

HB 3318 -6 STAFF MEASURE SUMMARY

House Committee On Rules

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Meeting Dates: 6/14, 6/15

WHAT THE MEASURE DOES:

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. Establishes that a lawfully created unit of land remains a lawfully established unit of land following circuit court judgment meeting specified criteria that relocates the property line without regard to whether: 1) the relocated property line could have been established through procedures authorized by city or county; 2) either party subsequently relocates property line; or 3) any unit of land complies with minimum lot or parcel size. Requires specified permit applications be decided based on property lines as relocated under the Act, and prohibits denial based solely on judgment. Stipulates Act applies to relocation of property lines by judgment of a circuit court that were entered before, on or after effective date of Act. Declares emergency, effective on passage.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

-6 Replaces the measure. Defines terms, including "Stevens Road tract." Makes certain actions related to Stevens Road tract not land use decisions; not subject to any review except as specified in measure by Department of Land Conservation and Development (DLCD); not DLCD rulemaking; appealable directly 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, if DLCD approves Stevens Road planning amendments, subject to ordinary procedures and requirements of comprehensive land use planning, city planning and zoning, statewide land use planning, Land Conservation and Development Commission and DLCD rules, and Bend's comprehensive plan and land use regulations.

Requires city and owner of Stevens Road tract to submit letters of intent and consent to DLCD by December 31, 2022. Defines conceptual plan as ordinance or resolution adopted by city council explaining expected Stevens Road planning amendments and associated factual basis and reasons. 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 an approved conceptual plan to DLCD and specifies criteria and deadline for DLCD approval of conceptual plan.

Sets criteria for DLCD approval of Stevens Road 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 city procedural requirements to approve Stevens Road planning amendments, including city council ordinance; public participation opportunities and notice; written recommendations from planning commission; and consultation with Stevens Road tract owner, DLCD, Deschutes County, Bend Park and Recreation District, and certain local governments. Requires Stevens Road planning amendments to include an inventory of significant historical artifacts, cultural sites, and natural resources; areas designed for recreational and open space; land use regulations to protect and preserve significant resources and designated areas; land use regulations complying

with applicable wildfire planning and development requirements; areas designated for adequate employment lands; land use regulations for housing; sufficient areas for mixed use development; land use regulations ensuring adequate urban services; land use regulations for transportation; and consideration of comments and recommendations. 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.

Sunsets January 2, 2030. Takes effect 91st day following adjournment sine die.

BACKGROUND:

Oregon's Statewide Land Use Planning Goal 3, "Agricultural Lands," requires all agricultural lands to be inventoried and preserved by adopting exclusive farm use (EFU) zones. Certain nonfarm uses are also allowed on EFU-zoned lands. In 2019, the legislature passed House Bill 2106 allowing dog training classes or testing trials to be conducted outdoors or in farm buildings in existence on or before January 1, 2019 rather than January 1, 2013.

ORS 92.017 establishes when a lawfully created lot or parcel remains a discrete lot or parcel and was last amended in 1993.

House Bill 2645 exempts dog training facilities from state structural specialty codes and establishes that lawfully created units of land remain lawfully established units of land following a judgment that relocates a property line.