

**Enrolled**  
**Senate Bill 48**

Sponsored by Senator DINGFELDER (Pre-session filed.)

CHAPTER .....

AN ACT

Relating to boundary changes within metropolitan service districts; creating new provisions; and amending ORS 268.351 and 268.354.

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

**SECTION 1.** ORS 268.351 is amended to read:

268.351. (1) As used in ORS 268.347 and 268.354, “boundary change” means a major boundary change or a minor boundary change, as those terms are defined in ORS 199.415.

**(2) For the purpose of applying the definitions of “major boundary change” and “minor boundary change” to ORS 268.347 and 268.354, “district,” as used in those definitions, means a:**

- (a) Domestic water supply district organized under ORS chapter 264.**
- (b) Park and recreation district organized under ORS chapter 266.**
- (c) Metropolitan service district organized under ORS chapter 268.**
- (d) Sanitary district organized under ORS 450.005 to 450.245.**
- (e) Sanitary authority, water authority or joint water and sanitary authority organized under ORS 450.600 to 450.989.**

**(f) District formed under ORS 451.410 to 451.610 to provide water or sanitary service.**

**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, and for all other changes to the boundaries of a district, shall be conducted as provided in ORS chapter 198. Notwithstanding ORS 268.020, as used in this paragraph, "district" [means a special district as defined in ORS 197.015] **has the meaning given that term in ORS 268.351.**

(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.

(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 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 district shall be conducted as provided in ORS chapter 198.

**SECTION 3. The amendments to ORS 268.351 and 268.354 by sections 1 and 2 of this 2011 Act apply to boundary changes that are approved by metropolitan service districts on and after the effective date of this 2011 Act.**

**Passed by Senate April 5, 2011**

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Robert Taylor, Secretary of Senate

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Peter Courtney, President of Senate

**Passed by House May 5, 2011**

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Bruce Hanna, Speaker of House

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Arnie Roblan, Speaker of House

**Received by Governor:**

.....M,....., 2011

**Approved:**

.....M,....., 2011

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John Kitzhaber, Governor

**Filed in Office of Secretary of State:**

.....M,....., 2011

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Kate Brown, Secretary of State