

Enrolled
House Bill 3043

Sponsored by Representative GREENLICK

CHAPTER

AN ACT

Relating to boundary changes under jurisdiction of metropolitan service district; creating new provisions; and amending ORS 268.347, 268.354 and 268.390.

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

SECTION 1. ORS 268.347 is amended to read:

268.347. (1) Notwithstanding contrary provisions regarding jurisdiction under ORS chapters 198, 221 and 222, a metropolitan service district shall exercise jurisdiction, as provided in this section and ORS 268.351 and 268.354, over a boundary change within the boundaries of the district and within all territory designated as urban reserves by the district [*in an ordinance adopted by the district council prior to June 30, 1997*].

(2) For purposes of ad valorem taxation, a boundary change must be filed in final approved form with the county assessor and the Department of Revenue as provided in ORS 308.225.

SECTION 2. ORS 268.354 is amended to read:

268.354. (1) In addition to the requirements established by ORS chapters 198, 221 and 222 for a boundary change, a metropolitan service district, in consultation with the Metro Policy Advisory Committee, may establish requirements for a boundary change that is subject to the jurisdiction of the district pursuant to ORS 268.347.

(2) For a boundary change that is subject to the jurisdiction of the district pursuant to ORS 268.347, the district shall:

- (a) Establish a uniform hearing and notification process.
- (b) Establish an expedited process for uncontested boundary changes.
- (c) Establish clear and objective criteria for a boundary change.

(d) Ensure that a boundary change is in compliance with the Metro regional framework plan, as defined in ORS 197.015, and cooperative agreements and urban service agreements adopted pursuant to ORS chapter 195.

(3) The role of a metropolitan service district in the boundary determination process shall be ministerial only.

(4) Except as provided in this section and ORS 268.347 and 268.351, for a boundary change subject to the jurisdiction of the metropolitan service district:

(a) Proceedings for annexation of territory to a city and for all other changes in city boundaries shall be conducted as provided in ORS chapter 222[;].

(b) Proceedings for annexation of territory to a district, [*including the metropolitan service district,*] and for all other changes to the boundaries of a district, [*including the boundaries of the metropolitan service district,*] shall be conducted as provided in ORS chapter 198[; and].

Notwithstanding ORS 268.020, as used in this paragraph, “district” means a special district as defined in ORS 197.015.

(c) Proceedings for annexation of territory to the metropolitan service district, including annexation of territory not within the urban growth boundary of the district, and for all other changes to the boundaries of the district shall be conducted as provided in ORS chapter 198.

[(c)] (d) Notwithstanding contrary provisions regarding the party responsible for conducting hearings under ORS chapter 198, the metropolitan service district is the governing body responsible for conducting proceedings for a minor boundary change to the *[metropolitan service]* district. **Except for a change to the district boundary by adoption of an urban growth boundary under ORS 268.390**, proceedings for a minor boundary change to the boundaries of a *[metropolitan service]* district shall be conducted as provided in ORS chapter 198.

SECTION 3. ORS 268.390 is amended to read:

268.390. (1) A district may define and apply a planning procedure that identifies and designates areas and activities having significant impact upon the orderly and responsible development of the metropolitan area, including, but not limited to, impact on:

- (a) Air quality;
- (b) Water quality; and
- (c) Transportation.

(2) A district may prepare and adopt functional plans for those areas designated under subsection (1) of this section to control metropolitan area impact on air and water quality, transportation and other aspects of metropolitan area development the district may identify.

(3)(a) A district shall adopt an urban growth boundary for the district in compliance with applicable goals adopted under ORS chapters 195, 196 and 197.

(b) Notwithstanding the procedural requirements for boundary changes under ORS 268.354, when the district adopts an urban growth boundary, the urban growth boundary becomes the boundary of the district.

(4) A district may review the comprehensive plans adopted by the cities and counties within the district that affect areas designated by the district under subsection (1) of this section or the urban growth boundary adopted under subsection (3) of this section and recommend or require cities and counties, as it considers necessary, to make changes in any plan to ensure that the plan and any actions taken under the plan substantially comply with the district’s functional plans adopted under subsection (2) of this section and its urban growth boundary adopted under subsection (3) of this section.

(5) Pursuant to a regional framework plan, a district may adopt implementing ordinances that:

(a) Require local comprehensive plans and implementing regulations to substantially comply with the regional framework plan within two years after compliance acknowledgment.

(b) Require adjudication and determination by the district of the consistency of local comprehensive plans with the regional framework plan.

(c) Require each city and county within the jurisdiction of the district and making land use decisions concerning lands within the land use jurisdiction of the district to make those decisions consistent with the regional framework plan. The obligation to apply the regional framework plan to land use decisions shall not begin until one year after the regional framework plan is acknowledged as complying with the statewide planning goals adopted under ORS chapters 195, 196 and 197.

(d) Require changes in local land use standards and procedures if the district determines that changes are necessary to remedy a pattern or practice of decision-making inconsistent with the regional framework plan.

(6) A process established by the district to enforce the requirements of this section must provide:

- (a) Notice of noncompliance to the city or county.
- (b) Opportunity for the city or county to be heard.

(c) Entry of an order by the district explaining its findings, conclusions and enforcement remedies, if any.

(7) Enforcement remedies ordered under subsection (6) of this section may include, but are not limited to:

(a) Direct application of specified requirements of functional plans to land use decisions by the city or county;

(b) Withholding by the district of discretionary funds from the city or county; and

(c) Requesting an enforcement action pursuant to ORS 197.319 to 197.335 and withholding monies pursuant to an enforcement order resulting from the enforcement action.

(8) An order issued under subsection (6) of this section:

(a) Must provide for relief from enforcement remedies upon action by the city or county that brings the comprehensive plan and implementing regulations into substantial compliance with the requirement.

(b) Is subject to review under ORS 197.830 to 197.845 as a land use decision.

(9) The regional framework plan, ordinances that implement the regional framework plan and any determination by the district of consistency with the regional framework plan are subject to review under ORS 197.274.

SECTION 4. The amendments to ORS 268.347, 268.354 and 268.390 by sections 1 to 3 of this 2009 Act apply to boundary changes within the jurisdiction of a metropolitan service district on or after the effective date of this 2009 Act.

Passed by House April 8, 2009

.....
Chief Clerk of House

.....
Speaker of House

Passed by Senate May 18, 2009

.....
President of Senate

Received by Governor:

.....M.,....., 2009

Approved:

.....M.,....., 2009

.....
Governor

Filed in Office of Secretary of State:

.....M.,....., 2009

.....
Secretary of State