

HOUSE AMENDMENTS TO HOUSE BILL 3197

By COMMITTEE ON RULES

May 8

1 On page 1 of the printed bill, line 2, delete “amending ORS 197.307” and insert “creating new
2 provisions; amending ORS 197.307 and 215.278”.

3 Delete lines 5 through 31 and delete page 2 and insert:

4 “**SECTION 1.** ORS 197.307, as amended by section 14, chapter 401, Oregon Laws 2019, section
5 2, chapter 54, Oregon Laws 2022, and section 81, chapter 13, Oregon Laws 2023 (Enrolled House
6 Bill 2001), is amended to read:

7 “197.307. (1) The availability of affordable, decent, safe and sanitary housing opportunities for
8 persons of lower, middle and fixed income, including agriculture workforce housing, is a matter of
9 statewide concern.

10 “(2) Many persons of lower, middle and fixed income depend on government assisted housing as
11 a source of affordable, decent, safe and sanitary housing.

12 “(3) A local government shall permit needed housing in one or more zoning districts or in zones
13 described by some comprehensive plans as overlay zones with sufficient buildable land to satisfy that
14 need.

15 “(4) Except as provided in subsection (6) of this section, a local government may adopt and apply
16 only clear and objective standards, conditions and procedures regulating the development of hous-
17 ing, including needed housing, **on land within an urban growth boundary**. The standards, condi-
18 tions and procedures:

19 “(a) May include, but are not limited to, one or more provisions regulating the density or height
20 of a development.

21 “(b) May not have the effect, either in themselves or cumulatively, of discouraging needed
22 housing through unreasonable cost or delay.

23 “(5) The provisions of subsection (4) of this section do not apply to:

24 “(a) An application or permit for residential development in an area identified in a formally
25 adopted central city plan, or a regional center as defined by Metro, in a city with a population of
26 500,000 or greater.

27 “(b) An application or permit for residential development in historic areas designated for pro-
28 tection under a land use planning goal protecting historic areas.

29 “(6) In addition to an approval process for needed housing based on clear and objective stan-
30 dards, conditions and procedures as provided in subsection (4) of this section, a local government
31 may adopt and apply an alternative approval process for applications and permits for residential
32 development based on approval criteria [*regulating, in whole or in part, appearance or aesthetics*] that
33 are not clear and objective if:

34 “(a) The applicant retains the option of proceeding under the approval process that meets the
35 requirements of subsection (4) of this section;

1 “(b) The approval criteria for the alternative approval process comply with applicable statewide
2 land use planning goals and rules; and

3 “(c) The approval criteria for the alternative approval process authorize a density at or above
4 the density level authorized in the zone under the approval process provided in subsection (4) of this
5 section.

6 “(7) Subject to subsection (4) of this section, this section does not infringe on a local
7 government’s prerogative to:

8 “(a) Set approval standards under which a particular housing type is permitted outright;

9 “(b) Impose special conditions upon approval of a specific development proposal; or

10 “(c) Establish approval procedures.

11 “**SECTION 2.** ORS 197.307, as amended by section 14, chapter 401, Oregon Laws 2019, section
12 2, chapter 54, Oregon Laws 2022, section 81, chapter 13, Oregon Laws 2023 (Enrolled House Bill
13 2001), and section 1 of this 2023 Act, is amended to read:

14 “197.307. (1) The availability of affordable, decent, safe and sanitary housing opportunities for
15 persons of lower, middle and fixed income, including agriculture workforce housing, is a matter of
16 statewide concern.

17 “(2) Many persons of lower, middle and fixed income depend on government assisted housing as
18 a source of affordable, decent, safe and sanitary housing.

19 “(3) A local government shall permit needed housing in one or more zoning districts or in zones
20 described by some comprehensive plans as overlay zones with sufficient buildable land to satisfy that
21 need.

22 “(4) Except as provided in subsection (6) of this section, a local government may adopt and apply
23 only clear and objective standards, conditions and procedures regulating the development of hous-
24 ing, including needed housing, on land within an urban growth boundary, **unincorporated com-
25 munities designated in a county’s acknowledged comprehensive plan after December 5, 1994,
26 nonresource lands and areas zoned for rural residential use as defined in ORS 215.501.** The
27 standards, conditions and procedures:

28 “(a) May include, but are not limited to, one or more provisions regulating the density or height
29 of a development.

30 “(b) May not have the effect, either in themselves or cumulatively, of discouraging needed
31 housing through unreasonable cost or delay.

32 “(5) The provisions of subsection (4) of this section do not apply to:

33 “(a) An application or permit for residential development in an area identified in a formally
34 adopted central city plan, or a regional center as defined by Metro, in a city with a population of
35 500,000 or greater.

36 “(b) An application or permit for residential development in historic areas designated for pro-
37 tection under a land use planning goal protecting historic areas.

38 “(6) In addition to an approval process for needed housing based on clear and objective stan-
39 dards, conditions and procedures as provided in subsection (4) of this section, a local government
40 may adopt and apply an alternative approval process for applications and permits for residential
41 development based on approval criteria that are not clear and objective if:

42 “(a) The applicant retains the option of proceeding under the approval process that meets the
43 requirements of subsection (4) of this section;

44 “(b) The approval criteria for the alternative approval process comply with applicable statewide
45 land use planning goals and rules; and

1 “(c) The approval criteria for the alternative approval process authorize a density at or above
2 the density level authorized in the zone under the approval process provided in subsection (4) of this
3 section.

4 “(7) Subject to subsection (4) of this section, this section does not infringe on a local
5 government’s prerogative to:

6 “(a) Set approval standards under which a particular housing type is permitted outright;

7 “(b) Impose special conditions upon approval of a specific development proposal; or

8 “(c) Establish approval procedures.

9 “**SECTION 3.** ORS 215.278 is amended to read:

10 “215.278. (1) The Land Conservation and Development Commission shall revise administrative
11 rules regarding dwellings customarily provided in conjunction with farm use to allow, under ORS
12 215.213 and 215.283, the establishment of accessory dwellings needed to provide opportunities for
13 farmworker housing for individuals primarily engaged in farm use whose assistance in the manage-
14 ment of the farm is or will be required by the farm operator on the farm unit.

15 “**(2) County land use regulations may not establish standards for accessory farmworker
16 housing that are in addition to those required under this chapter or commission rules unless
17 the standards are clear and objective.**

18 “[2] **(3)** As used in this section:

19 “(a) ‘Farm unit’ means the contiguous and noncontiguous tracts in common ownership used by
20 the farm operator for farm use as defined in ORS 215.203.

21 “(b) ‘Farmworker’ means an individual who, for an agreed remuneration or rate of pay, performs
22 labor, temporarily or on a continuing basis, for a person in the:

23 “(A) Production of farm products;

24 “(B) Planting, cultivating or harvesting of seasonal agricultural crops; or

25 “(C) Forestation or reforestation of land, including but not limited to planting, transplanting,
26 tubing, precommercial thinning and thinning of trees or seedlings, the clearing, piling and disposal
27 of brush and slash and other related activities.

28 “(c) ‘Farmworker housing’ means housing:

29 “(A) Limited to occupancy by farmworkers and their immediate families; and

30 “(B) No dwelling unit of which is occupied by a relative of the owner or operator of the
31 farmworker housing.

32 “(d) ‘Owner’ means a person that owns farmworker housing. ‘Owner’ does not mean a person
33 whose interest in the farmworker housing is that of a holder of a security interest in the housing.

34 “(e) ‘Relative’ means:

35 “(A) A spouse of the owner or operator; and

36 “(B) An ancestor, lineal descendant or whole or half sibling of the owner or operator or the
37 spouse of the owner or operator.

38 “**SECTION 4. The amendments to ORS 197.307 and 215.278 by sections 2 and 3 of this 2023
39 Act become operative on July 1, 2025.**

40 “**SECTION 5. This 2023 Act being necessary for the immediate preservation of the public
41 peace, health and safety, an emergency is declared to exist, and this 2023 Act takes effect
42 on its passage.**”
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