



Oregon

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TO: Interested Persons, Local Governments and State Agencies

FROM: Emma Land, Legislative and Policy Coordinator
Department of Land Conservation and Development

SUBJECT: 2022 Land Use Legislation Report

2022 LAND USE LEGISLATION REPORT

I. INTRODUCTION

The attached report describes legislation passed in the 2022 short session by the Oregon Legislature related to land use planning or programs administered by the Department of Land Conservation and Development (DLCD). This report is also published on the DLCD website under "Legislative Information" at: <https://www.oregon.gov/lcd/NN/Pages/Legislative-Updates.aspx>.

This report provides a summary of each legislative measure but does not provide a comprehensive breakdown of each bill. Therefore, we recommend that this report be used primarily as a reference to legislation that may be of interest and that readers refer to the enrolled bills and associated materials directly for a full picture of legislative intent and law.

This report includes hyperlinks for easy download of a pdf file of "Enrolled" versions of bills published on the Oregon Legislative Information System (OLIS). All legislation considered in the 2022 legislative session may be accessed at <https://olis.oregonlegislature.gov/liz/2022R1>. As staff continue to telework due to public health concerns, DLCD does not maintain printed copies of legislative measures for distribution.

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 plans¹.

¹ 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."

II. LEGISLATION

HB 4014 – System Development Charges Report

Summary: HB 3040 (2021) required Oregon Housing and Community Services to conduct a comprehensive study on system development charges and provide a report to the Legislature by June 1, 2022. HB 4014 changes the deadline for submission of the report to December 15, 2022.

Status: Signed into law.

Effective Date: March 2, 2022.

HB 4037 – Use of State Property for Transitional Housing Accommodations

Summary: HB 4037 requires the Oregon Department of Administrative Services (DAS) to lease surplus, unused, or underutilized state real property owned by DAS and located within the City of Salem to the City for use as transitional housing. The bill establishes certain terms and sunsets this requirement on January 2, 2026.

Status: Signed into law.

Effective Date: March 7, 2022.

HB 4051 – Extension of Emergency Shelter Application Approval, SB 8 (2021) Clarification

Summary: HB 4051 addresses two issues from previous legislation.

HB 2006 (2021) required local governments to approve applications for emergency shelters meeting certain criteria, notwithstanding local land use regulations, zoning ordinances, comprehensive, or other locally adopted plans, through July 1, 2022. HB 4051 extends the date for application approval to July 1, 2023.

SB 8 (2021) restricted local governments from denying or limiting the approval of affordable housing applications within areas zoned for commercial and industrial use, subject to certain zoning and property conditions. HB 4051 clarifies that eligibility for application approval is based on ownership of the property on which the affordable housing is located, and not on the housing itself.

Status: Signed into law.

Effective Date: June 3, 2022.

HB 4064 – Manufactured Housing

Summary: HB 4064 restricts local governments from prohibiting the siting of, or imposing unique placement standards on a manufactured dwelling or prefabricated structure inside and outside of a manufactured dwelling park. The bill establishes certain exceptions and requires the manufactured home or prefabricated structure to be located on land inside the urban growth boundary zoned for single-family residential dwellings. The bill also expands the manufactured dwelling replacement program to borrowers whose manufactured home or prefabricated structure was destroyed by a natural disaster, regardless of whether the home is in a park located inside or outside of the natural disaster area.

Status: Signed into law.

Effective Date: March 23, 2022.

HB 5202 – Budget Note

Summary: HB 5202 is the end of session reconciliation budget bill. While this bill does not include changes to land use laws, it does include an appropriation to DLCD to expand current work on the Regional Housing Needs Analysis implementation. Under this effort, DLCD will convene a work group to discuss housing and land supply issues and the development of legislative recommendations.

Status: Signed into law.

Effective Date: April 4, 2022.

SB 1533 – Updates to Wildfire Prevention Legislation (SB 762)

Summary: SB 1533 addresses two issues from previous legislation.

SB 762 (2021), known as the omnibus wildfire legislation, required DLCD to produce a legislative report including updates to the statewide planning program, local comprehensive plans, and zoning codes to incorporate wildfire risk mapping and to minimize wildfire risks. SB 1533 clarifies that DLCD's report to the Legislature should include recommended changes only, rather than fully implementing those recommendations.

SB 391 (2021) allowed counties to authorize an owner of a lot or parcel in a rural residential zone served by a fire protection service provider to construct one accessory dwelling unit (ADU) on the lot or parcel, subject to certain conditions and locally adopted land use regulations. SB 1533 corrects the statutory reference to the defensible space statutes in SB 391.

Status: Signed into law.

Effective Date: June 3, 2022.

III. CONCLUSION

If you have questions or comments about the report or other legislation, contact Emma Land, Legislative and Policy Coordinator, at 503-779-9821, or Emma.Land@dlcd.oregon.gov.

If you have further questions, contact Gordon Howard, Community Service Division Manager, at 503-934-0034, or Gordon.Howard@dlcd.oregon.gov.

Cc: Land Conservation and Development Commission, League of Oregon Cities, Association of Oregon Counties, Local Officials Advisory Committee, Citizen Involvement Advisory Committee, Oregon Chapter of American Planning Association