



# Oregon

Tina Kotek, Governor

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[www.oregon.gov/LCD](http://www.oregon.gov/LCD)



DATE: August 11, 2025

SUBJECT: **2025 Land Use Legislation Report**

## Introduction

This report describes legislation passed in the 2025 Oregon Legislative Session related to state land use statutes or the land use planning programs administered by the Department of Land Conservation and Development (DLCD or department) and regulated by the Land Conservation and Development Commission (LCDC or commission). This report is also available on the DLCD website. This report summarizes each legislative measure but does *not* provide a comprehensive breakdown of each bill. Therefore, we recommend this report be used as a reference and that readers refer to the bills and their history directly for a full picture of legislative intent and law. **Please consult an attorney for legal advice about these bills.**

This report includes links to the [Oregon Legislative Information System \(OLIS\)](#) page for each bill. From those pages, readers can access bill language, measure history, and related testimony.

State law requires DLCD to notify local governments when new statutory requirements require changes to local comprehensive plans, regional framework plans, or ordinances implementing these plans.\* The application of these statutory changes should be determined by local planning staff and legal counsel.

**Note: sections where the deadline for local government compliance is different from the bill's effective date are bolded.**

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\*Oregon Law (ORS 197.646) requires that "a local government shall amend its acknowledged comprehensive plan, regional framework plan, and land use regulations implementing the plan, by a self-initiated post-acknowledgment process under ORS 197.610 to 197.625 to comply with ... a new statutory requirement." Furthermore, this statute requires that, "when a local government does not adopt amendments to a comprehensive plan, a regional framework plan and land use regulations implementing the plan as required by ... this section, the new statutory ... requirements apply directly to the local government's land use decisions."

## DLCD 2025-27 Budget

The table below provides an overview of DLCD's full 2025-27 Legislatively Adopted Budget, including current service level and policy option package (POP) investments in SB 5528, as well as funding to support work directed in HB 2138, HB 2258, and SB 504.

	<b>2023-25 Legislatively Approved<sup>†</sup></b>	<b>2025-27 Current Service Level</b>	<b>2025-27 Legislatively Adopted<sup>‡</sup></b>
<b>General Fund</b>	\$50,842,495	\$38,379,997	\$49,533,762
<b>Other Funds</b>	\$19,645,485	\$9,229,191	\$12,898,404
<b>Federal Funds</b>	\$14,034,680	\$9,706,699	\$14,049,024
<b>Total Funds</b>	\$84,522,660	\$57,315,887	\$76,481,190
<b>Positions / Full-Time Equivalent</b>	108 / 92.07	103 / 102.59	111 / 110.22

**Total grant funding available to local governments: \$16,828,021**

### **SB 5528 – DLCD Budget Bill**

*Chief Sponsor(s):* at the request of Oregon Department of Administrative Services

*Effective date:* June 26, 2025

#### *Summary:*

**Package 100:** *DLCD Budget Adjustments (\$198,790 General Fund (GF), \$162,753 Other Funds (OF), -\$65,677 Federal Funds (FF); 1 position/1.41 FTE)*

Fully funds a policy analyst position, increases natural resource specialist position authority to 1.0 FTE, eliminates climate resiliency position, adds position authority — with GF match — for two federally funded planner positions.

**Package 101:** *Repurpose CGI Grant Funds (2 positions / 2.0 FTE)*

Uses Community Green Infrastructure grant funding to continue two limited duration positions to administer the grant program through the 2025-27 biennium.

**Package 501:** *HH-HAPO Budget Adjust & Continue Grant Funds (\$3,528,069 GF)*

Invests an additional \$3,500,000 for Housing Accountability and Production (HAPO) assistance grants and funds the approved HAPO manager position reclassification.

**Package 503:** *HH-Increase Housing Planning TA Funding (\$1,700,000 GF)*

Provides funding to complete capacity and urbanization rulemaking and adds \$1,500,000 for housing-related assistance grants.

**Package 504:** *HH-TA Funding for Wetlands Planning (\$500,000 GF)*

Provides funding for local governments to complete wetlands planning to support housing production.

<sup>†</sup> Includes adjustments through December 2024 Emergency Board.

<sup>‡</sup> Numbers subject to change with final reconciliation.

**Package 506: HH-Track Housing Production by Program (\$300,000 GF)**

Provides funding to collect and analyze housing data to understand the outcomes of state housing policies and programs.

**Package 801: LFO Analyst Adjustments (\$158,121 GF)**

Provides a one-time reappropriation of \$398,000 to complete the Offshore Wind Roadmap, includes \$260,000 (one-time funding) to help pay costs of new positions provided in the 2024 Legislative Session that were added to the 2025-27 budget at a lower pay step than at which they were hired, phases out \$500,000 from SB 1564 (2024), with \$50,000 remaining to complete housing model code work by January 1, 2026.

**Package 802: Vacant Position Reductions (-\$338,447 GF; -1 position / -1.0 FTE)**

Eliminates a vacant Information Systems Specialist 8 position.

**HB 5006 – Close of Session Bill**

*Chief Sponsor(s):* at the request of Oregon Department of Administrative Services

*Effective date:* June 30, 2025

*Summary:*

**Section 62: Collins Creek Land Acquisition Partnership (\$4,500,000 FF)**

Increases expenditure limitation (one-time) to pass through federal grant funding to Confederated Tribes of Siletz Indians for the Collins Creek property acquisition.

**Section 224: Statewide Adjustments (\$315,369 GF, \$6,460 OF, -\$91,988 FF)**

Adjusts the department's budget for changes in Attorney General rates, and Department of Administrative Services state government service charges, and other charges for services.

## Key Legislation

### Housing

**HB 2347 – Technical Fixes to Housing Legislation**

*Chief Sponsor(s):* at the request of Governor Tina Kotek for Department of Land Conservation and Development

*Effective date:* January 1, 2026

*Summary:*

*Technical fixes to HB 2001/2889 (2023):* Allows DLCD to allocate housing planning grants to Tribal governments. Updates the deadline for cities to report housing permitting and production data to be at the discretion of the department. Corrects a scrivener's error related to city reports on implementation of housing production strategies.

*Technical fix to HB 4064 (2022):* Clarifies that local governments may only apply housing development standards to manufactured housing units that they would to site-built housing units of the same type.

*Technical fix to SB 1537 (2024):* Clarifies criteria for determining a complete application for a developer opting into new housing development criteria for their pending application.

Moves a statute outlining local governments' responsibility to approve an application for a permit, subdivision, or construction of needed housing from ORS 197.522 into ORS 197A.

Changes references to “single-family” and “multifamily” housing in land use statutes (ORS 197, ORS 197A, ORS 215, ORS 227, ORS 329A, and ORS 418) to “single-unit” and “multiunit.”

### **SB 48 – SB 1537 (2024) Technical Fixes**

*Chief Sponsor(s):* Senate Interim Committee on Housing and Development

*Effective date:* September 26, 2025

#### *Summary:*<sup>§</sup>

*Land use regulations:* Clarifies that the “goal post” provisions — where a housing developer can opt into new housing development standards that have been adopted since their application was submitted and deemed complete — only apply within urban growth boundaries (UGBs).

Clarifies that when a city applies to the Housing Accountability and Production Office (HAPO or Office) for an exemption to the mandatory adjustment provisions, the period they are not subject to those provisions while the Office assesses the application is only applicable for the initial application.

*One-time UGB site additions:* Clarifies the definition of “site” used in the one-time UGB amendment provisions to mean: “a lot or parcel or any combination of lots and parcels that are contiguous or separated from one another by a street or road with or without common ownership.”

Amends the land need eligibility criteria for the one-time UGB amendment procedures by further clarifying that the applicable “tract” “[c]onsists of one or more lots or parcels with or without common ownership and that abut each other or are separated by only a street or a road.”

Specifies that cities are vested in their housing need eligibility data at the time of issuing public notice (i.e., that data carries forward in their application).

Allows cities to accept agreements, letters, or equivalent assurances to provide utility services to UGB expansion areas. Specifies that only a property owner of a proposed site accepted by the city has standing for judicial review of a UGB amendment decision.

Clarifies a technical error that inadvertently made only Metro eligible for the one-time UGB land exchange option.

### **HB 2138 – Middle Housing and Infill Development**

*Chief Sponsor(s):* at the request of Governor Tina Kotek for Office of the Governor

*Effective date:* June 30, 2025 (sections where the deadline for local government compliance is different from the bill’s effective date are bolded below)

*DLCD Appropriation:* \$3,891,599

#### *Summary:*

*Middle housing:* Requires counties to allow siting of middle housing on unincorporated urban lands (UULs). Defines UULs as within a UGB, zoned for urban development and not for future urbanization, and within the boundaries of public service providers.

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<sup>§</sup> This summary covers Sections 1-8 of SB 48. Other sections of the bill are technical changes to the Moderate-Income Revolving Loan Fund, which is operated by the Oregon Housing and Community Services Department (OHCS). For more information, please visit their [site](#).

Amends the definitions of cottage cluster, duplex, triplex, and quadplex to include detached units. Changes the allowed footprint of a cottage cluster from 900 square feet to a “small footprint.” **Changes to the cottage cluster definition do not become operative until January 1, 2028.**

Adds a definition of “zoned for residential use” to ORS 197A.420 for purposes of defining where middle housing must be sited in a jurisdiction. This definition dictates that the land must be within a UGB, have base zoning that allows for residential uses and allows the development of a detached single-unit dwelling, is not zoned primarily for uses other than residential or future urbanization, and is incorporated or a UUL.

Directs cities and counties that are required to allow middle housing to permit it on lots that have an existing single-unit dwelling, accessory dwelling unit (ADU), single-unit dwelling and ADU, or a duplex. Allows those lots to be divided through a middle housing land division process. Prohibits cities and counties from requiring a traffic impact analysis or traffic-related exactions for middle housing projects of 12 units or less and on a lot created by a land division more than five years prior.

Requires local governments to implement a density bonus for producing an affordable or accessible homeownership unit, where the developer will receive an additional one unit for a duplex or triplex development and an additional two units for a quadplex, cottage cluster, or townhouse development. Allows local governments to implement a more localized density bonus instead.

**Makes the due date for city and county compliance with these provisions January 1, 2027.**

Requires the Department of Administrative Services (DAS) to publish a maximum sales price and income eligibility by region for purposes of administering the density bonus.

*Single-room occupancies:* Requires local governments to allow up to three times the number of single-room occupancy units permitted by the maximum density on a lot. Prohibits local governments from requiring more parking for a single room occupancy unit than they would for one-third of a regular unit (such as three single room occupancy units counting as one unit for purposes of parking requirements). Specifies that residential care facilities as defined in ORS 443.400 are not included under these provisions. **Makes the due date for city and county compliance with these provisions January 1, 2027.**

*Promoting housing density:* Invalidates prohibitive covenants and restrictions to developing ADUs or middle housing in place before January 1, 2020. **Becomes operative January 1, 2027.**

Requires local governments to apply clear and objective standards to tree removal codes related to housing development.

*Expedited and middle housing land divisions:* Defines a single middle housing development for purposes of qualifying for a middle housing land division (MHLD). Allows nonconforming units on a lot to qualify for a MHLD. Allows a local government to require or not require separate utilities for water and wastewater. Provides that a local government may only prohibit subsequent land divisions if the minimum density for the zoning of the land has been met. Directs cities and counties to develop a simultaneous subdivision and MHLD application

process. Removes the noticing requirement and local appeals process for MHLDs and expedited land divisions.

*Rulemaking:* Directs LCDC to adopt rules by January 1, 2028, with a focus on increasing development efficiency, implementing findings from the SB 1537 (2024) Section 5 studies, and conforming with the policy objectives of ORS 197A.025, on:

- Siting and design standards for manufactured middle housing,
- Siting and design standards for accessory dwelling units and single-room occupancies,
- Defining “small footprint” and “community amenity” for cottage clusters,
- Amending existing siting and design standards for middle housing,
- Defining permissible criteria for discretionary review,
- Developing model system development charges (SDCs) for residential development, and
- Estimating reasonable zoned capacity for an inventory of buildable lands.

Directs LCDC to provide a report to the Legislature on the feasibility of a safe harbor for local governments who utilize the model SDC method by July 1, 2028.

### **HB 2316 – Home Start Lands (State-Owned Lands for Housing)**

*Chief Sponsor(s):* Representative Mannix

*Effective date:* September 26, 2025

*Summary:* Directs the Department of Administrative Services (DAS) to identify lands owned by the state inside UGBs to designate as Home Start Lands if they are better used for housing than their current use. DAS may also identify land that can be exchanged for real property of equal value to designate as Home Start Lands. Prescribes that local governments may nominate lands to DAS for designation of Home Start Lands. These lands must be subject to an affordability covenant making them available to low- or moderate-income households.

Dictates that Home Start Lands can be used for single-unit dwellings, middle housing, or more dense housing if the zoning permits. Provides exceptions for using the lands including a slope of 25 percent or greater, the property being within a 100-year floodplain, or otherwise regulated for land use goal protections. States that the development must meet the local government’s minimum density requirements and clear and objective standards as outlined in ORS 197A.400. Terminates Home Start Lands designation after three years of non-development or if DAS or the local government decides to terminate it.

Specifies conditions of disposition of land including selling, transferring, or leasing for 99 years. Dictates that the housing developed must be available for sale or for lease to households of low- or moderate- income for a period of 30 years. Dictates that a notice of sale must be published at least once weekly for three weeks in a local newspaper in the county where the land for sale is. Outlines capital improvements developers must complete, and what assistance is available from DAS. States that proceeds of the sale of land must be placed in the newly created Home Start Lands Fund to implement the program. Requires that a home for sale be the owner’s primary residence (nine months out of a year) for at least five years after purchase. Requires DAS to coordinate with the Department of State Lands (DSL), and optionally, HAPO, to administer the above sections. Provides a property tax exemption framework for up to five years.

## **HB 2258 – Oregon Homes (Preapproved Residential Site Criteria)**

*Chief Sponsor(s):* House Interim Committee on Housing and Homelessness

*Effective date:* June 24, 2025

*DLCD Appropriation:* \$631,806

*Summary:* Allows LCDC to adopt rules requiring local governments to issue land use decisions on lots meeting certain criteria. Those lots must be lawfully established, within a UGB, zoned to allow residential use, within a specified size and slope range, not in areas protected for natural resources or hazards, and vacant or partially vacant. Approved residential developments must be either single-family, middle housing, or small multiunit housing types. The commission may also establish the procedures for approval at the local level, allowable variances, design standards, and land use standards including specific tree protections. Directs LCDC to adopt the first rules by January 1, 2027. Allows the Department of Consumer and Business Services (DCBS) to establish preapproved building plans or approve plans submitted by developers and coordinate the land use approvals established by LCDC.

## **HB 3031 – Housing Infrastructure Financing Program**

*Chief Sponsor(s):* at the request of Governor Tina Kotek for Oregon Business Development Department

*Effective date:* July 1, 2025

*Summary:* Directs the Oregon Infrastructure Finance Authority (OIFA) to create housing infrastructure financing as grants or loans to local jurisdictions in Oregon including intergovernmental entities and federally recognized tribes. These funds can be used to develop or improve infrastructure or site development (including privately owned sites) projects related to transportation, water, wastewater, storm water, or for increasing capacity of these systems due to specific proposed housing developments. Outlines the criteria to qualify for these funds. The criteria address the number of housing units, locations within and not within UGBs, city population numbers, density priorities, affordable housing covenants, and timelines. Provides an existing definition for "housing authority" and allows for partnerships between housing authorities and housing developers with criteria for what the written agreement must contain. Directs the OIFA on how the funds should be apportioned. Directs HAPO to assist in the development of requirements and prioritization of funding. Directs OIFA to coordinate with OHCS with respect to the Housing Project Revolving Loan Fund. Allows the Oregon Business Development Department (OBDD) to adopt rules for the implementation of this section. The new Housing Infrastructure Project Fund will have its own State Treasury fund distinct and separate from the General Fund. OBDD may accept donations, grants, contributions, or gifts from non-state sources for deposit into the fund. The fund will earn interest and be continuously appropriated to OBDD.

*The program is funded through SB 5531, which includes authorization for \$10,000,000 in lottery bond proceeds. HB 5006 provides allocation for program staff of \$1,200,000 in Lottery Funds and \$1 of expenditure limitation from the Housing Infrastructure Project Fund. OBDD is required to bring projects back to the legislature for consideration in 2026.*

## **SB 974 – Residential Development Application Approval Processes**

*Chief Sponsor(s):* Senator Anderson, Senator Jama, Senator Broadman, and Senator Meek  
*Effective date:* September 26, 2025 (alternative dates for local government compliance are noted below)

### *Summary:*

*Engineering review timelines:* Defines “final engineering plans” and establishes a timeline for when local governments must approve these plans for residential development applications within a UGB — 30 days to establish completeness of the application, 120 days to review and issue a decision, and optional, mutually agreed upon extensions for up to 245 days total.

*Urban housing applications:* Applies new review process criteria to applications for an upzone, a planned unit development, or a variance for residential development on residentially zoned or planned for land within an urban growth boundary, and calls them “urban housing applications.” The first issuance of a decision on the application must be done without a public hearing. Clarifies how the urban housing applications are appealable to the Land Use Board of Appeals.

**Sets the operative date for cities to conform with the urban housing application processing requirements as July 1, 2026.**

*Design standards:* Prohibits a local government from applying design standards to residential developments inside UGBs with 20 or more units (except for multifamily buildings). Design standards do not include building height, setbacks, and other regulations pertaining to health, environment, and safety. **Repeals design standard provisions on January 1, 2033.**

## **SB 10 – Technical Change to Moderate-Income Housing Predevelopment Loans Program**

*Chief Sponsor(s):* Senator Wagner  
*Effective date:* April 7, 2025

*Summary:* HB 2001 (2023) established the Moderate-Income Housing Predevelopment Loans program to provide financing and refinancing to local governments and housing developers for residential predevelopment costs. SB 10 moves that program from the Oregon Facilities Authority to the Network for Oregon Affordable Housing through a pass-through grant from Oregon Housing and Community Services.

## **HB 3505 – Residential Sprinkler System Development Charges**

*Chief Sponsor(s):* Representative Marsh  
*Effective date:* January 1, 2026

*Summary:* Prohibits a local government from imposing a new or increased system development charge on a residential development for the installation of a sprinkler system or the increased capacity of a water meter for the sprinkler system.

## **HB 3144 – Manufactured Housing CC&Rs**

*Chief Sponsor(s):* Representative Marsh *Effective date:* January 1, 2026

*Summary:* Deems a provision in a recorded instrument void and unenforceable if it restricts siting manufactured housing and was executed on or after the effective date of the bill. Makes void and unenforceable a provision in a governing document that restricts manufactured

housing siting. Extends the sunset for the Manufactured and Marina Communities Dispute Resolution Advisory Committee established by SB 586.

### **HB 3145 – Funding for Affordable Manufactured Housing**

*Chief Sponsor(s):* Representative Marsh, Senator Anderson, Representative Diehl, Representative Bowman, Representative Gamba, and Senator Patterson

*Effective date:* September 26, 2025

*Summary:* Directs Oregon Housing and Community Services (OHCS) to use Local Innovation and Fast Track (LIFT) funding for manufactured homes. Allows up to five recipients or locations. Prescribes preferences for funding such as geographical diversity and Oregon-sourced materials. Dictates that recipients must cooperate on the report required by Section 5. Prescribes that \$25,000,000 of LIFT funding should be used for these purposes if not otherwise obligated. Directs OHCS to contract with the Network for Oregon Affordable Housing (NOAH) to convene a public-private advisory committee to offer guidance on project proposals, which is to consist of representation from DLCD, DCBS, the Oregon Housing Stability Council, local governments, private firms, and individuals in the development community. The committee will provide recommendations for project approval to OHCS. NOAH will also provide technical assistance and support industry awareness and funding. Directs OHCS to submit a report to the Legislature by September 15, 2027, on the activities of the program and contractor. **Repeals bill provisions on January 2, 2028.** Appropriates \$650,000 to OHCS to contract with NOAH.

## Urbanization

### **SB 1129 – Urban Reserves Rulemaking**

*Chief Sponsor(s):* Senator Broadman

*Effective date:* May 27, 2026

*Summary:* Directs LCDC to amend rules relating to urban reserves by January 1, 2026 to allow local governments to:

- Assign lower priority to exception and non-resource lands containing subdivisions or planned unit developments as compared to other exception and non-resource lands, and
- Assign lower priority to the inclusion of otherwise high priority lands if it is difficult or cost prohibitive to service them with urban services.

### **HB 2647 – City of Monmouth UGB Land Exchange**

*Chief Sponsor(s):* Representative Evans and Senator Patterson

*Effective date:* January 1, 2026

*Summary:* Allows the City of Monmouth to complete a UGB land exchange instead of the process outlined in SB 1537 (2024). Allows it to remove 90 or fewer acres of land which have:

- More than 25 percent of its acreage mapped as flood hazards or wetlands,
- Not been annexed by the city,
- Not been designated for residential use, and
- Not been served by city sewer service.

Allows the city to bring in 75 or fewer net residential acres to the UGB, which must have:

- Not more than 25 percent of its acreage mapped as hazards or floodplains,
- Ability to be connected to water and sewer services, and
- Owners that consent to addition to the UGB and annexation to the city.

### **HB 3921 – City of Roseburg UGB Land Exchange**

*Chief Sponsor(s):* Representative Osborne and Senator Brock Smith

*Effective date:* May 28, 2025

*Summary:* Requires the Director of the DLCD to issue an order acknowledging the UGB exchange for the City of Roseburg that was submitted on October 22, 2024. Deems all urban growth boundary adjustments, city boundaries, comprehensive plan amendments and land use regulations approved and acknowledged, notwithstanding ORS Chapter 197 and other state land use planning laws and rules.

### **HB 2356 – Metro Service District Annexation**

*Chief Sponsor(s):* Representative McLain (at the request of Metro Regional Government)

*Effective date:* January 1, 2026

*Summary:* Notwithstanding requirements of ORS 268.354 and ORS 198 to automatically bring properties annexed by a city into the metropolitan service district of that urban growth boundary.

## **Resource Lands**

### **HB 3681 – EFSC Contested Cases and Transmission Line Condemnation**

*Chief Sponsor(s):* Representative Gamba

*Effective date:* January 1, 2026

*Summary:* Modifies the Energy Facility Siting Council (EFSC) contested case process for site certificate applications and changes the review criteria for a certificate of public convenience and necessity for overhead transmission lines.

Directs the Public Utility Commission (PUC) to consider certificate petitions without requiring petitioner to first obtain required state or local land use approvals.

Clarifies that in proceedings for condemnation, a certified copy of a high voltage transmission line site certificate is conclusive evidence that the line is a public use and is necessary for public convenience.

### **HB 3874 – Wind Energy Project Size Increase for EFSC Site Certification**

*Chief Sponsor(s):* Representative Helm, Representative Gamba, and Representative Owens

*Effective date:* January 1, 2026

*Summary:* Increases minimum size for wind energy project to get an EFSC site certificate from 50 megawatts to 100 megawatts. Wind projects generating at least 50 megawatts and less than 100 megawatts are required to provide a decommissioning plan with financial assurances that the site will be restored to a “useful, nonhazardous condition.”

Counties are responsible for approving requirements during construction and operation of wind energy projects between 50-100 megawatts and ensuring they are safely and properly removed from the landscape at the end of their lifecycle.

### **SB 75 – Wildfire Home Hardening Requirements Clarification**

*Chief Sponsor(s):* Senate Interim Committee on Natural Resources and Wildfire

*Effective date:* January 1, 2026

*Summary:* Corrects an error in ORS 215.291 and ORS 215.495 clarifying when home hardening building code and defensible space requirements apply. Removes wildfire hazard language and related regulatory requirements for home hardening building codes and defensible space for rural homes for purposes of developing an accessory dwelling unit on lands zoned for rural residential uses, or replacement dwellings on lands zoned for farm or forest uses.

### **SB 83 – State Wildfire Map Repeal and Defensible Space / Replacement Dwelling Requirements**

*Chief Sponsor(s):* Senate Interim Committee on Natural Resources and Wildfire

*Effective date:* June 26, 2025

*Summary:\*\** Repeals the state wildfire hazard map created by SB 762 (2021) — and revised by SB 80 (2023) — and its application to defensible space requirements, accessory dwelling units and replacement dwellings, building codes, comprehensive planning, and other areas. Changes existing statute related to ORSC R327 building code standards for wildfire hazard mitigation, defensible space and the wildland urban interface (WUI), fire protection for lands outside of forest protection districts, and Oregon Conservation Corps Program for grant-supported fuels reduction projects. Makes adoption of R327 building code and defensible space standards optional for local governments. Includes conforming amendments related to replacement dwellings on farm and forest land and ADUs in areas zoned for residential development.

*Defensible space:* Amends ORS 426.392 (minimum defensible space requirements and rules) to remove reference to the state wildfire map, including the ability for local governments to administer, consult on, and enforce defensible space requirements based on the map. Defines defensible space as “a natural or human-made area in which material capable of supporting the spread of fire has been treated, cleared or modified to slow the rate and intensity of advancing wildfire and allow space for fire suppression operations to occur.” Directs the State Fire Marshal (SFM) to create a defensible space model code for inclusion in the community risk-reduction program but prohibits the SFM from requiring local governments to adopt it. The SFM may assist local governments to facilitate the creation of defensible space.

*Wildland urban interface:* Amends ORS 477.015 (urban interface protections and definitions) to:

- Define “wildland” as forestland or “an unimproved area that contains enough unmanaged vegetation, at any time of the year, to constitute a fire hazard in the judgment of the forester, regardless of how the areas is zoned or taxed,” and
- Revise the definition of “wildland-urban interface” to mean a “geographic area in which there is a concentration of dwellings in an urban or suburban setting near wildland.”

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\*\* This summary does not include changes to ORS 476.690 relating to the Wildfire Programs Advisory Council.

Among other things, directs the Department of Consumer and Business Services (DCBS) to adopt the wildfire hazard mitigation code standards from Section R327 of the 2023 Oregon Residential Specialty Code, and prohibits DCBS from requiring local governments to adopt them.

*Comprehensive planning:* Amends ORS 197.716 to remove reference to statute requiring the Oregon Department of Forestry (ODF) to adopt a definition of the “wildland urban interface.”

*Accessory dwelling units and replacement dwellings:* Revises ORS 215.495 to remove reference to the statewide wildfire hazard map and map-related provisions in statutes authorizing a county to approve ADUs and replacement dwellings in high wildfire hazard zones.

Removes requirements for ADUs to comply with applicable state/local defensible space standards if identified on the state wildfire map as located in the WUI.

Removes requirement for ADUs or replacement dwellings to be altered, restored, or replaced to comply with the construction provisions in Section R327 of the Oregon Residential Specialty Code.

### **SB 85 – Wildfire Risk Report**

*Chief Sponsor(s):* Senate Interim Committee on Natural Resources and Wildfire

*Effective date:* May 28, 2025

*Summary:* Requires DCBS and the SFM — in collaboration with the Department of Forestry and insurance industry representatives — to evaluate and develop community-based wildfire risk mitigation actions, programs, and strategies to reduce wildfire risks and improve insurance affordability in Oregon.

Requires DCBS and SFM to submit a report to the State Wildfire Programs Director, the Wildfire Programs Advisory Council, and the interim legislative committees related to wildfire by February 2, 2026.

## **Ocean and Coastal**

### **HB 2925 – Ocean Shores Permitting**

*Chief Sponsor(s):* at the request of Governor Tina Kotek for State Parks and Recreation Department

*Effective date:* January 1, 2026

*Summary:* Revises Oregon Parks and Recreation Department’s (OPRD) permitting process for ocean shore improvements and expands notice requirements. Authorizes OPRD to issue emergency permits under specific circumstances and creates a framework for general authorization permits for ocean shore improvements that are similar in nature, have predictable effects and relate to low-impact, restorative, or conservation-focused projects. Applies to OPRD permit applications submitted on or after the bill’s effective date.

## **HB 3963– Offshore Wind Roadmap Extension**

*Chief Sponsor(s):* Representative Gomberg

*Effective date:* September 26, 2025

*Summary:* Extends the deadline from September 1, 2025, to January 1, 2027, for the Department of Land Conservation and Development to complete Oregon’s Offshore Wind Roadmap as directed by HB 4080 (2024).

## **SB 179 – Landowner Immunity**

*Chief Sponsor(s):* Senate Interim Committee on Judiciary

*Effective date:* January 1, 2026

*Summary:* Makes the 2024 temporary changes to immunity for landowners who allow public use of land without charge for recreational purposes permanent.

Allows local governments included in ORS 174.116 to opt into ORS 105.668, which limits liability from ordinary negligence claims arising from the use of trails or structures on public easements or unimproved rights of way by foot, equine, bicycle or other nonmotorized means.

Adds immunity to ORS 105.688 for improved paths, trails, roads and other rights of way that are used by the public to access land for recreational purposes and limits immunity for improvement, design, or maintenance that was completed in a manner constituting gross negligence or reckless, wanton or intentional misconduct, or for which the actor is strictly liable.

Adds to the “recreational purposes” defined in ORS 105.672 the non-exclusive list of outdoor activities including running, walking, and bicycling.

## **SB 504 – Nonstructural, Nature-Based Solutions to Shoreline Stabilization Rulemaking**

*Chief Sponsor(s):* Senator Brock Smith

*Effective date:* January 1, 2026

*DLCD Appropriation:* \$268,488

*Summary:* Directs LCDC to adopt rules by January 1, 2028, to allow, define, and provide guidance on nonstructural, nature-based solutions to be used for shoreline stabilization in estuaries, coastal shorelands, and the ocean shore. Allows the Department of State Lands (DSL) and the State Parks and Recreation Department (OPRD) to adopt conforming rules by January 1, 2029.

In its rulemaking, DLCD is directed to, at a minimum:

- Define “nonstructural, nature-based solutions”.
- Provide guidance for the use of nonstructural, nature-based solutions to minimize harmful impacts from flooding and erosion.
- Require that nonstructural, nature-based solutions conform with statewide land use planning goals and is prioritized over structural solutions to address erosion and flooding.
- Not change rules allowing ODOT to use structural shoreline stabilization methods.

The rules advisory committee (RAC) must include the following interests:<sup>††</sup>

- Coastal engineering professionals
- Restoration professionals
- Environmental and recreational organization representatives
- Tribal representatives
- Land owners/managers
- Fish and wildlife professionals
- Local government officials

### **SB 793 – Department of State Lands Territorial Sea Fees**

*Chief Sponsor(s):* at the request of Governor Tina Kotek for Department of State Lands

*Effective date:* June 20, 2025

*Summary:* Modifies and increases DSL rulemaking authority to adopt new rules for establishing fees for easements on state land, including the territorial sea. Easements on state land within the territorial sea need to adhere to specific policies for routing and installing infrastructure.

Previously, DSL charged a one-time application fee of \$5,000 for easements within the territorial sea and \$750 for easements on other state lands. Moving forward, application and renewal fees must be reasonably calculated to offset the cost to DSL for granting and renewing easements. Requires the Director of DSL to adopt the rules by January 1, 2027.

## **Administrative and Miscellaneous**

### **HB 2005 – Siting of Psychiatric and Behavioral Health Care Facilities**

*Chief Sponsor(s):* Representative Kropf and Representative Andersen

*Effective date:* June 30, 2025

*Summary:*<sup>‡‡</sup> Requires local governments to allow by right a residential treatment facility or residential home within a UGB on lands zoned for residential commercial, employment, and industrial uses under specific criteria, in addition to public lands (excluding park lands). There are exceptions for lands that have natural resource or hazard restrictions or cannot be provided with public services. Does not require local governments to update any analyses related to land use goals. Exempts these decisions from the Land Use Board of Appeal's (LUBA) authority. Requires a local government to issue a decision within 120 days.

Within an urban growth boundary, requires a local government to allow by right a mental or psychiatric hospital on lands zoned for commercial, employment, and industrial uses, as well as public lands (excluding park lands), and where it is adjacent to an existing or pending crisis stabilization center. Exceptions are made for lands that have natural resource or hazard restrictions or cannot be provided with public services. Does not require local governments to update any analyses related to land use goals. Exempts these decisions from LUBA authority. Requires a local government to issue a decision within 120 days. Requires a local government

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<sup>††</sup> HB 3569 (2025) requires the sponsoring legislator to be invited to serve as a non-voting member on legislatively mandated RACs that are appointed on or after January 1, 2026.

<sup>‡‡</sup> This summary covers Sections 58-63 of HB 2005. Other sections are not relevant to land use.

to allow by right a crisis stabilization center within a UGB if the property is owned by a public body and adjacent to an existing or pending mental or psychiatric hospital.

Repeals ORS 197.670, which addresses existing zoning requirements and prohibitions for residential homes and facilities.

### **HB 2256 – Private Right to Action for Conservation-Purchased Lots**

*Chief Sponsor(s):* Representative Fragala, Senator Prozanski, and Senator Manning, Jr.

*Effective date:* January 1, 2026

*Summary:* ORS 92.018 establishes buyer's remedies for purchasing an illegally established unit of land, which includes individual action against the seller for damages. HB 2256 amends ORS 92.018 to establish that a purchaser does not have individual right to action if it is a holder (such as a government entity, trust, or Tribal government per ORS 271.715), the unit of land was separately described in an instrument executed before January 1, 2025, and the unit of land has a conservation easement. If the unit of land is subsequently sold within five years for non-conservation purposes, the new buyer may have individual right to action against the original buyer.

### **HB 2658 – Frontage Improvements for Building Alterations**

*Chief Sponsor(s):* Representative Evans

*Effective date:* January 1, 2026

*Summary:* Prohibits a municipality over 15,000 in population from requiring a frontage improvement as a condition of approval for a construction permit to alter or renovate an existing building, so long as there is no increase to the square footage, the alteration cost does not exceed a limit set by the director of the DCBS, and the changes do not result in a change of occupancy classification. Sets alteration cost limit initially at \$150,000, with annual increases due to the Consumer Price Index. If frontage improvements along a state highway are required for final action on a permit or zone change, requires ODOT or the municipality to coordinate on if design, engineering, or construction plans already exist. Makes these provisions applicable to all size cities on January 1, 2031.

### **HB 2069 – Tribal Task Force**

*Chief Sponsor(s):* Representative Sanchez

*Effective date:* June 24, 2025

*Summary:* Creates the Governor's Task Force on Tribal Consultation to identify and clarify requirements of state agencies to engage in Tribal consultation, to be completed by December 31, 2026.

### **HB 3136 – Real Estate Professionals on Planning Commissions**

*Chief Sponsor(s):* Representative Breese-Iverson, Senator Meek, and Senator Anderson

*Effective date:* January 1, 2026

*Summary:* Amends regulations regarding participation on county and city planning commissions to specify that only when a planning commission has five or fewer members is there a two-person limit on participating persons that can be involved in selling or developing real estate.

## **HB 3560 – Childcare Facility Siting Expansion**

*Chief Sponsor(s):* Representative Marsh, Representative Neron, Senator Reynolds, Representative Andersen, Representative Bowman, Representative Chotzen, Representative Dobson, Representative Fragala, Representative Gamba, Representative Helm, Representative Hudson, Representative Kropf, and Representative E. Levy

*Effective date:* January 1, 2026

*Summary:* Changes zoning requirements to allow child care centers as an outright use on land zoned for multiunit residential and institutional uses. Relocates the child care facility siting statute from ORS 329 to ORS 197. Modifies the definition of “child care center” to include a preschool recorded program, school-age recorded program or a parent cooperative. Inside Metro’s UGB, this bill permits child care centers in areas zoned for multiunit residential densities of at least 17 units per acre. Outside of the Metro UGB, this bill permits child care centers on residential lands zoned for densities of 12 units per acre or greater and on commercial and industrial land, but not heavy industrial land. Local governments may not add additional conditions of approval before allowing a child care center to co-locate with a conditional institutional use. **Local governments must update their land use laws to comply by January 1, 2027.**

## **HB 3569 – Legislators as Non-Voting Members on Rules Advisory Committees**

*Chief Sponsor(s):* Representative Gamba

*Effective date:* January 1, 2026

*Summary:* Requires an agency that appoints a rules advisory committee regarding rules implementing legislation to invite one of the following to serve on the committee as a nonvoting member:

- The first chief sponsor or first chief sponsor’s designee of the relevant legislation, or
- The chair or chair’s designee of the committee that sponsored the legislation.

Applies to advisory committees appointed on or after the effective date.

## **SB 817 – LUBA Fee Increase**

*Chief Sponsor(s):* at the request of Governor Tina Kotek for Land Use Board of Appeals

*Effective date:* January 1, 2026

*Summary:* Increases LUBA fees for filing a notice of intent to appeal from \$300 to \$350 and a motion to intervene from \$100 to \$200.

## **SB 967 – Local Improvements IGAS**

*Chief Sponsor(s):* Senator Broadman and Senator Nash

*Effective date:* January 1, 2026

*Summary:* Allows local governments to enter into an intergovernmental agreement for purposes of allocating authority over local improvements within a UGB. Requires local improvements to still comply with applicable land use regulations.

## **SB 1099 – Preschools in Places of Worship**

*Chief Sponsor(s):* Senator Starr and Senator Anderson

*Effective date:* June 3, 2025

**Summary:** Requires local governments to allow preschool or pre-kindergarten education on land where places of worship are allowed.

## Contact Information

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