

HB 3928 STAFF MEASURE SUMMARY

House Committee On Housing and Homelessness

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Meeting Dates: 3/31, 4/9

WHAT THE MEASURE DOES:

The measure authorizes counties to designate land specifically for rural housing development with several restrictions and conditions.

Detailed Summary:

Allows a county to designate land for rural housing development and place restrictions on its use adopted by the county.

Prohibits land to be designated for rural housing development if it:

- has a contiguous area less than 6,000 square feet;
- is within an urban growth boundary or designated as urban reserves; or
- is zoned for farm use or forest use and in three or more of the previous five years the land has been irrigated or has been used for the production of farm or forest products, not including experimental production of dryland crops.

Allows lots or parcels within a rural housing development to have single-unit or manufactured dwelling housing sited on it only if the lot or parcel is one acre or smaller.

Allows a county to first require that the owners of the land enter into an agreement with the county establishing a plan sufficient to develop the land for housing and services necessary for housing before approving the designation of land for rural housing development.

Specifies plan requirements can include:

- development of shared wells or other community water systems; sewage treatment and disposal other than cesspools, septic tanks or seepage pits; community solar or other shared systems for energy creation or storage; or private transportation infrastructure, which may include gravel roads;
- creation of a planned community; or
- clustering of housing to reduce infrastructure costs and impacts on adjacent uses.

Allows a county to make decision to designate land for rural housing development and to regulate uses of land designated for rural housing development by ordinance.

Exempts county's decision from review by the Land Use Board of Appeals, any statewide land use planning goal, any rule of the Land Conservation and Development Commission, or the comprehensive plan or land use regulations of any local government.

Exempts from additional taxes on lands designated for rural housing development upon the land's disqualification from special assessment.

Fiscal impact: May have fiscal impact, but no statement yet issued

Revenue impact: May have revenue impact, but no statement yet issued

ISSUES DISCUSSED:

- Provisions of the measure

- Pressures on developing housing close to agricultural lands

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

ORS Chapter 215 sets out the framework for how counties in Oregon plan and manage land use, with a particular focus on protecting and guiding the use of resource lands. It provides guidelines and procedures for counties to develop, adopt, and update comprehensive land use plans that direct growth, conservation, and development in the county.

Under ORS 308A.706, even if a property is not eligible for a special tax assessment, additional taxes that would normally apply might not be charged right away. Instead, they remain as a possible future tax if, when the property's status is updated on the tax records, the land: is farmland, was acquired by a government exchange; qualifies for a special assessment under several specific laws; or is disqualified nonexclusive farm use land. This deferral does not apply to additional taxes that are based on a remediation plan. If taxes are deferred under these rules, the county assessor must continue to note on the tax records that there is a "potential additional tax liability" and while the tax isn't being collected now, it could be imposed in the future.