

LANE COUNTY LOCAL GOVERNMENT BOUNDARY COMMISSION
FILING REQUIREMENTS
CHAPTER 191, DIVISION 006

Definitions

191-006-0000 (1) "Petition" refers to any initiating document such as signature sheets, resolutions, orders, or articles of incorporation, required by the Commission to initiate Commission action on a proposal. In the case of a petition initiated by property owners, the person signing on behalf of a corporation or business must provide evidence showing that person is authorized to sign legal documents for the firm.

(2) "Proposal" refers to any boundary change or application allowed under ORS 199.464. The term also refers to the set of documents required by the Commission prior to initiating the Commission procedures within the applicable statutory timeframe.

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

(4) "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:

(a) Township, range, section, or section subdivision lines of the U.S Rectangular survey system;

(b) Survey centerline or right-of-way lines of public roads, streets, or highways;

(c) Ordinary high water or ordinary low water of tidal lands;

(d) Right-of-way lines of railroads;

(e) Any line identified on the plat of any recorded subdivision defined in ORS 92.010;

(f) Donation land claims;

(g) 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.

(5) "Major boundary change" means formations, incorporations, mergers, consolidations, and dissolutions of a city or district.

(6) "Minor boundary change" means annexations, withdrawals, transfers of territory, and extraterritorial extensions of water or sewer lines.

(7) "Community water system" means a water distribution system whether publicly or privately owned which serves more than three residences or other user where water is provided for public consumption including, but not limited to, a school, farm labor camp, an industrial establishment, a recreational facility, a restaurant, a motel, a mobile home park, or a group care home.

(8) "Community sewer system" means pipelines or conduits, pumping stations, and force mains, and all other structures, devices, appurtenances and facilities used for collecting or conducting wastes to an ultimate point for treatment or disposal, which serves more than one lot or parcel, or more than one condominium unit, or more than one unit of a planned unit development.

(9) "Economic feasibility analysis" means the study which addresses the short-term and long-term financial estimate for the proposed new unit of government. The economic feasibility

analysis shall contain:

- (a) A description of the services and functions to be performed or provided by the proposed governmental unit;
- (b) An analysis of the relationships between those services and functions and other existing or needed government services;
- (c) Proposed first and third year budgets for the new unit of government that demonstrate its economic feasibility;
- (d) The proposed tax base and tax rate.

Commission Filing Policies

191-006-0005 (1) In reviewing and acting on proposed major and minor boundary changes and establishing of community water or sewer systems, the Commission shall apply its applicable standards as expressed in ORS 199.410 and ORS 199.462.

(2) The executive officer shall prepare and maintain a summary of said Commission legislative standards for review and distribution to interested parties.

(3) The executive officer shall prepare and maintain Commission information forms and instructions for each category of boundary change.

(4) All boundary change filing requirements must be met and accepted in a completeness check by the Commission's executive officer or staff designee by the published and adopted Commission filing deadline for a hearing date.

(5) The Commission's executive officer or staff designee will accomplish the completeness check of a filing within 16 working hours of receipt of a filing. For example, if an issue is filed at 8:00 a.m. on a working day, staff must finish the completeness check by 8:00 a.m. two working days hence.

(6) Until the Commission filing requirements are met and accepted by the Commission's executive officer or staff designee, the respective statutory timelines for Commission processing of minor and major boundary changes does not begin.

(7) The executive officer or staff designee may request other information of applicants, petitioners, or other parties necessary to carry out the purposes of Commission review and to address the Commission standards. Examples include, but are not limited to auxiliary maps, responses to staff or Commission questions, or responses to issues or questions raised during the Commission's referral and public hearing processes.

(8) Applicants are encouraged to schedule a preapplication meeting with boundary commission staff well in advance of established filing deadlines.

Major Boundary Changes

191-006-0010 (1) Filing requirements for all major boundary change proposals shall include the following items:

- (a) Filing fee;
- (b) Original or true copy of petition, resolution, or other initiating documents in accordance with applicable statutes; when a proposal is initiated by electoral petition, the petitions must be accompanied with certification by county elections officer that the signatures meet statutory requirements;
- (c) Commission information form;
- (d) County assessor's cadastral map(s) (except in proposals for incorporation of cities

initiated by electoral petition);

(e) Legal description (except in proposals for incorporation of cities initiated by electoral petition);

(f) Economic feasibility analysis (for incorporation of cities or districts; not required for mergers, consolidations, or dissolutions);

(g) All parties submitting a proposal to the Commission must submit written information, as described in the Commission's certified State Agency Coordination (SAC) Program indicating consistency of the proposed boundary change with the applicable acknowledged comprehensive plan and local land use regulations. If the proposal requires compliance with statewide planning goals, the applicant must submit draft findings for Commission consideration which demonstrate compliance of the proposed boundary change with the applicable statewide planning goals;

(h) When the proposal is subject to a proposed plan amendment to the applicable acknowledged comprehensive plan and/or land use regulations, the Commission will not accept the boundary change proposal as a valid filing until the proposed amendment becomes part of the acknowledged plan pursuant to ORS 197.610 to 197.625 or 197.640 to 197.647, as applicable.

(2) In addition to the requirements listed in (1), major boundary changes, when initiated by Commission resolution, shall include the following items:

(a) Identification of the affected city or district;

(b) Statement of the kind of boundary change proposed;

(c) For city or district merger or consolidation--debt distribution plan;

(d) For city or district dissolution--plan of dissolution;

(e) For districts, designation of the principal Act;

(f) Whatever additional information the city or district principal Act authorizes or requires petitioners to include with a petition for such a boundary change.

(3) In addition to the requirements listed in (1), a formation of a city or district, when initiated by electoral petition, shall include the following items:

(a) Name of the proposed city or district;

(b) For the incorporation of cities, a map indicating the exterior borders of the proposed city--not more than 14 by 17 inches in size.

(4) In addition to the requirements listed in (1), a merger or consolidation, when initiated by electoral petition, shall include the following item:

(a) Debt distribution plan.

(5) In addition to the requirements listed in (1), a dissolution, when initiated by electoral petition, shall include the following item:

(a) Plan of dissolution.

Minor Boundary Changes

191-006-0015 (1) Filing requirements for all proposals for a minor boundary change shall include the following items:

(a) Filing fee;

(b) Original or true copy of petition, resolution, or other initiating document in accordance with ORS 199.490 or 199.464; when a proposal is initiated by electoral petitions, the petitions must be accompanied with certification by county elections officer that the signatures meet the statutory requirements;

(c) Commission information form;

(d) County assessor's cadastral map(s);

(e) Legal description;

(f) All parties submitting a proposal to the Commission must submit written information, as described in the Commission's certified State Agency Coordination (SAC) Program indicating consistency of the proposed boundary change with the applicable acknowledged comprehensive plan and local land use regulations. If the proposal requires compliance with statewide planning goals, the applicant must submit draft findings for Commission consideration which demonstrate compliance of the proposed boundary change with the applicable statewide planning goals;

(g) When the proposal is subject to a proposed plan amendment to the applicable acknowledged comprehensive plan and/or land use regulations, the Commission will not accept the boundary change proposal as a valid filing until the proposed amendment becomes part of the acknowledged plan pursuant to ORS 197.610 to 197.625 or 197.640 to 197.647, as applicable.

(2) In addition to the above requirements, the following items are required for specific types of Commission action:

(a) Annexations, withdrawals, and transfer of territory:

(A) The name of the affected city or district and whether the proposal is to annex, withdraw, or transfer territory;

(B) For district proposals--designation of the principal Act.

(b) Extraterritorial extension of water lines:

(A) The source of the supply and quantity of water available;

(B) The proposed number of service connections and location;

(C) The transmission, distribution, and storage system size and location.

(c) Extraterritorial extension of sewer lines:

(A) The location of the treatment facility and outfall or other method of disposal;

(B) The size and location of the collection system;

(C) The proposed number of service connections and location.

Community Water and Sewer Systems

191-006-0020 (1) Filing requirements for formation of a community water or sewer system shall include the following items:

(a) Filing fee;

(b) Initiating letter/application;

(c) Commission information form;

(d) County assessor's cadastral map(s);

(e) Legal description;

(f) Technical and financial feasibility reports;

(g) Documentation that a legal entity will be formed with responsibility for the community system (e.g., homeowners' association draft agreement);

(h) Evidence of coordination with other affected units of government and other service providers where applicable (e.g., cities, water districts or other providers of domestic water supply and distribution, other community water or sewer systems, sanitary districts, and rural fire protection districts); this evidence can consist of written statements from affected governments or service providers or a written statement from applicant detailing the required coordination (e.g., notes from meetings, items of substance discussed, and resolution of any issues identified during coordination);

(i) Written statement from Lane County that the proposed system is consistent with the acknowledged comprehensive plan and other land use regulations;

(j) All parties submitting a proposal to the Commission must submit written information, as described in the Commission's certified State Agency Coordination (SAC) Program indicating consistency of the proposed boundary change with the applicable acknowledged comprehensive plan and local land use regulations. If the proposal requires compliance with statewide planning goals, the applicant must submit draft findings for Commission consideration which demonstrate compliance of the proposed boundary change with the applicable statewide planning goals;

(k) When the proposal is subject to a proposed plan amendment to the applicable acknowledged comprehensive plan and/or land use regulations, the Commission will not accept the boundary change proposal as a valid filing until the proposed amendment becomes part of the acknowledged plan pursuant to ORS 197.610 to 197.625 or 197.640 to 197.647, as applicable.

(2) In addition to the requirements listed in (1), applications for formation of a community water system must include the following items:

(a) Preliminary water system layout plan;

(b) Engineer's report addressing quantity and quality requirements and relationship of proposed water system to the sewer system(s);

(c) Written statement from Lane County including: acceptability of the proposed system and acknowledgment of satisfactory preliminary review of system (Lane County administers Oregon State Health Division water system standards through intergovernmental agreement between Lane County and the State of Oregon).

(3) In addition to the requirements listed in (1), applications for formation of a community sewer system must include the following items:

(a) Preliminary sewer system layout plans;

(b) Engineer's report addressing capacity and local and state environmental quality issues and relationship of sewer system to the water source and distribution system(s);

(c) Written statement from Lane County or Oregon Department of Environmental Quality including acceptability of the proposed system and acknowledgment of satisfactory preliminary review of the system.