

# House Bill 4128

Sponsored by Representative CLEM (Pre-session filed.)

## 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**.

Requires that, in election proposing annexation, votes from territory to be annexed and annexing city be counted separately to determine separate majorities if territory is 100 acres or more. Requires that votes from territory and city be combined to determine single majority if territory to be annexed is less than 100 acres.

## A BILL FOR AN ACT

1  
2 Relating to annexation; creating new provisions; and amending ORS 222.750.

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

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

5 222.750. (1) As used in this section:

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

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

10 (2) When territory not within a city is surrounded by the corporate boundaries of the city, or  
11 by the corporate boundaries of the city and the ocean shore, a river, a creek, a bay, a lake or  
12 Interstate Highway 5, the city may annex the territory pursuant to this section after holding at least  
13 one public hearing on the subject for which notice has been mailed to each record owner of real  
14 property in the territory proposed to be annexed.

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

16 (a) Is surrounded entirely by water; or

17 (b) Is surrounded as provided in subsection (2) of this section, but a portion of the corporate  
18 boundaries of the city that consists only of a public right of way, other than Interstate Highway 5,  
19 constitutes more than 25 percent of the perimeter of the territory.

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

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

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

30 (b) Notify the county clerk of each county in which any part of the territory subject to delayed

**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 annexation is located not sooner than 120 days and not later than 90 days before the annexation  
2 takes effect.

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

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

8 (8)(a) If a city charter, ordinance or resolution requires the city to conduct an election in the  
9 city, the city shall allow electors, if any, in the territory proposed to be annexed to vote in the  
10 election on the question of annexation.

11 **(b) If the territory proposed to be annexed:**

12 **(A) Is 100 acres or more, the annexation is approved if the governing body of the city**  
13 **finds that a majority of the votes cast in the city and a majority of the votes cast in the**  
14 **territory favor annexation.**

15 **(B) Is less than 100 acres, the annexation is approved** if the governing body of the city finds  
16 that a majority of the votes cast in the city and the territory combined favor annexation[.].

17 **(c) If the annexation is approved,** the governing body[,] **shall proclaim** by ordinance or  
18 resolution[, *shall proclaim*] the annexation approved[. *The proclamation shall contain*] **in a procla-**  
19 **mation that contains** a legal description of each territory annexed.

20 **SECTION 2. The amendments to ORS 222.750 by section 1 of this 2014 Act apply to**  
21 **elections held pursuant to ORS 222.750 on or after the effective date of this 2014 Act.**

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