

House Bill 4092

Sponsored by Representative BENTZ; Representatives CAMERON, CONGER, DAVIS, ESQUIVEL, HUFFMAN, JENSON, JOHNSON, KENNEMER, KRIEGER, OLSON, PARRISH, RICHARDSON, SPRENGER, THOMPSON, WEIDNER, WHISNANT, WHITSETT, Senators HANSELL, WHITSETT (Presession 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**.

Authorizes governing body of Malheur County, under specified circumstances, to plan and zone site for industrial use, in addition to and not in lieu of other authority to plan and zone for industrial use.

A BILL FOR AN ACT

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Relating to industrial use of land in Malheur County.

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

SECTION 1. (1) On or before December 31, 2020, if the governing body of Malheur County determines, after reviewing data from the latest federal decennial census and the United States Census Bureau's American Community Survey, that 20 percent or more of the residents of the county had income during the preceding 12 months that was below the poverty level, the county may accept an application to plan and zone a site located outside of an acknowledged urban growth boundary in the county for industrial use:

(a) In addition to and not in lieu of other lawful opportunities to plan and zone land in the county for industrial use; and

(b) Notwithstanding provisions of a statewide land use planning goal related to:

(A) Urbanization that requires demonstrated need to accommodate the long-range urban population forecasted or demonstrated need for employment opportunities; and

(B) Public facilities and services.

(2) The governing body of Malheur County may approve an application under this section if the governing body determines that:

(a) The applicant has committed to provide at least 50 new permanent jobs;

(b) Water, sanitary sewer service and electricity are available to serve the proposed industrial use; and

(c) Taking into consideration the recommendations of the Oregon Business Development Department and the Department of Land Conservation and Development, there is not an adequate, available site for the proposed industrial use that is located:

(A) Outside of an acknowledged urban growth boundary in the county and that is planned and zoned to allow the industrial use; or

(B) Within an acknowledged urban growth boundary in the county.

(3) If the governing body of Malheur County approves an application under this section, the county shall plan and zone the approved site for industrial use for at least 15 years after approval of the site. This subsection does not prohibit the continued use of land in the site for farm use or forest use.

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.

**PROPOSED AMENDMENTS TO
HOUSE BILL 4092**

1 Delete lines 4 through 30 of the printed bill and insert:

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

3 **“(A) ‘Goods and services’ includes goods and services in the traded**
4 **sector, as defined in ORS 285A.010.**

5 **“(B) ‘Industrial use’ means an activity related to goods and ser-**
6 **vices, including planning, manufacturing, assembling, fabricating,**
7 **processing, storing, warehousing, importing, distributing, transship-**
8 **ping and researching and developing, that provides employment op-**
9 **portunities and generates income from the production, handling or**
10 **distribution of the goods and services.**

11 **“(b) As used in subsection (3)(c) of this section, ‘available site’**
12 **means the site:**

13 **“(A) Is vacant or partially vacant; or**

14 **“(B) Is developed and likely to be marketed for sale or lease at a**
15 **price that is consistent with prices in the local real estate market.**

16 **“(c) As used in subsection (6) of this section, ‘develop’ means that**
17 **at least 50 percent of the approved site is developed with:**

18 **“(A) Buildings, structures, parking and loading areas or paved or**
19 **graveled areas; or**

20 **“(B) Exterior displays, storage or other activities that do not in-**
21 **clude vegetative landscaping, natural geologic forms or unimproved**
22 **land.**

1 “(B) In an area that is outside of the acknowledged urban growth
2 boundary in the county, including an area designated as urban re-
3 serve, and that is planned and zoned to allow the industrial use.

4 “(4) Factors for determining the lack of availability of sites under
5 subsection (3)(c) of this section include:

6 “(a) The rejection within the previous 24 months of one or more
7 bona fide offers for purchase, or purchase options, of potential sites
8 described in subsection (3)(c) of this section at prices that exceed the
9 real market value of the sites;

10 “(b) The marketing or listing of potential sites described in sub-
11 section (3)(c) of this section for sale at more than 150 percent of real
12 market value of the sites; and

13 “(c) The nonresponse of one or more owners of potential sites de-
14 scribed in subsection (3)(c) of this section in a timely manner to in-
15 quiries from local or state agencies involved with economic
16 development.

17 “(5) If the governing body of Malheur County approves an applica-
18 tion under this section, for at least 15 years after approval of the ap-
19 plication, the county:

20 “(a) Shall plan and zone the approved site for industrial use.

21 “(b) May not allow a nonindustrial use of the approved site, except
22 for continued use of land in the site for farm use or forest use.

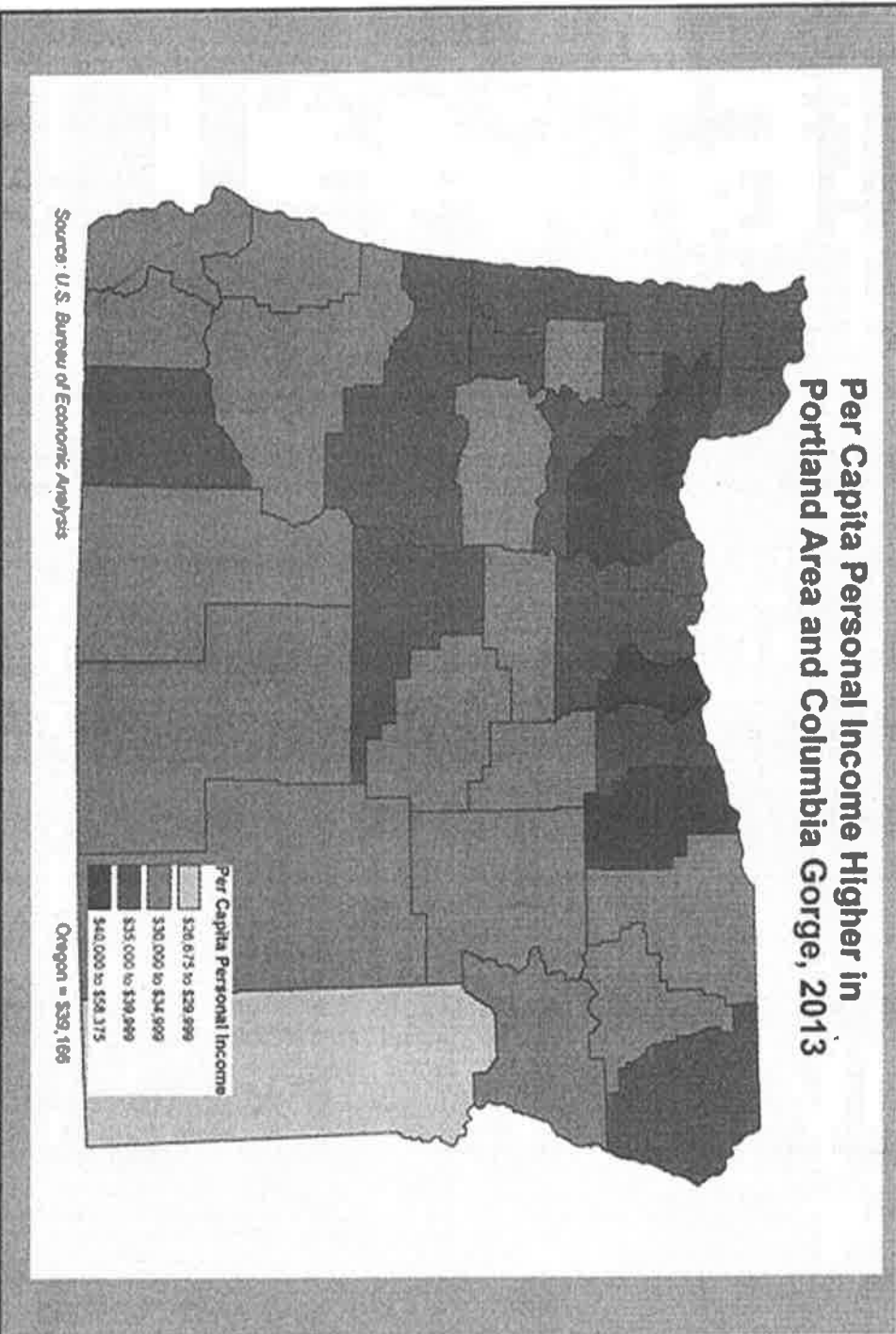
23 “(6) Notwithstanding subsection (3) of this section, if the applicant
24 does not develop an approved site for industrial use within five years
25 after Malheur County approves the application, the plan and zone
26 designations of the site revert automatically to the acknowledged
27 designations that were in effect immediately before the county ap-
28 proved the application.”.

	Baker	Grant	Harney	Lake	Malheur	Oregon
Population (2012) ¹	15,909	7,317	7,212	7,771	30,630	3,899,353
Average annual rate of growth ²	-0.31%	-0.61%	-0.31%	0.62%	-0.05%	1.2%
Unemployment rate (Feb. 2013)	9.2%	12.9%	12.4%	11.5%	9.4%	8.4%
Poverty rate ³	20.0%	15.8%	18.8%	18.7%	22.6%	14.8% ⁴
Childhood Poverty rate ⁵	32.7%	27.9%	29.7%	30.1%	35.1%	23.4%
SNAP recipients ⁶	1,271 (7.9%)	454 (6.2%)	512 (7%)	506 (6.5%)	3,927 (12.8%)	294,125 (7.5%)
Cohort Graduation Rate ⁷	62.6%	73.2%	61.9%	83.3%	70.3%	67.6%
High School Graduate Rate ⁸	88.4%	89.0%	88.8%	87.2%	79.6%	88.9%
College Graduate Rate ⁹	19.8%	17.0%	16.4%	17.7%	14.2%	29.0%
Job growth/loss	0.01%	-2.80%	-5.46%	-0.94%	-0.66%	3.00%
Median household income ¹⁰	\$40,989	\$34,367	\$38,702	\$36,583	\$39,013	\$49,850

¹ Malheur County, Oregon Quick Facts, U.S. Census Bureau, <http://quickfacts.census.gov/qfd/states/41/41045.html>.
² For the past 10 calendar years.
³ Percentage of persons living at or below 100% of the Federal Poverty Line (\$22,350 annually per family of four) (2011); county information reflects 2010 census. Note: the Federal Poverty Line changes annually; 2013 PPL is \$22,550 annually per family of four.
⁴ State of Oregon poverty rate reflects U.S. Census Bureau, 2007-2011.
⁵ Percentage of children (0-17 years old) living at or below 100% of the Federal Poverty Line (\$22,350 annually per family of four). Children First for Oregon (2012).
⁶ Number of children receiving SNAP benefits. Children First for Oregon (2012); Parenthetical represents number of children receiving SNAP benefits as a percentage of total county population.
⁷ Percentage of incoming freshmen that graduate with their senior class (4 year completion). Children First for Oregon (2012).
⁸ Percentage of county residents that hold a high school diploma. U.S. Census Bureau, American Fact Finder, 2007-2011.
⁹ Percentage of county residents that hold a bachelor's degree or higher. U.S. Census Bureau, American Fact Finder, 2007-2011.
¹⁰ U.S. Census Bureau, 2007-2011.

County and Metro Area Per Capita Income Data

Figure 1



“Malheur County extended its decade long streak of having the lowest per capita income in Oregon with \$26,675 in 2012.”

ONTARIO



VALE



JORDAN VALLEY



District 60=
29,110 sq. mi.
West Virginia=
24,230 sq. mi.

Oregon

West
Virginia

District
60

