

Requested by Senator NASH

**PROPOSED AMENDMENTS TO
A-ENGROSSED HOUSE BILL 4037**

1 On page 21 of the printed A-engrossed bill, after line 21, insert:

2
3 **“RURAL REZONING**

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5 **“SECTION 28. Section 29 of this 2026 Act is added to and made a**
6 **part of ORS chapter 215.**

7 **“SECTION 29. (1) Notwithstanding any land use planning goal re-**
8 **lated to urbanization or agricultural or forest land or any other pro-**
9 **vision of this chapter, a county with a population density of less than**
10 **30 people per square mile, based on the 2020 federal decennial census,**
11 **may approve applications to rezone, and to permit the division of, up**
12 **to 50 acres of land for residential uses, provided that:**

13 **“(a) The land to be rezoned is:**

14 **“(A) Not within an urban growth boundary;**

15 **“(B) Within five miles of an urban growth boundary or an unin-**
16 **corporated community; and**

17 **“(C) At least one acre;**

18 **“(b) Any remainder lot or parcel created by the division of land re-**
19 **zoned under this section meets any applicable minimum lot size re-**
20 **quirements;**

21 **“(c) The approval would not result in a cumulative total of more**

1 **than 50 acres rezoned by the county under this section; and**

2 **“(d) The rezoning and division complies with rezoning and land di-**
3 **vision criteria and standards adopted by the county, except as other-**
4 **wise provided in this section.**

5 **“(2) Lands rezoned under this section must be developed for hous-**
6 **ing:**

7 **“(a) With an average density of at least five dwelling units per acre;**

8 **“(b) With each dwelling unit no more than 1,200 square feet in size,**
9 **not including the number of square feet attributable to a garage; and**

10 **“(c) That may not be used for vacation occupancy, as defined in**
11 **ORS 90.100.**

12 **“(3) The governing body of the county must give the final approval**
13 **for any proposed rezoning under this section.**

14 **“(4) Prior to approval of an application under this section, the**
15 **property owner must agree as a condition of approval to sign and re-**
16 **cord in the county deed records an irrevocable deed restriction, in the**
17 **form prescribed by the county, acknowledging the protected rights of**
18 **farm, forest and rangeland practices in the area and prohibiting the**
19 **owner and the owner’s successors in interest from pursuing a cause**
20 **of action or claim of relief alleging an injury from any farming, forest**
21 **or rangeland practices if no claim or action is allowed under ORS**
22 **30.936 or 30.937 if the farming, forest or rangeland practices are oth-**
23 **erwise protected by law.**

24 **“(5) Each county that has rezoned lands under this section shall**
25 **report annually to the Department of Land Conservation and Devel-**
26 **opment on:**

27 **“(a) The total acreage rezoned;**

28 **“(b) The number of housing units developed;**

29 **“(c) The average rental or sale price of developed units; and**

30 **“(d) Other information as requested by the department to evaluate**

1 **the effectiveness of this section.**

2 **“(6) As used in this section, ‘unincorporated community’ has the**
3 **meaning given that term by the Land Conservation and Development**
4 **Commission by rule.**

5 **“SECTION 30. Section 29 of this 2026 Act is repealed on January 2,**
6 **2034.”.**

7 In line 25, delete “28” and insert “31”.

8 In line 31, delete “29” and insert “32”.

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