

Senate Bill 907

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, under specified conditions, to attach discretionary approval standards or special conditions regulating appearance or aesthetics to application for development of needed housing or to permit for residential development.

A BILL FOR AN ACT

1
2 Relating to discretionary design review; creating new provisions; and 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) **Except as provided otherwise in paragraph (e) of this subsection**, a local government
15 shall attach only clear and objective approval standards or special conditions regulating, in whole
16 or in part, appearance or aesthetics to an application for development of needed housing or to a
17 permit, as defined in ORS 215.402 or 227.160, for residential development. The standards or condi-
18 tions may not be attached in a manner that will deny the application or reduce the proposed housing
19 density provided the proposed density is otherwise allowed in the zone.

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

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

29 (e) **A local government may attach discretionary approval standards or special conditions**
30 **regulating, in whole or in part, appearance or aesthetics to an application for development**
31 **of needed housing or to a permit, as defined in ORS 215.402 or 227.160, for residential devel-**

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 **opment if the needed housing or residential development is to be developed:**

2 **(A) At a density of 18 or more dwelling units per acre;**

3 **(B) In a location within a city with a population of 500,000 or more that is within a met-**
 4 **ropolitan service district organized under ORS chapter 268; and**

5 **(C) Within an area designated in an acknowledged regional framework plan as a town**
 6 **center, main street, corridor or light rail station community.**

7 [(e)] (f) The provisions of this subsection [shall] **do** not apply to applications or permits for res-
 8 idential development in historic areas designated for protection under a land use planning goal
 9 protecting historic areas.

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

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

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

14 (c) Establish approval procedures.

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

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

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

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

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

28 (e) The manufactured home shall be certified by the manufacturer to have an exterior thermal
 29 envelope meeting performance standards which reduce levels equivalent to the performance stan-
 30 dards required of single-family dwellings constructed under the state building code as defined in ORS
 31 455.010.

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

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

39 (6) Any approval standards, special conditions and the procedures for approval adopted by a
 40 local government shall be clear and objective and may not have the effect, either in themselves or
 41 cumulatively, of discouraging needed housing through unreasonable cost or delay.

42 **SECTION 2. The amendments to ORS 197.307 by section 1 of this 2009 Act apply to an**
 43 **application for development of needed housing or to a permit, as defined in ORS 215.402 or**
 44 **227.160, for residential development submitted on or after the effective date of this 2009 Act.**