

Senate Bill 925

Sponsored by Senator THOMSEN

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.

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A BILL FOR AN ACT

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

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

SECTION 1. ORS 197.298 is amended to read:

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

(a) First priority is land that is designated urban reserve land under ORS 195.145, rule or metropolitan service district action plan.

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

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

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

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

(3) Land of lower priority under subsection (1) of this section may be included in an urban growth boundary if land of higher priority **under subsection (1) of this section** is found to be inadequate to accommodate the amount of land *[estimated in subsection (1) of this section]* **identified for inclusion under ORS 197.296** for one or more of the following reasons:

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

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

(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 2011 Act apply to any**
3 **of the following processes initiated on or after the effective date of this 2011 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) A legislative review of the comprehensive plan or regional framework plan that con-
8 cerns the urban growth boundary.

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