

# Senate Bill 730

Sponsored by COMMITTEE ON ENVIRONMENT AND LAND USE

## 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**.

Modifies standards for metropolitan service district review of comprehensive plans and land use regulations of cities and counties within district to determine whether comprehensive plans and land use regulations comply with regional framework plan and functional plans.

## A BILL FOR AN ACT

1  
2 Relating to land use planning in metropolitan service district; amending 268.390.

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

4 **SECTION 1.** ORS 268.390 is amended to read:

5 268.390. (1) A district may define and apply a planning procedure [*which*] **that** identifies and  
6 designates areas and activities having significant impact upon the orderly and responsible develop-  
7 ment of the metropolitan area, including, but not limited to, impact on:

- 8 (a) Air quality;  
9 (b) Water quality; and  
10 (c) Transportation.

11 (2) A district may prepare and adopt functional plans for those areas designated under sub-  
12 section (1) of this section to control metropolitan area impact on air and water quality, transporta-  
13 tion and other aspects of metropolitan area development the district may identify.

14 (3) A district shall adopt an urban growth boundary for the district in compliance with appli-  
15 cable **statewide land use planning** goals adopted under ORS chapters 195, 196 and 197.

16 (4) A district may:

17 (a) Review the comprehensive plans [*in effect on January 1, 1979, or subsequently*] adopted by  
18 the cities and counties within the district [*which*] **that** affect areas designated by the district under  
19 subsection (1) of this section or the urban growth boundary adopted under subsection (3) of this  
20 section and recommend or require cities and counties, as it considers necessary, to make changes  
21 in [*any plan to assure*] **a comprehensive plan to ensure** that the **comprehensive** plan and any  
22 actions taken under [*it*] **the comprehensive plan** conform to the district's functional plans adopted  
23 under subsection (2) of this section and its urban growth boundary adopted under subsection (3) of  
24 this section.

25 (b) **Review and recommend changes to land use regulations of a city or county within the**  
26 **district to ensure that the land use regulations implement comprehensive plan provisions**  
27 **related to a functional plan.**

28 (5) **Except as provided in ORS 268.330 (1) and consistent with ORS chapter 197, a district**  
29 **may not:**

30 (a) **Prepare or adopt a comprehensive plan or a land use regulation.**

31 (b) **Adopt, enforce or require a city or county within the district to adopt or enforce a**

**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 **comprehensive plan provision or a land use regulation that prescribes or limits the zoning**  
 2 **of specific land within a city or county.**

3 **(c) Compel adoption by a city or county within the district of the specific text of a land**  
 4 **use regulation.**

5 [(5)] **(6)** Pursuant to a regional framework plan, a district may adopt implementing ordinances  
 6 that:

7 (a) Require local comprehensive plans [*and implementing regulations*] to comply with the re-  
 8 gional framework plan within two years after compliance acknowledgment.

9 (b) Require adjudication and determination by the district of the consistency of local compre-  
 10 hensive plans **and land use regulations** with the regional framework plan.

11 (c) Require each city and county within the [*jurisdiction of*] the district and making land use  
 12 decisions concerning lands within the land use jurisdiction of the district to make those decisions  
 13 consistent with the regional framework plan. The obligation to apply the regional framework plan  
 14 to land use decisions shall not begin until one year after the regional framework plan is acknowl-  
 15 edged as complying with the statewide **land use** planning goals adopted under ORS chapters 195,  
 16 196 and 197.

17 (d) Require changes in local land use standards and procedures if the district determines that  
 18 changes are necessary to remedy a pattern or practice of decision-making inconsistent with the re-  
 19 gional framework plan.

20 [(6)] **(7)** The regional framework plan, ordinances that implement the regional framework plan  
 21 and any determination by the district of consistency with the regional framework plan are subject  
 22 to review under ORS 197.274.

23 **(8) If a change in the local land use standards or procedures of a city or county that are**  
 24 **required under subsection (6)(d) of this section cause the Land Conservation and Develop-**  
 25 **ment Commission to find that the comprehensive plan and land use regulations of the city**  
 26 **or county do not comply with statewide land use planning goals or with rules adopted by the**  
 27 **commission, the commission shall excuse the city or county from compliance with the**  
 28 **changes in land use standards or procedures required by the district.**

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