

**Seventy-Eighth Oregon Legislative Assembly - 2015 Regular Session**  
**STAFF MEASURE SUMMARY**  
**Senate Committee On Human Services and Early Childhood**

**MEASURE: HB 3222 B**  
**CARRIER: Sen. Gelser**

**Fiscal:** No Fiscal Impact

**Revenue:** No Revenue Impact

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**Action Date:** 05/21/15

**Action:** Do Pass With Amendments To The A-Eng Bill. (Printed B-Eng.)

**Meeting Dates:** 05/19, 05/21

**Vote:**

Yeas: 4 - Gelser, Kruse, Monnes Anderson, Olsen

Exc: 1 - Dembrow

**Prepared By:** Cheyenne Ross, Committee Administrator

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**WHAT THE MEASURE DOES:**

Requires local governments to approve applications necessary to develop needed housing, if applications are consistent with comprehensive plan and applicable land use regulations. Requires local governments allow amendment of applications not consistent with comprehensive plan or applicable regulations. Requires local government deny applications not able to be made consistent via amendment or conditions. Requires Land Conservation and Development Commission (LCDC) to order 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 approval 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
- History of amendment
- Amount of negotiation that resulted in measure

**EFFECT OF COMMITTEE AMENDMENT:**

Requires local governments to approve applications necessary to develop needed housing, if applications are consistent with comprehensive plan and applicable land use regulations. Requires local governments allow amendment of applications not consistent with comprehensive plan or applicable regulations. Requires local government deny applications not able to be made consistent via amendment or conditions.

**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, a 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.

House Bill 3222-B requires local governments to approve applications necessary to develop needed housing that are consistent with the comprehensive plan and applicable land use regulations. The measure also requires LCDC to order a local government to act, if the local government's approval, special conditions on approval of specific development proposals, or approval procedures do not comply with ORS 197.307(4) (i.e., if its approval or procedures are based on subjective standards or have the effect of discouraging the development of needed housing through unreasonable cost or delay).