

District Formation Instructions

ORS Chapter 198

The formation process for most types of special districts is covered in Oregon Revised Statute (ORS) Chapter 198 – “Special Districts Generally.” Some types of districts have additional requirements for formation that are found in the district’s principle Act. Always check the principle Act for the specific type of special district being formed to determine if additional formation requirements are required.

The formation process may take as long as 12 to 24 months, depending on the type of district and whether the district will assess property taxes.

There are three methods that may be used to initiate the formation process:

1. Filing petitions signed by eligible electors;
2. Filing petitions signed by property owners; **or**
3. By order of the Lane County Board of Commissioners.

These instructions only describe the process of initiating a formation process by petition.

(ORS 198.765) When a petition for district formation includes a proposed permanent rate limit for operating taxes, the petition must be filed not later than 180 days before the date of the next primary or general elections at which the formation will be voted on.

Instructions for Filing an Application by Individuals

Read all instructions before submitting an application for district formation. **An application will not be accepted by the County Clerk if any forms or attachments are missing and/or incomplete.** All forms are also available on the following website: www.co.lane.or.us/elections under “Voter Resources” and “District Formations.” (Electronic copies are required to be received in advance or upon submittal of the application.)

Initiating Methods

(ORS 198.755) A petition for formation must be signed by not less than:

1. Fifteen percent of the electors or 100 electors, whichever is the greater, registered in the territory subject to the petition; **or**
2. Fifteen owners of land or the owners of 10 percent of the acreage, whichever is the greater number of signers, within the territory subject to the petition.

(Note: Petition sheet must be preapproved by County Clerk prior to collecting signatures.)

Filing Fees

- Submit filing fees as required by Lane Manual 60.812 upon filing an application to the Lane County Clerk. Checks are payable to the Lane County Clerk. (Debit or credit cards are not accepted.)

Under \$10 million assessed valuation:		\$ 8,890.
\$10,000,001 to \$100,000,000 assessed valuation:		\$11,930.
\$100,000,001 to \$250,000,000 assessed valuation:		\$14,970.
Over \$250,000,000 assessed valuation:		\$18,000.
Pre-Application Conference:		\$ 235.
Re-Notice:	1	\$ 398.

SEL 704 – Security Deposit for District Formation or Reorganization (Must be complete)

The purpose of this form is to determine the deposit based on the number of precincts in the proposed district and the required declaration by the chief petitioners that they are responsible for the excess costs of any election held in excess of the deposit based on ORS 198.775.

Submit completed SEL 704 with additional \$100.00 deposit for every precinct within the proposed district for apportioned election costs. Chief petitioners are responsible for balance on all election costs incurred if district formation is unsuccessful, and the district is responsible for the balance of all election costs incurred if district formation is successful. (ORS 198.775)

Petition for District Formation (see attached form)

Complete the attached **Petition for Formation** form:

- The Proposed District Name.
- The Principle Act of this proposed district.
- All other Principle Acts for the governments that provide services within the proposed district
- All fields are required to be completed. For example, if no terms and conditions, that needs to be noted.

(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 following website:

https://www.oregonlegislature.gov/bills_laws/lawsstatutes/2013ors198.html

Economic Feasibility Statement (see attached form)

(ORS 198.749) Before circulating a petition, the chief petitioner must include a completed economic feasibility statement for the proposed district. This statement forms the basis for the proposed permanent rate limit for operating taxes required by ORS 198.750(1)(g). This statement must include:

1. A description of the services and functions to be performed or provided by the proposed district.
2. An analysis of the relationship between those services and functions and other existing or needed government services; **and**
3. 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.

District Formation Petition Signature Sheet (see attached form)

(Note: Petition sheet must be preapproved by County Clerk prior to collecting signatures. The completed Petition for Formation Form (above) needs to be attached or printed on the back side of the signature sheet.)

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 district formation 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 petition. Please provide evidence of such authorization.

Must include

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.

(ORS 198.976) Petition signatures will not be accepted unless the signatures have been secured within six months of the date on which the first signature was obtained.

District Formation Supplemental Information (see attached form)

Complete and submit the attached supplemental district formation form as it relates to the proposed district formation. 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. (Call 541-682-3958, on any questions regarding this form. Fees may apply for this help.)

Maps

1. 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.co.lane.or.us/AT_PropTaxMgmt/ ; and
2. Submit a vicinity map that should be no larger than 8½ by 11 inches in size. Show the boundary of the proposed district, together with significant geographic factors (including bodies of water and streets in the vicinity of the new district and facilities critical to providing the service). Also, include a north arrow and scale.

Legal Description

Submit a metes and bounds legal description of the proposed district boundaries. 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. **(Map & tax lots are not acceptable as the legal description.)**

- Legal description must be submitted **both** in printed form and electronically in Microsoft Word or a compatible format; **and**
- 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. DOR contact information:

boundary.changes@dor.state.or.us (503) 302-5078
Cadastral Information Systems Unit
Oregon Dept of Revenue
PO Box 14380
Salem OR 97309-5075

Map and Tax Lot List (see attached form)

Submit a list of all map and tax lots in the proposed district territory, using the attached form. If the proposed district includes 10 or more owners or tax lots, whichever is greater, submit an electronic list (Excel spreadsheet on compact disc) of **all** applicable map and tax lot numbers, including all specific information below in separate data fields for sorting purposes for **each map and tax lot** within the proposed territory:

1. Current assessed valuation shown on latest available county assessor's tax rolls (contact A&T);
2. Acreage of each tax lot, with a total for all lots (contact A&T); **and** if available
3. Site addresses of all dwelling units and businesses located within the annexation area (contact LCOG); and
4. Names of all residents and whether or not there are active registered voters (contact Elections).

Resources for obtaining map and tax lot information, **first recommended contact** (fees may apply):

Lane Council of Governments (541) 682-4548
 Park Place Building
 859 Willamette St Suite 500
 Eugene OR 97401

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

Lane County Assessment and Taxation, Public Service Building (541) 682-4321
 125 E 8th Ave - Basement
 Eugene OR 97401
 website: www.co.lane.or.us/AT_PropTaxMgmt/

Decision Criteria Written Statement

(ORS 198.720 (2)) Submit a written statement indicating compliance with the following:

1. The land is not within a district formed under the same principal Act;
2. The land included in the proposed district can reasonably be served by the facilities or services provided by the district;
3. The proposed formation meets the criteria in ORS 199.462; **and**
4. The proposed formation is consistent with the Lane County Rural Comprehensive Plan; other applicable refinement plans; and other adopted land use comprehensive plans, regulations, or agreements.

Resolution by City

(ORS 198.720 (1)) Only if any part of the proposed district 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 district formation.

Process After Application is Accepted for Filing by the Lane County Clerk

Upon submittal and acceptance of all applicable fees and required forms, and the certification of landowner and/or elector signatures, the Lane County Clerk will forward the filing to Lane County Land Management Division.

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 district as it is shown on the cadastral maps;

4. If the list of tax lots 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 land included in the proposed district can reasonably be served by the facilities or services provided by the district;
3. the proposed formation meets the criteria in ORS 199.462; **and**
4. The boundary change is consistent with the Lane County Rural Comprehensive Plan, other applicable acknowledged comprehensive plans, 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 15 percent or 100 signatures, whichever is lesser, of the eligible electors registered within the proposed district may be submitted prior to the final hearing by the BCC.

If the petition for formation includes a permanent rate limit for operating taxes for the proposed district and the petition is approved by the county board as presented or as modified, the county will hold an election on the question of forming the district and establishing a permanent tax rate on the date of the next primary election or general election for which the filing deadline can be met. The order shall also state that at such election members of the district board will be voted for.

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

Submit Fees and District Formation Application Forms to:

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

(Office and phone hours: Monday – Friday 9am-Noon and 1pm-4pm)