

B-Engrossed House Bill 2456

Ordered by the House May 14
Including House Amendments dated April 15 and May 14

Sponsored by Representative FINDLEY; Representatives NEARMAN, POST, RESCHKE, SMITH DB (Pre-session filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Allows counties to **partition and** rezone up to 200 acres of lands within Eastern Oregon Border Economic Development Region from exclusive farm use to residential uses.

[Continues any applicable farm use tax deferral and valuation on properties in region until redeveloped for sale or five years after rezoning. Applies to property tax years beginning on or after July 1, 2020, and before July 1, 2031.]

[Entitles owner to income tax credit of up to \$5,000 on sale of new residential dwelling on rezoned property. Applies to tax years beginning on or after January 1, 2020, and before January 1, 2026.]

Takes effect on 91st day following adjournment sine die.

A BILL FOR AN ACT

1
2 Relating to Eastern Oregon Border Economic Development Region housing; and prescribing an ef-
3 fective date.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1. Sections 2 and 3 of this 2019 Act are added to and made a part of ORS**
6 **chapter 215.**

7 **SECTION 2. (1) Notwithstanding any land use planning goal related to urbanization or**
8 **agricultural lands, a county that has established a review board described in section 3 of this**
9 **2019 Act may rezone, and if necessary partition, lands that are zoned for exclusive farm use**
10 **and within the Eastern Oregon Border Economic Development Region, as defined in ORS**
11 **284.771, to allow the development of one residential unit per lot or parcel of two acres or**
12 **more, provided that:**

13 (a) **The rezoned lands have not been employed for farm use in the prior three years;**

14 (b) **The rezoned lands are not:**

15 (A) **High-value farmland, as defined in ORS 195.300;**

16 (B) **Predominantly composed of Class I, II or III soils; or**

17 (C) **Viable for reasonably obtaining a profit through a farm use;**

18 (e) **Rezoning will not force a significant change in accepted farm or forest practices on**
19 **surrounding lands devoted to farm or forest use;**

20 (d) **If the water source for the rezoned lands is a well, the lands are not within a critical**
21 **ground water area as designated under ORS 537.730 to 537.740 or within any area in which**
22 **ground water withdrawals have been restricted by the Water Resources Commission;**

23 (e) **The property owner agrees as a condition of approval of the rezoning to sign and re-**
24 **cord in the county deed records an irrevocable deed restriction in the form prescribed by the**

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 county acknowledging the protected rights of farm, forest and rangeland practices in the
2 area and prohibiting the owner and the owner's successors in interest from pursuing a cause
3 of action or claim of relief alleging an injury from any farming, forest or rangeland practices
4 for which no claim or action is allowed under ORS 30.936 or 30.937 or otherwise protected
5 by law as farming, forest or rangeland practice;

6 (f) The rezoning complies with any other criteria adopted by the county;

7 (g) The approval would not result in a cumulative total of more than 200 acres rezoned
8 by the county under this section;

9 (h) The rezoning has received a public hearing and a written opinion from a review board
10 established under section 3 of this 2019 Act; and

11 (i) In the preceding 10 years, the rezoned lands have not been assessed for property tax
12 purposes as:

13 (A) Open space use under ORS 308A.300 to 308A.330;

14 (B) Riparian habitat under ORS 308A.350 to 308A.383;

15 (C) Wildlife habitat under ORS 308A.403 to 308A.430; or

16 (D) A conservation easement under ORS 308A.450 to 308A.465.

17 (2) Upon rezoning lands under this section, the county shall file with the county assessor
18 a statement listing the tax lots to which the change in zoning applies and the applicable date
19 of the change.

20 **SECTION 3.** (1) A county with lands within the Eastern Oregon Border Economic De-
21 velopment Region, as defined in ORS 284.771, may establish a review board that consists of
22 four members appointed by the governing body of the county.

23 (2) The members of the review board shall serve terms of no more than four years and
24 may be reappointed by the governing body.

25 (3) The review board must include:

26 (a) One member who represents the interests of the farming community of the county;

27 (b) One member who represents the Eastern Oregon Border Economic Development
28 Board;

29 (c) One member who is a member of the governing body of the county; and

30 (d) One member who is a member of the planning body for the county.

31 (4) The review board shall review, and conduct at least one public hearing for, each pe-
32 tition filed under section 2 of this 2019 Act to rezone, and if necessary partition, land and
33 shall provide a written opinion to the county.

34 (5) The opinion developed by the review committee is not a land use decision and is not
35 subject to appeal.

36 **SECTION 4.** Sections 2 and 3 of this 2019 Act are repealed on January 2, 2030.

37 **SECTION 5.** The repeal of sections 2 and 3 of this 2019 Act by section 4 of this 2019 Act
38 does not invalidate, or provide any basis for challenging, the rezoning of lands under section
39 2 of this 2019 Act.

40 **SECTION 6.** This 2019 Act takes effect on the 91st day after the date on which the 2019
41 regular session of the Eightieth Legislative Assembly adjourns sine die.

42