



LAND USE

2018 SUMMARY OF LEGISLATION: MEASURE SUMMARIES

The *2018 Summary of Legislation – Land Use* summarizes selected measures related to this policy area that were considered by the 79th Oregon Legislative Assembly, including bills, memorials, and resolutions. This publication will become part of a more comprehensive *2018 Summary of Legislation* that includes all topic area summaries and committee membership lists.

This publication begins with a table highlighting measures that establish task forces or create reporting requirements. The summaries of selected measures follow in three groups—bills, memorials, and resolutions—each listed in numerical order.

Each summary provides information on the chief sponsors, committees assigned, background and current law, description of the measure, and date when the measure, if enacted, becomes effective. Each summary also includes a link to the measure on the [Oregon Legislative Information System \(OLIS\)](#), which provides a more comprehensive staff measure summary, all versions of the measure, amendments, public testimony, a complete measure history, and final vote tallies.

The *2018 Summary of Legislation* focuses on policy measures. Information on revenue measures is available on the [Legislative Revenue Office website](#). Information on the state budget and selected legislation that impacts state agencies is available on the [Legislative Fiscal Office website](#).

The Legislative Policy and Research Office will update this publication with each bill's effective date and assigned chapter in Oregon Laws 2018 when that information becomes available.

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LAND USE TASK FORCES AND REPORTING REQUIREMENTS

There were no task forces or reporting requirements involving land use enacted through legislation during the 2018 session.

Equine Therapy Facilities

At the request of: Senate Interim Committee on Workforce

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

Background and Current Law: The exclusive farm use zone designation, along with the farm tax assessment program, was established by the legislature in 1961. Farm use is encouraged and protected within the zone while also allowing a variety of non-farm uses that have increased in type and number over the years. Minimum lot standards and dwelling approval standards limit the conversion of farmland to other uses. About 15.5 million acres of private land (56 percent) in Oregon are currently zoned for exclusive farm use.

Equine therapy includes a range of treatments that use a horse as a therapeutic tool. Hippotherapy is physical, occupational, or speech and language therapy that uses the movement of a horse to accomplish therapeutic goals.

Bill Summary: Senate Bill 1533 allows equine and equine-affiliated therapeutic and counseling activities that meet certain requirements in exclusive farm use zones.

Oregon Laws 2018: Chapter 119

Land Use Omnibus

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

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

Background and Current Law: House Bill 4031 impacts several land use issues.

In 1997, the Oregon legislature authorized guest ranches to allow ranchers a means of generating supplemental income from providing ranching experiences to the public, but sunset their operation. The most recent sunset expired on January 2, 2018.

Oregon law prohibits the siting of destination resorts and restricts new development in the Metolius River Basin, and allows for Transfer Development Opportunities (TDOs) that provide for the establishment of small-scale recreational communities in other locations in lieu of resort development. In 2017, a Metolius resort site owner began exploring Bradwood Landing in Clatsop County as a potential TDO site.

Senate Bill 1051 (2017) requires cities and counties to allow the development of at least one accessory dwelling unit (ADU) in areas zoned for detached single-family dwellings.

Bill Summary: House Bill 4031 reauthorizes guest ranches in areas of eastern Oregon zoned for exclusive farm use, subject to state and county approval or siting standards, until April 15, 2020.

The measure also allows a small-scale recreational community to be established as a TDO on land that is both planned and zoned for forest and rural use, subject to statewide land use planning goals relating to agricultural or forest lands; prohibits siting in natural or conservation estuaries; requires applicants to demonstrate adequacy of streets, utilities, and services; and deems certain county approvals of small scale recreational communities an exception to statewide land use planning goals. The measure modifies requirements for the selection of an economic development pilot program site by the Land Conservation and Development Commission.

Finally, House Bill 4031 clarifies that certain local governments must allow ADUs in areas zoned for detached single-family dwellings within urban growth boundaries.

Oregon Laws 2018: Chapter 15

[House Bill 4075](#)

Not Enacted

Designation of Reserves in Washington County

Chief Sponsors: Rep. Sollman; Sen. Johnson

Committees: House Agriculture and Natural Resources

Background and Current Law: Under Oregon’s land use planning system, lands outside the Portland metropolitan area urban growth boundary may be designated as “urban or rural reserves” by Metro and Clackamas, Multnomah, and Washington Counties. Reserve designations were enacted by the 2007 legislature in Senate Bill 1011 to provide greater clarity around long-term land use expectations, including which areas might be urbanized, and which areas might remain zoned as farm or forest land. In 2014, the legislature passed the “Grand Bargain” land use bill, House Bill 4078, confirming Washington County’s urban and rural reserve designations with some exceptions.

Bill Summary: House Bill 4075 would have redesignated certain real property in Washington County from rural to urban reserves, and authorized other real property in Washington County to be zoned for residential use in addition to existing uses.

[House Bill 4092-A](#)

Not Enacted

Aurora Airport Expansion

Chief Sponsors: Reps. Lewis, Vial; Sen. Girod

Committees: House Transportation Policy, House Rules

Background and Current Law: Oregon’s airport network consists of 97 public-use airports. Local jurisdictions (cities, counties, and port districts) own Oregon’s six commercial service airports (Eugene, Medford, North Bend, Pendleton, Portland, Redmond) and most general aviation airports. Twenty-eight airports are owned and maintained by the State of Oregon. The Aurora State Airport, constructed in 1943, is the largest of the state airports. It is located in Marion County, just south of the Marion-Clackamas county line, just east of Interstate 5. It has a single runway, 5,004 feet in length. The Aurora Airport’s master plan calls for a 1,000-foot extension of its runway; however, while the airport has the land necessary for the runway, additional land must be acquired for supporting facilities.

Bill Summary: House Bill 4092-A would have established standards for expansion of the Aurora State Airport on land zoned for exclusive farm use. Local planning bodies would have been directed to approve the expansion unless the project would cause significant impacts on the community. Local governments would have been directed to amend their comprehensive plans as appropriate to conform to provisions of the measure.

House Bill 4092-A would also have directed the Oregon Homeland Security Council to consider the Aurora State Airport as a critical emergency preparedness, response, recovery, and resiliency platform and to prioritize state airports for resiliency investments.

Land Use Board of Appeals Remand Process

Chief Sponsors: Reps. Witt, Smith DB; Sen. Johnson; Rep. Heard; Sen. Roblan

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

Background and Current Law: The Land Use Board of Appeals (LUBA) was created to simplify the land use appeals process, speed resolution of land use disputes, and provide consistent interpretation of state and local land use laws. LUBA reviews final land use decisions and limited land use decisions, and issues a final opinion and order to affirm, reverse, or remand a challenged decision. Currently, upon remand of a LUBA decision, county governing bodies conduct hearings and make a decision for lands designated under a statewide planning goal addressing agricultural lands or forestlands.

Bill Summary: House Bill 4124 allows a county governing body to have the planning commission or a hearings officer conduct hearings and make decisions on cases involving designated agricultural lands or forestlands following a Land Use Board of Appeals remand decision, and retains county governing body authority to review and issue final decisions.

Oregon Laws 2018: Chapter 117
