



Oregon

Kate Brown, Governor

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TO: Interested Persons, Local Governments and State Agencies

**FROM: Ellen Miller, Legislative Coordinator
Department of Land Conservation and Development**

SUBJECT: 2018 Land Use Legislation

The attached report describes legislation enacted by the 2018 legislature that is related to land use planning or programs administered by the Department of Land Conservation and Development (DLCD). This report is also published on the DLCD web site under “Current Topics” at: <http://www.oregon.gov/lcd/Pages/index.aspx>.

This report provides only a brief summary of each legislative measure. Many of these new laws have elements in addition to those described in the summary, or may include details not apparent in the summary. Therefore, we recommend that you use the report primarily as a reference to new laws that may be of interest.

In general, if legislation does not specify an effective date, the new law will take effect on January 1, 2019. However, many of the bills enacted in the 2018 session take effect upon passage (with the Governor’s signature). The attached report indicates the effective date of all bills that are signed by the Governor at the time of the report.

State law (ORS 197.646¹) requires DLCD to notify local governments when new statutory requirements require changes to local comprehensive plans, regional framework plans, or ordinances implementing these plans. The department is providing this report for that purpose with the caveat that DLCD cannot determine which bills may apply to specific local governments. Therefore, the department suggests local governments seek advice from legal counsel in considering whether new laws on this list require local changes and when such changes should be adopted given the applicability date of the new laws.

The legislature did not pass any bills that require changes to acknowledged comprehensive plans or local land use regulations; however, local governments should be aware of the following

¹ 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.”

legislation, which may apply to certain local governments. The bills that passed may impact a local government's work plan and work load for the current budget cycle.

HB 4006 Rent Burdened Cities Bill

Summary: The intent of the legislation is to increase the affordability of housing through increasing local government awareness of rent burden, assisting cities in housing planning efforts. The bill requires cities with populations over 10,000 where greater than 25 percent of their population is severely rent-burdened to hold at least one public meeting to discuss the causes of severe rent burdens and potential solutions. The bill also requires these cities to complete and submit a survey to DLCD and Oregon Housing and Community Services (OHCS) annually, reporting the number of permitted and produced residential units in several different categories. The bill provides \$1.73 million to DLCD to provide housing technical assistance and \$270,000 to OHCS to study the costs of affordable housing and provide technical assistance grants to promote the development of subsidized affordable housing.

Status: Signed into law **Effective Date:** April 3, 2018

HB 4031 Land Use Technical Fix Bill

Summary: The bill repairs mistakes in 2017 legislation: HB 2031, HB 2743, and SB 1051. The fixes were necessary for the implementation of these bills.

- For HB 2031, the bill provides siting standards for up to two small-scale recreation communities (SSRC) for counties to use in the application review of an SSRC as a permitted use rather than as a conditional use. The bill explicitly states that approval by a county of an SSRC would be deemed to constitute an acknowledged exception to any otherwise applicable statewide planning goal in order to review an SSRC project subject to federal consistency under the federal Coastal Zone Management Act.
- For HB 2743, an economic development pilot program, the bill corrects a reference to the applicable statute – ORS 197A.320 (formerly ORS 197.298). The bill also changes the eligibility criteria for the pilot program, including the distance a pilot city must be from the UGB of any city with a population of 300,000 from 100 to 78 miles, and adjusts the county unemployment criterion from 8 percent to 7 percent.
- For SB 1051, the bill corrects a scrivener's error that requires cities and counties to allow accessory dwelling units only inside the urban growth boundary.

The bill also extends the sunset of guest ranches in exclusive farm use zones (formerly Sections 1 to 6, chapter 84, Oregon Laws 2010) from January 2, 2018 to April 15, 2020.

Status: Signed into law **Effective Date:** March 16, 2018

HB 4063 Autonomous Vehicle Task Force

Summary: The bill designates the Oregon Department of Transportation as lead agency for autonomous vehicle programs and policies. It establishes a Task Force on Autonomous Vehicles and assigns the duties of task force. The bill requires the task force to report to the interim committee on transportation, on or before September 15, 2018, regarding deployment of autonomous vehicles on highways. Sunsets task force on January 2, 2021.

Status: Signed into law. **Effective Date:** April 10, 2018

HB 4124 County Governance Option on LUBA Remand

Summary: Allows a county governing body, upon remand from Land Use Board of Appeals, to have a planning commission or hearings officer conduct the hearing and make the decision on certain plan amendments on lands designated under the statewide planning goals for agricultural lands or forestlands. The bill requires the county governing body to review the planning commission or hearings officer decision and take one of three specified actions on decision.

Status: Signed into law. **Effective Date:** April 13, 2018

SB 1533 Equine Therapy Bill

Summary: The bill establishes a new use in ORS 215.213(2) and ORS 215.283(2) for exclusive farm use and mixed farm-forest zones that permits equine and equine-affiliated therapeutic and counseling activities. The specific language provides safeguards on the types of activities that may occur and limits construction of new buildings. A county is not required to permit this use, but should add the use to the conditional use list in its zoning ordinance prior to permitting the use.

Status: Signed into law. **Effective Date:** January 1, 2019

HB 5201 Agency Budget Reconciliation Bill

Summary: Appropriates moneys from General Fund to Emergency Board for allocations during biennium. Appropriates moneys from General Fund to specified state agencies for biennial expenses. Increases and decreases certain biennial appropriations made from General Fund to specified state agencies and Emergency Board, including an increased appropriation of \$300,000 to DLCD for the purposes of Economic Opportunity Analyses (EOAs) for Eastern Oregon. This will fund consultants to conduct the EOAs for cities in Eastern Oregon counties.

Status: Signed into law. **Effective Date:** April 10, 2018

If you have further questions about farm and forest use legislation contact Tim Murphy, Farm and Forest Lands Specialist, at 503-934-0048 or timothy.murphy@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.

This report includes hyperlinks for easy download of a pdf file of the final “enrolled” version of bills published on the Oregon Legislative Information System (OLIS). All legislation considered in the 2018 legislative session, including a large number of measures that were submitted but did not pass, may be accessed at <https://olis.leg.state.or.us/liz/2018R1>. DLCD 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 DLCD legislative coordinator, Ellen Miller, at ellen.l.miller@state.or.us or 503-934-0020.

Cc: LCDC, LOC, AOC, LOAC, CIAC