

Annexations to Districts under ORS Chapter 198* **Instructions for Annexing By Individuals**

*Please refer to specific instructions for PUD annexations governed by ORS 261. Call Lane County Elections at (541) 682-4234 concerning annexation processes by any other initiating process than individuals.

Read all instructions **before submitting** the entire application for annexing territory to a district. Applications submitted to the County Clerk will not be accepted if any forms or attachments are missing and/or incomplete. (Required electronic copies need to be received in advance, or upon submitting application.)

Filing Fee (see attached filing fee schedule for amounts) - Submit filing fees as required by Lane Manual 60.812 (copy attached) **upon filing** an application to the Lane County Clerk. Checks are payable to the Lane County Clerk. (Debit or credit cards are not accepted.)

1. **Initiating Methods** (Choose one of the following and mark on Petition for Annexation Form) ORS Chapter 198 includes different methods by which an annexation can be initiated. Please read the following information to determine the initiating method that best fits your situation.

A. **Single Property Owner [ORS 198.857]**

A single property owner (including both husband and wife) owning a single taxlot signs a petition requesting annexation. An annexation initiated using this method requires one public hearing by the Lane County Board of Commissioners and no election on the annexation is required.

B. **All Property Owners [ORS 198.855(3)]**

All property owners owning all of the properties proposed for annexation sign a petition requesting annexation. An annexation initiated using this method requires two public hearings by the Lane County Board of Commissioners and no election on the annexation is required.

C. **Electors and Owners [ORS 198.855(3)]**

A majority of eligible electors registered in the area proposed for annexation and owners of more than half of the land in the area proposed for annexation sign a petition requesting annexation. An annexation initiated using this method requires two public hearings by the Lane County Board of Commissioners and no election on the annexation is required.

D. **Electors and Owners [ORS 198.855(1)]**

When a petition does not include consents from a majority of the eligible electors registered in the area proposed for annexation and includes signatures from owners of 50 percent or less of the land in the area proposed for annexation, elections are required in both the proposed annexation area and the affected district. An annexation initiated using this method requires two public hearings by the Lane County Board of Commissioners.

NOTE: If this is an application to a rural fire protection district, applicant should contact the Lane County Assessor's office to verify whether an annexation is required.

Property Records and Tax Info: www.lanecounty.org/AT or call (541) 682-4321.

2. Petition for Annexation Form and Petition Signature Sheet

Complete the attached **Petition for Annexation** form as it relates to the proposed district annexation. (Common examples of a principal Act: County Service District ORS Chapter 451, Library District ORS Chapter 357, Rural Fire Protection District ORS Chapter 478, Park and Recreation District ORS Chapter 266, as well as others). Can also refer to the following website: www.leg.state.or.us/ors/198.html

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 Lane 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 petition. Please provide evidence of such authorization.

Once the attached **Petition Signature Sheet** is reviewed and approved in writing by the County Clerk as it is to be circulated for signatures, signature gathering can begin. **(Note: Petition Signature Sheet must be preapproved by County Clerk prior to collecting signatures and must include the Petition for Annexation stapled or copied to the back).**

3. Supplemental Annexation Information Form

Complete and submit the attached supplemental annexation form as it relates to the proposed district annexation. This form will be used to determine whether or not the application applies to land use and for the purpose of analysis and decision making by the Lane County Board of Commissioners. (Contact Mark Rust, (541) 682-4541, on any questions on required information for this form. Fees may apply for this help.)

4. Maps (Label each map with map type)

- A. Submit cadastral map(s) with the boundary of the proposed district highlighted. Cadastral maps can be accessed through the Lane County Assessment and Taxation office's website: www.lanecounty.org/AT; and
- B. Submit a vicinity map that should be no larger than 8½ by 11 inches in size. Show the territory to be annexed and its relationship to the boundaries of the annexation area, together with significant geographic factors (including bodies of water and streets in the vicinity of the boundary change and facilities critical to providing the service). Also, include a north arrow and scale.

5. Legal Description

Submit a metes and bounds legal description of the territory to be annexed. The 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 ORS 308.225 for more details). A lot, block and subdivision description may be substituted for the metes and bounds description if the area is platted. (A map & taxlot is not acceptable as the legal description.)

- Legal description must be submitted both in printed form and electronically in Microsoft Word or a compatible format. The subject line **must** include "Annexation to 'name of district' and your name." Email to: elections.customer@co.lane.or.us

- Submittal is to include evidence of a preliminary review of the legal description by the Department of Revenue (DOR), along with the DOR number assigned. The DOR contact information:

Matthew Taylor matthew.r.taylor@state.or.us (503) 947-2162
Dept of Revenue
Property Tax Division
955 Center St NE
Salem OR 97301

6. Map and Taxlot List (attached sample/form)

Submit a list of all Map and Taxlots in the proposed territory, **using the attached sample form or referring to** www.lanecounty.org/elections. Click on “District Annexations” under “Forms and Reference Materials.” If the proposed territory includes either 10 or more owners or taxlots, submit an electronic list (Excel spreadsheet on CD) of **all** applicable map and taxlot numbers, including all specific information below in separate data fields for sorting purposes for **each map and taxlot** within the annexation area: (This is in addition to the paper form)

- A. (A&T) Current assessed valuation shown on latest available county assessor’s tax rolls;
- B. (A&T) Acreage of each taxlot, with a total for all lots; **and** if available
- C. (LCOG) Site addresses of all dwelling units and businesses located within the annexation area; and
- D. (Elections) Names of all residents and whether or not they are registered voters.

7. Labels of Owners (within 750 feet of proposed district annexation territory)

Submit typed mailing labels that include the names of all property owners and agents, their addresses, and map and taxlot numbers for all property within 750 feet of the annexation area.

Resources for obtaining map and taxlot information and/or data for labels, first recommended contact (fees may apply):

Lane Council of Governments (541) 682-4283
Park Place Building
859 Willamette St Suite 500
Eugene OR 97401

An additional resource for map and taxlot information contact: (fees may apply)

Lane County Assessment and Taxation (541) 682-4321
Public Service Building
125 East 8th Avenue Basement
Eugene OR 97401
Website: www.lanecounty.org/AT

8. Affected District Approval

Submit a resolution signed by the board of the affected district indicating that the annexation area can be served and stating the basis for that decision by the special district board. Approval of the boundary change by the board of the affected district is required.

9. Decision Criteria Written Statement

Person(s) requesting annexation must submit a written statement indicating compliance with the following:

- A. The land is not within a district formed under the same principal Act;
- B. The annexation area can reasonably be served or continued to be served by the facilities or services provided by the district;
- C. No land included in the annexation area will be removed if the land is benefited; and
- D. The boundary change is consistent with the Lane County Rural Comprehensive Plan, other applicable refinement plans, other adopted land use regulations or agreements.

10. Territory Within City

If any part of the annexation area is within a city, the applicant must include a certified true copy of the resolution of the governing body of the city approving the proposed annexation.

Application Process Once Accepted by the Lane County Clerk

Upon submittal and acceptance of all applicable fees and required forms, the Lane County Clerk will forward the filing to Lane County Land Management Division. Further inquiries should be directed to Mark Rust (541) 682- 4541.

Land Management Division will set a date for a public hearing before the Lane County Board of Commissioners.

The Land Management Division will determine:

1. If the proposed boundary change is a land use action;
2. That all application submittal requirements are met;
3. If the legal description accurately describes the boundaries of the proposed boundary change as it is shown on the cadastral maps;
4. If the list of taxlots is accurate and complete; and
5. If additional information is needed, and communicate what is needed to the applicant.

The Lane County Board of Commissioners, at a public hearing, may approve or disapprove a proposal, considering the following decision criteria when evaluating the proposed boundary change:

1. The land is not within a district formed under the same principal act;
2. The annexation area can reasonably be served or continued to be served by the facilities or services provided by the district;
3. No land included in the annexation area will be removed if the land is benefited; and
4. The boundary change is consistent with the Lane County Rural Comprehensive Plan, other applicable refinement plans, and other adopted land use regulations or agreements as required for the county board to adequately evaluate the proposed change.

The Lane County Board of Commissioners (BCC), in making their decision, may also modify a proposal to make it larger or smaller. If the BCC expands a proposal, notification of the affected property owners is required at the public hearing or by mail. If the BCC denies the proposal, the proceeding terminates. If the application is approved, signatures from 10 percent or 100 signatures, whichever is lesser, of the eligible electors registered within the annexation area may be submitted prior to the final hearing by the BCC.

The BCC provides notice of their decision to the appropriate filing agencies; i.e., Secretary of State, Lane County clerk, Lane County assessor, and district secretary.

The effective date of any approved annexation will be determined by ORS 198.747.

Submit Fees and District Annexation Application Forms to:

Lane County Clerk
Lane County Elections
275 West 10th Avenue
Eugene, OR 97401
Phone: (541) 682-4234

I:\CDCC\ELEC\District Annexations\Annexation Instructions for Filing.doc09/08/2011