

Enrolled
House Bill 3222

Sponsored by COMMITTEE ON RURAL COMMUNITIES, LAND USE, AND WATER

CHAPTER

AN ACT

Relating to needed housing in urbanizable areas; creating new provisions; and amending ORS 197.320 and 197.522.

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

SECTION 1. ORS 197.320 is amended to read:

197.320. The Land Conservation and Development Commission shall issue an order requiring a local government, state agency or special district to take action necessary to bring its comprehensive plan, land use regulation, limited land use decisions or other land use decisions into compliance with the goals, acknowledged comprehensive plan provisions or land use regulations if the commission has good cause to believe:

(1) A comprehensive plan or land use regulation adopted by a local government not on a compliance schedule is not in compliance with the goals by the date set in ORS 197.245 or 197.250 for such compliance;

(2) A plan, program, rule or regulation affecting land use adopted by a state agency or special district is not in compliance with the goals by the date set in ORS 197.245 or 197.250 for such compliance;

(3) A local government is not making satisfactory progress toward performance of its compliance schedule;

(4) A state agency is not making satisfactory progress in carrying out its coordination agreement or the requirements of ORS 197.180;

(5) A local government has no comprehensive plan or land use regulation and is not on a compliance schedule directed to developing the plan or regulation;

(6) A local government has engaged in a pattern or practice of decision making that violates an acknowledged comprehensive plan or land use regulation. In making its determination under this subsection, the commission shall determine whether there is evidence in the record to support the decisions made. The commission shall not judge the issue solely upon adequacy of the findings in support of the decisions;

(7) A local government has failed to comply with a commission order entered under ORS 197.644;

(8) A special district has engaged in a pattern or practice of decision-making that violates an acknowledged comprehensive plan or cooperative agreement adopted pursuant to ORS 197.020;

(9) A special district is not making satisfactory progress toward performance of its obligations under ORS chapters 195 and 197;

(10) A local *[government]* **government's** *[is applying]* approval standards, special conditions on approval of specific development proposals or procedures for approval *[that]* do not comply with ORS 197.307 (4) or (6);

(11) A local government is not making satisfactory progress toward meeting its obligations under ORS 195.065; or

(12) A local government within the jurisdiction of a metropolitan service district has failed to make changes to the comprehensive plan or land use regulations to comply with the regional framework plan of the district or has engaged in a pattern or practice of decision-making that violates a requirement of the regional framework plan.

SECTION 2. ORS 197.522 is added to and made a part of ORS chapter 197.

SECTION 3. ORS 197.522 is amended to read:

197.522. (1) **As used in this section:**

(a) **“Needed housing” has the meaning given that term in ORS 197.303.**

(b) **“Partition” has the meaning given that term in ORS 92.010.**

(c) **“Permit” means a permit as defined in ORS 215.402 and a permit as defined in ORS 227.160.**

(d) **“Subdivision” has the meaning given that term in ORS 92.010.**

(2) A local government shall approve an application for a permit, authorization or other approval necessary for the subdivision or partitioning of, or construction on, any land **for needed housing** that is consistent with the comprehensive plan and applicable land use regulations [*or shall impose reasonable conditions on the application to make the proposed activity consistent with the plan and applicable regulations*].

(3) **If an application is inconsistent with the comprehensive plan and applicable land use regulations, the local government, prior to making a final decision on the application, shall allow the applicant to offer an amendment or to propose conditions of approval that would make the application consistent with the plan and applicable regulations. If an applicant seeks to amend the application or propose conditions of approval:**

(a) **A county may extend the time limitation under ORS 215.427 for final action by the governing body of a county on an application for needed housing and may set forth a new time limitation for final action on the consideration of future amendments or proposals.**

(b) **A city may extend the time limitation under ORS 227.178 for final action by the governing body of a city on an application for needed housing and may set forth a new time limitation for final action on the consideration of future amendments or proposals.**

(4) A local government [*may*] **shall** deny an application that is inconsistent with the comprehensive plan and applicable land use regulations and that cannot be made consistent through **amendments to the application or** the imposition of reasonable conditions of approval.

Passed by House April 30, 2015

Repassed by House June 1, 2015

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Timothy G. Sekerak, Chief Clerk of House

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Tina Kotek, Speaker of House

Passed by Senate May 28, 2015

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Peter Courtney, President of Senate

Received by Governor:

.....M.,....., 2015

Approved:

.....M.,....., 2015

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Kate Brown, Governor

Filed in Office of Secretary of State:

.....M.,....., 2015

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Jeanne P. Atkins, Secretary of State