

HB 4023 A -A3, -A6 STAFF MEASURE SUMMARY

Senate Committee On Rules

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Meeting Dates: 3/5

WHAT THE MEASURE DOES:

The measure requires local governments to allow siting of a residential treatment facility, as defined in ORS 443.400, within an urban growth boundary without requiring a zone change or conditional use permit, subject to certain conditions.

FISCAL: Has minimal fiscal impact

REVENUE: No revenue impact

Detailed Summary:

Requires local governments to allow siting of a residential treatment facility, as defined in ORS 443.400, without requiring a zone change or conditional use permit, if the property is within the urban growth boundary and is owned by a public body. Clarifies that the land on which the property is located must be zoned for either: commercial use; as public lands, excluding park land; or for industrial use if the property is adjacent to residentially-zoned lands and not specifically designated for heavy industrial uses. Exempts from provisions the lands where a local government determines the facility will not be adequately served by water, sewer or stormwater, or that the property is located in a 100-year floodplain, or development of the property is constrained by land use regulations related to natural disasters, hazards, or other specified natural resources. Clarifies that the measure's provisions do not trigger an economic development analysis by the local government.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

-A3 The amendment adds property zoned for residential use to the required zones in which a local government must allow a residential treatment facility without imposing a zone change or conditional use permit.

-A6 The amendment adds property zoned for residential use to the required zones in which a local government must allow a residential treatment facility without imposing a zone change or conditional use permit. It repeals provisions related to local government siting of residential treatment facilities on January 2, 2027, and clarifies that local governments may not require a residential treatment facility sited under the Act's provisions to obtain a conditional use permit for continued operations after the sunset date.

BACKGROUND:

ORS 443.400 defines a "residential treatment facility" as a facility that provides residential care and treatment for six or more individuals with mental, emotional, or behavioral issues or alcohol or drug dependence, in one or more buildings on contiguous properties. Oregon Land Use Law regarding residential facility siting (ORS 197.663) states "it is the policy of this state that persons with disabilities and elderly persons are entitled to live as normally as possible within communities and should not be excluded from communities because their disability or age requires them to live in groups."

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Residential facilities are currently allowed by right in zones where multifamily residential use is permitted; these facilities are allowed as a conditional use in zones where multifamily residential use is also a conditional use. Current law allows, but does not require, a city or county to allow a residential facility in a residential zone, including single-family dwelling zones. In 2021, the Legislative Assembly enacted Senate Bill 8, which prohibited local governments from requiring a zone change or conditional use permit on a development application for affordable housing within an urban growth boundary, subject to certain zoning and property ownership conditions.