

# House Bill 2010

Sponsored by Representative BARNHART

## 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 priority of lands to be included within urban growth boundaries.

Suspends requirement that local governments demonstrate that comprehensive plans contain 20-year buildable lands supply until July 1, 2010.

## A BILL FOR AN ACT

1  
2 Relating to urban growth boundaries; creating new provisions; and amending ORS 197.298.

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

4 **SECTION 1.** ORS 197.298 is amended to read:

5 197.298. (1) In addition to any requirements established by rule addressing urbanization, land  
6 may not be included within an urban growth boundary except under the following priorities:

7 (a) First priority is land that is designated urban reserve land under ORS 195.145, rule or met-  
8 ropolitan service district action plan.

9 (b) If land under paragraph (a) of this subsection is inadequate to accommodate the amount of  
10 land needed, second priority is land adjacent to an urban growth boundary that is identified in an  
11 acknowledged comprehensive plan as an exception area or nonresource land. Second priority may  
12 include resource land that is completely surrounded by exception areas unless [*such*] **the** resource  
13 land is high-value farmland as described in ORS 215.710.

14 (c) If land under paragraphs (a) and (b) of this subsection is inadequate to accommodate the  
15 amount of land needed, third priority is land designated as marginal land pursuant to ORS 197.247  
16 [*1991 Edition*].

17 (d) If land under paragraphs (a) to (c) of this subsection is inadequate to accommodate the  
18 amount of land needed, fourth priority is land designated in an acknowledged comprehensive plan  
19 for agriculture or forestry, or both. **However, high-value farmland, as described in ORS 215.710,**  
20 **and land that supports infrastructure and farm-related activities that are necessary and ac-**  
21 **cessory to farming operations on high-value farmland may not be included within an urban**  
22 **growth boundary west of the Cascade Mountains.**

23 (2) Higher priority shall be given to land of lower capability as measured by the capability  
24 classification system or by cubic foot site class, whichever is appropriate for the current use.

25 (3) Land of lower priority under subsection (1) of this section may be included in an urban  
26 growth boundary **only** if land of higher priority is found to be inadequate to accommodate the  
27 amount of land estimated in subsection (1) of this section for one or more of the following reasons:

28 (a) Specific types of identified land needs cannot be reasonably accommodated on higher priority  
29 lands;

30 (b) Future urban services could not reasonably be provided to the higher priority lands due to  
31 topographical or other physical constraints; or

**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 (c) Maximum efficiency of land uses within a proposed urban growth boundary requires inclusion  
2 of lower priority lands in order to include or to provide services to higher priority lands.

3 (4) **Annexation of lands identified for inclusion within the urban growth boundary, pur-**  
4 **suant to subsections (1) to (3) of this section, must be further prioritized based on the fol-**  
5 **lowing criteria:**

6 (a) **Higher priority must be given to land on which the most logical and cost-effective**  
7 **extension of urban services can occur; and**

8 (b) **Lower priority must be given to land on which the extension of urban services has**  
9 **the most significant impact on proximate resource lands or on infrastructure or activities**  
10 **that are necessary to and accessory for continued viable resource use of those lands.**

11 **SECTION 2. Notwithstanding ORS 197.296 (2), the requirement that local government**  
12 **must demonstrate that its comprehensive plan or regional plan provides sufficient buildable**  
13 **lands within the urban growth boundary established pursuant to statewide planning goals to**  
14 **accommodate estimated housing needs for 20 years at periodic review pursuant to ORS**  
15 **197.628 to 197.650 or at any other legislative review of the comprehensive plan or regional**  
16 **plan that concerns the urban growth boundary is suspended until July 1, 2010.**

17 **SECTION 3. Section 2 of this 2007 Act is repealed on July 1, 2010.**

18 **SECTION 4. The amendments to ORS 197.298 by section 1 of this 2007 Act apply to land**  
19 **included within an urban growth boundary by a local government on or after the effective**  
20 **date of this 2007 Act.**

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