

House Bill 2898

Sponsored by Representative CATE; Representatives BOSHART DAVIS, DIEHL, LEVY B (Presession 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 **as introduced**.

Extends time during which recreational vehicle may be sited on lot with single-family dwelling that was damaged by natural disaster. Extends allowance until December 30, 2030, for dwellings destroyed in 2020 wildfires.

A BILL FOR AN ACT

1
2 Relating to use of recreational vehicles while abating natural disaster damages; amending ORS
3 197.493 and section 2, chapter 217, Oregon Laws 2021.

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

5 **SECTION 1.** ORS 197.493 is amended to read:

6 197.493. (1) A state agency or local government may not prohibit the placement or occupancy
7 of a recreational vehicle, or impose any limit on the length of occupancy of a recreational vehicle
8 as a residential dwelling, solely on the grounds that the occupancy is in a recreational vehicle, if
9 the recreational vehicle is:

10 (a)(A) Located in a manufactured dwelling park, mobile home park or recreational vehicle park;

11 (B) Occupied as a residential dwelling; and

12 (C) Lawfully connected to water and electrical supply systems and a sewage disposal system;

13 or

14 (b) On a lot or parcel with a manufactured dwelling or single-family dwelling that is
15 uninhabitable due to damages from a natural [*disasters*] **disaster**, including wildfires, earthquakes,
16 flooding or storms, until no later than the date:

17 (A) The dwelling has been repaired or replaced and an occupancy permit has been issued;

18 (B) The local government makes a determination that the owner of the dwelling is unreasonably
19 delaying in completing repairs or replacing the dwelling; or

20 (C) [*Twenty-four months*] **Five years** after the date the dwelling first became uninhabitable.

21 (2) Subsection (1) of this section does not limit the authority of a state agency or local govern-
22 ment to impose other special conditions on the placement or occupancy of a recreational vehicle.

23 **SECTION 2.** Section 2, chapter 217, Oregon Laws 2021, as amended by section 3, chapter 520,
24 Oregon Laws 2021, is amended to read:

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

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

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 (a) The use was allowed outright as an accessory use, without regard to whether the primary
 2 use was destroyed or was or will be restored;
- 3 (b)(A) The use was subject to a land use process; and
 4 (B) A permit, including a conditional permit, was issued for the use notwithstanding any expi-
 5 ration of the permit or any subsequent changes to the law or process; or
- 6 (c)(A) The use was established before a requirement that the use be subject to a land use pro-
 7 cess; and
 8 (B) The replacement use conforms as nearly as practicable to records of the use with the county
 9 assessor, building permit information or other reliable records.
- 10 (3) The local government shall approve an application to alter, restore or replace a dwelling if
 11 the local government determines that the evidence in the record establishes that:
- 12 (a) The former dwelling:
 13 (A) Had intact exterior walls and roof structure;
 14 (B) Had indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to
 15 a sanitary waste disposal system;
 16 (C) Had interior wiring for interior lights;
 17 (D) Had a heating system; and
 18 (E)(i) Was authorized by building permits or other regulatory approval process by the appropri-
 19 ate authority; or
 20 (ii) Was assessed as a residential dwelling for purposes of ad valorem taxation for the tax year
 21 beginning July 1, 2001, and is not subject to unresolved enforcement proceedings questioning the
 22 lawfulness of the dwelling; and
- 23 (b) The proposed dwelling will:
 24 (A) Not exceed the floor area of the destroyed dwelling by more than 10 percent;
 25 (B) Be adequately served by water, sanitation and roads;
 26 (C) Be located wholly or partially within the footprint of the destroyed dwelling unless the ap-
 27 plicant chooses a different location within the same lot or parcel to comply with local flood regu-
 28 lations or to avoid a natural hazard area; and
 29 (D) Comply with applicable building codes that were in effect on the later of:
 30 (i) January 1, 2008; or
 31 (ii) The date of the former dwelling's construction.
- 32 (4) A local government may not add conditions to the approval or siting of a dwelling under
 33 subsection (3) of this section except as necessary to maintain participation in the National Flood
 34 Insurance Program under 42 U.S.C. 4001 et seq. A local government may require that the property
 35 owner submit an application for a permit for the approval or siting of a nonresidential use only for
 36 the purpose of establishing such conditions that are necessary to maintain participation in the Na-
 37 tional Flood Insurance Program.
- 38 (5) A local government may delegate the approval of an application under subsection (3) of this
 39 section to:
 40 (a) A hearings officer, as defined in ORS 215.402 or 227.160;
 41 (b) A planning commission, as described in ORS 215.020; or
 42 (c) A building official, as defined in ORS 455.715.
- 43 (6) The findings of the local government or its designee in approving an application under sub-
 44 section (3) of this section is not a land use decision. The local government may not require an ap-
 45 plicant give notice to any nonparty. The findings and conclusions of the local government are

1 entitled to deference if there is any evidence to support the findings and are subject to review only
2 under ORS 34.010 to 34.100.

3 (7) If a local government determines based on the evidence in the record that the use legally
4 existed, the local government may, through a land use decision, approve an application to alter, re-
5 store or replace a use for which a land use application, building permit or other regulatory approval
6 was required but record of the approval is unavailable for:

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

9 (b) A nonresidential use or structure.

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

11 **(9) For applications described in subsection (3) of this section, the amount of time during**
12 **which an applicant is permitted to occupy a recreational vehicle under ORS 197.493 (1)(b)(C)**
13 **is extended to December 30, 2030.**

14 [(9)] (10) An approval of an application under this section expires only if the property owner
15 has not commenced development of the structure or use on or before December 30, 2030.

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