

PRELIMINARY STAFF MEASURE SUMMARY**CARRIER:**

Senate Committee on Human Services and Early Childhood

REVENUE: No revenue impact**FISCAL: No fiscal impact****SUBSEQUENT REFERRAL TO: None****Action:****Vote:****Yeas:****Nays:****Exc.:****Prepared By:** Cheyenne Ross, Administrator**Meeting Dates:** 5/19, 5/21

WHAT THE MEASURE DOES: Requires Land Conservation and Development Commission to order a local government, state agency or special district to take action necessary to bring its comprehensive plan, land use regulations, limited land use decisions or other land use decisions into compliance if its standards, conditions and procedures are subjective, or discourage needed housing through unreasonable cost or delay.

ISSUES DISCUSSED:

- Requiring approval of “needed housing”
- Using LCDC’s existing enforcement authority
- Importance of clear and objective standards
- Distinguishing between objective and subjective standards (“must be 8 feet tall” versus “must be consistent with neighborhood,” respectively)
- History of amendment
- Amount of negotiation that resulted in measure

EFFECT OF COMMITTEE AMENDMENT:

[-A5 amendment] Requires local government approvals that are necessary to develop needed housing, if application is consistent with the comprehensive plan and applicable regulations. Requires local governments to allow amendment of applications not consistent with comprehensive plan or applicable regulations. Requires local government denial of applications not able to be made consistent via amendment or conditions.

[-A6 amendment] Same effect as -A5 amendments, reordered and reworded.

BACKGROUND: Land use planning in Oregon rests on Statewide Planning Goals. State law requires each city and county to adopt a comprehensive plan consistent with the Statewide Planning Goals, and to enact local zoning and ordinances needed to put comprehensive plans into effect. Comprehensive plans are reviewed by the Land Conservation and Development Commission (LCDC), and when officially approved, the comprehensive plan is said to be “acknowledged.” It then becomes the controlling document for land use in the area covered by that plan. Oregon’s planning laws apply not only to local governments but also to special districts and state agencies.

LCDC is required, under certain circumstances, to order a local government, state agency or special district to take action necessary to bring its comprehensive plan, land use regulation, limited land use decision or other land use decision into compliance with Statewide Planning Goals, acknowledged comprehensive plan provisions or land use regulations (ORS 197.320).

It is possible for local governments to discourage development of needed housing (defined at ORS 197.303) by imposing costs, delays, or certain restrictions, so long as it is consistent with the applicable comprehensive plan and land use regulations.

5/20/2015 3:35:00 PM *

This summary has not been adopted or officially endorsed by action of the committee.

House Bill 3222-A requires LCDC to order a local government to act, if its approval, special conditions on approval of specific development proposals, or approval procedures do not comply with ORS 197.307(4) (were based on subjective standards or had the effect of discouraging the development of needed housing through unreasonable cost or delay).

House Committee: 7 – 0 – 0; House Floor: 58 – 0 - 2