

House Bill 3313

Sponsored by Representative PARRISH

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**.

Designates certain land in Clackamas County as acknowledged urban reserve.
Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to land reserve boundaries in Clackamas County; and declaring an emergency.

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

4 **SECTION 1. (1) The Legislative Assembly finds and declares that:**

5 **(a) In 2010, under the coordinated process established in ORS 195.137 to 195.145:**

6 **(A) Metro adopted amendments to its regional framework plan and functional plans to**
7 **designate urban reserves; and**

8 **(B) Clackamas, Multnomah and Washington Counties each adopted amendments to its**
9 **comprehensive plan to designate rural reserves.**

10 **(b) In the process of considering land for potential reserve designation, Clackamas**
11 **County reviewed land, more particularly described as follows: From a point of beginning at**
12 **the intersection of the western right of way of Interstate 5 and the northern right of way**
13 **of Southwest Miley Road, thence easterly along the northern right of way of Miley Road to**
14 **a point of intersection with the eastern right of way of Airport Road Northeast; thence**
15 **southerly along the eastern right of way of Airport Road Northeast to the southern right**
16 **of way of Arndt Road Northeast; thence westerly along the southern right of way of Arndt**
17 **Road Northeast to the intersection with the western right of way of Interstate 5; thence**
18 **northerly along the western right of way of Interstate 5 to the point of beginning.**

19 **(c) Though Clackamas County found criteria upon which land described in paragraph (b)**
20 **of this subsection might be designated urban reserve:**

21 **(A) Clackamas County designated the land rural reserve; and**

22 **(B) The designation has been appealed.**

23 **(d) In a 2003 report, the Industrial Lands Advisory Committee, a committee convened by**
24 **the Oregon Economic and Community Development Commission pursuant to sections 25 to**
25 **29, chapter 800, Oregon Laws 2003, identified the land described in paragraph (b) of this**
26 **subsection as potentially strategic for job creation because:**

27 **(A) The area is contiguous to the urban growth boundary of Metro to the north, the**
28 **Aurora State Airport to the south and Interstate 5 to the west; and**

29 **(B) The area is bisected by Oregon Route 551, which connects directly to Interstate 5.**

30 **(e) The Port of Portland testified, during the process of considering land for potential**
31 **reserve designation, that land described in paragraph (b) of this subsection could provide the**

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 best potential for industrial use of the land that was considered for potential reserve design-
2 nation in Clackamas County because of its access to Interstate 5, proximity to markets in
3 Portland and Salem and its relatively flat topography.

4 (f) The Clackamas County Business Alliance testified, during the process of considering
5 land for potential reserve designation, that land described in paragraph (b) of this subsection
6 is appropriate for designation as urban reserve because of its proximity to transportation
7 facilities, including the Aurora State Airport and main and short line railways, and the ab-
8 sence of significant natural resources or ecological systems.

9 (g) The designation of land as rural reserve pursuant to ORS 195.137 to 195.145:

10 (A) Prevents a local government from redesignating the land as urban reserve for 50
11 years; and

12 (B) With respect to land described in paragraph (b) of this subsection, deprives the region
13 and state of a significant macroeconomic benefit to be achieved by development of the land
14 for its highest and best use.

15 (h) The designation of land described in paragraph (b) of this subsection as urban reserve
16 will allow future elected officials flexibility to include the land within the urban growth
17 boundary of Metro and to authorize urban development to serve regional and state employ-
18 ment needs.

19 (i) The public interest is served by giving finality to the land use planning decisions re-
20 lated to the designation of land reserves and facilitating economic investment and job cre-
21 ation on the land described in paragraph (b) of this subsection.

22 (2) For purposes of land use planning in Oregon, the Legislative Assembly designates the
23 land described in subsection (1)(b) of this section as acknowledged urban reserve.

24 **SECTION 2.** The legislative designation of a land reserve in section 1 (2) of this 2015 Act:

25 (1) Resolves issues arising from a long and successful negotiation of land use choices in
26 the metropolitan area.

27 (2) Eliminates the necessity for judicial review regarding the process followed in the
28 adoption of urban reserves and rural reserves under ORS 195.137 to 195.145, including minor
29 deviations, if any, from state law, statewide land use planning goals, charters and ordinances.

30 (3) Does not relieve any local government or special district from complying with, or
31 meeting its obligations to conduct, land use planning under, ORS chapters 195, 196 and 197,
32 ORS 197A.300 to 197A.325 and the statewide land use planning goals.

33 (4) Does not alter the legal obligation of any local government or special district regard-
34 ing the designation of urban reserves or rural reserves as authorized by ORS 195.137 to
35 195.145.

36 **SECTION 3.** Sections 1 and 2 of this 2015 Act are added to and made a part of ORS 195.137
37 to 195.145.

38 **SECTION 4.** This 2015 Act being necessary for the immediate preservation of the public
39 peace, health and safety, an emergency is declared to exist, and this 2015 Act takes effect
40 on its passage.