

A-Engrossed
House Bill 4018

Ordered by the House February 11
Including House Amendments dated February 11

Sponsored by Representative ESQUIVEL; Representative STARK (Presession 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.

Removes provisions that prohibit annexation or incorporation of specified industrial lands without written consent of owner of land in specific areas of Jackson County. Extends sunset on **remaining** provisions that prohibit annexation or incorporation of specified land without written consent of owner of land.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to annexation of industrial land; amending sections 2, 4, 6, 8, 10 and 11, chapter 539,
3 Oregon Laws 2005; and declaring an emergency.

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

5 **SECTION 1.** Section 2, chapter 539, Oregon Laws 2005, is amended to read:

6 **Sec. 2.** (1) A lot, parcel or tract may not be included in territory proposed to be annexed unless
7 the owner of the lot, parcel or tract gives written consent to the annexation, if the lot, parcel or
8 tract:

9 (a) Is zoned for industrial use or designated for industrial use zoning in an acknowledged com-
10 prehensive plan;

11 (b) Is land on which no electors reside, unless one or more electors living on-site are employed
12 or engaged to provide security services for the industrial user of the land;

13 (c) Has an assessed value of more than \$2 million, including improvements; and

14 *[(d) Is in unincorporated Jackson County, either:]*

15 *[(A) Within the urban unincorporated community of White City, west of Oregon Route 62; or]*

16 *[(B) Within the urban growth boundary of the City of Medford, west of Oregon Route 99.]*

17 **(d) Is in unincorporated Jackson County within the urban unincorporated community of**
18 **White City, west of Oregon Route 62.**

19 (2) After annexation of a lot, parcel or tract described in subsection (1) of this section, the de-
20 velopment rights that apply to the lot, parcel or tract under the industrial zoning classification ap-
21 plicable to the lot, parcel or tract when it is annexed are retained and run with the lot, parcel or
22 tract.

23 (3) As used in this section, "urban unincorporated community" means an unincorporated com-
24 munity that:

25 (a) Includes at least 150 permanent residential dwelling units;

26 (b) Contains a mixture of land uses, including three or more public, commercial or industrial

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 land uses;

2 (c) Includes areas served by a community sewer system; and

3 (d) Includes areas served by a community water system.

4 **SECTION 2.** Section 4, chapter 539, Oregon Laws 2005, is amended to read:

5 **Sec. 4.** (1) A lot, parcel or tract may not be included in territory proposed to be annexed unless
6 the owner of the lot, parcel or tract gives written consent to the annexation, if the lot, parcel or
7 tract:

8 (a) Is zoned for industrial use or designated for industrial use zoning in an acknowledged com-
9 prehensive plan;

10 (b) Is land on which no electors reside, unless one or more electors living on-site are employed
11 or engaged to provide security services for the industrial user of the land;

12 (c) Has an assessed value of more than \$2 million, including improvements; and

13 *[(d) Is in unincorporated Jackson County, either:]*

14 *[(A) Within the urban unincorporated community of White City, west of Oregon Route 62; or]*

15 *[(B) Within the urban growth boundary of the City of Medford, west of Oregon Route 99.]*

16 **(d) Is in unincorporated Jackson County within the urban unincorporated community of**
17 **White City, west of Oregon Route 62.**

18 (2) After annexation of a lot, parcel or tract described in subsection (1) of this section, the de-
19 velopment rights that apply to the lot, parcel or tract under the industrial zoning classification ap-
20 plicable to the lot, parcel or tract when it is annexed are retained and run with the lot, parcel or
21 tract.

22 (3) As used in this section, “urban unincorporated community” means an unincorporated com-
23 munity that:

24 (a) Includes at least 150 permanent residential dwelling units;

25 (b) Contains a mixture of land uses, including three or more public, commercial or industrial
26 land uses;

27 (c) Includes areas served by a community sewer system; and

28 (d) Includes areas served by a community water system.

29 **SECTION 3.** Section 6, chapter 539, Oregon Laws 2005, is amended to read:

30 **Sec. 6.** (1) A lot, parcel or tract may not be included in unincorporated territory proposed to
31 be incorporated as a city unless the owner of the lot, parcel or tract gives written consent to the
32 incorporation, if the lot, parcel or tract:

33 (a) Is zoned for industrial use or designated for industrial use zoning in an acknowledged com-
34 prehensive plan;

35 (b) Is land on which no electors reside, unless one or more electors living on-site are employed
36 or engaged to provide security services for the industrial user of the land;

37 (c) Has an assessed value of more than \$2 million, including improvements; and

38 *[(d) Is in unincorporated Jackson County, either:]*

39 *[(A) Within the urban unincorporated community of White City, west of Oregon Route 62; or]*

40 *[(B) Within the urban growth boundary of the City of Medford, west of Oregon Route 99.]*

41 **(d) Is in unincorporated Jackson County within the urban unincorporated community of**
42 **White City, west of Oregon Route 62.**

43 (2) After incorporation of a city that includes a lot, parcel or tract described in subsection (1)
44 of this section, the development rights that apply to the lot, parcel or tract under the industrial
45 zoning classification applicable to the lot, parcel or tract when the city is incorporated are retained

1 and run with the lot, parcel or tract.

2 (3) As used in this section, “urban unincorporated community” means an unincorporated com-
3 munity that:

4 (a) Includes at least 150 permanent residential dwelling units;

5 (b) Contains a mixture of land uses, including three or more public, commercial or industrial
6 land uses;

7 (c) Includes areas served by a community sewer system; and

8 (d) Includes areas served by a community water system.

9 **SECTION 4.** Section 8, chapter 539, Oregon Laws 2005, is amended to read:

10 **Sec. 8.** (1) A lot, parcel or tract may not be included in territory proposed to be annexed unless
11 the owner of the lot, parcel or tract gives written consent to the annexation, if the lot, parcel or
12 tract:

13 (a) Is zoned for industrial use or designated for industrial use zoning in an acknowledged com-
14 prehensive plan;

15 (b) Is land on which no electors reside, unless one or more electors living on-site are employed
16 or engaged to provide security services for the industrial user of the land;

17 (c) Has an assessed value of more than \$2 million, including improvements; and

18 *[(d) Is in unincorporated Jackson County, either:]*

19 *[(A) Within the urban unincorporated community of White City, west of Oregon Route 62; or]*

20 *[(B) Within the urban growth boundary of the City of Medford, west of Oregon Route 99.]*

21 **(d) Is in unincorporated Jackson County within the urban unincorporated community of**
22 **White City, west of Oregon Route 62.**

23 (2) After annexation of a lot, parcel or tract described in subsection (1) of this section, the de-
24 velopment rights that apply to the lot, parcel or tract under the industrial zoning classification ap-
25 plicable to the lot, parcel or tract when it is annexed are retained and run with the lot, parcel or
26 tract.

27 (3) As used in this section, “urban unincorporated community” means an unincorporated com-
28 munity that:

29 (a) Includes at least 150 permanent residential dwelling units;

30 (b) Contains a mixture of land uses, including three or more public, commercial or industrial
31 land uses;

32 (c) Includes areas served by a community sewer system; and

33 (d) Includes areas served by a community water system.

34 **SECTION 5.** Section 10, chapter 539, Oregon Laws 2005, is amended to read:

35 **Sec. 10.** (1) A lot, parcel or tract may not be included in territory proposed to be consolidated
36 to create a newly incorporated city or a consolidated city unless the owner of the lot, parcel or
37 tract gives written consent to the incorporation or consolidation, if the lot, parcel or tract:

38 (a) Is zoned for industrial use or designated for industrial use zoning in an acknowledged com-
39 prehensive plan;

40 (b) Is land on which no electors reside, unless one or more electors living on-site are employed
41 or engaged to provide security services for the industrial user of the land;

42 (c) Has an assessed value of more than \$2 million, including improvements; and

43 *[(d) Is in unincorporated Jackson County, either:]*

44 *[(A) Within the urban unincorporated community of White City, west of Oregon Route 62; or]*

45 *[(B) Within the urban growth boundary of the City of Medford, west of Oregon Route 99.]*

1 **(d) Is in unincorporated Jackson County within the urban unincorporated community of**
2 **White City, west of Oregon Route 62.**

3 (2) After incorporation or consolidation of a city that includes a lot, parcel or tract described
4 in subsection (1) of this section, the development rights that apply to the lot, parcel or tract under
5 the industrial zoning classification applicable to the lot, parcel or tract when the city is incorpo-
6 rated or consolidated are retained and run with the lot, parcel or tract.

7 (3) As used in this section, “urban unincorporated community” means an unincorporated com-
8 munity that:

9 (a) Includes at least 150 permanent residential dwelling units;

10 (b) Contains a mixture of land uses, including three or more public, commercial or industrial
11 land uses;

12 (c) Includes areas served by a community sewer system; and

13 (d) Includes areas served by a community water system.

14 **SECTION 6.** Section 11, chapter 539, Oregon Laws 2005, is amended to read:

15 **Sec. 11.** Sections 2, 4, 6, 8 and 10, **chapter 539, Oregon Laws 2005**, [*of this 2005 Act*] are re-
16 pealed June 30, [2016] **2026**.

17 **SECTION 7.** **This 2016 Act being necessary for the immediate preservation of the public**
18 **peace, health and safety, an emergency is declared to exist, and this 2016 Act takes effect**
19 **on its passage.**

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