

Requested by Representative CLEM

**PROPOSED AMENDMENTS TO
A-ENGROSSED HOUSE BILL 3318**

1 On page 1 of the printed A-engrossed bill, line 2, after the semicolon in-
2 sert “creating new provisions; amending ORS 455.315;”.

3 After line 12, insert:

4 “Whereas the Stevens Road tract is Common School Fund land and its
5 sale will generate revenue to directly support kindergarten through grade
6 12 students in this state; and

7 “Whereas kindergarten through grade 12 students will directly benefit
8 from the development of housing on the Stevens Road tract for employees
9 of education providers; and”.

10 In line 13, delete “this 2021 Act is” and insert “sections 2 to 9 of this 2021
11 Act are”.

12 On page 2, delete lines 35 through 37 and insert:

13 “(2) The owner of the Stevens Road tract has:

14 “(a) Submitted a letter to the department giving its consent to the city’s
15 pursuit of the urban growth boundary expansion and planning amendments
16 under sections 6 to 9 of this 2021 Act; and

17 “(b) Established an agreement with the city that:

18 “(A) Is binding on the successors of the owners;

19 “(B) Is contingent upon the final approval of the planning amendments;
20 and

21 “(C) Establishes the essential terms, including the price per acre, but not

1 requiring that specific lands be designated, for the department’s conveyances
2 to the city of real property consistent with section 9 (2) and (3) of this 2021
3 Act.”.

4 On page 5, delete lines 39 through 45.

5 On page 6, delete lines 1 through 17 and insert:

6 “(2) The department may not approve the planning amendments under
7 subsection (1) of this section unless the planning amendments designate at
8 least 20 net acres of land to be:

9 “(a) Restricted so the area may be zoned, planned, sited or developed only
10 for residential housing units at a minimum density of nine residential units
11 per gross acre;

12 “(b) Conveyed to the city at a price per acre established under section 4
13 (2)(b) of this 2021 Act; and

14 “(c) Notwithstanding ORS 91.225 or 197.309, preserved for a period of no
15 less than 50 years as affordable to own or rent as follows:

16 “(A) At least 12 net acres made affordable to:

17 “(i) Households with incomes of 60 percent or less of the area median
18 income, as defined in ORS 456.270; or

19 “(ii) If part of an income-averaging program approved by the Housing and
20 Community Services Department, households whose incomes average 60 per-
21 cent or less of the area median income.

22 “(B) At least six net acres:

23 “(i) Made affordable to households with incomes of 80 percent or less of
24 the area median income; and

25 “(ii) Made available, to the extent permitted by law, in a manner that
26 gives a priority to households in which at least one individual is employed
27 by an education provider over other members of the public.

28 “(C) At least two net acres in which at least 80 percent of the units in
29 each contiguous development tract are made affordable to households with
30 80 percent or less of the area median income, of which at least one net acre

1 is made available, to the extent permitted by law, in a manner that gives a
2 priority to households in which at least one individual is employed by an
3 education provider over other members of the public.

4 “(3) Upon a partition or subdivision of the Stevens Road tract following
5 the approval of the planning amendments under subsection (1) of this section
6 establishing one or more lots or parcels described in subsection (2) of this
7 section, the owner shall transfer those lots or parcels to the city. For a pe-
8 riod of 99 years after the purchase of property under this section, if the city
9 resells any lot or parcel, the city may recover only the city’s costs of the
10 purchase and resale of the property.

11 “(4) Neither the city nor the Department of Land Conservation and De-
12 velopment is obligated to adopt any specific findings or evaluate any specific
13 criteria in exercising its discretion with respect to any Stevens Road plan-
14 ning amendments under this section and may receive, solicit or consider in-
15 formation from any source.

16 “(5) As used in this section, ‘education provider’ means a school district
17 as defined in ORS 332.002, an educational program under the Youth Cor-
18 rections Education Program or Juvenile Detention Education Program as
19 both are defined in ORS 326.695, or an education service district as defined
20 in ORS 334.003.”.

21 After line 18, insert:

22 “**SECTION 11.** ORS 455.315 is amended to read:

23 “455.315. (1) The provisions of this chapter do not authorize the applica-
24 tion of a state structural specialty code to any agricultural building, agri-
25 cultural grading [*or*], equine facility **or dog training facility**.

26 “(2) As used in this section:

27 “(a)(A) ‘Agricultural building’ means a structure located on a farm or
28 forest operation and used for:

29 “[A] (i) Storage, maintenance or repair of farm or forestry machinery
30 and equipment;

1 “[(B)] (ii) The raising, harvesting and selling of crops or forest products;
2 “[(C)] (iii) The feeding, breeding, management and sale of, or the produce
3 of, livestock, poultry, fur-bearing animals or honeybees;

4 “[(D)] (iv) Dairying and the sale of dairy products; or

5 “[(E)] (v) Any other agricultural, forestry or horticultural use or animal
6 husbandry, or any combination thereof, including the preparation and stor-
7 age of the produce raised on the farm for human use and animal use, the
8 preparation and storage of forest products and the disposal, by marketing or
9 otherwise, of farm produce or forest products.

10 “[(b)] (B) ‘Agricultural building’ does not mean:

11 “[(A)] (i) A dwelling;

12 “[(B)] (ii) A structure used for a purpose other than growing plants in
13 which 10 or more persons are present at any one time;

14 “[(C)] (iii) A structure regulated by the State Fire Marshal pursuant to
15 ORS chapter 476;

16 “[(D)] (iv) A structure used by the public; or

17 “[(E)] (v) A structure subject to sections 4001 to 4127, title 42, United
18 States Code (the National Flood Insurance Act of 1968) as amended, and
19 regulations promulgated thereunder.

20 “[(c)] (b) ‘Agricultural grading’ means grading related to a farming prac-
21 tice as defined in ORS 30.930.

22 “**(c) ‘Dog training facility’ means a farm building used for dog**
23 **training classes or testing trials permitted under ORS 215.213 (1)(z) or**
24 **215.283 (1)(x) in which no more than 10 persons are present at any one**
25 **time.**

26 “(d)(A) ‘Equine facility’ means a building located on a farm and used by
27 the farm owner or the public for:

28 “[(A)] (i) Stabling or training equines; or

29 “[(B)] (ii) Riding lessons and training clinics.

30 “[(e)] (B) ‘Equine facility’ does not mean:

1 “[(A)] (i) A dwelling;

2 “[(B)] (ii) A structure in which more than 10 persons are present at any
3 one time;

4 “[(C)] (iii) A structure regulated by the State Fire Marshal pursuant to
5 ORS chapter 476; or

6 “[(D)] (iv) A structure subject to sections 4001 to 4127, title 42, United
7 States Code (the National Flood Insurance Act of 1968) as amended, and
8 regulations promulgated thereunder.

9 “(3) Notwithstanding the provisions of subsection (1) of this section, in-
10 corporated cities may regulate agricultural buildings, [*and*] equine facilities
11 **and dog training facilities** within their boundaries pursuant to this chap-
12 ter.”.

13 In line 19, delete “11” and insert “12”.

14 In line 22, delete “12” and insert “13”.

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