

Overview of Differences Between Boundary Commission and Non-Boundary Commission Areas

Background

Lane County is the remaining county in the State of Oregon where a boundary commission exists. The Lane County Local Government Boundary Commission has had the authority to process boundary changes for cities and certain special districts in Lane County since 1969. The original legislation created three boundary commission—the Portland Metropolitan Area Local Government Boundary Commission, the Marion-Polk Local Government Boundary Commission, and the Lane County Local Government Boundary Commission. The Marion-Polk Boundary Commission was abolished by the Legislature in 1981. The Portland Metro Boundary Commission was abolished in the 1998 legislative session.

Differences

The following list reflects a preliminary summary of the analysis of the differences in how boundary changes are processed without a boundary commission.

- With or without a boundary commission, special districts can include non-contiguous territory. Only in a boundary commission area can a city have non-contiguous territory.
- Outside a boundary commission area, the county commissioners have the authority over boundary changes to special districts (as authorized by ORS 198, refer to Table 2) including annexations and withdrawals. Formations/incorporations, dissolutions, or merging/consolidating special districts, as well as cities, fall under the authority of the county commissioners (as authorized by ORS 198 and ORS 221/222).
- Outside a boundary commission area, the city has the authority over annexations to and withdrawals from the city (as authorized by ORS 222, refer to Table 3). The methods of initiation, hearings process, and election requirements will be governed by ORS 222.
- The “expedited processing” provision now used for most annexations does not exist in ORS 198 or ORS 222. It also appears that public hearings will be required for most boundary changes.
- Outside a boundary commission area, water and wastewater extensions outside city limits or special district boundaries will not be reviewed. The creation of community water or wastewater systems or the expansions of those systems will not be reviewed as is now required by the boundary commission statute.
- The boundary commission currently completes all the statutorily required boundary change filings for cities and the county. All boundary changes are required to be filed with the Department of Revenue (DOR), Secretary of State’s Office, county clerk, and county assessor. Outside a boundary commission area, cities will be responsible for these filings for

city boundary changes and the county will be responsible for special district boundary change filings.

- In a boundary commission area, properties can be transferred in one action from one like government to another—known as a transfer of territory. In non-boundary commission areas, the same action requires a withdrawal and annexation to accomplish a transfer between like governments.
- In a boundary commission area, when territory is annexed to a city there may also be an accompanying automatic annexation to a special district (e.g., automatic annexation to the Lane County Metropolitan Wastewater Service District or Willamalane Park and Recreation District). These provisions do not exist in a non-boundary commission area.
- In a boundary commission area, annexations to a city may also include an automatic withdrawal from a rural fire protection district. Cities, in non-boundary commission areas, may provide for withdrawal of territory from certain special districts upon the effective date of annexation. The effective date of withdrawals from domestic water districts, water control districts, or sanitary districts will remain unchanged.
- In a boundary commission area, the effective dates of annexations are authorized by ORS 199. Outside a boundary commission area, city annexations become effective upon filing with the Secretary of State's office.
- Annexation effective dates can be delayed up to 10-years in a boundary commission area as well as in non-boundary commission areas.

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