

A-Engrossed
Senate Bill 792

Ordered by the Senate April 28
Including Senate Amendments dated April 28

Sponsored by Senator TELFER, Representative WHISNANT; Senators BOQUIST, FERRIOLI, GEORGE, GIROD, MORSE, OLSEN, STARR, THOMSEN, WHITSETT, Representative CONGER

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.

[Authorizes local governments to enter into cooperative agreements to plan for regional economic development and designate sites that are suitable for development of employment opportunities.]

Authorizes Crook, Deschutes and Jefferson Counties to plan and designate high-value employment sites pursuant to qualifying regional economic opportunity plan.

Directs Department of Land Conservation and Development to amend statewide land use planning goals and rules within one year to enable local governments, when authorized by law, to plan and designate high-value employment sites pursuant to qualifying regional economic opportunity plans.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to planning use of land for development of employment opportunities; and declaring an
3 emergency.

4 Whereas Oregon needs a reliable supply of large-lot, high-value employment sites to attract in-
5 vestment and create jobs for Oregonians and to be competitive for employment projects on a re-
6 gional, national and global scale; and

7 Whereas the need for the sites is of statewide strategic importance and represents an external
8 demand for land to be developed for employment opportunities that is not predictable by reference
9 to the local, coordinated population and employment forecasts but is more directly related to op-
10 portunity, infrastructure funding and regulatory streamlining; and

11 Whereas development on the sites contributes so significantly to the state's economy, job base
12 and ability to provide services that focused regulatory relief is a wise investment; and

13 Whereas cooperative regional economic opportunity plans offer an effective way to identify
14 suitable high-value employment sites and to direct that public investment toward workforce devel-
15 opment and infrastructure; and

16 Whereas methods are needed to plan and prioritize high-value employment sites, provide
17 infrastructure, protect the sites for their intended use and prevent excessive supply; and

18 Whereas informed public participation is necessary at the local level where the benefits and
19 burdens of development have local impacts; and

20 Whereas certain counties and cities in central Oregon are expected to complete a high-value
21 employment land and large-lot industrial needs and strategy planning project as a pilot project by
22 June 2011; and

23 Whereas expansions of urban areas undertaken by local governments in central Oregon to ad-

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 dress buildable urban land needs seldom, if ever, adversely impact high-value, productive agricul-
2 tural lands and farming activities; and

3 Whereas agricultural lands with irrigation water rights typically are not appropriate for inclu-
4 sion within an urban growth boundary or are not eligible or acceptable candidates for comprehen-
5 sive plan and zoning map amendments and redesignation; and

6 Whereas high-value, productive agricultural lands are not at risk as a result of this 2011 Act
7 because lands in central Oregon cannot produce high-value or commercially viable crops without
8 irrigation water rights; and

9 Whereas central Oregon is one of the most economically distressed regions in Oregon; now,
10 therefore,

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

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

13 (a) **“High-value employment site” means a site planned and zoned for development of**
14 **employment opportunities that fills all or part of a demonstrated regional and statewide need**
15 **identified in a qualifying regional economic opportunity plan.**

16 (b) **“Qualifying regional economic opportunity plan” means a component of a compre-**
17 **hensive plan or land use regulations that establishes a process and standards for the desig-**
18 **nation and maintenance of a strategic supply of high-value employment sites.**

19 (2) **A qualifying regional economic opportunity plan must:**

20 (a) **Provide for extensive public outreach.**

21 (b) **Provide for coordination of investments in public facilities and services among the**
22 **participating local governments.**

23 (c) **Provide a mechanism to identify and compare characteristics of high-value employ-**
24 **ment sites.**

25 (d) **Provide for a maximum number of high-value employment sites that can be desig-**
26 **nated for urban development based on a viable infrastructure financing plan.**

27 (e) **Prohibit conversion of the high-value employment sites to another use.**

28 (f) **Include viable regional infrastructure finance planning so that high-value employment**
29 **sites are ready for development of employment opportunities.**

30 (g) **Provide a coordinated mechanism to designate sites and replace designated sites as**
31 **the sites are developed.**

32 (h) **Provide a mechanism to cooperatively set and keep regional priorities when request-**
33 **ing state or federal funding or regulatory relief.**

34 (i) **Prohibit residential and retail development on high-value employment sites, except as**
35 **provided by exceptions identified in the qualifying regional economic opportunity plan.**

36 (3) **A qualifying regional economic opportunity plan may include all or part of the ge-**
37 **ographic area of the participating counties according to the purpose and scope of the quali-**
38 **ifying regional economic opportunity plan.**

39 (4) **High-value employment sites:**

40 (a) **Are deemed to comply with a statewide land use planning goal relating to urbanization**
41 **and the requirements for locally demonstrated need and location criteria, including demon-**
42 **strations of consistency with coordinated 20-year population forecasts under ORS 195.036,**
43 **historic trend-based employment forecasts and land priority, if regional and statewide need**
44 **and location criteria are provided for in the qualifying economic opportunity plan; and**

45 (b) **Must have public facilities and services in place or be supported by a feasible**

1 infrastructure financing plan that is coordinated with the infrastructure financing plans of
2 other local governments that are participants in the qualifying regional economic opportu-
3 nity plan.

4 (5) A high-value employment site is exempt from the access management and mobility
5 standards required by a rule adopted or enforced by the Land Conservation and Development
6 Commission requiring local governments to ensure or assure that a land use allowed under
7 an acknowledged comprehensive plan, functional plan or land use regulation that signif-
8 icantly affects transportation facilities is consistent with the function, capacity or perform-
9 ance standards of the transportation facilities.

10 (6) Local governments in Crook, Deschutes and Jefferson Counties may:

11 (a) Plan and designate high-value employment sites for urban development in a manner
12 and quantity determined by the qualifying regional economic opportunity plan. The local
13 governments must prohibit development of residential or retail uses except as authorized by
14 exemptions identified in the qualifying regional economic opportunity plan.

15 (b) Designate high-value employment sites as urban reserves pursuant to ORS 195.145 as
16 provided for in the qualifying regional economic opportunity plan.

17 (7) The Oregon Business Development Department shall:

18 (a) Encourage, establish or participate in public or private partnerships to move high-
19 value employment sites identified in the qualifying regional economic opportunity plan from
20 the planning phase to infrastructure development and the development of employment op-
21 portunities.

22 (b) Provide assistance to local governments seeking to comply with this subsection, in-
23 cluding, but not limited to, assistance related to strategic supply need, jurisdictional lines,
24 watersheds, transportation corridors, supply chains and proximity to research institutions.

25 **SECTION 2.** (1) The Department of Land Conservation and Development shall adopt
26 changes to the statewide land use planning goals and to rules as necessary to enable the
27 requirements of section 1 of this 2011 Act within one year after the effective date of this 2011
28 Act. The rules must:

29 (a) Provide a reliable and efficient means for a local government to implement a quali-
30 fying regional economic opportunity plan.

31 (b) Provide a reliable and efficient means for a local government to implement the plan
32 policies of a qualifying regional economic opportunity plan.

33 (c) Provide a local government with incentives to implement a qualifying regional eco-
34 nomic opportunity plan, including but not limited to regulatory relief of land use and trans-
35 portation planning requirements.

36 (2) The Department of Land Conservation and Development and the Department of
37 Transportation shall coordinate to adopt changes to the statewide land use planning goal
38 related to transportation planning and to rules implementing the goal as necessary to enable
39 the goal and rules to meet the requirements of section 1 of this 2011 Act within one year
40 after the effective date of this 2011 Act.

41 **SECTION 3.** This 2011 Act being necessary for the immediate preservation of the public
42 peace, health and safety, an emergency is declared to exist, and this 2011 Act takes effect
43 on its passage.