

**HB 3318 A STAFF MEASURE SUMMARY**

Carrier: Rep. Kropf

**House Committee On Rules****Action Date:** 06/15/21**Action:** Do pass with amendments. (Printed A-Eng.)**Vote:** 5-1-1-0**Yeas:** 5 - Bonham, Fahey, Holvey, Smith Warner, Zika**Nays:** 1 - Salinas**Exc:** 1 - Drazan**Fiscal:** Has minimal fiscal impact**Revenue:** No revenue impact**Prepared By:** Melissa Leoni, LPRO Analyst**Meeting Dates:** 6/14, 6/15**WHAT THE MEASURE DOES:**

Deems certain actions related to Stevens Road tract in Bend not land use decisions and not subject to Department of Land Conservation and Development (DLCD) review except as specified. Makes actions directly appealable to Court of Appeals and a final action entitled to deference and not subject to evidentiary review on appeal. Makes subsequent land use decision within Stevens Road tract, subject to ordinary state and local regulatory processes applicable to land use if DLCD approves planning amendments. Requires city and owner of Stevens Road tract to submit letters of intent and consent to DLCD by December 31, 2022. Defines conceptual plan and requires certain public participation opportunities and consultation with DLCD and owner of Stevens Road tract before city consideration of conceptual plan. Sets July 1, 2022 deadline for city to submit approved conceptual plan to DLCD and specifies criteria and deadline for DLCD approval. Sets criteria for DLCD approval of corresponding urban growth boundary expansion submitted by city and approved by city ordinance. Sets criteria and deadline for DLCD approval of Stevens Road planning amendments submitted by city. Establishes that planning amendments are not operable until approved by DLCD and must be submitted on or before January 1, 2025. Establishes content requirements for planning amendments and city procedural requirements to approve Stevens Road planning amendments. Prohibits DLCD from approving planning amendments unless it designates at least 20 net acres to be restricted for residential housing at minimum densities, conveyed for nominal consideration to city, and preserved for no less than 50 years as affordable to own or rent. Defines terms. Sunsets January 2, 2030. Takes effect on 91<sup>st</sup> day following adjournment sine die.

**ISSUES DISCUSSED:**

- Process and timing for proposed land use actions
- Constitutional limitations for Department of State Lands
- Property location adjacent to urban growth boundary
- Parcels for affordable housing in master planning
- Market values for homes in Bend
- Sufficiency of 20 acres for affordable housing

**EFFECT OF AMENDMENT:**

Replaces the measure.

**BACKGROUND:**

The passage of Senate Bill 100 in 1973 enacted a unique framework for land use regulation in Oregon. The measure established the Land Conservation and Development Commission (LCDC) charged with adopting land use goals applicable statewide, and the Department of Land Conservation and Development (DLCD), charged with assisting the commission and local governments with implementation of those goals and coordinating state

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agencies with respect to land use matters. The measure also directed local governments to adopt and implement comprehensive plans and revise them periodically in conformity with Oregon's statewide goals and with the needs and desires of the public. Local land use decisions may only be reviewed by a specialized adjudicatory agency, the Land Use Board of Appeals (LUBA), and LUBA decisions are reviewed by the Court of Appeals.

House Bill 3318 A establishes an expedited land use planning process and with associated deadlines for the development of Stevens Road tract in Bend, owned by the Department of State Lands. The measure specifies public participation and consultation requirements; conceptual plan requirements and deadlines; criteria and deadlines for DLCD to approve expansion of the corresponding urban growth boundary and planning amendments; and planning amendment requirements. The measure also prohibits DLCD from approving the planning amendments unless it designates at least 20 net acres for residential housing restricted to specified minimum densities and preserved as affordable for at least 50 years.