



Oregon Communities For A Voice In Annexations

Promoting & Protecting Citizen Involvement in Land Use Issues

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January 31, 2019

To: The Honorable Brian Clem, Chair, and Members
House Committee on Agriculture & Land Use

Re: PLEASE AMEND HB 2108 PRIOR TO FURTHER CONSIDERATION

Dear Chair Clem and Committee Members:

HB 2108 is the latest attempt to rein in what we call “hostage” annexations where a city requires annexation in exchange for providing certain extraterritorial public services as a proxy for its county. Mr. Chairman, you are aware of the 2005 LC opinion which stated, **“A city may require consent to annexation only for delivering its own services, not for acting as an agent of the appropriate service provider”** i.e., its county.

There have been several iterations of the bill during the past 4 sessions. The last one (in 2015) that got a 59:1 House endorsement failed due to it being sabotaged in the Senate, turning it into SB 1573, currently under appeal in the Oregon Court of Appeals. But others failed largely because **they contained the same problem that this current version does.**

Specifically, as we read Sections 1(3)(b) and 3(3)(b) of the bill, cities are provided a means to circumvent the prohibition of forced annexation if such is required by an IGA or the Comprehensive Plan for the area. There also appears to be a contradiction between these subsections and subsections (a) in Sections 1(3) and 3(3). **This is why we cannot support the bill as currently written.**

Many, if not most Oregon counties delegate the provision of certain county services to cities within the county. The issuance of building permits is probably the most common example. We are aware of at least some cities that have the annexation requirement in either an IGA or the comp plan and suspect there are others.

We are asking – as we have asked in all previous versions of this bill – that you simply codify into law the LC opinion without providing “back door exits.”

Respectfully,

Jerry J. Ritter

Secretary & Legislative Affairs Representative
OCVA

