

Senate Bill 990

Sponsored by Senator WHITSETT

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 **as introduced**.

Authorizes governing body of Jackson County to form county service district to provide affordable housing.

Sunsets January 2, 2014.

A BILL FOR AN ACT

1
2 Relating to provision of affordable housing; creating new provisions; and amending ORS 451.010.

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

4 **SECTION 1.** ORS 451.010 is amended to read:

5 451.010. (1) Master plans and service districts may be established as provided by this chapter
6 regarding:

7 (a) Sewage works, including all facilities necessary for collecting, pumping, treating and dispos-
8 ing of sanitary or storm sewage.

9 (b) Drainage works, including all facilities necessary for collecting, pumping and disposing of
10 storm and surface water.

11 (c) Street lighting works, including all facilities necessary for the lighting of streets and high-
12 ways.

13 (d) Public parks and recreation facilities, including land, structures, equipment, supplies and
14 personnel necessary to acquire, develop and maintain such public park and recreation facilities and
15 to administer a program of supervised recreation services.

16 (e) Diking and flood control works, including all facilities necessary for diking and control of
17 watercourses.

18 (f) Water supply works and service, including all facilities necessary for tapping natural sources
19 of domestic and industrial water, treating and protecting the quality of the water and transmitting
20 it to the point of sale to any person, city, domestic water supply corporation or other public or
21 private agency for domestic, municipal and industrial water supply service.

22 (g) Solid waste disposal. This paragraph does not apply in Clackamas, Multnomah and
23 Washington Counties.

24 (h) Public transportation, including public depots, public parking and the motor vehicles and
25 other equipment necessary for the transportation of persons together with their personal property.

26 (i) Agricultural educational extension services.

27 (j) Emergency medical services, including ambulance services.

28 (k) Library services.

29 (L) Roads.

30 (m) Emergency communications services, including a 9-1-1 emergency reporting system estab-
31 lished under ORS 401.720.

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 (n) Law enforcement services.

2 (o) Human services.

3 (p) Cemetery maintenance.

4 (q) Animal control.

5 (2) Within the geographical jurisdiction of any local government boundary commission estab-
6 lished by or pursuant to ORS 199.410 to 199.519, in addition to the purposes described in subsection
7 (1) of this section, master plans and service districts may be established as provided by this chapter
8 regarding:

9 (a) Fire prevention and protection.

10 (b) Hospital and ambulance services.

11 (c) Vector control.

12 (d) Weather modification.

13 (3) Within the boundaries of any subdivision, service districts may be established as provided
14 by this chapter regarding:

15 (a) Fire prevention and protection.

16 (b) Security services provided by contract with an association of homeowners whose property
17 is located entirely within the boundaries of the service district, which services may include the
18 enforcement of the rules or regulations of the association dealing with public access to or the use
19 of the property of the association, routine patrolling and inspection of private areas located within
20 the jurisdiction of the association and matters of traffic and safety within such areas.

21 (c) Law enforcement services.

22 (d) Hospital and ambulance services.

23 (e) Vector control.

24 (f) Activities set forth in subsection (1)(a), (f), (g), (j) and (m) of this section.

25 (4) As used in subsection (3) of this section, “subdivision” means a subdivision as defined by ORS
26 92.010 or any contiguous group of such subdivisions that:

27 (a) Is a planned community within the meaning of ORS 94.550 without regard to whether such
28 subdivision or group of subdivisions is subject to ORS 94.550 to 94.783;

29 (b) Is located entirely within an unincorporated area and is everywhere separated by a distance
30 of five miles or more from an urban growth boundary described in an acknowledged comprehensive
31 plan of a city or the urban growth boundary adopted by a metropolitan service district under ORS
32 268.390 (3); and

33 (c) Prior to the establishment of a service district under subsection (3) of this section, is desig-
34 nated a subdivision for purposes of this subsection by the governing body of the county in which the
35 subdivision or group of subdivisions is located.

36 (5) Within the boundaries of Washington County, master plans and service districts may be es-
37 tablished as provided by this chapter regarding water resource management services that affect the
38 quality and quantity of water within a single watershed, basin or planning area. As used in this
39 subsection, “water resource management services” means:

40 (a) Planning for and provision of two or more services or facilities such as sewage works,
41 drainage works, surface water management, endangered species recovery management, water quality
42 management, diking and flood control works, river flow management, water supply works,
43 wastewater reuse and irrigation facilities.

44 (b) Activities ancillary to the services and facilities listed in paragraph (a) of this subsection,
45 including facilities for the production, sale or purchase of energy when such facilities are integrated

1 in a master plan adopted under ORS 451.120.

2 (6) Within the boundaries of Jackson County, in addition to the purposes described in
 3 subsection (1) of this section, master plans and service districts may be established as pro-
 4 vided by this chapter regarding affordable housing, subject to section 3 of this 2007 Act.

5 **SECTION 2.** Section 3 of this 2007 Act is added to and made a part of ORS 451.410 to
 6 451.610.

7 **SECTION 3.** (1) As used in this section, “targeted workforce population” means house-
 8 holds whose income is 80 to 120 percent of the area median income, adjusted for family size,
 9 as determined by the Housing and Community Services Department.

10 (2) The governing body of Jackson County may initiate the formation of a service district
 11 as described in ORS 451.010 (6) for the purpose of providing affordable housing upon finding
 12 that:

13 (a) Median home prices in the county exceed median income by more than 25 percent;

14 (b) Residential occupancy rates in the county exceed 93 percent of available dwelling
 15 units; and

16 (c) Land available for housing is equal to or exceeds 200 acres.

17 (3) Affordable housing provided must meet the following criteria:

18 (a) The cost of undeveloped land may not be more than five percent of the total project
 19 costs of finished residential dwelling units within a project.

20 (b) A developer of affordable housing provided in a service district must agree to build
 21 within the financial capabilities of the targeted workforce population in the community.

22 (4) In providing affordable housing in a service district:

23 (a) The governing body of the district may allow a developer to build 300 or more dwelling
 24 units per phase to achieve economies of scale.

25 (b) The governing body of the district shall require the development of transit-oriented,
 26 high density communities in which up to 25 percent of the land in each project is available
 27 for commercial uses that minimize the traffic impact costs and the income from which helps
 28 defray the development costs.

29 (c) The governing body of the county must agree to impose system development charges
 30 under ORS 223.297 to 223.314 to provide adequate public infrastructure and services to the
 31 housing.

32 (d) A real estate broker or a principal real estate broker may not charge a fee for ser-
 33 vices provided in relation to professional real estate activity for dwelling units within the
 34 service district that exceeds 1.5 percent of the sales price of the dwelling units.

35 (e) Affordable housing projects must be governed by a declaration that includes codes,
 36 covenants and restrictions designed to ensure that dwelling units remain affordable for the
 37 targeted workforce population for a period of at least 15 years after development.

38 (f) The governing body of the district shall require a project that includes more than 1,250
 39 homes to dedicate at least:

40 (A) 10 acres for public school use;

41 (B) Five acres for fire protection services and law enforcement; and

42 (C) One acre per 75 dwelling units for community parks.

43 **SECTION 4.** ORS 451.010, as amended by section 1 of this 2007 Act, is amended to read:

44 451.010. (1) Master plans and service districts may be established as provided by this chapter
 45 regarding:

1 (a) Sewage works, including all facilities necessary for collecting, pumping, treating and dispos-
2 ing of sanitary or storm sewage.

3 (b) Drainage works, including all facilities necessary for collecting, pumping and disposing of
4 storm and surface water.

5 (c) Street lighting works, including all facilities necessary for the lighting of streets and high-
6 ways.

7 (d) Public parks and recreation facilities, including land, structures, equipment, supplies and
8 personnel necessary to acquire, develop and maintain such public park and recreation facilities and
9 to administer a program of supervised recreation services.

10 (e) Diking and flood control works, including all facilities necessary for diking and control of
11 watercourses.

12 (f) Water supply works and service, including all facilities necessary for tapping natural sources
13 of domestic and industrial water, treating and protecting the quality of the water and transmitting
14 it to the point of sale to any person, city, domestic water supply corporation or other public or
15 private agency for domestic, municipal and industrial water supply service.

16 (g) Solid waste disposal. This paragraph does not apply in Clackamas, Multnomah and
17 Washington Counties.

18 (h) Public transportation, including public depots, public parking and the motor vehicles and
19 other equipment necessary for the transportation of persons together with their personal property.

20 (i) Agricultural educational extension services.

21 (j) Emergency medical services, including ambulance services.

22 (k) Library services.

23 (L) Roads.

24 (m) Emergency communications services, including a 9-1-1 emergency reporting system estab-
25 lished under ORS 401.720.

26 (n) Law enforcement services.

27 (o) Human services.

28 (p) Cemetery maintenance.

29 (q) Animal control.

30 (2) Within the geographical jurisdiction of any local government boundary commission estab-
31 lished by or pursuant to ORS 199.410 to 199.519, in addition to the purposes described in subsection
32 (1) of this section, master plans and service districts may be established as provided by this chapter
33 regarding:

34 (a) Fire prevention and protection.

35 (b) Hospital and ambulance services.

36 (c) Vector control.

37 (d) Weather modification.

38 (3) Within the boundaries of any subdivision, service districts may be established as provided
39 by this chapter regarding:

40 (a) Fire prevention and protection.

41 (b) Security services provided by contract with an association of homeowners whose property
42 is located entirely within the boundaries of the service district, which services may include the
43 enforcement of the rules or regulations of the association dealing with public access to or the use
44 of the property of the association, routine patrolling and inspection of private areas located within
45 the jurisdiction of the association and matters of traffic and safety within such areas.

1 (c) Law enforcement services.

2 (d) Hospital and ambulance services.

3 (e) Vector control.

4 (f) Activities set forth in subsection (1)(a), (f), (g), (j) and (m) of this section.

5 (4) As used in subsection (3) of this section, "subdivision" means a subdivision as defined by ORS
6 92.010 or any contiguous group of such subdivisions that:

7 (a) Is a planned community within the meaning of ORS 94.550 without regard to whether such
8 subdivision or group of subdivisions is subject to ORS 94.550 to 94.783;

9 (b) Is located entirely within an unincorporated area and is everywhere separated by a distance
10 of five miles or more from an urban growth boundary described in an acknowledged comprehensive
11 plan of a city or the urban growth boundary adopted by a metropolitan service district under ORS
12 268.390 (3); and

13 (c) Prior to the establishment of a service district under subsection (3) of this section, is desig-
14 nated a subdivision for purposes of this subsection by the governing body of the county in which the
15 subdivision or group of subdivisions is located.

16 (5) Within the boundaries of Washington County, master plans and service districts may be es-
17 tablished as provided by this chapter regarding water resource management services that affect the
18 quality and quantity of water within a single watershed, basin or planning area. As used in this
19 subsection, "water resource management services" means:

20 (a) Planning for and provision of two or more services or facilities such as sewage works,
21 drainage works, surface water management, endangered species recovery management, water quality
22 management, diking and flood control works, river flow management, water supply works,
23 wastewater reuse and irrigation facilities.

24 (b) Activities ancillary to the services and facilities listed in paragraph (a) of this subsection,
25 including facilities for the production, sale or purchase of energy when such facilities are integrated
26 in a master plan adopted under ORS 451.120.

27 *[(6) Within the boundaries of Jackson County, in addition to the purposes described in subsection*
28 *(1) of this section, master plans and service districts may be established as provided by this chapter*
29 *regarding affordable housing, subject to section 3 of this 2007 Act.]*

30 **SECTION 5. Section 3 of this 2007 Act is repealed on January 2, 2014.**

31 **SECTION 6. The amendments to ORS 451.010 by section 4 of this 2007 Act become oper-**
32 **ative on January 2, 2014.**

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