

House Bill 2316

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of Governor Kate Brown 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**.

Requires city with population of less than 25,000 to determine estimated housing need for 20-year period, inventory buildable land and adopt measures as part of periodic or legislative review of comprehensive plan.

A BILL FOR AN ACT

1
2 Relating to review of comprehensive plans that require application of statewide planning goal con-
3 cerning buildable lands for residential use for certain cities; amending ORS 197.296.

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

5 **SECTION 1.** ORS 197.296 is amended to read:

6 197.296. (1)(a) The provisions of [*this section*] **subsections (2) to (9) of this section** apply to
7 metropolitan service district regional framework plans and local government comprehensive plans
8 for lands within the urban growth boundary of a city that is located outside of a metropolitan ser-
9 vice district and has a population of 25,000 or more.

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

15 (2) At periodic review pursuant to ORS 197.628 to 197.651 or at any other legislative review of
16 the comprehensive plan or regional framework plan that concerns the urban growth boundary and
17 requires the application of a statewide planning goal relating to buildable lands for residential use,
18 a local government shall demonstrate that its comprehensive plan or regional framework plan pro-
19 vides sufficient buildable lands within the urban growth boundary established pursuant to statewide
20 planning goals to accommodate estimated housing needs for 20 years. The 20-year period shall
21 commence on the date initially scheduled for completion of the periodic or legislative review.

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

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

25 (b) Conduct an analysis of housing need by type and density range, in accordance with ORS
26 197.303 and statewide planning goals and rules relating to housing, to determine the number of units
27 and amount of land needed for each needed housing type for the next 20 years.

28 (4)(a) For the purpose of the inventory described in subsection (3)(a) of this section, "buildable
29 lands" includes:

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

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

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

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

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

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

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

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

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

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

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

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

22 (C) Demographic and population trends;

23 (D) Economic trends and cycles; and

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

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

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

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

40 (a) Amend its urban growth boundary to include sufficient buildable lands to accommodate
41 housing needs for the next 20 years. As part of this process, the local government shall consider the
42 effects of measures taken pursuant to paragraph (b) of this subsection. The amendment shall include
43 sufficient land reasonably necessary to accommodate the siting of new public school facilities. The
44 need and inclusion of lands for new public school facilities shall be a coordinated process between
45 the affected public school districts and the local government that has the authority to approve the

1 urban growth boundary;

2 (b) Amend its comprehensive plan, regional framework plan, functional plan or land use regu-
 3 lations to include new measures that demonstrably increase the likelihood that residential develop-
 4 ment will occur at densities sufficient to accommodate housing needs for the next 20 years without
 5 expansion of the urban growth boundary. A local government or metropolitan service district that
 6 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 (c) Adopt a combination of the actions described in paragraphs (a) and (b) of this subsection.

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

18 (8)(a) A local government outside a metropolitan service district that takes any actions under
 19 subsection (6) or (7) of this section shall demonstrate that the comprehensive plan and land use
 20 regulations comply with goals and rules adopted by the commission and implement ORS 197.295 to
 21 197.314.

22 (b) The local government shall determine the density and mix of housing types anticipated as a
 23 result of actions taken under subsections (6) and (7) of this section and monitor and record the ac-
 24 tual density and mix of housing types achieved. The local government shall compare actual and
 25 anticipated density and mix. The local government shall submit its comparison to the commission
 26 at the next periodic review or at the next legislative review of its urban growth boundary, which-
 27 ever comes first.

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

- 34 (a) Increases in the permitted density on existing residential land;
- 35 (b) Financial incentives for higher density housing;
- 36 (c) Provisions permitting additional density beyond that generally allowed in the zoning district
 37 in exchange for amenities and features provided by the developer;
- 38 (d) Removal or easing of approval standards or procedures;
- 39 (e) Minimum density ranges;
- 40 (f) Redevelopment and infill strategies;
- 41 (g) Authorization of housing types not previously allowed by the plan or regulations;
- 42 (h) Adoption of an average residential density standard; and
- 43 (i) Rezoning or redesignation of nonresidential land.

44 **(10)(a) The provisions of this subsection apply to local government comprehensive plans**
 45 **for lands within the urban growth boundary of a city that is located outside of a metropolitan**

1 service district and has a population of less than 25,000.

2 (b) At periodic review pursuant to ORS 197.628 to 197.651 or at any other legislative re-
3 view of the comprehensive plan that requires the application of a statewide planning goal
4 relating to buildable lands for residential use, a city shall, according to rules of the com-
5 mission:

6 (A) Determine the estimated housing needs within the jurisdiction for the next 20 years;

7 (B) Inventory the supply of buildable lands available within the urban growth boundary
8 to accommodate the estimated housing needs determined under this subsection; and

9 (C) Adopt measures necessary to accommodate the estimated housing needs determined
10 under this subsection.

11 (c) For the purpose of the inventory described in this subsection, "buildable lands" in-
12 cludes those lands described in subsection (4)(a) of this section.

13