

HOUSE AMENDMENTS TO HOUSE BILL 3155

By COMMITTEE ON HOUSING

March 25

1 On page 1 of the printed bill, line 3, after “197.290” insert “, 197.296”.

2 Delete lines 7 through 30.

3 On page 2, delete lines 1 through 28 and insert:

4 **“SECTION 2. (1) At least once every six years, by a date scheduled by the Land Conser-**
5 **vation and Development Commission, a city that is within a metropolitan service district and**
6 **has a population greater than 10,000 shall:**

7 **“(a) Inventory the supply of buildable lands within the city and determine the housing**
8 **capacity of the buildable lands; and**

9 **“(b) Conduct an analysis of the city’s existing and projected needed housing under**
10 **statewide planning goals and rules related to housing by type, mix, affordability and density**
11 **range to determine the number of units and amount of land needed for each needed housing**
12 **type for the next 20 years.**

13 **“(2) The housing capacity and needed housing analysis conducted under this section must**
14 **be adopted as part of the city’s comprehensive plan no later than one year after completion**
15 **of the needed housing analysis.**

16 **“(3) If the housing capacity and needed housing analysis conducted under this section**
17 **demonstrates a housing need, the city shall amend its comprehensive plan or land use reg-**
18 **ulations to include new measures that demonstrably increase the likelihood that development**
19 **of needed housing will occur for the type, mix, affordability and densities sufficient to ac-**
20 **commodate needed housing for the next 20 years.**

21 **“SECTION 3. ORS 197.290 is amended to read:**

22 **“197.290. (1) A city with a population greater than 10,000 shall develop and adopt a housing**
23 **production strategy under this section no later than one year after[:]**

24 **“[(a)] the city’s deadline for completing a housing capacity analysis under ORS 197.296 (2)(a)[,];**
25 **or (10)(b) or section 2 of this 2021 Act.**

26 **“[(b) *The city’s deadline for completing a housing capacity analysis under ORS 197.296 (10)(b);***
27 ***or]***

28 **“[(c) *A date scheduled by the Land Conservation and Development Commission following the allo-***
29 ***cation of housing capacity to the city by a metropolitan service district under ORS 197.299 (2)(d).]***

30 **“(2) A housing production strategy must include a list of specific actions, including the adoption**
31 **of measures and policies, that the city shall undertake to promote development within the city to**
32 **address a housing need identified under ORS 197.296 (6)(b) [*for the most recent 20-year period de-***
33 ***scribed in ORS 197.296 (2)(b)] or (10)(b) or section 2 of this 2021 Act.*** Actions under this sub-
34 section may include:

35 **“(a) The reduction of financial and regulatory impediments to developing needed housing, in-**

1 cluding removing or easing approval standards or procedures for needed housing at higher densities
2 or that is affordable;

3 “(b) The creation of financial and regulatory incentives for development of needed housing, in-
4 cluding creating incentives for needed housing at higher densities or that is affordable; and

5 “(c) The development of a plan to access resources available at local, regional, state and na-
6 tional levels to increase the availability and affordability of needed housing.

7 “(3) In creating a housing production strategy, a city shall review and consider:

8 “(a) Socioeconomic and demographic characteristics of households living in existing needed
9 housing;

10 “(b) Market conditions affecting the provision of needed housing;

11 “(c) Measures already adopted by the city to promote the development of needed housing;

12 “(d) Existing and expected barriers to the development of needed housing; and

13 “(e) For each action the city includes in its housing production strategy:

14 “(A) The schedule for its adoption;

15 “(B) The schedule for its implementation;

16 “(C) Its expected magnitude of impact on the development of needed housing; and

17 “(D) The time frame over which it is expected to impact needed housing.

18 “(4) The housing production strategy must include within its index a copy of the city’s most
19 recently completed survey under ORS 456.586 (2).

20 “(5) The adoption of a housing production strategy is not a land use decision and is not subject
21 to appeal or review except as provided in ORS 197.291.

22 “(6) **A city with a population of 10,000 or less may develop a housing production strategy**
23 **as provided in this section.**

24 “**SECTION 3a.** ORS 197.296 is amended to read:

25 “197.296. (1)(a) The provisions of subsections (2) to (9) of this section apply to metropolitan
26 service district regional framework plans and local government comprehensive plans for lands
27 within the urban growth boundary of a city that is located outside of a metropolitan service district
28 and has a population of 25,000 or more.

29 “(b) The Land Conservation and Development Commission may establish a set of factors under
30 which additional cities are subject to the provisions of this section. In establishing the set of factors
31 required under this paragraph, the commission shall consider the size of the city, the rate of popu-
32 lation growth of the city or the proximity of the city to another city with a population of 25,000 or
33 more or to a metropolitan service district.

34 “(2)(a) A local government shall demonstrate that its comprehensive plan or regional framework
35 plan provides sufficient buildable lands within the urban growth boundary established pursuant to
36 statewide planning goals to accommodate estimated housing needs for 20 years:

37 “(A) At periodic review under ORS 197.628 to 197.651;

38 “(B) As scheduled by the commission:

39 “(i) At least once each eight years for local governments that are not within a metropolitan
40 service district; or

41 “(ii) At least once each six years for a metropolitan service district; or

42 “(C) At any other legislative review of the comprehensive plan or regional framework plan that
43 concerns the urban growth boundary and requires the application of a statewide planning goal re-
44 lating to buildable lands for residential use.

45 “(b) The 20-year period shall commence on the date initially scheduled for completion of the

1 review under paragraph (a) of this subsection.

2 “(3) In performing the duties under subsection (2) of this section, a local government shall:

3 “(a) Inventory the supply of buildable lands within the urban growth boundary and determine
4 the housing capacity of the buildable lands; and

5 “(b) Conduct an analysis of existing and projected housing need by type and density range, in
6 accordance with all factors under ORS 197.303 and statewide planning goals and rules relating to
7 housing, to determine the number of units and amount of land needed for each needed housing type
8 for the next 20 years.

9 “(4)(a) For the purpose of the inventory described in subsection (3)(a) of this section, ‘buildable
10 lands’ includes:

11 “(A) Vacant lands planned or zoned for residential use;

12 “(B) Partially vacant lands planned or zoned for residential use;

13 “(C) Lands that may be used for a mix of residential and employment uses under the existing
14 planning or zoning; and

15 “(D) Lands that may be used for residential infill or redevelopment.

16 “(b) For the purpose of the inventory and determination of housing capacity described in sub-
17 section (3)(a) of this section, the local government must demonstrate consideration of:

18 “(A) The extent that residential development is prohibited or restricted by local regulation and
19 ordinance, state law and rule or federal statute and regulation;

20 “(B) A written long term contract or easement for radio, telecommunications or electrical fa-
21 cilities, if the written contract or easement is provided to the local government; and

22 “(C) The presence of a single family dwelling or other structure on a lot or parcel.

23 “(c) Except for land that may be used for residential infill or redevelopment, a local government
24 shall create a map or document that may be used to verify and identify specific lots or parcels that
25 have been determined to be buildable lands.

26 “(5)(a) Except as provided in paragraphs (b) and (c) of this subsection, the determination of
27 housing capacity pursuant to subsection (3)(a) of this section must be based on data relating to land
28 within the urban growth boundary that has been collected since the last review under subsection
29 (2)(a)(B) of this section. The data shall include:

30 “(A) The number, density and average mix of housing types of urban residential development
31 that have actually occurred;

32 “(B) Trends in density and average mix of housing types of urban residential development;

33 “(C) Market factors that may substantially impact future urban residential development; and

34 “(D) The number, density and average mix of housing types that have occurred on the buildable
35 lands described in subsection (4)(a) of this section.

36 “(b) A local government shall make the determination described in paragraph (a) of this sub-
37 section using a shorter time period than the time period described in paragraph (a) of this subsection
38 if the local government finds that the shorter time period will provide more accurate and reliable
39 data related to housing capacity. The shorter time period may not be less than three years.

40 “(c) A local government shall use data from a wider geographic area or use a time period longer
41 than the time period described in paragraph (a) of this subsection if the analysis of a wider ge-
42 ographic area or the use of a longer time period will provide more accurate, complete and reliable
43 data relating to trends affecting housing need than an analysis performed pursuant to paragraph (a)
44 of this subsection. The local government must clearly describe the geographic area, time frame and
45 source of data used in a determination performed under this paragraph.

1 “(6) If the housing need determined pursuant to subsection (3)(b) of this section is greater than
2 the housing capacity determined pursuant to subsection (3)(a) of this section, the local government
3 shall take one or both of the following actions to accommodate the additional housing need:

4 “(a) Amend its urban growth boundary to include sufficient buildable lands to accommodate
5 housing needs for the next 20 years. As part of this process, the local government shall consider the
6 effects of measures taken pursuant to paragraph (b) of this subsection. The amendment shall include
7 sufficient land reasonably necessary to accommodate the siting of new public school facilities. The
8 need and inclusion of lands for new public school facilities shall be a coordinated process between
9 the affected public school districts and the local government that has the authority to approve the
10 urban growth boundary.

11 “(b) Amend its comprehensive plan, regional framework plan, functional plan or land use regu-
12 lations to include new measures that demonstrably increase the likelihood that residential develop-
13 ment will occur at densities sufficient to accommodate housing needs for the next 20 years without
14 expansion of the urban growth boundary. A local government or metropolitan service district that
15 takes this action shall adopt findings regarding the density expectations assumed to result from
16 measures adopted under this paragraph based upon the factors listed in ORS 197.303 (2) and data
17 in subsection (5)(a) of this section. The density expectations may not project an increase in resi-
18 dential capacity above achieved density by more than three percent without quantifiable validation
19 of such departures. For a local government located outside of a metropolitan service district, a
20 quantifiable validation must demonstrate that the assumed housing capacity has been achieved in
21 areas that are zoned to allow no greater than the same authorized density level within the local
22 jurisdiction or a jurisdiction in the same region. For a metropolitan service district, a quantifiable
23 validation must demonstrate that the assumed housing capacity has been achieved in areas that are
24 zoned to allow no greater than the same authorized density level within the metropolitan service
25 district.

26 “(c) As used in this subsection, ‘authorized density level’ has the meaning given that term in
27 ORS 227.175.

28 “(7) Using the housing need analysis conducted under subsection (3)(b) of this section, the local
29 government shall determine the overall average density and overall mix of housing types at which
30 residential development of needed housing types must occur in order to meet housing needs over the
31 next 20 years. If that density is greater than the actual density of development determined under
32 subsection (5)(a)(A) of this section, or if that mix is different from the actual mix of housing types
33 determined under subsection (5)(a)(A) of this section, the local government, as part of its periodic
34 review, shall adopt measures that demonstrably increase the likelihood that residential development
35 will occur at the housing types and density and at the mix of housing types required to meet housing
36 needs over the next 20 years.

37 “(8)(a) A local government outside a metropolitan service district that takes any actions under
38 subsection (6) or (7) of this section shall demonstrate that the comprehensive plan and land use
39 regulations comply with goals and rules adopted by the commission and implement ORS 197.286 to
40 197.314.

41 “(b) A local government shall determine the density and mix of housing types anticipated as a
42 result of actions taken under subsections (6) and (7) of this section and monitor and record the ac-
43 tual density and mix of housing types achieved following the adoption of these actions. The local
44 government shall compare actual and anticipated density and mix. The local government shall sub-
45 mit its comparison to the commission at the next review of its urban growth boundary under sub-

1 section (2)(a) of this section.

2 “(9) In establishing that actions and measures adopted under subsections (6) and (7) of this sec-
3 tion demonstrably increase the likelihood of higher density residential development, the local gov-
4 ernment shall at a minimum ensure that land zoned for needed housing is in locations appropriate
5 for the housing types identified under subsection (3) of this section, is zoned at density ranges that
6 are likely to be achieved by the housing market using the analysis in subsection (3) of this section
7 and is in areas where sufficient urban services are planned to enable the higher density development
8 to occur over the 20-year period. Actions or measures, or both, may include but are not limited to:

9 “(a) Increases in the permitted density on existing residential land;

10 “(b) Financial incentives for higher density housing;

11 “(c) Provisions permitting additional density beyond that generally allowed in the zoning district
12 in exchange for amenities and features provided by the developer;

13 “(d) Removal or easing of approval standards or procedures;

14 “(e) Minimum density ranges;

15 “(f) Redevelopment and infill strategies;

16 “(g) Authorization of housing types not previously allowed by the plan or regulations;

17 “(h) Adoption of an average residential density standard; and

18 “(i) Rezoning or redesignation of nonresidential land.

19 “(10)(a) The provisions of this subsection apply to local government comprehensive plans for
20 lands within the urban growth boundary of a city that is located outside of a metropolitan service
21 district and has a population of less than 25,000.

22 “(b) As required under paragraph (c) of this subsection, a city shall, according to rules of the
23 commission:

24 “(A) Determine the estimated housing needs within the jurisdiction for the next 20 years;

25 “(B) Inventory the supply of buildable lands available within the urban growth boundary to ac-
26 commodate the estimated housing needs determined under this subsection; and

27 “(C) Adopt measures necessary to accommodate the estimated housing needs determined under
28 this subsection.

29 “(c) The actions required under paragraph (b) of this subsection shall be undertaken:

30 “(A) At periodic review pursuant to ORS 197.628 to 197.651;

31 “(B) On a schedule established by the commission for cities with a population greater than
32 10,000, not to exceed once each eight years; or

33 “(C) At any other legislative review of the comprehensive plan that requires the application of
34 a statewide planning goal relating to buildable lands for residential use.

35 “(d) For the purpose of the inventory described in this subsection, ‘buildable lands’ includes
36 those lands described in subsection (4)(a) of this section.

37 “(11) **If a city with a population of 10,000 or less conducts an inventory of the supply of**
38 **buildable lands or an estimate of housing need, it must satisfy the requirements of sub-**
39 **section (10) of this section.”.**