

House Bill 3301

Sponsored by Representative GRAYBER

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**.

Authorizes Multnomah County to form master plan and service district regarding bridges that span Willamette River. Authorizes bridge service district to collect annual service charge from adult residents of county with income above certain level.

A BILL FOR AN ACT

1
2 Relating to county service districts regarding bridges; amending ORS 271.715, 271.725, 271.735,
3 271.775, 451.010, 451.410 and 451.490.

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

5 **SECTION 1.** ORS 451.010 is amended to read:

6 451.010. (1) Master plans and service districts may be established as provided by this chapter
7 regarding:

8 (a) Sewage works, including all facilities necessary for collecting, pumping, treating and dispos-
9 ing of sanitary or storm sewage.

10 (b) Drainage works, including all facilities necessary for collecting, pumping and disposing of
11 storm and surface water.

12 (c) Street lighting works, including all facilities necessary for the lighting of streets and high-
13 ways.

14 (d) Public parks and recreation facilities, including land, structures, equipment, supplies and
15 personnel necessary to acquire, develop and maintain such public park and recreation facilities and
16 to administer a program of supervised recreation services.

17 (e) Diking and flood control works, including all facilities necessary for diking and control of
18 watercourses.

19 (f) Water supply works and service, including all facilities necessary for tapping natural sources
20 of domestic and industrial water, treating and protecting the quality of the water and transmitting
21 it to the point of sale to any person, city, domestic water supply corporation or other public or
22 private agency for domestic, municipal and industrial water supply service.

23 (g) Solid waste disposal. This paragraph does not apply in Clackamas, Multnomah and
24 Washington Counties.

25 (h) Public transportation, including public depots, public parking and the motor vehicles and
26 other equipment necessary for the transportation of persons together with their personal property.

27 (i) Agricultural educational extension services.

28 (j) Emergency medical services, including ambulance services.

29 (k) Library services.

30 (L) Roads.

31 (m) Services related to the emergency communications system established under ORS 403.105 to

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.

1 403.250.

2 (n) Law enforcement services.

3 (o) Human services.

4 (p) Cemetery maintenance.

5 (q) Animal control.

6 (2) Within the geographical jurisdiction of any local government boundary commission estab-
7 lished by or pursuant to ORS 199.410 to 199.519, in addition to the purposes described in subsection
8 (1) of this section, master plans and service districts may be established as provided by this chapter
9 regarding:

10 (a) Fire prevention and protection.

11 (b) Hospital and ambulance services.

12 (c) Vector control.

13 (d) Weather modification.

14 (3) Within the boundaries of any subdivision, service districts may be established as provided
15 by this chapter regarding:

16 (a) Fire prevention and protection.

17 (b) Security services provided by contract with an association of homeowners whose property
18 is located entirely within the boundaries of the service district, which services may include the
19 enforcement of the rules or regulations of the association dealing with public access to or the use
20 of the property of the association, routine patrolling and inspection of private areas located within
21 the jurisdiction of the association and matters of traffic and safety within such areas.

22 (c) Law enforcement services.

23 (d) Hospital and ambulance services.

24 (e) Vector control.

25 (f) Activities set forth in subsection (1)(a), (f), (g), (j) and (m) of this section.

26 (4) As used in subsection (3) of this section, "subdivision" means a subdivision as defined by ORS
27 92.010 or any contiguous group of such subdivisions that:

28 (a) Is a planned community within the meaning of ORS 94.550 without regard to whether such
29 subdivision or group of subdivisions is subject to ORS 94.550 to 94.783;

30 (b) Is located entirely within an unincorporated area and is everywhere separated by a distance
31 of five miles or more from an urban growth boundary described in an acknowledged comprehensive
32 plan of a city or the urban growth boundary adopted by a metropolitan service district under ORS
33 268.390 (3); and

34 (c) Prior to the establishment of a service district under subsection (3) of this section, is desig-
35 nated a subdivision for purposes of this subsection by the governing body of the county in which the
36 subdivision or group of subdivisions is located.

37 (5) Within the boundaries of Washington County, master plans and service districts may be es-
38 tablished as provided by this chapter regarding water resource management services that affect the
39 quality and quantity of water within a single watershed, basin or planning area. As used in this
40 subsection, "water resource management services" means:

41 (a) Planning for and provision of two or more services or facilities such as sewage works,
42 drainage works, surface water management, endangered species recovery management, water quality
43 management, diking and flood control works, river flow management, water supply works,
44 wastewater reuse and irrigation facilities.

45 (b) Activities ancillary to the services and facilities listed in paragraph (a) of this subsection,

1 including facilities for the production, sale or purchase of energy when such facilities are integrated
2 in a master plan adopted under ORS 451.120.

3 **(6) Within the boundaries of Multnomah County, master plans and service districts may**
4 **be established as provided by this chapter regarding bridges that span the Willamette River.**

5 **SECTION 2.** ORS 451.410 is amended to read:

6 451.410. As used in ORS 451.410 to 451.610, unless the context indicates otherwise:

7 (1) "Change of organization" has the meaning given that term in ORS 198.705.

8 (2) "County" has the meaning given that term in ORS 198.705.

9 (3) "County court" includes the board of county commissioners.

10 (4) "District" means a county service district established under ORS 451.410 to 451.610 to pro-
11 vide service facilities in a county or counties.

12 (5) "Formation" has the meaning given that term in ORS 198.705.

13 (6) "Owner" means the record owner of real property or the holder of a duly recorded contract
14 for purchase of real property within the district.

15 (7) "Service facilities":

16 (a) Means public service installations, works or services provided within a county or counties
17 for any or all of the purposes specified in ORS 451.010[.]; and

18 **(b) For purposes of ORS 451.010 (6), includes bridges.**

19 **SECTION 3.** ORS 451.490 is amended to read:

20 451.490. The district may, in accordance with the order adopted under ORS 451.485, finance the
21 construction, operation or maintenance of service facilities for a district by:

22 (1) Use of funds from a fund established under ORS 280.055 or 451.540 to be repaid by the dis-
23 trict without interest.

24 (2) Assessments against the property in the district with or without issuance of bonds authorized
25 under ORS 223.205, 223.210 to 223.295 and 223.770.

26 (3) Service or user charges in the district.

27 (4) Connection charges.

28 (5) District ad valorem taxes.

29 (6) Sale of bonds.

30 (7) Funds obtained under ORS 280.040, 280.050, 280.060, 280.070, 280.080 and 280.090. A district
31 local option tax adopted under ORS 280.060 shall not authorize a tax in any fiscal year later than
32 the fiscal year in which the district is subject to dissolution under ORS 451.620 (1) and (2).

33 (8) Any combination of the provisions of subsections (1) to (7) of this section.

34 **(9) For purposes of master plans and service districts established under ORS 451.010 (6),**
35 **an annual service charge set by the district in an amount not to exceed _____ and**
36 **chargeable to all residents of Multnomah County who, for the tax year in which the fee is**
37 **charged:**

38 **(a) Are 18 years of age or older;**

39 **(b) Have more than \$_____ of earned income; and**

40 **(c) Have federal adjusted gross income that exceeds _____ percent of the federal pov-**
41 **erty level.**

42 **SECTION 4.** ORS 271.715 is amended to read:

43 271.715. As used in ORS 271.715 to 271.795, unless the context otherwise requires:

44 (1) "Conservation easement" means a nonpossessory interest of a holder in real property im-
45 posing limitations or affirmative obligations the purposes of which include retaining or protecting

1 natural, scenic, or open space values of real property, ensuring its availability for agricultural, for-
 2 est, recreational, or open space use, protecting natural resources, maintaining or enhancing air or
 3 water quality, or preserving the historical, architectural, archaeological, or cultural aspects of real
 4 property.

5 **(2) “County sewage, drainage, water resource or bridge service district” means a county**
 6 **service district established under ORS 451.410 to 451.610 to construct, maintain and operate**
 7 **service facilities in:**

8 **(a) Washington or Clackamas Counties for the purposes specified in ORS 451.010 (1)(a)**
 9 **and (b);**

10 **(b) Washington County for the purpose specified in ORS 451.010 (5); or**

11 **(c) Multnomah County for the purpose specified in ORS 451.010 (6).**

12 [(2)] **(3) “Highway scenic preservation easement” means a nonpossessory interest of a holder in**
 13 **real property imposing limitations or affirmative obligations the purposes of which include retaining**
 14 **or protecting natural, scenic or open space values of property.**

15 [(3)] **(4) “Holder” means:**

16 (a) The state, any county, metropolitan service district, soil and water conservation district, city
 17 or park and recreation district or a [*county service district established under ORS 451.410 to 451.610*
 18 *to construct, maintain and operate service facilities in Washington or Clackamas Counties for the pur-*
 19 *poses specified in ORS 451.010 (1)(a) and (b) and in Washington County for the purpose specified in*
 20 *ORS 451.010 (5)] **county sewage, drainage, water resource or bridge service district**, acting
 21 alone or in cooperation with any federal or state agency, public corporation or political subdivision;*

22 (b) A charitable corporation, charitable association, charitable trust, the purposes or powers of
 23 which include retaining or protecting the natural, scenic, or open space values of real property,
 24 assuring the availability of real property for agricultural, forest, recreational, or open space use,
 25 protecting natural resources, maintaining or enhancing air or water quality, or preserving the his-
 26 torical, architectural, archaeological, or cultural aspects of real property; or

27 (c) An Indian tribe as defined in ORS 97.740.

28 [(4)] **(5) “Third-party right of enforcement” means a right provided in a conservation easement**
 29 **or highway scenic preservation easement to enforce any of its terms granted to a governmental**
 30 **body, charitable corporation, charitable association or charitable trust, which, although eligible to**
 31 **be a holder, is not a holder.**

32 **SECTION 5.** ORS 271.725 is amended to read:

33 271.725. (1) The state, any county, metropolitan service district, soil and water conservation
 34 district, city or park and recreation district or a [*county service district established under ORS*
 35 *451.410 to 451.610 to construct, maintain and operate service facilities in Washington or Clackamas*
 36 *Counties for the purposes specified in ORS 451.010 (1)(a) and (b) and in Washington County for the*
 37 *purpose specified in ORS 451.010 (5)] **county sewage, drainage, water resource or bridge service**
 38 **district**, may acquire by purchase, agreement or donation, but not by exercise of the power of em-
 39 inent domain, unless specifically authorized by law, conservation easements in any area within their
 40 respective jurisdictions wherever and to the extent that a state agency or the governing body of the
 41 county, metropolitan service district, soil and water conservation district, city, park and recreation
 42 district or [*county service district established under ORS 451.410 to 451.610 to construct, maintain and*
 43 *operate service facilities in Washington or Clackamas Counties for the purposes specified in ORS*
 44 *451.010 (1)(a) and (b) and in Washington County for the purpose specified in ORS 451.010 (5)] **county**
 45 **sewage, drainage, water resource or bridge service district** determines that the acquisition will**

1 be in the public interest.

2 (2) Except as otherwise provided in ORS 271.715 to 271.795, a conservation easement or highway
3 scenic preservation easement may be created, conveyed, recorded, assigned, released, modified, ter-
4 minated, or otherwise altered or affected in the same manner as other easements.

5 (3) The state, any county, metropolitan service district, soil and water conservation district, city
6 or park and recreation district or a [*county service district established under ORS 451.410 to 451.610*
7 *to construct, maintain and operate service facilities in Washington or Clackamas Counties for the pur-*
8 *poses specified in ORS 451.010 (1)(a) and (b) and in Washington County for the purpose specified in*
9 *ORS 451.010 (5)*] **county sewage, drainage, water resource or bridge service district** may ac-
10 quire by purchase, agreement or donation, but not by exercise of the power of eminent domain un-
11 less specifically authorized by law, highway scenic preservation easements in land within 100 yards
12 of state, county or city highway rights of way. These easements may be acquired only in lands that
13 possess significant scenic value in themselves and contribute to the overall scenic beauty of the
14 highway.

15 (4) No right or duty in favor of or against a holder and no right in favor of a person having a
16 third-party right of enforcement arises under a conservation easement or highway scenic preserva-
17 tion easement before its acceptance by the holder and recordation of the acceptance.

18 (5) Except as provided in ORS 271.755 (2) a conservation easement or highway scenic preserva-
19 tion easement is unlimited in duration unless the instrument creating it otherwise provides.

20 (6) An interest in real property in existence at the time a conservation easement or highway
21 scenic preservation easement is created is not impaired by it unless the owner of the interest is a
22 party to or consents to the conservation easement or highway scenic preservation easement.

23 **SECTION 6.** ORS 271.735 is amended to read:

24 271.735. (1) Before the acquisition of a conservation easement or highway scenic preservation
25 easement, the state agency, county, metropolitan service district, soil and water conservation dis-
26 trict, city, park and recreation district or [*county service district established under ORS 451.410 to*
27 *451.610 to construct, maintain and operate service facilities in Washington or Clackamas Counties for*
28 *the purposes specified in ORS 451.010 (1)(a) and (b) and in Washington County for the purpose speci-*
29 *fied in ORS 451.010 (5)*] **county sewage, drainage, water resource or bridge service district**
30 considering acquisition of such an easement shall hold one or more public hearings on the proposal
31 and the reasons therefor. The hearings shall be held in the community where the easement would
32 be located and all interested persons, including representatives of other governmental agencies,
33 shall have the right to appear and a reasonable opportunity to be heard.

34 (2) Notice of the hearing shall be published at least twice, once not less than 12 days and once
35 not less than five days, prior to the hearing in a newspaper of general circulation in the community.
36 The notice may also be published by broadcasting or telecasting generally in the community.

37 (3) At least 30 days prior to the hearing, the state agency shall mail notice of the hearing to the
38 governing body of each county, city and other governmental agency having jurisdiction in the area
39 of the proposed easements.

40 (4) This section does not apply to conservation easements or highway scenic preservation ease-
41 ments acquired pursuant to ORS 390.121, 390.310 to 390.338 and 390.805 to 390.925 or acquired pur-
42 suant to a metropolitan service district bond measure authorizing the acquisition of open spaces
43 within specific areas.

44 **SECTION 7.** ORS 271.775 is amended to read:

45 271.775. The board or officer administering a state agency or the governing body of any county,

1 metropolitan service district, soil and water conservation district, city or park and recreation dis-
2 trict or of a [*county service district established under ORS 451.410 to 451.610 to construct, maintain*
3 *and operate service facilities in Washington or Clackamas Counties for the purposes specified in ORS*
4 *451.010 (1)(a) and (b) and in Washington County for the purpose specified in ORS 451.010 (5)] **county**
5 **sewage, drainage, water resource or bridge service district** may make and enforce reasonable
6 rules, regulations, orders or ordinances governing the care, use and management of its conservation
7 easements and highway scenic preservation easements.*

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