

House Bill 2255

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of Governor John A. Kitzhaber, M.D., for Department of Land Conservation and Development)

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**.

Modifies planning period for inclusion of land within urban growth boundary from 20 years to 15 years.

Creates option, for purpose of inclusion of land within urban growth boundary, for projecting number of new jobs and demand for land to meet employment needs.

Establishes process for designating industrial reserves separate from processes to designate other urban reserves.

Authorizes Economic Recovery Review Council to receive and process applications from local governments for expedited project review of specified traded sector development that has siting needs that cannot be met in urban areas of county in which siting is proposed.

Modifies sunset provision for council.

A BILL FOR AN ACT

1
2 Relating to land use planning for employment uses; creating new provisions; and amending ORS
3 195.034, 195.145, 197.296, 197.299 and 197.304 and sections 12 and 13, chapter 564, Oregon Laws
4 2011.

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

6 **SECTION 1. Section 2 of this 2013 Act is added to and made a part of ORS chapter 197.**

7 **SECTION 2. (1) For purposes of a periodic review pursuant to ORS 197.628 to 197.651 or**
8 **any other legislative review of a comprehensive plan or regional framework plan that con-**
9 **cerns the urban growth boundary and requires the application of a statewide land use plan-**
10 **ning goal relating to urbanization, a local government may estimate the amount of land to**
11 **be included within the urban growth boundary to accommodate the net growth in jobs for**
12 **all types of employment in the urban area:**

13 (a) **By projecting that the number of jobs in the urban area will grow, during a 15-year**
14 **planning period, at a rate equal to either:**

15 (A) **The rate of growth forecast for nonfarm payroll in the most recent 10-year forecast**
16 **published by the Employment Department, annualized for the appropriate county or region;**
17 **or**

18 (B) **The rate of population growth forecast for the urban area in the adopted coordinated**
19 **15-year population forecast required by ORS 195.036 or the extended population forecast al-**
20 **lowed by ORS 195.034, annualized for the urban area; and**

21 (b) **By converting the projected growth in jobs into demand for land for employment**
22 **purposes, utilizing standard ranges for ratios of land per employee based on community size**
23 **established by rule of the Land Conservation and Development Commission.**

24 (2) **When a local government uses the method in this section to estimate the need for**
25 **land for employment uses, in evaluating the adequacy of the existing land supply the local**
26 **government shall review its acknowledged comprehensive plan and land use regulations im-**

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 plementing the plan to identify and, as appropriate, to remove barriers to efficient land
2 utilization before concluding that the urban growth boundary must be expanded.

3 (3) The commission may adopt rules to implement this section, including rules to:

4 (a) Limit the retail use of land that is planned and zoned for employment uses and lo-
5 cated at or near interchanges to state highways in large or rapidly growing urban areas.

6 (b) Limit the availability of parking for motor vehicles at or near interchanges to state
7 highways in large or rapidly growing urban areas.

8 **SECTION 3.** Section 4 of this 2013 Act is added to and made a part of ORS 195.137 to
9 195.145.

10 **SECTION 4.** (1) As used in this section, “industrial reserve” means land that will provide
11 for:

12 (a) Future expansion over a long-term period to provide adequate opportunities for a
13 variety of vital economic activities; and

14 (b) The cost-effective provision of public facilities and services within the area when the
15 lands are included within the urban growth boundary.

16 (2) Two or more local governments may enter into an intergovernmental agreement
17 pursuant to ORS 190.003 to 190.130, 195.025 or 197.652 to 197.658 to designate industrial re-
18 serves pursuant to this section.

19 (3) Land designated as an industrial reserve must be outside an urban growth boundary.

20 (4) Designation and protection of industrial reserves:

21 (a) Is not a basis for a claim for compensation under ORS 195.305 unless the designation
22 and protection of industrial reserves imposes a new restriction on the use of private real
23 property.

24 (b) Does not impair the rights and immunities provided under ORS 30.930 to 30.947.

25 (5) Notwithstanding the requirement that two or more local governments designate an
26 industrial reserve, the Land Conservation and Development Commission may require a local
27 government to designate an industrial reserve pursuant to this section:

28 (a) During its periodic review in accordance with the conditions for periodic review under
29 ORS 197.628.

30 (b) Outside of its periodic review if:

31 (A) The local government is located inside a primary metropolitan statistical area or a
32 metropolitan statistical area as designated by the United States Census Bureau on November
33 4, 1993; and

34 (B) The local government was required to designate an urban reserve by rule prior to
35 November 4, 1993.

36 (6) In carrying out subsection (5) of this section:

37 (a) When an industrial reserve is established within an urban reserve, neither the com-
38 mission nor any local government may prohibit the siting on a legal parcel of a single family
39 dwelling that would otherwise have been allowed under law existing prior to designation of
40 the industrial reserve.

41 (b) The commission shall provide to local governments a list of options, rather than
42 prescribing a single planning technique, to ensure the efficient transition, if appropriate,
43 from rural to industrial use in the industrial reserve.

44 (7) If local governments designate an industrial reserve, the local governments shall plan
45 to accommodate the projected need for industrial land for at least 20 years, and not more

1 than 25 years, after the 15-year period for which the local governments have demonstrated
 2 a buildable land supply in the most recent inventory, analysis and determination performed
 3 under ORS 197.296.

4 (8) Local governments shall base the designation of industrial reserves under this section
 5 upon consideration of factors including, but not limited to, whether land proposed for desig-
 6 nation as industrial reserves, alone or in conjunction with land inside the urban growth
 7 boundary:

8 (a) Can be developed for industrial uses in a way that makes efficient use of existing and
 9 future public infrastructure investments;

10 (b) Includes sufficient development capacity to support a variety of vital economic ac-
 11 tivities;

12 (c) Can be served by transportation infrastructure and other necessary public facilities
 13 and services efficiently and cost-effectively by appropriate and financially capable service
 14 providers; and

15 (d) Can be designed to preserve and enhance natural ecological systems.

16 (9) A county may adopt an exception under ORS 197.732 to a statewide land use planning
 17 goal to allow the establishment of a transportation facility in an area designated as industrial
 18 reserve under this section.

19 (10) The commission shall adopt by goal or by rule a process and criteria for designating
 20 industrial reserves pursuant to this section.

21 **SECTION 5.** (1) As used in this section:

22 (a) “Discretionary local permit” includes local land use permits and licenses.

23 (b) “Discretionary state permit” does not include a permit or license issued by a state
 24 permitting agency pursuant to a federally delegated program.

25 (c) “Economic opportunity project” means a traded sector industrial use of land that
 26 cannot readily be anticipated and replanned because the industrial use:

27 (A) Presents a unique and vital economic opportunity for employment of substantial re-
 28 gional or state impact on employment; and

29 (B) Requires a large amount of land or has unique locational needs that cannot be met
 30 within any city or urban growth boundary in the county.

31 (d) “State permitting agency” means the Department of Environmental Quality, the De-
 32 partment of State Lands or the Department of Transportation.

33 (2) When a county has an opportunity to allow the siting and development of an economic
 34 opportunity project that cannot be accommodated on land within any city or urban growth
 35 boundary in the county, the county and one or more cities in the county jointly may file an
 36 application with the Economic Recovery Review Council, established under section 3, chapter
 37 564, Oregon Laws 2011, for expedited project review.

38 (3) The council may expedite the siting and development of the project through an expe-
 39 dited project review process if:

40 (a) The site requirements of the project cannot be met by a site within any city or urban
 41 growth boundary in the county containing the proposed site;

42 (b) Adequate workforce is available to meet the projected need of the project within
 43 _____ distance of the proposed site;

44 (c) Agreements are in place to fund public infrastructure and services required to serve
 45 the project; and

(d) Development of the project:

(A) Does not require completion of an environmental impact statement, either because the development falls within a categorical exclusion from the requirement or because an environmental assessment results in a finding of no significant impact; and

(B) Does not require major transportation improvements.

(4) If the county and one or more cities file a complete application within the time specified by the council, the council shall:

(a) Provide notice of the application in the manner required by ORS 197.763 for a land use decision or in the manner required for a conditional use permit in the applicable acknowledged land use regulations of the local government within whose land use jurisdiction the project would be sited and developed, whichever results in broader notice;

(b) Provide for a public hearing on the proposal to site and develop the project in the land use jurisdiction in which the siting would occur;

(c) Consider recommendations of the applying county and cities and of state permitting agencies that would otherwise have jurisdiction to review the discretionary local permits and discretionary state permits for siting and development of the project in determining whether the project complies with applicable standards and criteria and in determining whether to impose conditions of approval for the project; and

(d) Apply the standards and criteria for each discretionary local permit and discretionary state permit required for the construction and operation of the project and determine, within 120 days after the date a complete application is filed and based on the record and the applicable law, whether the project complies with the applicable standards and criteria.

(5) The council has jurisdiction to approve discretionary local permits and discretionary state permits. The council may not waive standards and criteria that apply to issuance of a discretionary local permit or a discretionary state permit. If the council determines that the proposed project complies with the applicable standards and criteria, the council shall issue a project certificate approving the siting and development of the project. In addition to other conditions reasonably necessary to ensure that the project complies with applicable standards and criteria, the council may impose a condition requiring commencement of construction by a date calculated to ensure that a particular site is developed for the project within a specific time period. If the council determines that the project does not, or cannot, comply with applicable standards and criteria, the council shall issue a final order denying the application and explaining why the application was not approved.

(6) A state permitting agency or a local government may recommend conditions of approval reasonably necessary to ensure that the construction and operation of the project complies with applicable standards and criteria.

(7) Expedited project review is not subject to ORS 183.413 to 183.470.

(8) Issuance of a project certificate:

(a) Binds public bodies, as defined in ORS 174.109, in regard to approval of construction and operation of the project.

(b) Satisfies requirements imposed on a state permitting agency by ORS 197.180 and administrative rules implementing ORS 197.180.

(c) Authorizes the local government with land use jurisdiction over the approved site to include the site within the local government's acknowledged urban growth boundary, notwithstanding any contrary requirement of ORS 197.295 to 197.314 or 197.610 to 197.625 or

1 a statewide land use planning goal relating to urbanization.

2 (d) Authorizes the local government to submit the change to its acknowledged compre-
 3 hensive plan and land use regulations in the manner required by ORS 197.610 to 197.625 and,
 4 for purposes of acknowledgement, limits the scope of commission review to confirmation
 5 that the changes are consistent with the project certificate.

6 (9) After the council issues a project certificate, state permitting agencies and local
 7 governments shall:

8 (a) Issue discretionary local permits and discretionary state permits as required in the
 9 project certificate; and

10 (b) Exercise enforcement authority over the permits, including conditions imposed in the
 11 project certificate.

12 (10) The council shall charge the potential developer, through the applicant, a fee calcu-
 13 lated to recover the costs reasonably incurred to conduct expedited project review, including
 14 the costs incurred by state permitting agencies and local governments that make recom-
 15 mendations to the council concerning whether the proposed siting complies with applicable
 16 standards and criteria. If the fee charged by the council includes costs incurred by a state
 17 permitting agency or a local government, the council shall pay or reimburse the state per-
 18 mitting agency or the local government in the manner provided by ORS 469.360. The council
 19 may require the potential developer, through the applicant, to pay all or a portion of the fee
 20 before initiation of the expedited project review and may require progress payments as the
 21 review proceeds. The fee required by this section is in lieu of any fee or fees otherwise re-
 22 quired for review of a discretionary local permit or a discretionary state permit addressed
 23 in the project certificate. The council shall deposit moneys received under this section in the
 24 Economic Recovery Review Council Fund established under section 5, chapter 564, Oregon
 25 Laws 2011.

26 (11) The Land Use Board of Appeals does not have jurisdiction to consider decisions, as-
 27 pects of decisions or actions taken under this section.

28 (12) A person who participates in the proceedings before the council may appeal a final
 29 order of the council to the Court of Appeals. The appeal shall proceed in the manner provided
 30 by ORS 197.850, 197.855 and 197.860. However, notwithstanding ORS 197.850 (9) or any other
 31 provision of law, the court shall reverse or remand the decision only if the court finds that:

32 (a) The council's determination that the proposed siting qualifies as an economic oppor-
 33 tunity project was clearly in error;

34 (b) There is a basis to vacate the decision as described in ORS 36.705 (1)(a) to (d) or a
 35 basis for modification or correction of an award as described in ORS 36.710; or

36 (c) The decision was unconstitutional.

37 **SECTION 6.** Section 12, chapter 564, Oregon Laws 2011, is amended to read:

38 **Sec. 12.** (1) On the date of the repeal of sections 1 to 5, chapter 564, Oregon Laws 2011,
 39 specified in section 13, chapter 564, Oregon Laws 2011 [*of this 2011 Act*]:

40 (a) The Economic Recovery Review Council established under section 3, chapter 564, Oregon
 41 Laws 2011, [*of this 2011 Act*] is abolished and the tenure of office of the members of the council, the
 42 program manager for the council and all employees ceases.

43 (b) The Economic Recovery Review Council Fund established under section 5, chapter 564,
 44 Oregon Laws 2011, [*of this 2011 Act*] is abolished. The Economic Recovery Review Council shall
 45 transfer the unexpended balance of moneys in the fund to the General Fund.

1 (2) The members of the council shall allocate and deliver to the respective state agencies whose
 2 directors served as members of the council all records and property within the jurisdiction of the
 3 council, and the state agencies whose directors served on the council shall take possession of the
 4 records and property. The Governor shall resolve any dispute relating to the allocation and delivery
 5 of records and property under this section and the Governor's decision is final.

6 (3) The abolishment of the council does not relieve a person of a liability, duty or obligation
 7 accruing under or with respect to the duties, functions and powers of the council abolished by this
 8 section. The Oregon Department of Administrative Services may undertake the collection or
 9 enforcement of any such liability, duty or obligation.

10 (4) The rights and obligations of the council legally incurred under contracts, leases and busi-
 11 ness transactions executed, entered into or begun before the date **of the repeal of sections 1 to**
 12 **5, chapter 564, Oregon Laws 2011**, specified in section 13, **chapter 564, Oregon Laws 2011**, [*of*
 13 *this 2011 Act*] are transferred to the Oregon Department of Administrative Services. For the pur-
 14 pose of succession to these rights and obligations, the department is a continuation of the council
 15 and not a new authority.

16 (5) Notwithstanding the repeal of sections 1 to 5, **chapter 564, Oregon Laws 2011**, [*of this 2011*
 17 *Act*] by section 13, **chapter 564, Oregon Laws 2011** [*of this 2011 Act*], members of the council may
 18 take action under this section that are necessary to wind down the operations of the council before,
 19 on or after the date of the repeal of sections 1 to 5, **chapter 564, Oregon Laws 2011** [*of this 2011*
 20 *Act*].

21 **SECTION 7.** Section 13, chapter 564, Oregon Laws 2011, is amended to read:

22 **Sec. 13.** Sections 1 to 5 [*of this 2011 Act*], **chapter 564, Oregon Laws 2011**, and **section 4 of**
 23 **this 2013 Act** are repealed on **the later of the following dates:**

24 (1) **The date specified in ORS 197.723 (1) by which the Economic Recovery Review Council**
 25 **must designate regionally significant industrial areas; or**

26 (2) January 2 of the first even-numbered year after the Employment Department notifies the
 27 Economic Recovery Review Council and the Office of the Legislative Counsel that the annual av-
 28 erage unemployment rate for the most recent calendar year in Oregon is less than six percent.

29 **SECTION 8.** ORS 195.034 is amended to read:

30 195.034. (1) If the coordinating body under ORS 195.025 (1) has adopted, within 10 years before
 31 a city initiates an evaluation or amendment of the city's urban growth boundary, a population
 32 forecast as required by ORS 195.036 that no longer provides a [20-year] **15-year** forecast for an ur-
 33 ban area, a city may propose a revised [20-year] **15-year** forecast for its urban area by extending the
 34 coordinating body's current urban area forecast to a [20-year] **15-year** period using the same growth
 35 trend for the urban area assumed in the coordinating body's current adopted forecast.

36 (2) If the coordinating body has not adopted a forecast as required by ORS 195.036 or if the
 37 current forecast was adopted more than 10 years before the city initiates an evaluation or amend-
 38 ment of the city's urban growth boundary, a city may propose a [20-year] **15-year** forecast for its
 39 urban area by:

40 (a) Basing the proposed forecast on the population forecast prepared by the [*Office of Economic*
 41 *Analysis*] **Bureau of Economic Analysis of the United States Department of Commerce** for the
 42 county for a [20-year] **15-year** period that commences when the city initiates the evaluation or
 43 amendment of the city's urban growth boundary; and

44 (b) Assuming that the urban area's share for the forecasted county population determined in
 45 paragraph (a) of this subsection will be the same as the urban area's current share of the county

1 population based on the most recent certified population estimates from Portland State University
 2 and the most recent data for the urban area published by the United States Census Bureau.

3 (3)(a) If the coordinating body does not take action on the city’s proposed forecast for the urban
 4 area under subsection (1) or (2) of this section within six months after the city’s written request for
 5 adoption of the forecast, the city may adopt the extended forecast if:

6 (A) The city provides notice to the other local governments in the county; and

7 (B) The city includes the adopted forecast in the comprehensive plan, or a document included
 8 in the plan by reference, in compliance with the applicable requirements of ORS 197.610 to 197.651.

9 (b) If the extended forecast is adopted under paragraph (a) of this subsection consistent with the
 10 requirements of subsection (1) or (2) of this section:

11 (A) The forecast is deemed to satisfy the requirements of a statewide land use planning goal
 12 relating to urbanization to establish a coordinated [20-year] **15-year** population forecast for the ur-
 13 ban area; and

14 (B) The city may rely on the population forecast as an appropriate basis upon which the city
 15 and county may conduct the evaluation or amendment of the city’s urban growth boundary.

16 (4) The process for establishing a population forecast provided in this section is in addition to
 17 and not in lieu of a process established by goal and rule of the Land Conservation and Development
 18 Commission.

19 **SECTION 9.** ORS 195.145 is amended to read:

20 195.145. (1) To ensure that the supply of land available for urbanization is maintained:

21 (a) Local governments may cooperatively designate lands outside urban growth boundaries as
 22 urban reserves subject to ORS 197.610 to 197.625 and 197.626.

23 (b) Alternatively, a metropolitan service district established under ORS chapter 268 and a
 24 county may enter into a written agreement pursuant to ORS 190.003 to 190.130, 195.025 or 197.652
 25 to 197.658 to designate urban reserves. A process and criteria developed pursuant to this paragraph
 26 are an alternative to a process or criteria adopted pursuant to paragraph (a) of this subsection.

27 (2)(a) The Land Conservation and Development Commission may require a local government to
 28 designate an urban reserve pursuant to subsection (1)(a) of this section during its periodic review
 29 in accordance with the conditions for periodic review under ORS 197.628.

30 (b) Notwithstanding paragraph (a) of this subsection, the commission may require a local gov-
 31 ernment to designate an urban reserve pursuant to subsection (1)(a) of this section outside of its
 32 periodic review if:

33 (A) The local government is located inside a primary metropolitan statistical area or a metro-
 34 politan statistical area as designated by the [Federal] **United States** Census Bureau [upon] on No-
 35 vember 4, 1993; and

36 (B) The local government [has been] **was** required to designate an urban reserve by rule prior
 37 to November 4, 1993.

38 (3) In carrying out subsections (1) and (2) of this section:

39 (a) Within an urban reserve, neither the commission nor any local government [shall] **may** pro-
 40 hibit the siting on a legal parcel of a single family dwelling that would otherwise have been allowed
 41 under law existing prior to designation as an urban reserve.

42 (b) The commission shall provide to local governments a list of options, rather than prescribing
 43 a single planning technique, to ensure the efficient transition from rural to urban use in urban re-
 44 serves.

45 (4) Urban reserves designated by a metropolitan service district and a county pursuant to sub-

1 section (1)(b) of this section must be planned to accommodate population and employment growth for
 2 at least 20 years, and not more than 30 years, after the [20-year] **15-year** period for which the dis-
 3 trict has demonstrated a buildable land supply in the most recent inventory, **analysis and** determi-
 4 nation [and analysis] performed under ORS 197.296.

5 (5) A district and a county shall base the designation of urban reserves under subsection (1)(b)
 6 of this section upon consideration of factors including, but not limited to, whether land proposed for
 7 designation as urban reserves, alone or in conjunction with land inside the urban growth boundary:

8 (a) Can be developed at urban densities in a way that makes efficient use of existing and future
 9 public infrastructure investments;

10 (b) Includes sufficient development capacity to support a healthy urban economy;

11 (c) Can be served by public schools and other urban-level public facilities and services efficiently
 12 and cost-effectively by appropriate and financially capable service providers;

13 (d) Can be designed to be walkable and served by a well-connected system of streets by appro-
 14 priate service providers;

15 (e) Can be designed to preserve and enhance natural ecological systems; and

16 (f) Includes sufficient land suitable for a range of housing types.

17 (6) A county may [take] **adopt** an exception under ORS 197.732 to a statewide land use planning
 18 goal to allow the establishment of a transportation facility in an area designated as urban reserve
 19 under subsection (1)(b) of this section.

20 (7) The commission shall adopt by goal or by rule a process and criteria for designating urban
 21 reserves pursuant to subsection (1)(b) of this section.

22 **SECTION 10.** ORS 197.296 is amended to read:

23 197.296. (1)(a) The provisions of this section apply to metropolitan service district regional
 24 framework plans and local government comprehensive plans for lands within the urban growth
 25 boundary of a city that is located outside of a metropolitan service district and has a population of
 26 25,000 or more.

27 (b) The Land Conservation and Development Commission may establish a set of factors under
 28 which additional cities are subject to the provisions of this section. In establishing the set of factors
 29 required under this paragraph, the commission shall consider the size of the city, the rate of popu-
 30 lation growth of the city or the proximity of the city to another city with a population of 25,000 or
 31 more or to a metropolitan service district.

32 (2) At periodic review pursuant to ORS 197.628 to 197.651 or at any other legislative review of
 33 the comprehensive plan or regional plan that concerns the urban growth boundary and requires the
 34 application of a statewide planning goal relating to buildable lands for residential use, a local gov-
 35 ernment shall demonstrate that its comprehensive plan or regional plan provides sufficient buildable
 36 lands within the urban growth boundary established pursuant to statewide planning goals to ac-
 37 commodate estimated housing needs for [20 years. The 20-year period shall commence] **15 years. The**
 38 **15-year period commences** on the date initially scheduled for completion of the periodic or legis-
 39 lative review.

40 (3) In performing the duties under subsection (2) of this section, a local government shall:

41 (a) Inventory the supply of buildable lands within the urban growth boundary and determine the
 42 housing capacity of the buildable lands; and

43 (b) Conduct an analysis of housing need by type and density range, in accordance with ORS
 44 197.303 and statewide planning goals and rules relating to housing, to determine the number of units
 45 and amount of land needed for each needed housing type for the next [20] **15** years.

1 (4)(a) For the purpose of the inventory described in subsection (3)(a) of this section, “buildable
2 lands” includes:

3 (A) Vacant lands planned or zoned for residential use;

4 (B) Partially vacant lands planned or zoned for residential use;

5 (C) Lands that may be used for a mix of residential and employment uses under the existing
6 planning or zoning; and

7 (D) Lands that may be used for residential infill or redevelopment.

8 (b) For the purpose of the inventory and determination of housing capacity described in sub-
9 section (3)(a) of this section, the local government must demonstrate consideration of:

10 (A) The extent that residential development is prohibited or restricted by local regulation and
11 ordinance, state law and rule or federal statute and regulation;

12 (B) A written long term contract or easement for radio, telecommunications or electrical facili-
13 ties, if the written contract or easement is provided to the local government; and

14 (C) The presence of a single family dwelling or other structure on a lot or parcel.

15 (c) Except for land that may be used for residential infill or redevelopment, a local government
16 shall create a map or document that may be used to verify and identify specific lots or parcels that
17 have been determined to be buildable lands.

18 (5)(a) Except as provided in paragraphs (b) and (c) of this subsection, the determination of
19 housing capacity and need pursuant to subsection (3) of this section must be based on data relating
20 to land within the urban growth boundary that has been collected since the last periodic review or
21 five years, whichever is greater. The data shall include:

22 (A) The number, density and average mix of housing types of urban residential development that
23 have actually occurred;

24 (B) Trends in density and average mix of housing types of urban residential development;

25 (C) Demographic and population trends;

26 (D) Economic trends and cycles; and

27 (E) The number, density and average mix of housing types that have occurred on the buildable
28 lands described in subsection (4)(a) of this section.

29 (b) A local government shall make the determination described in paragraph (a) of this sub-
30 section using a shorter time period than the time period described in paragraph (a) of this subsection
31 if the local government finds that the shorter time period will provide more accurate and reliable
32 data related to housing capacity and need. The shorter time period may not be less than three years.

33 (c) A local government shall use data from a wider geographic area or use a time period for
34 economic cycles and trends longer than the time period described in paragraph (a) of this subsection
35 if the analysis of a wider geographic area or the use of a longer time period will provide more ac-
36 curate, complete and reliable data relating to trends affecting housing need than an analysis per-
37 formed pursuant to paragraph (a) of this subsection. The local government must clearly describe the
38 geographic area, time frame and source of data used in a determination performed under this para-
39 graph.

40 (6) If the housing need determined pursuant to subsection (3)(b) of this section is greater than
41 the housing capacity determined pursuant to subsection (3)(a) of this section, the local government
42 shall take one or more of the following actions to accommodate the additional housing need:

43 (a) Amend its urban growth boundary to include sufficient buildable lands to accommodate
44 housing needs for the next [20] 15 years. As part of this process, the local government shall consider
45 the effects of measures taken pursuant to paragraph (b) of this subsection. The amendment shall

1 include sufficient land reasonably necessary to accommodate the siting of new public school facilities. The need and inclusion of lands for new public school facilities shall be a coordinated process
 2 between the affected public school districts and the local government that has the authority to approve the urban growth boundary;
 3

4
 5 (b) Amend its comprehensive plan, regional plan, functional plan or land use regulations to include new measures that demonstrably increase the likelihood that residential development will occur at densities sufficient to accommodate housing needs for the next [20] **15** years without
 6 expansion of the urban growth boundary. A local government or metropolitan service district that takes this action shall monitor and record the level of development activity and development density
 7 by housing type following the date of the adoption of the new measures; or
 8

9 (c) Adopt a combination of the actions described in paragraphs (a) and (b) of this subsection.
 10

11 (7) Using the analysis conducted under subsection (3)(b) of this section, the local government shall determine the overall average density and overall mix of housing types at which residential
 12 development of needed housing types must occur in order to meet housing needs over the next [20] **15** years. If that density is greater than the actual density of development determined under subsection (5)(a)(A) of this section, or if that mix is different from the actual mix of housing types determined under subsection (5)(a)(A) of this section, the local government, as part of its periodic
 13 review, shall adopt measures that demonstrably increase the likelihood that residential development will occur at the housing types and density and at the mix of housing types required to meet housing
 14 needs over the next [20] **15** years.
 15

16 (8)(a) A local government outside a metropolitan service district that takes any actions under subsection (6) or (7) of this section shall demonstrate that the comprehensive plan and land use regulations comply with goals and rules adopted by the commission and implement ORS 197.295 to
 17 197.314.
 18

19 (b) The local government shall determine the density and mix of housing types anticipated as a result of actions taken under subsections (6) and (7) of this section and monitor and record the actual density and mix of housing types achieved. The local government shall compare actual and anticipated density and mix. The local government shall submit its comparison to the commission at the next periodic review or at the next legislative review of its urban growth boundary, whichever comes first.
 20

21 (9) In establishing that actions and measures adopted under subsections (6) or (7) of this section demonstrably increase the likelihood of higher density residential development, the local government shall at a minimum ensure that land zoned for needed housing is in locations appropriate for the housing types identified under subsection (3) of this section and is zoned at density ranges that are likely to be achieved by the housing market using the analysis in subsection (3) of this section. Actions or measures, or both, may include but are not limited to:
 22

23 (a) Increases in the permitted density on existing residential land;
 24

25 (b) Financial incentives for higher density housing;
 26

27 (c) Provisions permitting additional density beyond that generally allowed in the zoning district in exchange for amenities and features provided by the developer;
 28

29 (d) Removal or easing of approval standards or procedures;
 30

31 (e) Minimum density ranges;
 32

33 (f) Redevelopment and infill strategies;
 34

35 (g) Authorization of housing types not previously allowed by the plan or regulations;
 36

37 (h) Adoption of an average residential density standard; and
 38

1 (i) Rezoning or redesignation of nonresidential land.

2 **SECTION 11.** ORS 197.299 is amended to read:

3 197.299. (1) A metropolitan service district organized under ORS chapter 268 shall complete the
4 inventory, determination and analysis required under ORS 197.296 (3) not later than five years after
5 completion of the previous inventory, determination and analysis.

6 (2)(a) The metropolitan service district shall take such action as necessary under ORS 197.296
7 (6)(a) to accommodate one-half of a [20-year] **15-year** buildable land supply determined under ORS
8 197.296 (3) within one year of completing the analysis.

9 (b) The metropolitan service district shall take all final action under ORS 197.296 (6)(a) neces-
10 sary to accommodate a [20-year] **15-year** buildable land supply determined under ORS 197.296 (3)
11 within two years of completing the analysis.

12 (c) The metropolitan service district shall take action under ORS 197.296 (6)(b), within one year
13 after the analysis required under ORS 197.296 (3)(b) is completed, to provide sufficient buildable land
14 within the urban growth boundary to accommodate the estimated housing needs for [20] **15** years
15 from the time the actions are completed. The metropolitan service district shall consider and adopt
16 new measures that the governing body deems appropriate under ORS 197.296 (6)(b).

17 (3) The Land Conservation and Development Commission may grant an extension to the time
18 limits of subsection (2) of this section if the Director of the Department of Land Conservation and
19 Development determines that the metropolitan service district has provided good cause for failing
20 to meet the time limits.

21 (4)(a) The metropolitan service district shall establish a process to expand the urban growth
22 boundary to accommodate a need for land for a public school that cannot reasonably be accommo-
23 dated within the existing urban growth boundary. The metropolitan service district shall design the
24 process to:

25 (A) Accommodate a need that must be accommodated between periodic analyses of urban growth
26 boundary capacity required by subsection (1) of this section; and

27 (B) Provide for a final decision on a proposal to expand the urban growth boundary within four
28 months after submission of a complete application by a large school district as defined in ORS
29 195.110.

30 (b) At the request of a large school district, the metropolitan service district shall assist the
31 large school district to identify school sites required by the school facility planning process de-
32 scribed in ORS 195.110. A need for a public school is a specific type of identified land need under
33 ORS 197.298 (3).

34 **SECTION 12.** ORS 197.304 is amended to read:

35 197.304. (1) Notwithstanding an intergovernmental agreement pursuant to ORS 190.003 to
36 190.130 or acknowledged comprehensive plan provisions to the contrary, a city within Lane County
37 that has a population of 50,000 or more within its boundaries shall meet its obligation under ORS
38 197.295 to 197.314 separately from any other city within Lane County. The city shall, separately
39 from any other city:

40 (a) Establish an urban growth boundary, (a) consistent with the jurisdictional area of responsibility
41 specified in the acknowledged comprehensive plan; and

42 (b) Demonstrate, as required by ORS 197.296, that its comprehensive plan provides sufficient
43 buildable lands within an urban growth boundary established pursuant to statewide planning goals
44 to accommodate estimated housing needs for [20] **15** years.

45 (2) Except as provided in subsection (1) of this section, this section does not alter or affect an

1 intergovernmental agreement pursuant to ORS 190.003 to 190.130 or acknowledged comprehensive
2 plan provisions adopted by Lane County or local governments in Lane County.
3 _____