

B-Engrossed
House Bill 2614

Ordered by the Senate August 5
Including House Amendments dated May 21 and Senate Amendments
dated August 5

Sponsored by Representative KRUSE, Senator METSGER

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.

[Requires City of Woodburn to include specified land within urban growth boundary for industrial uses.]

Authorizes industrial development in buildings of any size and type on certain lands outside Willamette Valley and outside of urban growth boundaries of cities. Requires county to consider concerns of city in specified circumstances and conditions that may mitigate concerns of city.

Sunsets provisions on January 2, 2006.

A BILL FOR AN ACT

1
2 Relating to buildable land supply; creating new provisions; and amending section 2, chapter 252,
3 Oregon Laws 2003 (Enrolled House Bill 2691).

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

5 **SECTION 1. (1) Notwithstanding statewide land use planning goals relating to**
6 **urbanization or to public facilities and services, a county or its designee may authorize:**

7 **(a) Industrial development, including accessory uses subordinate to the industrial devel-**
8 **opment, in buildings of any size and type, subject to the permit approval process described**
9 **in ORS 215.402 to 215.438 and to applicable building codes, in an area planned and zoned for**
10 **industrial use on the effective date of this 2003 Act, subject to the territorial limits described**
11 **in subsections (2) and (3) of this section.**

12 **(b) On-site sewer facilities to serve the industrial development authorized under this**
13 **section, including accessory uses subordinate to the industrial development.**

14 **(2) Subject to subsection (3) of this section, a county or its designee may consider the**
15 **following land for industrial development under this section:**

16 **(a) Land more than three miles outside the urban growth boundary of every city with a**
17 **population of 15,000 individuals or more; and**

18 **(b) Land outside the urban growth boundary of every city with a population of fewer than**
19 **15,000 individuals.**

20 **(3) A county or its designee may not authorize industrial development under this section**
21 **on land within the Willamette Valley as defined in ORS 215.010.**

22 **(4) A county or its designee may not authorize under this section retail, commercial or**
23 **residential development in the area zoned for industrial use.**

24 **SECTION 2. (1) Notwithstanding the authority granted in section 1 of this 2003 Act to**
25 **allow industrial development, including accessory uses subordinate to the industrial devel-**

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 **opment, in areas zoned for industrial use, when a county or its designee considers action**
2 **under section 1 (1) of this 2003 Act for land within 10 miles of the urban growth boundary**
3 **of a city, the county or its designee shall give notice to the city at least 21 days prior to**
4 **taking action.**

5 **(2) If the city objects to the authorization of industrial development under section 1 of**
6 **this 2003 Act, the city and county shall negotiate to establish conditions on the industrial**
7 **development or changes in the development necessary to mitigate concerns raised by the**
8 **city's objection.**

9 **SECTION 3.** Section 2, chapter 252, Oregon Laws 2003 (Enrolled House Bill 2691), is amended
10 to read:

11 **Sec. 2.** (1) As used in this section, "abandoned or diminished mill site" means a mill, plant or
12 other facility engaged in the processing or manufacturing of wood products, including sawmills and
13 facilities for the production of plywood, veneer, hardboard, panel products, pulp and paper, that:

14 (a) Is located outside of urban growth boundaries;

15 (b) Was closed after January 1, 1980, or has been operating at less than 25 percent of capacity
16 since January 1, 2003; and

17 (c) Contains or contained permanent buildings used in the production or manufacturing of wood
18 products.

19 (2) Notwithstanding [*ORS 197.732 or any goals adopted under ORS 197.225 for the protection of*]
20 **statewide land use planning goals protecting** agricultural lands or forestlands **or administrative**
21 **rules implementing those goals**, the governing body of a county may amend the county's compre-
22 hensive plan and land use regulations to allow an abandoned or diminished mill site to be zoned for
23 industrial use.

24 (3) Notwithstanding [*ORS 197.732 or any goals adopted under ORS 197.225*] **a statewide land**
25 **use planning goal** relating to urbanization **or administrative rules implementing that goal**, the
26 governing body of a county may amend the county's comprehensive plan and land use regulations
27 to allow an abandoned or diminished mill site to be zoned for any level of industrial use.

28 (4) Notwithstanding [*ORS 197.732 or any goals adopted under ORS 197.225*] **a statewide land**
29 **use planning goal** relating to public facilities and services **or administrative rules implementing**
30 **that goal**, the governing body of a county or its designee may approve:

31 (a) The extension of sewer facilities to lands that on [*the effective date of this 2003 Act*] **June**
32 **10, 2003**, are zoned for industrial use and that contain an abandoned or diminished mill site. The
33 sewer facilities may serve only industrial uses authorized for the mill site and contiguous lands
34 zoned for industrial use.

35 (b) The extension of sewer facilities to an abandoned or diminished mill site that is rezoned for
36 industrial use under this section only as necessary to serve industrial uses authorized for the mill
37 site.

38 (c) The establishment of on-site sewer facilities to serve an area that on [*the effective date of this*
39 *2003 Act*] **June 10, 2003**, is zoned for industrial use and that contains an abandoned or diminished
40 mill site or to serve an abandoned or diminished mill site that is rezoned for industrial use under
41 this section. The sewer facilities may serve only industrial uses authorized for the mill site and
42 contiguous lands zoned for industrial use.

43 (5)(a) A local government, as defined in ORS 174.116, may not authorize a connection to any
44 portion of a sewer facility located between an urban growth boundary or the boundary of an
45 unincorporated community and the boundary of the mill site or the industrial zone containing the

1 mill site, except as provided **under a statewide land use planning goal relating to public facili-**
2 **ties and services** or under ORS 197.732 [*and any goals adopted under ORS 197.225 relating to public*
3 *facilities and services*].

4 (b) Sewer facilities approved under subsection (4) of this section shall be limited in size to meet
5 the needs of authorized industrial uses and may not provide service to retail, commercial or resi-
6 dential development, except as provided under [*any goals adopted under ORS 197.225*] **a statewide**
7 **land use planning goal** relating to public facilities and services[, *unless all appropriate exceptions*
8 *are approved*] **or** under ORS 197.732. The presence of the sewer facilities may not be used to justify
9 an exception to [*any goals adopted to protect*] **statewide land use planning goals protecting** agri-
10 cultural lands [*and*] **or** forestlands or relating to urbanization.

11 (6)(a) The governing body of a county or its designee shall determine the boundary of an aban-
12 doned or diminished mill site. For an abandoned or diminished mill site that is rezoned for indus-
13 trial use under this section, land within the boundary of the mill site may include only those areas
14 that were improved for the processing or manufacturing of wood products.

15 (b) For an abandoned or diminished mill site subject to subsection (2), (3) or (4) of this section,
16 the governing body of a city or county or its designee may approve a permit, as defined in ORS
17 215.402 or 227.160, only for industrial development and accessory uses subordinate to such develop-
18 ment on the mill site. The governing body or its designee may not approve a permit for retail,
19 commercial or residential development on the mill site.

20 (7) For land that on [*the effective date of this 2003 Act*] **June 10, 2003**, is zoned under [*a goal*
21 *adopted under ORS 197.225 for the protection of*] **statewide land use planning goals protecting**
22 agricultural lands or forestlands and that is rezoned for industrial use under subsections (2) and (3)
23 of this section, the governing body of the county or its designee may not later rezone the land for
24 retail, commercial or other nonresource use [*unless all appropriate exceptions under ORS 197.732*
25 *have been approved*], **except as provided under the statewide land use planning goals or under**
26 **ORS 197.732.**

27 **SECTION 4. (1) Sections 1 and 2 of this 2003 Act are repealed January 2, 2006.**

28 **(2) Notwithstanding the repeal of sections 1 and 2 of this 2003 Act by this section, for an**
29 **application that is timely submitted and is complete either when first submitted or within**
30 **the time allowed for submission of requested additional material under ORS 215.427 (3), the**
31 **applicant may extend the period for the governing body of the county or its designee to take**
32 **final action on an application for a permit under sections 1 and 2 of this 2003 Act, but may**
33 **not extend the period beyond January 2, 2007.**

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