

Senate Bill 282

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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**.

Modifies meaning of "owner" and "landowner" for purposes of certain annexations of territory.

A BILL FOR AN ACT

1
2 Relating to annexation without election; creating new provisions; and amending ORS 199.490 and
3 222.120.

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

5 **SECTION 1.** ORS 222.120 is amended to read:

6 222.120. (1) Except when expressly required to do so by the city charter, the legislative body
7 of a city is not required to submit a proposal for annexation of territory to the electors of the city
8 for their approval or rejection.

9 (2) When the legislative body of the city elects to dispense with submitting the question of the
10 proposed annexation to the electors of the city, the legislative body of the city shall fix a day for
11 a public hearing before the legislative body at which time the electors of the city may appear and
12 be heard on the question of annexation.

13 (3) The city legislative body shall cause notice of the hearing to be published once each week
14 for two successive weeks prior to the day of hearing, in a newspaper of general circulation in the
15 city, and shall cause notices of the hearing to be posted in four public places in the city for a like
16 period.

17 (4) After the hearing, the city legislative body may, by an ordinance containing a legal de-
18 scription of the territory in question:

19 (a) Declare that the territory is annexed to the city upon the condition that the majority of the
20 votes cast in the territory is in favor of annexation;

21 (b) Declare that the territory is annexed to the city where electors or landowners in the con-
22 tiguous territory consented in writing to such annexation, as provided in ORS 222.125 or 222.170,
23 prior to the public hearing held under subsection (2) of this section; or

24 (c) Declare that the territory is annexed to the city where the Department of Human Services,
25 prior to the public hearing held under subsection (1) of this section, has issued a finding that a
26 danger to public health exists because of conditions within the territory as provided by ORS 222.840
27 to 222.915.

28 (5) If the territory described in the ordinance issued under subsection (4) of this section is a part
29 less than the entire area of a district named in ORS 222.510, the ordinance may also declare that
30 the territory is withdrawn from the district on the effective date of the annexation or on any sub-
31 sequent date specified in the ordinance. However, if the affected district is a district named in ORS

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.

1 222.465, the effective date of the withdrawal of territory shall be determined as provided in ORS
2 222.465.

3 (6) The ordinance referred to in subsection (4) of this section is subject to referendum.

4 (7) *[For the purpose of this section, ORS 222.125 and 222.170, “owner” or “landowner” means the*
5 *legal owner of record or, where there is a recorded land contract which is in force, the purchaser*
6 *thereunder.]* If there is a multiple ownership in a parcel of land, each consenting owner *[shall be]*
7 **is** counted as a fraction to the same extent as the interest of the owner in the land bears in relation
8 to the interest of the other owners and the same fraction *[shall be]* **is** applied to the parcel’s land
9 mass and assessed value for purposes of the consent petition. If a corporation owns land in territory
10 proposed to be annexed, the corporation *[shall be]* **is** considered the individual owner of that land.

11 **(8) For the purpose of this section and ORS 222.125 and 222.170, “owner” or “landowner”**
12 **means the legal owner of record of land or, when there is a recorded land contract in force,**
13 **the purchaser under the land contract unless the legal owner or purchaser is a state or local**
14 **road authority, as defined in ORS 801.445, whose sole ownership interest in the territory**
15 **proposed to be annexed is ownership or an interest in a public roadway located within or**
16 **adjacent to the territory proposed to be annexed.**

17 **SECTION 2.** ORS 199.490 is amended to read:

18 199.490. (1) A proceeding for a minor boundary change other than a transfer of territory may
19 be initiated:

20 (a) By resolution of the governing body of the affected city or district;

21 (b) By petition signed by 10 percent of the electors registered in the affected territory;

22 (c) By petition signed by the owners of at least one-half the land area in the affected territory;

23 (d) By resolution of a boundary commission having jurisdiction of the affected territory; or

24 (e) When the minor boundary change is a withdrawal of a city from a district, by resolution of
25 the governing body of the city, which shall be an affected city for the purposes of ORS 199.410 to
26 199.534.

27 (2)(a)(A) An annexation proceeding may also be initiated by a resolution adopted by the gov-
28 erning body of the affected city or district upon receiving consent to annex their land in writing
29 from more than half of the owners of land in the territory proposed to be annexed, who also own
30 more than half of the land in the territory proposed to be annexed and of real property therein
31 representing more than half of the assessed value of all real property in the territory proposed to
32 be annexed.

33 (B) A resolution adopted by the governing body of the affected city or district upon receiving
34 written consent to annexation from a majority of the electors registered in the territory proposed
35 to be annexed and written consent to the annexation of their land from the owners of more than
36 half the land in the territory proposed to be annexed.

37 (b) However, before soliciting statements of consent for the purpose of authorizing an
38 annexation under a proceeding initiated as provided by this subsection, the governing body of the
39 affected city or district shall file a notice of intent to annex with the boundary commission having
40 jurisdiction of the affected territory. The notice of intent to annex shall name the affected city or
41 district and generally describe the boundaries of the territory sought to be annexed, which territory
42 must be contiguous to the city or district or separated from it only by a public right of way or a
43 stream, bay, lake or other body of water. The notice of intent to annex shall have attached to it a
44 county assessor’s cadastral map showing the location of the affected territory that the city or dis-
45 trict proposes to annex.

1 (c) For the purpose of this subsection, consent need not be obtained for any land in a public
2 way included within or contiguous to the territory proposed to be annexed. However, land in such
3 a public way shall, as determined by the commission, be considered annexed to the affected city or
4 district if the minor boundary change is approved, regardless of the land's ownership, size or as-
5 sessed valuation.

6 (d) For the purpose of this subsection, consent need not be obtained for any real property that
7 is publicly owned, is the right of way for a public utility, telecommunications utility or railroad or
8 is exempt from ad valorem taxation unless the owner of such property files a statement consenting
9 to or opposing annexation with the legislative body of the annexing city or district on or before the
10 date the city or district adopts the resolution required by paragraph (a) of this subsection.

11 (e) As used in this subsection, "owner" has the additional meaning given that term in ORS
12 222.120 [(7)] (8).

13 (3) A transfer of territory proceeding may be initiated:

14 (a) By joint resolution of the governing bodies of the affected districts or cities;

15 (b) By petition signed by 10 percent of the electors registered in the affected territory;

16 (c) By petition signed by the owners of at least one-half the land area in the affected territory;

17 or

18 (d) By resolution of a boundary commission having jurisdiction of the affected territory.

19 (4) The petition or resolution shall:

20 (a) Name the affected city or district and state whether it is proposed to annex, withdraw or
21 transfer territory;

22 (b) Describe the boundaries of the affected territory;

23 (c) If the proposal concerns a district, designate the applicable principal Act;

24 (d) Have attached a county assessor's cadastral map showing the location of the affected terri-
25 tory; and

26 (e) Be filed with the boundary commission having jurisdiction of the affected territory.

27 (5) When a city annexation is initiated:

28 (a) As provided by ORS 222.750 the petition proposing the annexation shall be filed with the
29 boundary commission having jurisdiction of the annexation.

30 (b) As provided by ORS 222.840 to 222.915, the findings adopted by the Director of Human Ser-
31 vices under ORS 222.880 shall be considered the initiatory action and a certified copy of the findings
32 shall be filed with the boundary commission having jurisdiction of the annexation, at the same time
33 a copy of the finding is filed with the affected city.

34 (6) Except when a boundary change is initiated by an affected city or district under subsection
35 (1), (2), (3) or (5) of this section or by the Director of Human Services as provided by subsection
36 (5)(b) of this section, the boundary commission shall notify the affected city or district that a petition
37 has been filed or that the commission has adopted a resolution. If the petition complies with the
38 requirements of the applicable statutes, the commission shall proceed as provided by ORS 199.460
39 to 199.463 and 199.490 to 199.519.

40 (7) Unless the parties appearing at a hearing for a minor boundary change or application under
41 ORS 199.464 agree to a postponement of the adoption of a final order, a final order approving or
42 disapproving a minor boundary change must be adopted within 90 days after the date the petition,
43 resolution or application is filed with the commission. If a final order approving or disapproving a
44 minor boundary change is not adopted within 90 days after the petition, resolution or application is
45 filed or within the period of postponement, the petition, resolution or application shall be considered

1 approved by the commission. A postponement shall not be for a period exceeding one year from the
2 date the petition, resolution or application initiating the proposal is filed with the commission.

3 **SECTION 3. The amendments to ORS 222.120 by section 1 of this 2005 Act apply to an**
4 **annexation proposal for which the notice of hearing required in ORS 222.120 is published and**
5 **posted on or after the effective date of this 2005 Act.**

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