

A-Engrossed
Senate Bill 967

Ordered by the Senate March 5
Including Senate Amendments dated March 5

Sponsored by Senators BROADMAN, NASH; Senators PATTERSON, PHAM K, Representative LEVY E

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. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: The Act would let local bodies enter into an IGA that says how they will deal with a local improvement in a UGB. (Flesch Readability Score: 65.7).

[Digest: The Act would let local bodies enter into an IGA that says how they will deal with a local improvement in a city's UGB. (Flesch Readability Score: 62.6).]

Authorizes local governments to enter into agreements governing local improvements proposed for unincorporated areas within [a city's] **an** urban growth boundary.

A BILL FOR AN ACT

1
2 Relating to local improvements; amending ORS 223.389.

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

4 **SECTION 1.** ORS 223.389 is amended to read:

5 223.389. (1)(a) The governing body of a local government may prescribe by ordinance or resol-
6 ution the procedure to be followed in making estimated assessments and final assessments for ben-
7 efits from a local improvement upon the lots that have been benefited by all or part of the local
8 improvement, to the extent that the charter of the local government does not prescribe the method
9 of procedure.

10 (b) *[In addition, in any case where]* **If** the charter of a local government specifies a method of
11 procedure that does not comply or is not consistent with the requirements of the Oregon Constitu-
12 tion, the governing body of the local government may prescribe by ordinance or resolution the pro-
13 cedure that shall comply and be consistent with the requirements of the Oregon Constitution, and
14 the provisions of the ordinance or resolution shall apply in lieu of the charter provisions.

15 **(2)(a) This subsection applies to a local improvement proposed for an unincorporated area**
16 **within an urban growth boundary.**

17 **(b) For purposes of subsection (1) of this section, the governing bodies of local govern-**
18 **ments in which any part of a local improvement described in paragraph (a) of this subsection**
19 **is or will be located may enter into an intergovernmental agreement in accordance with ORS**
20 **chapter 190 to allocate jurisdictional authority among themselves for the local improvement.**

21 **(c) Local improvements subject to this subsection must comply with the comprehensive**
22 **plan of any city in which the local improvements are or will be located.**

23 **(d) The creation of a local improvement district does not change the uses of land allowed**
24 **within the local improvement district.**

25 [(2)(a)] **(3)(a)** The ordinance or resolution prescribing the procedure shall provide for adoption
26 or enactment of an ordinance or resolution designating the local improvement as to which an as-

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 sessment is contemplated, describing the boundaries of the district to be assessed. Provision shall
2 be made for at least 10 days' notice to owners of property within the proposed district in which the
3 local improvement is contemplated. The notice may be made by posting, by newspaper publication
4 or by mail, or by any combination of such methods. The notice shall specify the time and place
5 where the governing body will hear and consider objections or remonstrances to the proposed local
6 improvement by any parties aggrieved thereby.

7 (b) If the governing body determines that the local improvement shall be made, when the esti-
8 mated cost thereof is ascertained on the basis of the contract award or the departmental cost of the
9 local government, the governing body shall determine whether the property benefited shall bear all
10 or a portion of the cost. The recorder or other person designated by the governing body shall pre-
11 pare the estimated assessment to the respective lots within the assessment district and file it in the
12 appropriate office of the local government. Notice of the estimated assessment shall be mailed or
13 personally delivered to the owner of each lot proposed to be assessed. The notice shall state the
14 amounts of the estimated assessment proposed on that property and shall fix a date by which time
15 objections shall be filed with the recorder. Any objection shall state the grounds for the objection.
16 The governing body shall consider the objections and grounds and may adopt, correct, modify or
17 revise the estimated assessments.

18 (c) The governing body shall determine the amount of estimated assessment to be charged
19 against each lot within the district, according to the special and peculiar benefits accruing to the
20 lot from the local improvement, and shall by ordinance or resolution spread the estimated assess-
21 ments.

22 _____