

Senate Bill 891

Sponsored by Senator MONROE

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**.

Allows local government to attach discretionary approval standards or special conditions regulating appearance or aesthetics to residential development with density of 18 or more dwelling units per acre located within metropolitan service district.

A BILL FOR AN ACT

1
2 Relating to discretionary design review of high density housing; amending ORS 197.307.

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

4 **SECTION 1.** ORS 197.307 is amended to read:

5 197.307. (1) The availability of affordable, decent, safe and sanitary housing opportunities for
6 persons of lower, middle and fixed income, including housing for farmworkers, is a matter of state-
7 wide concern.

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

10 (3)(a) When a need has been shown for housing within an urban growth boundary at particular
11 price ranges and rent levels, needed housing, including housing for farmworkers, shall be permitted
12 in one or more zoning districts or in zones described by some comprehensive plans as overlay zones
13 with sufficient buildable land to satisfy that need.

14 (b) A local government [*shall*] **may** attach only clear and objective approval standards or special
15 conditions regulating, in whole or in part, appearance or aesthetics to an application for develop-
16 ment of needed housing or to a permit, as defined in ORS 215.402 or 227.160, for residential devel-
17 opment. The standards or conditions may not be attached in a manner that will deny the application
18 or reduce the proposed housing density provided the proposed density is otherwise allowed in the
19 zone.

20 [*(c) The provisions of paragraph (b) of this subsection do not apply to an application or permit for*
21 *residential development in an area identified in a formally adopted central city plan, or a regional*
22 *center as defined by Metro, in a city with a population of 500,000 or more.*]

23 **(c) Notwithstanding paragraph (b) of this subsection, a local government may attach**
24 **discretionary approval of standards or special conditions regulating, in whole or in part, ap-**
25 **pearance or aesthetics to an application for development of needed housing or to a permit,**
26 **as defined in ORS 215.402 and 227.160, for residential development if:**

27 **(A) The proposed residential development will be at a density of 18 or more dwelling units**
28 **per acre;**

29 **(B) The property is located within the jurisdictional boundaries of a metropolitan service**
30 **district organized under ORS chapter 268 that has an adopted metro regional framework plan**
31 **as defined in ORS 197.015; and**

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 **(C) The property is within an area designated by the metro regional framework plan as**
 2 **a central city, regional town center, town center, main street or light rail station community**
 3 **or corridor. The discretionary approval standards or special conditions may not be attached**
 4 **in a manner that will deny the application or reduce the density of the proposed residential**
 5 **development, provided that the proposed density is otherwise allowed in the zone.**

6 (d) In addition to an approval process based on clear and objective standards as provided in
 7 paragraph (b) of this subsection, a local government may adopt an alternative approval process for
 8 residential applications and permits based on approval criteria that are not clear and objective
 9 provided the applicant retains the option of proceeding under the clear and objective standards or
 10 the alternative process and the approval criteria for the alternative process comply with all appli-
 11 cable land use planning goals and rules.

12 (e) The provisions of this subsection shall not apply to applications or permits for residential
 13 development in historic areas designated for protection under a land use planning goal protecting
 14 historic areas.

15 (4) Subsection (3) of this section shall not be construed as an infringement on a local govern-
 16 ment's prerogative to:

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

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

19 (c) Establish approval procedures.

20 (5) A jurisdiction may adopt any or all of the following placement standards, or any less re-
 21 strictive standard, for the approval of manufactured homes located outside mobile home parks:

22 (a) The manufactured home shall be multisectional and enclose a space of not less than 1,000
 23 square feet.

24 (b) The manufactured home shall be placed on an excavated and back-filled foundation and en-
 25 closed at the perimeter such that the manufactured home is located not more than 12 inches above
 26 grade.

27 (c) The manufactured home shall have a pitched roof, except that no standard shall require a
 28 slope of greater than a nominal three feet in height for each 12 feet in width.

29 (d) The manufactured home shall have exterior siding and roofing which in color, material and
 30 appearance is similar to the exterior siding and roofing material commonly used on residential
 31 dwellings within the community or which is comparable to the predominant materials used on sur-
 32 rounding dwellings as determined by the local permit approval authority.

33 (e) The manufactured home shall be certified by the manufacturer to have an exterior thermal
 34 envelope meeting performance standards which reduce levels equivalent to the performance stan-
 35 dards required of single-family dwellings constructed under the state building code as defined in ORS
 36 455.010.

37 (f) The manufactured home shall have a garage or carport constructed of like materials. A ju-
 38 risdiction may require an attached or detached garage in lieu of a carport where such is consistent
 39 with the predominant construction of immediately surrounding dwellings.

40 (g) In addition to the provisions in paragraphs (a) to (f) of this subsection, a city or county may
 41 subject a manufactured home and the lot upon which it is sited to any development standard, ar-
 42 chitectural requirement and minimum size requirement to which a conventional single-family resi-
 43 dential dwelling on the same lot would be subject.

44 (6) Any approval standards, special conditions and the procedures for approval adopted by a
 45 local government shall be clear and objective and may not have the effect, either in themselves or

1 cumulatively, of discouraging needed housing through unreasonable cost or delay.

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