

Recent Land Use Legislation

House Committee
on Agriculture &
Land Use

Sept. 22, 2020



Gordon Howard, Community Services Division Manager

Accessory Dwelling Units

SB 1051 (2017)

- Requires most cities and county areas within Urban Growth Boundaries (UGBs) to allow accessory dwelling units (ADUs) in areas zoned for single family dwellings.
- Modest increase in ADUs observed. Better data on production will be available with new reporting requirements.
- HB 2001 (2019) prohibits cities from requiring owner occupancy or off-street parking to develop ADUs.

Affordable Housing Pilot Projects

HB 4079 (2016)

HB 2336 (2019)

- Land Conservation and Development Commission (LCDC) authorized to allow two cities to waive most UGB expansion requirements if the land added includes affordable housing.
 - **Bend:** approved
 - **Redmond:** pending
- Neither project has proceeded for local reasons.



Middle Housing

HB 2001 (2019)

DLCD Housing Program: <https://www.oregon.gov/lcd/UP/Pages/Housing-Resources.aspx>

Regional Housing Needs Analysis: <https://www.oregon.gov/ohcs/about-us/Pages/housing-needs.aspx>

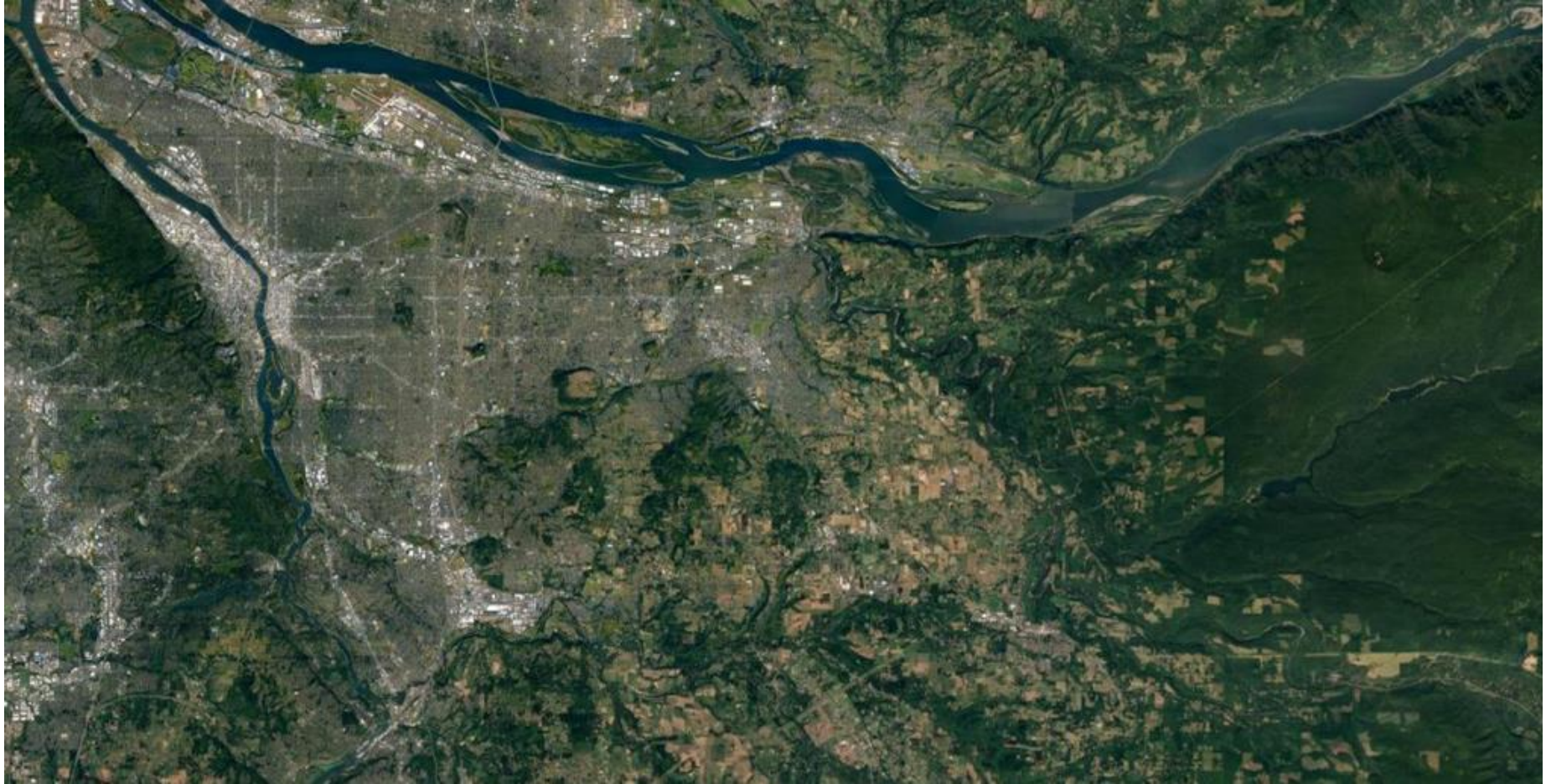
Middle Housing

HB 2001 (2019)

- Requires non-Metro cities between 10,000 – 25,000 population to allow duplexes on every lot or parcel where detached single family homes are allowed. Affects 20 cities.
- Requires cities above 25,000 population, along with most Metro cities and urban parts of Metro counties to allow duplexes, triplexes, quadplexes, townhomes, and cottage clusters “in areas” where detached single family homes allowed. Affects 33 cities and three counties.

HB 2001 Implementation

- **July 2020:** “Medium City” rules adopted.
- **August 2020:** Infrastructure Time Extension rules adopted.
- **September 2020:** “Large City” rules to Land Conservation and Development Commission.
- **November 2020:** “Large City” rules anticipated final adoption.
- Local government work on “middle housing” codes and infrastructure studies and plans is beginning, from funding provided by bill. (\$2.1 million in contracts with 28 cities).
- **June 30, 2021:** “Medium Cities” must adopt duplex allowances.
- **June 30, 2022:** “Large Cities” must adopt duplex, triplex, quadplex, townhome, and cottage cluster allowances.



Housing Needs & Production

HB 2003 (2019)

DLCD Housing Program: <https://www.oregon.gov/lcd/UP/Pages/Housing-Resources.aspx>

Regional Housing Needs Analysis: <https://www.oregon.gov/ohcs/about-us/Pages/housing-needs.aspx>

“Housing Needs & Production Bill”

HB 2003 (2019)

- Completion and evaluation of “prototype” regional housing needs analyses (RHNAs).
- Requires cities with population over 10,000 to regularly update their housing needs analyses (HNAs). 49 cities affected.
- Requires cities with population over 10,000 to adopt a housing production strategy within one year of the HNA update deadline.
- Rulemaking for housing production strategies is underway, including review and enforcement provisions for DLCD.

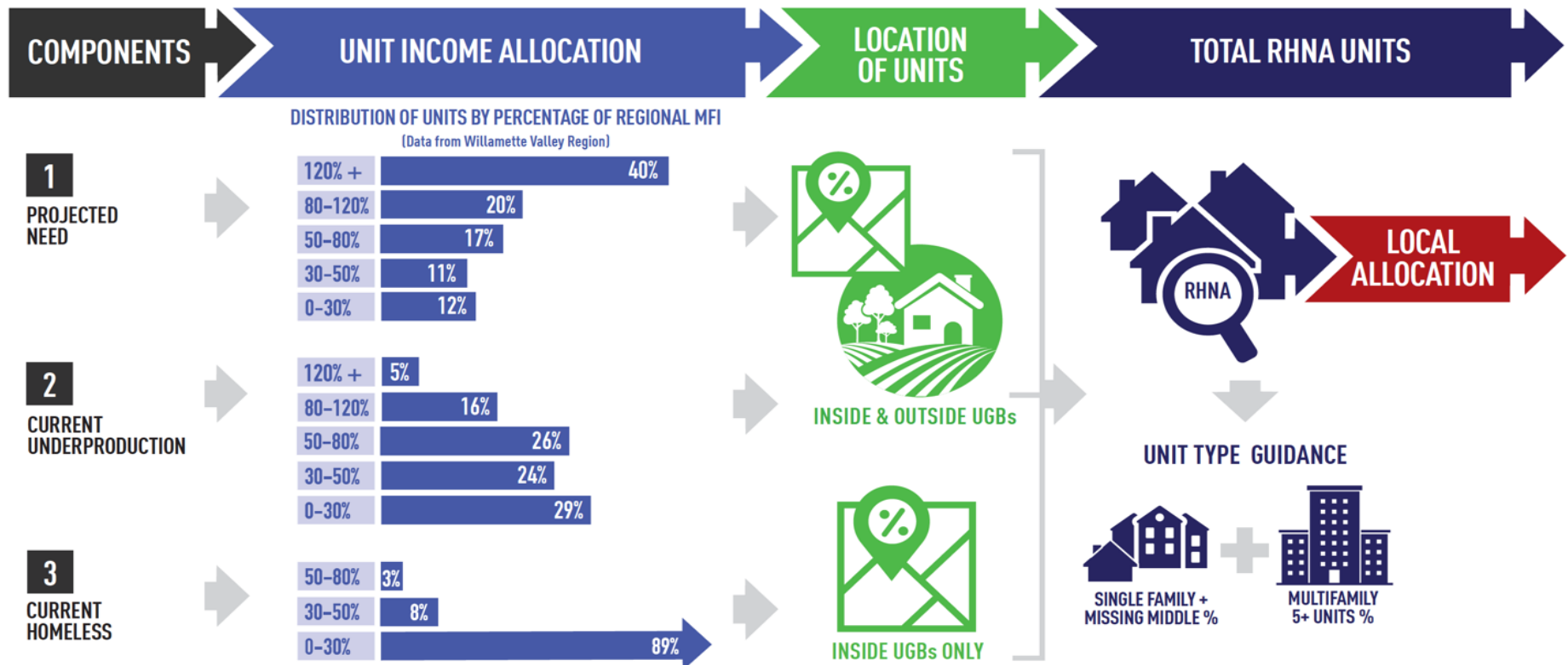
“Housing Needs & Production Bill”

HB 2003 (2019)

- OHCS has prepared a preliminary RHNA. DLCD to evaluate analysis in relation to current housing planning requirements and report to Legislature in March, 2021.
- DLCD published updated schedule for HNAs in December 2019. Updates required every six years for Metro cities, every eight years for non-Metro cities.
- LCDC will adopt rules for housing production strategies in November of 2020.
- Technical assistance to local governments is supporting HNA updates, housing strategy implementation plans, and housing production strategy prototypes. \$800,000 contracted with 23 cities.

Regional Housing Needs Analysis HB 2003

A RHNA estimates existing housing stock in each city and region, analyzes housing shortage in each city and region, identifies total housing units needed by housing type and affordability to accommodate population over 20 years.



Outreach & Next Steps for HB 2003 OHCS

- ✓ Developed the Oregon RHNA with the support of a technical advisory committee and >65 stakeholders.
- ✓ RHNA Technical Report, available online:
<https://www.oregon.gov/ohcs/about-us/Pages/housing-needs.aspx>
- Review report with stakeholders and joint engagement with DLCD (Sept – Nov).
- Conversations on the key recommendations for the legislature.
- Survey of local jurisdictions and stakeholders (Sept – Oct).
- OHCS Final Summary of Findings and Recommendations (Dec).
- OHCS submits report to legislature with results (Mar 2021).
- DLCD submits report to legislature with recommendations (Mar 2021).

Eco. Development – Eastern Oregon

SB 2 (2019)

- Allows 10 counties in Eastern Oregon to approve up to 50 acres outside their UGBs for commercial, industrial or employment uses.
- Requires counties to adopt updated Economic Opportunity Analyses as a part of their comprehensive plans.
- Prohibits sites in designated high-value farmland or that would conflict with the Oregon Sage-Grouse Action Plan.
- DLCD awarded grants to Harney and Wallowa counties to support study and implementation. Other counties have expressed interest.

Simplified Urban Growth Boundary Method

HB 2254 (2013)

- New optional simplified UGB method.
- Modified rules for determining where to expand UGB.
- 28 successful UGB amendments since 2013, four appealed.
- No city has actually used optional simplified UGB method.
- Lack of department resources to re-examine simplified UGB method on a comprehensive basis.

Exec. Order 12-07

Rural Resource and Residential Lands for Jackson, Josephine, and Douglas Counties in Southern Oregon

- Three counties could not agree on a methodology for determining appropriate lands for designation.
- Douglas County attempt to designate such lands remanded by LUBA.
- Deschutes County also attempting to designate such lands.
- Hatfield Fellow research – showed complexities of issues.
- Would require complex rulemaking by DLCD. Agency lacks necessary resources for further work and, given strong differences among stakeholders, the outcome is uncertain.



DLCD

Department of
Land Conservation
& Development

Gordon Howard, Community Services Division
Manager

Questions?