

House Bill 3384

Sponsored by Representative WEBER

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**.

Allows specified local governments to coordinate in planning for housing needs. Repeals limits on coordination in Lane County.

A BILL FOR AN ACT

1
2 Relating to housing needs; amending ORS 197.296; and repealing ORS 197.304.

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

4 **SECTION 1.** ORS 197.296 is amended to read:

5 197.296. (1)(a) The provisions of subsections (2) to (9) of this section apply to metropolitan ser-
6 vice district regional framework plans and local government comprehensive plans for lands within
7 the urban growth boundary of a city that is located outside of a metropolitan service district and
8 has a population of 25,000 or more.

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

14 **(c) Upon providing notice to the commission, two or more local governments may enter**
15 **into an intergovernmental agreement to coordinate the adoption of an inventory of the sup-**
16 **ply of buildable lands, analysis of existing or projected housing need or apportionment of**
17 **housing needs under this section if the local governments are:**

18 **(A) Not a metropolitan service district or within a metropolitan service district; and**

19 **(B) Within a defined geographic area with a total population of less than 200,000.**

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

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

24 (B) As scheduled by the commission:

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

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

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

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

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 view 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 the
4 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 facili-
21 ties, 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 that
31 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 10,000,
 32 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 **SECTION 2. ORS 197.304 is repealed.**