

**A-Engrossed**  
**House Bill 2760**

Ordered by the House May 11  
Including House Amendments dated May 11

Sponsored by Representatives C EDWARDS, P SMITH, KRUMMEL, CLEM, Senator WALKER; Representatives BOQUIST, GARRARD, GREENLICK, HUNT, NATHANSON, WITT, Senator AVAKIAN

**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.

Modifies requirements and procedure for city to annex territory surrounded by city.

**A BILL FOR AN ACT**

1  
2 Relating to annexation; creating new provisions; amending ORS 222.750; and declaring an emer-  
3 gency.

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

5 **SECTION 1.** ORS 222.750 is amended to read:

6 **222.750. (1) As used in this section:**

7 (a) **“Creek” means a natural course of water that is smaller than, and often tributary to,**  
8 **a river, but is not shallow or intermittent.**

9 (b) **“River” means a large, continuous and natural stream of water that is fed along its**  
10 **course by converging tributaries and empties into an ocean, lake or other body of water.**

11 (2) When territory not within a city is surrounded by the corporate boundaries of the city, or  
12 by the corporate boundaries of the city and the ocean shore, [*or a stream, bay, lake or other body*  
13 *of water, it is within the power and authority of that city to annex such territory. However,*] **a river,**  
14 **a creek, a bay, a lake or Interstate Highway 5, the city may annex the territory pursuant**  
15 **to this section after holding at least one public hearing on the subject for which notice has**  
16 **been mailed to each record owner of real property in the territory proposed to be annexed.**

17 (3) This section does not apply when the territory not within a city:

18 (a) Is surrounded entirely by water; or

19 (b) **Is surrounded as provided in subsection (2) of this section, but a portion of the cor-**  
20 **porate boundaries of the city that consists only of a public right of way, other than Inter-**  
21 **state Highway 5, constitutes more than 25 percent of the perimeter of the territory.**

22 (4) Unless otherwise required by its charter, annexation by a city under this section [*shall*]  
23 **must** be by ordinance or resolution subject to referendum, with or without the consent of any owner  
24 of **real** property within the territory or resident in the territory.

25 (5) **For property that is zoned for, and in, residential use when annexation is initiated by**  
26 **the city under this section, the city shall specify an effective date for the annexation that is**  
27 **at least three years and not more than 10 years after the date the city proclaims the**  
28 **annexation approved. The city recorder or other officer performing the duties of the city**

**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 recorder shall:

2 (a) Cause notice of the delayed annexation to be recorded by the county clerk of the  
3 county in which any part of the territory subject to delayed annexation is located within 60  
4 days after the city proclaims the annexation approved; and

5 (b) Notify the county clerk of each county in which any part of the territory subject to  
6 delayed annexation is located not sooner than 120 days and not later than 90 days before the  
7 annexation takes effect.

8 (6) Notwithstanding subsection (5) of this section, property that is subject to delayed  
9 annexation becomes part of the city immediately upon transfer of ownership.

10 (7) This section does not limit provisions of a city charter, ordinance or resolution that  
11 are more restrictive than the provisions of this section for creating or annexing territory  
12 that is surrounded as described in subsection (2) of this section.

13 **SECTION 2.** (1) The amendments to ORS 222.750 by section 1 of this 2007 Act apply to  
14 an ordinance or resolution adopted on or after the effective date of this 2007 Act that de-  
15 clares an annexation approved.

16 (2) ORS 222.750 (7) applies to a provision of a charter, ordinance or resolution enacted  
17 before, on or after the effective date of this 2007 Act.

18 **SECTION 3.** This 2007 Act being necessary for the immediate preservation of the public  
19 peace, health and safety, an emergency is declared to exist, and this 2007 Act takes effect  
20 on its passage.

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