

House Bill 2750

Sponsored by Representatives ESQUIVEL, BUCKLEY (at the request of Jackson County)

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 extension of sanitary sewer system to specified lots or parcels outside urban growth boundaries and outside unincorporated communities without taking exception to statewide land use planning goal relating to level of urban and rural public facilities and services.

A BILL FOR AN ACT

1
2 Relating to sanitary sewer service; creating new provisions; and amending ORS 197.719.

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

4 **SECTION 1. (1) As used in this section:**

5 (a) "Lot" has the meaning given that term in ORS 92.010.

6 (b) "Nonresource land" means land that is not subject to a statewide land use planning
7 goal relating to:

8 (A) Agricultural lands;

9 (B) Beaches and dunes;

10 (C) Coastal shorelands;

11 (D) Estuarine resources; or

12 (E) Forestlands.

13 (c) "Parcel" has the meaning given that term in ORS 92.010.

14 (d) "Resource land" means land that is subject to a statewide land use planning goal re-
15 lating to:

16 (A) Agricultural lands;

17 (B) Beaches and dunes;

18 (C) Coastal shorelands;

19 (D) Estuarine resources; or

20 (E) Forestlands.

21 (e) "Unincorporated community" means a settlement with a boundary identified in an
22 acknowledged comprehensive plan that consists primarily of lands subject to an exception to
23 statewide land use planning goals related to agricultural lands or forestlands.

24 (f) "Urban growth boundary" has the meaning given that term in ORS 195.060.

25 (2) Notwithstanding, and without taking an exception under ORS 197.732 to, a statewide
26 land use planning goal relating to public facilities and services, a local government or a
27 special district that provides sanitary sewer services may extend sanitary sewer services
28 outside urban growth boundaries and outside unincorporated community boundaries to lots
29 or parcels:

30 (a) Of resource land that, on the effective date of this 2009 Act, contain a lawfully es-
31 tablished residential dwelling, are within one mile of an existing sewer line and consist of one

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 acre or less.

2 (b) Of resource land that, on the effective date of this 2009 Act, contain a lawfully es-
 3 tablished residential dwelling, are within one mile of an existing sewer line, consist of 10
 4 acres or less and either:

5 (A) Are identified as having “severe” or “severe-moderate” soil limitations on at least
 6 50 percent of the mapped soils on the lot or parcel; or

7 (B) Have been determined to be unsuitable for an on-site septic system by the Depart-
 8 ment of Environmental Quality.

9 (c) Of nonresource land that, on the effective date of this 2009 Act, contain a lawfully
 10 established residential dwelling, are within one mile of an existing sewer line, consist of one
 11 acre or less and either:

12 (A) Are identified as having “severe” or “severe-moderate” soil limitations on at least
 13 50 percent of the mapped soils on the lot or parcel; or

14 (B) Have been determined to be unsuitable for an on-site septic system by the Depart-
 15 ment of Environmental Quality.

16 (d) That, on the effective date of this 2009 Act, contain a lawfully established residential,
 17 commercial or industrial building or structure and are intersected by an existing sewer line.

18 **SECTION 2.** ORS 197.719 is amended to read:

19 197.719. (1) As used in this section, “abandoned or diminished mill site” means a mill, plant or
 20 other facility engaged in the processing or manufacturing of wood products, including sawmills and
 21 facilities for the production of plywood, veneer, hardboard, panel products, pulp and paper, that:

22 (a) Is located outside of urban growth boundaries;

23 (b) Was closed after January 1, 1980, or has been operating at less than 25 percent of capacity
 24 since January 1, 2003; and

25 (c) Contains or contained permanent buildings used in the production or manufacturing of wood
 26 products.

27 (2) Notwithstanding statewide land use planning goals protecting agricultural lands or
 28 forestlands or administrative rules implementing those goals, the governing body of a county may
 29 amend the county’s comprehensive plan and land use regulations to allow an abandoned or dimin-
 30 ished mill site to be zoned for industrial use.

31 (3) Notwithstanding a statewide land use planning goal relating to urbanization or administra-
 32 tive rules implementing that goal, the governing body of a county may amend the county’s compre-
 33 hensive plan and land use regulations to allow an abandoned or diminished mill site to be zoned for
 34 any level of industrial use.

35 (4) Notwithstanding a statewide land use planning goal relating to public facilities and services
 36 or administrative rules implementing that goal, the governing body of a county or its designee may
 37 approve:

38 (a) The extension of sewer facilities to lands that on June 10, 2003, are zoned for industrial use
 39 and that contain an abandoned or diminished mill site. The sewer facilities may serve only industrial
 40 uses authorized for the mill site and contiguous lands zoned for industrial use.

41 (b) The extension of sewer facilities to an abandoned or diminished mill site that is rezoned for
 42 industrial use under this section only as necessary to serve industrial uses authorized for the mill
 43 site.

44 (c) The establishment of on-site sewer facilities to serve an area that on June 10, 2003, is zoned
 45 for industrial use and that contains an abandoned or diminished mill site or to serve an abandoned

1 or diminished mill site that is rezoned for industrial use under this section. The sewer facilities may
2 serve only industrial uses authorized for the mill site and contiguous lands zoned for industrial use.

3 (5)(a) A local government, as defined in ORS 174.116, may not authorize a connection to any
4 portion of a sewer facility located between an urban growth boundary or the boundary of an
5 unincorporated community and the boundary of the mill site or the industrial zone containing the
6 mill site, except as provided **in section 1 of this 2009 Act**, under a statewide land use planning goal
7 relating to public facilities and services or under **an exception to the goal taken under** ORS
8 197.732.

9 (b) Sewer facilities approved under subsection (4) of this section shall be limited in size to meet
10 the needs of authorized industrial uses and may not provide service to retail, commercial or resi-
11 dential development, except as provided under a statewide land use planning goal relating to public
12 facilities and services or under **an exception to the goal taken under** ORS 197.732. The presence
13 of the sewer facilities may not be used to justify an exception to statewide land use planning goals
14 protecting agricultural lands or forestlands or relating to urbanization.

15 (6)(a) The governing body of a county or its designee shall determine the boundary of an aban-
16 doned or diminished mill site. For an abandoned or diminished mill site that is rezoned for indus-
17 trial use under this section, land within the boundary of the mill site may include only those areas
18 that were improved for the processing or manufacturing of wood products.

19 (b) For an abandoned or diminished mill site subject to subsection (2), (3) or (4) of this section,
20 the governing body of a city or county or its designee may approve a permit, as defined in ORS
21 215.402 or 227.160, only for industrial development and accessory uses subordinate to such develop-
22 ment on the mill site. The governing body or its designee may not approve a permit for retail,
23 commercial or residential development on the mill site.

24 (7) For land that on June 10, 2003, is zoned under statewide land use planning goals protecting
25 agricultural lands or forestlands and that is rezoned for industrial use under subsections (2) and (3)
26 of this section, the governing body of the county or its designee may not later rezone the land for
27 retail, commercial or other nonresource use, except as provided under the statewide land use plan-
28 ning goals or under **an exception to the goal taken under** ORS 197.732.

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