

**HB 3318 B STAFF MEASURE SUMMARY****Carrier:** Sen. Knopp**Senate Committee On Rules****Action Date:** 06/25/21**Action:** Do pass with amendments to the A-Eng bill. (Printed B-Eng.)**Vote:** 3-1-1-0**Yeas:** 3 - Burdick, Girod, Wagner**Nays:** 1 - Thatcher**Exc:** 1 - Manning Jr**Fiscal:** Has minimal fiscal impact**Revenue:** No revenue impact**Prepared By:** Leslie Porter, LPRO Analyst**Meeting Dates:** 6/22, 6/25**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 and sets household priority. 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. Requires owner of Stevens Road tract to establish an agreement with the city that is binding on the successors of the owners, that is contingent upon the final approval of the planning amendments, and establishes essential terms for DLCD conveyance to the city of real property. Prohibits DLCD from approving planning amendments unless it designates at least 20 net acres to be restricted for residential housing at minimum densities, conveyed to the city at specified price per acre, and preserved for no less than 50 years as affordable to own or rent. Allows city to recover only city's costs to purchase lot or parcel should city resell lot or parcel within 99 years after purchase. Defines terms. Exempts dog training facilities from state structural specialty codes. Defines "dog training facility" as a farm building used for dog training classes or testing trials in which no more than 10 persons are present at any one time. Authorizes incorporated cities to regulate dog training facilities within their boundaries. Sunsets January 2, 2030. Takes effect on 91st day following adjournment sine die.

**ISSUES DISCUSSED:**

- Revenue generated for the Common School Fund
- The housing crisis and need for affordable housing for teachers in City of Bend
- Dog training and horse training
- Reasons for including various concepts in the bill

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### **EFFECT OF AMENDMENT:**

Requires owner of Stevens Road tract to establish agreement with city that is binding on successors of owners and contingent upon final approval of planning amendments. Establishes essential terms for DLCD conveyance to the city of real property. Prohibits DLCD from approving planning amendments unless it designates at least 20 net acres to be restricted for residential housing at minimum densities, conveyed to city at price per acre established under Section 4, and preserved for no less than 50 years as affordable to own or rent. Changes acreage requirements for such planning amendments and sets household priority. Allows city to recover only city's costs to purchase lot or parcel should city resell lot or parcel within 99 years after purchase. Defines terms. Exempts dog training facilities from state structural specialty codes. Defines "dog training facility" as a farm building used for dog training classes or testing trials in which no more than 10 persons are present at any one time. Authorizes incorporated cities to regulate dog training facilities within their boundaries.

### **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 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 B 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. It 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 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. The measure also exempts dog training facilities from state structural specialty codes, defines terms, and authorizes incorporated cities to regulate dog training facilities within their boundaries.