

A-Engrossed
Senate Bill 566

Ordered by the Senate April 29
Including Senate Amendments dated April 29

Sponsored by Senator STARR

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

[Requires metropolitan service district to treat noncontiguous areas created by urban growth boundary as discrete subregions when planning to modify boundary or change type or intensity of use.]

Provides that metropolitan service district is not required to consider certain information when including land designated as urban reserve within urban growth boundary.

Takes effect December 1, 2009.

A BILL FOR AN ACT

1
2 Relating to urban growth boundary management in metropolitan service district; amending ORS
3 268.390; and prescribing an effective date.

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

5 **SECTION 1.** ORS 268.390 is amended to read:

6 268.390. (1) A district may define and apply a planning procedure that identifies and designates
7 areas and activities having significant impact upon the orderly and responsible development of the
8 metropolitan area, including, but not limited to, impact on:

9 (a) Air quality;

10 (b) Water quality; and

11 (c) Transportation.

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

15 (3) A district shall adopt an urban growth boundary for the district in compliance with appli-
16 cable goals adopted under ORS chapters 195, 196 and 197. **When a district includes land desig-**
17 **notated as urban reserve under ORS 195.145 (1)(b) within an urban growth boundary pursuant**
18 **to ORS 197.298 (1), the district is not required to consider the capability classification system**
19 **or the cubic foot site class of the land as described in ORS 197.298 (2).**

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

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted.
New sections are in **boldfaced** type.

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

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

4 (b) Require adjudication and determination by the district of the consistency of local compre-
5 hensive plans with the regional framework plan.

6 (c) Require each city and county within the jurisdiction of the district and making land use de-
7 cisions concerning lands within the land use jurisdiction of the district to make those decisions
8 consistent with the regional framework plan. The obligation to apply the regional framework plan
9 to land use decisions shall not begin until one year after the regional framework plan is acknowl-
10 edged as complying with the statewide **land use** planning goals adopted under ORS chapters 195,
11 196 and 197.

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

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

16 (a) Notice of noncompliance to the city or county.

17 (b) Opportunity for the city or county to be heard.

18 (c) Entry of an order by the district explaining its findings, conclusions and enforcement reme-
19 dies, if any.

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

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

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

25 (c) Requesting an enforcement action pursuant to ORS 197.319 to 197.335 and withholding mon-
26 eys pursuant to an enforcement order resulting from the enforcement action.

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

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

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

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

35 **SECTION 2. This 2009 Act takes effect on December 1, 2009.**

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