

AGENDA COVER MEMO



Memo Date: June 9, 2023
First Public Hearing/Order Date: June 6, 2023
Final Public Hearing/Order Date: June 27, 2023

TO: Lane County Board of Commissioners

DEPARTMENT: Public Works, Land Management Division

PRESENTED BY: Rachel Serslev, Senior Planner

AGENDA ITEM TITLE: **PUBLIC HEARING / Order No. 23-06-27-12/** In the Matter of Setting an Election on the Formation of the Pleasant Hill Goshen Rural Fire Protection District for November 7, 2023.

I. RECOMMENDED MOTION

Move to adopt an Order to set an election on the formation of the Pleasant Hill Goshen Rural Fire Protection District for November 7, 2023 (**Attachment 1**).

II. AGENDA ITEM SUMMARY

The Board of County Commissioners (Board) is being asked to set an election on the forming of the Pleasant Hill Goshen Rural Fire Protection District (RFPD). At a public hearing on June 6, 2023, the Board passed Order No. 23-06-06-07 that approved a request for formation of the Pleasant Hill Goshen Rural RFPD and set this second and final hearing for June 27, 2023, as required by Oregon Revised Statute (ORS) 198.810.

III. BACKGROUND/IMPLICATIONS OF ACTION

A. Board Action and Other History

In 2007, Senate Bill 417 transferred the responsibility for processing special district boundary changes from the Local Government Boundary Commission (previously enabled under ORS Chapter 199) to Lane County under ORS Chapter 198. On December 12, 2007, the Board adopted Order 07-12-12-19 that provides guidance for processing boundary change applications pursuant to ORS 198.

On March 6, 2023, the Lane County Clerk approved a petition for the formation of Pleasant Hill Goshen RFPD for circulation and the collection of signatures. On April 21, 2023, the County Assessor certified that the requisite number of landowners have signed the petition and, on this same date, the Assessor forwarded the application to the Director of the Land

Management Division for land use review.

On June 6, 2023, the Board held a first public hearing on the formation of the Pleasant Hill Goshen RFPD. The Board passed Order No. 23-06-06-07 that approved a request for formation of the district and set this second and final hearing for June 27, 2023.

Legal Notice and Postings

On June 12, 2023, staff posted a public hearing notice in two separate public locations at least 15 days in advance of the hearing. Specifically, the notice is to be posted at the entrance to the Lane County Public Service Building, at 125 E 8th Ave, Eugene, and at the Goshen RFPD Administrative Office, at 85880 1st Street, Eugene. On June 8, 2023, staff submitted a request to the Register Guard to publish legal notice of the hearing on June 12, 2023, and June 22, 2023, at least 15 and 5 days prior to the public hearings.

B. Policy Issues

This petition was initiated pursuant to ORS 198.715 for formation of a new special district. Formation of a new special district requires at least one public hearing be held and an election may be held on formation of the district if requested by 15 owners of land or the owners of 10 percent of the acreage in the proposed district, whichever is lesser. The petitioner initiated the petition process and provided signatures from owners of 2,691 acres, out of 26,350 acres in the proposed district, which is greater than 10 percent as required by ORS 198.755(1)(b). While ORS 198.810 provides for a process in which the election may not need to be called, the presence of a permanent proposed operating tax limit for this district will require an election to occur pursuant to ORS 198.810(4)(a).

C. Board Goals

The Board's adopted 2018-2021 Strategic Plan states that Strategic Priority 1 is to have a Safe, Healthy County, and that the County will focus on improving access to resources that promote health and safety. Creation of one new fire district to serve residents living in Pleasant Hill and Goshen Fire Districts advances this priority by ensuring adequate fire protection services are provided efficiently to the proposed service area for the safety of its residents.

D. Financial and/or Resource Considerations

To defray costs related to the processing of this formation request, the applicant has paid the district formation fee of \$18,000, and an election deposit of \$800, required by law. If the new district is formed, taxes will be levied and directed to the Pleasant Hill Goshen RFPD.

E. Health Implications

The primary health implication relates to fire hazard response and medical response in the area proposed to receive service from the formation of the Pleasant Hill Goshen RFPD. The purpose of the formation of a new single district is to continue to strengthen the

efficiencies of Pleasant Hill and Goshen Fire Districts existing collaboration. Pleasant Hill and Goshen Fire Districts have exercised a working relationship for 10 years that allowed both districts to develop efficiencies in serving the residents of both districts, financial strength and stability within the fire protection industry. Through approval of the formation, the districts will be able to function more efficiently, reduce redundant financial costs, better meet federal and state regulatory requirements, and ultimately provide better fire protection and medical response to the residents of Pleasant Hill and Goshen Fire District areas.

F. Analysis

The Board is being asked to set an election on the formation of the Pleasant Hill Goshen RFPD. An election may be held on formation of a district if requested by 15 owners of land or the owners of 10 percent of the acreage in the proposed district, whichever is lesser. The petitioner initiated the petition process and provided signatures from owners of 2,691 acres, out of 26,350 acres in the proposed district, which is greater than 10 percent as required by ORS 198.755(1)(b). While ORS 198.810 provides for a process in which the election may not need to be called, the presence of a permanent proposed operating tax limit for this district will require an election to occur pursuant to ORS 198.810(4)(a).

Referral Comments Received

No comments have been received at the time of completion of this memo. Any written materials or testimony received prior to the hearing will be provided to the Board at the public hearing.

IV. ACTION

Option 1: Adopt Order 23-06-27-___ to set an election on the formation of the Pleasant Hill Goshen Rural Fire Protection District for November 7, 2023 (**Attachment 1**).

Option 2: Modify the request for election, revise the Order as directed by the Board, and return for approval of the revised Order on a date certain set by the Board.

Option 3: Deny Order 23-06-06-___ to set an election on the formation of the Pleasant Hill Goshen Rural Fire Protection District.

V. RECOMMENDATION

Staff recommends **Option 1**.

VI. TIMING/IMPLEMENTATION

After gathering testimony and considering written submittals from interested parties at the second/final public hearing, if the Order is passed, the question of forming the Pleasant Hill Goshen RFPD will be put on the November 7, 2023 ballot. After the results of the election are certified to the Board, an order declaring the outcome of the election to form or not form the district will be issued.

VII. FOLLOW-UP

If the Board Order is adopted, notice of action will be provided to all parties who submitted testimony. Should the Board choose **Option 2 or 3**, an Order with findings setting forth the Board's reasons for modifying or denying the proposal would be prepared and returned to the Board for adoption on a date certain.

VIII. ATTACHMENTS

1. Order No. 23-06-27-__ (2 pages)
Exhibit A: Draft Ballot Language

BEFORE THE BOARD OF COMMISSIONERS OF LANE COUNTY, OREGON

ORDER NO: 23-06-27-12

In the Matter of Setting an Election on the Formation of the Pleasant Hill Goshen Rural Fire Protection District for November 7, 2023.

WHEREAS, a petition initiating the formation of the Pleasant Hill Goshen Rural Fire Protection District was filed with Lane County on April 17, 2023, in accordance with ORS 198.750; and

WHEREAS, On April 21, 2023, the County Assessor certified that the requisite number of land owners have signed the petition, in accordance with ORS 198.765(2); and

WHEREAS, the name of the proposed special district shall be the Pleasant Hill Goshen Rural Fire Protection District and the description of the boundaries shall be as set out in the attached Exhibit "A" which is incorporated herein by this reference; and

WHEREAS, the proposed district formation includes a proposed permanent operating tax rate requiring an election be held, in accordance with ORS 198.810(4); and

WHEREAS, legal notice was provided on June 12, 2023 and June 22, 2023, for a June 27, 2023, public hearing; and

WHEREAS, the Board of County Commissioners conducted a public hearing on June 27, 2023, to receive and consider both oral and written testimony, and to consider setting an election on the formation of the district.

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

1. Pursuant to ORS 198.810, the Board of Commissioners orders that the question of formation due to the presence of a proposed permanent operating tax be placed before the voters.
2. An election will be held on the formation of the Pleasant Hill Goshen Rural Fire Protection District on November 7, 2023 using the ballot language attached as Exhibit "A" which is incorporated herein by this reference. Proper notice of the election shall occur pursuant to Oregon state law.

ADOPTED this 27th day of June, 2023.

Pat Farr, Chair
Lane County Board of Commissioners

Draft Ballot Language

Caption (10 words which reasonably identifies the subject of the measure)

Pleasant Hill Goshen Fire Protection District Formation with permanent tax

Question (20 words which plainly phrases the chief purpose of this measure)

Shall Pleasant Hill Goshen Rural Fire Protection District form with a permanent tax rate of \$2.20/\$1,000 assessed value beginning FY 2024/2025?

Summary (175 words which concisely and impartially summarizes the measure and its major effect)

The Pleasant Hill Rural Fire Protection District formed in 1969 and the Goshen Rural Fire Protection formed in 1962. These adjacent districts provide fire protection and emergency medical services to residents within established district boundaries. These districts consolidated operations under the entity of Pleasant Hill Goshen Fire & Rescue, but it is not permanent or tax funded. The proposed district follows existing Goshen and Pleasant Hill Fire Districts and encompasses the unprotected area at the perimeter between Goshen and the City of Eugene. The election shall include both districts and the unprotected area specified.

Formation of the Pleasant Hill Goshen Rural Fire Protection District with a permanent tax rate of \$2.20 per \$1,000 of assessed value will allow for the new district to directly address the operational challenges that impact resident safety it has identified. If approved, the dissolution of the two separate fire districts can proceed. The formation of the proposed fire district cannot occur without approval of those dissolutions on the ballot. At this election, the proposed district's board shall be voted on.