

## Enrolled Senate Bill 967

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

CHAPTER .....

### AN ACT

Relating to local improvements; amending ORS 223.389.

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

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

223.389. (1)(a) The governing body of a local government may prescribe by ordinance or resolution the procedure to be followed in making estimated assessments and final assessments for benefits from a local improvement upon the lots that have been benefited by all or part of the local improvement, to the extent that the charter of the local government does not prescribe the method of procedure.

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

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

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

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

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

~~[(2)(a)]~~ **(3)(a)** The ordinance or resolution prescribing the procedure shall provide for adoption or enactment of an ordinance or resolution designating the local improvement as to which an assessment is contemplated, describing the boundaries of the district to be assessed. Provision shall be made for at least 10 days' notice to owners of property within the proposed district in which the local improvement is contemplated. The notice may be made by posting, by newspaper publication or by mail, or by any combination of such methods. The notice shall specify the time and place where the governing body will hear and consider objections or remonstrances to the proposed local improvement by any parties aggrieved thereby.

(b) If the governing body determines that the local improvement shall be made, when the estimated cost thereof is ascertained on the basis of the contract award or the departmental cost of the

local government, the governing body shall determine whether the property benefited shall bear all or a portion of the cost. The recorder or other person designated by the governing body shall prepare the estimated assessment to the respective lots within the assessment district and file it in the appropriate office of the local government. Notice of the estimated assessment shall be mailed or personally delivered to the owner of each lot proposed to be assessed. The notice shall state the amounts of the estimated assessment proposed on that property and shall fix a date by which time objections shall be filed with the recorder. Any objection shall state the grounds for the objection. The governing body shall consider the objections and grounds and may adopt, correct, modify or revise the estimated assessments.

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

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**Passed by Senate March 10, 2025**

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Obadiah Rutledge, Secretary of Senate

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Rob Wagner, President of Senate

**Passed by House May 13, 2025**

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Julie Fahey, Speaker of House

**Received by Governor:**

.....M.,....., 2025

**Approved:**

.....M.,....., 2025

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Tina Kotek, Governor

**Filed in Office of Secretary of State:**

.....M.,....., 2025

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Tobias Read, Secretary of State