

Bond Case Briefs

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ANNEXATION - OREGON

City of Damascus v. Brown

Court of Appeals of Oregon - October 22, 2014 - P.3d - 2014 WL 5370026

City, city manager and city resident filed petitions for judicial review of applications filed by property owners pursuant to legislation permitting landowners with property located on the boundary of the City of Damascus to withdraw that property from the jurisdiction of the city.

The Court of Appeals held that:

- City and city manager were not members of the “the public” having standing to seek judicial review;
- City resident who testified at public hearing had standing to seek judicial review;
- Petition for review was not rendered moot with respect to property owner following approval of boundary change by the Oregon Department of Revenue;
- Legislation allowing interested landowners to fix the boundaries of the city constituted an unconstitutional delegation of legislative authority.

Legislation permitting landowners with property located on the boundary of the City of Damascus to withdraw that property from the jurisdiction of the city constituted an unconstitutional delegation of legislative authority to private individuals. Legislation contained no criteria or expression of legislative policy as to how that delegated authority was to be exercised by the landowners, and legislation delegated to self-interested private landowners the fact-finding function of determining their own eligibility under the law without any meaningful procedural safeguards.