

# 2019 SUMMARY OF LEGISLATION

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## LAND USE

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# LAND USE MEASURES

<b>Farm and Forest Lands</b>	Enacted	HB 2106, HB 2225, HB 2435, HB 2469, HB 2573, HB 2844, HB 3024, HB 3384
	Not Enacted	SB 943-A, HB 2315, HB 2355-A, HB 2456-B, HB 2919
<b>Land Use Board of Appeals</b>	Enacted	SB 8, HB 3272
	Not Enacted	HB 2357
<b>Land Use Planning</b>	Enacted	HB 2001, HB 2003, HB 2790
	Not Enacted	HB 2075-A, HB 2560, HB 2977, HB 3099-A
<b>Local Land Use</b>	Enacted	SB 2, SB 92, HB 2577, HB 2914
	Not Enacted	SB, 927, SB 929, HB 2109
<b>Rural Residential</b>	Enacted	-none-
	Not Enacted	SB 88-A, HB 2363
<b>Urban Lands</b>	Enacted	SB 534
	Not Enacted	SB 10, SB 334, HB 3018, HB 3226

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

# TASK FORCES AND REPORTING REQUIREMENTS

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

Bill Number	Description	Deadline
HB 2001	Directs Department of Consumer and Business Services to report on low-rise residential dwellings to the legislature.	January 1, 2020
HB 2003	Directs Oregon Housing and Community Services Department to report on findings of the regional housing needs analysis, housing stock estimates, housing shortage analysis, and estimates of housing needed to accommodate growth, to the legislature.	March 1, 2021
	Directs Department of Land Conservation and Development to provide an evaluative report of the regional housing needs analysis and housing shortage analysis as planning tools.	March 1, 2021

### [Senate Bill 2](#)

**Effective Date: January 1, 2020**

#### **Eastern Oregon Economic Opportunity Sites**

**Chief Sponsors:** Sens. Courtney, Bentz, Hansell

**Committees:** Senate Environment and Natural Resources, House Agriculture and Land Use

**Background and Current Law:** Under Oregon law, cities and counties are required to prepare comprehensive land use plans that include statements of issues and problems to be addressed, various inventories and other technical information, the goals and policies for addressing issues and problems, and implementation measures. Plans must be done in accordance with state standards outlined in state law, statewide planning goals, and administrative rules.

**Bill Summary:** Senate Bill 2 authorizes certain counties in eastern Oregon that have adopted an economic opportunity analysis as part of a comprehensive plan to designate up to 10 sites outside an urban growth boundary, with a total size of not more than 50 acres, as potential sites for industrial or other employment uses without requiring an exception to any statewide land use planning goal related to agriculture, forest use, or urbanization.

**Oregon Laws 2019:** Chapter 170

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### [Senate Bill 8](#)

**Effective Date: January 1, 2020**

#### **Supporting Development of Publicly Supported Housing**

**Chief Sponsors:** Sens. Courtney, Heard

**Committees:** Senate Housing, House Human Services and Housing

**Background and Current Law:** Local jurisdictions in Oregon are required to prepare comprehensive land use plans that are consistent with implementation of a set of statewide planning goals, overseen by the Land Conservation and Development Commission (LCDC). Projects approved at the local level may be appealed to a specialized tribunal called the Land Use Board of Appeals (LUBA). Anyone who appears during proceedings at the local level, when project approval is being sought, may intervene and become a party on appeal, and LUBA may award attorney fees in some circumstances.

Publicly supported housing is defined as the development of five or more units of multi-family rental housing that receives or benefits from specified government assistance, with a number of exceptions for developments receiving local fee waivers or tax abatement; or that are part of a local inclusionary housing program; or that receive certain tenant-based or project-based rent subsidies or assistance

**Bill Summary:** Senate Bill 8 requires LUBA to order challengers to pay reasonable attorney fees and expenses to prevailing respondents on appeal who are the applicant or the local government, if the challenge is against a locally approved application to develop publicly supported housing.

**Oregon Laws 2019:** Chapter 221

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### [Senate Bill 10](#)

Not Enacted

#### Encouraging Residential Development along Priority Transportation Routes

**Chief Sponsors:** Sen. Courtney

**Committees:** Senate Housing, Senate Rules

**Background and Current Law:** Local jurisdictions in Oregon are required to prepare comprehensive land use plans that are consistent with implementation of a set of statewide planning goals, overseen by the Land Conservation and Development Commission (LCDC). The goals establish state policies on urban and rural land uses, resource conservation, economic development, affordable housing, urban growth, coastal protection, natural hazards, and citizen involvement. Goal 12 concerns the provision of a safe, convenient transportation system, and during the 2017 regular legislative session, the legislature enacted a transportation funding bill to invest in improving statewide transit service. Such infrastructure investments stimulate corresponding development efforts along transportation routes.

**Bill Summary:** Senate Bill 10 defines “priority transportation corridors” for purposes of municipal limits on the density of residential development and prohibits the imposition of lower densities than stated in the measure, within urban growth boundaries, near such transportation. The measure also provides for corresponding height limits, parking requirements, and other reasonable restrictions that do not reduce density.

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### [Senate Bill 88-A](#)

Not Enacted

#### Rural Residential Accessory Dwelling Units

**At the request of:** Senate Interim Committee on Environment and Natural Resources

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

**Background and Current Law:** Until 2017, Oregon county planning, zoning, and housing laws allowed the construction of an accessory dwelling unit (ADU) on land zoned for exclusive farm use or rural residential use only if the ADU would be used for farmworkers. In 2017, the Legislative Assembly enacted House Bill 3012, authorizing counties to allow a property owner in an area zoned for rural residential use to construct a new single-family dwelling, subject to certain conditions, and to convert a historic home on the same lot or parcel to an ADU.

**Bill Summary:** Senate Bill 88-A would have authorized a county to allow a property owner in a rural residential zone to construct one accessory dwelling unit under specified conditions.

### [Senate Bill 92](#)

Effective Date: January 1, 2020

#### Annexations

**At the request of:** Senate Interim Committee on Environment and Natural Resources

**Committees:** Senate Environment and Natural Resources, House Agriculture and Land Use

**Background and Current Law:** Annexation is the process of incorporating a piece of property into the boundaries of a city, making the property and those who live there eligible for services provided by the city. This action can be initiated by the city or by the property owner. Annexation is a locally driven process with guiding state statutes. ORS 222.750, known as the "island annexation statute," allows a city to annex a territory that is surrounded by the corporate boundaries of the city, or by the corporate boundaries of the city and the ocean shore, a river, creek, bay, lake, or Interstate Highway 5, following a properly noticed public hearing.

**Bill Summary:** Senate Bill 92 authorizes a city to provide for as much as a 20-year ramp-up to full taxation rate for property in an annexed territory and, for purposes of "island annexation," would allow the corporate boundaries of another city to constitute part of the boundary of the territory to be annexed.

**Oregon Laws 2019:** Chapter 315

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### [Senate Bill 334](#)

Not Enacted

#### Supporting Development of Workforce Housing

**Chief Sponsors:** Sen. Baertschiger, Jr.

**Committees:** Senate Housing, Senate Rules

**Background and Current Law:** Urban growth boundaries (UGBs) are set based upon where and how a city is projected to grow residentially, industrially, and commercially over a 20-year period. Cities develop according to their UGB. Often UGBs include farm, forest, and low-density residential development in unincorporated areas outside city limits, but unlike farm and forestland outside a UGB, areas within a UGB are intended for urban development. UGBs are set through a complicated, coordinated effort involving the concerned city, adjoining counties and special districts, and the participation of citizens and other interested parties in conformity with statewide land use planning goals.

**Bill Summary:** Senate Bill 334 would have provided a targeted deviation from the existing process of setting a UGB. Excluding high-value farmland and land designated for protection in an acknowledged comprehensive plan, Senate Bill 334 would have required local governments, upon petition by a landowner, to include land designated as urban reserves within its UGB if the provision of urban services was committed within two years; if the land was subject to covenants for a minimum of 60 years that allowed only workforce housing and commercial use as defined by the measure; and if the land was capable of being rezoned for such use consistent with land use planning goals that concern transportation.

### [Senate Bill 534](#)

Effective Date: January 1, 2020

#### Allowing Housing Development on Narrow Lots

**Chief Sponsors:** Sens. Baertschiger, Jr., Fagan, Heard

**Committees:** Senate Housing, House Human Services and Housing, House Rules

**Background and Current Law:** "Skinny lots" were first platted in the Portland area more than a century ago and average about 25-by-100 feet. Skinny houses designed for such lots are typically multi-storied, and range in size from 900 to about 1,500 square feet. Infill development on these narrow lots, within existing neighborhoods where infrastructure already exists, can result in homes with lower market values than larger single-story homes on 5,000 square foot or larger home sites, but comparable or higher in market value than alternatives like condominiums. Such homes may provide additional home ownership opportunities for buyers.

**Bill Summary:** So long as specified conditions are met concerning infrastructure, potential hazards, and certain statewide land use planning goals, Senate Bill 534 requires local governments to allow the development of at least one unit on each platted lot zoned for a single-family dwelling within the urban growth boundary of cities with populations greater than 25,000 beginning March 1, 2020.

**Oregon Laws 2019:** Chapter 623

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### [Senate Bill 927](#)

Not Enacted

#### Local Historic Resources Program

**At the request of:** Senate Committee on Environment and Natural Resources

**Committees:** Senate Environment and Natural Resources, Senate Rules

**Background and Current Law:** The Oregon State Historic Preservation Office (SHPO) was established in 1967, a year after Congress passed the National Historic Preservation Act. Under federal and state laws, SHPO manages programs for individuals, organizations, and local governments to become involved in the protection of significant historic and cultural resources. The Oregon Parks and Recreation Department director is Oregon's designated State Historic Preservation Officer. SHPO accepts and submits nominations of historic properties in Oregon to the National Register of Historic Places, which is maintained by the National Park Service.

**Bill Summary:** Senate Bill 927 would have authorized a local government to adopt a historic resources program.

### [Senate Bill 929](#)

Not Enacted

#### Historic Property Tax Credit

**At the request of:** Senate Committee on Environment and Natural Resources

**Committees:** Senate Environment and Natural Resources, Joint Tax Expenditures

**Background and Current Law:** As of July 2017, 35 states offered credits against state taxes to provide incentives for the rehabilitation of historic buildings. (State Tax Credits for Historic Preservation, National Trust for Historic Preservation, 2017) Oregon does not currently offer such a tax credit.

**Bill Summary:** Senate Bill 929 would have created a tax credit for historic property project contributions and provided rebates to property owners for expenses for rehabilitation and seismic retrofitting of historic properties. The measure would also have required the State Historic Preservation Officer to give priority to rebates for creating or preserving workforce housing and the seismic retrofitting of unreinforced masonry buildings.

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### [Senate Bill 943-A](#)

Not Enacted

#### Allowing Parsonage at or next to Place of Worship

**Chief Sponsors:** Sen. Heard; Rep. Leif

**Committees:** Senate Housing, House Agriculture and Land Use

**Background and Current Law:** A parsonage is typically a dwelling that is provided by a religious institution for its officiant to live in. In Oregon, wherever a nonresidential place of worship is allowed on real property, cities and counties must allow reasonable uses of the property for activities associated with the particular religious practice, such as weddings, worship, and instruction, and including residential housing. Such residential housing is allowed so long as: at least half of what is available is affordable to households with incomes up to 60 percent of the median family income in the area; the property is within the urban growth boundary; and the property is zoned for such use and otherwise compliant with land use regulations and other development criteria.

**Bill Summary:** Senate Bill 943-A would have added the development of a parsonage to the list of reasonable uses that cities and counties must allow where nonresidential places of worship are authorized and would have required the parsonage to be 2,500 square feet or less, within 300 feet of the place of worship if detached, and not on high-value farmland if it could be avoided.

## Higher Density Residential Development Requirement

**Chief Sponsors:** Rep. Kotek

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

**Background and Current Law:** Local jurisdictions in Oregon are required to prepare comprehensive land use plans that are consistent with implementation of a set of statewide planning goals, overseen by the Land Conservation and Development Commission (LCDC) which governs the Department of Land Conservation and Development (DLCD). The goals establish state policies on urban and rural land uses, resource conservation, economic development, affordable housing, urban growth, coastal protection, natural hazards, and citizen involvement. Zoning and regulation at the local level must be consistent with the relevant comprehensive plan and is used to encourage and discourage types of development. Typical local zoning can create discrete industrial, business, and residential areas, and exclusive residential zones that allow only detached, single-family homes are common.

The current lack of available, affordable housing inspired a number of approaches to increase the supply of housing of all kinds, particularly for households of modest means, including “middle housing.” Middle housing refers to housing that can accommodate more occupants than a single-family home, but less than a large multifamily complex, such as duplexes, row houses, cottage clusters, stacked flats, and accessory dwelling units.

**Bill Summary:** House Bill 2001 requires certain local jurisdictions to allow the development of middle housing, as defined by the measure, in areas currently zoned for single-family dwellings within their urban growth boundaries. The measure also addresses the conversion of existing single-family dwellings into middle housing.

Cities with populations of 10,000 or more are required to allow duplexes on lots or parcels zoned for single-family homes. Cities and counties within a metropolitan service district and cities with populations of 25,000 or more, must allow middle housing in areas zoned for single-family dwellings, and must allow duplexes on individual lots or parcels zoned for single-family homes. Cities within a metropolitan service district that have populations less than 1,000 are excluded, as are unincorporated lands and lands that lack sufficient access to urban services. Local jurisdictions are required to conform their comprehensive plans and land use regulations within a certain time frame or adopt model ordinances prepared by DLCD in consultation with the Department of Consumer and Business Services (DCBS). The measure also makes a number of adjustments related to how local jurisdictions currently calculate and report on housing development and future housing need. DLCD is required to provide technical assistance and is appropriated \$3,500,000.

To address the division of existing single-family homes, the measure requires DCBS to establish uniform standards for cities that provide for such division, into no more than four dwelling units each. Cities are required to approve or deny applications for such conversions within 15 business days, and must provide an administrative process for applicants to appeal denials within 30 business days.

Finally, the measure voids provisions in any recorded instruments affecting real property that are executed after its effective date, that allow the development of a single-family dwelling while prohibiting middle housing or an accessory dwelling unit.

**Oregon Laws 2019:** Chapter 639

## Housing Needs Analyses and Production Strategies

**Chief Sponsors:** Rep. Kotek

**Committees:** House Agriculture and Land Use, Joint Ways and Means

**Background and Current Law:** Oregon's comprehensive land use planning system is based on a set of 19 Statewide Land Use Goals that express the state's land use policies. Goal 10, "Housing," specifies that each city must plan for and accommodate needed housing types, such as multifamily and manufactured housing. It requires each city to inventory its buildable residential lands, project future needs for such lands, and plan and zone enough buildable land to meet those needs. Goal 10 also prohibits local plans from discriminating against needed housing types.

**Bill Summary:** House Bill 2003 directs the Oregon Housing and Community Services Department (OHCS), the Department of Land Conservation and Development (DLCD), and the Oregon Department of Administrative Services, by September 1, 2020, to establish methodologies for calculating, and to conduct, regional housing needs analysis, and for each city and Metro: existing housing stock estimates, a housing shortage analysis, and an estimate of the number of housing units needed to accommodate anticipated population growth over the next 20 years. The measure directs the three agencies to submit two reports to the legislature by March 1, 2021: (1) a summary of the findings of the regional housing needs analyses, housing stock estimate, housing shortage analysis, and estimate of housing needed to accommodate growth; and (2) an evaluation of the regional housing needs analysis and housing shortage analysis as planning tools.

Cities with populations of 10,000 or more are required to develop and adopt a housing production strategy no later than one year after the city's deadline for completing a housing capacity analysis or no later than one year after the date scheduled by the Land Conservation and Development Commission (LCDC) following a housing capacity allocation to a city by a metropolitan service district. The measure specifies required contents and considerations for housing production strategies. Cities are required to submit adopted or amended housing production strategies to DLCD within 20 days, and House Bill 2003 authorizes DLCD to approve, conditionally approve, or remand the strategy within 120 days. The measure also directs LCDC to adopt criteria for reviewing and identifying cities with populations of 10,000 or more that have not sufficiently achieved needed housing production within their jurisdiction or implemented a housing production strategy, and allows DLCD to use those reviews to prioritize certain department actions to incentivize or ensure compliance. The measure requires DLCD adopt a schedule by which certain cities and metropolitan service districts must demonstrate sufficient buildable lands.

House Bill 2003 appropriates \$1 million to DLCD to provide technical assistance to local governments for implementation, and \$655,274 to OHCS for research, administration, and reporting.

**Oregon Laws 2019:** Chapter 640

[House Bill 2075-A](#)

Not Enacted

**Development Readiness Program**

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

**Committees:** House Agriculture and Land Use, Joint Ways and Means

**Background and Current Law:** Oregon's statewide land use goals are achieved through local comprehensive plans. All Oregon cities and counties are responsible for adopting a local comprehensive plan, and for implementing zoning and land division ordinances to put the plan into effect. ORS 197.628 directs local governments to periodically revise their comprehensive plans and directs the Department of Land Conservation and Development (DLCD) to review local plans to ensure compliance with statewide goals. Currently, DLCD assists local governments by providing planning grants for technical assistance.

**Bill Summary:** House Bill 2075-A would have established the Development Readiness Program within DLCD and appropriated \$1,358,375 to directly assist local governments with land use goals relating to housing and economic development.

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[House Bill 2106](#)

**Effective Date: June 20, 2019**

**Dog Training on Exclusive Farm Use Land**

**Chief Sponsors:** Rep. Clem

**Committees:** House Agriculture and Land Use, Senate Environment and Natural Resources

**Background and Current Law:** Oregon's Statewide Land Use Planning Goal 3, "Agricultural Lands," requires all agricultural lands to be inventoried and preserved by adopting exclusive farm use (EFU) zones. Farm uses allowed on EFU-zoned lands include: raising, harvesting, and selling crops; feeding, breeding, managing, and selling certain animals; and preparing, storing, and disposing of products and by-products raised on these lands. Certain nonfarm uses are also allowed on EFU-zoned lands.

**Bill Summary:** House Bill 2106 allows dog training classes or testing trials to be conducted in farm buildings that existed on or before January 1, 2019, rather than January 1, 2013 as currently required, for the purposes of permitted uses on EFU-zoned lands in Washington and Lane Counties. The measure also authorizes counties to approve no more than five additional one-year extensions for a residential development permit on agricultural or forest land outside of an urban growth boundary.

**Oregon Laws 2019:** Chapter 432

### [House Bill 2109](#)

**Not Enacted**

#### **Island Annexation Voting Methodology**

**Chief Sponsors:** Rep. Clem

**Committees:** House Agriculture and Land Use, Senate Environment and Natural Resources

**Background and Current Law:** ORS 222.750, known as the "island annexation statute," allows a city, following a properly noticed public hearing, to annex a territory that is surrounded by the corporate boundaries of the city, or by the corporate boundaries of the city and the ocean shore, a river, creek, bay, lake, or Interstate Highway 5. If a city charter, ordinance, or resolution requires the city to conduct an election for annexation approval, ORS 222.750 requires that the city allow electors in the territory proposed to be annexed to vote in that election. Currently, a majority of combined votes in the city and territory to be annexed are required to approve annexation.

**Bill Summary:** House Bill 2109 would have specified voting methodology requirements for island annexations based on the acreage of the territory to be annexed. The measure would have required votes from the city and territory to be annexed to be counted separately to determine separate majorities if the territory to be annexed is 100 acres or more, and would have required votes to be combined as a single majority if the territory to be annexed is less than 100 acres.

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### [House Bill 2225](#)

**Effective Date: January 1, 2020**

#### **Forest Template Dwellings**

**Chief Sponsors:** Rep. Helm; Sen. Prozanski

**Committees:** House Agriculture and Land Use, Senate Environment and Natural Resources

**Background and Current Law:** Forest template dwellings were authorized in 1993 (House Bill 3661) in areas with existing development and parcelization. ORS 215.750 allows for the establishment of a single-family dwelling in forest zones and some mixed farm-forest zones, provided that certain conditions are met within a 160-acre square "template" centered on the tract of the proposed dwelling. Required conditions include: at least three dwellings existed on parcels within the template on January 1, 1993; and between three and 11 parcels existed within the template on January 1, 1993, with the exact number of parcels dependent on the wood fiber production capability of the applicant's land and whether the land is located in eastern or western Oregon.

**Bill Summary:** House Bill 2225 defines "center of the subject tract," adds requirements for an allowable forest template dwelling, and implements the changes for three groupings of counties over three biennia.

**Oregon Laws 2019:** Chapter 433

### [House Bill 2315](#)

Not Enacted

#### Division of Land for Noncommercial Open Space

**Chief Sponsors:** Reps. Bonham, Helt, Zika

**At the request of:** The Nature Conservancy

**Committees:** House Agriculture and Land Use

**Background and Current Law:** In 2007, the Legislative Assembly enacted House Bill 2992, which allowed counties to approve land divisions in forest or mixed farm and forest zones that resulted in parcels smaller than minimum parcel size requirements if the proposed division was intended to allow public parks providers, open space providers, and not-for-profit land conservation organizations to purchase a resulting parcel. The term “purchase” currently restricts county land division authorizations and does not allow for property donations to these entities.

**Bill Summary:** House Bill 2315 would have allowed providers of public parks, providers of open space, and not-for-profit land conservation organizations to acquire, rather than purchase, parcels resulting from divisions of exclusive farm use land that do not meet minimum parcel size requirements.

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### [House Bill 2355-A](#)

Not Enacted

#### Cider Businesses on Exclusive Farm Use Land

**Chief Sponsors:** Rep. DB Smith

**Committees:** House Agriculture and Land Use

**Background and Current Law:** In 2017, Senate Bill 677 established a cider business as a permitted use on land zoned for exclusive farm use or mixed farm and forest use. The measure, modeled on the winery statutes, established a 15-acre minimum orchard size for businesses producing less than 100,000 gallons of cider annually, and a 40-acre minimum orchard size for businesses producing at least 100,000 gallons of cider annually. The measure also specified the related uses allowed at such businesses and authorized up to 18 agritourism or other commercial events at these locations each calendar year.

**Bill Summary:** House Bill 2355-A would have allowed a cider business producing less than 100,000 gallons of cider annually that does not meet the existing 15-acre minimum orchard size requirement to be established as a permitted use on lands zoned for farm use if the cider business owns an on-site orchard of at least one acre, owns a farm tract of at least 20 acres that is used for other farm uses, and owns a dwelling that was constructed on or before January 1, 2020 that is sited on the farm tract.

## LAND USE

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### [House Bill 2357](#)

Not Enacted

#### Land Use Appeal Standing

**Chief Sponsors:** Rep. DB Smith

**Committees:** House Agriculture and Land Use

**Background and Current Law:** ORS 197.830 allows individuals to petition the Land Use Board of Appeals (LUBA) to review land use or limited land use decisions, provided that person appeared before the local government, special district, or state agency hearing orally or in writing, and filed a notice of intent to appeal with LUBA.

**Bill Summary:** House Bill 2357 would have limited standing in appeals of land use or limited land use decisions to persons that reside or maintain business within 25 miles of certain local government or special district boundaries and testified orally in person before decision makers if there was a hearing opportunity available.

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### [House Bill 2363](#)

Not Enacted

#### Redefinition of ‘Historic Home’ for Accessory Dwelling Units

**Chief Sponsors:** Rep. DB Smith

**Committees:** House Agriculture and Land Use

**Background and Current Law:** Current Oregon land use law does not allow new construction of an accessory dwelling unit (ADU) on land zoned for rural residential use. However, ORS 215.501 does allow a landowner to construct a new single-family dwelling if: a historic home is sited on the lot or parcel; the owner converts the historic home to an ADU upon completion of the new single-family dwelling; the ADU complies with all applicable laws and regulations; and the lot or parcel is at least two acres in size and not located in an urban reserve.

**Bill Summary:** House Bill 2363 would have redefined “historic home” to dwellings built before 1974 for the purpose of serving as an ADU to newly constructed homes on rural residential lands.

### [House Bill 2435](#)

Effective Date: January 1, 2020

## Sunset Elimination for Guest Ranches on Exclusive Farm Use Land

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

**Committees:** House Agriculture and Land Use, Senate Environment and Natural Resources

**Background and Current Law:** In 1997, the Legislative Assembly authorized guest ranches to operate on land zoned for exclusive farm use (EFU) to allow ranchers a means of generating supplemental income by providing ranching experiences to the public. The law limits guest ranches to providing a ranch experience that is incidental and accessory to an existing livestock operation, and establishes additional requirements for minimum acreage, quantity of overnight rooms, maximum floor area, food service, and activities. The most recent sunset expired on January 2, 2018. During the 2018 legislative session, the Legislative Assembly enacted House Bill 4031 to reauthorize the guest ranch use, subject to state and county approval or siting standards, and extended the sunset to April 15, 2020.

**Bill Summary:** House Bill 2435 eliminates the sunset on the law that allows guest ranches to be established on EFU-zoned lands in eastern Oregon and requires that new guest ranches sited on or after January 1, 2020 annually report to the county on livestock operations and guest ranch activities.

**Oregon Laws 2019:** Chapter 270

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### [House Bill 2456-B](#)

Not Enacted

## Eastern Oregon Border Economic Development Region Rezoning Authority

**Chief Sponsors:** Rep. Findley

**Committees:** House Agriculture and Land Use, House Revenue, Senate Finance and Revenue

**Background and Current Law:** In 2017, the Legislative Assembly enacted House Bill 2012, creating the Eastern Oregon Border Economic Development Region and Board to recommend policies and strategies to the Legislative Assembly for promoting workforce and economic growth. The Border Region is defined by rule as the area within 20 miles of the Oregon border with Idaho, that includes the cities of Ontario, Vale, and Nyssa. The Board was also charged with identifying specific laws, rules, and regulations that place workforce or economic development efforts in the Border Region at a competitive disadvantage compared to similar efforts in the border region of Idaho. House Bill 2456-B represents a recommendation by the Board to address a competitive disadvantage in workforce housing.

**Bill Summary:** House Bill 2456-B would have allowed Border Region counties that have established a review board to rezone certain exclusive farm use land for residential use.

[House Bill 2469](#)

Effective Date: January 1, 2020

**Second Dwelling on Forestlands**

**At the request of:** House Interim Committee on Judiciary

**Committees:** House Agriculture and Land Use, Senate Environment and Natural Resources

**Background and Current Law:** In 1993, the Legislative Assembly declared that it is a state policy to provide certain owners of less productive forestland with the opportunity to build a dwelling on their land, while limiting siting and land division on more productive forestland. Counties are authorized to allow certain single-family dwellings to be established on forestlands, and to outline criteria for large tract, alternative, and other forestland dwellings.

**Bill Summary:** House Bill 2469 allows counties to approve a new single-family dwelling on forestlands near an existing dwelling for a relative of the owner who assists the owner with their forestry work, provided certain conditions are met.

**Oregon Laws 2019:** Chapter 271

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[House Bill 2560](#)

**Not Enacted**

**Study of Technology Tower Impact on Aesthetics**

**Chief Sponsors:** Rep. Evans

**Committees:** House Agriculture and Land Use, Joint Ways and Means

**Background and Current Law:** Technology towers are used for many types of electronic communication, including radio, cellular, emergency medical services, and global positioning satellite technology. The increase in demand for all manner of wireless connectivity over the past few decades has resulted in an increase in the number of technology towers built in Oregon and across the United States.

**Bill Summary:** House Bill 2560 would have directed the Department of Land Conservation and Development to study methods to mitigate the aesthetic impact of technology towers.

### [House Bill 2573](#)

Effective Date: January 1, 2020

#### Dwellings on High-Value Farmland for Cranberry Production

**Chief Sponsors:** Reps. McKeown, DB Smith; Sen. Heard

**Committees:** House Agriculture and Land Use, Senate Environment and Natural Resources

**Background and Current Law:** The Land Conservation and Development Commission establishes a farm income standard to determine whether a dwelling may be allowed in conjunction with farm use. To qualify for a dwelling on high-value farmland, a farm operator must have earned at least \$80,000 in gross annual income from farm product sales in each of the last two years, in three of the last five years, or in an average of three of the last five years.

**Bill Summary:** House Bill 2573 requires that a county approve a primary dwelling on certain high-value farmland until January 2, 2022, provided that the operator earned at least \$40,000 in gross annual income from the sale of cranberries or cranberry products and agrees to record a deed prohibiting the use of the dwelling as a rental dwelling unit in perpetuity.

**Oregon Laws 2019:** Chapter 307

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### [House Bill 2577](#)

Effective Date: May 30, 2019

#### Delayed Island Annexation

**Chief Sponsors:** Rep. Clem

**Committees:** House Agriculture and Land Use, Senate Environment and Natural Resources

**Background and Current Law:** ORS 222.750, known as the "island annexation statute," allows a city to annex, following a properly noticed public hearing, a territory that is surrounded by the corporate boundaries of the city, or by the corporate boundaries of the city and the ocean shore, a river, creek, bay, lake, or Interstate Highway 5. In 2007, the Legislative Assembly enacted House Bill 2760, which provided a three- to ten-year waiting period from the time a city decided to annex an "island" territory to the finalization of the annexation. The delayed annexation waiting period applied to property zoned for residential use that was also in residential use when a city initiated annexation.

**Bill Summary:** House Bill 2577 requires the same three-year waiting period for annexation of property that is zoned to allow residential use as a permitted use and is in residential use when annexation is initiated, as property that is zoned for, and in, residential use.

**Oregon Laws 2019:** Chapter 197

### [House Bill 2790](#)

Effective Date: January 1, 2020

#### Outdoor Mass Gatherings

At the request of: Rep. Brian Clem

**Committees:** House Agriculture and Land Use, Senate Environment and Natural Resources

**Background and Current Law:** An "outdoor mass gathering" is currently defined as an assembly of more than 3,000 persons that continues for more than one day but less than five days within any three-month period, and that is held primarily in open spaces and not in a permanent structure.

**Bill Summary:** House Bill 2790 allows counties to require a land use permit for an outdoor mass gathering and to authorize outdoor mass gatherings that are expected to exceed the allowable time; prohibits counties from requiring an outdoor mass gathering permit for events permitted under other statutes related to uses on lands zoned for exclusive farm use; allows a hearings officer, county planning commission, or county designee to approve or deny permit applications; expands the definition of outdoor mass gathering to provide adequate time for ingress and egress; and prohibits a county from requiring a land use permit for a gathering of 3,000 people or fewer, any part of which is outdoors.

**Oregon Laws 2019:** Chapter 408

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### [House Bill 2844](#)

Effective Date: January 1, 2020

#### Micro-Processing Facilities on Exclusive Farm Use Land

Chief Sponsors: Rep. DB Smith

**Committees:** House Agriculture and Land Use, Senate Environment and Natural Resources

**Background and Current Law:** The Legislative Assembly has authorized counties to allow farm product processing facilities with processing areas smaller than 10,000 square feet that are in compliance with applicable siting standards to be a permitted use on lands zoned for exclusive farm use (EFU) in counties that adopted marginal lands provisions under ORS 215.213, and in nonmarginal lands counties under ORS 215.283. Counties are currently prohibited from applying siting standards in a manner that would prohibit the siting of these farm product processing facilities.

**Bill Summary:** House Bill 2844 authorizes counties to allow farm product processing facilities with processing areas smaller than 2,500 square feet to be a permitted use on EFU-zoned lands without regard to siting standards.

**Oregon Laws 2019:** Chapter 410

### [House Bill 2914](#)

Effective Date: May 30, 2019

## Washington County Employment Land of State Significance

**Chief Sponsors:** Rep. Sollman

**Committees:** House Agriculture and Land Use, Senate Environment and Natural Resources

**Background and Current Law:** In 2014, the Legislative Assembly enacted House Bill 4078, validating Metro's 2011 unanimously adopted Ordinance No. 11-1264B. The ordinance expanded the urban growth boundary (UGB) to fill a projected unmet need to maintain a 20-year supply of buildable land, and confirmed Washington County urban and rural reserve designations, with some exceptions. The 2014 measure, now ORS 195.144, included a provision that required that certain real property in Washington County be included within the UGB, designated as "employment land of state significance," and planned and zoned for employment use. The law also required that in its first UGB review in 2014, Metro could not count the employment capacity of those properties in its determination of the employment capacity of land within Metro.

**Bill Summary:** House Bill 2914 designates a narrower subset of Metro land as "employment land of state significance," to be planned and zoned for employment use.

**Oregon Laws 2019:** Chapter 199

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### [House Bill 2919](#)

**Not Enacted**

[\(see House Bill 3384\)](#)

## Nonconforming School Expansions to Contiguous Lands

**Chief Sponsors:** Reps. Nearman, Reschke

**Committees:** House Agriculture and Land Use

**Background and Current Law:** Oregon's Statewide Planning Goal 3, "Agricultural Lands," requires all agricultural lands to be inventoried and preserved by adopting exclusive farm use (EFU) zones. Common nonfarm uses authorized on EFU-zoned lands include: commercial activities in conjunction with farm uses; utility facilities necessary for public service; and certain road improvement projects, schools, community centers, churches, parks and playgrounds, and dwellings. Counties are responsible for planning and zoning, subject to approval by the Oregon Department of Land Conservation and Development.

**Bill Summary:** House Bill 2919 would have allowed schools on EFU-zoned land to expand to contiguous land owned by the school, and would also have allowed the expansion to occur without the conditional approval of a local government.

[House Bill 3384](#), which was enacted, allows school expansions on the tax lot on which the school was established, or on a tax lot contiguous to and under the same ownership on January 1, 2015 as the tax lot on which the school was established.

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### [House Bill 2977](#)

Not Enacted

([see House Bill 2790](#))

### Outdoor Mass Gathering Ingress and Egress

**Chief Sponsors:** Rep. Smith Warner

**Committees:** House Agriculture and Land Use

**Background and Current Law:** An "outdoor mass gathering" is currently defined as an assembly of more than 3,000 persons that continues for more than one day (24 hours) but less than 5 days (120 hours) within any three-month period, and that is held primarily in open spaces and not in a permanent structure.

**Bill Summary:** House Bill 2977 would have expanded the definition of "outdoor mass gathering" to allow gatherings to continue beyond 120 hours for the purpose of providing adequate time for ingress and egress, provided that the gathering is located at least 60 miles away from an interstate highway.

[House Bill 2790](#), which was enacted, expands the definition of "outdoor mass gathering" to allow for ingress and egress and allows counties to require a land use permit in certain circumstances.

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### [House Bill 3018](#)

Not Enacted

([see Senate Bill 534](#))

### Skinny Lot Housing Development

**Chief Sponsors:** Rep. Barreto

**Committees:** House Agriculture and Land Use

**Background and Current Law:** Oregon's land use laws require that the state's 242 cities and 36 counties each adopt local comprehensive plans, zone land, administer land use regulations, and manage land use permits. All cities provide zoning for residential uses, and cities may further restrict the types of housing allowed to be built in those zones.

**Bill Summary:** House Bill 3018 would have required cities to allow construction of single-family dwellings on lots zoned to allow single-family dwellings within an urban growth boundary, with certain exceptions.

[Senate Bill 534](#), which was enacted, requires local governments to allow the development of at least one unit on each platted lot zoned for a single-family dwelling within the urban growth boundary of cities with populations greater than 25,000 beginning March 1, 2020. The measure requires specified conditions are met concerning infrastructure, potential hazards, and certain statewide land use planning goals.

### [House Bill 3024](#)

Effective Date: January 1, 2020

#### Replacement Dwellings on Exclusive Farm Use Land

**Chief Sponsors:** Reps. Zika, DB Smith

**Committees:** House Agriculture and Land Use, Senate Environment and Natural Resources

**Background and Current Law:** Current law provides for alteration, restoration, or replacement of a lawfully established dwelling as a permitted use on lands zoned for exclusive farm use (EFU) and requires the lawfully established dwelling to have intact exterior walls, an intact roof structure, indoor plumbing connected to a sanitary waste disposal system, interior electric wiring, and a heating system. If the dwelling is being replaced, it must be removed, demolished, or converted to an allowable nonresidential use within three months of the completion of the replacement dwelling. The dwelling must have been assessed as such for purposes of ad valorem taxation for the lesser of either the previous five property tax years or from the time the dwelling was erected and became subject to assessment, unless the dwelling had no value due to destruction or demolition.

**Bill Summary:** House Bill 3024 modifies requirements for a lawfully established dwelling in an EFU zone to be altered, restored, or replaced based on the status of the dwelling.

**Oregon Laws 2019:** Chapter 440

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### [House Bill 3099-A](#)

Not Enacted

#### Process for City Withdrawal from County Service District

**Chief Sponsors:** Reps. Bynum, Drazan

**Committees:** House Agriculture and Land Use, Senate Business and General Government

**Background and Current Law:** ORS 198.870 establishes processes for an individual who owns property within a territory annexed into a special district, or for electors of an area within a special district, to petition the county board for withdrawal of the property from the district. The law requires that the county board approve a petition if it has not been, is not, or would not be, feasible for the territory to receive service from the district. Similarly, the law requires that the county board deny a petition if it is, or would be, feasible for the territory to receive service from the district.

**Bill Summary:** House Bill 3099-A would have authorized a city that was annexed into a county service district to petition the county board for withdrawal from that district and required the city to call a city-only election on the question of the withdrawal, provided that the city was annexed into the district upon a city-only election. The measure would have also required that the governing bodies of the city and county service district negotiate and finalize an agreement for the equitable division and disposal of the district assets within 90 days following the effective date of a withdrawal.

[House Bill 3226](#)

Not Enacted

**Development Across Lot Lines**

**Chief Sponsors:** Rep. Barreto; Sen. Hansell

**Committees:** House Agriculture and Land Use

**Background and Current Law:** ORS 227.290 gives city councils the authority to establish or alter building setback lines on private property adjacent to streets and other public ways. Currently, city ordinances vary with regard to setback requirements for multiple properties with multiple property lines under one ownership.

**Bill Summary:** House Bill 3226 would have required local governments to allow building across lot lines if an owner has recorded a covenant not to sell separately, and would have established conditions under which a covenant may be recorded.

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[House Bill 3272](#)

Effective Date: January 1, 2020

**Land Use Board of Appeals Review Procedures**

**Chief Sponsors:** Reps. Meek, DB Smith, Reardon

**Committees:** House Agriculture and Land Use, Senate Environment and Natural Resources

**Background and Current Law:** The Land Use Board of Appeals (LUBA) was established by the Legislative Assembly in 1979, and has exclusive jurisdiction to review all land use decisions made by local governments and special districts. LUBA is governed by ORS Chapter 197, which specifies review procedures and scope, among other provisions.

**Bill Summary:** House Bill 3272 allows LUBA to establish a new deadline for the filing of a review petition if it denies a petitioner's objection to the record and to award reasonable attorney fees for motions filed without merit.

**Oregon Laws 2019:** Chapter 447

[House Bill 3384](#)

Effective Date: June 17, 2019

**Nonconforming School Expansion on Exclusive Farm Use Land**

**Chief Sponsors:** Rep. Wilde; Sen. Beyer

**Committees:** House Agriculture and Land Use, Senate Environment and Natural Resources

**Background and Current Law:** In 2009, the Legislative Assembly enacted House Bill 3099, which removed outright exclusive farm use (EFU) exceptions for schools. The legislation added a conditional exception for public or private schools that primarily serve rural residents from the area where the school is located. The legislation also allowed for the expansion of nonconforming public and private schools on EFU lands that existed on or before January 1, 2009, provided that the expansion occurs on the tax lot on which the use was established on or before January 1, 2009, or on a contiguous lot that was owned by the applicant on January 1, 2009, and that the applicant receives conditional approval from the county.

**Bill Summary:** House Bill 3384 allows public or private school expansions on the tax lot on which the school was established, or on a tax lot contiguous to, and under the same ownership on January 1, 2015 as, the tax lot on which the school was established. The measure also specifies that a county cannot deny a school expansion on EFU land based on certain rules or conditions related to capacity, density, or distance between structures.

**Oregon Laws 2019:** Chapter 416