



# Oregon

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

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



**SUBJECT: Land Use Legislation Report: 2020 1<sup>st</sup> Special Session**

This report describes legislation enacted during the first special session of 2020 that relates to land use planning or to programs administered by the Department of Land Conservation and Development (DLCD). 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.

With the Legislature focused on COVID-19 response and police reform, few bills addressing land use planning or DLCD programs were passed. For those bills, a brief summary is provided. Because of the complexity of these bills, which contain details not described in the summary, this report should only be used as a reference to relevant legislation, and readers should carefully review every bill.

This report is also published on DLCD's website on the "Legislative Information" page under "Quick Links" at: <https://www.oregon.gov/lcd/NN/Pages/Legislative-Updates.aspx>

## **HB 4212 – Emergency Shelters & Vehicle Camping**

**Summary:** HB 4212 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 under certain conditions, notwithstanding any statewide plan, rule or local land use regulation, zoning ordinance, regional framework plan, functional plan, or comprehensive plan. "Emergency shelter" is defined as a building that provides temporary shelter for individuals or families lacking permanent homes. The facility must meet applicable building codes and local standards for natural hazards, be located within an urban growth boundary or an area zoned for rural residential use, and must not pose an unreasonable risk to public health or safety.

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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 4212 stipulates that the approval of an emergency shelter under this section is not a land use decision and is only subject to review ORS 34.010 to 34.100 (relating to writ of review). Siting pursuant to this legislation ends 90 days after the bill's effective date, except that an application completed and submitted prior to the repeal can be approved at a later date.

HB 4212 also allows local governments to authorize any number of overnight camping spaces on a person's property for homeless individuals who are living in vehicles. Local governments are allowed to regulate vehicle camping spaces as transitional housing accommodations under ORS 446.265. This authority is repealed 90 days after the effective date of the bill.

**Status:** PASSED

### **SB 1602 Revisions to the Oregon Forest Practices Act**

**Summary:** SB 1602 directs the Governor to hold one or more mediation sessions between representatives of environmental interests and the forest industry in accordance with the Memorandum of Understanding announced by the Governor on February 10, 2020. The purpose of these mediation sessions is to "develop an approach to evaluate and jointly recommend substantive and procedural changes to Oregon Forest Practices Act laws and regulations to advance the attainment of federal regulatory assurances for aquatic and riparian-dependent species." The President of the Senate and Speaker of the House shall arrange for legislative committees related to natural resources to hold a joint informational hearing during the 2021 regular session regarding these mediation sessions.

Due to a federal legal settlement relating to the protection of endangered species, approximately 30 percent of a federal grant to support DLCD's Coastal Program has been withheld. Work under this legislation may potentially allow DLCD to be eligible for the withheld funding.

**Status:** PASSED

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 1<sup>st</sup> Special Session may be accessed at:

<https://olis.leg.state.or.us/liz/2020S1/2020-07-01>. 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, 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