

House Bill 2832

Sponsored by Representative SOLLMAN (Pre-session filed.)

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**.

Requires Washington County to approve property owner's petition for redesignation of rural reserves under certain circumstances.

A BILL FOR AN ACT

1
2 Relating to redesignation of rural reserves properties; creating new provisions; and amending ORS
3 195.141 and 195.143.

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

5 **SECTION 1. Section 2 of this 2021 Act is added to and made a part of ORS 195.137 to**
6 **195.145.**

7 **SECTION 2. (1) Notwithstanding ORS 195.144, Washington County shall approve a prop-**
8 **erty owner's petition under the procedures for a permit under ORS 215.402 to 215.438 to**
9 **withdraw the property from the designation as rural reserves and to redesignate the prop-**
10 **erty as it was originally designated in Metro Resolution No. 11-4245, adopted on March 15,**
11 **2011, if the property owner demonstrates at a hearing that:**

12 (a) **The property consists of property zoned for farm or forest purposes;**

13 (b) **The property encompasses a single and entire tract, as defined in ORS 215.010;**

14 (c) **The property is not larger than 50 acres; and**

15 (d) **Within not more than one mile outward perpendicularly from the border of the**
16 **property in every direction is contained:**

17 (A) **An urban growth boundary;**

18 (B) **An industrial renewal area or major industrial area as designated by the local gov-**
19 **ernment with land use planning authority; or**

20 (C) **A highway, as defined in ORS 801.305, with a speed limit, or designated speed posted**
21 **by authority granted under ORS 810.180, of 45 miles per hour or greater.**

22 (2) **Washington County shall provide notice to the metropolitan service district of:**

23 (a) **A hearing under this section no fewer than 15 days before the hearing; and**

24 (b) **Approval of a petition for withdrawal under this section.**

25 (3) **Washington County shall submit for review and the Land Conservation and Develop-**
26 **ment Commission shall review a withdrawal of designation under this section in the manner**
27 **provided under ORS 197.626.**

28 **SECTION 3. ORS 195.141 is amended to read:**

29 195.141. (1) A county and a metropolitan service district established under ORS chapter 268 may
30 enter into an intergovernmental agreement pursuant to ORS 190.003 to 190.130, 195.025 or 197.652
31 to 197.658 to designate rural reserves pursuant to this section and urban reserves pursuant to ORS

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.

1 195.145 (1)(b).

2 (2) Land designated as a rural reserve:

3 (a) Must be outside an urban growth boundary.

4 (b) May not be designated as an urban reserve during the urban reserve planning period de-
5 scribed in ORS 195.145 (4).

6 (c) May not be included within an urban growth boundary during the period of time described
7 in paragraph (b) of this subsection.

8 (3) When designating a rural reserve under this section to provide long-term protection to the
9 agricultural industry, a county and a metropolitan service district shall base the designation on
10 consideration of factors including, but not limited to, whether land proposed for designation as a
11 rural reserve:

12 (a) Is situated in an area that is otherwise potentially subject to urbanization during the period
13 described in subsection (2)(b) of this section, as indicated by proximity to the urban growth boundary
14 and to properties with fair market values that significantly exceed agricultural values;

15 (b) Is capable of sustaining long-term agricultural operations;

16 (c) Has suitable soils and available water where needed to sustain long-term agricultural oper-
17 ations; and

18 (d) Is suitable to sustain long-term agricultural operations, taking into account:

19 (A) The existence of a large block of agricultural or other resource land with a concentration
20 or cluster of farms;

21 (B) The adjacent land use pattern, including its location in relation to adjacent nonfarm uses
22 and the existence of buffers between agricultural operations and nonfarm uses;

23 (C) The agricultural land use pattern, including parcelization, tenure and ownership patterns;
24 and

25 (D) The sufficiency of agricultural infrastructure in the area.

26 (4) The Land Conservation and Development Commission shall, after consultation with the State
27 Department of Agriculture, adopt by goal or by rule a process and criteria for designating [*rural*
28 *reserves pursuant to this section*] **or redesignating rural reserves under this section or section**
29 **2 of this 2021 Act.**

30 **SECTION 4.** ORS 195.143 is amended to read:

31 195.143. (1) A county and a metropolitan service district must consider simultaneously the des-
32 ignation and establishment of:

33 (a) Rural reserves pursuant to ORS 195.141; and

34 (b) Urban reserves pursuant to ORS 195.145 (1)(b).

35 (2) An agreement between a county and a metropolitan service district to establish rural re-
36 serves pursuant to ORS 195.141 and urban reserves pursuant to ORS 195.145 (1)(b) must provide for
37 a coordinated and concurrent process for adoption by the county of comprehensive plan provisions
38 and by the district of regional framework plan provisions to implement the agreement. A district
39 may not designate urban reserves pursuant to ORS 195.145 (1)(b) in a county until the county and
40 the district have entered into an agreement pursuant to ORS 195.145 (1)(b) that identifies the land
41 to be designated by the district in the district's regional framework plan as urban reserves. A county
42 may not designate rural reserves pursuant to ORS 195.141 until the county and the district have
43 entered into an agreement pursuant to ORS 195.141 that identifies the land to be designated as rural
44 reserves by the county in the county's comprehensive plan.

45 (3) A county and a metropolitan service district may not enter into an intergovernmental

1 agreement to designate urban reserves in the county pursuant to ORS 195.145 (1)(b) unless the
2 county and the district also agree to designate rural reserves in the county.

3 (4) **A change in the** designation and protection of rural reserves pursuant to ORS 195.141 **or**
4 **section 2 of this 2021 Act** or urban reserves pursuant to ORS 195.145 (1)(b):

5 (a) Is not a basis for a claim for compensation under ORS 195.305 unless the **change in the**
6 designation and protection of rural reserves or urban reserves imposes a new restriction on the use
7 of private real property.

8 (b) Does not impair the rights and immunities provided under ORS 30.930 to 30.947.
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