

# Senate Bill 630

Sponsored by Senator KNOPP (Presession filed.)

## 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**.

Authorizes local governments to expedite inclusion within urban growth boundary of land dedicated to needed housing.

Declares emergency, effective on passage.

## A BILL FOR AN ACT

1  
2 Relating to urban growth boundary expansion to address low vacancy rates; creating new pro-  
3 visions; amending ORS 197.303 and 197.825; and declaring an emergency.

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

5 **SECTION 1. Section 2 of this 2017 Act is added to and made a part of ORS 197.295 to**  
6 **197.314.**

7 **SECTION 2. (1) Notwithstanding ORS 197.296 and 197.298 and any statewide planning**  
8 **goals relating to urbanization, a local government may amend its urban growth boundary to**  
9 **include adjacent land for needed housing if the local government determines that:**

10 (a) **The average monthly vacancy rate for rental units within the jurisdiction of the local**  
11 **government did not exceed one percent in the immediately preceding calendar year;**

12 (b) **The average cost of rent increased from the average cost of rent in the immediately**  
13 **preceding calendar year by more than the percentage increase in the Portland-Salem,**  
14 **OR-WA Consumer Price Index for All Urban Consumers for All Items as published by the**  
15 **Bureau of Labor Statistics of the United States Department of Labor;**

16 (c) **The buildable land available within the urban growth boundary is inadequate to meet**  
17 **the demand for needed housing; and**

18 (d) **A housing emergency exists within the jurisdiction of the local government.**

19 (2) **Notwithstanding the priority for inclusion of land under ORS 197.298, a local govern-**  
20 **ment that amends its urban growth boundary under this section is authorized to determine**  
21 **the priority of lands to be considered for inclusion in the urban growth boundary.**

22 (3) **A decision by a local government to amend its urban growth boundary under this**  
23 **section is subject to approval by:**

24 (a) **The city to which the land included by the amendment will be annexed; and**

25 (b) **The owners of land included by the amendment, by unanimous consent.**

26 (4) **Upon receipt of the approvals required under subsection (3) of this section, land in-**  
27 **cluded by the amendment is considered annexed to the city that has the longest contiguous**  
28 **city limit adjacent to the land.**

29 (5) **For the first 10 years following the amendment of an urban growth boundary under**  
30 **this section, a local government shall ensure through zoning restrictions that housing de-**  
31 **veloped on the land included by the amendment continues to be used to provide needed**

**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 **housing.**

2 **(6) For the first 10 years following the amendment of an urban growth boundary under**  
3 **this section, a local government may not:**

4 **(a) Rezone land included by the amendment to allow a use other than the use allowed**  
5 **under this section.**

6 **(b) Convert land included by the amendment for uses other than needed housing.**

7 **SECTION 3.** ORS 197.303 is amended to read:

8 197.303. (1) As used in ORS 197.307 **and section 2 of this 2017 Act**, “needed housing” means  
9 housing types determined to meet the need shown for housing within an urban growth boundary at  
10 particular price ranges and rent levels, including at least the following housing types:

11 (a) Attached and detached single-family housing and multiple family housing for both owner and  
12 renter occupancy;

13 (b) Government assisted housing;

14 (c) Mobile home or manufactured dwelling parks as provided in ORS 197.475 to 197.490;

15 (d) Manufactured homes on individual lots planned and zoned for single-family residential use  
16 that are in addition to lots within designated manufactured dwelling subdivisions; and

17 (e) Housing for farmworkers.

18 (2) Subsection (1)(a) and (d) of this section shall not apply to:

19 (a) A city with a population of less than 2,500.

20 (b) A county with a population of less than 15,000.

21 (3) A local government may take an exception under ORS 197.732 to the definition of “needed  
22 housing” in subsection (1) of this section in the same manner that an exception may be taken under  
23 the goals.

24 **SECTION 4.** ORS 197.825 is amended to read:

25 197.825. (1) Except as provided in ORS 197.320 and subsections (2) and (3) of this section, the  
26 Land Use Board of Appeals shall have exclusive jurisdiction to review any land use decision or  
27 limited land use decision of a local government, special district or a state agency in the manner  
28 provided in ORS 197.830 to 197.845.

29 (2) The jurisdiction of the board:

30 (a) Is limited to those cases in which the petitioner has exhausted all remedies available by right  
31 before petitioning the board for review;

32 (b) Is subject to the provisions of ORS 197.850 relating to judicial review by the Court of Ap-  
33 peals;

34 (c) Does not include a local government decision that is:

35 (A) Submitted to the Department of Land Conservation and Development for acknowledgment  
36 under ORS 197.251, 197.626 or 197.628 to 197.651 or a matter arising out of a local government de-  
37 cision submitted to the department for acknowledgment, unless the Director of the Department of  
38 Land Conservation and Development, in the director’s sole discretion, transfers the matter to the  
39 board; or

40 (B) Subject to the review authority of the department under ORS 197.430, 197.445, 197.450 or  
41 197.455 or a matter related to a local government decision subject to the review authority of the  
42 department under ORS 197.430, 197.445, 197.450 or 197.455;

43 (d) Does not include those land use decisions of a state agency over which the Court of Appeals  
44 has jurisdiction for initial judicial review under ORS 183.400, 183.482 or other statutory provisions;

45 (e) Does not include any rules, programs, decisions, determinations or activities carried out un-

1 der ORS 527.610 to 527.770, 527.990 (1) and 527.992;

2 (f) Is subject to ORS 196.115 for any county land use decision that may be reviewed by the  
3 Columbia River Gorge Commission pursuant to sections 10(c) or 15(a)(2) of the Columbia River  
4 Gorge National Scenic Area Act, P.L. 99-663; and

5 (g) Does not include review of expedited land divisions under ORS 197.360.

6 (3) Notwithstanding subsection (1) of this section, the circuit courts of this state retain juris-  
7 diction:

8 (a) To grant declaratory, injunctive or mandatory relief in proceedings arising from decisions  
9 described in ORS 197.015 (10)(b) **or section 2 of this 2017 Act** or proceedings brought to enforce  
10 the provisions of an adopted comprehensive plan or land use regulations; and

11 (b) To enforce orders of the board in appropriate proceedings brought by the board or a party  
12 to the board proceeding resulting in the order.

13 **SECTION 5. This 2017 Act being necessary for the immediate preservation of the public**  
14 **peace, health and safety, an emergency is declared to exist, and this 2017 Act takes effect**  
15 **on its passage.**

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