

# House Bill 2339

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## 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 metropolitan service district, when including land within urban growth boundary, to use at least 50 percent of land designated urban reserve before using land of lower priority than urban reserve land.

## A BILL FOR AN ACT

1  
2 Relating to designation of land for planning purposes; amending ORS 197.298.

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

4 **SECTION 1.** ORS 197.298 is amended to read:

5 197.298. (1) In addition to any requirements established by rule addressing urbanization, land  
6 may not be included within an urban growth boundary except under the following priorities:

7 (a) First priority is land that is designated urban reserve land under ORS 195.145, rule or met-  
8 ropolitan service district action plan.

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

14 (c) If land under paragraphs (a) and (b) of this subsection is inadequate to accommodate the  
15 amount of land needed, third priority is land designated as marginal land pursuant to ORS 197.247  
16 (1991 Edition).

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

20 (2) Higher priority shall be given to land of lower capability as measured by the capability  
21 classification system or by cubic foot site class, whichever is appropriate for the current use.

22 (3) **Subject to subsection (4) of this section**, land of lower priority under subsection (1) of this  
23 section may be included in an urban growth boundary if land of higher priority is found to be in-  
24 adequate to accommodate the amount of land [*estimated in subsection (1) of this section*] **needed** for  
25 one or more of the following reasons:

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

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

30 (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 **(4) When a metropolitan service district includes land within the urban growth boundary**  
3 **of the district pursuant to this section, the district shall include at least 50 percent of the**  
4 **land designated by the district as urban reserve and described in subsection (1)(a) of this**  
5 **section before the district may include in the urban growth boundary any land of lower pri-**  
6 **ority under subsection (1) of this section.**

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