

Enrolled
House Bill 4018

Sponsored by Representative ESQUIVEL, Senator BATES; Representative STARK (Presession filed.)

CHAPTER

AN ACT

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

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

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

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

- (a) Is zoned for industrial use or designated for industrial use zoning in an acknowledged comprehensive plan;
- (b) Is land on which no electors reside, unless one or more electors living on-site are employed or engaged to provide security services for the industrial user of the land;
- (c) Has an assessed value of more than \$2 million, including improvements; and
- [(d) Is in unincorporated Jackson County, either:]*
 - [(A) Within the urban unincorporated community of White City, west of Oregon Route 62; or]*
 - [(B) Within the urban growth boundary of the City of Medford, west of Oregon Route 99.]*

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

(2) After annexation of a lot, parcel or tract described in subsection (1) of this section, the development rights that apply to the lot, parcel or tract under the industrial zoning classification applicable to the lot, parcel or tract when it is annexed are retained and run with the lot, parcel or tract.

(3) As used in this section, "urban unincorporated community" means an unincorporated community that:

- (a) Includes at least 150 permanent residential dwelling units;
- (b) Contains a mixture of land uses, including three or more public, commercial or industrial land uses;
- (c) Includes areas served by a community sewer system; and
- (d) Includes areas served by a community water system.

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

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

- (a) Is zoned for industrial use or designated for industrial use zoning in an acknowledged comprehensive plan;

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

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

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

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

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

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

(2) After annexation of a lot, parcel or tract described in subsection (1) of this section, the development rights that apply to the lot, parcel or tract under the industrial zoning classification applicable to the lot, parcel or tract when it is annexed are retained and run with the lot, parcel or tract.

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

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

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

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

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

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

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

(a) Is zoned for industrial use or designated for industrial use zoning in an acknowledged comprehensive plan;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) Is zoned for industrial use or designated for industrial use zoning in an acknowledged comprehensive plan;

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

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

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

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

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

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

(2) After annexation of a lot, parcel or tract described in subsection (1) of this section, the development rights that apply to the lot, parcel or tract under the industrial zoning classification applicable to the lot, parcel or tract when it is annexed are retained and run with the lot, parcel or tract.

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

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

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

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

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

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

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

(a) Is zoned for industrial use or designated for industrial use zoning in an acknowledged comprehensive plan;

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 11. Sections 2, 4, 6, 8 and 10, **chapter 539, Oregon Laws 2005**, *[of this 2005 Act]* are repealed June 30, ~~2016~~ **2026**.

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

Passed by House February 15, 2016

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Timothy G. Sekerak, Chief Clerk of House

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Tina Kotek, Speaker of House

Passed by Senate February 26, 2016

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Peter Courtney, President of Senate

Received by Governor:

.....M,....., 2016

Approved:

.....M,....., 2016

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Kate Brown, Governor

Filed in Office of Secretary of State:

.....M,....., 2016

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Jeanne P. Atkins, Secretary of State