



## CITY OF MANZANITA

655 Manzanita Avenue – Manzanita Oregon 97130  
P.O. Box 129, Manzanita, OR, 97130-0129  
Phone: (503) 812-2514 | TTY Dial 711  
devservices@ci.manzanita.or.us

### NOTICE OF ANNEXATION APPLICATION

The City of Manzanita Planning Commission will hold its regular meeting on Monday, April 13, 2026, at 4:00 PM at City Hall and via Zoom. Go to [www.ci.manzanita.or.us](http://www.ci.manzanita.or.us) for log in information. This meeting will include a public hearing to consider the following application:

- Request:** Application to Annex 17.11 acres into the City limits of Manzanita, establishing the MH-1 zone.
- Applicant:** Manzanita Development Group.
- Location:** The property is located at the east end of Meadows Drive and Highland Drive.
- Assessor's Map:** 3N-10W-28, Tax Lot 1401.
- Area:** 17.11 acres total.
- Plan Designation:** Middle Housing-1 (MH-1).
- Criteria:** The Annexation request is evaluated against the Oregon Revised Statute Chapter 222.111 to 222.177.

Persons interested in the proposal should become involved in the land use decision-making process. Anyone desiring to speak for or against the proposal may do so in person or by representative at the hearing. Written comments may also be filed with the City of Manzanita prior to the public hearing. All documents, evidence, and staff reports relied upon by the applicant, including a list of Manzanita Zoning Ordinance approval criteria applicable to the request, are available for inspection at Manzanita City Hall at no cost, or copies can be obtained for \$0.25/page.

The Planning Commission's review is for the purpose of deciding on the proposal. A decision by the Planning Commission to approve or deny the application will be based upon the above-mentioned criteria and these criteria only. At the hearing it is important that comments relating to the request pertain specifically to the applicable criteria. Failure of an issue to be raised in the hearing, in person or by letter, or failure to provide sufficient specificity to afford the decision-maker an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals based on that issue.

A copy of the staff report will be available at least seven days prior to the hearing for inspection at no cost, or a copy can be obtained for \$0.25/page. If you need any special accommodation to participate in the hearing, please notify City Hall 24-hours before the meeting. For further information please contact Leila Aman, City Manager, Manzanita City Hall, 812-2514, P.O. Box 129, Manzanita, Oregon 97130.



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February 25, 2025

Jerry Jones  
Manzanita Development Group, LLC  
1051 NW Bond Street, Suite 410  
Bend, Oregon 97703

RE: Completeness Letter – Annexation 3N-10W-28, Tax Lot 1401

Mr. Jones:

The City of Manzanita received your application to annex the above noted property into the City limits of Manzanita.

City staff reviewed the application against the submittal requirements and determined the application to be **COMPLETE**. The City will begin processing the application and provide a separate Notice of Public Hearing.

Please contact me if you have any questions.

Respectfully,

Leila Aman  
City Manager  
(503) 812-2514



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I hereby certify that the following:

547-26-000012-PLNG – Highlands Annexation

Notice of Annexation of 17.11 acres to the City of Manzanita, dated April 13, 2026, was mailed on 03/05/26

Leila Aman

City Manager  
City of Manzanita  
PO Box 129  
655 Manzanita Avenue  
Manzanita, OR 97130



## CITY OF MANZANITA

Development Services  
655 Manzanita Avenue – Manzanita Oregon 97130  
P.O. Box 129, Manzanita, OR, 97130-0129  
Phone: (503) 812-2514 | TTY Dial 711  
[devservices@ci.manzanita.or.us](mailto:devservices@ci.manzanita.or.us)

### OTHER LAND USE APPLICATIONS

#### PRE-APPLICATION CONFERENCE REQUIRED PRIOR TO SUBMITTING APPLICATION

Once submitted, application materials and applicant information become public record.

**DATE:**

**FILE #:**

#### APPLICANT INFORMATION:

Applicant/Owner:	
Mailing Address:	
Phone:	Email:

#### SITE INFORMATION:

Site Address:	
Map & Tax Lot(s):	Zone:
City Limits: <input type="checkbox"/>	Urban Growth: <input type="checkbox"/>

#### BRIEF DESCRIPTION:

Email a PDF Copy of all documents to [devservices@ci.manzanita.or.us](mailto:devservices@ci.manzanita.or.us). Drawings must be to scale.

Subdivision- \$2,250

Conditional Use- \$1,200

Site Plan Review- \$1,000

Zone Change- \$4,000

Annexation- \$2,750 **PAID**

**TILLAMOOK COUNTY  
Real Legal Descriptions**

**Account #** 47899  
**Map** 3N102800 01401  
**Effective Date** 26-Feb-2025 02:19 PM  
**Disclaimer** This information is maintained for assessment and taxation purposes only. The county is not responsible for possible errors, omissions, misuse, or misinterpretation. The legal description shown will not show any changes and/or modifications thereto subsequent to the EFFECTIVE DATE.

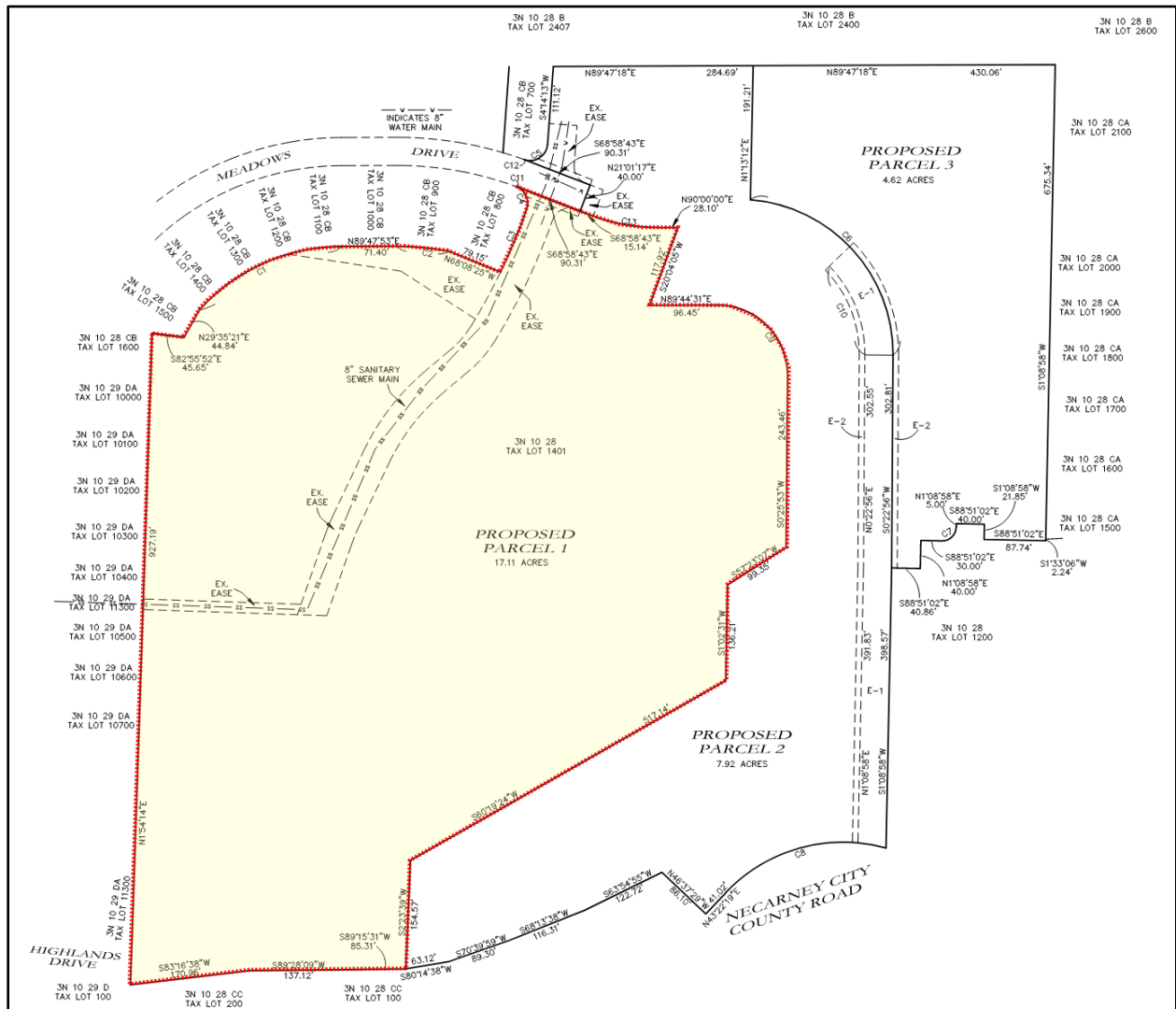
<b>Subdivision</b>	<b>Block</b>	<b>Lot</b>	<b>Direction</b>	<b>Part</b>	<b>Part Type</b>
PARTITION PLAT 2025-03		PARCEL 1			

# City of Manzanita - Annexation Overview

3N10W28 Lot 1401

Lot 1401 (Parcel 1 noted below) is proposed to be annexed into the City of Manzanita to provide single-family and middle housing. In 2025, the adjacent Lots 2 + 3 were previously annexed into the City of Manzanita.

On December 16, 2025, City of Manzanita staff and all service providers attended the Pre-Application Meeting for the project. Utilities confirmed that they will provide services to the site.



**NOTES**

THIS MAP DOES NOT CONSTITUTE A BOUNDARY SURVEY OF THE SUBJECT PROPERTY. THE PURPOSE OF THIS MAP IS TO SHOW THE PROPOSED PARTITION OF THE SUBJECT PROPERTY AS PER THE CLIENT'S REQUEST. ITEMS 1 THROUGH 14, SECTION 27 OF THE CITY OF MANZANITA LAND PARTITIONING STANDARDS ARE SHOWN HEREON UNLESS OTHERWISE NOTED BELOW.  
 5. NO WATER BODIES OR WETLANDS EXIST ON THE SUBJECT PROPERTY.  
 6. NO CONTOUR LINES OF THE SUBJECT PROPERTY ARE AVAILABLE FROM THE CITY OF MANZANITA.  
 7. THERE ARE NOT ANY EXISTING BUILDINGS ON THE SUBJECT PROPERTY.  
 12. NO GRADING PLAN HAS BEEN PREPARED AT THIS POINT AS NO GRADING IS NECESSARY TO PHYSICALLY COMPLETE THE PARTITION. GRADING PLAN WILL BE PROVIDED AT THE TIME OF DESIGN/CONSTRUCTION OF INDIVIDUAL HOMES IF NECESSARY.  
 13. THE GEOLOGIC HAZARD REPORT WILL BE PROVIDED AS NECESSARY WHEN DEVELOPMENT IS PROPOSED.  
 14. AN EROSION CONTROL PLAN WAS NOT PREPARED AS GRADING IS NOT REQUIRED TO PHYSICALLY COMPLETE THE PARTITION.  
 THE UTILITIES SHOWN HEREON ARE APPROXIMATE ONLY AND ARE BASED UPON VISUAL INSPECTION AND ASBUILTS.

**OWNER INFORMATION**

THE OWNER OF THE SUBJECT PROPERTY IS:  
 PINE GROVE PROPERTIES, INC  
 PO BOX 569  
 MANZANITA, OR 97130

**EASEMENTS BEING CREATED**

E-1 40.00 FOOT WIDE NON-EXCLUSIVE INGRESS, EGRESS AND UTILITY EASEMENT FOR POWER, CABLE, TELEPHONE, SEWER, WATER, STORM, ETC. TO BE DEDICATED TO THE PUBLIC, STREET NAME TO BE DETERMINED.  
 E-2 8.0 FOOT WIDE NON-EXCLUSIVE UTILITY EASEMENT FOR POWER, CABLE, TELEPHONE, SEWER, WATER, STORM, ETC.

**EXISTING EASEMENTS OF RECORD**

EX. EASE: NON-EXCLUSIVE UTILITY EASEMENTS FOR POWER, CABLE, TELEPHONE, SEWER, WATER, STORM, ETC.

**CONTIGUOUS OWNERS**

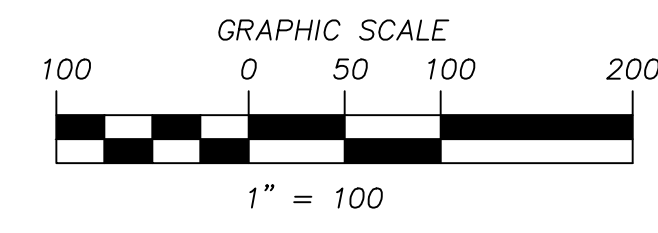
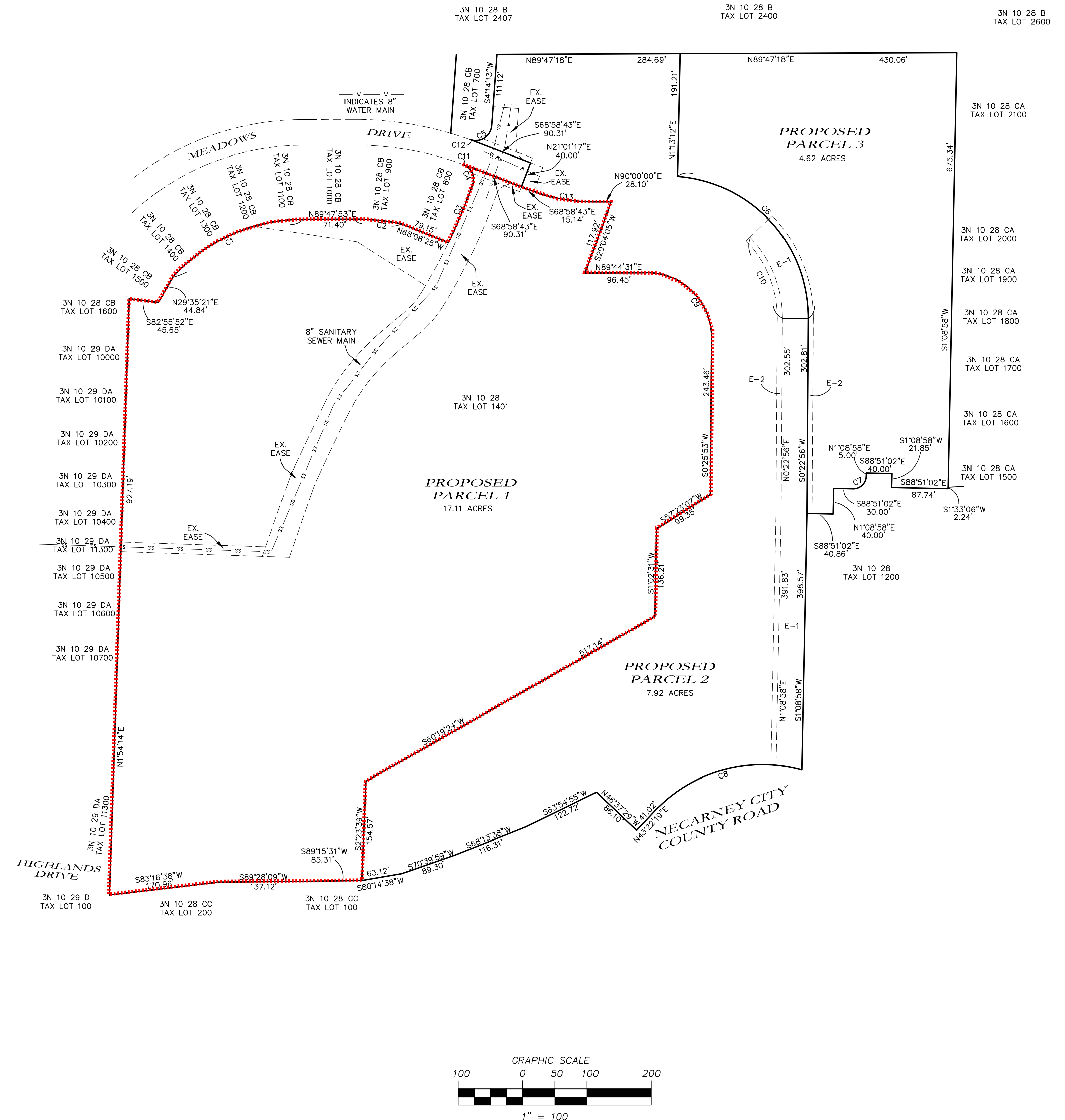
3N 10 28 TAX LOT 1200	LOWER NEHALEM COMMUNITY TRUST
3N 10 28 B TAX LOT 2400	LOWER NEHALEM COMMUNITY TRUST
3N 10 28 B TAX LOT 2407	PINE GROVE PROPERTIES INC
3N 10 28 B TAX LOT 2600	COVENANT COMMUNITY CHURCH
3N 10 28 CA TAX LOT 1500	STEPHEN J & CERISA A ALBRECHTSEN
3N 10 28 CA TAX LOT 1600	HAL W & JEANETTE F HALVERSON
3N 10 28 CA TAX LOT 1700	ALLEN A & CAROL L OVIATT
3N 10 28 CA TAX LOT 1800	WILLIAM A PENGRA
3N 10 28 CA TAX LOT 1900	WILLIAM A PENGRA
3N 10 28 CA TAX LOT 2000	KATHRYN H & SAMUEL A HARMON
3N 10 28 CA TAX LOT 2100	GARY L & MARYLOU ANDES
3N 10 28 CB TAX LOT 700	ENCORE INVESTMENTS, LLC
3N 10 28 CB TAX LOT 800	ENCORE INVESTMENTS, LLC
3N 10 28 CB TAX LOT 900	ANDREW CLINTON STEIGLER & NATALIE SABRINA JOELLE METZGER
3N 10 28 CB TAX LOT 1000	JASON R & CARRIE A LUSE
3N 10 28 CB TAX LOT 1100	ENCORE INVESTMENTS, LLC
3N 10 28 CB TAX LOT 1200	ENCORE INVESTMENTS, LLC
3N 10 28 CB TAX LOT 1300	ENCORE INVESTMENTS, LLC
3N 10 28 CB TAX LOT 1400	ENCORE INVESTMENTS, LLC
3N 10 28 CB TAX LOT 1500	JEFFREY F DRESSER & DEBORAH A GALARDI
3N 10 28 CB TAX LOT 1600	ENCORE INVESTMENTS, LLC
3N 10 28 CC TAX LOT 100	BROWN & NIELSEN PROPERTIES LLC
3N 10 28 CC TAX LOT 200	BROWN & NIELSEN PROPERTIES LLC
3N 10 29 D TAX LOT 100	PINE GROVE PROPERTIES INC
3N 10 29 DA TAX LOT 10000	PINE GROVE PROPERTIES INC
3N 10 29 DA TAX LOT 10100	CONNIE & AMY SIM CHAN
3N 10 29 DA TAX LOT 10200	SINDT-HAYS FAMILY TRUST, BRIAN J SINDT & BARBARA D HAYS
3N 10 29 DA TAX LOT 10300	BRIAN ESSIG
3N 10 29 DA TAX LOT 10400	JOHN & PERLA LEWIS TRUST, JOHN C & PERLA R LEWIS
3N 10 29 DA TAX LOT 10500	STEVEN M & JENNIFER G RAMMER
3N 10 29 DA TAX LOT 10600	MCCARTHUR FAMILY JOINT REVOCABLE TRUST, JOE ALLEN & JO ANN MCCARTHUR
3N 10 29 DA TAX LOT 10700	JANICE GAINES-EHLEN
3N 10 29 DA TAX LOT 11500	PINE GROVE PROPERTIES INC

CURVE	RADIUS	LENGTH	DELTA	CH. BEARING	CH. LENGTH
C1	274.78'	226.87'	47°18'17"	S65°51'09"W	220.48'
C2	375.00'	75.08'	11°28'18"	N84°27'58"W	74.96'
C3	860.00'	97.37'	6°29'14"	S22°31'33"W	97.32'
C4	25.00'	38.88'	89°06'02"	S25°16'04"E	35.08'
C5	25.00'	46.10'	105°38'54"	N57°03'40"E	39.84'
C6	220.00'	330.15'	85°58'55"	S42°36'31"E	300.03'
C7	20.00'	31.42'	90°00'00"	S46°08'58"W	28.28'
C8	230.00'	249.14'	62°03'48"	S74°21'33"W	237.14'
C9	100.00'	158.28'	90°41'21"	S44°54'48"E	142.27'
C10	180.00'	139.56'	44°25'19"	N21°49'43"W	136.09'
C11	490.00'	7.18'	0°50'23"	S69°23'54"E	7.18'
C12	530.00'	10.51'	1°08'10"	S69°32'48"E	10.51'
C13	270.00'	99.06'	21°01'17"	N79°29'21"W	98.51'

REGISTERED PROFESSIONAL LAND SURVEYOR  
*Erick M White*  
 OREGON  
 APRIL 28, 2014  
 ERICK M. WHITE  
 78572  
 RENEWS 6/30/2026



TENTATIVE PARTITION FOR:  
**PINE GROVE PROPERTIES, INC**  
 TRACT '0'  
 HIGHLANDS 5  
 SW 1/4, SECTION 28, T3N, R10W, W.M.  
 TILLAMOOK COUNTY  
 DECEMBER 4, 2024





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ci.manzanita.or.us

### STAFF REPORT

**TO:** Manzanita Planning Commission  
**FROM:** Walt Wendolowski, Contract Planner  
**SUBJECT:** Planning File 26012 – Annexation  
**DATE:** February 23, 2026

#### I. BACKGROUND

- A. **APPLICANT:** Manzanita Development Group.
- B. **PROPERTY LOCATION:** The property is located at the east end of Meadows Drive and Highland Drive. There is no property address, and the Assessor map places the property within Township 3 North; Range 10 West; Section 28; Tax Lot #1401.
- C. **PARCEL SIZE:** The subject site contains 17.11 acres.
- D. **EXISTING DEVELOPMENT:** The property is currently vacant and public sewer, water, and storm facilities are available to serve the site.
- E. **ZONING:** The property is currently designed Middle Housing 1 (MH-1) in the Manzanita Comprehensive Plan map.
- F. **ADJACENT ZONING AND LAND USE:** Additional MH-1 zoned land is located to the north and east, with MH-2 zoned land to the south and MH-3 zoned land to the west. Uses include vacant lands to the north and east, and residential development to the northwest, west and south.
- G. **REQUEST:** The applicant is requesting approval to annex the subject property, establishing the MH-1 zone.
- H. **DECISION CRITERIA:** The Annexation request is evaluated against the Oregon Revised Statute Chapter 222.111 to 222.177.

## II. APPLICATION SUMMARY

- A. A partition approval and subsequent property boundary adjustment (Files #24012 and #25020, respectively) established the subject property. The current applicant now wishes to annex the 17.11-acre parcel into the City limits. Upon annexation, the land would automatically be zoned Middle Housing 1 (MH-1). The applicant intends to develop the site with single family and middle housing residences.
- B. The City zoning regulations (Ordinance 94-4) do not include annexation provisions. By default, the City is subject to provisions in Oregon Revised Statutes Chapter 222, Sections 222.111 to 222.177. Ultimately, the City Council has the option to conduct a public hearing on the request or refer the annexation to the voters. For the record, the request is limited to the proposed annexations; the request does not include a concurrent development proposal.

## III. ANNEXATION

- A. Annexation procedures are contained in ORS Chapter 222 (Attachment A contains a copy of the provisions). The statute does not specifically require (nor prohibit) the Planning Commission's review of a request. In a prior annexation case, City staff coordinated the annexation process with the City Legal Counsel, suggesting the Commission should at least make a recommendation to the Council on the request. This is entirely consistent with other legislative-type actions - such as zone changes or code amendments - that require a Commission recommendation as part of the legislative process. Note that the annexation amends the City's zone map which requires Council adoption of an Ordinance. As noted in ORS 222.120 to ORS 222.177, the City Council has options on how to make a final determination, including providing an opportunity for a public vote on matter.
- B. ORS 222.111 Authority and procedure for annexation; specifying tax rate in annexed territory. This Section allows a city to extend their boundaries by the annexation of territory that is not within a city, and that is contiguous to the city or separated from it only by a public right of way or a stream, bay, lake or other body of water. Such territory may lie either wholly or partially within or without the same county in which the city lies. Further, a proposal for annexation of territory to a city may be initiated by the legislative body of the city, on its own motion, or by a petition to the legislative body of the city by owners of real property in the territory to be annexed.

**FINDINGS:** The property owner submitted a request to annex the property. The subject property (Tax Lot 1401) is located within the City's Urban Growth Boundary and adjacent and contiguous to the City limits to the west. Service providers at a pre-application meeting (December 10, 2025) confirmed required public facilities are available to serve the site. In summary, Tax Lot 1401 is available for urban use and meets the statutory requirements for annexation.

#### IV. RECOMMENDATION

Based on the above findings, staff finds the proposed Annexation is consistent with the relevant provisions in ORS Chapter 222 and recommends the Planning Commission to recommend City Council approval of the request.

#### V. PLANNING COMMISSION ACTION

- A. The Planning Commission has the following options:
1. Recommend the City Council approve the Annexation, adopting findings contained in the staff report;
  2. Recommend the City Council approve the Annexation, adopting modified findings;
  3. Recommend the City Council deny the Annexation, establishing findings as to why the application fails to comply with the decision criteria; or
  4. Continue the hearing to a date, time, and place certain.
- B. If a decision is made, staff will prepare the appropriate document for the Chair's signature.

## ATTACHMENT “A”

### Oregon Revised Statute Chapter 222 (Annexation Sections)

**222.111 Authority and procedure for annexation; specifying tax rate in annexed territory.** (1) When a proposal containing the terms of annexation is approved in the manner provided by the charter of the annexing city or by ORS 222.111 to 222.180 or 222.840 to 222.915, the boundaries of any city may be extended by the annexation of territory that is not within a city and that is contiguous to the city or separated from it only by a public right of way or a stream, bay, lake or other body of water. Such territory may lie either wholly or partially within or without the same county in which the city lies.

(2) A proposal for annexation of territory to a city may be initiated by the legislative body of the city, on its own motion, or by a petition to the legislative body of the city by owners of real property in the territory to be annexed.

(3)(a) Except as provided in paragraph (b) of this subsection, the proposal for annexation may provide that, during each of not more than 10 full fiscal years beginning with the first fiscal year after the annexation takes effect, the rate of taxation for city purposes on property in the annexed territory shall be at a specified ratio of the highest rate of taxation applicable that year for city purposes to other property in the city.

(b) For purposes of paragraph (a) of this subsection, a proposal for annexation initiated by the legislative body of a city may provide for a duration of not more than 20 full fiscal years.

(c) The proposal may provide for the ratio to increase from fiscal year to fiscal year according to a schedule of increase specified in the proposal, but in no case may the proposal provide for a rate of taxation for city purposes in the annexed territory that exceeds the highest rate of taxation for city purposes applicable to other property in the city for the current year.

(d) If the annexation takes place pursuant to a proposal providing for taxation at a ratio, the city may not tax property in the annexed territory at a rate other than the ratio that the proposal authorizes for that fiscal year.

(e) Notwithstanding paragraph (d) of this subsection, during the term of fiscal years provided for pursuant to paragraph (b) of this subsection, the ratio shall be 100 percent for property that is sold or transferred to new ownership, beginning with the first property tax year that begins after the sale or transfer.

(4)(a) When the territory to be annexed includes a part less than the entire area of a district named in ORS 222.510, the proposal for annexation may provide that if annexation of the territory occurs the part of the district annexed into the city is withdrawn from the district as of the effective date of the annexation.

(b) Notwithstanding paragraph (a) of this subsection, if the affected district is a district named in ORS 222.465, the effective date of the withdrawal of territory shall be determined as provided in ORS 222.465.

(5) The legislative body of the city shall submit, except when not required under ORS 222.120, 222.170 and 222.840 to 222.915 to do so, the proposal for annexation to the electors of the territory proposed for annexation and, except when permitted under ORS 222.120 or 222.840 to 222.915 to dispense with submitting the proposal for annexation to the electors of the city, the legislative body of the city shall submit such proposal to the electors of the city. The proposal for annexation may be voted upon at a general election or at a special election to be held for that purpose.

(6) The proposal for annexation may be voted upon by the electors of the city and of the territory simultaneously or at different times not more than 12 months apart.

(7) Two or more proposals for annexation of territory may be voted upon simultaneously, but in the city, each proposal shall be stated separately on the ballot and voted on separately, and in

the territory proposed for annexation, no proposal for annexing other territory may appear on the ballot. [1957 c.613 §2 (enacted in lieu of 222.110); 1959 c.415 §1; 1967 c.624 §13; 1985 c.702 §7; 2019 c.315 §1]

**222.115 Annexation contracts; recording; effect.** A contract between a city and a landowner containing the landowner's consent to eventual annexation of the landowner's property in return for extraterritorial services:

(1) Must be recorded; and

(2) When recorded, is binding on successors in interest in that property. [1991 c.637 §4; 2012 c.46 §§1,2]

**222.118 Provision of city services to airport without requiring annexation.** A city and an airport may enter into an agreement pursuant to which the city provides sewer and water services to the airport without requiring the annexation, or consent to eventual annexation, to the city of the territory on which the airport is situated. [2015 c.787 §1]

**222.120 Procedure for annexation without election; hearing; ordinance subject to referendum.** (1) Except when expressly required to do so by the city charter, the legislative body of a city is not required to submit a proposal for annexation of territory to the electors of the city for their approval or rejection.

(2) When the legislative body of the city elects to dispense with submitting the question of the proposed annexation to the electors of the city, the legislative body of the city shall fix a day for a public hearing before the legislative body at which time the electors of the city may appear and be heard on the question of annexation.

(3) The city legislative body shall cause notice of the hearing to be published once each week for two successive weeks prior to the day of hearing, in a newspaper of general circulation in the city, and shall cause notices of the hearing to be posted in four public places in the city for a like period.

(4) After the hearing, the city legislative body may, by an ordinance containing a legal description of the territory in question:

(a) Declare that the territory is annexed to the city upon the condition that the majority of the votes cast in the territory is in favor of annexation;

(b) Declare that the territory is annexed to the city where electors or landowners in the contiguous territory consented in writing to such annexation, as provided in ORS 222.125 or 222.170, prior to the public hearing held under subsection (2) of this section; or

(c) Declare that the territory is annexed to the city where the Oregon Health Authority, prior to the public hearing held under subsection (1) of this section, has issued a finding that a danger to public health exists because of conditions within the territory as provided by ORS 222.840 to 222.915.

(5) If the territory described in the ordinance issued under subsection (4) of this section is a part less than the entire area of a district named in ORS 222.510, the ordinance may also declare that the territory is withdrawn from the district on the effective date of the annexation or on any subsequent date specified in the ordinance. However, if the affected district is a district named in ORS 222.465, the effective date of the withdrawal of territory shall be determined as provided in ORS 222.465.

(6) The ordinance referred to in subsection (4) of this section is subject to referendum.

(7) For the purpose of this section, ORS 222.125 and 222.170, "owner" or "landowner" means the legal owner of record or, where there is a recorded land contract which is in force, the purchaser thereunder. If there is a multiple ownership in a parcel of land each consenting owner shall be counted as a fraction to the same extent as the interest of the owner in the land bears in relation to the interest of the other owners and the same fraction shall be applied to the parcel's

land mass and assessed value for purposes of the consent petition. If a corporation owns land in territory proposed to be annexed, the corporation shall be considered the individual owner of that land. [Amended by 1953 c.220 §2; 1955 c.51 §1; 1961 c.511 §1; 1967 c.624 §14; 1971 c.673 §2; 1985 c.702 §8; 1987 c.818 §11; 1993 c.18 §39; 2009 c.595 §180]

**222.125 Annexation by consent of all owners of land and majority of electors; proclamation of annexation.** The legislative body of a city need not call or hold an election in the city or in any contiguous territory proposed to be annexed or hold the hearing otherwise required under ORS 222.120 when all of the owners of land in that territory and not less than 50 percent of the electors, if any, residing in the territory consent in writing to the annexation of the land in the territory and file a statement of their consent with the legislative body. Upon receiving written consent to annexation by owners and electors under this section, the legislative body of the city, by resolution or ordinance, may set the final boundaries of the area to be annexed by a legal description and proclaim the annexation. [1985 c.702 §3; 1987 c.738 §1]

**Note:** 222.125 was added to and made a part of ORS chapter 222 by legislative action but was not added to any smaller series therein. See Preface to Oregon Revised Statutes for further explanation.

**222.127 Annexation without election notwithstanding contrary city law upon petition of all owners of land; declaration of annexation.** (1) This section applies to a city whose laws require a petition proposing annexation of territory to be submitted to the electors of the city.

(2) Notwithstanding a contrary provision of the city charter or a city ordinance, upon receipt of a petition proposing annexation of territory submitted by all owners of land in the territory, the legislative body of the city shall annex the territory without submitting the proposal to the electors of the city if:

(a) The territory is included within an urban growth boundary adopted by the city or Metro, as defined in ORS 197.015;

(b) The territory is, or upon annexation of the territory into the city will be, subject to the acknowledged comprehensive plan of the city;

(c) At least one lot or parcel within the territory is contiguous to the city limits or is separated from the city limits only by a public right of way or a body of water; and

(d) The proposal conforms to all other requirements of the city's ordinances.

(3) The territory to be annexed under this section includes any additional territory described in ORS 222.111 (1) that must be annexed in order to locate infrastructure and right of way access for services necessary for development of the territory described in subsection (2) of this section at a density equal to the average residential density within the annexing city.

(4) When the legislative body of the city determines that the criteria described in subsection (2) of this section apply to territory proposed for annexation, the legislative body may declare that the territory described in subsections (2) and (3) of this section is annexed to the city by an ordinance that contains a description of the territory annexed. [2016 c.51 §2]

**222.130 Annexation election; notice; ballot title.** (1) The statement summarizing the measure and its major effect in the ballot title for a proposal for annexation shall contain a general description of the boundaries of each territory proposed to be annexed. The description shall use streets and other generally recognized features. Notwithstanding ORS 250.035, the statement summarizing the measure and its major effect may not exceed 150 words.

(2) The notice of an annexation election shall be given as provided in ORS 254.095, except that in addition the notice shall contain a map indicating the boundaries of each territory proposed to be annexed.

(3) Whenever simultaneous elections are held in a city and the territory to be annexed, the same notice and publication shall fulfill the requirements of publication for the city election and

the election held in the territory. [Amended by 1967 c.283 §1; 1979 c.317 §4; 1983 c.350 §33; 1995 c.79 §80; 1995 c.534 §10; 2007 c.154 §60]

**222.140** [Repealed by 1979 c.317 §26]

**222.150 Election results; proclamation of annexation.** The city legislative body shall determine the results of the election from the official figures returned by the county clerk. If the city legislative body finds that the majority of all votes cast in the territory favors annexation and the city legislative body has dispensed with submitting the question to the electors of the city, the city legislative body, by resolution or ordinance, shall set the final boundaries of the area to be annexed by a legal description and proclaim the annexation. [Amended by 1983 c.83 §23; 1983 c.350 §34; 1985 c.702 §9]

**222.160 Procedure when annexation is submitted to city vote; proclamation of annexation.** This section applies when the city legislative body has not dispensed with submitting the question of annexation to the electors of the city. If the city legislative body finds that a majority of the votes cast in the territory and a majority of the votes cast in the city favor annexation, then the legislative body, by resolution or ordinance, shall proclaim those annexations which have received a majority of the votes cast in both the city and the territory. The proclamation shall contain a legal description of each territory annexed. [Amended by 1983 c.350 §35; 1985 c.702 §10]

**222.170 Annexation by consent before public hearing or order for election; proclamation of annexation.** (1) The legislative body of the city need not call or hold an election in any contiguous territory proposed to be annexed if more than half of the owners of land in the territory, who also own more than half of the land in the contiguous territory and of real property therein representing more than half of the assessed value of all real property in the contiguous territory consent in writing to the annexation of their land in the territory and file a statement of their consent with the legislative body on or before the day:

(a) The public hearing is held under ORS 222.120, if the city legislative body dispenses with submitting the question to the electors of the city; or

(b) The city legislative body orders the annexation election in the city under ORS 222.111, if the city legislative body submits the question to the electors of the city.

(2) The legislative body of the city need not call or hold an election in any contiguous territory proposed to be annexed if a majority of the electors registered in the territory proposed to be annexed consent in writing to annexation and the owners of more than half of the land in that territory consent in writing to the annexation of their land and those owners and electors file a statement of their consent with the legislative body on or before the day:

(a) The public hearing is held under ORS 222.120, if the city legislative body dispenses with submitting the question to the electors of the city; or

(b) The city legislative body orders the annexation election in the city under ORS 222.111, if the city legislative body submits the question to the electors of the city.

(3) If the city legislative body has not dispensed with submitting the question to the electors of the city and a majority of the votes cast on the proposition within the city favor annexation, or if the city legislative body has previously dispensed with submitting the question to the electors of the city as provided in ORS 222.120, the legislative body, by resolution or ordinance, shall set the final boundaries of the area to be annexed by a legal description and proclaim the annexation.

(4) Real property that is publicly owned, is the right of way for a public utility, telecommunications carrier as defined in ORS 133.721 or railroad or is exempt from ad valorem taxation shall not be considered when determining the number of owners, the area of land or the assessed valuation required to grant consent to annexation under this section unless the owner

of such property files a statement consenting to or opposing annexation with the legislative body of the city on or before a day described in subsection (1) of this section. [Amended by 1955 c.51 §2; 1961 c.511 §2; 1971 c.673 §1; 1973 c.434 §1; 1983 c.350 §36; 1985 c.702 §11; 1987 c.447 §117; 1987 c.737 §4; 1999 c.1093 §12]

**222.173 Time limit for filing statements of consent; public records.** (1) For the purpose of authorizing an annexation under ORS 222.170 or under a proceeding initiated as provided by ORS 199.490 (2), only statements of consent to annexation which are filed within any one-year period shall be effective, unless a separate written agreement waiving the one-year period or prescribing some other period of time has been entered into between an owner of land or an elector and the city.

(2) Statements of consent to annexation filed with the legislative body of the city by electors and owners of land under ORS 222.170 are public records under ORS 192.311 to 192.478. [1985 c.702 §20; 1987 c.737 §5; 1987 c.818 §8]

**222.175 City to provide information on taxes and services when soliciting statements of consent.** If a city solicits statements of consent under ORS 222.170 from electors and owners of land in order to facilitate annexation of unincorporated territory to the city, the city shall, upon request, provide to those electors and owners information on that city's ad valorem tax levied for its current fiscal year expressed as the rate per thousand dollars of assessed valuation, a description of services the city generally provides its residents and owners of property within the city and such other information as the city considers relevant to the impact of annexation on land within the unincorporated territory within which statements of consent are being solicited. [1985 c.702 §21; 1987 c.737 §6; 1987 c.818 §9]

**222.177 Transmittal of annexation records to Secretary of State.** When a city legislative body proclaims an annexation under ORS 222.125, 222.150, 222.160 or 222.170, the recorder of the city or any other city officer or agency designated by the city legislative body to perform the duties of the recorder under this section shall transmit to the Secretary of State:

(1) A copy of the resolution or ordinance proclaiming the annexation.

(2) An abstract of the vote within the city, if votes were cast in the city, and an abstract of the vote within the annexed territory, if votes were cast in the territory. The abstract of the vote for each election shall show the whole number of electors voting on the annexation, the number of votes cast for annexation and the number of votes cast against annexation.

(3) If electors or landowners in the territory annexed consented to the annexation under ORS 222.125 or 222.170, a copy of the statement of consent.

(4) A copy of the ordinance issued under ORS 222.120 (4).

(5) An abstract of the vote upon the referendum if a referendum petition was filed with respect to the ordinance adopted under ORS 222.120 (4). [1985 c.702 §4; 1987 c.737 §7; 1987 c.818 §10]