

HB 2577 A STAFF MEASURE SUMMARY
House Committee On Agriculture and Land Use

Carrier: Rep. Clem

Action Date: 04/02/19

Action: Do pass with amendments. (Printed A-Eng.)

Vote: 7-0-0-0

Yeas: 7 - Boshart Davis, Clem, Helm, McLain, Post, Smith DB, Williams

Fiscal: Has minimal fiscal impact

Revenue: Has minimal revenue impact

Prepared By: Laura Kentnesse, LPRO Analyst

Meeting Dates: 2/5, 4/2

WHAT THE MEASURE DOES:

Requires the same three-year waiting period for annexation of property that is zoned to allow residential use as a permitted use and is in residential use when annexation is initiated, as property that is zoned for, and in, residential use. Allows a property owner within the territory to be annexed to waive the delayed annexation effective date. Declares emergency, effective on passage.

ISSUES DISCUSSED:

- Effects of a three-year wait period for residents of a territory to be annexed
- Forest Grove case of a three-year wait period denial because the territory was in residential use, but not specifically zoned as such
- This proposal codifies the Land Use Board of Appeals Forest Grove decision

EFFECT OF AMENDMENT:

Allows a property owner within the territory to be annexed to waive the delayed annexation effective date.

BACKGROUND:

ORS 222.750, known as the "island annexation statute," allows a city to annex a territory that is surrounded by the corporate boundaries of the city, or by the corporate boundaries of the city and the ocean shore, a river, creek, bay, lake, or Interstate Highway 5 following a properly noticed public hearing.

In 2007, the legislature passed House Bill 2760, which provided a three- to ten-year waiting period from the time a city decided to annex an "island" territory to the finalization of the annexation. The delayed annexation waiting period applied to property zoned for residential use that was also in residential use when a city initiated annexation.

House Bill 2577 A would require the same three-year waiting period for annexation of property that is zoned to allow residential use as a permitted use and is in residential use when annexation is initiated, as property that is zoned for, and in, residential use.