Requested by Representative MORGAN

PROPOSED AMENDMENTS TO
HOUSE BILL 3569

1   On <u>page 1</u> of the printed bill, delete lines 26 through 30.

2   On <u>page 2</u>, delete lines 1 through 37 and insert:

3   **"<u>SECTION 3.</u> (1) As used in this section, 'housing' means all hous-**

4   **ing types, including single-family, middle, multifamily and manufac-**

5   **tured housing, sited on land zoned for residential use or mixed**

6   **residential and commercial use.**

7   **"(2) Notwithstanding ORS chapter 195, 197A, 215 or 227 or any other**

8   **provision of this chapter, any statewide land use planning goal, rule**

9   **of the Land Conservation and Development Commission or local land**

10   **use regulation, zoning ordinance, regional framework plan, functional**

11   **plan or comprehensive plan, a local government shall evaluate and**

12   **approve an application for the development of housing, including land**

13   **division, if the applicant requests review under this section and the**

14   **housing:**

15   **"(a) Is or can be serviced by all necessary urban services, as defined**

16   **in ORS 195.065, by the time a building permit will be issued;**

17   **"(b) Will not pose any unreasonable risk to public health or safety**

18   **due to a lack of urban services, a lack of improvements necessary for**

19   **emergency services or noncompliance with engineering, street or util-**

20   **ity requirements; and**

21   **"(c) Will be located:**

1   "(A) Inside an urban growth boundary;

2   "(B) On lands zoned to allow residential use, including mixed resi-

3 dential and commercial use; and

4   "(C) Not within an area designated under a statewide planning goal

5 relating to natural disasters and hazards, including flood plains or

6 mapped environmental health hazards, unless the development com-

7 plies with regulations directly related to the hazard.

8   "(3) In evaluating an application for the development of housing

9 under subsection (2) of this section, a local government shall approve

10 the application if it finds substantial evidence for each of the criteria

11 required under subsection (2)(a) to (c) of this section. The local gov-

12 ernment may not apply additional criteria.

13   "(4) Within 21 days after receiving an application for development

14 under this section, a local government shall notify the applicant if the

15 application is incomplete, and shall specify the missing information.

16 If the applicant has been notified of the missing information, the ap-

17 plication is considered complete when the applicant has submitted:

18   "(a) All of the missing information;

19   "(b) Some of the missing information and written notice that no

20 other information will be provided; or

21   "(c) Written notice that none of the missing information will be

22 provided.

23   "(5) Within 21 days of receiving a complete application for develop-

24 ment under this section, the local government must notify each state

25 agency, local government or special district that is responsible for

26 providing urban services to the development.

27   "(6) The local government:

28   "(a) May not hold a hearing on the application; and

29   "(b) Is not required to consider written comments from any person

30 other than the applicant and those listed in subsection (5) of this sec-

1 **tion.**

2 **"(7) Within 120 days after receiving a complete application for de-**

3 **velopment under this section, the local government shall issue a final**

4 **decision approving or denying the application for development. The**

5 **final decision must be in writing in any form reasonably intended to**

6 **communicate the local government's basis for the determination.**

7 **"(8) A final decision made under this section is not a land use de-**

8 **cision as defined in ORS 197.015 (10) and may be appealed only by the**

9 **applicant and only in the manner set forth in ORS 34.010 to 34.100.**

10 **"(9) In applying the standards in subsection (2) of this section, a**

11 **local government may regulate siting and design of housing only**

12 **through clear and objective conditions, provided that the conditions**

13 **do not, individually or cumulatively, discourage the development of**

14 **housing permitted under this section through unreasonable cost and**

15 **delay.".**

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