

# House Bill 3758

Sponsored by Representative EDWARDS

## 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**. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: This Act lets a city add lands to its UGB to make up for unbuildable lands in the city's inventory of buildable lands. (Flesch Readability Score: 62.1).

Allows a city to expand its urban growth boundary in proportion to the unbuildable lands within the city's buildable lands inventory.

## A BILL FOR AN ACT

1  
2 Relating to urban growth boundary expansion; creating new provisions; and amending ORS 197A.285.

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

4 **SECTION 1. Section 2 of this 2025 Act is added to and made a part of ORS chapter 197A.**

5 **SECTION 2. (1) If a city outside of Metro determines that one or more acres of lands**  
6 **within an inventory of buildable lands no longer meet the definition of buildable lands, the**  
7 **city may add a roughly equal number of acres to its urban growth boundary.**

8 **(2) An addition of lands to an urban growth boundary under this section:**

9 **(a) Is subject to the process provided in ORS 197A.285;**

10 **(b) Is a land use decision;**

11 **(c) Is not subject to review by the Land Conservation and Development Commission un-**  
12 **der ORS 197.626; and**

13 **(d) May only be made after a city inventories its buildable lands and at least two years**  
14 **prior to the date that the city is next required to complete the inventory under ORS**  
15 **197A.270, 197A.280 or 197A.335.**

16 **(3) The right to add lands to an urban growth boundary under this section is in addition**  
17 **to any other right to add lands to an urban growth boundary or to exchange lands within**  
18 **an urban growth boundary for lands outside of an urban growth boundary.**

19 **SECTION 3. ORS 197A.285 is amended to read:**

20 197A.285. (1) A city outside Metro shall comply with this section when determining which lands  
21 to include within the urban growth boundary of the city, including when amending an urban growth  
22 boundary under ORS 197A.270 (5)(a), 197A.310 or 197A.312 **or section 2 of this 2025 Act.**

23 **(2) The Land Conservation and Development Commission shall provide, by rule, that:**

24 **(a) When evaluating lands for inclusion within the urban growth boundary, the city shall es-**  
25 **tablish a study area that includes all land that is contiguous to the urban growth boundary and**  
26 **within a distance specified by commission.**

27 **(b) The city shall evaluate all land in the study area for inclusion in the urban growth boundary**  
28 **as provided in subsection (4) of this section, except for land excluded from the study area because:**

29 **(A) It is impracticable, as provided in subsection (3) of this section, to provide necessary public**  
30 **facilities or services to the land.**

**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 (B) The land is subject to significant development hazards, including a risk of land slides, a risk  
 2 of flooding because the land is within the 100-year floodplain or is subject to inundation during  
 3 storm surges or tsunamis, and other risks determined by the commission.

4 (C) The long-term preservation of significant scenic, natural, cultural or recreational resources  
 5 requires limiting or prohibiting urban development of the land that contains the resources.

6 (D) The land is owned by the federal government and managed primarily for rural uses.

7 (E) The land is designated as rural reserve under ORS 197A.230 to 197A.250.

8 (c) When evaluating the priority of land for inclusion under paragraph (b) of this subsection:

9 (A) The city shall evaluate the land within the study area that is designated as an urban reserve  
 10 under ORS 197A.245 in an acknowledged comprehensive plan.

11 (B) If the amount of land appropriate for selection under subparagraph (A) of this paragraph is  
 12 not sufficient to satisfy the need for the land, the city shall evaluate the land that is subject to an  
 13 acknowledged exception under ORS 197.732 or land that is nonresource land and select as much of  
 14 the land as necessary to satisfy the need for land using criteria established by the commission and  
 15 criteria in an acknowledged comprehensive plan and land use regulations.

16 (C) If the amount of land appropriate for selection under subparagraphs (A) and (B) of this  
 17 paragraph is not sufficient to satisfy the need for land, the city shall evaluate the land within the  
 18 study area that is designated as marginal land under ORS 197.247 (1991 Edition) in the acknowl-  
 19 edged comprehensive plan and select as much of the land as necessary to satisfy the need for land  
 20 using criteria established by the commission and criteria in an acknowledged comprehensive plan  
 21 and land use regulations.

22 (D) If the amount of land appropriate for selection under subparagraphs (A) to (C) of this para-  
 23 graph is not sufficient to satisfy the amount of land needed, the city shall evaluate land within the  
 24 study area that is designated for agriculture or forest uses in the acknowledged comprehensive plan  
 25 that is not predominantly high-value farmland, as defined in ORS 195.300, or does not consist pre-  
 26 dominantly of prime or unique soils, as determined by the United States Department of Agriculture  
 27 Natural Resources Conservation Service, and select as much of that land as necessary to satisfy the  
 28 need for land:

29 (i) Using criteria established by the commission and criteria in an acknowledged comprehensive  
 30 plan and land use regulations; and

31 (ii) Using the predominant capability classification system or the predominant cubic site class,  
 32 as appropriate for the acknowledged comprehensive plan designation, to select lower capability or  
 33 cubic site class lands first.

34 (E) If the amount of land appropriate for selection under subparagraphs (A) to (D) of this para-  
 35 graph is not sufficient to satisfy the need for land, the city shall evaluate land within the study area  
 36 that is designated as agricultural land in an acknowledged comprehensive plan and is predominantly  
 37 high value farmland and select as much of that land as necessary to satisfy the need for land. A  
 38 local government may not select land that is predominantly made up of prime or unique farm soils,  
 39 as defined by the United States Department of Agriculture Natural Resources Conservation Service,  
 40 unless there is an insufficient amount of other land to satisfy its land need.

41 (3) For purposes of subsection (2)(b)(A) of this section, the commission shall determine  
 42 impracticability by rule, considering the likely amount of development that could occur on the lands  
 43 within the planning period, the likely cost of facilities and services, physical, topographical or other  
 44 impediments to service provision and whether urban development has occurred on similarly situated  
 45 lands such that it is likely that the lands will be developed at an urban level during the planning

1 period. When impracticability is primarily a result of existing development patterns, the rules of the  
 2 commission shall require that the lands be included within the study area, but may allow the de-  
 3 velopment capacity forecast for the lands to be specified at a lower level over the planning period.  
 4 The rules of the commission must be based on an evaluation of how similarly situated lands have,  
 5 or have not, developed over time.

6 (4) For purposes of subsection (2)(b)(C) of this section, the commission by rule shall determine  
 7 the circumstances in which and the resources to which this exclusion will apply.

8 (5) Notwithstanding subsection (2)(c)(E) of this section, the rules must allow land that would  
 9 otherwise be excluded from an urban growth boundary to be included if:

10 (a) The land contains a small amount of resource land that is not important to the commercial  
 11 agricultural enterprise in the area and the land must be included to connect a nearby and signif-  
 12 icantly larger area of land of higher priority for inclusion within the urban growth boundary; or

13 (b) The land contains a small amount of resource land that is not predominantly high-value  
 14 farmland or predominantly made up of prime or unique farm soils and the land is completely sur-  
 15 rounded by land of higher priority for inclusion into the urban growth boundary.

16 (6) When the primary purpose for expansion of the urban growth boundary is to accommodate  
 17 a particular industry use that requires specific site characteristics, or to accommodate a public fa-  
 18 cility that requires specific site characteristics and the site characteristics may be found in only a  
 19 small number of locations, the city may limit the study area to land that has, or could be improved  
 20 to provide, the required site characteristics. Lands included within an urban growth boundary for  
 21 a particular industrial use, or a particular public facility, must remain planned and zoned for the  
 22 intended use:

23 (a) Except as allowed by rule of the commission that is based on a significant change in cir-  
 24 cumstance or the passage of time; or

25 (b) Unless the city removes the land from within the urban growth boundary.

26 (7) Notwithstanding any other provision of this section, the commission may adopt rules that  
 27 specify circumstances under which a city may exchange land within the urban growth boundary of  
 28 the city for land that is outside of the urban growth boundary and that is designed to avoid adverse  
 29 effects of an exchange on agricultural or forest operations in the surrounding area.

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