

SB 648 -1 STAFF MEASURE SUMMARY

Senate Committee On Housing and Development

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Meeting Dates: 3/6

WHAT THE MEASURE DOES:

Prohibits counties from allowing vacation housing if dwelling: was constructed on or after January 1, 2024; is on lands zoned for forest, exclusive farm, or forest and farm use; is not a replacement dwelling as defined by statute; is not a bed and breakfast or guest ranch allowed by specified statutes; and is not established under specified statutes relating to farm or forestland housing.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

-1 Replaces measure.

Removes requirement counties obtain approval of governing body or designate to allow establishment of home occupation and parking of vehicles in any zone. Requires counties allow use of residential structures as vacation occupancy on lands zoned for exclusive farm and/or forest use, subject to conditions of approval.

Allows vacation occupancies in areas zoned for exclusive farm use in counties without marginal lands provisions, and on exclusive farm use land subject to approval standards in counties with marginal lands provisions.

BACKGROUND:

In Oregon, “resource lands” typically refer to farm and forest lands. Statewide planning goals attempt to limit conversion of resource lands to other uses through the use of urban growth boundaries and zoning laws that only permit uses which coexist with farming and forestry activities. The Marginal Lands Act in 1983 allowed reduced regulation of certain “marginal” farmlands in return for greater protection of more productive land, but only Lane and Washington Counties adopted the program prior to its 1991 repeal and are the only two continuing to operate under the program.

Approval of certain uses in exclusive farm use zones is described in OR 215.296, which specifies that other uses may be permitted only if they will not force a significant change in nor significantly increase the cost of accepted farm or forest practices on the surrounding lands, with some exceptions for single-family residential dwellings. Applicants for other uses may demonstrate that standards of approval can be met through the imposition of conditions on the development.

House Bill 3012(2017) permitted accessory dwelling units (ADUs) on rural residential and exclusive farm use lands if the ADUs were used for farmworkers. This was followed by Senate Bill 391, enacted during the 2021 legislative session, which allowed counties to authorize ADUs in rural residential zones, and clarified the ADUs could not be used for vacation occupancy. The prohibition on vacation occupancy remains in place and also applies to lands supporting family forestry.

Single-family structures used as vacation occupancies, some of which may have been used as bed and breakfasts permitted by statute, have raised concerns about impacts on the housing market. Communities, such as Bay City and Bend, have passed restrictions on short-term rentals or amended their short-term rental codes. Lincoln County Measure 21-203 (2022) attempted to phase out some short-term rentals, but the measure was later overturned by the Oregon Land Use Board of Appeals.

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Senate Bill 648 prohibits counties from allowing new vacation housing on land zoned for exclusive farm and/or forest use, does not replace a dwelling, is not a bed and breakfast or guest ranch, and is not established under specified statutes relating to farm or forestland housing.