

**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 **“(2) On or before December 31, 2020, and subject to subsection (3)**
2 **of this section, if the governing body of Malheur County determines,**
3 **after reviewing data from the latest federal decennial census and the**
4 **United States Census Bureau’s American Community Survey, that 20**
5 **percent or more of the residents of the county had income during the**
6 **preceding 12 months that was below the poverty level, the county may**
7 **approve up to five applications to plan and zone for industrial use a**
8 **site located outside of an acknowledged urban growth boundary in the**
9 **county:**

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

12 **“(b) Notwithstanding provisions of a statewide land use planning**
13 **goal related to:**

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

17 **“(B) Public facilities and services.**

18 **“(3) The governing body of Malheur County may approve an appli-**
19 **cation under this section if the governing body determines that:**

20 **“(a) The applicant has committed to provide at least 50 new jobs**
21 **at the site for a period of at least five years after the site is approved;**

22 **“(b) A public road or street, and connections to water, sanitary**
23 **sewer service and electricity, are available within one-quarter mile or**
24 **less from the boundary of the site of the proposed industrial use; and**

25 **“(c) Taking into consideration the recommendations of the Oregon**
26 **Business Development Department and the Department of Land Con-**
27 **servation and Development, there is not an adequate, available site for**
28 **the proposed industrial use that is located:**

29 **“(A) Within an acknowledged urban growth boundary in the**
30 **county; or**

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.”.**

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