

Requested by Representative MORGAN

**PROPOSED AMENDMENTS TO
HOUSE BILL 3155**

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**
5 **by the Land Conservation and Development Commission, a city that**
6 **is within a metropolitan service district and has a population greater**
7 **than 10,000 shall:**

8 **“(a) Inventory the supply of buildable lands within the city and de-**
9 **termine the housing capacity of the buildable lands; and**

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

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

19 **“(3) If the housing capacity and needed housing analysis conducted**
20 **under this section demonstrates a housing need, the city shall amend**
21 **its comprehensive plan or land use regulations to include new meas-**

1 **ures that demonstrably increase the likelihood that development of**
2 **needed housing will occur for the type, mix, affordability and densities**
3 **sufficient to accommodate needed housing for the next 20 years.**

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

5 “197.290. (1) A city with a population greater than 10,000 shall develop
6 and adopt a housing production strategy under this section no later than one
7 year after[.]

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

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

12 “[*(c)*] *A date scheduled by the Land Conservation and Development Com-*
13 *mission following the allocation of housing capacity to the city by a metropol-*
14 *itan service district under ORS 197.299 (2)(d).]*

15 “(2) A housing production strategy must include a list of specific actions,
16 including the adoption of measures and policies, that the city shall undertake
17 to promote development within the city to address a housing need identified
18 under ORS 197.296 (6)(b) [*for the most recent 20-year period described in ORS*
19 *197.296 (2)(b)]* **or (10)(b) or section 2 of this 2021 Act.** Actions under this
20 subsection may include:

21 “(a) The reduction of financial and regulatory impediments to developing
22 needed housing, including removing or easing approval standards or proce-
23 dures for needed housing at higher densities or that is affordable;

24 “(b) The creation of financial and regulatory incentives for development
25 of needed housing, including creating incentives for needed housing at higher
26 densities or that is affordable; and

27 “(c) The development of a plan to access resources available at local, re-
28 gional, state and national levels to increase the availability and affordability
29 of needed housing.

30 “(3) In creating a housing production strategy, a city shall review and

1 consider:

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

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

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

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

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

10 “(A) The schedule for its adoption;

11 “(B) The schedule for its implementation;

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

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

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

17 “(5) The adoption of a housing production strategy is not a land use de-
18 cision and is not subject to appeal or review except as provided in ORS
19 197.291.

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

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

23 “197.296. (1)(a) The provisions of subsections (2) to (9) of this section ap-
24 ply to metropolitan service district regional framework plans and local gov-
25 ernment comprehensive plans for lands within the urban growth boundary
26 of a city that is located outside of a metropolitan service district and has a
27 population of 25,000 or more.

28 “(b) The Land Conservation and Development Commission may establish
29 a set of factors under which additional cities are subject to the provisions
30 of this section. In establishing the set of factors required under this para-

1 graph, the commission shall consider the size of the city, the rate of popu-
2 lation growth of the city or the proximity of the city to another city with
3 a population of 25,000 or more or to a metropolitan service district.

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

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

9 “(B) As scheduled by the commission:

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

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

13 “(C) At any other legislative review of the comprehensive plan or regional
14 framework plan that concerns the urban growth boundary and requires the
15 application of a statewide planning goal relating to buildable lands for resi-
16 dential use.

17 “(b) The 20-year period shall commence on the date initially scheduled for
18 completion of the review under paragraph (a) of this subsection.

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

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

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

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

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

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

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

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

5 “(b) For the purpose of the inventory and determination of housing ca-
6 pacity described in subsection (3)(a) of this section, the local government
7 must demonstrate consideration of:

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

11 “(B) A written long term contract or easement for radio, telecommuni-
12 cations or electrical facilities, if the written contract or easement is provided
13 to the local government; and

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

16 “(c) Except for land that may be used for residential infill or redevelop-
17 ment, a local government shall create a map or document that may be used
18 to verify and identify specific lots or parcels that have been determined to
19 be buildable lands.

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

25 “(A) The number, density and average mix of housing types of urban resi-
26 dential development that have actually occurred;

27 “(B) Trends in density and average mix of housing types of urban resi-
28 dential development;

29 “(C) Market factors that may substantially impact future urban residen-
30 tial development; and

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

3 “(b) A local government shall make the determination described in para-
4 graph (a) of this subsection using a shorter time period than the time period
5 described in paragraph (a) of this subsection if the local government finds
6 that the shorter time period will provide more accurate and reliable data
7 related to housing capacity. The shorter time period may not be less than
8 three years.

9 “(c) A local government shall use data from a wider geographic area or
10 use a time period longer than the time period described in paragraph (a) of
11 this subsection if the analysis of a wider geographic area or the use of a
12 longer time period will provide more accurate, complete and reliable data
13 relating to trends affecting housing need than an analysis performed pursu-
14 ant to paragraph (a) of this subsection. The local government must clearly
15 describe the geographic area, time frame and source of data used in a de-
16 termination performed under this paragraph.

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

21 “(a) Amend its urban growth boundary to include sufficient buildable
22 lands to accommodate housing needs for the next 20 years. As part of this
23 process, the local government shall consider the effects of measures taken
24 pursuant to paragraph (b) of this subsection. The amendment shall include
25 sufficient land reasonably necessary to accommodate the siting of new public
26 school facilities. The need and inclusion of lands for new public school fa-
27 cilities shall be a coordinated process between the affected public school
28 districts and the local government that has the authority to approve the ur-
29 ban growth boundary.

30 “(b) Amend its comprehensive plan, regional framework plan, functional

1 plan or land use regulations to include new measures that demonstrably in-
2 crease the likelihood that residential development will occur at densities
3 sufficient to accommodate housing needs for the next 20 years without ex-
4 pansion of the urban growth boundary. A local government or metropolitan
5 service district that takes this action shall adopt findings regarding the
6 density expectations assumed to result from measures adopted under this
7 paragraph based upon the factors listed in ORS 197.303 (2) and data in sub-
8 section (5)(a) of this section. The density expectations may not project an
9 increase in residential capacity above achieved density by more than three
10 percent without quantifiable validation of such departures. For a local gov-
11 ernment located outside of a metropolitan service district, a quantifiable
12 validation must demonstrate that the assumed housing capacity has been
13 achieved in areas that are zoned to allow no greater than the same author-
14 ized density level within the local jurisdiction or a jurisdiction in the same
15 region. For a metropolitan service district, a quantifiable validation must
16 demonstrate that the assumed housing capacity has been achieved in areas
17 that are zoned to allow no greater than the same authorized density level
18 within the metropolitan service district.

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

21 “(7) Using the housing need analysis conducted under subsection (3)(b)
22 of this section, the local government shall determine the overall average
23 density and overall mix of housing types at which residential development
24 of needed housing types must occur in order to meet housing needs over the
25 next 20 years. If that density is greater than the actual density of develop-
26 ment determined under subsection (5)(a)(A) of this section, or if that mix is
27 different from the actual mix of housing types determined under subsection
28 (5)(a)(A) of this section, the local government, as part of its periodic review,
29 shall adopt measures that demonstrably increase the likelihood that resi-
30 dential development will occur at the housing types and density and at the

1 mix of housing types required to meet housing needs over the next 20 years.

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

6 “(b) A local government shall determine the density and mix of housing
7 types anticipated as a result of actions taken under subsections (6) and (7)
8 of this section and monitor and record the actual density and mix of housing
9 types achieved following the adoption of these actions. The local government
10 shall compare actual and anticipated density and mix. The local government
11 shall submit its comparison to the commission at the next review of its urban
12 growth boundary under subsection (2)(a) of this section.

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

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

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

25 “(c) Provisions permitting additional density beyond that generally al-
26 lowed in the zoning district in exchange for amenities and features provided
27 by the developer;

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

29 “(e) Minimum density ranges;

30 “(f) Redevelopment and infill strategies;

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

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

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

5 “(10)(a) The provisions of this subsection apply to local government com-
6 prehensive plans for lands within the urban growth boundary of a city that
7 is located outside of a metropolitan service district and has a population of
8 less than 25,000.

9 “(b) As required under paragraph (c) of this subsection, a city shall, ac-
10 cording to rules of the commission:

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

13 “(B) Inventory the supply of buildable lands available within the urban
14 growth boundary to accommodate the estimated housing needs determined
15 under this subsection; and

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

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

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

21 “(B) On a schedule established by the commission for cities with a popu-
22 lation greater than 10,000, not to exceed once each eight years; or

23 “(C) At any other legislative review of the comprehensive plan that re-
24 quires the application of a statewide planning goal relating to buildable
25 lands for residential use.

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

29 “(11) **If a city with a population of 10,000 or less conducts an in-**
30 **ventory of the supply of buildable lands or an estimate of housing**

1 **need, it must satisfy the requirements of subsection (10) of this sec-**
2 **tion.”.**

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