

HB 3202 A STAFF MEASURE SUMMARY
House Committee On Energy and Environment

Action Date: 04/12/17
Action: Do pass with amendments and be referred to Ways and Means. (Printed A-Eng.)
Vote: 8-1-0-0
Yeas: 8 - Barnhart, Bentz, Helm, Holvey, Johnson, Marsh, Power, Smith DB
Nays: 1 - Reschke
Fiscal: Fiscal impact issued
Revenue: No revenue impact
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WHAT THE MEASURE DOES:

Makes legislative findings. Establishes that procedures and requirements in Act expressly preempt any charter-imposed vote requirement and are the only procedures and requirements related to construction and operation of Southwest Corridor Max Light Rail Project (Project) that the Project shall be subject to. Directs Land Conservation and Development Commission (LCDC) to establish criteria to be used by Metro Council to make decisions in land use final order on project improvements for the Project, including location. Establishes public notice, comment and appeal process for LCDC to use. Requires LCDC to consider all relevant statewide planning goals and policies. Requires LCDC to adopt order establishing criteria and make copies of order available. Establishes exclusive jurisdiction to review LCDC order establishing criteria to Supreme Court and provides procedure for review. Requires LCDC to adopt order establishing criteria within 90 days of Act taking effect.

Requires Metro to establish steering committee made up of certain members. Requires steering committee to issue recommendations for siting of light rail route and other project improvements to TriMet. Requires TriMet to apply to Metro Council for land use final order ordering project improvements and their locations. Requires Metro Council to apply criteria established by LCDC when making decisions in land use final order for project improvements, including their locations. Establishes procedures for Metro Council to follow when adopting land use final order including hearing, notice and appeal requirements. Stipulates following public hearing, Metro Council must either adopt land use final order or continue public hearing and refer proposed project improvements and their locations back to TriMet for further review. Requires Metro Council to adopt final order establishing project improvements. Establishes Land Use Board of Appeals and Supreme Court have exclusive jurisdiction for review of land use final order.

Requires state, Metro, all affected local governments and any affected special districts and political subdivisions to: amend comprehensive, functional or regional framework plans and all applicable land use regulations necessary to be consistent with land use final order adopted by Metro; and issue appropriate development approval, permit, license, certificate or other necessary approval for implementation of land use final order. Provides process for TriMet to use in event of significant delay or implementation, or if State, Metro, or affected local government or special district or political subdivision does not take required final action.

Requires Metro Council to amend land use final order following execution of Full Funding Grant Agreement (Agreement) to be consistent with terms of Agreement. Declares emergency, effective on passage.

ISSUES DISCUSSED:

- Timing required to obtain federal funding
- Experience using similar process during the siting of other MAX lines
- Other areas in state that could benefit from alternative land use process

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EFFECT OF AMENDMENT:

Replaces measure.

BACKGROUND:

According to Metro, the Southwest Corridor area is home to more than 10 percent of the Portland region's population, spanning from downtown Portland out to Tigard, Tualatin and Sherwood, Oregon. A part of the Southwest Corridor Plan is a proposed 12-mile MAX light rail line from downtown Portland to Tigard and Bridgeport Village in Tualatin. Light rail is typically paid for by a mixture of federal and local dollars.

House Bill 3202A would provide procedures and requirements for establishing criteria and for the review of criteria and land use decisions for the siting of Southwest Corridor MAX Light Rail Project.