of road rights-of-way will clarify existing jurisdictional boundaries.
3. Annexation of road rights-of-way will provide for the most efficient service delivery boundaries possible under the current incremental annexation process.
4. Publicly owned land is adjacent to the proposed annexation area and the responsible public agency supports annexation of the property.