Monday, June 13, 2016

Agency Rules Coordinator
Director’s Office
Oregon Department of Revenue
955 Center St. NE
Salem, OR 97301

Delivered via email: rulescoordinator.dor@oregon.gov

Re: OAR 150-308.156(B)-Rezoned Property Calculating Maximum Assessed Value

Dear Director Kautz,

The Oregon Chapter of the American Planning Association (OAPA) is an independent, statewide, not-for-profit educational organization with 850 member that provides leadership in fostering vital communities by advocating excellence in community planning, promoting education and citizen empowerment, and providing the tools and support necessary to meet the challenges of growth and change.

Thank you for this opportunity to comment on the proposed rule changes to OAR 150-308.156(B)-Rezoned Property Calculating Maximum Assessed Value. Overall, we believe the proposed changes will help clarify when a property is “rezoned” for the purpose of assessment. It makes sense that a “rezone” is a change of the primary use and is not the accessory uses that are incidental and subordinate to the primary use of the property.

That said, OAPA does have some minor suggestions for the proposed rules:

- OAR 150-308.156(5)-(B)
  - Lines 9 and 10 (1)(b). Recommend amending the definition of “Accessory Use” to read – “Accessory Use” means a use or activity that is **incidental and** subordinate to the primary use of the property.
  - Lines 13 and 14 (1)(b). Amend the examples for accessory use to read: “Accessory uses **may** include, but are not limited to.”
- Suggest adding a new (e) under OAR 150-308.156 (1)(b): The foregoing are examples of accessory uses and are not intended to represent an exhaustive list.
- New (f) for Rezoned – Recommend amending the definition of rezone: “Rezoned” means on or after July 1, 1995, the governmental body of either the
city or the county with zoning authority: A. Made a change in the zoning applicable to property that:
   o i. changed the designation from one category to another
   o ii. applied an overlay plan district
   o iii. applied a floating zone
• Under the proposed new (g), OAPA suggests that the Department of Revenue add the following: Rezone does not include a local government’s decision to change the use regulations applicable to a specific zone or zoning district. These regulations may include, but are not limited to; building setbacks, allowed uses, allowed types of housing, or lot dimensions.

Thank you again for the opportunity to comment,

Damian Syrnyk, AICP
Chair of the Legislative and Policy Advisory Committee
Oregon Chapter of the American Planning Association