

House Bill 2895

Sponsored by COMMITTEE ON RURAL COMMUNITIES, LAND USE, AND WATER (at the request of Special Districts Association of Oregon)

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 **as introduced**.

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 ORS 195.020, 195.025 and
3 195.085; 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 Laws 2014, is amended
6 to read:

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

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

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

17 (4) An urban service agreement in effect on April 1, 2014, does not apply to real property de-
18 scribed as Area 2 on Metro's map denominated "2011 UGB Expansion Areas, Ordinance 11-1264B,
19 Exhibit A, October, 2011."

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

21 195.020. (1) Special districts shall exercise their planning duties, powers and responsibilities and
22 take actions that are authorized by law with respect to programs affecting land use, including a city
23 or special district boundary change as defined in ORS 197.175 (1), in accordance with goals approved
24 pursuant to ORS chapters 195, 196 and 197.

25 (2) A county assigned coordinative functions under ORS 195.025 (1), or [*the metropolitan service*
26 *district*] **Metro**, which is assigned coordinative functions for Multnomah, Washington and Clackamas
27 counties by ORS 195.025 (1), shall enter into a cooperative agreement with each special district that
28 provides an urban service within the boundaries of the county or [*the metropolitan district*] **Metro**.
29 A county or [*the metropolitan service district*] **Metro** may enter into a cooperative agreement with
30 any other special district operating within the boundaries of the county or [*the metropolitan*

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 *district*] **Metro**.

2 (3) The appropriate city and county and, if within the boundaries of [*the metropolitan service*
 3 *district, the metropolitan service district,*] **Metro, Metro** shall enter into a cooperative agreement
 4 with each special district that provides an urban service within an urban growth boundary. The
 5 appropriate city and county and [*the metropolitan service district,*] **Metro** may enter into a cooper-
 6 ative agreement with any other special district operating within an urban growth boundary.

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

10 (a) Describe how the city, [*or*] county **or Metro** will involve the special district in comprehen-
 11 sive planning, including plan amendments, periodic review and amendments to land use regulations;

12 (b) Describe the responsibilities of the special district in comprehensive planning, including plan
 13 amendments, periodic review and amendments to land use regulations regarding provision of urban
 14 services;

15 (c) Establish the role and responsibilities of each party to the **cooperative** agreement with re-
 16 spect to city, [*or*] county **or Metro** approval of new development;

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

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

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

25 (g) Contain [*such*] other provisions as the Land Conservation and Development Commission may
 26 require by rule.

27 (5) **Cooperative** agreements required under subsections (2) and (3) of this section are subject to
 28 review by the commission. The commission may provide by rule for periodic submission and review
 29 of cooperative agreements to [*insure that they*] **ensure that the cooperative agreements** are con-
 30 sistent with acknowledged comprehensive plans.

31 (6) **The Land Conservation and Development Commission may establish deadlines for**
 32 **compliance under this section. When local governments that are parties to a cooperative**
 33 **agreement under this section are scheduled for periodic review at different times, the com-**
 34 **mission may adjust the deadlines.**

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

36 195.025. (1) In addition to the responsibilities stated in ORS 197.175, each county, through its
 37 governing body, shall [*be responsible for coordinating*] **coordinate** all planning activities affecting
 38 land uses within the county, including planning activities of the county, cities, special districts and
 39 state agencies, to [*assure an integrated comprehensive plan*] **ensure that comprehensive plans** for
 40 the entire area of the county **are integrated**. In addition to being subject to the provisions of ORS
 41 chapters 195, 196 and 197 with respect to city or special district boundary changes, as defined by
 42 ORS 197.175 (1), the governing body of [*the metropolitan service district shall be considered the*
 43 *county*] **Metro shall serve as the** review, advisory and coordinative body for Multnomah,
 44 Clackamas and Washington Counties for the areas within [*that district*] **Metro**.

45 (2) For the purposes of carrying out ORS chapters 195, 196 and 197, counties may voluntarily

1 join together with adjacent counties as authorized in ORS 190.003 to 190.620.

2 (3) Whenever counties and cities representing 51 percent of the population in their area petition
 3 the Land Conservation and Development Commission for an election in their area to form a regional
 4 planning agency to exercise the authority of the counties under subsection (1) of this section in the
 5 area, the commission shall review the petition. If *[it]* **the commission** finds that the area described
 6 in the petition forms a reasonable planning unit, *[it]* **the commission** shall call an election in the
 7 area on a date specified in ORS 203.085, to form a regional planning agency. The election *[shall]*
 8 **must** be conducted in the manner provided in ORS chapter 255. The county clerk shall *[be consid-*
 9 *ered]* **serve as** the elections officer and the commission shall *[be considered]* **serve as** the district
 10 elections authority. The agency *[shall be considered]* **is** established if the majority of votes favor the
 11 establishment.

12 (4) If a voluntary association of local governments adopts a resolution ratified by each partic-
 13 ipating county and a majority of the participating cities therein which authorizes the association to
 14 perform the review, advisory and coordination functions assigned to the counties under subsection
 15 (1) of this section, the association may perform *[such]* **the** duties.

16 **SECTION 4. Notwithstanding ORS 195.020 (3) and the authority granted in ORS 195.085**
 17 **(2) to the Land Conservation and Development Commission to establish deadlines, local gov-**
 18 **ernments and special districts must demonstrate compliance with the requirement to enter**
 19 **into urban service agreements on or before January 2, 2017.**

20 **SECTION 5. This 2015 Act being necessary for the immediate preservation of the public**
 21 **peace, health and safety, an emergency is declared to exist, and this 2015 Act takes effect**
 22 **on its passage.**

23 _____