

D R A F T

SUMMARY

Allows local government, without taking exception to statewide land use goals, to extend infrastructure that provides water, sewer, utility or transportation services within urban growth boundaries through urban reserves to connect with other infrastructure that provides services within urban growth boundary.

A BILL FOR AN ACT

1
2 Relating to the process for reserving land; 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
6 is maintained:

7 (a) Local governments may cooperatively designate lands outside urban
8 growth boundaries as urban reserves subject to ORS 197.610 to 197.625 and
9 197.626.

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

16 (2)(a) The Land Conservation and Development Commission may require
17 a local government to designate an urban reserve pursuant to subsection
18 (1)(a) of this section during its periodic review in accordance with the con-
19 ditions for periodic review under ORS 197.628.

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 (b) Notwithstanding paragraph (a) of this subsection, the commission may
2 require a local government to designate an urban reserve pursuant to sub-
3 section (1)(a) of this section outside of its periodic review if:

4 (A) The local government is located inside a Primary Metropolitan Sta-
5 tistical Area or a Metropolitan Statistical Area as designated by the Federal
6 Census Bureau upon November 4, 1993; and

7 (B) The local government has been required to designate an urban reserve
8 by rule prior to November 4, 1993.

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

10 (a) Within an urban reserve, neither the commission nor any local gov-
11 ernment shall prohibit the siting on a legal parcel of a single family dwelling
12 that would otherwise have been allowed under law existing prior to desig-
13 nation as an urban reserve.

14 (b) The commission shall provide to local governments a list of options,
15 rather than prescribing a single planning technique, to ensure the efficient
16 transition from rural to urban use in urban reserves.

17 (4) Urban reserves designated by a metropolitan service district and a
18 county pursuant to subsection (1)(b) of this section must be planned to ac-
19 commodate population and employment growth for at least 20 years, and not
20 more than 30 years, after the 20-year period for which the district has dem-
21 onstrated a buildable land supply in the most recent inventory, determi-
22 nation and analysis performed under ORS 197.296.

23 (5) A district and a county shall base the designation of urban reserves
24 under subsection (1)(b) of this section upon consideration of factors includ-
25 ing, but not limited to, whether land proposed for designation as urban re-
26 serves, alone or in conjunction with land inside the urban growth boundary:

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

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

31 (c) Can be served by public schools and other urban-level public facilities

1 and services efficiently and cost-effectively by appropriate and financially
2 capable service providers;

3 (d) Can be designed to be walkable and served by a well-connected system
4 of streets by appropriate service providers;

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

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

8 (6) A [county] **local government** may take an exception under ORS
9 197.732 to a statewide land use planning goal to allow the establishment of
10 a transportation facility in an area designated as urban reserve under sub-
11 section (1)(b) of this section.

12 **(7) For the purpose of efficient service delivery to areas within an**
13 **urban growth boundary, a local government may, without taking an**
14 **exception under ORS 197.732, extend water, sewer, utility or transpor-**
15 **tation infrastructure through an urban reserve solely to connect**
16 **infrastructure that provides water, sewer, utility or transportation**
17 **services within an urban growth boundary to other infrastructure that**
18 **provides the services within another portion of the urban growth**
19 **boundary.**

20 [(7)] (8) The commission shall adopt by goal or by rule a process and
21 criteria for designating urban reserves pursuant to subsection (1)(b) of this
22 section.

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