

Jackson County Local Improvement District Process

(Per ORS 371.605 - 371.660 and County Ordinance 1026 shown in italics)

Step 1 – Petition

No Board of Commissioner action required

- A. Petitioners develop petition for LID creation. Petition includes district boundaries, project description, and cost sharing formula. Petition is reviewed by County Road Department to ensure it meets statutory requirements.
- B. Petitioners collect signatures, and if/when sufficient signatures (60% of land owners representing 60% of frontage) are collected, the petition is delivered to Jackson County Roads.

Step 2 – Engineering Investigation

Board of Commissioner action required – Board has no discretion

- C. Commissioners, by order, must direct the engineer to investigate the feasibility of the improvement and prepare a cost estimate. [ORS 371.625 requires Commissioners to make such direction to the engineer, the Commissioners have no discretion.]
- D. *The Road Department sends a letter, with a copy of the order, to all property owners in the proposed district informing them that the process has begun and provides some basic information on the process (such as a copy of this summary).*

Step 3 – Project Approval or Abandonment

Board of Commissioner action required

If a YES vote Board has discretion to build or cancel the project

If a NO vote, Board has no discretion, project is canceled

Board has discretion to hold a hearing

- E. If the engineers report determines the project is feasible, the estimated cost of the total improvement and the estimated cost to each property is mailed to each owner. The notice will require the owner to file with the Board of Commissioners within 20 days after the mailing of the notice written objection, if any, to the further prosecution of the improvement.
- F. If after 20 days, objections are received from more than 50% of land owners representing more than 50% of the total amount of the assessment, the Commissioners shall order abandonment of the improvement and no new petition may be filed within a

period of one year after the date of the order. [ORS 371.630(2) mandates abandonment at this point, the Commissioners have no discretion.]

- G. If after 20 days, objections are received from less than 50% of property owners representing less than 50% of the total amount of the assessment *a public hearing may be scheduled to precede deliberation so that the Commissioners may take public input. Following the public hearing,* the Commissioners deliberate and then decide whether to proceed with the improvements.
- H. The Commissioners, by order, either direct that the improvement proceed or abandon the improvement. If directed to proceed, the order will include the formula for cost sharing. The Commissioners may at this time change the cost share formula. [ORS 371.635(1) gives the Commissioners discretion as to whether to proceed with the improvement at this point. This is the only point in the process where the Commissioners have such discretion.]

Step 4 – Design and Construction

No Board of Commissioner action required

(project ordered to proceed or abandoned under previous step)

- I. Upon the order by the Board of Commissioners to proceed with the improvement, the project design is completed (including any required permits), then the project is put out to competitive bid and constructed by the low bidder.

Step 5 – Final Assessment

Board of Commissioner action required – Order for final assessment

Board has NO discretion on whether to make an assessment

Board has discretion on methodology of assessment

- J. After the construction is completed and the final cost is tabulated, each property owner is notified by mail of the final cost of the improvement and the assessment to each owner. A public hearing is scheduled to hear any objections as to the method of assessment.
- K. After the public hearing, the Board of Commissioners will establish the final assessment. Each property owner will be given the choice of paying the assessment in full or financing the assessment over the prescribed period. [The Commissioners may change the cost sharing formula at this point and alter the individual assessments. However, it is very unlikely the Commissioners will make such changes at this point as winners and losers would be created.]