

REVENUE: No revenue impact

FISCAL: Minimal fiscal impact, no statement issued

Action:

Vote:

Yeas:

Nays:

Exc.:

Prepared By: Erin Seiler, Administrator

Meeting Dates: 6/9

WHAT THE MEASURE DOES: Authorizes owner of tract within incorporated boundaries of City of Damascus to withdraw tract from city in certain circumstances. Requires filing of request for withdrawal with mayor and governing body, Metro and Department of Land Conservation and Development. Requires determination of absence of undue hardship on operation of city at time of request for withdrawal. Requires public hearing on withdrawal of tract within 30 days of receipt of request and specifies public notification requirement. Authorizes determination on withdrawal within 30 days after receiving public testimony. Details process if withdrawal is approved or rejected. Provides that determination by governing body, or withdrawal of tract due to failure of governing body to make timely determination, may be appealed to circuit court. Prohibits city from annexing withdrawn tract for 10 years. Declares emergency, effective on passage

ISSUES DISCUSSED:

EFFECT OF COMMITTEE AMENDMENT:

BACKGROUND: House Bill 4029 (2014) allowed property owners on the edge of Damascus to leave the city if they lived within a half-mile of another city if Damascus failed to pass a comprehensive land use plan; however, the Oregon Court of Appeals ruled the law unconstitutional in *City of Damascus v. Hank Brown* staying all de-annexations from the city. The ruling stated the following: “The legislature's decision to delegate that legislative authority to certain landowners, without any expression of policy to guide their decision, is an unconstitutional delegation in its purest form because it is a delegation of the legislature's power to make the law -- a law that alters the location of the city's boundary.”

House Bill 3084-A by modifies authority for withdrawal of tract from the city to the mayor. The measure would require the mayor to determine whether a tract qualifies for withdrawal from the city, and whether such withdrawal would cause undue hardship on city operations.