



Crook County

Community Development Department
Planning Division

TO: Crook County Planning Commission

FROM: Will VanVactor, Director
Katie McDonald, Sr. Planner

DATE: October 11, 2023

SUBJECT: Work Session – Legislative Updates

This memorandum and the attached documents are provided in advance of the work session scheduled for October 11, 2023. The goal of the work session is to introduce potential code language to be adopted by Crook County to reflect legislative bills which affect land use.

LEGISLATIVE BACKGROUND

Since the 2019 legislative session, there has been a series of passed bills which have bearing on County Code and which some have been adopted and others are not yet active. Staff has reviewed the following bills and will go through them with the commissioners.

ORS	CCC Section	Brief Highlight	Notes
SB 287 (2019)	18.16	Allows establishment of farm brewery.	See ORS 215.449. Not codified yet. It is a Brentmar use, so County must allow it subject statutory limitations only. Could codify to make clear allowed, but if not, someone could still request the use. If adopt, add to use table and section CCC 18.16.015 via ORS 215.449
SB 408 (2019)	18.16	Prohibits land divided for utility facility to be later rezoned for commercial or industrial uses without a goal exception	Very limited application in regard to nonfarm utility facility land divisions.
SB 2001 (2019)	18.124.140(8)	Legislation prohibits the county from requiring parking in conjunction with ADU's.	To extent applicable, may need to remove off street

			parking requirement in CCC 18.124.140(8)
<u>HB 2225 (2019)</u>	18.16.015(3)	Defines 'center' of subject tract for forest dwellings as well as 'tract' & 2019 look back for tract effective 11/1/2023 for Crook & remove (continue to exist) from the code section	Update EFU standards – does the county want to keep continue to exist language
<u>HB 3024 (2019)</u>	18.16.045	Amends replacement dwelling criteria: (b)(A) If the dwelling was removed, destroyed or demolished: (i) The dwelling's tax lot does not have a lien for delinquent ad valorem taxes; and (ii) Any removal, destruction or demolition occurred on or after January 1, 1973; (B) If the dwelling is currently in such a state of disrepair that the dwelling is unsafe for occupancy or constitutes an attractive nuisance, the dwelling's tax lot does not have a lien for delinquent ad valorem taxes; or (C) A dwelling not described in subparagraph (A) or (B) of this paragraph was assessed as a dwelling for purposes of ad valorem taxation: (i) For the previous five property tax years; or (ii) From the time when the dwelling was erected upon or affixed to the land and became subject to assessment as described in ORS 307.010. EFFECTIVE Jan 2, 2024	Replace criteria in both resource zones – EFU & F1
<u>HB 2583 (2021)</u>	Maybe 18.08	prohibits limitations on maximum occupancy of a dwelling	Definitions of dwelling and family should be looked at.
<u>HB 4064 (2022)</u>	18.132.010(4)	Amends definition to clarify what kinds of dwellings are considered single-family residential. Option to amend standards for mobile homes in residential zones. 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.	Should amend 15 year manufactured home limit to reflect allowable restrictions (exterior thermal envelope)
<u>SB 85 (2023)</u>	18.16	Establishes certain requirements concerning land use compatibility statements related to proposed confined animal feeding operations. Authorizes the governing	Add criteria for additional setback or buffers to site

		body of city or county to require setback or buffer between proposed confined animal feeding operation and adjacent land parcels in specified circumstances.	plan approval of confined animal feeding operations
<u>SB 644</u> <u>(signed)</u> <u>(2023)</u>	18.124 (and others)	Amends requirements relating to wildfire maps, hazard mitigation for development of accessory dwelling units on lands zoned for rural residential use. Declares emergency, effective on passage	Will apply if adopt ADU in rural residential zones. In addition, 18.124, will need to update uses in each rural residential zone ADUs are permitted.
<u>SB 1013</u> <u>(signed)</u> <u>(2023)</u>	18.132	<p>ORS 197.493 (2) A county may allow an owner of a lot or parcel in a rural area to site on the property one recreational vehicle that is used for residential purposes and is subject to a residential rental agreement, provided:</p> <p>(a) The property is not within an area designated as an urban reserve as defined in ORS 195.137;</p> <p>(b) A single-family dwelling that is occupied as the primary residence of the property owner is sited on the property;</p> <p>(c) There are no other dwelling units on the property and no portion of the single-family dwelling is rented as a residential tenancy;</p> <p>(d) The property owner will not allow the use of the recreational vehicle space or recreational vehicle for vacation occupancy, as defined in ORS 90.100, or other short-term uses;</p> <p>(e) The recreational vehicle is owned or leased by the tenant; and</p> <p>(f) The property owner will provide essential services to the recreational vehicle space, as described in ORS 90.100 (13)(b).</p> <p>(4) Notwithstanding ORS 455.405, a recreational vehicle sited under this section is not subject to the state building code.</p>	If elect to allow, language should go to CCC 18.132. County may elect not to allow.
<u>HB 2010</u> <u>(2023)</u>		Water related - Oregon watershed grants, community water, & reporting	Nothing for Code – however one to watch/be mindful of regarding water in our community both

			septic/sewer and agricultural
<u>HB 2192 (signed) (2023)</u>	18.28.015(4)	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.	Will need to update the Forest zone.
<u>HB 3179 (2023)</u>	18.16.060; 18.161	Modifies definition of "renewable energy facility" for purposes of county permitting process for solar photovoltaic power generation facility. Requires county to require applicant for permit to establish solar photovoltaic power generation facility using certain number of acres to provide decommissioning plan that includes bonding or other security. Prohibits Department of Transportation from discriminating against or favoring renewable energy facility when reviewing or granting application to place, build or construct on right of way of state highway or county road.	May be waiting for LCDC rulemaking
<u>HB 3395</u>	18.56 Limited Commercial Zone, L-C and 18.172	allows for affordable housing in the urban growth boundary with exceptions and covenant of affordability - also adds time to the 'clock' for the decision	Can update with DOD grant
<u>HB 3458</u>	None that are known	Limits issues that may be basis for appeal of land use decisions where local government amends comprehensive plan or land use regulations. Requires Land Use Board of Appeals to approve land use regulations not in strict conformance with comprehensive plan if they further plan. Takes effect on 91st day following adjournment sine die	

CONCLUSION

The work session scheduled for October 11, 2023, is intended to be a discussion of the legislative bills which impact the County code and direction to staff from the Planning Commission in preparing for the public hearings. Staff look forward to feedback from the public and Planning Commission.