

STAFF MEASURE SUMMARY

Senate Committee On Rules

**Fiscal:** Has minimal fiscal impact

**Revenue:** No Revenue Impact

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**Action Date:** 06/09/15

**Action:** Do Pass The A-Eng Bill.

**Meeting Dates:** 06/09

**Vote:**

Yeas: 4 - Beyer, Boquist, Burdick, Rosenbaum

Nays: 1 - Ferrioli

**Prepared By:** Erin Seiler, Committee Administrator

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**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 Prohibits city from annexing withdrawn tract for 10 years.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:**

- Recent efforts to disincorporate City of Damascus
- Reasons citizens have sought to withdraw from city
- Inability to adopt comprehensive land use plan

**EFFECT OF COMMITTEE AMENDMENT:**

No 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 modifies the process for resolving requests to withdraw a tract from within the city boundaries of Damascus. The measure would require the governing body to determine whether a tract qualifies for withdrawal from the city and whether withdrawal of tract would cause undue hardship on city operations.