

Senate Bill 372

Sponsored by COMMITTEE ON JUDICIARY (at the request of Oregon State Bar Real Estate Section)

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 considered for inclusion in urban growth boundary.

A BILL FOR AN ACT

1
2 Relating to qualification of resource land for inclusion in urban growth boundary; creating new
3 provisions; and amending ORS 197.298.

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

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

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

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

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

15 (c) If land under paragraphs (a) and (b) of this subsection is inadequate to accommodate the
16 amount of land needed, third priority is land designated as marginal land pursuant to ORS 197.247
17 (1991 Edition).

18 (d) If land under paragraphs (a) to (c) of this subsection is inadequate to accommodate the
19 amount of land needed, fourth priority is land designated in an acknowledged comprehensive plan
20 for agriculture or forestry, or both.

21 (2) **When land is included under subsection (1)(d) of this section**, higher priority *[shall]*
22 **must** be given to land of lower capability as measured by the capability classification system or by
23 cubic foot site class, whichever is appropriate for the current use.

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

32 (c) Maximum efficiency of land uses within a proposed urban growth boundary requires inclusion

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 of lower priority lands in order to include or to provide services to higher priority lands.

2 **SECTION 2. The amendments to ORS 197.298 by section 1 of this 2009 Act apply to any**
3 **of the following processes initiated on or after the effective date of this 2009 Act:**

4 (1) A proposal under ORS 197.610 to 197.625 to amend an acknowledged comprehensive
5 plan or regional framework plan that concerns the urban growth boundary.

6 (2) A periodic review pursuant to ORS 197.628 to 197.650.

7 (3) Any legislative review of the comprehensive plan or regional framework plan that
8 concerns the urban growth boundary.

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