

**A-Engrossed**  
**House Bill 2272**

Ordered by the House June 7  
Including House Amendments dated June 7

Sponsored by Representative CLEM (Pre-session filed.)

**SUMMARY**

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

*[Directs Department of Land Conservation and Development to study issues relating to use of land and report to appropriate committee or interim committee of Legislative Assembly on or before September 15, 2022.]*

*[Sunsets December 31, 2022.]*

**Requires Lane County to approve planning application to make permanent certain temporary recreational vehicle parks or campgrounds providing transitional housing for wildfire victims.**

**Sunsets January 2, 2024.**

**Allows local governments to consider National Flood Insurance Program requirements in approving application to alter, restore or replace nonresidential use destroyed by 2020 wildfires.**

**Declares emergency, effective on passage.**

**A BILL FOR AN ACT**

1  
2 Relating to use of land; creating new provisions; amending section 2, chapter \_\_\_\_, Oregon Laws 2021  
3 (Enrolled House Bill 2289); and declaring an emergency.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1. (1) Notwithstanding ORS chapter 195, 197, 197A, 215, 227 or 468B or any**  
6 **statewide plan, rule of the Land Conservation and Development Commission, Environmental**  
7 **Quality Commission or local land use regulation, zoning ordinance or comprehensive plan,**  
8 **Lane County shall approve a planning application for the development of a permanent rec-**  
9 **reational vehicle park or campground if the development:**

10 (a) **Is located on land that:**

11 (A) **Is within an unincorporated community and on lands from which a developed or**  
12 **committed exception has been adopted;**

13 (B) **Was identified as an area for providing transitional housing for wildfire victims under**  
14 **rules of the Land Conservation and Development Commission and under an agreement be-**  
15 **tween the applicant and the Federal Emergency Management Agency;**

16 (C) **Is currently zoned to allow for a temporary recreational vehicle park or campground;**

17 (D) **Would not require a zone change to allow for a permanent recreational vehicle park**  
18 **or campground; and**

19 (E) **Is more than 1,000 feet from the McKenzie River; and**

20 (b) **Is conditioned upon the applicant demonstrating and agreeing that the park or**  
21 **campground:**

22 (A) **Will provide adequate electric, garbage and septic services to visitors;**

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 (B) Will limit the number of campers and recreational vehicle residents to not exceed 50  
2 percent of the total overnight accommodations that exist on the property on the date the  
3 applicant and the Federal Emergency Management Agency enter into the agreement de-  
4 scribed in paragraph (a)(B) of this subsection;

5 (C) Will not extend reservations for more than 29 consecutive days or more than 90 days  
6 in any calendar year or during any consecutive six-month period;

7 (D) Will provide adequate parking and access consistent with minimum local and state  
8 requirements;

9 (E) Will not require the existing septic system to receive wastes for which the system  
10 was not designed;

11 (F) Will implement appropriate groundwater quality protection requirements and com-  
12 pliance monitoring to prevent a measurable change in the water quality of the surface water  
13 that would be potentially affected by the proposed facility;

14 (G) Will provide an annual written certification of proper treatment and disposal system  
15 operation obtained from a qualified registered sanitarian, professional engineer or certified  
16 wastewater treatment system operator; and

17 (H) Will comply with conditions established by the county for:

18 (i) The scope of the recreational vehicle park or campground proposed;

19 (ii) The location of existing structures and the siting of proposed structures;

20 (iii) The location of access and egress and of parking facilities;

21 (iv) Traffic management, including the projected number of vehicles and any anticipated  
22 use of public roads;

23 (v) Sanitation and solid waste; and

24 (vi) The presence of any natural hazard for which the county has adopted development  
25 standards.

26 (2) The approval of a recreational vehicle park or campgrounds under this section is not  
27 a land use decision and is subject to review only under ORS 34.010 to 34.100.

28 (3) Nothing in this section relieves the applicant of any fees, charges or assessments as-  
29 sessed by the county to process this application.

30 (4) Nothing in this section relieves the applicant of any requirement to obtain a necessary  
31 building or specialty permit.

32 **SECTION 2.** Section 1 of this 2021 Act is repealed on January 2, 2024.

33 **SECTION 3.** Section 2, chapter \_\_\_, Oregon Laws 2021 (Enrolled House Bill 2289), is amended  
34 to read:

35 **Sec. 2.** (1) This section applies only to owners of properties on which structures or uses were  
36 destroyed or interrupted by a wildfire that was identified in an executive order issued by the Gov-  
37 ernor in accordance with the Emergency Conflagration Act under ORS 476.510 to 476.610 between  
38 August 1 and September 30, 2020. The local government may alter, restore or replace such a use  
39 as provided in this section in lieu of another process.

40 (2) **Except as provided in subsection (4) of this section,** a property owner may alter, restore  
41 or replace a nonresidential use without further application with the local government if:

42 (a) The use was allowed outright as an accessory use, without regard to whether the primary  
43 use was destroyed or was or will be restored;

44 (b)(A) The use was subject to a land use process; and

45 (B) A permit, including a conditional permit, was issued for the use notwithstanding any expi-

1 ration of the permit or any subsequent changes to the law or process; or

2 (c)(A) The use was established before a requirement that the use be subject to a land use pro-  
3 cess; and

4 (B) The replacement use conforms as nearly as practicable to records of the use with the county  
5 assessor, building permit information or other reliable records.

6 (3) The local government shall approve an application to alter, restore or replace a dwelling if  
7 the local government determines that the evidence in the record establishes that:

8 (a) The former dwelling:

9 (A) Had intact exterior walls and roof structure;

10 (B) Had indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to  
11 a sanitary waste disposal system;

12 (C) Had interior wiring for interior lights;

13 (D) Had a heating system; and

14 (E)(i) Was authorized by building permits or other regulatory approval process by the appropri-  
15 ate authority; or

16 (ii) Was assessed as a residential dwelling for purposes of ad valorem taxation for the tax year  
17 beginning July 1, 2001, and is not subject to unresolved enforcement proceedings questioning the  
18 lawfulness of the dwelling; and

19 (b) The proposed dwelling will:

20 (A) Not exceed the floor area of the destroyed dwelling by more than 10 percent;

21 (B) Be adequately served by water, sanitation and roads;

22 (C) Be located wholly or partially within the footprint of the destroyed dwelling unless the ap-  
23 plicant chooses a different location within the same lot or parcel to comply with local flood regu-  
24 lations or to avoid a natural hazard area; and

25 (D) Comply with applicable building codes that were in effect on the later of:

26 (i) January 1, 2008; or

27 (ii) The date of the former dwelling's construction.

28 (4) A local government may not add conditions to the approval or siting of a dwelling under  
29 subsection (3) of this section except as necessary to maintain participation in the National Flood  
30 Insurance Program under 42 U.S.C. 4001 et seq. **A local government may require that the prop-  
31 erty owner submit an application for a permit for the approval or siting of a nonresidential  
32 use only for the purpose of establishing such conditions that are necessary to maintain par-  
33 ticipation in the National Flood Insurance Program.**

34 (5) A local government may delegate the approval of an application under subsection (3) of this  
35 section to:

36 (a) A hearings officer, as defined in ORS 215.402 or 227.160;

37 (b) A planning commission, as described in ORS 215.020; or

38 (c) A building official, as defined in ORS 455.715.

39 (6) The findings of the local government or its designee in approving an application under sub-  
40 section (3) of this section is not a land use decision. The local government may not require an ap-  
41 plicant give notice to any nonparty. The findings and conclusions of the local government are  
42 entitled to deference if there is any evidence to support the findings and are subject to review only  
43 under ORS 34.010 to 34.100.

44 (7) If a local government determines based on the evidence in the record that the use legally  
45 existed, the local government may, through a land use decision, approve an application to alter, re-

1 store or replace a use for which a land use application, building permit or other regulatory approval  
2 was required but record of the approval is unavailable for:

3 (a) A dwelling built after January 1, 2001, that complies with subsection (3)(a)(A) to (D) and (b)  
4 of this section; or

5 (b) A nonresidential use or structure.

6 (8) An application under this section must be filed on or before September 30, 2025.

7 (9) An approval of an application under this section expires only if the property owner has not  
8 commenced development of the structure or use on or before December 30, 2030.

9 **SECTION 4. This 2021 Act being necessary for the immediate preservation of the public**  
10 **peace, health and safety, an emergency is declared to exist, and this 2021 Act takes effect**  
11 **on its passage.**

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