

SB 405 -1, -2 STAFF MEASURE SUMMARY

Senate Committee On Natural Resources and Wildfire Recovery

Prepared By: Laura Kentnesse, LPRO Analyst

Meeting Dates: 2/24, 3/10

WHAT THE MEASURE DOES:

Allows for a nonconforming use to not be considered interrupted or abandoned by a city or county while a federal, state, or local emergency order temporarily limits or prohibits the use, or the restoration or replacement of the use. Until September 30, 2025 requires counties to allow commencement of restoration or replacement of nonconforming uses that were damaged or destroyed by the September 2020 wildfires, and sunsets that provision January 2, 2026. Declares emergency, effective on passage.

REVENUE: No revenue impact.

FISCAL: Has minimal fiscal impact.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

-1 Clarifies the change related to interruption and abandonment is limited to federal, state, or local emergency orders issued on or after January 1, 2020.

REVENUE: No revenue impact.

FISCAL: Has minimal fiscal impact.

-2 Extends September 30, 2025 county commencement timeline to the restoration or reestablishment of a nonconforming use under city land use regulations as well.

REVENUE: No revenue impact.

FISCAL: Has minimal fiscal impact.

BACKGROUND:

A nonconforming use is a building, structure, or land that received the necessary land use approval(s) at the time of establishment or that was established prior to there being any applicable land use provisions, but that use no longer conforms to the regulations of the zoning district in which it is located. Oregon statutes allow for these nonconforming uses to be continued, and allow for their restoration and replacement due to fire, casualty, or natural disaster. However, ORS 215.130 states that the nonconforming use may not be resumed after a period of interruption or abandonment, and that restoration or replacement must be commenced within one year from the occurrence of the fire, casualty, or natural disaster.

Senate Bill 405 would allow for a nonconforming use to not be considered interrupted or abandoned by a city or county while a federal, state, or local emergency order temporarily limits or prohibits the use, or the restoration or replacement of the use. The measure would also, until September 30, 2025, require counties to allow commencement of restoration or replacement of nonconforming uses that were damaged or destroyed by the September 2020 wildfires.