

# House Bill 2254

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of Governor John A. Kitzhaber, M.D., for Department of Land Conservation and Development)

## 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**.

Creates option for cities with population of less than 10,000 to project need, based on population growth, for inclusion of land within urban growth boundary. Establishes priority for selection of land for inclusion.

Declares emergency, effective on passage.

## A BILL FOR AN ACT

Relating to the urban growth boundary; and declaring an emergency.

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

**SECTION 1. Section 2 of this 2013 Act is added to and made a part of ORS chapter 197.**

**SECTION 2. (1) For purposes of a periodic review pursuant to ORS 197.628 to 197.651 or any other legislative review of a comprehensive plan or the Metro regional framework plan that concerns the urban growth boundary included in the plan and requires the application of a statewide land use planning goal relating to urbanization, a city with a population of less than 10,000 may include land within its urban growth boundary based on the projected population growth of the city, or the population growth over the previous \_\_\_\_\_-year period, and the relationship between the population growth of the city and the rate of urbanization established by rule of the Land Conservation and Development Commission.**

**(2) A city may not increase the amount of land within the urban growth boundary under this section at a rate that exceeds the rate of population growth within the city.**

**(3) When considering land for inclusion within an urban growth boundary pursuant to this section, the city:**

**(a) Shall consider all contiguous land that is within a specified distance, established by rule of the commission, from the urban growth boundary.**

**(b) May exclude land from consideration because:**

**(A) The land does not meet the site characteristics or locational factors required by the particular industrial use for which the urban growth boundary is being expanded;**

**(B) Necessary public facilities or services cannot be provided practically, as practicality is determined by rule of the commission, taking regional factors into account; or**

**(C) The land is subject to significant development hazards, including risk of landslide, risk of flooding, due to a location that is either within the \_\_\_\_\_-year floodplain or subject to inundation during storm surges, and other hazards described by rule of the commission.**

**(4) When considering land for inclusion within an urban growth boundary pursuant to this section:**

**(a) First priority is land that:**

**(A) Is designated as an urban reserve under ORS 195.145, in a metropolitan service dis-**

**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 **trict action plan or by rule of the commission;**

2 **(B) Is planned and zoned for nonresource use; or**

3 **(C) Does not require an exception under ORS 197.732.**

4 **(b) If land under paragraph (a) of this subsection is inadequate to accommodate the**  
5 **amount of land needed, second priority is land in the county that is designated as marginal**  
6 **land pursuant to ORS 197.247 (1991 Edition).**

7 **(c) If land under paragraphs (a) and (b) of this subsection is inadequate to accommodate**  
8 **the amount of land needed, third priority is land designated in an acknowledged comprehen-**  
9 **sive plan for agriculture or forestry, or both.**

10 **(5) If appropriate and available land in a priority identified under subsection (4) of this**  
11 **section exceeds the amount of land needed for inclusion within the urban growth boundary,**  
12 **the city shall choose between land of the same priority based on factors identified by rule**  
13 **of the commission.**

14 **SECTION 3. This 2013 Act being necessary for the immediate preservation of the public**  
15 **peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect**  
16 **on its passage.**

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