

Enrolled Senate Bill 2

Sponsored by Senators COURTNEY, BENTZ, HANSELL; Senator HEARD, Representatives BARRETO, BONHAM, HAYDEN, MCLANE, RESCHKE, SMITH DB, ZIKA (Presession filed.)

CHAPTER

AN ACT

Relating to employment opportunities in eastern Oregon; creating new provisions; and amending ORS 197.714.

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

SECTION 1. Section 2 of this 2019 Act is added to and made a part of ORS chapter 197.

SECTION 2. (1) As used in this section:

(a) “Economic opportunity analysis” means an analysis performed by a county that:

(A) Identifies the major categories of industrial uses or other employment uses that could reasonably be expected to expand or locate in the county based on a review of trends on a national, state, regional or county level;

(B) Identifies the number of sites by type reasonably expected to be needed to accommodate the expected employment growth based on the site characteristics typical of expected uses;

(C) Estimates the types and amounts of industrial uses and other employment uses likely to occur in the county based on subparagraphs (A) and (B) of this paragraph and considering the county’s economic advantages and disadvantages, including:

- (i) Location, size and buying power of markets;
- (ii) Availability of transportation facilities for access and freight mobility;
- (iii) Public facilities and public services;
- (iv) Labor market factors;
- (v) Access to suppliers and utilities;
- (vi) Necessary support services;
- (vii) Limits on development due to federal and state environmental protection laws; and
- (viii) Educational and technical training programs;

(D) Assesses community economic development potential through a public process in conjunction with state agencies and consistent with any categories or particular types of industrial uses and other employment uses desired by the community as identified in an existing comprehensive plan;

(E) Examines existing firms in the county to identify the types of sites that may require expansion;

(F) Includes an inventory of vacant and developed lands within the county designated for industrial use or other employment use, including:

- (i) The description, including site characteristics, of vacant or developed sites within each plan or zoning district; and

(ii) A description of any development constraints or infrastructure needs that affect the buildable area of sites in the inventory; and

(G) Identifies additional potential sites for designation and rezoning that could reasonably accommodate expected industrial uses and other employment uses that cannot be met by existing inventories.

(b) "Industrial use" means industrial employment activities, including manufacturing, assembly, fabrication, processing, storage, logistics, warehousing, importation, distribution and transshipment and research and development.

(c) "Listed county" means Baker, Gilliam, Grant, Harney, Lake, Malheur, Sherman, Union, Wallowa or Wheeler County.

(d) "Other employment use" means all nonindustrial employment activities, including small scale commercial use, wholesale, service, nonprofit, business headquarters, administrative, governmental or employment activities that serve the medical, educational, social service, recreational or security industries and that occupy retail, office or flexible building types of any size or multibuilding campuses.

(e) "Reasonably be expected to expand or locate in the county" means that the county possesses the appropriate locational factors for the use or category of use.

(f)(A) "Small scale commercial use" means the low-impact use of land primarily for the retail sale of products or services, including offices.

(B) "Small scale commercial use" does not include use of land for factories, warehouses, freight terminals or wholesale distribution centers.

(2) A listed county that has adopted an economic opportunity analysis as part of its comprehensive plan may amend its comprehensive plan, land use regulations and zoning map to designate not more than 10 sites outside an urban growth boundary that cumulatively total not more than 50 acres of land if the sites were identified in any economic opportunity analysis as additional potential sites for industrial uses or other employment uses in order to allow for industrial uses and other employment uses without requiring an exception under ORS 197.732 to any statewide land use planning goals related to:

(a) Agriculture;

(b) Forest use; or

(c) Urbanization.

(3) A county may not designate a site under subsection (2) of this section:

(a) On any lands designated as high-value farmland as defined in ORS 195.300;

(b) Unless the county complies with ORS 197.714; and

(c) If any portion of the proposed site is for lands designated for forest use, unless the county:

(A) Notifies the State Forester in writing not less than 21 days before designating the site; and

(B) Cooperates with the State Forester in:

(i) Updating and classifying forestland-urban interface lands in and around the site;

(ii) Taking necessary steps to implement or update the forestland-urban interface fire protection system in and around the site as described in ORS 477.015 to 477.061; and

(iii) Implementing other fire protection measures authorized by the State Forester.

(4) A county may not amend its comprehensive plan, land use regulations or zoning map under this section to allow a use that would conflict with an administrative rule adopted for the purpose of implementing the Oregon Sage-Grouse Action Plan and Executive Order 15-18.

SECTION 3. ORS 197.714 is amended to read:

197.714. (1) Notwithstanding the authority granted in ORS 197.713 and section 2 of this 2019 Act to allow industrial or other employment use development, [including accessory uses subordinate to the industrial development, in areas zoned for industrial use,] when a county or its designee considers action under ORS 197.713 [(1)] or section 2 of this 2019 Act for land within 10 miles of

the urban growth boundary of a city, the county or its designee shall give notice to the city at least 21 days prior to taking action.

(2) If the city objects to the authorization of industrial **or other employment use** development under ORS 197.713 **or section 2 of this 2019 Act**, the city and county shall negotiate to establish conditions on the industrial **or other employment use designation**, development or changes in the development necessary to mitigate concerns raised by the city's objection.

Passed by Senate February 21, 2019

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Lori L. Brocker, Secretary of Senate

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Peter Courtney, President of Senate

Passed by House May 17, 2019

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Tina Kotek, Speaker of House

Received by Governor:

.....M.,....., 2019

Approved:

.....M.,....., 2019

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Kate Brown, Governor

Filed in Office of Secretary of State:

.....M.,....., 2019

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Bev Clarno, Secretary of State