



# Oregon

Kate Brown, Governor

Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2540

Phone: 503-373-0050

Fax: 503-378-5518

[www.oregon.gov/LCD](http://www.oregon.gov/LCD)

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**TO: Interested Persons, Local Governments and State Agencies**

**FROM: Emma Land, Legislative Coordinator  
Palmer Mason, Senior Policy Advisor  
Department of Land Conservation and Development**



**SUBJECT: 2020 Land Use Legislation Report**

The attached report describes legislation proposed in the 2020 short session by the Legislature related to land use planning or to programs administered by the Department of Land Conservation and Development (DLCD). This report is also published on the DLCD website under "Legislative Information" at: <https://www.oregon.gov/lcd/NN/Pages/Legislative-Updates.aspx>.

Due to the unusual circumstances surrounding the 2020 Oregon legislative session, 258 bills were proposed and only three were passed into law. In spite of this unforeseen session outcome, DLCD tracked and responded to numerous bills relevant to our statewide land use system. This report provides only a brief summary of each proposed legislative measure. Many of these bills have elements in addition to those described in the summary, or may include details not apparent in the summary. Therefore, we recommend that this report be used primarily as a reference to proposed legislation that may be of interest. It is important to note no bill listed in this report was passed into law and enacted by the 2020 Legislature.

State law (ORS 197.646<sup>1</sup>) requires DLCD to notify local governments when new statutory requirements require changes to local comprehensive plans, regional framework plans, or ordinances implementing these plans. Because the 2020 Oregon Legislative Session did not enact any land use related bills, DLCD is instead providing a report detailing legislation that had potential to result in the need for local comprehensive plan updates. It is sometimes the case that legislation appears either as a close version of previous legislation, or thematically, in future legislative sessions.

Nothing included in the summaries that follow requires local action.

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<sup>1</sup> Oregon Law (ORS 197.646) requires that "a local government shall amend its acknowledged comprehensive plan, regional framework plan, and land use regulations implementing the plan, by a self-initiated post-acknowledgment process under ORS 197.610 to 197.625 to comply with ... a new statutory requirement." Furthermore, this statute requires that, "when a local government does not adopt amendments to a comprehensive plan, a regional framework plan and land use regulations implementing the plan as required by ... this section, the new statutory ... requirements apply directly to the local government's land use decisions."

### **HB 4001 C – Emergency Shelters**

**Summary:** HB 4001 C declares an emergency and requires local governments to approve an application for the development or use of land for an emergency shelter on any property notwithstanding any statewide plan, rule of LCDC or local land use regulation, zoning ordinance, regional framework plan, functional plan, or comprehensive plan, if certain requirements are met, including that the facility can meet applicable local standards for natural hazards and is located within an urban growth boundary or an area zoned for rural residential use. The bill stipulates that the approval of an emergency shelter under this section is not a land use decision and repeals these emergency shelter provisions on July 1, 2021.

**Status:** DID NOT PASS

### **HB 4012 B – Stevens Road Tract Transferrable Development Opportunity**

**Summary:** HB 4012 B declared an emergency is intended to shift development of small-scale recreational communities in the Metolious River basin to approximately 260 acres, often referred to as “the Stevens Road tract”, located on the southeast corner of the City of Bend’s urban growth boundary (UGB). The bill would include the Stevens Road tract within the city’s UGB under certain circumstances. HB 4012 also creates an expedited process for DLCD review and LCDC approval of the related comprehensive plan amendments and land development regulations using specified statutory criteria rather than statewide planning goals and department rules. Under this bill, the city’s decisions are not considered “land use decisions” within the meaning of ORS 197.015. Likewise, DLCD’s decisions are not considered rulemaking and must be appealed directly to the Court of Appeals rather than the Land Use Board of Appeals. HB 4012 B contains a sunset date of January 2, 2030.

**Status:** DID NOT PASS

### **HB 4014 B – Dog Training Facilities / Court Judgments Relating to Property Line Disputes**

**Summary:** HB 4014 B declares an emergency allows dog training facilities on exclusive farm use zones and exempts such facilities from state structural specialty codes as provided in 455.315.

HB 4014 B also provides that a lawfully created unit of land remains lawful following a circuit court judgment relocating any related property lines.

**Status:** DID NOT PASS

### **HB 4015 A – Changes Related to 2019 Housing Legislation (HB 2003)**

**Summary:** HB 4015 A declares an emergency and directs cities located within Metro with populations greater than 10,000 to complete a buildable lands inventory and housing needs analysis (HNAs) at least once every six years as scheduled by the LCDC. The analysis must include the city’s existing and projected needed housing and statewide planning goals and rules related to housing by type, mix, and density range to determine the number of units and amount of land needed for each needed housing type for the next 20 years. The bill requires that the

HNA be adopted as part of the city's comprehensive plan no later than one year after the analysis is completed, and if it demonstrates a housing need, the city is required to amend its comprehensive plan or land use regulations to include new measures that sufficiently increase housing development. These HNAs are intended to trigger the Housing Production Strategies required under HB 2003.

HB 4015 A deletes language from HB 2003 (2019) that required Metro to allocate needed buildable lands and zoning capacity for unmet housing to Metro cities with populations greater than 10,000.

The bill also extends the deadline for LCDC to adopt a schedule for Metro and the cities to demonstrate sufficient buildable lands as established in HB 2003 from December 31, 2019, to December 31, 2020.

HB 4015 A expands the scope of the \$1 million appropriated in HB 2003 (2019), allowing DLCD to provide "technical assistance to local governments to increase the affordability and availability of housing within their jurisdictions."

The bill also provides \$960,000 from the General Fund to Oregon Housing and Community Services (OCHS) to award a grant to a nonprofit organization to implement an accessory dwelling unit (ADU) community pilot program.

**Status:** DID NOT PASS

### **HB 4084 A – Rural System Development Charges**

HB 4084 A would have taken effect on the 91<sup>st</sup> day following the adjournment of sine die and establishes the Rural System Development Charges (SDCs) Program within Oregon Housing and Community Services (OHCS) to increase the supply of rural, affordable, multifamily housing, and creates a framework for the use of funds to pay SDCs in rural communities. The bill establishes the Rural System Development Charges Fund (Fund) and appropriates \$750,000 from the General Fund for this purpose. OHCS must report to the Legislature by December 1 of each even-numbered year. Provisions of the bill sunset on June 30, 2027.

**Status:** DID NOT PASS

### **HB 4090 – Urban Growth Boundary Expansion for Housing (Pendleton)**

**Summary:** HB 4090 declares an emergency and modifies 2016 legislation (HB 4079) so that the City of Pendleton qualifies as a small city under a pilot program allowing for a 50 acre expansion of urban growth boundaries (UBGs) under certain circumstances. The bill requires the project to be submitted to LCDC on or before June 30, 2020, and sunsets the pilot program on January 2, 2023.

**Status:** DID NOT PASS

### **HB 4095 A – DLCD Reporting on 2016 Affordable Housing Pilot Program**

**Summary:** HB 4095 A declares an emergency and directs DLCD to continue legislative reporting during each regular session until 2024 on the implementation of 2016 legislation (HB

4079) allowing selected cities to expand their UGBs to include 50 acres under certain circumstances. More important, during the 2022 Session, DLCDC is directed to report on the experience of the selected cities and suggest how this pilot program could be implemented statewide. The bill repeals the pilot program on January 2, 2028.

**Status:** DID NOT PASS

### **HB 4096 – Child Care Facilities**

**Summary:** HB 4096 would have taken effect on the 91<sup>st</sup> day following adjournment of sine die and allows lawful dwellings in areas zoned for commercial or residential use to be used as certified or registered family child care homes. Counties are required to allow for a lawfully existing dwelling to be used as such on lands zoned for exclusive farm use subject to reasonable conditions. Also, local governments may not impose conditions on child care facilities that are more restrictive than other uses allowable within the same zone.

**Status:** DID NOT PASS

### **HB 4119 A – Tsunami Standards**

**Summary:** HB 4119 A would have become effective on January 1, 2021. The bill imposes American Society of Civil Engineers 7-16 (ASCE 7-16) tsunami design standards on Risk Category III and IV buildings and structures. ASCE 7-16 describes minimum tsunami and earthquake design standards for certain facilities so that these structures can withstand excessive loading from such events. However, ASCE 7-16 does not provide for vertical evacuation or other safety features. Risk Category III buildings include such structures as places of public assembly and educational institutions that would pose a substantial hazard to life in the event of structural failure. Risk Category IV buildings include essential facilities such as hospitals, police stations, and emergency centers.

HB 4119 A allows local governments to adopt ASCE 7-16 standards for new or existing buildings and structures as part of a local tsunami plan. A developer of a proposed Risk Category III or IV public building must request a tsunami impact determination and risk mitigation suggestions from the Oregon Department of Geology and Mineral Industries (DOGAMI) prior to submitting building design plans to the building official for final approval. DOGAMI must respond to the developer within 45 days of receiving the request. DOGAMI must report to the Legislature no later than September 15 each year regarding requests, determinations, and suggestions. The requirements of HB 4119 A apply to buildings receiving an initial building permit on or after July 1, 2021.

**Status:** DID NOT PASS

### **SB 1555 – Parsonages**

**Summary:** SB 1555 would have become effective on January 1, 2021. The bill requires local governments to allow for the development of residential dwellings for the exclusive use of religious officials and their households on a lot or parcel that currently allows for the use as a place of worship notwithstanding any statewide land use planning goals if the dwelling is no more than 2,500 square feet, located no more than 300 feet from the place of worship, and is not sited on high-value farmland to the extent possible.

**Status:** DID NOT PASS

### **SB 1536 B – Governor’s Wildfire Bill**

**Summary:** SB 1536 B declares an emergency and requires electric companies to have a risk-based wildfire protection plan approved by the Public Utilities Commission (PUC) and that the plan be submitted to the PUC every three years. The first plan is required to be submitted by December 31, 2020. The bill requires consumer owned utilities to create and operate in compliance with a risk-based wildfire mitigation plan approved by the utility’s governing body.

The Oregon Department of Forestry (ODF) is required to develop and maintain a comprehensive statewide map of wildfire risk in collaboration with DLCD, the State Fire Marshal, and other entities. ODF must report to the Legislature by February 1, 2021, regarding the development of the comprehensive statewide map.

The Director of DLCD (Director) in consultation with counties and cities must organize a Land Use and Wildfire Policy Advisory Committee (Committee). The Director and State Forester, in consultation with counties and cities, are required to jointly appoint voting members of the Committee. The bill provides a list of required representatives to be appointed to the Committee that covers a broad spectrum of stakeholders.

ODF and Oregon State University (OSU), in consultation with DLCD, must analyze the wildfire risk to people, public and private property, businesses, infrastructure, and natural resources for each region of the state, and report recommendations for regional wildfire risk reduction to the Committee by October 1, 2020. ODF in collaboration with DLCD and the Committee must report to the Legislature by February 1, 2021, regarding possible means for implementing the final recommendations produced by the 2019 Governor’s Council on Wildfire Response.

SB 1536 B appropriates \$350,000 from the General Fund to DLCD for the biennium ending June 30, 2021, to hire one limited duration position to manage the work of the Land Use and Wildfire Policy Advisory Committee and to assist the Oregon Department of Forestry in submitting a report to the Legislature no later than Feb. 1, 2021, on how to implement the land use recommendations from the 2019 Governor’s Council on Wildfire Response.

**Status:** DID NOT PASS

### **SB 1537 – Governor’s Resiliency Bill**

**Summary:** SB 1537 declares an emergency and requires the Homeland Security Council to identify 10 staging areas for emergency services. The Office of Emergency Management is required to administer a grant program to maintain these areas.

The bill requires the Oregon Resilience Plan (Plan) be updated by December 1, 2021, and DLCD is directed to participate in this process. The Seismic Safety Policy Advisory Commission (Commission) in consultation with the State Resilience Officer must update the chapter relating to coastal communities. DLCD in consultation with the Oregon Department of Transportation must develop recommendations to be included in the Plan update for mitigation strategies for issues caused by the disconnection of areas from transportation networks, power grids, or other infrastructure elements. The Commission must also initiate a public process to update tsunami inundation boundaries in consultation with DLCD and others.

SB 1537 appropriates \$125,000 from the General Fund to the Office of the Governor, for the biennium ending June 30, 2021, so that the State Resilience Officer can update the Oregon Resilience Plan. The bill requires DLCDC to participate in this update.

**Status:** DID NOT PASS

### **HB 5204 A – Budget Reconciliation Bill (“The Christmas Tree Bill”)**

**Summary:** HB 5204 A appropriates \$500,000 from the General Fund to DLCDC for the biennium ending June 30, 2021, to make grants to the ten counties in Eastern Oregon for the purpose of conducting economic opportunity analyses as established in SB 2 (2019).

**Status:** DID NOT PASS

If you have further questions about farm and forest land use legislation contact Hilary Foote, Farm and Forest Specialist, at 503-934-0622, or [Hilary.Foote@state.or.us](mailto:Hilary.Foote@state.or.us). If you have further questions about urban issues contact Gordon Howard, Community Service Division Manager, at 503-934-0034, or [Gordon.Howard@state.or.us](mailto:Gordon.Howard@state.or.us).

This report includes hyperlinks for easy download of a pdf file of “introduced” or “engrossed” versions of bills published on the Oregon Legislative Information System (OLIS). All legislation considered in the 2020 legislative session may be accessed at <https://olis.leg.state.or.us/liz/2020R1>. DLCDC does not have printed copies of legislative measures available for distribution.

If you have questions or comments about the report or other legislation, please contact DLCDC Legislative Coordinator, Emma Land, at 503-934-0627, or [Emma.Land@state.or.us](mailto:Emma.Land@state.or.us).

Cc: Land Conservation and Development Commission, League of Oregon Cities, Association of Oregon Counties, Local Officials Advisory Committee, Citizen Involvement Advisory Committee, Oregon Chapter of American Planning Association