

## SENATE AMENDMENTS TO A-ENGROSSED HOUSE BILL 3318

By COMMITTEE ON RULES

June 25

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

3 After line 12, insert:

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

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

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

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

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

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

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

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

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

16 “(C) Establishes the essential terms, including the price per acre, but not requiring that specific  
17 lands be designated, for the department’s conveyances to the city of real property consistent with  
18 section 9 (2) and (3) of this 2021 Act.”.

19 On page 5, delete lines 39 through 45.

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

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

23 “(a) Restricted so the area may be zoned, planned, sited or developed only for residential hous-  
24 ing units at a minimum density of nine residential units per gross acre;

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

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

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

30 “(i) Households with incomes of 60 percent or less of the area median income, as defined in ORS  
31 456.270; or

32 “(ii) If part of an income-averaging program approved by the Housing and Community Services  
33 Department, households whose incomes average 60 percent or less of the area median income.

34 “(B) At least six net acres:

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

1 and

2 “(ii) Made available, to the extent permitted by law, in a manner that gives a priority to  
3 households in which at least one individual is employed by an education provider over other mem-  
4 bers of the public.

5 “(C) At least two net acres in which at least 80 percent of the units in each contiguous devel-  
6 opment tract are made affordable to households with 80 percent or less of the area median income,  
7 of which at least one net acre is made available, to the extent permitted by law, in a manner that  
8 gives a priority to households in which at least one individual is employed by an education provider  
9 over other members of the public.

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

15 “(4) Neither the city nor the Department of Land Conservation and Development is obligated  
16 to adopt any specific findings or evaluate any specific criteria in exercising its discretion with re-  
17 spect to any Stevens Road planning amendments under this section and may receive, solicit or  
18 consider information from any source.

19 “(5) As used in this section, ‘education provider’ means a school district as defined in ORS  
20 332.002, an educational program under the Youth Corrections Education Program or Juvenile De-  
21 tention Education Program as both are defined in ORS 326.695, or an education service district as  
22 defined in ORS 334.003.”.

23 After line 18, insert:

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

25 “455.315. (1) The provisions of this chapter do not authorize the application of a state structural  
26 specialty code to any agricultural building, agricultural grading [*or*], equine facility **or dog training**  
27 **facility**.

28 “(2) As used in this section:

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

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

32 “[*B*] (ii) The raising, harvesting and selling of crops or forest products;

33 “[*C*] (iii) The feeding, breeding, management and sale of, or the produce of, livestock, poultry,  
34 fur-bearing animals or honeybees;

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

36 “[*E*] (v) Any other agricultural, forestry or horticultural use or animal husbandry, or any  
37 combination thereof, including the preparation and storage of the produce raised on the farm for  
38 human use and animal use, the preparation and storage of forest products and the disposal, by  
39 marketing or otherwise, of farm produce or forest products.

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

41 “[*A*] (i) A dwelling;

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

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

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

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

3 “[e] (b) ‘Agricultural grading’ means grading related to a farming practice as defined in ORS  
4 30.930.

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

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

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

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

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

13 “[A] (i) A dwelling;

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

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

16 “[D] (iv) A structure subject to sections 4001 to 4127, title 42, United States Code (the Na-  
17 tional Flood Insurance Act of 1968) as amended, and regulations promulgated thereunder.

18 “(3) Notwithstanding the provisions of subsection (1) of this section, incorporated cities may  
19 regulate agricultural buildings, [and] equine facilities **and dog training facilities** within their  
20 boundaries pursuant to this chapter.”.

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

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

23