

# House Bill 3368

Sponsored by Representative WINGARD (at the request of John Bacon)

## 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**.

Prohibits Land Conservation and Development Commission and any local government from establishing minimum lot or parcel sizes on lands included within designated urban reserve as result of inclusion.

## A BILL FOR AN ACT

1  
2 Relating to urban reserves; creating new provisions; and amending ORS 195.145.

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

4 **SECTION 1.** ORS 195.145 is amended to read:

5 195.145. (1) To ensure that the supply of land available for urbanization is maintained:

6 (a) Local governments may cooperatively designate lands outside urban growth boundaries as  
7 urban reserves subject to ORS 197.610 to 197.625.

8 (b) Alternatively, a metropolitan service district established under ORS chapter 268 and a  
9 county may enter into a written agreement pursuant to ORS 190.003 to 190.130, 195.025 or 197.652  
10 to 197.658 to designate urban reserves. A process and criteria developed pursuant to this paragraph  
11 are an alternative to a process or criteria adopted pursuant to paragraph (a) of this subsection.

12 (2)(a) The Land Conservation and Development Commission may require a local government to  
13 designate an urban reserve pursuant to subsection (1)(a) of this section during its periodic review  
14 in accordance with the conditions for periodic review under ORS 197.628.

15 (b) Notwithstanding paragraph (a) of this subsection, the commission may require a local gov-  
16 ernment to designate an urban reserve pursuant to subsection (1)(a) of this section outside of its  
17 periodic review if:

18 (A) The local government is located inside a Primary Metropolitan Statistical Area or a Met-  
19 ropolitan Statistical Area as designated by the Federal Census Bureau upon November 4, 1993; and

20 (B) The local government has been required to designate an urban reserve by rule prior to No-  
21 vember 4, 1993.

22 (3) In carrying out subsections (1) and (2) of this section:

23 (a) Within an urban reserve, neither the commission nor any local government shall:

24 (A) Prohibit the siting on a legal parcel of a single family dwelling that would otherwise have  
25 been allowed under law existing prior to designation as an urban reserve.

26 (B) **Establish minimum lot or parcel sizes as a result of inclusion within the urban re-**  
27 **serve.**

28 (b) The commission shall provide to local governments a list of options, rather than prescribing  
29 a single planning technique, to ensure the efficient transition from rural to urban use in urban re-  
30 serves.

31 (4) Urban reserves designated by a metropolitan service district and a county pursuant to sub-

**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 section (1)(b) of this section must be planned to accommodate population and employment growth for  
2 at least 20 years, and not more than 30 years, after the 20-year period for which the district has  
3 demonstrated a buildable land supply in the most recent inventory, determination and analysis per-  
4 formed under ORS 197.296.

5 (5) A district and a county shall base the designation of urban reserves under subsection (1)(b)  
6 of this section upon consideration of factors including, but not limited to, whether land proposed for  
7 designation as urban reserves, alone or in conjunction with land inside the urban growth boundary:

8 (a) Can be developed at urban densities in a way that makes efficient use of existing and future  
9 public infrastructure investments;

10 (b) Includes sufficient development capacity to support a healthy urban economy;

11 (c) Can be served by public schools and other urban-level public facilities and services efficiently  
12 and cost-effectively by appropriate and financially capable service providers;

13 (d) Can be designed to be walkable and served by a well-connected system of streets by appro-  
14 priate service providers;

15 (e) Can be designed to preserve and enhance natural ecological systems; and

16 (f) Includes sufficient land suitable for a range of housing types.

17 (6) The commission shall adopt by goal or by rule a process and criteria for designating urban  
18 reserves pursuant to subsection (1)(b) of this section.

19 **SECTION 2. The amendments to ORS 195.145 by section 1 of this 2009 Act apply to urban**  
20 **reserves designated by local governments before, on or after the effective date of this 2009**  
21 **Act.**

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