

PROCESSED

IN THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

ORDER NO.  
07-12-12-19

IN THE MATTER OF PROVIDING GUIDANCE FOR  
PROCESSING APPLICATIONS RELATING TO  
SPECIAL DISTRICT BOUNDARIES PURSUANT TO  
SENATE BILL 417 AND ORS CHAPTER 198

**WHEREAS**, the 2007 Oregon legislature passed Senate Bill 417 to abolish the Lane County Boundary Commission on July 1, 2008, and to transfer responsibility for decision making relating to city and special district boundaries in Lane County to the applicable local jurisdictions; and

**WHEREAS**, Lane County is the local jurisdiction responsible for decision making relating to special district boundaries as outlined in ORS Chapter 198; and

**WHEREAS**, in order to provide guidance for processing applications relating to special district boundaries, the Board considers it beneficial to establish a county process; and

**WHEREAS**, the attached Exhibit "A", Guidelines for Administration of Requests Relating to Special District Boundaries Pursuant to Senate Bill 417 and ORS Chapter 198, is intended to be applied consistently with state law, and that any conflicts or apparent inconsistencies are to be resolved in favor of state law; and

**WHEREAS**, the attached guidelines are intended to aid the county transition to its roll of assuming its responsibility under state law; and

**WHEREAS**, it is anticipated that the county guidelines will be amended and supplemented over time as necessary to ensure a thorough and efficient process.

**NOW, THEREFORE**, the Board of County Commissioners of Lane County orders that county staff will process all requests relating to special district boundaries filed on or after January 2, 2008, in accordance with applicable state law.

**IT IS FURTHER ORDERED THAT**, Exhibit "A" will be utilized by county staff as guidance in processing requests relating to special district boundaries, but that nothing set forth in Exhibit "A" is intended to contravene applicable state law.

Adopted this 12th day of December, 2007.

  
\_\_\_\_\_  
Chair, Lane County Board of Commissioners

APPROVED AS TO FORM  
Date 12/12/07 Lane County

  
\_\_\_\_\_  
OFFICE OF LEGAL COUNSEL

## SPECIAL DISTRICTS

### Special Districts Allowed Under ORS Chapter 198

Type of district: Enabling Oregon Statutes

(1) People's Utility District	261
(2) Domestic Water Supply	264
(3) Cemetery Maintenance District	265
(4) Park and Recreation District	266
(5) Mass Transit District	267.010 to 267.390
(6) Transportation District	267.510 to 267.650
(7) Metropolitan Service District	268
(8) Translator District	354.605 to 354.715
(9) Library District	357.216 to 357.286
(10) County Road District	371.055 to 371.110
(11) Special Road District	371.305 to 371.360
(12) Road Assessment District	371.405 to 371.535
(13) Highway Lighting District	372
(14) Health District	440.305 to 440.410
(15) 9-1-1 Communications District	401.807 to 401.874
(16) Sanitary District	450.005 to 450.245
(17) Human Services District	450.010
(18) Sanitary Authority or Water Supply Authority	450.600 to 450.989
(19) County Service District	451
(20) Vector Control District	452.020 to 452.170
(21) Rural Fire Protection District	478
(22) Geothermal Heating District	523
(23) Irrigation District	545
(24) Drainage District	547
(25) Diking District	551
(26) Water Improvement District	552
(27) Water Control District	553
(28) Corporation for Irrigation, Drainage, Water Supply or Flood Control	554
(29) Weather Modification District	558.200 to 558.440
(30) Soil and Water Conservation District	568.210 to 568.808 and 568.900 to 568.933
(31) Weed Control District	570.505 to 570.575
(32) Port District	777.005 to 777.725 and 777.915 to 777.953
(33) Port of Portland	778.010

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Last Saved: Wednesday, December 12, 2007*

GUIDELINES FOR ADMINISTRATION OF REQUESTS RELATING TO SPECIAL DISTRICT  
BOUNDARIES UNDER SB 417 AND ORS CHAPTER 198

**Intent and Purpose**

The intent and purpose of this document is to establish a process to administer applications for formations and boundary changes for special districts in Lane County pursuant to ORS Chapter 198 and Lane County Home Rule.

**Definitions**

To aid in the implementation of ORS Chapter 198, the following definitions are provided for guidance:

Affected city means a city, city-county or cities, named in a petition, for which a boundary change is proposed or a city, city-county or cities, named in an order, for which a boundary change is proposed or ordered.

Affected county means each county that contains or would contain any territory for which a formation or a change of organization is proposed or ordered or that contains all or any part of a district for which a change of organization is proposed or ordered. (ORS 198.705)

Affected district means each district named in an application that contains or would contain territory for which a formation or a change of organization is proposed or ordered. (ORS 198.705)

Affected territory means territory described in an application. Affected territory also means an area within the urban growth boundary of a city that is otherwise eligible for annexation to that city and in which there exists an actual or alleged danger to public health.

Annexation includes the attachment or addition of territory to, or inclusion of territory in, an existing district. (ORS 198.705)

Annexation contract means a contract between a district and a landowner relating to extraterritorial provision of service and consent to eventual annexation of the territory that will be recorded and binding on all successors with an interest in the property. (ORS 198.769)

Application means materials as required by the applicable Application Submittal Requirements sections of this document that result in the initiation of a boundary change proceeding.

Boundary change means an action authorized by ORS Chapter 198 that result in the adjustment of the boundary of a special district.

Cadastral map means a map prepared by the assessor's office showing bearings and distances.

Change of organization means the annexation or withdrawal of territory to or from a district, the merger or consolidation of districts or the dissolution of a district. (ORS 198.705)

Consolidation means the uniting or joining of two (2) or more districts into a single new successor district. (ORS 198.705)

County means the county in which the district, or the greater portion of the assessed value of the district, is located. (ORS 198.510(1))

County board means the board of county commissioners. (ORS 198.510 and 198.705)

County clerk means the county clerk of the affected county. (ORS 198.510(3))

Dissolution includes disincorporation, extinguishment or termination of the existence of a district and the cessation of all its corporate powers, except for the purpose of winding up the affairs of the district. (ORS 198.705)

District board means the governing body of a district and the term includes a county board that is acting as the governing body of a district. (ORS 198.510(4))

Elector means a registered voter at an address located within the affected territory, who may be active or inactive. Only an active registered voter is qualified to sign a petition.

Filing agency means the county board, district board, city council or other public officer or agency designated by the principal Act to receive or take the first action on a petition for a boundary change.

Formation includes incorporation, organization or creation of a district. (ORS 198.705)

Inhabited territory means territory within which there reside twelve (12) or more persons who have been registered to vote within the affected territory for at least thirty (30) days prior to the date a proceeding is commenced. (ORS 198.705)

Landowner or owner of land means any person shown as the owner of land on the last assessment roll. If the person no longer holds the title to the property, then the terms mean any person entitled to be shown as owner of land on the next assessment roll, or, when land is subject to a recorded written agreement of sale, memorandum, or other notice of written agreement of sale, the terms mean any person shown in the agreement as purchaser to the exclusion of the seller. Landowner or owner of land includes any public agency owning land. Owner also means the owner of the title to real property or the contract purchaser of real property, of record as shown on the last available complete assessment roll. (ORS 198.705)

Legal description is as defined in ORS 308.225(2). A legal description shall consist of a series of courses in which the first course shall start at a point of beginning. Each course shall be identified by bearings and distances and, when available, refer to deed lines, deed corners and other monuments, or, in lieu of bearings and distances, be identified by reference to:

- (1) Township, range, section, or section subdivision lines of the U.S. Rectangular survey system;
- (2) Survey centerline or right-of-way lines of public roads, streets, or highways;
- (3) Ordinary high water or ordinary low water of tidal lands;
- (4) Right-of-way lines of railroads;
- (5) Any line identified on the plat of any recorded subdivision defined in ORS 92.010;
- (6) Donation land claims; or
- (7) Line of ordinary high water and line of ordinary low water of rivers and streams, as defined in ORS 274.005, or the thread of rivers and streams.

Legal representative means:

- (1) An officer of a corporation duly authorized, by the bylaws or a resolution of the board of directors of the incorporation, to sign for and on behalf of the corporation; and
- (2) A guardian, executor, administrator or other person holding property in the trust capacity under appointment of court, when authorized by an order of court, which order may be made without notice. (ORS 198.705)

Merger means the extinguishment, termination and cessation of the existence of one or more districts by uniting with and being absorbed into another district. (ORS 198.705)

Notice includes an ordinance, resolution, order or other similar matter providing notice which ORS 198.705 to 198.955 authorize or require to be published, posted or mailed. (ORS 198.705)

Petition refers to a written request for action on a proceeding authorized by ORS Chapter 198.

Principal Act means the law, other than ORS 198.510 to 198.600, applicable to a district. (ORS 198.510 and 198.705)

Proceeding means a proceeding for formation or change of organization to consider a boundary change pursuant to ORS 198.705 to 198.955. (ORS 198.705)

Special district means any of the districts in ORS Chapter 198, including those listed at the end of this document in **Special Districts Allowed Under ORS Chapter 198**. (ORS 198.010, 198.180, 198.210, 198.310, 198.335, 198.710)

Uninhabited territory means territory within which there reside less than twelve (12) electors who were residents within the territory thirty (30) days prior to the date a proceeding is commenced. (ORS 198.705)

Withdrawal includes the detachment, disconnection, or exclusion of territory from an existing city or district. (ORS 198.705)

## INITIATING METHODS

### Formation

A request for the formation of a new district may be initiated as follows:

- (1) Order of the affected county board setting forth:
  - (a) The intention of the county board to initiate the formation of a district and citing the principal Act;
  - (b) The name and boundaries of the proposed district; and
  - (c) The date, time, and place of a public hearing on the proposal. *(ORS 198.835)*
- (2) Petition signed by not less than:
  - (a) Fifteen (15) percent of the electors or 100 electors, whichever is the greater, registered in the affected territory; or
  - (b) Fifteen (15) owners of land or the owners of ten (10) percent of the acreage, whichever is the greater number of signers, within the affected territory. *(ORS 198.755)*

### Annexation

A request to annex territory to a district may be initiated as follows:

- (1) Resolution of the affected county board, affected district board, or any other public agency if authorized by the principal Act. *(ORS 198.850(3))*
- (2) Petition signed by not less than:
  - (a) Fifteen (15) percent of the electors or 100 electors, whichever is the lesser, registered in the area proposed to be annexed; or
  - (b) Fifteen (15) owners of land or the owners of ten (10) percent of the acreage, whichever is the greater number of signers, within the area proposed to be annexed. *(ORS 198.755(2))*
- (3) Petition signed by all of the owners of all land in the affected territory or signed by a majority of the electors registered in the affected territory and by the owners of more than half of the land area in the affected territory. *(ORS 198.855(3))*
- (4) Petition signed by the owner of a parcel of land to annex that land to a district as authorized by ORS 198.857(2). *(ORS 198.857(2))*

### Withdrawal

A request to withdraw territory from a district may be initiated as follows:

- (1) Petition signed by not less than:
  - (a) Fifteen (15) percent of the electors or 100 electors, whichever is the lesser, registered in the area proposed to be withdrawn; or
  - (b) Fifteen (15) owners of land or the owners of ten (10) percent of the acreage, whichever is the greater number of signers, within the area proposed to be withdrawn. *(ORS 198.755(3))*

### Dissolution of Active District

The dissolution of an active district may be initiated as follows:

- (1) Resolution of the affected county board, affected district board, or any other public agency if authorized by the principal Act. *(ORS 198.920)*
- (2) Petition signed by not less than:
  - (a) Fifteen (15) percent of the electors registered within the district; or
  - (b) Owners of fifteen (15) percent of the acreage within the district. *(ORS 198.755(5) and 198.920)*

### Dissolution of Inactive District

The dissolution of an inactive district will be initiated by county board action if notified by the Secretary of State or the Department of Revenue that a district failed to file reports required by ORS 294.555 or 297.405 to 297.555 for three (3) consecutive years. *(ORS 198.345 to 198.365)*

### **Merger or Consolidation**

The merger or consolidation of two (2) or more districts may be initiated as follows:

- (1) By duplicate petitions filed by the electors of two (2) or more districts with the boards of the affected districts signed by fifteen (15) percent or 100 electors, whichever is the lesser, registered in each district; or *(ORS 198.755(4)(a), 198.870(1), and 198.895(1))*
- (2) By duplicate petitions filed by the landowners of two (2) or more districts with the boards of the affected districts signed by fifteen (15) owners of land in each district or the owners of ten (10) percent of the acreage located in each district, whichever is the greater number of signers; or *(ORS 198.755(b))*
- (3) By duplicate petitions filed by the electors of two (2) or more districts with the boards of the affected districts and by the electors of a city with the city governing body; or *(ORS 198.755(4) and 198.895)*
- (4) By duplicate petitions filed by the electors of a single district with the district board and by the electors of a city with the city governing body; or *(ORS 198.755(4) and 198.895(4))*
- (5) By each district board adopting a resolution; or *(ORS 198.895(5))*
- (6) If the merger or consolidation proposes to join a city to the successor district, the city governing body must also adopt a resolution approving it. *(ORS 198.895(4))*

## **FORMATION**

### **General Overview of the Formation Process**

The process for the formation of a new special district will generally be as follows:

- (1) The applicant should schedule a pre-application meeting with county staff. A pre-application fee will be due at the time of the pre-application meeting.
- (2) A prospective petition will be developed by the applicants to be filed with the county clerk.
- (3) Once the prospective petition has been accepted by the county clerk and written approval is provided to circulate petition signature sheets, signature gathering may begin.
- (4) Signed petition signature pages are submitted to the county clerk that will be certified by the county clerk or the county assessor, whichever is appropriate.
- (5) The county clerk will file the final application. The complete application will be forwarded to the Director of the Land Management Division and will be reviewed for applicable land use issues.
- (6) Once the application is filed, the county board will provide notice and hold hearings to determine if the district should be formed and set an election if required or requested.

### **Pre-application Meeting**

A pre-application meeting should be held with county staff to discuss the formation process. County staff that may be involved in this meeting include county clerk, county assessor, county counsel, and Director of the Land Management Division. A pre-application fee will be required at the time of the meeting in the amount shown in Section 60.812 of Lane Manual.

### **Prospective Petition and Application Requirements**

A prospective petition will include:

- (1) Statement that the petition is filed pursuant to ORS 198.705 to 198.955. *(ORS 198.750(1)(a))*
- (2) State the names of the affected districts and all affected counties. *(ORS 198.750(1)(b))*
- (3) Designate the principal Act of each affected district. *(ORS 198.750(1)(c))*
- (4) State the nature of the proposal. *(ORS 198.750(1)(d))*
- (5) State whether the territory subject to the petition is inhabited or uninhabited. *(ORS 198.750(1)(e))*

- (6) If the district board members are elected, state the number of members on the board. *(ORS 198.750(1)(f))*
- (7) Include a proposed permanent rate limit for operating taxes sufficient to support the services and functions described in the economic feasibility statement required by ORS 198.749. *(ORS 198.750(1)(g))*
  - (a) A tax rate limit need not be included if no tax revenues are necessary to support the services and functions described in the economic feasibility statement.
  - (b) The tax rate limit must be expressed in dollars per thousand dollars of assessed value.
  - (c) The tax rate must be calculated for the latest tax year for which the assessed value of the proposed district is available.
  - (d) A special district may have a tax rate limitation in the principal Act.
- (8) Set forth any proposed terms and conditions, if any, to which a proposed formation is to be subject. *(ORS 198.750(1)(h))*
- (9) Request that proceedings be taken for the formation process. *(ORS 198.750(1)(j))*
- (10) If any part of the territory subject to the proposed formation is within a city, it must include a certified copy of a resolution of the governing body of the city approving the proposed formation. *(ORS 198.720(1))*
- (11) A description of the boundaries of the territory proposed to be included in the district that includes: *(ORS 198.748 and 198.750(2))*
  - (a) A legal description as defined above in **Definitions**, in printed form and electronically in Microsoft Word or a compatible format, including evidence of preliminary review by the Department of Revenue (DOR);
  - (b) Cadastral maps as defined above in **Definitions**, with the boundary of the proposed district highlighted; and
  - (c) An electronic list of all applicable maps and tax lot numbers, and associated assigned site addresses.
- (12) Chief petitioners may propose a name for the new district. *(ORS 198.750(3))*
- (13) File an economic feasibility statement that forms the basis for the proposed permanent rate limit for operating taxes required by ORS 198.750(1)(g). *(ORS 198.749, 198.750(1)(g), 198.765(1))* The economic feasibility statement will contain:
  - (a) A description of the services and functions to be performed or provided by the proposed district; *(ORS 198.749(1))*
  - (b) An analysis of the relationship between those services and function and other existing or needed government services; and *(ORS 198.749(2))*
  - (c) A proposed first year line item operating budget and a projected third year line item operating budget for the new district that demonstrates its economic feasibility. *(ORS 198.749(3))*
- (14) Designate chief petitioners including names and addresses, with signatures of the chief petitioners. *(ORS 198.760(3))*
- (15) The text, cover, and petition signature sheets for a prospective petition must be approved in writing by the county elections official prior to the chief petitioners circulating the prospective petition. Each petition signature sheet needs to include the following:
  - (a) Printed name of person signing. *(ORS 198.760(1))*
  - (b) Signature of person. *(ORS 198.760(1))*
  - (c) Date of signing. *(ORS 198.760(1))*
  - (d) Place of residence, when signing as an elector. *(ORS 198.760(1))*
  - (e) Number of acres, when signing as a landowner. *(ORS 198.760(1))*
  - (f) Include on the petition signature sheets opposite each signature, whether the signers of the petition are landowners within the district or electors registered in the district, or both. *(ORS 198.750(1)(i))*
  - (g) The petition signature circulators are required to certify that each person who signed the petition did so in the presence of the person circulating the petition. *(ORS 198.750(4))*

- (h) The following will be attached to each signature sheet: *(ORS 198.748)*
  - (i) Filed prospective petition, excluding the list of map and tax lots, and
  - (ii) Description of the boundaries of the territory proposed to be included in the district and shown on a general vicinity map of the proposed district.

(16) Eligible electors are active registered voters as determined from the electronic list of map and tax lots, cadastral maps, and legal description required above. A petition for formation will be signed as described above in **Initiating Methods - Formations**.

### **Submittal of Required Signatures, Certification, and Application Filing**

(1) Each person circulating the prospective petition will certify on each petition signature sheet that every person who signed the prospective petition did so in the presence of the person circulating the prospective petition. *(Note: This must include the signature of the circulator and the date signed, which cannot be prior to any dates signed by the registered voters on the petition sheet.) (ORS 198.750(4))*

(2) A prospective petition will not be accepted for filing (validation of signatures) unless the signatures have been secured within six (6) months of the date on which the first signature on the prospective petition was affixed. *(ORS 198.765(1))*

(3) A prospective petition will not be accepted for filing (validation of signatures) unless a fee as established by the county board to recover the costs of processing the application as established in Section 60.812 of Lane Manual has been paid to the county clerk.

(4) The signatures will not be accepted for filing unless a bond, cash deposit, or other security deposit in the amount of \$100.00 per precinct accompanies the petition signature sheets. The total amount will be determined once the specific boundaries of the proposed district are established. The cash deposit will be accompanied by a form prescribed by the Secretary of State and will include the names and addresses of all persons and organizations providing any part of the cash deposit and the amount provided by each, and a statement signed by the chief petitioners that if the cost of the attempted formation exceeds the deposit, the chief petitioners will pay the amount of the excess costs. *(ORS 198.775)*

(5) When a prospective petition for formation includes a proposed rate limit for operating taxes, the prospective petition shall be filed not later than 180 days before the date of the next primary election or general election at which the prospective petition for formation will be voted on. *(ORS 198.765(1))*

(6) The prospective petition is not considered filed until the required signatures are verified, within 10 days after the date a prospective petition is offered for filing. The county clerk will determine the requisite number of qualified signers: *(ORS 198.765(2))*

(a) If registered voters, the county clerk will examine the prospective petition and certify the qualified signers. *(ORS 198.765(2))*

(b) If landowners, the county assessor will examine the prospective petition and determine if signed by the required number of qualified signers by attaching a certification to that effect and forwarding the certified petition signature sheets to the county clerk. *(ORS 198.770)*

(7) Petition signature sheets that are required to be filed with the county board must be filed with the county clerk of the principal county. *(ORS 198.725 and 198.765(2))*

(8) If the required signatures have not been met, the county clerk will notify the chief petitioners and may return the petition signature sheets to the petitioners. *(ORS 198.765(2))*

(9) If the required signatures have been met, the county clerk files the certified petition with the county board. *(ORS 198.765(3))* The complete application will be forwarded to the Director of the Land Management Division for land use review. A public hearing must be held not less than thirty (30) days or more than fifty (50) days after the date the petition is filed. *(ORS 198.765(2), 198.770, and 198.800(1))*

(10) The Director of the Land Management Division will determine:

- (a) If the proposed formation is a land use action;
- (b) That all application submittal requirements are met;
- (c) If the legal description accurately describes the boundaries of the proposed district as it is shown on the cadastral maps;

- (d) That the list of tax lots is accurate and complete; and
- (e) If requested by the Director of the Land Management Division, additional information needed by the county board may be requested to adequately evaluate the proposed formation.

### **Decision Criteria**

The county board will consider the following criteria when evaluating the proposed formation.

- (1) The land is not within a district formed under the same principal Act; *(ORS 198.720(2))*
- (2) The land included in the proposed district can reasonably be served by the facilities or services provided by the district; *(ORS 198.720(3))*
- (3) The proposed formation meets the criteria in ORS 199.462; and *(ORS 198.805(1))*
- (4) The proposed formation is consistent with the Lane County Rural Comprehensive Plan, the Eugene-Springfield Metropolitan Area General Plan, other applicable comprehensive plans, and adopted land use regulations or agreements as required for the county board to adequately evaluate the proposed boundary change. *(199.462 and 198.805(1))*

### **Notice of Public Hearings**

Notice for public hearings will be given by the Director of the Land Management Division as follows:

- (1) Published by two (2) insertions in one or more newspapers of general circulation, the first publication at least fifteen (15) days before the hearing and the last publication at least five (5) days prior to the hearing; and *(ORS 198.730(2) and 198.800(2))*
- (2) Posted on or near the doors of the meeting room of the county board, any official public bulletin board, and one other public place for not less than five (5) successive days not less than fifteen (15) days prior to the date of the hearing. *(ORS 198.730(3) and 198.800(2))*
- (3) The notice must state:
  - (a) The purpose for which the district is to be formed.
  - (b) The name and boundaries of the proposed district.
  - (c) The time and place of the hearing on the proposed district.
  - (d) That all interested persons may appear and be heard. *(ORS 198.800(2))*
- (4) A final hearing date must be set twenty (20) to fifty (50) days from the date of the formation order, using the same notice requirements in this section. *(ORS 198.810(2))*

### **Public Hearing**

At a hearing, the county board may:

- (1) Consider evidence to include property not included in the proposed district that will benefit from the proposed district, subject to the notice provisions in ORS 198.805(2).
- (2) Consider evidence to exclude property included in the proposed district that will not benefit from the affected territory. *(ORS 198.805(1))*
- (3) Any person may appear and present written statements for or against the granting of the formation petition. A written statement for or against a proposed formation or a request for an election must be in writing, must clearly specify the defect, error, irregularity or omission to which the objection, if any, is made and must be filed within the time and in the manner required by this section. Any statement not so made and filed shall be considered voluntarily waived. *(ORS 198.735)*
- (4) Continue the hearing for up to four (4) weeks without additional notice. At the end of the four (4) weeks, a decision to accept or reject the proposed formation or to give notice of further hearings must be made. *(ORS 198.805(1))*

After the hearing, the county board shall:

- (1) Make a determination to approve, approve with modifications or deny the application and adopt findings consistent with ORS 199.462 and the criteria above in **Decision Criteria**. *(ORS 198.810(2))*
- (2) If required, order that an election will be held and set the date. *(ORS 198.810(4))*

(3) If the county board approves the proposed formation, the county will enter an order so declaring that sets forth the name of the district and the boundaries as determined by the board. The order will fix a place and a time, not less than twenty (20) nor more than fifty (50) days after the date of the order, for a final hearing on the proposed formation. The order will declare that if written requests for an election are not filed by the final hearing date, the board, at the final hearing, will enter its order creating the district. Notice of the final hearing will be given as provided above in **Notice of Public Hearings**. (ORS 198.810(2))

(4) An election may not be held unless written requests for an election are filed at or before the hearing by not less than fifteen (15) percent of the electors or 100 electors, whichever is the lesser number, registered in the proposed district. (ORS 198.735(2) and 198.810(2))

(5) If no election is requested, the county board will enter an order creating the district. (ORS 198.815(1))

(6) If an election is requested, the county board will order that an election be held to submit to the electors the question of forming the district. The election will be conducted as required by ORS Chapters 198, 250, 255, and the principal Act. (ORS 198.815(1))

(7) After the results of the election are certified to the county board, an order declaring the outcome of the election to form or not form the district will be issued. The order will be entered within thirty (30) days after the date of the election. The order will state the name and purpose of the district, describe its boundaries, and declare the district formed. The order will also canvass the votes for members of the district board. (ORS 198.820(1) and (3))

## ANNEXATION

### General Overview of the Annexation Process

The process for annexing territory to a special district will generally be as follows:

(1) A pre-application meeting with county staff to discuss the annexation process. A pre-application fee will be due at the time of the pre-application meeting.

(2) Signed petition signature sheets are submitted to the county clerk that will be certified by the county clerk or the county assessor, whichever is appropriate.

(3) The county clerk will file the certified petition. A copy will be forwarded to the Director of the Land Management Division.

(4) The application will be reviewed by the Director of the Land Management Division.

(5) Once the application is deemed complete, the county board will provide notice and hold hearings and set an election if required or requested.

### Pre-application Meeting

The pre-application meeting should be held with county staff to discuss the annexation process. County staff that may be involved in this meeting include the county clerk, county assessor, county counsel, and Director of the Land Management Division. A pre-application fee will be required at the time of the meeting as required in Section 60.812 of Lane Manual.

### Petition and Application Requirements

An application for annexation to a special district must contain the following:

(1) A fee as established by the county board to recover the costs of processing the application as established in Section 60.812 of Lane Manual.

(2) A petition for the annexation of territory to a special district will include:

(a) Statement that the petition is filed pursuant to ORS 198.705 to 198.955. (ORS 198.750(1)(a))

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

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

- (d) State the nature of the proposal. *(ORS 198.750(1)(d))*
  - (e) State whether the territory subject to the petition is inhabited or uninhabited. *(ORS 198.750(1)(e))*
  - (f) Set forth any proposed terms and conditions, if any, to which an annexation is to be subject. *(ORS 198.750(1)(h))*
  - (g) Request that proceedings be taken for the proposed annexation. *(ORS 198.750(1)(j))*
  - (h) If any part of the affected territory is within a city, must include a certified copy of a resolution of the governing body of the city approving the proposed annexation. *(ORS 198.720(1))*
  - (i) A description of the boundaries of the affected territory proposed to be included in the district that includes: *(ORS 198.748 and 198.750(2))*
    - (i) A legal description as defined in Definitions in printed form and electronically in Microsoft Word or a compatible format, including evidence of preliminary review by the Department of Revenue (DOR);
    - (ii) Cadastral maps as defined in Definitions, with the boundary of the proposed district highlighted; and
    - (iii) An electronic list of all applicable map and tax lot numbers, and associated assigned site addresses.
  - (j) The text, cover, and petition signature sheets must be approved in writing by the county elections official prior to circulating the petition. Each petition sheet needs to include the following:
    - (i) Printed name of person signing. *(ORS 198.760(1))*
    - (ii) Signature of person. *(ORS 198.760(1))*
    - (iii) Date of signing. *(ORS 198.760(1))*
    - (iv) Place of residence, when signing as an elector. *(ORS 198.760(1))*
    - (v) Number of acres, when signing as a landowner. *(ORS 198.760(1))*
    - (vi) Include on the petition signature sheets opposite each signature, whether the signers of the petition are landowners within the district or electors registered in the district, or both. *(ORS 198.750(1)(i))*
    - (vii) The circulators of the petition signature sheets are required to certify that each person who signed the petition did so in the presence of the person circulating the petition. *(ORS 198.750(4))*
  - (k) The following will be attached to each petition signature sheet: *(ORS 198.748)*
    - (i) Filed petition, excluding the list of map and tax lots, and
    - (ii) Description of the boundaries of the territory proposed to be included in the district and shown on a general vicinity map of the district.
  - (l) Eligible electors are active registered voters as determined from the electronic list of map and tax lots, cadastral maps, and legal description required in this section. A petition for annexation will be signed as described above in **Initiating Methods - Annexation**.
- (3) Specific information on each tax lot within the affected territory as follows:
- (a) Current assessed valuation shown on latest available county assessor's tax rolls.
  - (b) Acreage of all property in the affected territory.
  - (c) Map and tax lot number of all property in the affected territory.
  - (d) Addresses of all dwelling units and businesses located within the affected territory and names of all residents and whether they are registered voters.
  - (e) Existing land uses.
  - (f) Existing zoning.
  - (g) Existing improvements (public or private): water; streets; sanitary sewer; storm drainage; parks; fire protection (both structural and timberland); electrical.
  - (h) A list of special districts serving the affected territory: domestic water supply; rural fire protection; park and recreation; school; water control; and others not named here.
- (4) Written statement indicating compliance with the criteria contained below in **Decision Criteria**.

(5) Property owners' (and agents') names, addresses, and map and tax lot numbers within 750 feet of the affected territory, typed on mailing labels.

(6) Documentation of approval of the boundary change by the board of the affected district. The district shall also indicate if the affected territory can be served. *(ORS 198.850(1))*

(7) If requested by the Director of the Land Management Division, additional information needed by the county board to adequately evaluate the proposed annexation.

### **Submittal of Required Signatures, Certification, and Application Filing**

(1) Each person circulating the petition shall certify on each petition signature sheet that every person who signed the petition did so in the presence of the person circulating the petition. *(Note: This must include the signature of the circulator and the date signed, which cannot be prior to any dates signed by the registered voters on the petition sheet.) (ORS 198.750(4))*

(2) A petition will not be accepted for filing (validation of signatures) unless the signatures have been secured within six (6) months of the date on which the first signature on the petition was affixed. *(ORS 198.765(1))*

(3) A petition will not be accepted for filing (validation of signature) unless a fee as established by the county board to recover the costs of processing the application as established in Section 60.812 of Lane Manual has been paid to the county clerk.

(4) The signatures will not be accepted for filing unless a bond, cash deposit, or other security deposit in the amount of \$100.00 per precinct accompanies the petition signature sheets. The total amount will be determined once the specific boundaries of the proposed annexation are established. The cash deposit will be accompanied by a form prescribed by the Secretary of State and will include the names and addresses of all persons and organizations providing any part of the cash deposit and the amount provided by each, and a statement signed by the chief petitioners that if the cost of the attempted annexation exceeds the deposit, the chief petitioners will pay the amount of the excess costs. *(ORS 198.775)*

(5) The petition is not considered filed until the required signatures are verified, within 10 days after the date a petition is offered for filing. The county clerk will determine the requisite number of qualified signers: *(ORS 198.765(2))*

(a) If registered voters, the county clerk will examine the petition and certify the qualified signers. *(ORS 198.765(2))*

(b) If landowners, the county assessor will examine the petition and determine if signed by the required number of qualified signers by attaching a certification to that effect and forwarding the certified petition signature sheets to the county clerk. *(ORS 198.770)*

(6) Petition signature sheets that are required to be filed with the county board shall be filed with the county clerk of the principal county. *(ORS 198.725 and 198.765(2))*

(7) If the required signatures have not been met, the county clerk will notify the petitioners and may return the petition to the petitioners. *(ORS 198.765(2))*

(8) If the required signatures have been met, the county clerk will file the completed petition. *(ORS 198.765(3))* The complete petition will be forwarded to the Director of the Land Management Division. A public hearing must be held not less than thirty (30) days or more than fifty (50) days after the date the petition is filed. *(ORS 198.765(2), 198.770, and 198.800(1))*

(9) The Director of the Land Management Division will determine:

- (a) If the proposed boundary change is a land use action;
- (b) That all application submittal requirements are met;
- (c) If the legal description accurately describes the boundaries of the proposed boundary change as it is shown on the cadastral maps;
- (d) That the list of tax lots is accurate and complete; and
- (e) If additional information is needed, the county will communicate what is needed to the applicant.

### **Decision Criteria**

The county board will consider the following criteria when evaluating the proposed boundary change.

- (1) The land is not within a district formed under the same principal Act; *(ORS 198.720(2))*
- (2) The affected territory can reasonably be served or continued to be served by the facilities or services provided by the district; and *(ORS 198.720(3))*
- (3) No land included in the affected territory will be removed if the land is benefited. *(ORS 198.805(1))*
- (4) The boundary change is consistent with the Lane County Rural Comprehensive Plan, other applicable comprehensive plans, and other adopted land use regulations or agreements as required for the county board to adequately evaluate the proposed boundary change. *(ORS 198.850(2))*

### **Notice of Public Hearings**

Notice for the public hearings will be given by the Director of the Land Management Division as follows:

- (1) Published by two (2) insertions in one or more newspapers of general circulation within the affected district. Published notice shall begin at least fifteen (15) days prior to the hearing date and the last publication shall be made at least five (5) days prior to the hearing date. *(ORS 198.730 and 198.800(2))*
- (2) Posted on or near the doors of the meeting room of the county board, any official public bulletin board, and one other public place for not less than five (5) successive days not less than fifteen (15) days prior to the date of the hearing. *(ORS 198.730(3) and 198.800(2))*
- (3) The notice must state:
  - (a) The purpose for the annexation.
  - (b) The name and boundaries of the affected district.
  - (c) The time and place of the hearing on the annexation.
  - (d) That all interested persons may appear and be heard. *(ORS 198.800(2))*
- (4) A final hearing date must be set twenty (20) to fifty (50) days from the date of the annexation order, using the same notice requires in this section. *(ORS 198.810(2))*

### **Public Hearing**

At the hearing, the county board may:

- (1) Consider evidence to include property not included in the proposed annexation that will benefit from the affected district, subject to the notice provisions in ORS 198.805(2).
- (2) Consider evidence to exclude property included in the proposed annexation that will not benefit from the affected territory. *(ORS 198.805(1))*
- (3) Permit any person to appear and present written statements for or against the granting of the annexation petition. A written statement for or against a proposed annexation or a request for an election must be in writing, must clearly specify the defect, error, irregularity or omission to which the objection, if any, is made and must be filed within the time and in the manner required by this section. Any statement not so made and filed shall be considered voluntarily waived. *(ORS 198.735)*
- (4) Continue the hearing for up to four (4) weeks without additional notice. At the end of the four (4) weeks, a decision to accept or reject the proposed annexation or to give notice of further hearings must be made. *(ORS 198.805(1))*

After the hearing, the county board shall:

- (1) By board order make a determination consistent with the criteria above in the **Decision Criteria**. *(ORS 198.850(2))*
- (2) If required, order that an election be held and set the date. *(ORS 198.855)*
- (3) If the county board approves the application, the county will enter an order so declaring that sets forth the name of the affected district and the boundaries as determined by the board. The order will fix a place and a time, not less than twenty (20) nor more than fifty (50) days after the date of the order,

for a final hearing on the annexation. The order will declare that if written requests for an election are not filed by the final hearing date, the board, at the final hearing, will enter its order approving the application. Notice of the final hearing will be given as provided in Notice of Public Hearings. (ORS 198.810(2) and 198.855)

(a) An election may not be held unless written requests for an election are filed at or before the final hearing by not less than fifteen (15) percent of the electors or 100 electors, whichever is the lesser number, registered in the affected territory. (ORS 198.810(3))

(4) If no election is requested, the county board will enter an order approving the application. (ORS 198.815(1))

(5) If an election is requested, the county board will order that an election be held in the affected territory and order the district board to hold an election in the district to submit to the electors the question of annexing territory to the district. (ORS 198.855) The elections will be conducted as required by ORS Chapters 198, 250, 255, and the principal Act. (ORS 198.815(1))

(6) The results of the election will be certified to the county board, which will by board order declare the outcome of the election. (ORS 198.855)

(7) No election is required under the following conditions: (ORS 198.855(3))

(a) Petition is signed by all the owners of land in the affected territory, or

(b) Petition is signed by a majority of the electors registered in the affected territory and by the owners of more than half of the land area; or

(c) Petition is signed by the owner of a parcel of land consenting to the annexation of that land in accordance with ORS 198.857.

#### **Annexation Petition Initiated in Accordance with ORS 198.857**

When the owner of a parcel of land wants to annex that land to a district, the owner may file an annexation petition with the county board. The petition will:

(1) Declare that it is filed pursuant to ORS 198.857, state the name of the affected district and all affected counties, indicate the principal Act of the affected district, and be signed by the owner of the parcel of land.

(2) Be approved by endorsement by the board of the affected district and by any other agency required by the principal Act to endorse or approve the petition.

If the petition meets the requirements of ORS 198.857 and is otherwise sufficient under the principal Act, the county board will set a date for a public hearing on the petition. The hearing will be held not sooner than twenty (20) days nor later than fifty (50) days after the date that the petition is filed. Written notice of the hearing will be mailed to the petitioner and to the board of the affected district.

At the time specified in the notice described above, the county board will hold a public hearing to consider the petition. When determining whether to approve the petition, the county board will consider the local comprehensive plan for the area and any serviced agreement executed between a local government and the affected district. If the petition is approved, the county board will enter an order describing the boundaries of the land and declaring the land annexed to the district.

#### **WITHDRAWAL**

A request to withdraw territory from a special district will be initiated and processed pursuant to ORS Chapter 198, the principal Act, and local adopted policies and plans.

## **DISSOLUTION OF ACTIVE DISTRICT**

A request to dissolve an active special district will be initiated and processed pursuant to ORS Chapter 198, the principal Act, and local adopted policies and plans.

### **Pre-application Meeting**

A pre-application meeting will be held with county staff to discuss the annexation and/or withdrawal process. County staff that may be involved in this meeting include county clerk, county assessor, county counsel, and Director of the Land Management Division. A pre-application fee will be required at the time of the meeting as required in Lane Manual.

### **Petition and Signatures**

When a proceeding is initiated by petition, the chief petitioners shall:

- (1) File a prospective petition with the county clerk.
- (2) Collect signatures on an approved form, within six (6) months from when the first signature was obtained.
- (3) File the petition with the county clerk. The county clerk will accept or reject the petition within ten (10) days from receipt.
- (4) If the petitions are sufficient and the application is deemed complete, the county clerk will forward the petition to the Director of the Land Management Division and the secretary of the affected district or with any other district officer who can with reasonable diligence be located.

### **Responsibility of the District Board and Election**

- (1) When dissolution proceedings have been initiated, the district board shall:
  - (a) Make findings of fact and plan of dissolution described in Application Requirements;
  - (b) Call an election within the district boundary, which shall be held on the next available election date in ORS 255.345 for which the filing deadline can be met. The question submitted to the electors is whether the district shall be dissolved, its indebtedness liquidated and its assets disposed of in accordance with the proposed dissolution and liquidation plan. *(ORS 198.857)*
  - (c) No election shall be held until the plan for liquidation contains a plan for payment of the nonassenting holders of debt.
  - (d) After the election, declare the district dissolved if electors so voted that the district be dissolved and proceed with implementing the liquidation plan.
  - (e) After the election, declare that the dissolution and cause the election results to be a part of the record if electors so voted to reject the proposed dissolution.
  - (f) Cause the election requests to be certified to the county board.
- (2) A district order approving the dissolution shall be filed with the Department of Revenue, Secretary of State, county assessor, county clerk, and the chief petitioner.

### **Application Requirements**

An application for dissolution of an active district shall contain the following information and other information as needed for the county board to adequately evaluate the application:

- (1) A fee as established by the county board to recover the costs of processing the application consistent with Section 60.812 of Lane Manual.
- (2) Vicinity map identifying the area of the district proposed for dissolution.
- (3) Assessor's maps of the proposed dissolution area. The assessor's maps shall have identified those parcels for which signatures have been acquired.
- (4) Legal description of the affected territory. One printed copy of the description shall be provided, along with the description on a computer disk or provided in some other electronic form, in Microsoft Word or a compatible format.

(5) Findings of fact prepared by the district board that includes the following. The plan of dissolution and liquidation shall be filed with the county clerk not later than thirty (30) days after the initiation of the dissolution proceeding.

(a) The amount of each outstanding bond, coupon and other indebtedness, with a general description of the indebtedness and the name of the holder and owner of each, if known;

(b) A description of each parcel of real property and interest in real property and, if the property was acquired for delinquent taxes or assessments, the amount of such taxes and assessments on each parcel of property;

(c) Uncollected taxes, assessments and charges levied by the district and the amount upon each lot or tract of land;

(d) A description of the personal property and of all other assets of the district; and

(e) The estimated cost of dissolution.

(6) Plan of dissolution and liquidation prepared by the district board that may include the provisions of transfer and conveyance of all assets of the district to any other district or, in the case of a county service district, to the county in which the district is located, which has the authority to and agrees to assume the outstanding indebtedness of the dissolving district, if any, and to continue to furnish similar services to the inhabitants of the district.

#### **Responsibility of the County Board when no Election is Required**

An election shall not be required and the county board shall declare the district dissolved, if the county board finds that:

(1) Dissolution is in the interest of the people of the county; and

(2) The territory within the affected district is uninhabited;

(3) The district has failed regularly to elect district board members in accordance with the principal Act; or

(4) For a county service district, dissolution is required due to the absence of public need for continuation of the district.

(5) A county order approving the dissolution shall be filed with the Department of Revenue, Secretary of State, county assessor, county clerk, the affected district, and the chief petitioner.

#### **DISSOLUTION OF INACTIVE DISTRICT**

A request to dissolve an inactive special district will be initiated and processed pursuant to ORS Chapter 198, the principal Act, and local adopted policies and plans.

#### **Responsibility of the County Board**

The county board shall:

(1) Within five (5) days after initiation of the dissolution by a resolution of the county board, file a copy with the district's secretary, if any, or with any other district officer who can with reasonable diligence be located.

(2) Within thirty (30) days after initiation of the dissolution after receiving the notice in **Initiating Methods**, initiate proceedings to dissolve the district. The county board may appoint three residents of the district to assist in locating the assets, debts, and records of the district.

(3) Within sixty (60) days after initiation of the dissolution, must prepare a financial statement for the district and file it with the county clerk.

#### **Notice of Public Hearing**

A public hearing date must be set twenty-one (21) to thirty (30) days from the date the financial statement for the district is filed, required in Responsibility of the County Board.

**Public Hearing**

After the hearing, the county board will:

- (1) Determine whether the district is operating as an active district and will issue an order as appropriate.
- (2) Become the board of trustees for the dissolved district.

**MERGER/CONSOLIDATION**

A request to dissolve an active special district will be initiated and processed pursuant to ORS Chapter 198, the principal Act, and local adopted policies and plans.

**Responsibility of the District Boards and Election**

As required by ORS 198.885 to 198.915, the governing boards of the affected entities shall review, analyze, and cause an election, if required, to occur on the question of merging or consolidating.

**BOARD ORDERS****Filing Board Orders**

Within ten (10) days after a document referred to below is entered, adopted or executed, the board will file copies of the order with the Department of Revenue, the Secretary of State, the county clerk, and the county assessor of each affected county. (*ORS 198.780*)

- (1) An order of formation under ORS 198.810 to 198.840.
- (2) An order of annexation under ORS 198.810 to 198.840.
- (3) An order of withdrawal under ORS 198.875.
- (4) A resolution of merger under ORS 198.910.
- (5) A resolution of consolidation under ORS 198.910.
- (6) The statement executed by the board of trustees of a dissolving district under ORS 198.945.

The documents referenced above will include:

- (1) Findings adopted by the board, if required,
- (2) Legal description, if required, and
- (3) Map showing the general area of the affected territory and cadastral maps with the affected territory highlighted as described in the legal description.

**OTHER AUTHORITY IN ORS****Change of Organizations Other than Formation and Annexation**

ORS Chapter 198 authorizes other changes in organization that are not addressed in this document. If a change of organization request is initiated pursuant to ORS Chapter 198, it will be processed as required by the chapter and the applicable principal Act. Where Oregon law governs other change in organizations (e.g., incorporation of a new city) and authorizes county board action, a request for the change in organization will be initiated and processed pursuant to the applicable statutes. A fee consistent with Section 60.812 of Lane Manual will be required and a pre-application meeting with Lane County staff is recommended.