

D R A F T

SUMMARY

Requires local governments and districts to enter into urban service agreements not later than January 2, 2017.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to urban service agreements; creating new provisions; amending
3 ORS 195.020, 195.025 and 195.085; and declaring an emergency.

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

5 **SECTION 1.** ORS 195.085, as amended by section 7, chapter 92, Oregon
6 Laws 2014, is amended to read:

7 195.085. (1) Local governments and special districts shall demonstrate
8 compliance with [*ORS 195.020 and*] 195.065.

9 (2) The Land Conservation and Development Commission may [*adjust the*
10 *deadline*] **establish deadlines** for compliance under this section. When cities
11 and counties that are parties to an agreement under ORS [*195.020 and*]
12 195.065 are scheduled for periodic review at different times, **the commission**
13 **may adjust the deadlines.**

14 (3) Local governments and special districts that are parties to an agree-
15 ment in effect on November 4, 1993, which provides for the future provision
16 of an urban service shall demonstrate compliance with ORS 195.065 no later
17 than the date such agreement expires or the second periodic review that be-
18 gins after November 4, 1993, whichever comes first.

19 (4) An urban service agreement in effect on April 1, 2014, does not apply
20 to real property described as Area 2 on Metro's map denominated "2011 UGB

1 Expansion Areas, Ordinance 11-1264B, Exhibit A, October, 2011.”

2 **SECTION 2.** ORS 195.020 is amended to read:

3 195.020. (1) Special districts shall exercise their planning duties, powers
4 and responsibilities and take actions that are authorized by law with respect
5 to programs affecting land use, including a city or special district boundary
6 change as defined in ORS 197.175 (1), in accordance with goals approved
7 pursuant to ORS chapters 195, 196 and 197.

8 (2) A county assigned coordinative functions under ORS 195.025 (1), or
9 [*the metropolitan service district*] **Metro**, which is assigned coordinative
10 functions for Multnomah, Washington and Clackamas counties by ORS
11 195.025 (1), shall enter into a cooperative agreement with each special dis-
12 trict that provides an urban service within the boundaries of the county or
13 [*the metropolitan district*] **Metro**. A county or [*the metropolitan service dis-*
14 *trict*] **Metro** may enter into a cooperative agreement with any other special
15 district operating within the boundaries of the county or [*the metropolitan*
16 *district*] **Metro**.

17 (3) The appropriate city and county and, if within the boundaries of [*the*
18 *metropolitan service district, the metropolitan service district,*] **Metro, Metro**
19 shall enter into a cooperative agreement with each special district that pro-
20 vides an urban service within an urban growth boundary. The appropriate
21 city and county and [*the metropolitan service district,*] **Metro** may enter into
22 a cooperative agreement with any other special district operating within an
23 urban growth boundary.

24 (4) The **cooperative** agreements described in subsection (2) of this section
25 shall conform to the requirements of paragraphs (a) to (d), (f) and (g) of this
26 subsection. The **cooperative** agreements described in subsection (3) of this
27 section shall:

28 (a) Describe how the city, [*or*] county **or Metro** will involve the special
29 district in comprehensive planning, including plan amendments, periodic re-
30 view and amendments to land use regulations;

31 (b) Describe the responsibilities of the special district in comprehensive

1 planning, including plan amendments, periodic review and amendments to
2 land use regulations regarding provision of urban services;

3 (c) Establish the role and responsibilities of each party to the **cooper-**
4 **ative** agreement with respect to city, [*or*] county **or Metro** approval of new
5 development;

6 (d) Establish the role and responsibilities of the city, [*or*] county **or**
7 **Metro** with respect to **special** district interests including, where applicable,
8 water sources, capital facilities and real property, including rights of way
9 and easements;

10 (e) Specify the units of local government [*which shall*] **that must** be
11 parties to an urban service agreement under ORS 195.065;

12 (f) If [*a metropolitan service district*] **Metro** is a party to the **cooperative**
13 agreement, describe how [*the metropolitan service district*] **Metro** will involve
14 the special district in the exercise of [*the metropolitan service district's*]
15 **Metro's** regional planning responsibilities; and

16 (g) Contain [*such*] other provisions as the Land Conservation and Devel-
17 opment Commission may require by rule.

18 (5) **Cooperative** agreements required under subsections (2) and (3) of this
19 section are subject to review by the commission. The commission may pro-
20 vide by rule for periodic submission and review of cooperative agreements
21 to [*insure that they*] **ensure that the cooperative agreements** are consist-
22 ent with acknowledged comprehensive plans.

23 (6) **The Land Conservation and Development Commission may es-**
24 **tablish deadlines for compliance under this section. When local gov-**
25 **ernments that are parties to a cooperative agreement under this**
26 **section are scheduled for periodic review at different times, the com-**
27 **mission may adjust the deadlines.**

28 **SECTION 3.** ORS 195.025 is amended to read:

29 195.025. (1) In addition to the responsibilities stated in ORS 197.175, each
30 county, through its governing body, shall [*be responsible for coordinating*]
31 **coordinate** all planning activities affecting land uses within the county, in-

1 cluding planning activities of the county, cities, special districts and state
2 agencies, to [*assure an integrated comprehensive plan*] **ensure that com-**
3 **prehensive plans** for the entire area of the county **are integrated**. In ad-
4 dition to being subject to the provisions of ORS chapters 195, 196 and 197
5 with respect to city or special district boundary changes, as defined by ORS
6 197.175 (1), the governing body of [*the metropolitan service district shall be*
7 *considered the county*] **Metro shall serve as the** review, advisory and
8 coordinative body for Multnomah, Clackamas and Washington Counties for
9 the areas within [*that district*] **Metro**.

10 (2) For the purposes of carrying out ORS chapters 195, 196 and 197,
11 counties may voluntarily join together with adjacent counties as authorized
12 in ORS 190.003 to 190.620.

13 (3) Whenever counties and cities representing 51 percent of the population
14 in their area petition the Land Conservation and Development Commission
15 for an election in their area to form a regional planning agency to exercise
16 the authority of the counties under subsection (1) of this section in the area,
17 the commission shall review the petition. If [*it*] **the commission** finds that
18 the area described in the petition forms a reasonable planning unit, [*it*] **the**
19 **commission** shall call an election in the area on a date specified in ORS
20 203.085, to form a regional planning agency. The election [*shall*] **must** be
21 conducted in the manner provided in ORS chapter 255. The county clerk
22 shall [*be considered*] **serve as** the elections officer and the commission shall
23 [*be considered*] **serve as** the district elections authority. The agency [*shall*
24 *be considered*] **is** established if the majority of votes favor the establishment.

25 (4) If a voluntary association of local governments adopts a resolution
26 ratified by each participating county and a majority of the participating
27 cities therein which authorizes the association to perform the review, advi-
28 sory and coordination functions assigned to the counties under subsection
29 (1) of this section, the association may perform [*such*] **the** duties.

30 **SECTION 4. Notwithstanding ORS 195.020 (3) and the authority**
31 **granted in ORS 195.085 (2) to the Land Conservation and Development**

1 **Commission to establish deadlines, local governments and special dis-**
2 **tricts must demonstrate compliance with the requirement to enter**
3 **into urban service agreements on or before January 2, 2017.**

4 **SECTION 5. This 2015 Act being necessary for the immediate pres-**
5 **ervation of the public peace, health and safety, an emergency is de-**
6 **clared to exist, and this 2015 Act takes effect on its passage.**

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