

BOUNDARY COMMISSION

(Established 1969)

ORS Ch. 199

1. Major Function Is To Approve or Deny:

A. Formation/Incorporation of new cities, special districts, Peoples Utility Districts, including METRO.

B. Annexations of territory to local jurisdictions, including METRO.

C. Extraterritorial service extensions.

D. Withdrawal of territory from certain districts by cities.

E. Mergers, consolidations, and dissolutions of cities and districts.

(See ORS 199.415(11), (12).)

2. Has no statutory standards for decisionmaking. It must "consider local comprehensive planning for the area, economic, demographic and sociological trends and projections pertinent to the proposal, past and prospective physical development of land that would directly or indirectly be affected by the proposed boundary change or application under ORS 199.464 and the goals adopted under ORS 197.225." ORS 199.462(1).

3. The Boundary Commission has made up its own standards for decisionmaking which have no statutory basis:

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

"(b) Basis for Policy: This policy is based on the Commission's understanding in simplifying governmental structure and on its long term view of how governmental structure relates to the economy, efficiency and equity of urban service provision."
OAR 193-05-000(1).

PROPOSED CHARTER TREATMENT
OF LOCAL GOVERNMENT BOUNDARY
COMMISSION FUNCTIONS

I. BASIC STRUCTURAL PROVISIONS

- A. Subject to legislative approval, provide for establishment of local government boundary commission as agency of regional government
1. Appointed by regional government
 2. Same size as present boundary commission
 3. Same membership qualifications/disqualifications as current state law
 4. Same decision authority as current boundary commission with addition of responsibilities as to urban growth boundary amendments now performed by hearing officer
 5. Same standards of review of proposed changes now provided by state law with addition of consideration of Regional Framework Plan
 6. Same charge and fee authority now provided by state law

II. REVIEW OF DECISIONS

- A. "Major" boundary change decisions (formation, merger, consolidation or dissolution of a city or district)
1. Initial review by regional government legislative body
 2. Further review as provided by law (submit legislation to provide for appeal from regional government to Court of Appeals, instead of first to LUBA, and to require expedited consideration by Court of Appeals)
- B. "Minor" boundary change decisions (annexation, withdrawal or transfer of territory to or from a city or district)
1. Same as "major" boundary change decisions

C. Urban growth boundary amendments

1. Submit legislation to provide for appeals to Court of Appeals, instead of first to LUBA, and to require expedited consideration by Court of Appeals