



Office of Representative Shemia Fagan

De-annexation in Damascus HB3084

The Problem:

More than a decade after incorporation, Damascus has yet to adopt a comprehensive plan. Throughout that time, property owners have been prevented from developing their land due to the lack of zoning. Property owners need a solution while Damascus remains incorporated but does not have a comprehensive plan.

HB 4029 was previously passed as that solution. However, it was deemed unconstitutional by the Court of Appeals as it delegated legislative authority to individual landowners without sufficient protections to hold them accountable. As such, landowners are in the same quandary they were before HB 4029.

The Solution:

HB 3084 allows property owners on the edge of Damascus to leave the city if there is still no comprehensive plan passed but it does not delegate legislative authority to the land owners. Rather, the authority is placed in the hands of the governing body of the city, after a public hearing on the potential effects withdrawal of a tract would have on the city's ability to function.

This bill gives the appropriate guidelines to the city, balancing each property owner's ability to withdraw with the city's ability to function, giving property owners the possibility to develop and use their land as they see fit.

How it Works:

1. To withdraw from Damascus, property owners on the edge of the city must file a request to withdraw with the mayor and the governing body of the city. They must also include a copy of the deed, a legal description of the land, and a copy of the map maintained by the county assessor showing the location of the land.
2. Within 30 days after receiving the request to withdraw, a public hearing must be held on the question of whether de-annexation would be an undue hardship on the operation of the city, as it currently operates.
3. If the governing body of the city determines that there would be no undue burden on the city, then they shall adopt an ordinance or resolution declaring the tract withdrawn from the city. If the governing body of the city determines that there would be an undue burden on the city, then they shall adopt an ordinance or resolution rejecting the withdrawal of the tract.

For more information, please contact Representative Fagan's Office:

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