

# House Bill 3084

Sponsored by Representative AVAKIAN; Representative GREENLICK

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Authorizes city to annex territory without vote of electors in territory when more than half of owners of land in territory whose real property constitutes more than half of assessed value of all real property approve annexation in writing.

Clarifies when annexation may proceed without vote of electors in city proposing annexation and when annexation may proceed without vote of electors in territory proposed to be annexed. Clarifies how annexation may proceed when there are no electors in territory proposed to be annexed.

## A BILL FOR AN ACT

1  
2 Relating to annexation; creating new provisions; and amending ORS 222.111, 222.125 and 222.170.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1.** ORS 222.111 is amended to read:

5 222.111. (1) When a proposal containing the terms of annexation is approved in the manner  
6 provided by the charter of the annexing city or by ORS 222.111 to 222.180 or 222.840 to 222.915, the  
7 boundaries of any city may be extended by the annexation of territory that is not within a city and  
8 that is contiguous to the city or separated from it only by a public right of way or a stream, bay,  
9 lake or other body of water. Such territory may lie either wholly or partially within or without the  
10 same county in which the city lies.

11 (2) A proposal for annexation of territory to a city may be initiated by the legislative body of  
12 the city, on its own motion, or by a petition to the legislative body of the city by owners of real  
13 property in the territory to be annexed.

14 (3) The proposal for annexation may provide that, during each of not more than 10 full fiscal  
15 years beginning with the first fiscal year after the annexation takes effect, the rate of taxation for  
16 city purposes on property in the annexed territory shall be at a specified ratio of the highest rate  
17 of taxation applicable that year for city purposes to other property in the city. The proposal may  
18 provide for the ratio to increase from fiscal year to fiscal year according to a schedule of increase  
19 specified in the proposal; but in no case shall the proposal provide for a rate of taxation for city  
20 purposes in the annexed territory which will exceed the highest rate of taxation applicable that year  
21 for city purposes to other property in the city. If the annexation takes place on the basis of a pro-  
22 posal providing for taxation at a ratio, the city may not tax property in the annexed territory at a  
23 rate other than the ratio which the proposal authorizes for that fiscal year.

24 (4) When the territory to be annexed includes a part less than the entire area of a district  
25 named in ORS 222.510, the proposal for annexation may provide that if annexation of the territory  
26 occurs the part of the district annexed into the city is withdrawn from the district as of the effective  
27 date of the annexation. However, if the affected district is a district named in ORS 222.465, the ef-  
28 fective date of the withdrawal of territory shall be determined as provided in ORS 222.465.

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 (5)(a) The legislative body of the city shall submit[, *except when not required under ORS 222.120,*  
 2 *222.170 and 222.840 to 222.915 to do so, the*] a proposal for annexation to:

3 (A) The electors of the territory proposed for annexation [*and, except when permitted*] **unless**  
 4 **not required to do so under ORS 222.125, 222.170 or 222.840 to 222.915.**

5 (B) **The electors of the city proposing to annex territory unless not required to do so**  
 6 under ORS 222.120, **222.125, 222.170** or 222.840 to 222.915 [*to dispense with submitting the proposal*  
 7 *for annexation to the electors of the city, the legislative body of the city shall submit such proposal to*  
 8 *the electors of the city*].

9 (b) The proposal for annexation may be voted upon at a general election or at a special election  
 10 to be held for that purpose.

11 (c) **When no electors reside in the territory proposed to be annexed, annexation may**  
 12 **proceed as provided in ORS 222.125.**

13 (6) The proposal for annexation may be voted upon by the electors of the city and of the terri-  
 14 tory simultaneously or at different times not more than 12 months apart.

15 (7) Two or more proposals for annexation of territory may be voted upon simultaneously; how-  
 16 ever, in the city each proposal shall be stated separately on the ballot and voted on separately, and  
 17 in the territory proposed for annexation no proposal for annexing other territory shall appear on the  
 18 ballot.

19 **SECTION 2.** ORS 222.125 is amended to read:

20 222.125. (1) The legislative body of a city need not call or hold an election in the city or in any  
 21 contiguous territory proposed to be annexed or hold the hearing otherwise required under ORS  
 22 222.120 when all of the owners of land in that territory and not less than 50 percent of the electors,  
 23 if any, residing in the territory:

24 (a) Consent in writing to the annexation of the land in the territory; and

25 (b) File a statement of their consent with the legislative body.

26 (2) Upon receiving written consent to annexation by owners and electors, **if any**, under this  
 27 section, the legislative body of the city, by resolution or ordinance, may set the final boundaries of  
 28 the area to be annexed by a legal description and proclaim the annexation.

29 **SECTION 3.** ORS 222.170 is amended to read:

30 222.170. (1) The legislative body of the city need not call or hold an election in any contiguous  
 31 territory proposed to be annexed if more than half of the owners of land in the **contiguous**  
 32 territory[, *who also own more than half of the land in the contiguous territory and of real property*  
 33 *therein representing*] **whose real property constitutes** more than half of the assessed value of all  
 34 real property in the contiguous territory consent in writing to the annexation of their land in the  
 35 **contiguous** territory and file a statement of their consent with the legislative body on or before the  
 36 day:

37 (a) The public hearing is held under ORS 222.120, if the city legislative body dispenses with  
 38 submitting the question to the electors of the city; or

39 (b) The city legislative body orders the annexation election in the city under ORS 222.111, if the  
 40 city legislative body submits the question to the electors of the city.

41 (2) The legislative body of the city need not call or hold an election in any contiguous territory  
 42 proposed to be annexed if a majority of the electors registered in the **contiguous** territory proposed  
 43 to be annexed consent in writing to annexation and the owners of more than half of the land in that  
 44 **contiguous** territory consent in writing to the annexation of their land and those owners and elec-  
 45 tors file a statement of their consent with the legislative body on or before the day:

1 (a) The public hearing is held under ORS 222.120, if the city legislative body dispenses with  
2 submitting the question to the electors of the city; or

3 (b) The city legislative body orders the annexation election in the city under ORS 222.111, if the  
4 city legislative body submits the question to the electors of the city.

5 (3) If the city legislative body has not dispensed with submitting the question to the electors of  
6 the city and a majority of the votes cast on the proposition within the city favor annexation, or if  
7 the city legislative body has previously dispensed with submitting the question to the electors of the  
8 city as provided in ORS 222.120, the legislative body, by resolution or ordinance, shall set the final  
9 boundaries of the area to be annexed by a legal description and proclaim the annexation.

10 (4) Real property that is publicly owned, is the right of way for a public utility, telecommuni-  
11 cations carrier as defined in ORS 133.721 or railroad or is exempt from ad valorem taxation shall  
12 not be considered when determining the number of owners, the area of land or the assessed valu-  
13 ation required to grant consent to annexation under this section unless the owner of such property  
14 files a statement consenting to or opposing annexation with the legislative body of the city on or  
15 before a day described in subsection (1) of this section.

16 **SECTION 4. The amendments to ORS 222.111, 222.125 and 222.170 by sections 1 to 3 of this**  
17 **2005 Act apply to a proposal for annexation initiated on or after the effective date of this 2005**  
18 **Act.**