

Note: Consistent with SB 417, passed by the 2007 Legislature, the boundary commission will not accept any filings *after December 31, 2007.*

**INSTRUCTIONS FOR FILING
MINOR BOUNDARY CHANGE PROPOSALS
BY INDIVIDUALS**

Annexations To or Withdrawals From Cities or Districts
ORS 199.490(1)(b) and (c)

Please read all instructions before submitting a proposal to the boundary commission.

Step 1. Filing Fee [OAR 191-006-0015(1)(a)]

A filing fee is required for each annexation or withdrawal request submitted to the boundary commission. Checks should be payable to the Lane County Local Government Boundary Commission. **See separate filing fee schedule for amounts.**

Step 2. Petition [OAR 191-006-0015(1)(b)]

10 Percent of Electors

If the proposal is to be initiated by 10 percent of the electors registered within the territory to be annexed or withdrawn, see LCLGBC Form #1. After completing the form, have the Lane County Elections/Voter Registration office certify the signatures on the petition by completing LCLGBC Form #2 (Certification of Electors). **Submit the originally signed petition and six additional copies of the petition.**

One-Half Landowners

If the proposal is to be initiated by the owners of at least one-half of the land area to be annexed or withdrawn, see LCLGBC Form #1. To give consent for a particular piece of property, persons who own an interest in the property, or who are purchasers of property on a contract sale that is recorded with the county, must sign the annexation petition. Generally, this means that both husband and wife should sign. In the case of a corporation or business, the person who is authorized to sign legal documents for the firm may sign the annexation or withdrawal petition. *Please provide evidence of such authorization.* After completing the form, have the Lane County Assessment and Taxation office certify the signatures on the petition by completing LCLGBC Form #3 (Certification of Property Owners – One-Half Land Area). **Submit the originally signed petition and six additional copies of the petition.**

Double-Majority

If the proposal to annex territory to a city is initiated by the signatures of owners of at least one-half the land area and a majority of the electors, the processing of a proposal

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will be faster if filed with the appropriate city rather than filing with the boundary commission. ***See separate instructions for filing double-majority petitions with a city.***

Step 3. Information Form [OAR 191-006-0015(c)]

Complete the information form (LCLGBC Form #4). ***Submit seven copies.***

Step 4. Maps [OAR 191-006-0015(1)(d)]

Prepare a vicinity map of the proposed annexation or withdrawal area. The map should be no larger than 8½ by 11 inches in size and show the territory to be annexed or withdrawn and its relationship to the boundaries of the affected city or district, together with significant geographic factors (including bodies of water and streets in the vicinity of the boundary change). Also, include a north arrow and scale. ***Submit seven copies.***

Oregon law requires cadastral maps must be provided with a proposed annexation or withdrawal. Cadastral maps can be purchased from the Lane County Assessment and Taxation office. ***Submit three copies of full-sized, scalable assessor's cadastral maps.***

Step 5. Legal Description [OAR 191-006-0015(1)(e)]

A metes and bounds legal description of the territory to be annexed or withdrawn must be submitted. 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 (refer to OAR 191-006-0015 for more details). A lot, block and subdivision description may be substituted for the metes and bounds description if the area is platted. ***Submit seven copies.***

Step 6. Statement of Consistency with the Applicable Comprehensive Plan [OAR 191-006-0015(1)(f)]

All annexation and withdrawal requests must be accompanied with a statement from the appropriate city or county providing a statement of consistency with the applicable acknowledged comprehensive plan. The statement must include information about the provision of services prescribed by the comprehensive plan.

Step 7. Filing Deadlines

Refer to the public hearing schedule for filing deadlines. The commission normally meets on the first Thursday of each even numbered month.

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Step 8. Expedited Process

The boundary commission law allows for an expedited process which can significantly lessen the length of time necessary to process a proposal. There are two important conditions on this process, however. First, the expedited process must be specifically requested. Second, if the process is requested but a regular hearing process is ultimately required, the total length of time for processing the proposal could be longer than if the regular hearing process had been followed in the first place. ***See separate instructions for using the expedited process.***

[Note: The above steps briefly outline the process for initiating proposals with the boundary commission. The commission's administrative rule on filing requirements provides more details about the initiating process. Each filing is reviewed by the commission staff to determine if the necessary filing requirements have been met. The following steps describe the commission's study process prior to the public hearing.]

Advertising for the Public Hearing

The boundary commission law requires a notice of public hearing to be published 15 to 25 days prior to the hearing. A second publication 8 to 15 days prior to the hearing or notification directly to the property owners completes the second notification requirements. The publication must be in a newspaper serving the affected area.

Location for Posting Notices

The Lane County Local Government Boundary Commission posts notices for public hearings at the Lane County courthouse (or appropriate annex), at the headquarters of the district or city, in the affected territory, and in other places determined necessary. The notice shall be posted at least 15 days prior to the public hearing.

Staff Study Standards of Review

The following standards will be used to analyze each annexation or withdrawal request.

1. Provide an impartial forum for resolution of local jurisdictional questions. Consider the effects of the boundary change on other units of governments. *ORS 199.410(1)(b) and 199.410(3)(c)*
2. Consider the orderly determination and adjustment of local government boundaries to best meet the needs of Lane County and Oregon. Consider alternative solutions where intergovernmental options are identified and make decisions based on the most effective long-range option among identified alternatives. *ORS 199.410(1), 199.410(2), and 199.410(3)(a)*
3. Make boundary commission determinations which are consistent with acknowledged local comprehensive plans. Assure an adequate quality and quantity of public services required in the comprehensive plan to meet existing and future growth. For major

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boundary changes, there must be assurance that the proposed unit of government is financially viable. *ORS 199.410(1)(d), 199.410(3)(b) and (d)*

4. Consider the comprehensive plans' economic, demographic, and sociological trends and projections and its environmental policies, pertinent to the proposal. *ORS 199.410(3)(d) and 199.462(1)*

Staff Notes

The preceding study factors are considered in the staff notes released approximately one week prior to the public hearing. The staff notes are available upon request to cities, districts, petitioners, and other interested parties.

Public Hearing

The boundary commission, at a public hearing, may approve or disapprove a proposal. The commission may also modify a proposal to make it larger or smaller. If the commission expands a proposal, notification of the affected property owners is required at the public hearing or by mail. If the commission denies the proposal, the proceeding terminates. If the commission approves the proposal, the proceedings are subject to a 45-day waiting period, during which time remonstrance petitions signed by 10 percent or 100 of the electors, whichever is lessor, (ORS 199.505) may be submitted to call an election on the proposal. If no remonstrance is filed, the proposal is final. The boundary commission then notifies the appropriate filing agencies; i.e., Secretary of State, Lane County clerk, Lane County assessor, city or district recorder.

Rules of Procedure for the boundary commission are available upon request.

Submit to: Lane County Local Government Boundary Commission
99 East Broadway, Suite 400
Eugene, Oregon 97401-3111
Phone: (541) 682-4425

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TO THE PETITIONER: The following form is a sample and must be retyped using the appropriate information. Wherever a phrase appears in "italics," an appropriate choice must be made.

LCLGBC FORM #1

PETITION

ANNEXATION TO A CITY or DISTRICT

or

WITHDRAWAL FROM A CITY or DISTRICT

TO: Lane County Local Government Boundary Commission

We, the undersigned, constitute at least *10 percent of the registered voters residing in*
OR *the owners of one-half of the land area of* the following described property:

See attached legal description(s) (Exhibit A)

AND Tax lot _____, Township _____ S, Range _____ E/W, Section _____, Map _____

Tax lot _____, Township _____ S, Range _____ E/W, Section _____, Map _____

We desire to be *annexed to the* **OR** *withdrawn from the* City of _____
OR _____, *a district operating under ORS Chapter ____.**

A map is attached, marked Exhibit B, showing the affected territory and its relationship to the present *city* **OR** *district* boundaries.

The *annexation* **OR** *withdrawal* constitutes a minor boundary change under the boundary commission act and should therefore be considered by the boundary commission, and after study, a final order should be entered by the boundary commission.

Date _____

By: _____

Title: _____

By: _____

Title: _____

NOTE: With the above signature, I am verifying that I have the authority to consent to *annexation/withdrawal* on my own behalf or on behalf of my firm or agency.

* *Domestic Water Supply = ORS 264*
Park and Recreation = ORS 266
Rural Fire Protection = ORS 478

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LCLGBC FORM #2

CERTIFICATION OF ELECTORS

I hereby certify that _____ signatures on the attached petition are electors and reside in the area described in the petition. These signatures represent not less than 10 percent of the electors residing within the annexation or withdrawal area described on the attached petition.

Deputy or Clerk
Lane County, Oregon

Date

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LCLGBC FORM #3

VERIFICATION OF PROPERTY OWNERS

I have caused a search to be made of the assessment and taxation records, Lane County Department of Assessment and Taxation (A&T), on _____. Those records reflect that the ____ individuals listed on the attached petition are the owners of record of the property identified by the tax lots described on the attached sheet. A&T is not responsible for subsequent deed activity which may not yet be reflected on the A&T computerized tax roll.

Lane County Department of Assessment and Taxation

Date

*LCBC: L:\BC\FORMS\INSTRUCTIONS BY INDIVIDUALS FULL1.DOC
Last Saved: August 13, 2007*

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LCLGBC FORM #4
INFORMATION FORM

LANE COUNTY LOCAL GOVERNMENT BOUNDARY COMMISSION

99 East Broadway, Suite 400
Eugene, Oregon 97401-3111
541-682-4425

(Petitioner's Name)

(Address)

(City)

(Zip)

(Phone)

(E-mail)

The attached petition is for *annexation to* **OR** *withdrawal from* the _____ (city)
or _____
(district)

Please supply the following information regarding the subject area.

Estimated Population (**at present**): _____

Number of Existing Residential Units: _____

Land Area: _____ acres

Existing Zoning(s): _____

Existing Use(s): _____

Existing Plan Designation(s): _____

Applicable Comprehensive Plan(s): _____

Is the area within a Domestic Water Supply District? _____

(please provide name)

Is the area within a Rural Fire Protection District? _____

(please provide name)

Annexation to Cities or Water Districts Only

- A. If the property is entirely or substantially undeveloped, what are the plans for future development? (Be specific—if site or development plans have been prepared, please submit a copy)

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B. Can the proposed development be achieved under current county zoning?
Yes _____ No _____

If no, has a zone change been sought either formally or informally for the property under consideration? Yes _____ No _____

Please describe the outcome of the zone change if answer to the preceding question is "yes."

All Proposals

A. Does this proposal include all contiguous property under the same ownership?

_____ If not, are you in the process of a major _____ or minor _____ partition?
_____ No

If you are not in the process of a subdivision, please state your reasons for not including the entire ownership.

B. Please provide the reasons why the proposed boundary change should be made. Please be very specific. Attach additional page if necessary.

C. Names of persons to whom staff notes and notices should be sent.

(Name)

(Name)

(Address)

(Address)

(City) (Zip)

(City) (Zip)

(Name)

(Name)

(Address)

(Address)

(City) (Zip)

(City) (Zip)

