

House Bill 3197

Sponsored by Representative MCLAIN (at the request of Washington County)

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**.

Limits requirement that development regulations be clear and objective to development of housing within urban growth boundaries.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to standards applicable to development of housing; amending ORS 197.307; and declaring
3 an emergency.

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

5 **SECTION 1.** ORS 197.307, as amended by section 14, chapter 401, Oregon Laws 2019, and sec-
6 tion 2, chapter 54, Oregon Laws 2022, 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 housing for farmworkers, is a matter of state-
9 wide 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) When a need has been shown for housing within an urban growth boundary at particular
13 price ranges and rent levels, needed housing shall be permitted in one or more zoning districts or
14 in zones described by some comprehensive plans as overlay zones with sufficient buildable land to
15 satisfy that need.

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

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

22 (b) May not have the effect, either in themselves or cumulatively, of discouraging needed hous-
23 ing through unreasonable cost or delay.

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

25 (a) An application or permit for residential development in an area identified in a formally
26 adopted central city plan, or a regional center as defined by Metro, in a city with a population of
27 500,000 or more.

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

30 (6) In addition to an approval process for needed housing based on clear and objective standards,
31 conditions and procedures as provided in subsection (4) of this section, a local government may

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 adopt and apply an alternative approval process for applications and permits for residential devel-
2 opment based on approval criteria [*regulating, in whole or in part, appearance or aesthetics*] that are
3 not clear and objective if:

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

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

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

11 (7) Subject to subsection (4) of this section, this section does not infringe on a local
12 government's prerogative to:

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

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

15 (c) Establish approval procedures.

16 **SECTION 2. This 2023 Act being necessary for the immediate preservation of the public**
17 **peace, health and safety, an emergency is declared to exist, and this 2023 Act takes effect**
18 **on its passage.**