

2023 Land Use Bills of Interest to LUP

Land Use Bills that will likely result in zoning code amendments

Note that future Zoning Code amendments may be bundled for efficiency. Staff will discuss potential legislative projects during the annual Work Program discussion later this fall.

Sources: Oregon Legislative Information System (OLIS) and Department of Land Conservation and Development (DLCD).

Bill	Brief Description	Notes
<p>HB 3197 (2023)</p>	<p>Clear and Objective Standards apply to housing in the UGB and for all nonresource lands outside UGB and for farmworker housing</p>	<p>Directs local governments to apply clear and objective standards to residential development within urban growth boundaries and, after July 1, 2025, to apply such standards to residential development within non-resource lands, areas zoned for rural residential and unincorporated communities designated in county comprehensive plans. Requires clear and objective standards for farmworker housing.</p> <p>Effective Date: July 31, 2023 inside the UGB, July 1, 2025 outside the UGB.</p> <p>This bill will require significant zoning code amendments in order to create clear and objective standards that will eventually apply to most housing both inside and outside the Urban Growth Boundary.</p>
<p>HB 3395</p>	<p>Housing Omnibus Bill</p>	<p>In areas within UGB boundaries and zoned for commercial use, directs local governments to allow housing units available to those households making 60% of area median income, or allow mixed use structures with ground floor commercial for those households with moderate incomes as defined in ORS 456.270 (80-120% AMI). This provision takes effect January 1, 2024.</p> <p>Provides local governments flexibility on their required timelines for final action on an application for a permit, limited land use decision or zone change. Specifically, when a local government tentatively approves an application for the development of a residential structure within an urban growth boundary, they may extend the deadline (100 days for counties, 120 days for cities) by up to seven days to ensure sufficiency of the final order. Additionally, it provides local and state government agencies the ability to withdraw final decisions for</p>

		<p>reconsideration on appeal for an application relating to the development of a residential structure. Collectively, these provisions are intended to reduce appeals that can substantially delay the development of housing by providing local governments more time and ability to address issues before they are appealed. These provisions take effect January 1, 2024.</p> <p>Makes permanent the requirement that local governments approve emergency shelters subject to certain conditions and operated by a local government, non-profit, religious corporation, or housing authority located on any property within the UGB or on rural residential lands. This provision does not apply when the point-in-time count indicates that homelessness comprises less than 0.18% of the total state population. Also Awards attorney fees to any local government or intervening applicant that prevails on the appeal of the local approval of an emergency shelter, and to any applicant that prevails on the appeal of a local denial.</p> <p>Within the UGB requires local governments to approve Single Room Occupancy development with up to 6 units on each lot zoned for single family detached housing and, if the lot allows the development of 5 or more units, then the SRO development must be approved up to the number of units allowed by the underlying density standard. This provision takes effect January 1, 2024.</p> <p>Requires conforming rulemaking.</p> <p>Staff will follow the rulemaking process and bring any needed amendments to the Planning Commission as appropriate.</p>
<p>HB 2984</p>	<p>Commercial to Residential Conversions Exemptions</p>	<p>Provides amendments to the affordable housing provisions in ORS 197.308 applicable within the Urban Growth Boundary.</p> <p>Requires local governments to allow conversion of a building from commercial to residential use without requiring a zone change or conditional use permit.</p> <p>The provisions do not apply to lands zoned for heavy industrial use.</p> <p>Effective Date: January 1, 2024</p>

		Staff will analyze the Zoning Code for applicability and bring any needed amendments to the Planning Commission as appropriate.
HB 2192	Replacement Dwellings on Forest Land	Aligns criteria for alteration, restoration or replacement of dwellings on lands zoned for forest use consistent with criteria applicable to dwellings on lands zoned for farm use. Repeals temporary changes made in 2013 to laws authorizing alteration, restoration or replacement for dwellings on lands zoned for exclusive farm use and further amends those laws. Effective Date: January 1, 2024 Requires rulemaking. Staff will follow rulemaking and bring any needed Zoning Code amendments to the Planning Commission.
HB 2001 Also see HB 2889 , which cleaned up and modified HB 2001.	Oregon Housing Needs Analysis	Establishes the Oregon Housing Needs Analysis (OHNA) methodology within the Department of Administrative Services to project the statewide 20-year housing need, to allocate the proportional share of need to individual cities and counties, and to identify housing production targets for each city over 10,000 and unincorporated urban areas of the Metro counties no later than January 1, 2025. Requires significant rulemaking. While it is unclear what zoning code amendments may be required as a result of HB 2001, the county will likely need to coordinate with the State, Metro and other regional governments (may require new or amended planning services through intergovernmental agreements. Staff will follow rulemaking process and bring zoning any required Zoning Code amendments to the Planning Commission.
SB 1013	Allowing Recreational Vehicles on Certain Rural Properties Optional for counties.	Authorizes counties to allow property owners in a rural residential zones to site one recreational vehicle (RV) subject to residential rental agreement on property, provided: the property is not within an urban reserve and includes a single-family dwelling occupied solely as property owner's primary residence; no other dwelling units are sited on the property; the property owner does not allow the use of the RV or RV space for vacation or other short-term occupancy; the RV is owned or leased

		<p>by the tenant; and the property owner provides essential services to the RV.</p> <p>SB 1013 allows a county to require a property owner to register RV siting with the county; enter into written residential rental agreement with RV tenant; limit payment amount property owner may accept from tenant; and hold RV to county inspection and siting standards.</p> <p>SB 1013 defines "recreational vehicle" for purposes of Act as a recreational vehicle that has not been rendered structurally immobile and is titled with the Department of Transportation. The bill prohibits a state agency from prohibiting placement or occupancy of RV solely on grounds it is an RV if it meets provisions of Act. Finally, the bill clarifies RVs sited under the measure's provisions are not subject to the state building code.</p> <p>Staff will likely bring this to the Planning Commission in a work session for discussion along with new optional provisions for rural ADUs in Rural Residential zones.</p> <p>Effective Date: January 1, 2024</p>
SB 644	Amends rural ADU rules relating to wildfire risk maps.	<p>If the Planning Commission adopts rural ADUs – these provisions are relevant.</p> <p>Allows counties to approve accessory dwelling units in rural residential zones constructed consistent with Section R327 of the Oregon Residential Specialty Code if no statewide map of wildfire risk has been adopted or is located in an area on an adopted state wildfire risk map that vulnerable to extreme or high wildfire risk.</p> <p>Effective Date: May 8, 2023</p>
HB 3179	Modifies Jurisdiction for Solar Photovoltaic Power Generation Facilities	<p>Increases the maximum acreage for solar photovoltaic power generation facilities under county jurisdiction. On high-value farmland, the maximum facility acreage increases from 160 to 240 acres; on land that is predominantly cultivated or composed of certain soil acreage increases from 1,280 to 2,560 acres; and on any other land the acreage for county jurisdiction increases from 1,920 to 3,840 acres.</p> <p>Requires conforming rulemaking.</p> <p>Effective Date: January 1, 2024</p>

		Staff will follow rulemaking prior to bringing amendments to the Planning Commission.
SB 85	Amending Concentrated Animal Feeding Operation Regulations	<p>SB 85 requires local government to issue a land use compatibility statement for proposed concentrated animal feeding operations (CAFOs). It also allows local governments to require a buffer or setback for large CAFOs that would be adjacent to legal residences or structures that were legal when constructed.</p> <p>Note that permitting for CAFOs is Oregon Department of Agriculture.</p> <p>Effective Date: July 27, 2023</p> <p>Staff may bring this to the Planning Commission to consider policy options, which could include consideration of the extent and nature of any buffer requirements. Zoning Code amendments could require a Measure 56 notice to property owners of EFU zoned properties.</p>

Other Recent legislation tracked by LUP staff:

Project Title	Notes
Affordable Housing and Shelters within the UGB	<p>See ORS 197.308(2)(b)(B) as recently amended.</p> <p>And see provisions for shelters in HB 3395 (2023)</p> <p>Any needed Zoning Code amendments would likely be combined with other Zoning Code amendments.</p>
Child care centers in Commercial and Industrial zones And family child care home in residential zones	<p>See HB 3109 (2021).</p> <p>Staff will research these provisions and propose Zoning Code updates as appropriate. Staff may also proposed an update to or deletion of the definition of Day Nursery in the Zoning Code. The definition may be outdated or no longer referenced elsewhere in code.</p>

Some of the land use bills that didn't pass:

Source: Oregon Legislative Information System (OLIS)

Bill	Description	Result
HB 2203	Allows recreational vehicle used to provide security of farm use to be sited on lands zoned for exclusive farm use.	In committee upon adjournment.
HB 2210	Allows counties to authorize subdivision of land zoned for exclusive farm use or forest use into parcels no smaller than average	In committee upon adjournment.

HB 2516	Directs Oregon Liquor and Cannabis Commission to adopt rules to allow certain marijuana producers to sell marijuana items directly to consumer.] Allows marijuana producer to operate cannabis tourism center at licensed premises...	In committee upon adjournment.
HB 3217	Requires that statewide land use planning goal relating to citizen involvement incorporate environmental justice practices.	In committee upon adjournment.
HB 3414	Three components: <ol style="list-style-type: none"> 1. Creates a new state Housing Accountability and Production Office. 2. Creates a mandatory adjustment process that local jurisdictions must grant for affordable housing projects. 3. Creates a new process for expanding the UGB for affordable housing. 	Senate Desk - Failed
HB 3589	Prohibits use of assessed historic property as vacation occupancy unless property is owner's primary residence.	In committee upon adjournment.
SB 964	Amends certain expedited land division criteria and processes. Further limits those who can participate with written comments.	In committee upon adjournment.
SB 1007	Authorizes counties to allow contiguous clustered nonresource dwellings on clustered development tract in lieu of approval of individual nonresource dwellings on farm, forest or mixed farm and forest use. Allows bonus dwellings when dwellings are sited on low value soil or with shared water or sewage systems. Establishes requirements for siting and approving dwellings and subdividing or partitioning clustered development tracts.	In committee upon adjournment.