

REVENUE: No revenue impact

FISCAL: Minimal fiscal impact, no statement issued

Action:	Do Pass as Amended and Be Printed Engrossed
Vote:	7 - 0 - 0
Yeas:	Cameron, Davis, Holvey, McKeown, Thatcher, Unger, Clem
Nays:	0
Exc.:	0
Prepared By:	Beth Reiley, Administrator
Meeting Dates:	2/11, 2/13

WHAT THE MEASURE DOES: Authorizes owner of tract to withdraw from city if city is located within Metro and incorporated between January 1, 2000, and January 1, 2005; comprehensive plan and land use regulations were not acknowledged within four years after incorporation; and any portion of tract is on boundary of city and within one-half mile of another city. Establishes process that owner must go through to withdraw tract from city. Requires city to hold hearing on withdrawal within 30 days after receipt of written statement and to withdraw tract from city at or immediately after close of hearing. Provides for withdrawal without action by city if city fails or refuses to act. Prohibits city from annexing tract within 10 years following withdrawal. Authorizes any person who testified at hearing to seek judicial review of withdrawal by filing petition in Oregon Court of Appeals. Sunsets January 2, 2025. Declares emergency, effective on passage.

ISSUES DISCUSSED:

- City of Damascus' attempts to adopt comprehensive plan
- Three comprehensive plans will be voted on in May
- Landowners not allowed to develop land until comprehensive plan has been adopted

EFFECT OF COMMITTEE AMENDMENT: Defines "same ownership" as including ownership, singly or in any combination by individual, their relatives, or entities owned by individual or their relatives. Expands authorization to public to appear and be heard at public hearing. Requires tract of land being withdrawn to be within one-half mile of another city.

BACKGROUND: ORS 197.757 requires newly incorporated cities to have comprehensive plans and land use regulations acknowledged by the Land Conservation and Development Commission (LCDC) as being in compliance with the statewide planning goals no later than four years after the date of incorporation. The City of Damascus incorporated in 2004 but was unable to complete its plan by the 2008 deadline and has missed three subsequent extensions. In 2010 the Damascus City Council, adopted its first comprehensive plan and map and requested acknowledgement; however a May 2011 city referendum overturned the comprehensive plan. In 2012, a local initiative, Measure 3-389, required the public to vote on ordinances or plans. In November 2013, LCDC voted to initiate enforcement proceedings, under ORS 197.324, for failure to make satisfactory progress towards its compliance schedule, failure to comply with LCDC orders and failure to adopt a comprehensive plan and land use regulations.

House Bill 4029 A would establish a process and authorize owners of tracts of lands located on the Damascus' boundary and within one-half mile of another city to withdraw from the city. The measure would require the legislative body of the city to withdraw the tract of land at or immediately after the public hearing.

2/14/2014 10:18:00 AM

This summary has not been adopted or officially endorsed by action of the committee.