



Bureau of Planning and Sustainability
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MEMO

DATE: July 9, 2021
TO: Planning and Sustainability Commission
FROM: Tom Armstrong, Supervising Planner
SUBJECT: 2021 State Legislature Update
Land Use Planning Bills

This memo identifies key land use planning bills that were passed by the 2021 State Legislature and signed into law by Governor Brown.

Housing

[SB 458 Middle Housing Land Divisions](#). The purpose of this bill is to expedite land divisions for middle housing (duplex, triplex, quadplex, townhouses, cottage clusters) to create more home ownership opportunities. The law is effective July 1, 2022. These requirements will be included in the second phase of the Residential Infill Project, which will be a proposal to the PSC in early 2022.

[SB 8 Affordable Housing Incentives](#). This bill requires local jurisdictions to allow development of affordable housing on property with commercial zoning or owned by a religious institution without a zone map change; offer density bonuses; and requires LUBA to award attorney fees if the affordable housing developer prevails in an appeal. The law is effective January 1, 2022. BPS is preparing interim guidelines for applying the law directly and these requirements will be incorporated into the Zoning Code in a future legislative project.

[HB 2008 Affordable Housing Incentives](#). Similar to SB 8, this bill provides a property tax exemption and limits local jurisdiction's ability to regulate development of affordable housing on property owned by a religious institution without a zone map change. The law is effective October 1, 2021. BPS is preparing interim guidelines for applying the law directly and these requirements will be incorporated into the Zoning Code in a future legislative project.



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HB 2583 Maximum Occupancy. This bill prohibits occupancy limits based on familial relationships in residential dwelling units. This law is effective January 1, 2022. The recently adopted Shelter to Housing Continuum project complies with this legislation, no additional amendments are needed at this time.

HB 2006 Emergency Shelters and Car Camping. This bill limits a local jurisdiction's ability to apply land use regulations to emergency shelters. It also allows for overnight transitional housing in vehicles. This law is effective upon passage. The recently adopted Shelter to Housing Continuum project complies with this legislation, no additional amendments are needed at this time.

HB 3261 Hotels for Affordable Housing. This bill limits a local jurisdiction's ability to apply land use regulations to hotels/motels that are converted into shelters or affordable housing. This law is effective upon passage. The recently adopted Shelter to Housing Continuum project complies with this legislation. BPS is reviewing the legislation to determine if additional zoning code amendments are needed.

HB 3109 Child Care Facilities. This bill limits a local jurisdiction's ability to impose land use regulations on child care facilities. This law is effective January 1, 2022. BPS is reviewing the legislation to determine if additional zoning code amendments are needed.

HB 2336 Visitable Units. The bill directs Department of Consumer and Business Services to establish standards for Type C "visitable" units, which would allow local jurisdictions to adopt these standards. This bill died in committee.

HB 2558 Transit Oriented Development. This bill requires local governments to increase residential density within one-eighth mile of fixed guideway corridor stops. This bill died in committee.

Community Engagement

HB 2560 Remote Access. This bill makes permanent the current requirements for remote access to meetings and hearings. It requires governing bodies, including the PSC, to make all meetings accessible remotely through technological means and provide opportunity for members of general public to remotely submit oral and written testimony. This law is effective January 1, 2022. BPS is working with BTS and Open Signal to comply with this law.

HB2488 Community Engagement. This bill requires statewide planning goal 1 (citizen involvement) to address participation and engagement for disadvantaged groups. This bill died in committee.



Brownfields

[HB 2518 Brownfield Cleanup Grant Program](#). This bill establishes a program to make forgivable loans/grants to reimburse brownfield cleanup costs. Requires Oregon Business Development Department to encourage participation in remedial actions by minority-owned and woman-owned businesses and emerging small businesses. This law is effective October 1, 2021. \$5 million in funding. This law is effective on October 1, 2021.

[HB 2377 Insurance Recovery](#). This bill permits claims against insurance assets of dissolved businesses that may have been responsible for environmental contamination. This law is effective on October 1, 2021.

SB 5534 Lottery Bond allocations. \$10 million for the Brownfields Redevelopment Fund.

Natural Resources

[HB 3185 Farmed Wetlands](#). This bill prohibits spreading of material in undisturbed wetlands during maintenance of agricultural channels and directs Department of State Lands to further define "farmed wetlands" "previously impacted wetlands" and "undisturbed wetlands" for purposes of agricultural channel maintenance program. This law is effective January 1, 2022.

HB 2218 Wetlands Impact Study. This bill directs Oregon Business Development Department to study impact of laws related to wetlands on economic development and to provide results of study in report to the Legislature. This bill died in committee.

Other

[HB 2180 Electric Vehicle Parking](#). This bill requires Department of Consumer and Business Services to amend state building code to require provisions for electrical service to specified percentage of parking spaces. It allows local jurisdictions to adopt local percentage of parking space requirements higher than state building code requirements. This law is effective January 1, 2022.

