

Requested by Representative KOTEK

**PROPOSED AMENDMENTS TO
A-ENGROSSED HOUSE BILL 2007**

1 On page 1 of the printed corrected A-engrossed bill, line 2, after “ORS”
2 insert “197.178,”.

3 In line 9, delete “two” and insert “three”.

4 In line 12, delete “a city or a county” and insert “a city with a population
5 greater than 5,000 or a county with a population greater than 25,000”.

6 On page 2, delete lines 17 through 30 and insert:

7 **“SECTION 2. (1) The Department of Land Conservation and Devel-**
8 **opment shall study housing development, including but not limited to**
9 **affordable housing, in cities and counties. The study must:**

10 **“(a) Identify a sample of cities and counties throughout this state**
11 **that represent a variety of population sizes, housing types and levels**
12 **of housing affordability;**

13 **“(b) For each city or county included in the sample described in**
14 **paragraph (a) of this subsection, determine the approximate timeline**
15 **between submission of a complete application for a housing develop-**
16 **ment and issuance of a certificate of occupancy for the housing de-**
17 **velopment based on a sample of applications submitted to the city or**
18 **county;**

19 **“(c) Identify barriers to reducing the timeline described in para-**
20 **graph (b) of this subsection for each city or county included in the**
21 **sample described in paragraph (a) of this subsection; and**

1 **“(d) Prepare a comparative analysis of all timelines determined**
2 **under paragraph (b) of this subsection.**

3 **“(2) The department shall report the findings of the study to an**
4 **interim committee of the Legislative Assembly related to land use no**
5 **later than September 1, 2018.”.**

6 On page 3, delete lines 3 through 10 and insert:

7 “(b)(A) A county may not deny an application for a housing development
8 located within the urban growth boundary if:

9 “(i) The development complies with clear and objective standards con-
10 tained in the comprehensive plan, including but not limited to clear and ob-
11 jective design standards, or land use regulations of the county; and

12 “(ii) The county would have approved the application but for a finding
13 that the development is inconsistent with any discretionary design review
14 criteria imposed by the county.

15 “(B) This paragraph does not apply to:

16 “(i) Applications or permits for residential development in areas described
17 in ORS 197.307 (5); or

18 “(ii) Applications or permits reviewed under an alternative approval pro-
19 cess adopted under ORS 197.307 (6).

20 “(c) A county may not reduce the density of an application for a housing
21 development if:

22 “(A) The density applied for is at or below the authorized density level
23 under the local land use regulations; and

24 “(B) At least 75 percent of the density applied for is reserved for housing.

25 “(d) Notwithstanding paragraph (c) of this subsection, a county may re-
26 duce the density of an application for a housing development if the reduction
27 is necessary to resolve a health, safety or habitability issue or to comply
28 with a protective measure adopted pursuant to a statewide land use planning
29 goal.

30 “(e) As used in this subsection:

1 “(A) ‘Authorized density level’ means the maximum number of lots or
2 dwelling units or the maximum floor area ratio and height that is permitted
3 under local land use regulations.

4 “(B) ‘Habitability’ means being in compliance with the applicable pro-
5 visions of the state building code under ORS chapter 455 and the rules
6 adopted thereunder.”.

7 On page 5, delete lines 33 through 40 and insert:

8 “(b)(A) A city may not deny an application for a housing development
9 located within the urban growth boundary if:

10 “(i) The development complies with clear and objective standards con-
11 tained in the comprehensive plan, including but not limited to clear and ob-
12 jective design standards, or land use regulations of the city; and

13 “(ii) The city would have approved the application but for a finding that
14 the development is inconsistent with any discretionary design review criteria
15 imposed by the city.

16 “(B) This paragraph does not apply to:

17 “(i) Applications or permits for residential development in areas described
18 in ORS 197.307 (5); or

19 “(ii) Applications or permits reviewed under an alternative approval pro-
20 cess adopted under ORS 197.307 (6).

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22 development if:

23 “(A) The density applied for is at or below the authorized density level
24 under the local land use regulations; and

25 “(B) At least 75 percent of the density applied for is reserved for housing.

26 “(d) Notwithstanding paragraph (c) of this subsection, a city may reduce
27 the density of an application for a housing development if the reduction is
28 necessary to resolve a health, safety or habitability issue or to comply with
29 a protective measure adopted pursuant to a statewide land use planning goal.

30 “(e) As used in this subsection:

1 “(A) ‘Authorized density level’ means the maximum number of lots or
2 dwelling units or the maximum floor area ratio and height that is permitted
3 under local land use regulations.

4 “(B) ‘Habitability’ means being in compliance with the applicable pro-
5 visions of the state building code under ORS chapter 455 and the rules
6 adopted thereunder.”.

7 On page 7, line 41, delete “particular”.

8 In line 42, before the period insert “that are affordable to households
9 within the county with a variety of incomes, including but not limited to
10 households with low incomes, very low incomes and extremely low incomes,
11 as those terms are defined by the United States Department of Housing and
12 Urban Development under 42 U.S.C. 1437a”.

13 On page 8, lines 3 through 6, restore the bracketed material and delete
14 the boldfaced material.

15 In lines 27 through 33, restore the bracketed material and delete the
16 boldfaced material.

17 On page 10, delete lines 15 through 21 and insert:

18 “(5)(a) A city with a population greater than 2,500 or a county with a
19 population greater than 15,000 may not adopt or enforce an ordinance, rule
20 or regulation prohibiting the development of duplexes or accessory dwelling
21 units in any area zoned for single-family dwellings that is located within an
22 urban growth boundary.

23 “(b) This subsection does not prohibit a city or a county from adopting
24 or enforcing standards, conditions or procedures regulating the development
25 of duplexes or accessory dwelling units, provided the standards, conditions
26 and procedures do not have the effect, either in themselves or cumulatively,
27 of discouraging the development of duplexes or accessory dwelling units in
28 any area zoned for single-family dwellings that is located within an urban
29 growth boundary.

30 “(c) As used in this subsection:

1 “(A) ‘Accessory dwelling unit’ means an interior, attached or detached
2 residential structure that is used in connection with or that is accessory to
3 a single family residential dwelling.

4 “(B) ‘Duplex’ means a residential structure containing two dwelling
5 units.”.

6 In line 40, delete “and”.

7 Delete line 41 and insert:

8 “(B) The real property is in an area zoned for residential use that is lo-
9 cated within the urban growth boundary; and

10 “(C) The housing or space for housing complies with applicable land use
11 regulations and meets the standards and criteria for residential development
12 for the underlying zone.”.

13 On page 11, line 33, delete “and”.

14 Delete line 34 and insert:

15 “(B) The real property is in an area zoned for residential use that is lo-
16 cated within the urban growth boundary; and

17 “(C) The housing or space for housing complies with applicable land use
18 regulations and meets the standards and criteria for residential development
19 for the underlying zone.”.

20 On page 12, after line 7, insert:

21 **“SECTION 10. (1) A city or a county may subject an application for
22 housing development in a primarily residential district included on the
23 National Register of Historic Places that includes the demolition of a
24 historic property only to procedures and requirements:**

25 **“(a) To which all applications for housing development are subject;**

26 **“(b) Described in this section; or**

27 **“(c) Adopted by the city or the county by ordinance, rule or regu-
28 lation under subsection (4) of this section.**

29 **“(2) When reviewing an application described in subsection (1) of
30 this section, a city or a county shall provide at least one opportunity**

1 for a public hearing on the application and shall consider at least the
2 following factors:

3 “(a) The historic significance of the historic property;

4 “(b) The age and condition of the historic property;

5 “(c) The rarity or regularity of the design and construction of the
6 historic property;

7 “(d) The value of the historic property to the community;

8 “(e) The historic integrity of the historic property;

9 “(f) The level of affordability of the historic property compared to
10 the level of affordability of the applied for housing development;

11 “(g) The density level of the historic property compared to the
12 density level of the applied for housing development;

13 “(h) Whether the applied for housing development creates infill
14 housing;

15 “(i) Potential economic consequences of the demolition of the his-
16 toric property; and

17 “(j) Whether the demolition of the historic property is consistent
18 with the provisions of the acknowledged comprehensive plan.

19 “(3) Except as provided in subsection (4) of this section, subsection
20 (2) of this section does not apply to applications for:

21 “(a) A housing development that is affordable to households with
22 incomes equal to or less than 120 percent of the median family income
23 for the county.

24 “(b) Development of a duplex or triplex that include the demolition
25 of a single family home.

26 “(c) Modifications to the exterior of a residential structure that the
27 city or the county determines to be predominantly aesthetic in nature.

28 “(d) Housing development that includes only demolition or relo-
29 cation of accessory structures.

30 “(4) A city or a county may, by ordinance, rule or regulation, adopt:

1 “(a) Additional procedures and requirements for the review of ap-
2 plications described in subsection (1) of this section.

3 “(b) Requirements that applications that qualify for an exception
4 under subsection (3) of this section submit to a local review process
5 that includes some or all of the review procedures and requirements
6 described in subsection (2) of this section.

7 “(5) As used in this section:

8 “(a) ‘Accessory structure’ means a garage, pool house, shed or
9 other detached structure that is accessory to and sited on the same lot
10 or parcel as a residential building.

11 “(b) ‘Demolition’ means the purposeful destruction of a residential
12 structure or accessory structure.

13 “(c) ‘Historic property’ means a housing development that is listed,
14 either individually or as a contributing resource, in the National Reg-
15 ister of Historic Places established and maintained under the National
16 Historic Preservation Act of 1966 (P.L. 89-665).

17 “**SECTION 11.** ORS 197.178 is amended to read:

18 “197.178. (1) Local governments with comprehensive plans or functional
19 plans that are identified in ORS 197.296 (1) shall compile and report annually
20 to the Department of Land Conservation and Development the following in-
21 formation for all applications received under ORS 227.175 for residential
22 permits and residential zone changes:

23 “(a) The **total** number of applications received for residential develop-
24 ment, [*including the net residential density proposed in the application and*
25 *the maximum allowed net residential density for the subject zone*] **and the**
26 **number of applications approved;**

27 “*[(b) The number of applications approved, including the approved net*
28 *density; and]*

29 “*[(c) The date each application was received and the date it was approved*
30 *or denied.]*

1 **“(b) The total number of complete applications received for devel-**
2 **opment of housing containing one or more housing units that are sold**
3 **or rented below market rate as part of a local, state or federal housing**
4 **assistance program, and the number of applications approved; and**

5 **“(c) For each complete application received:**

6 **“(A) The date the application was received;**

7 **“(B) The date the application was approved or denied;**

8 **“(C) The net residential density proposed in the application;**

9 **“(D) The maximum allowed net residential density for the subject**
10 **zone; and**

11 **“(E) If approved, the approved net residential density.**

12 **“(2) The report required by this section may be submitted**
13 **electronically.”.**

14 In line 8, delete “10” and insert “12”.

15 On page 13, line 30, delete “11” and insert “13”.

16 On page 15, delete lines 19 through 22 and insert:

17 **“SECTION 14. Sections 1 and 10 of this 2017 Act and the amend-**
18 **ments to ORS 197.178, 197.303, 197.307, 197.312, 215.416, 215.427, 215.441,**
19 **227.175, 227.178 and 227.500 by sections 3 to 9 and 11 to 13 of this 2017**
20 **Act apply to:**

21 **“(1) Permit applications submitted for review on or after the effec-**
22 **tive date of this 2017 Act.**

23 **“(2) Primarily residential districts listed in the National Register**
24 **of Historic Places on or after the effective date of this 2017 Act.”.**

25 In line 23, delete “14” and insert “15”.

26