
2017 SUMMARY OF LEGISLATION



LAND USE



LAND USE MEASURES

Farm and Forest Lands

Enacted: SB 677, HB 3012

Not Enacted: HB 2023, HB 2094, HB 2937,
HB 2938, HB 3050

Land for Housing

Enacted: SB 310, HB 2316

Not Enacted: SB 1024, HB 3155-A

Local Land Use Planning

Enacted: HB 3245

Not Enacted: SB 432-A

Urban Lands

Enacted: SB 418, HB 2095

Not Enacted: HB 2094, HB 2893, HB 2894

Other

Enacted: SB 865, HB 2743, HB 2968,
HCR 8

Not Enacted: HB 2144, HB 2222, HB 2786,
HB 3211

Picture: Melrose Vineyards, Douglas County - [Gary Halvorson](#), [Oregon State Archives](#)

LAND USE

TASK FORCES AND REPORTING REQUIREMENTS

The following bills created task forces and reporting requirements. Additional information is provided in the bill summaries.

HB 2743	Directs the Land Conservation and Development Commission to report to the legislative committees related to housing and human services on the progress of a pilot program concerning land adjacent to a rural airport.	During the 2022 Regular Session of the Legislative Assembly
HB 2968	Directs the Department of Environmental Quality to study and propose recommendations to the legislative committees relating to environment and natural resources on developing a program that would provide release from state and federal liability for owners of browns field properties.	January 2, 2019

[Senate Bill 310](#)

Effective Date: October 6, 2017

Vertical Housing Development Zones

Chief Sponsors: Sens. Hass, Boquist

Committees: Senate Human Services, House Human Services and Housing

Background and Current Law: The vertical housing development program has existed in the Oregon Housing and Community Services (OHCS) department since 2005, and its primary purposes are rehabilitation of properties, community revitalization, and augmentation of available housing in certain areas. The program encourages mixed-use developments by offering partial property tax exemptions for creating housing in areas that were once zoned nonresidential and are now designated for vertical housing development. Oregon law provides that vertical housing development zones must be applied for and approved through OHCS, and OHCS must also approve individual vertical housing projects.

Bill Summary: Senate Bill 310 grants local city and county governments the authority to designate vertical housing development zones within their respective jurisdictions and removes OHCS from the designation and project certification process. The measure establishes requirements for local governments to certify vertical housing development projects within designated vertical housing development zones.

Oregon Laws 2017: Chapter 326

[Senate Bill 418](#)

Effective Date: January 1, 2018

Urban Growth Boundary Expansions

Chief Sponsors: Sen. Beyer

Committees: Senate Environment and Natural Resources, House Agriculture and Natural Resources

Background and Current Law: All Oregon cities are surrounded by an “urban growth boundary” (UGB), a line designating where a city expects to grow residentially, industrially, and commercially over a 20-year period. A UGB is adopted or expanded through a joint effort involving the city and adjoining counties in coordination with special districts, as well as citizens and other interested parties.

Bill Summary: Senate Bill 418 requires the Oregon Department of Land Conservation and Development to make coordinated decisions on sequential phases of work during certain UGB expansion processes when requested by the city.

Oregon Laws 2017: Chapter 521

Local Land Use Plans Exempt from Statewide Goals

Chief Sponsors: Sen. Ferrioli

Committees: Senate Environment and Natural Resources, Senate Rules, Joint Ways and Means

Background and Current Law: Oregon’s statewide land use planning program was created in 1973 when the Legislative Assembly passed Senate Bill 100. The program is overseen by the seven-member Land Conservation and Development Commission (LCDC). Following the passage of Senate Bill 100, LCDC developed 19 land use planning goals, including economic development, energy, transportation, and housing. All cities and counties are required to adopt comprehensive plans to meet these goals. Under certain circumstances, jurisdictions may claim an exception to a goal.

Bill Summary: Senate Bill 432-A would have authorized “counties with no population growth” and cities within such counties, to adopt an exception to any statewide land use planning goal for creating business development in urban or rural areas, expanding existing rural or urban businesses or increasing urban or rural housing opportunities, unless the subject land is high-value farmland or the goal implements sage-grouse protections. Counties with no population growth would have been defined as those with populations less than 50,000 that did not experience growth between 2000 and 2010. The Oregon Business Development Department would have been responsible for monitoring exceptions and reporting back to the legislature by October 1, 2020.

Cider Business on Farm and Forest Lands

Chief Sponsors: Sens. Olsen, Johnson, Thomsen; Rep. Post

Committees: Senate Environment and Natural Resources, House Economic Development and Trade

Background and Current Law: House Bill 3280 (2011) described the activities and events that a winery may hold when established as a permitted use on lands zoned for exclusive farm use.

Bill Summary: Senate Bill 677 establishes a cider business as a permitted use on EFU and mixed farm and forest use lands. The measure, modeled after the winery statute, specifies the types of uses allowed at such businesses and authorizes up to 18 agritourism or other commercial events at these locations each calendar year.

Oregon Laws 2017: Chapter 253

[Senate Bill 865](#)

Effective Date: January 1, 2018

Land Subdivisions and Partitions in Irrigation Districts

Chief Sponsors: Sen. Hansell

Committees: Senate Environment and Natural Resources, House Energy and Environment

Background and Current Law: A “plat” is a map of a town or a section of land that has been subdivided into lots showing the location and boundaries of individual parcels.

Bill Summary: Senate Bill 865 requires a local governing body to notify an irrigation, water control, or water improvement district of a tentative plan for a proposed plat for a subdivision or partition located in whole or in part within the boundaries, easement, or right-of-way of a district. The measure allows 15 days for a district to submit information or recommended conditions to the local governing body for consideration.

Oregon Laws 2017: Chapter 357

[Senate Bill 1024](#)

Not Enacted

Accessory Dwelling Units in Rural Residential Zones

Chief Sponsors: Sen. Monnes Anderson; Reps. Gorsek, Johnson

Committees: Senate Human Services

Background and Current Law: Accessory dwelling units are permanent structures that are ancillary to an existing single-family dwelling on the same property. Accessory dwellings are designed as independent living quarters from the primary single-family dwelling, including permanent cooking, eating, sleeping, and sanitary facilities.

Bill Summary: Senate Bill 1024 would have required counties to allow the placement of one accessory dwelling unit, in addition to one existing single-family dwelling, on parcels in areas zoned rural residential. The bill required accessory dwelling units to comply with state and local building standards for residential units, and preempted counties from adopting or enforcing local laws that restricted accessory dwelling units in rural residential zones.

[House Bill 2023](#)

Not Enacted

Definition of High-Value Farmland

Chief Sponsors: Rep. G. Smith

Committees: House Agriculture and Natural Resources, House Rules

Background and Current Law: Under current Oregon law, high-value farmland is defined as land in an exclusive farm use zone or a mixed farm and forest zone, west of U.S. Highway 101 that is composed predominantly of specified soils, and within specified regions.

Bill Summary: House Bill 2023 would have required the Columbia Valley region viticultural area to have a valid water right certificate to qualify as high-value farmland.

[House Bill 2094](#)

Not Enacted

Designation of Urban and Rural Land Reserves

At the request of: House Interim Committee on Rural Communities, Land Use and Water

Committees: House Agriculture and Natural Resources

Background and Current Law: Senate Bill 1011 (2007) authorized Metro regional government and metro-area counties to designate “urban and rural reserves.” The reserves identify what lands might become urbanized in the future, depending upon need, and what lands will remain rural. Urban reserves are intended to facilitate long-term planning for urbanization in the Portland metropolitan area and to provide greater certainty to the agricultural and forest industries, to private landowners, and to public and private service providers, about the locations of future expansion of the Metro Urban Growth Boundary. Rural reserves are intended to provide long-term protection for large blocks of agricultural land and forest land and for natural landscape features that limit urban development or define natural boundaries of urbanization.

Bill Summary: House Bill 2094 would have required designation of land as an urban or rural reserve if a written agreement was proposed and the land was found to meet a set of criteria.

[House Bill 2095](#)

Effective Date: January 1, 2018

Metro Urban Growth Boundary Expansion Review

At the request of: House Interim Committee on Rural Communities, Land Use and Water

Committees: House Agriculture and Natural Resources, Senate Business and Transportation

Background and Current Law: Every six years, a metropolitan service district is required to complete an inventory of the supply of buildable lands within its urban growth boundary, determine the housing capacity of those lands, and conduct an analysis of housing needs for the next 20 years. Metro, which serves as regional government for Clackamas, Multnomah, and Washington counties, is the only metropolitan service district in the state of Oregon.

Bill Summary: House Bill 2095 allows a metropolitan service district to revise its demonstration of sufficient buildable lands on a single occasion within the six-year cycle under certain circumstances and to expand the urban growth boundary with specified limitations if the metropolitan service district concludes that expansion is warranted.

Oregon Laws 2017: Chapter 199

[House Bill 2144](#)

Not Enacted

Nonconforming Land Uses

Chief Sponsors: Rep. Johnson

Committees: House Agriculture and Natural Resources

Background and Current Law: Under Oregon law, the lawful use of any building, structure or land may continue regardless of changes to zoning ordinances or regulations, subject to a set of conditions. The conditions are: the use must have been lawful at the time the use began, all required permits and approvals were received at the time the use commenced, and the use has continued uninterrupted.

Bill Summary: House Bill 2144 would have deemed a use as lawful at the time it began if the owner could prove that the use would have qualified for all required permits and approvals though they were not obtained at the time the use began.

[House Bill 2222](#)

Not Enacted

Regional Land Use Planning Process

Chief Sponsors: Reps. Whisnant, Buehler; Sen. Knopp

Committees: House Agriculture and Natural Resources

Background and Current Law: Oregon's statewide land use planning program was created in 1973 when the Legislative Assembly passed the Oregon Land Use Act (Senate Bill 100). The program is overseen by the seven-member Land Conservation and Development Commission (LCDC), which receives administrative support from the Department of Land Conservation and Development. Following the passage of Senate Bill 100, LCDC developed 19 land use planning goals, including economic development, energy, transportation, and housing. All cities and counties are required to adopt comprehensive plans that meet these goals.

Bill Summary: House Bill 2222 would have directed the Land Conservation and Development Commission to conduct a study to determine the necessity of converting the current statewide land use planning process to a regional statewide land use planning process and report its findings to the Legislative Assembly no later than January 15, 2018.

[House Bill 2316](#)

Effective Date: January 1, 2018

Estimation of Housing Needs for Small Cities

At the request of: Governor Brown for Department of Land Conservation and Development

Committees: House Human Services and Housing, Senate Environment and Natural Resources

Background and Current Law: Oregon's statewide land use planning program was created in 1973 when the Legislative Assembly passed the Oregon Land Use Act (Senate Bill 100). The program is overseen by the seven-member Land Conservation and Development Commission (LCDC), which receives administrative support from the Department of Land Conservation and Development (DLCD). Following the passage of Senate Bill 100, LCDC developed 19 land use planning goals, including economic development, energy, transportation, and housing. All cities and counties are required to adopt comprehensive plans that meet these goals. Under certain circumstances, jurisdictions may claim an exception to a goal. Currently, LCDC must provide acknowledgment of a jurisdiction's comprehensive plan within 90 days.

Bill Summary: House Bill 2316 requires that at periodic review or any other legislative review of a comprehensive plan applying the statewide planning goal for housing, a city with a population of less than 25,000 must take steps to determine the 20-year estimated housing needs, inventory the buildable land supply within its urban growth boundary to meet those needs, and adopt measures to accommodate those housing needs.

Oregon Laws 2017: Chapter 102

[House Bill 2743](#)

Effective Date: January 1, 2018

Economic Development Around Madras Airport

Chief Sponsors: Rep. Huffman

Committees: House Economic Development and Trade, Joint Ways and Means

Background and Current Law: Deschutes County received two Technical Assistance Grants from the Oregon Department of Land Conservation and Development (DLCD) in 2010 to evaluate Central Oregon’s opportunities, competitiveness, and ability to recruit new and locally grown firms requiring large-scale development. Deschutes County used the grant funding to develop a Regional Economic Opportunity Analysis (REOA). The REOA identified a need for industrial lands of 100-200 acres in size in Deschutes, Jefferson, and Crook Counties. The DLCD subsequently adopted administrative rules to allow cities in Deschutes, Jefferson, and Crook Counties a specific path to include three sites of at least 50 acres—two sites between 100 and 200 acres and one site over 100 acres—within their urban growth boundaries (UGBs). The City of Madras currently owns roughly 1,200 acres of land adjacent to its airport outside its UGB, with an additional 920 acres of airport property within the UGB. The City is in the process of adding one 195-acre industrial lot within its UGB near the Madras airport after potential businesses expressed interest in utilizing the site.

Bill Summary: House Bill 2743 directs DLCD to establish a pilot program to implement a master plan for economic development on land adjacent to a rural airport and report back to the legislature in 2022.

Oregon Laws 2017: Chapter 709

[House Bill 2786](#)

Not Enacted

State Wetlands Inventory

At the request of: House Committee on Agriculture and Natural Resources

Committees: House Agriculture and Natural Resources

Background and Current Law: The Oregon Department of State Lands (DSL) is responsible for developing and maintaining the Statewide Wetlands Inventory, which provides an estimate of wetland locations and types throughout the state. The State Wetlands Inventory is used by local governments to catalog resources for protection under Oregon’s land use planning goals. City and county planners use wetlands inventories to determine when to send a wetland land use notice to DSL. The response to this notice provides planners and applicants with information about the likelihood that wetlands and waters are in the project area, and if a removal-fill permit may be required for the proposed project.

Bill Summary: House Bill 2786 would have prohibited the Oregon Department of State Lands from applying removal-fill laws to parcels that were not designated as being or including wetlands in the State Wetlands Inventory.

Prioritization of Lands for Inclusion in Urban Growth Boundary

Chief Sponsors: Reps. Buehler, Whisnant; Sen. Knopp

Committees: House Agriculture and Natural Resources, House Rules

Background and Current Law: All of Oregon’s cities are surrounded by an urban growth boundary (UGB), a border designating where a city expects to grow residentially, industrially, and commercially over a 20-year period. Areas inside UGBs are planned for development, while zoning restrictions in areas beyond UGBs protect farm and forest resource land and prohibit “urban levels” of development in other areas. A UGB is adopted or expanded in compliance with statewide planning goals and state laws through a joint effort between each city and adjoining counties in coordination with special districts, and with participation of citizens and other interested parties. Cities and counties may create intergovernmental agreements to designate urban and rural reserves by identifying lands that might be urbanized in the future and lands that are likely to remain less developed.

Bill Summary: House Bill 2893 would have authorized cities to evaluate agricultural land consisting of predominantly class VI, VII, or VIII soils for potential inclusion within urban reserves and the urban growth boundary. The bill would have authorized cities to evaluate other lands for inclusion as urban reserves if lands that met certain criteria, including soil type, were not sufficient to meet projected housing needs.

Buildable Land Supply for Cities

Chief Sponsors: Reps. Buehler, Whisnant; Sen. Knopp

Committees: House Agriculture and Natural Resources

Background and Current Law: All of Oregon’s cities are surrounded by an urban growth boundary (UGB), a border designating where a city expects to grow residentially, industrially, and commercially over a 20-year period. Local governments are required to demonstrate that their comprehensive plans provide sufficient buildable lands within the UGB to accommodate estimated housing needs for the next 20 years.

Bill Summary: House Bill 2894 would have authorized cities to consider a variety of factors when determining the development or redevelopment potential of lands within the city’s urban growth boundary or with a study area outside the urban growth boundary for the purpose of determining the amount of buildable lands required to accommodate housing needs for the next 20 years. The measure would have allowed cities to include lands that were unlikely to be developed or redeveloped as areas of land with reduced development potential or to exclude such lands from the city’s analysis of buildable lands to meet housing needs.

[House Bill 2937](#)

Not Enacted

Accessory Dwellings on Exclusive Farm Use and Rural Residential Land

At the request of: House Committee on Agriculture and Natural Resources

Committees: House Human Services and Housing, House Agriculture and Natural Resources

Background and Current Law: Accessory dwelling units are defined in an Oregon Department of Environmental Quality report as smaller, ancillary dwelling units located on the same property as a primary residence. These units are self-contained homes and can be attached or detached from the primary residence.

Bill Summary: House Bill 2937 would have allowed an accessory dwelling unit to exist on land zoned for either exclusive farm use or rural residential use if it was constructed within 100 feet of an existing single-family home and complied with county residential unit standards and ordinances.

[House Bill 2938](#)

Not Enacted

Recreational Vehicles on Exclusive Farm Use and Rural Residential Land

At the request of: House Committee on Agriculture and Natural Resources

Committees: House Human Services and Housing, House Agriculture and Natural Resources

Background and Current Law: Oregon law allows for the placement or occupancy of a recreational vehicle if the vehicle is occupied as a residential dwelling and connected to water, electrical, and sewage systems and located in a manufactured dwelling park, mobile home park, or recreational vehicle park.

Bill Summary: House Bill 2938 would have allowed a recreational vehicle to be used for residential purposes on land zoned for either exclusive farm use or rural residential use if it was placed within 100 feet of an existing single-family dwelling and had functioning sleeping, cooking, and plumbing facilities.

Brownfield Redevelopment

Chief Sponsors: Rep. Buehler

Committees: House Committee on Economic Development and Trade, Senate Committee on Environment and Natural Resources

Background and Current Law: A generally accepted definition of a brownfield is “real property where expansion or redevelopment is complicated by actual or perceived environmental contamination.” Contaminated properties may pose health risks, and even the perception of contamination may reduce the property’s value. A current search of the Oregon Department of Environmental Quality (DEQ) Environmental Cleanup Site Information database indicates there are 432 known current or former brownfields in Oregon, with thousands of additional sites catalogued in the DEQ Leaking Underground Storage Tank database. An October 2014 report from ECONorthwest estimated that there are roughly 13,500 sites in Oregon with known or suspected contamination.

Brownfield cleanup projects typically involve multiple steps to determine what, if any, cleanup is required. The initial steps can include an environmental site assessment and remedial investigations to determine if a hazardous release occurred and if so, to what extent. The next step is generally to obtain a technical feasibility study to determine how to clean up the property using several balancing factors like effectiveness, long-term reliability, implementation risk and reasonableness of cost. Finally, once the proposed cleanup method is selected, the cleanup begins. This can include soil or groundwater removal or treatment, engineering options like capping the site, or institutional controls like land use or deed restrictions.

Bill Summary: House Bill 2968 requires DEQ to propose legislation to create a pilot program that relieves property owners of state and federal liability for contamination if they voluntarily undertake remediation or removal of hazardous wastes.

Oregon Laws 2017: Chapter 168

Conversion of Historic Home on Rural Residential Land

Chief Sponsors: Reps. Lininger, Meek, Brock Smith

Committees: House Human Services and Housing, House Agriculture and Natural Resources, Senate Environment and Natural Resources

Background and Current Law: Current Oregon county planning, zoning, and housing laws allow the construction of an accessory dwelling unit (ADU) on land zoned for either exclusive farm use or rural residential use only if the ADU would be used for farmworkers. Further, to qualify for a replacement dwelling under current law, the existing dwelling must have the following features: intact exterior walls and roof; indoor plumbing including a kitchen sink, toilet, and bathing facilities; interior wiring for lights; a heating system; and the dwelling to be replaced must be removed, demolished, or converted within three months of completion of the replacement dwelling. A person may also request a deferred replacement permit to allow for the construction of the replacement dwelling at any time, provided that the existing structure is removed or demolished within three months after the permit is issued, otherwise the permit is void.

Bill Summary: House Bill 3012 authorizes counties to allow a property owner of property in an area zoned for rural residential use to construct a new single-family dwelling on the lot or parcel, subject to certain conditions, and convert a historic home on the same lot or parcel to an ADU. The measure prohibits the subdivision of the lot or parcel, limits modifications on the ADU, prohibits rebuilding of the structure in the case of fire and does not allow the construction of an additional ADU on the same lot or parcel. House Bill 3012 also authorizes counties to require that the new dwelling be served by the same water supply source as the ADU and allows counties to impose additional conditions for approval.

Oregon Laws 2017: Chapter 400

Solar Siting on High-Value Farmland

At the request of: House Committee on Agriculture and Natural Resources

Committees: House Agriculture and Natural Resources

Background and Current Law: Oregon’s Statewide Planning Goals and Guidelines indicate the state’s preference for restricting urbanization and preserving farmland through the implementation of strict zoning rules. Under current Oregon law, lands zoned for Exclusive Farm Use have a set of activities and structures allowed on their premises. Common non-farm uses include “commercial activities in conjunction with farm use,” “home occupations,” and “utility facilities necessary for public service.” High-value farmland refers to lands composed predominantly of soils that are particularly well suited for growing agricultural crops.

Bill Summary: House Bill 3050 would have expanded the set of activities and structures allowed on exclusive farm use lands to include solar power facilities generating electricity for public use. The bill would have authorized siting of such facilities on high-value farmland if the appropriate governing body adopted an exception to a statewide planning goal related to agricultural lands or if the governing body determined no alternative site was available.

Task Force on Surplus Public Lands for Housing

Chief Sponsors: Rep. Brock Smith; Sen. Roblan

Committees: House Human Services and Housing, Joint Ways and Means

Background and Current Law: Under current Oregon law, the state or a county governing body may, whenever it deems it to be in the best interest of the county, provide for the sale of county lands or any real estate owned by the county and not in use for county purposes. Such lands, known as surplus lands, are held by both state agencies and counties.

Bill Summary: House Bill 3155-A would have created the seven-member Task Force on Use of Surplus Public Lands for Housing to study the sale and use of surplus public lands to address housing shortages. The measure permitted the task force to consult with experts, hear testimony from affected persons, and collect data, and would have required the task force to submit a report by December 31, 2017.

Barriers to Industrial Development Study

Chief Sponsors: Reps. Sprenger, Clem

Committees: House Economic Development and Trade, Joint Ways and Means

Background and Current Law: After reviewing the permit processes at state agencies, the 2011 Legislative Assembly created the Economic Recovery Review Council (ERRC) in Business Oregon and two programs that streamline the process to ready industrial lands for business. The Industrial Development Projects of State Significance program focuses on up to 10 projects per biennium that may use an expedited permit process when job creation, wage standards, and other criteria are met. The second program designates Regionally Significant Industrial Areas (RSIAs) planned and zoned for industrial use that have the potential for long-term job creation and provide some protection for using the land for business and employment purposes.

Bill Summary: House Bill 3211 would have directed Business Oregon to study barriers to industrial land development and report to the appropriate legislative committees by September 1, 2018.

Authorization of Planning Commissions to Amend Comprehensive Plan

Chief Sponsors: Reps. Clem, Hack; Sen. Winters

Committees: House Agriculture and Natural Resources, Senate Environment and Natural Resources

Background and Current Law: Oregon’s rapid population growth and development during the 1960s and 1970s prompted concern about the effect of population growth on the environment, natural resources, and the livability of communities. These concerns led to the creation of the Land Conservation and Development Commission (LCDC), charged with adopting state land use goals, and the Department of Land Conservation and Development (DLCD), charged with assisting local governments in the implementation of those goals. Senate Bill 100 (1973) also directed local governments to adopt and implement comprehensive plans and revise them periodically in accordance with statewide goals and the needs and desires of the public. Comprehensive plans were initially approved by LCDC in a process referred to as “acknowledgment of compliance.”

Bill Summary: House Bill 3245 permits cities to authorize planning commissions or hearing officers to make decisions to amend the city comprehensive plan map, subject to certain restrictions. The measure allows for an aggrieved party to appeal such decisions to the city governing body.

Oregon Laws 2017: Chapter 432

50th Anniversary of Oregon’s Beach Bill

Chief Sponsors: Reps. Gomberg, Brock Smith; Sen. Roblan

Committees: House Veterans and Emergency Preparedness

Background and Current Law: The Oregon Beach Bill (House Bill 1601) was a landmark piece of legislation passed with bipartisan support in 1967. The Beach Bill declared that all wet sand within sixteen vertical feet of the low tide belongs to the citizens of Oregon. The measure also recognized easements of all beach areas up to the line of vegetation, regardless of the underlying property rights to ensure the public has “free and uninterrupted use of beaches.” Property owners are required to seek state permits for building and other uses of the shore. The legislation inspired other significant legislation, such as Oregon’s Bottle Bill.

Bill Summary: House Concurrent Resolution 8 celebrates the 50th anniversary of Oregon’s Beach Bill.