

Requested by Representative KOTEK

**PROPOSED AMENDMENTS TO
HOUSE BILL 2007**

1 On page 1 of the printed bill, line 2, after “amending” delete the rest of
2 the line and insert “ORS 197.303, 197.307, 197.312, 215.416, 215.427, 215.441,
3 227.175, 227.178 and 227.500; and”

4 Delete lines 5 through 24 delete pages 2 through 5 and insert:

5 **“SECTION 1. (1) As used in this section:**

6 **“(a) ‘Affordable housing’ means housing that is affordable to**
7 **households with incomes equal to or less than 60 percent of the median**
8 **family income for the county in which the development is built or for**
9 **the state, whichever is greater.**

10 **“(b) ‘Multifamily residential building’ means a building in which**
11 **two or more residential units each have space for eating, living and**
12 **sleeping and permanent provisions for cooking and sanitation.**

13 **“(2) Notwithstanding ORS 215.427 (1) or ORS 227.178 (1), a city or a**
14 **county shall take final action on an application qualifying under sub-**
15 **section (3) of this section, including resolution of all local appeals**
16 **under ORS 215.422 or 227.180, within 100 days after the application is**
17 **deemed complete.**

18 **“(3) An application qualifies for final action within the timeline**
19 **described in subsection (2) of this section if:**

20 **“(a) The application is submitted to the city or the county under**
21 **ORS 215.416 or 227.175;**

1 **“(b) The application is for development of a multifamily residential**
2 **building containing five or more residential units within the urban**
3 **growth boundary;**

4 **“(c) At least 50 percent of the residential units included in the de-**
5 **velopment will be sold or rented as affordable housing; and**

6 **“(d) The development is subject to a covenant appurtenant that**
7 **restricts the owner and each successive owner of the development or**
8 **a residential unit within the development from selling or renting any**
9 **residential unit described in paragraph (c) of this subsection as hous-**
10 **ing that is not affordable housing for a period of 60 years from the date**
11 **of the certificate of occupancy.**

12 **“(4) A city or a county shall take final action within the time al-**
13 **lowed under ORS 215.427 or 227.178 on any application for a permit,**
14 **limited land use decision or zone change that does not qualify for re-**
15 **view and decision under subsection (3) of this section, including re-**
16 **solution of all appeals under ORS 215.422 or 227.180, as provided by ORS**
17 **215.427 and 215.435 or ORS 227.178 and 227.181.**

18 **“SECTION 2. (1) The Department of Land Conservation and Devel-**
19 **opment shall study housing development, including but not limited to**
20 **affordable housing, in cities and counties. The study must:**

21 **“(a) Determine for each city and county the average timeline be-**
22 **tween submission of a complete application for a housing development**
23 **and issuance of a certificate of occupancy for the housing develop-**
24 **ment;**

25 **“(b) Analyze the impact of the timeline described in paragraph (a)**
26 **of this subsection on the development process; and**

27 **“(c) Identify barriers to reducing the timeline described in para-**
28 **graph (a) of this subsection for each city and county.**

29 **“(2) The department shall report the findings of the study to an**
30 **interim committee of the Legislative Assembly no later than Septem-**

1 ber 15, 2019.

2 **“SECTION 3. (1) As used in this section, ‘high opportunity neigh-**
3 **borhood’ means a residential area located within walking distance of**
4 **a grocery store, a park, a public school, other commercial services**
5 **and, in a city or a county with a population of 25,000 or more, public**
6 **transit.**

7 **“(2) The Department of Land Conservation and Development shall**
8 **establish by rule:**

9 **“(a) A method to estimate the affordability of existing housing**
10 **stock in each city and county relative to the need for affordable**
11 **housing as determined by the needs assessment completed by each city**
12 **and county pursuant to the statewide land use planning goal relating**
13 **to housing.**

14 **“(b) A procedure for cities and counties to identify high opportunity**
15 **neighborhoods within the jurisdiction of the city or the county.**

16 **“(3) Each city and county shall:**

17 **“(a) Identify high opportunity neighborhoods within the jurisdiction**
18 **of the city or the county pursuant to the procedure adopted under**
19 **subsection (2) of this section; and**

20 **“(b) Submit a biennial report to the department specifying the high**
21 **opportunity neighborhoods identified through the procedure adopted**
22 **under subsection (2) of this section.**

23 **“SECTION 4. (1) As used in this section, ‘affordable housing’ means**
24 **housing that is affordable to households with incomes equal to or less**
25 **than 60 percent of the median family income for the county in which**
26 **the development is built or for the state, whichever is greater.**

27 **“(2) The Housing and Community Services Department shall de-**
28 **velop and implement a program to produce a four housing develop-**
29 **ment designs to expedite development of new dwelling units**
30 **throughout this state, including:**

1 “(a) A design containing five housing units;
2 “(b) A design containing 10 housing units;
3 “(c) A design containing 15 housing units; and
4 “(d) A design containing 20 housing units.
5 “(3) A housing development design produced under the program
6 **must:**
7 “(a) Contain at least 50 percent residential units that will be sold
8 or rented as affordable housing;
9 “(b) Adhere to all applicable state building code requirements and
10 health and safety standards;
11 “(c) Be designed for development in a variety of cities throughout
12 this state;
13 “(d) Be designed to produce high quality and modern housing units;
14 and
15 “(e) Provide developers with options to adjust design elements to
16 be consistent with the aesthetics of the surrounding community.
17 “(4) The department shall adopt rules to implement and carry out
18 the program, including but not limited to rules for:
19 “(a) Coordinating with the Department of Consumer and Business
20 Services to ensure that the housing development designs comply with
21 the state building code;
22 “(b) Establishing design standards for the designs;
23 “(c) Collaborating with experts in the fields of housing development,
24 affordable housing, architecture, engineering, construction, urban
25 planning and land use;
26 “(d) Creating a process to review and approve each design produced
27 under the program;
28 “(e) Reviewing and updating designs produced under the program
29 to ensure compliance with the requirements of subsection (3) of this
30 section;

1 “(f) Adopting requirements to prevent the concentration of devel-
2 opment of the designs;

3 “(g) Educating developers throughout this state about the program;
4 and

5 “(h) Taking any other action necessary to fulfill the requirements
6 of this section.

7 “(5) Within 10 days after producing the housing development de-
8 signs described under this section, the Housing and Community Ser-
9 vices Department shall submit the designs to the Department of
10 Consumer and Business Services for review and approval as described
11 in section 6 of this 2017 Act.

12 “SECTION 5. Section 6 of this 2017 Act is added to and made a part
13 of ORS chapter 455.

14 “SECTION 6. (1) The Department of Consumer and Business Ser-
15 vices shall review and approve the housing development designs de-
16 scribed in section 4 of this 2017 Act within 30 days after submission
17 by the Housing and Community Services Department.

18 “(2) Upon review of each housing development design, the Depart-
19 ment of Consumer and Business Services shall:

20 “(a) Approve the design as submitted; or

21 “(b)(A) Amend the design to comply with the state building code
22 and the requirements of section 4 of this 2017 Act; and

23 “(B) Approve the amended design.

24 “(3) Approval of a housing development design under this section
25 is binding throughout this state.

26 “SECTION 7. (1) Notwithstanding ORS 215.427 (1) or ORS 227.178 (1),
27 a city or a county shall take final action on an application qualifying
28 under subsection (2) of this section, including resolution of all local
29 appeals under ORS 215.422 or 227.180, within 50 days after the applica-
30 tion is deemed complete.

1 **“(2) An application qualifies for final action within the timeline**
2 **described in subsection (1) of this section if the application is for the**
3 **development of a housing development design approved under section**
4 **6 of this 2017 Act that will be:**

5 **“(a) Located in a high opportunity neighborhood, as defined in**
6 **section 3 of this 2017 Act;**

7 **“(b) Located within the urban growth boundary; and**

8 **“(c) Subject to a covenant appurtenant that restricts the owner and**
9 **each successive owner of the development or a residential unit within**
10 **the development from selling or renting any residential unit described**
11 **in paragraph (a) of this subsection as housing that is not affordable**
12 **housing for a period of 60 years from the date of the certificate of oc-**
13 **cupancy.**

14 **“(3) An application described in subsection (2) of this section is not**
15 **subject to review under:**

16 **“(a) Clear and objective design review standards contained in the**
17 **comprehensive plan or zoning ordinances of the city or the county; or**

18 **“(b) Any discretionary design review standards imposed by the city**
19 **or the county.**

20 **“(4) A housing development for which an application is approved**
21 **under this section is subject to:**

22 **“(a) Clear and objective site review standards contained in the**
23 **comprehensive plan or zoning ordinances of the city or the county;**

24 **and**

25 **“(b) Any building inspections necessary for issuance of a certificate**
26 **of occupancy.**

27 **“(5) This section does not apply to applications or permits for resi-**
28 **dential development in areas described in ORS 197.307 (5).**

29 **“SECTION 8. ORS 215.416 is amended to read:**

30 **“215.416. (1) When required or authorized by the ordinances, rules and**

1 regulations of a county, an owner of land may apply in writing to such per-
2 sons as the governing body designates, for a permit, in the manner prescribed
3 by the governing body. The governing body shall establish fees charged for
4 processing permits at an amount no more than the actual or average cost
5 of providing that service.

6 “(2) The governing body shall establish a consolidated procedure by which
7 an applicant may apply at one time for all permits or zone changes needed
8 for a development project. The consolidated procedure shall be subject to the
9 time limitations set out in ORS 215.427. The consolidated procedure shall be
10 available for use at the option of the applicant no later than the time of the
11 first periodic review of the comprehensive plan and land use regulations.

12 “(3) Except as provided in subsection (11) of this section, the hearings
13 officer shall hold at least one public hearing on the application.

14 “(4)(a) [*The application shall not be approved*] **A county may not ap-**
15 **prove an application** if the proposed use of land is found to be in conflict
16 with the comprehensive plan of the county and other applicable land use
17 regulation or ordinance provisions. The approval may include such condi-
18 tions as are authorized by statute or county legislation.

19 “(b) **A county may not deny an application for a housing develop-**
20 **ment located within the urban growth boundary if:**

21 “(A) **The development complies with clear and objective standards**
22 **contained in the comprehensive plan or zoning ordinances of the**
23 **county; and**

24 “(B) **The county would have approved the application but for a**
25 **finding that the development is inconsistent with any discretionary**
26 **design review standards imposed by the county.**

27 “(c) **Paragraph (b) of this subsection does not apply to applications**
28 **or permits for residential development in areas described in ORS**
29 **197.307 (5).**

30 “(5) Hearings under this section shall be held only after notice to the

1 applicant and also notice to other persons as otherwise provided by law and
2 shall otherwise be conducted in conformance with the provisions of ORS
3 197.763.

4 “(6) Notice of a public hearing on an application submitted under this
5 section shall be provided to the owner of an airport defined by the Oregon
6 Department of Aviation as a ‘public use airport’ if:

7 “(a) The name and address of the airport owner has been provided by the
8 Oregon Department of Aviation to the county planning authority; and

9 “(b) The property subject to the land use hearing is:

10 “(A) Within 5,000 feet of the side or end of a runway of an airport de-
11 termined by the Oregon Department of Aviation to be a ‘visual airport’; or

12 “(B) Within 10,000 feet of the side or end of the runway of an airport
13 determined by the Oregon Department of Aviation to be an ‘instrument air-
14 port.’

15 “(7) Notwithstanding the provisions of subsection (6) of this section, no-
16 tice of a land use hearing need not be provided as set forth in subsection (6)
17 of this section if the zoning permit would only allow a structure less than
18 35 feet in height and the property is located outside the runway ‘approach
19 surface’ as defined by the Oregon Department of Aviation.

20 “(8)(a) Approval or denial of a permit application shall be based on stan-
21 dards and criteria which shall be set forth in the zoning ordinance or other
22 appropriate ordinance or regulation of the county and which shall relate
23 approval or denial of a permit application to the zoning ordinance and com-
24 prehensive plan for the area in which the proposed use of land would occur
25 and to the zoning ordinance and comprehensive plan for the county as a
26 whole.

27 “(b) When an ordinance establishing approval standards is required under
28 ORS 197.307 to provide only clear and objective standards, the standards
29 must be clear and objective on the face of the ordinance.

30 “(9) Approval or denial of a permit or expedited land division shall be

1 based upon and accompanied by a brief statement that explains the criteria
2 and standards considered relevant to the decision, states the facts relied
3 upon in rendering the decision and explains the justification for the decision
4 based on the criteria, standards and facts set forth.

5 “(10) Written notice of the approval or denial shall be given to all parties
6 to the proceeding.

7 “(11)(a)(A) The hearings officer or such other person as the governing
8 body designates may approve or deny an application for a permit without a
9 hearing if the hearings officer or other designated person gives notice of the
10 decision and provides an opportunity for any person who is adversely af-
11 fected or aggrieved, or who is entitled to notice under paragraph (c) of this
12 subsection, to file an appeal.

13 “(B) Written notice of the decision shall be mailed to those persons de-
14 scribed in paragraph (c) of this subsection.

15 “(C) Notice under this subsection shall comply with ORS 197.763 (3)(a),
16 (c), (g) and (h) and shall describe the nature of the decision. In addition, the
17 notice shall state that any person who is adversely affected or aggrieved or
18 who is entitled to written notice under paragraph (c) of this subsection may
19 appeal the decision by filing a written appeal in the manner and within the
20 time period provided in the county’s land use regulations. A county may not
21 establish an appeal period that is less than 12 days from the date the written
22 notice of decision required by this subsection was mailed. The notice shall
23 state that the decision will not become final until the period for filing a local
24 appeal has expired. The notice also shall state that a person who is mailed
25 written notice of the decision cannot appeal the decision directly to the Land
26 Use Board of Appeals under ORS 197.830.

27 “(D) An appeal from a hearings officer’s decision made without hearing
28 under this subsection shall be to the planning commission or governing body
29 of the county. An appeal from such other person as the governing body des-
30 ignates shall be to a hearings officer, the planning commission or the gov-

1 erning body. In either case, the appeal shall be to a de novo hearing.

2 “(E) The de novo hearing required by subparagraph (D) of this paragraph
3 shall be the initial evidentiary hearing required under ORS 197.763 as the
4 basis for an appeal to the Land Use Board of Appeals. At the de novo hear-
5 ing:

6 “(i) The applicant and other parties shall have the same opportunity to
7 present testimony, arguments and evidence as they would have had in a
8 hearing under subsection (3) of this section before the decision;

9 “(ii) The presentation of testimony, arguments and evidence shall not be
10 limited to issues raised in a notice of appeal; and

11 “(iii) The decision maker shall consider all relevant testimony, arguments
12 and evidence that are accepted at the hearing.

13 “(b) If a local government provides only a notice of the opportunity to
14 request a hearing, the local government may charge a fee for the initial
15 hearing. The maximum fee for an initial hearing shall be the cost to the local
16 government of preparing for and conducting the appeal, or \$250, whichever
17 is less. If an appellant prevails at the hearing or upon subsequent appeal, the
18 fee for the initial hearing shall be refunded. The fee allowed in this para-
19 graph shall not apply to appeals made by neighborhood or community or-
20 ganizations recognized by the governing body and whose boundaries include
21 the site.

22 “(c)(A) Notice of a decision under paragraph (a) of this subsection shall
23 be provided to the applicant and to the owners of record of property on the
24 most recent property tax assessment roll where such property is located:

25 “(i) Within 100 feet of the property that is the subject of the notice when
26 the subject property is wholly or in part within an urban growth boundary;

27 “(ii) Within 250 feet of the property that is the subject of the notice when
28 the subject property is outside an urban growth boundary and not within a
29 farm or forest zone; or

30 “(iii) Within 750 feet of the property that is the subject of the notice when

1 the subject property is within a farm or forest zone.

2 “(B) Notice shall also be provided to any neighborhood or community
3 organization recognized by the governing body and whose boundaries include
4 the site.

5 “(C) At the discretion of the applicant, the local government also shall
6 provide notice to the Department of Land Conservation and Development.

7 “(12) A decision described in ORS 215.402 (4)(b) shall:

8 “(a) Be entered in a registry available to the public setting forth:

9 “(A) The street address or other easily understood geographic reference
10 to the subject property;

11 “(B) The date of the decision; and

12 “(C) A description of the decision made.

13 “(b) Be subject to the jurisdiction of the Land Use Board of Appeals in
14 the same manner as a limited land use decision.

15 “(c) Be subject to the appeal period described in ORS 197.830 (5)(b).

16 “(13) At the option of the applicant, the local government shall provide
17 notice of the decision described in ORS 215.402 (4)(b) in the manner required
18 by ORS 197.763 (2), in which case an appeal to the board shall be filed within
19 21 days of the decision. The notice shall include an explanation of appeal
20 rights.

21 “(14) Notwithstanding the requirements of this section, a limited land use
22 decision shall be subject to the requirements set forth in ORS 197.195 and
23 197.828.

24 “**SECTION 9.** ORS 227.175 is amended to read:

25 “227.175. (1) When required or authorized by a city, an owner of land may
26 apply in writing to the hearings officer, or such other person as the city
27 council designates, for a permit or zone change, upon such forms and in such
28 a manner as the city council prescribes. The governing body shall establish
29 fees charged for processing permits at an amount no more than the actual
30 or average cost of providing that service.

1 “(2) The governing body of the city shall establish a consolidated proce-
2 dure by which an applicant may apply at one time for all permits or zone
3 changes needed for a development project. The consolidated procedure shall
4 be subject to the time limitations set out in ORS 227.178. The consolidated
5 procedure shall be available for use at the option of the applicant no later
6 than the time of the first periodic review of the comprehensive plan and land
7 use regulations.

8 “(3) Except as provided in subsection (10) of this section, the hearings
9 officer shall hold at least one public hearing on the application.

10 “(4)(a) [*The application shall not be approved*] **A city may not approve**
11 **an application** unless the proposed development of land would be in com-
12 pliance with the comprehensive plan for the city and other applicable land
13 use regulation or ordinance provisions. The approval may include such
14 conditions as are authorized by ORS 227.215 or any city legislation.

15 “(b) **A city may not deny an application for a housing development**
16 **located within the urban growth boundary if:**

17 “(A) **The development complies with clear and objective standards**
18 **contained in the comprehensive plan or zoning ordinances of the city;**
19 **and**

20 “(B) **The city would have approved the application but for a finding**
21 **that the development is inconsistent with any discretionary design**
22 **review standards imposed by the city.**

23 “(c) **Paragraph (b) of this subsection does not apply to applications**
24 **or permits for residential development in areas described in ORS**
25 **197.307 (5).**

26 “(5) Hearings under this section may be held only after notice to the ap-
27 plicant and other interested persons and shall otherwise be conducted in
28 conformance with the provisions of ORS 197.763.

29 “(6) Notice of a public hearing on a zone use application shall be provided
30 to the owner of an airport, defined by the Oregon Department of Aviation

1 as a 'public use airport' if:

2 "(a) The name and address of the airport owner has been provided by the
3 Oregon Department of Aviation to the city planning authority; and

4 "(b) The property subject to the zone use hearing is:

5 "(A) Within 5,000 feet of the side or end of a runway of an airport de-
6 termined by the Oregon Department of Aviation to be a 'visual airport'; or

7 "(B) Within 10,000 feet of the side or end of the runway of an airport
8 determined by the Oregon Department of Aviation to be an 'instrument air-
9 port.'

10 "(7) Notwithstanding the provisions of subsection (6) of this section, no-
11 tice of a zone use hearing need only be provided as set forth in subsection
12 (6) of this section if the permit or zone change would only allow a structure
13 less than 35 feet in height and the property is located outside of the runway
14 'approach surface' as defined by the Oregon Department of Aviation.

15 "(8) If an application would change the zone of property that includes all
16 or part of a mobile home or manufactured dwelling park as defined in ORS
17 446.003, the governing body shall give written notice by first class mail to
18 each existing mailing address for tenants of the mobile home or manufac-
19 tured dwelling park at least 20 days but not more than 40 days before the
20 date of the first hearing on the application. The governing body may require
21 an applicant for such a zone change to pay the costs of such notice.

22 "(9) The failure of a tenant or an airport owner to receive a notice which
23 was mailed shall not invalidate any zone change.

24 "(10)(a)(A) The hearings officer or such other person as the governing
25 body designates may approve or deny an application for a permit without a
26 hearing if the hearings officer or other designated person gives notice of the
27 decision and provides an opportunity for any person who is adversely af-
28 fected or aggrieved, or who is entitled to notice under paragraph (c) of this
29 subsection, to file an appeal.

30 "(B) Written notice of the decision shall be mailed to those persons de-

1 scribed in paragraph (c) of this subsection.

2 “(C) Notice under this subsection shall comply with ORS 197.763 (3)(a),
3 (c), (g) and (h) and shall describe the nature of the decision. In addition, the
4 notice shall state that any person who is adversely affected or aggrieved or
5 who is entitled to written notice under paragraph (c) of this subsection may
6 appeal the decision by filing a written appeal in the manner and within the
7 time period provided in the city’s land use regulations. A city may not es-
8 tablish an appeal period that is less than 12 days from the date the written
9 notice of decision required by this subsection was mailed. The notice shall
10 state that the decision will not become final until the period for filing a local
11 appeal has expired. The notice also shall state that a person who is mailed
12 written notice of the decision cannot appeal the decision directly to the Land
13 Use Board of Appeals under ORS 197.830.

14 “(D) An appeal from a hearings officer’s decision made without hearing
15 under this subsection shall be to the planning commission or governing body
16 of the city. An appeal from such other person as the governing body desig-
17 nates shall be to a hearings officer, the planning commission or the govern-
18 ing body. In either case, the appeal shall be to a de novo hearing.

19 “(E) The de novo hearing required by subparagraph (D) of this paragraph
20 shall be the initial evidentiary hearing required under ORS 197.763 as the
21 basis for an appeal to the Land Use Board of Appeals. At the de novo hear-
22 ing:

23 “(i) The applicant and other parties shall have the same opportunity to
24 present testimony, arguments and evidence as they would have had in a
25 hearing under subsection (3) of this section before the decision;

26 “(ii) The presentation of testimony, arguments and evidence shall not be
27 limited to issues raised in a notice of appeal; and

28 “(iii) The decision maker shall consider all relevant testimony, arguments
29 and evidence that are accepted at the hearing.

30 “(b) If a local government provides only a notice of the opportunity to

1 request a hearing, the local government may charge a fee for the initial
2 hearing. The maximum fee for an initial hearing shall be the cost to the local
3 government of preparing for and conducting the appeal, or \$250, whichever
4 is less. If an appellant prevails at the hearing or upon subsequent appeal, the
5 fee for the initial hearing shall be refunded. The fee allowed in this para-
6 graph shall not apply to appeals made by neighborhood or community or-
7 ganizations recognized by the governing body and whose boundaries include
8 the site.

9 “(c)(A) Notice of a decision under paragraph (a) of this subsection shall
10 be provided to the applicant and to the owners of record of property on the
11 most recent property tax assessment roll where such property is located:

12 “(i) Within 100 feet of the property that is the subject of the notice when
13 the subject property is wholly or in part within an urban growth boundary;

14 “(ii) Within 250 feet of the property that is the subject of the notice when
15 the subject property is outside an urban growth boundary and not within a
16 farm or forest zone; or

17 “(iii) Within 750 feet of the property that is the subject of the notice when
18 the subject property is within a farm or forest zone.

19 “(B) Notice shall also be provided to any neighborhood or community
20 organization recognized by the governing body and whose boundaries include
21 the site.

22 “(C) At the discretion of the applicant, the local government also shall
23 provide notice to the Department of Land Conservation and Development.

24 “(11) A decision described in ORS 227.160 (2)(b) shall:

25 “(a) Be entered in a registry available to the public setting forth:

26 “(A) The street address or other easily understood geographic reference
27 to the subject property;

28 “(B) The date of the decision; and

29 “(C) A description of the decision made.

30 “(b) Be subject to the jurisdiction of the Land Use Board of Appeals in

1 the same manner as a limited land use decision.

2 “(c) Be subject to the appeal period described in ORS 197.830 (5)(b).

3 “(12) At the option of the applicant, the local government shall provide
4 notice of the decision described in ORS 227.160 (2)(b) in the manner required
5 by ORS 197.763 (2), in which case an appeal to the board shall be filed within
6 21 days of the decision. The notice shall include an explanation of appeal
7 rights.

8 “(13) Notwithstanding other requirements of this section, limited land use
9 decisions shall be subject to the requirements set forth in ORS 197.195 and
10 197.828.

11 **“SECTION 10.** ORS 197.303 is amended to read:

12 “197.303. (1) As used in ORS 197.307, ‘needed housing’ means **all** housing
13 [types] **on land zoned for residential use or mixed residential and com-**
14 **mercial use that is** determined to meet the need shown for housing within
15 an urban growth boundary at particular price ranges and rent levels[, *in-*
16 *cluding*]. **‘Needed housing’ includes, but is not limited to, [at least] the**
17 following housing types:

18 “(a) Attached and detached single-family housing and multiple family
19 housing for both owner and renter occupancy;

20 “(b) Government assisted housing;

21 “(c) Mobile home or manufactured dwelling parks as provided in ORS
22 197.475 to 197.490;

23 “(d) Manufactured homes on individual lots planned and zoned for
24 single-family residential use that are in addition to lots within designated
25 manufactured dwelling subdivisions; [*and*]

26 “(e) Housing for farmworkers[.]; **and**

27 **“(f) Housing that is affordable to households with low to moderate**
28 **incomes relative to the area median income.**

29 “(2) Subsection (1)(a) and (d) of this section [*shall*] **does** not apply to:

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

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

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

5 **“SECTION 11.** ORS 197.307 is amended to read:

6 “197.307. (1) The availability of affordable, decent, safe and sanitary
7 housing opportunities for persons of lower, middle and fixed income, includ-
8 ing housing for farmworkers, is a matter of statewide concern.

9 “(2) Many persons of lower, middle and fixed income depend on govern-
10 ment assisted housing as a source of affordable, decent, safe and sanitary
11 housing.

12 “(3) When a need has been shown for housing within an urban growth
13 boundary at particular price ranges and rent levels, needed housing shall be
14 permitted in one or more zoning districts or in zones described by some
15 comprehensive plans as overlay zones with sufficient buildable land to satisfy
16 that need.

17 “(4) Except as provided in subsection (6) of this section, a local govern-
18 ment may adopt and apply only clear and objective standards, conditions and
19 procedures regulating the development of **housing, including** needed hous-
20 ing [*on buildable land described in subsection (3) of this section*]. The stan-
21 dards, conditions and procedures may not have the effect, either in
22 themselves or cumulatively, of:

23 “(a) Discouraging needed housing through:

24 “(A) Unreasonable cost or delay[.]; or

25 “(B) **Designation of a primarily residential neighborhood as a na-**
26 **tional historic district; or**

27 “(b) **Reducing the density of an application for a housing develop-**
28 **ment where the density applied for is below the density authorized in**
29 **the local zoning designation, unless the reduction is necessary to re-**
30 **solve a health, safety or habitability issue.**

1 “(5) The provisions of subsection (4) of this section do not apply to:

2 “(a) An application or permit for residential development in an area
3 identified in a formally adopted central city plan, or a regional center as
4 defined by Metro, in a city with a population of 500,000 or more.

5 “(b) An application or permit for residential development in historic areas
6 designated for protection under a land use planning goal protecting historic
7 areas.

8 “(6) In addition to an approval process for needed housing based on clear
9 and objective standards, conditions and procedures as provided in subsection
10 (4) of this section, a local government may adopt and apply an alternative
11 approval process for applications and permits for residential development
12 based on approval criteria regulating, in whole or in part, appearance or
13 aesthetics that are not clear and objective if:

14 “(a) The applicant retains the option of proceeding under the approval
15 process that meets the requirements of subsection (4) of this section;

16 “(b) The approval criteria for the alternative approval process comply
17 with applicable statewide land use planning goals and rules; and

18 “(c) The approval criteria for the alternative approval process authorize
19 a density at or above the density level authorized in the zone under the ap-
20 proval process provided in subsection (4) of this section.

21 “(7) Subject to subsection (4) of this section, this section does not infringe
22 on a local government’s prerogative to:

23 “(a) Set approval standards under which a particular housing type is
24 permitted outright;

25 “(b) Impose special conditions upon approval of a specific development
26 proposal; or

27 “(c) Establish approval procedures.

28 “(8) In accordance with subsection (4) of this section and ORS 197.314, a
29 jurisdiction may adopt any or all of the following placement standards, or
30 any less restrictive standard, for the approval of manufactured homes located

1 outside mobile home parks:

2 “(a) The manufactured home shall be multisectional and enclose a space
3 of not less than 1,000 square feet.

4 “(b) The manufactured home shall be placed on an excavated and back-
5 filled foundation and enclosed at the perimeter such that the manufactured
6 home is located not more than 12 inches above grade.

7 “(c) The manufactured home shall have a pitched roof, except that no
8 standard shall require a slope of greater than a nominal three feet in height
9 for each 12 feet in width.

10 “(d) The manufactured home shall have exterior siding and roofing which
11 in color, material and appearance is similar to the exterior siding and roof-
12 ing material commonly used on residential dwellings within the community
13 or which is comparable to the predominant materials used on surrounding
14 dwellings as determined by the local permit approval authority.

15 “(e) The manufactured home shall be certified by the manufacturer to
16 have an exterior thermal envelope meeting performance standards which re-
17 duce levels equivalent to the performance standards required of single-family
18 dwellings constructed under the state building code as defined in ORS
19 455.010.

20 “(f) The manufactured home shall have a garage or carport constructed
21 of like materials. A jurisdiction may require an attached or detached garage
22 in lieu of a carport where such is consistent with the predominant con-
23 struction of immediately surrounding dwellings.

24 “(g) In addition to the provisions in paragraphs (a) to (f) of this sub-
25 section, a city or county may subject a manufactured home and the lot upon
26 which it is sited to any development standard, architectural requirement and
27 minimum size requirement to which a conventional single-family residential
28 dwelling on the same lot would be subject.

29 **“SECTION 12.** ORS 197.312 is amended to read:

30 “197.312. (1) A city or county may not by charter prohibit from all resi-

1 dential zones attached or detached single-family housing, multifamily hous-
2 ing for both owner and renter occupancy or manufactured homes. A city or
3 county may not by charter prohibit government assisted housing or impose
4 additional approval standards on government assisted housing that are not
5 applied to similar but unassisted housing.

6 “(2)(a) A single-family dwelling for a farmworker and the farmworker’s
7 immediate family is a permitted use in any residential or commercial zone
8 that allows single-family dwellings as a permitted use.

9 “(b) A city or county may not impose a zoning requirement on the estab-
10 lishment and maintenance of a single-family dwelling for a farmworker and
11 the farmworker’s immediate family in a residential or commercial zone de-
12 scribed in paragraph (a) of this subsection that is more restrictive than a
13 zoning requirement imposed on other single-family dwellings in the same
14 zone.

15 “(3)(a) Multifamily housing for farmworkers and farmworkers’ immediate
16 families is a permitted use in any residential or commercial zone that allows
17 multifamily housing generally as a permitted use.

18 “(b) A city or county may not impose a zoning requirement on the estab-
19 lishment and maintenance of multifamily housing for farmworkers and
20 farmworkers’ immediate families in a residential or commercial zone de-
21 scribed in paragraph (a) of this subsection that is more restrictive than a
22 zoning requirement imposed on other multifamily housing in the same zone.

23 “(4) A city or county may not prohibit a property owner or developer from
24 maintaining a real estate sales office in a subdivision or planned community
25 containing more than 50 lots or dwelling units for the sale of lots or dwelling
26 units that remain available for sale to the public.

27 **“(5)(a) A city or a county may not prohibit the building of a duplex**
28 **or an accessory dwelling unit in an area zoned for single-family**
29 **dwellings located within the urban growth boundary.**

30 **“(b) As used in this subsection:**

1 “(A) ‘Accessory dwelling unit’ means a residential structure that is
2 used in connection with or that is accessory to a single family resi-
3 dential dwelling.

4 “(B) ‘Duplex’ means a multifamily structure containing two dwell-
5 ing units.

6 “**SECTION 13.** ORS 215.441 is amended to read:

7 “215.441. (1) If a church, synagogue, temple, mosque, chapel, meeting
8 house or other nonresidential place of worship is allowed on real property
9 under state law and rules and local zoning ordinances and regulations, a
10 county shall allow the reasonable use of the real property for activities
11 customarily associated with the practices of the religious activity, including
12 [*worship services, religion classes, weddings, funerals, child care and meal*
13 *programs, but not including private or parochial school education for*
14 *prekindergarten through grade 12 or higher education.*]:

15 “(a) **Worship services.**

16 “(b) **Religion classes.**

17 “(c) **Weddings.**

18 “(d) **Funerals.**

19 “(e) **Meal programs.**

20 “(f) **Child care, but not including private or parochial school edu-
21 cation for prekindergarten through grade 12 or higher education.**

22 “(g) **Providing housing or space for housing in a building that is
23 detached from the place of worship, provided:**

24 “(A) **At least 50 percent of the residential units provided under this
25 paragraph are affordable to households with incomes equal to or less
26 than 60 percent of the median family income for the county in which
27 the real property is located; and**

28 “(B) **The real property is located within the urban growth boundary.**

29 “(2) A county may:

30 “(a) Subject real property described in subsection (1) of this section to

1 reasonable regulations, including site review or design review, concerning
2 the physical characteristics of the uses authorized under subsection (1) of
3 this section; or

4 “(b) Prohibit or restrict the use of real property by a place of worship
5 described in subsection (1) of this section if the county finds that the level
6 of service of public facilities, including transportation, water supply, sewer
7 and storm drain systems is not adequate to serve the place of worship de-
8 scribed in subsection (1) of this section.

9 “(3) Notwithstanding any other provision of this section, a county may
10 allow a private or parochial school for prekindergarten through grade 12 or
11 higher education to be sited under applicable state law and rules and local
12 zoning ordinances and regulations.

13 **“(4) Housing and space for housing provided under subsection (1)(g)**
14 **of this section must be subject to a covenant appurtenant that re-**
15 **stricts the owner and each successive owner of the building or any**
16 **residential unit contained in the building from selling or renting any**
17 **residential unit described in subsection (1)(g)(A) of this section as**
18 **housing that is not affordable to households with incomes equal to or**
19 **less than 60 percent of the median family income for the county in**
20 **which the real property is located for a period of 60 years from the**
21 **date of the certificate of occupancy.**

22 **“SECTION 14.** ORS 227.500 is amended to read:

23 “227.500. (1) If a church, synagogue, temple, mosque, chapel, meeting
24 house or other nonresidential place of worship is allowed on real property
25 under state law and rules and local zoning ordinances and regulations, a city
26 shall allow the reasonable use of the real property for activities customarily
27 associated with the practices of the religious activity, including [*worship*
28 *services, religion classes, weddings, funerals, child care and meal programs,*
29 *but not including private or parochial school education for prekindergarten*
30 *through grade 12 or higher education.*]:

1 **“(a) Worship services.**

2 **“(b) Religion classes.**

3 **“(c) Weddings.**

4 **“(d) Funerals.**

5 **“(e) Meal programs.**

6 **“(f) Child care, but not including private or parochial school edu-**
7 **cation for prekindergarten through grade 12 or higher education.**

8 **“(g) Providing housing or space for housing in a building that is**
9 **detached from the place of worship, provided:**

10 **“(A) At least 50 percent of the residential units provided under this**
11 **paragraph are affordable to households with incomes equal to or less**
12 **than 60 percent of the median family income for the county in which**
13 **the real property is located; and**

14 **“(B) The real property is located within the urban growth boundary.**

15 “(2) A city may:

16 “(a) Subject real property described in subsection (1) of this section to
17 reasonable regulations, including site review and design review, concerning
18 the physical characteristics of the uses authorized under subsection (1) of
19 this section; or

20 “(b) Prohibit or regulate the use of real property by a place of worship
21 described in subsection (1) of this section if the city finds that the level of
22 service of public facilities, including transportation, water supply, sewer and
23 storm drain systems is not adequate to serve the place of worship described
24 in subsection (1) of this section.

25 “(3) Notwithstanding any other provision of this section, a city may allow
26 a private or parochial school for prekindergarten through grade 12 or higher
27 education to be sited under applicable state law and rules and local zoning
28 ordinances and regulations.

29 **“(4) Housing and space for housing provided under subsection (1)(g)**
30 **of this section must be subject to a covenant appurtenant that re-**

1 **stricts the owner and each successive owner of the building or any**
2 **residential unit contained in the building from selling or renting any**
3 **residential unit described in subsection (1)(g)(A) of this section as**
4 **housing that is not affordable to households with incomes equal to or**
5 **less than 60 percent of the median family income for the county in**
6 **which the real property is located for a period of 60 years from the**
7 **date of the certificate of occupancy.**

8 **“SECTION 15.** ORS 215.427 is amended to read:

9 “215.427. (1) Except as provided in subsections (3), (5) and (10) of this
10 section, for land within an urban growth boundary and applications for
11 mineral aggregate extraction, the governing body of a county or its designee
12 shall take final action on an application for a permit, limited land use deci-
13 sion or zone change, including resolution of all appeals under ORS 215.422,
14 within 120 days after the application is deemed complete. The governing body
15 of a county or its designee shall take final action on all other applications
16 for a permit, limited land use decision or zone change, including resolution
17 of all appeals under ORS 215.422, within 150 days after the application is
18 deemed complete, except as provided in subsections (3), (5) and (10) of this
19 section.

20 “(2) If an application for a permit, limited land use decision or zone
21 change is incomplete, the governing body or its designee shall notify the
22 applicant in writing of exactly what information is missing within 30 days
23 of receipt of the application and allow the applicant to submit the missing
24 information. The application shall be deemed complete for the purpose of
25 subsection (1) of this section **and section 1 of this 2017 Act** upon receipt
26 by the governing body or its designee of:

27 “(a) All of the missing information;

28 “(b) Some of the missing information and written notice from the appli-
29 cant that no other information will be provided; or

30 “(c) Written notice from the applicant that none of the missing informa-

1 tion will be provided.

2 “(3)(a) If the application was complete when first submitted or the appli-
3 cant submits additional information, as described in subsection (2) of this
4 section, within 180 days of the date the application was first submitted and
5 the county has a comprehensive plan and land use regulations acknowledged
6 under ORS 197.251, approval or denial of the application shall be based upon
7 the standards and criteria that were applicable at the time the application
8 was first submitted.

9 “(b) If the application is for industrial or traded sector development of a
10 site identified under section 12, chapter 800, Oregon Laws 2003, and proposes
11 an amendment to the comprehensive plan, approval or denial of the applica-
12 tion must be based upon the standards and criteria that were applicable at
13 the time the application was first submitted, provided the application com-
14 plies with paragraph (a) of this subsection.

15 “(4) On the 181st day after first being submitted, the application is void
16 if the applicant has been notified of the missing information as required
17 under subsection (2) of this section and has not submitted:

18 “(a) All of the missing information;

19 “(b) Some of the missing information and written notice that no other
20 information will be provided; or

21 “(c) Written notice that none of the missing information will be provided.

22 “(5) The period set in subsection (1) of this section **or the 100-day period**
23 **set in section 1 of this 2017 Act** may be extended for a specified period of
24 time at the written request of the applicant. The total of all extensions, ex-
25 cept as provided in subsection (10) of this section for mediation, may not
26 exceed 215 days.

27 “(6) The period set in subsection (1) of this section applies:

28 “(a) Only to decisions wholly within the authority and control of the
29 governing body of the county; and

30 “(b) Unless the parties have agreed to mediation as described in sub-

1 section (10) of this section or ORS 197.319 (2)(b).

2 “(7) Notwithstanding subsection (6) of this section, the period set in sub-
3 section (1) of this section **and the 100-day period set in section 1 of this**
4 **2017 Act do** [does] not apply to a decision of the county making a change
5 to an acknowledged comprehensive plan or a land use regulation that is
6 submitted to the Director of the Department of Land Conservation and De-
7 velopment under ORS 197.610.

8 “(8) Except when an applicant requests an extension under subsection (5)
9 of this section, if the governing body of the county or its designee does not
10 take final action on an application for a permit, limited land use decision
11 or zone change within 120 days or 150 days, as applicable, after the applica-
12 tion is deemed complete, the county shall refund to the applicant either the
13 unexpended portion of any application fees or deposits previously paid or 50
14 percent of the total amount of such fees or deposits, whichever is greater.
15 The applicant is not liable for additional governmental fees incurred subse-
16 quent to the payment of such fees or deposits. However, the applicant is re-
17 sponsible for the costs of providing sufficient additional information to
18 address relevant issues identified in the consideration of the application.

19 “(9) A county may not compel an applicant to waive the period set in
20 subsection (1) of this section or to waive the provisions of subsection (8) of
21 this section or ORS 215.429 **or section 1 of this 2017 Act** as a condition for
22 taking any action on an application for a permit, limited land use decision
23 or zone change except when such applications are filed concurrently and
24 considered jointly with a plan amendment.

25 “(10) The periods set forth in [*subsection (1)*] **subsections (1) and (5)** of
26 this section **and section 1 of this 2017 Act** [*and the period set forth in*
27 *subsection (5) of this section*] may be extended by up to 90 additional days,
28 if the applicant and the county agree that a dispute concerning the applica-
29 tion will be mediated.

30 **“SECTION 16.** ORS 227.178 is amended to read:

1 “227.178. (1) Except as provided in subsections (3), (5) and (11) of this
2 section, the governing body of a city or its designee shall take final action
3 on an application for a permit, limited land use decision or zone change,
4 including resolution of all appeals under ORS 227.180, within 120 days after
5 the application is deemed complete.

6 “(2) If an application for a permit, limited land use decision or zone
7 change is incomplete, the governing body or its designee shall notify the
8 applicant in writing of exactly what information is missing within 30 days
9 of receipt of the application and allow the applicant to submit the missing
10 information. The application shall be deemed complete for the purpose of
11 subsection (1) of this section **or section 1 of this 2017 Act** upon receipt by
12 the governing body or its designee of:

13 “(a) All of the missing information;

14 “(b) Some of the missing information and written notice from the appli-
15 cant that no other information will be provided; or

16 “(c) Written notice from the applicant that none of the missing informa-
17 tion will be provided.

18 “(3)(a) If the application was complete when first submitted or the appli-
19 cant submits the requested additional information within 180 days of the date
20 the application was first submitted and the city has a comprehensive plan
21 and land use regulations acknowledged under ORS 197.251, approval or de-
22 nial of the application shall be based upon the standards and criteria that
23 were applicable at the time the application was first submitted.

24 “(b) If the application is for industrial or traded sector development of a
25 site identified under section 12, chapter 800, Oregon Laws 2003, and proposes
26 an amendment to the comprehensive plan, approval or denial of the applica-
27 tion must be based upon the standards and criteria that were applicable at
28 the time the application was first submitted, provided the application com-
29 plies with paragraph (a) of this subsection.

30 “(4) On the 181st day after first being submitted, the application is void

1 if the applicant has been notified of the missing information as required
2 under subsection (2) of this section and has not submitted:

3 “(a) All of the missing information;

4 “(b) Some of the missing information and written notice that no other
5 information will be provided; or

6 “(c) Written notice that none of the missing information will be provided.

7 “(5) The 120-day period set in subsection (1) of this section **or the 100-day**
8 **period set in section 1 of this 2017 Act** may be extended for a specified
9 period of time at the written request of the applicant. The total of all ex-
10 tensions, except as provided in subsection (11) of this section for mediation,
11 may not exceed 245 days.

12 “(6) The 120-day period set in subsection (1) of this section applies:

13 “(a) Only to decisions wholly within the authority and control of the
14 governing body of the city; and

15 “(b) Unless the parties have agreed to mediation as described in sub-
16 section (11) of this section or ORS 197.319 (2)(b).

17 “(7) Notwithstanding subsection (6) of this section, the 120-day period set
18 in subsection (1) of this section **and the 100-day period set in section 1**
19 **of this 2017 Act do** [does] not apply to a decision of the city making a
20 change to an acknowledged comprehensive plan or a land use regulation that
21 is submitted to the Director of the Department of Land Conservation and
22 Development under ORS 197.610.

23 “(8) Except when an applicant requests an extension under subsection (5)
24 of this section, if the governing body of the city or its designee does not take
25 final action on an application for a permit, limited land use decision or zone
26 change within 120 days after the application is deemed complete, the city
27 shall refund to the applicant, subject to the provisions of subsection (9) of
28 this section, either the unexpended portion of any application fees or depos-
29 its previously paid or 50 percent of the total amount of such fees or deposits,
30 whichever is greater. The applicant is not liable for additional governmental

1 fees incurred subsequent to the payment of such fees or deposits. However,
2 the applicant is responsible for the costs of providing sufficient additional
3 information to address relevant issues identified in the consideration of the
4 application.

5 “(9)(a) To obtain a refund under subsection (8) of this section, the appli-
6 cant may either:

7 “(A) Submit a written request for payment, either by mail or in person,
8 to the city or its designee; or

9 “(B) Include the amount claimed in a mandamus petition filed under ORS
10 227.179. The court shall award an amount owed under this section in its final
11 order on the petition.

12 “(b) Within seven calendar days of receiving a request for a refund, the
13 city or its designee shall determine the amount of any refund owed. Payment,
14 or notice that no payment is due, shall be made to the applicant within 30
15 calendar days of receiving the request. Any amount due and not paid within
16 30 calendar days of receipt of the request shall be subject to interest charges
17 at the rate of one percent per month, or a portion thereof.

18 “(c) If payment due under paragraph (b) of this subsection is not paid
19 within 120 days after the city or its designee receives the refund request, the
20 applicant may file an action for recovery of the unpaid refund. In an action
21 brought by a person under this paragraph, the court shall award to a pre-
22 vailing applicant, in addition to the relief provided in this section, reason-
23 able attorney fees and costs at trial and on appeal. If the city or its designee
24 prevails, the court shall award reasonable attorney fees and costs at trial
25 and on appeal if the court finds the petition to be frivolous.

26 “(10) A city may not compel an applicant to waive the 120-day period set
27 in subsection (1) of this section or to waive the provisions of subsection (8)
28 of this section or ORS 227.179 **or section 1 of this 2017 Act** as a condition
29 for taking any action on an application for a permit, limited land use deci-
30 sion or zone change except when such applications are filed concurrently and

1 considered jointly with a plan amendment.

2 “(11) The [*period*] **periods** set forth in [*subsection (1)*] **subsections (1)**
3 **and (5)** of this section **and section 1 of this 2017 Act** [*and the period set*
4 *forth in subsection (5) of this section*] may be extended by up to 90 additional
5 days, if the applicant and the city agree that a dispute concerning the ap-
6 plication will be mediated.

7 **“SECTION 17. (1) Section 2 of this 2017 Act becomes operative on**
8 **July 1, 2018.**

9 **“(2) Section 4 of this 2017 Act becomes operative on September 15,**
10 **2017.**

11 **“SECTION 18. (1) The Housing and Community Services Depart-**
12 **ment shall produce the initial housing development designs as required**
13 **by section 4 of this 2017 Act no later than July 1, 2018.**

14 **“(2) Each city and county shall first submit a report to the De-**
15 **partment of Land Conservation and Development specifying the high**
16 **opportunity neighborhoods identified through the procedure adopted**
17 **under section 3 of this 2017 Act no later than September 15, 2018.**

18 **“SECTION 19. Sections 1 and 6 of this 2017 Act and the amendments**
19 **to ORS 197.303, 197.307, 197.312, 215.416, 215.427, 215.441, 227.175, 227.178**
20 **and 227.500 by sections 8 to 16 of this 2017 Act apply to permit appli-**
21 **cations dated on or after the effective date of this 2017 Act.**

22 **“SECTION 20. This 2017 Act being necessary for the immediate**
23 **preservation of the public peace, health and safety, an emergency is**
24 **declared to exist, and this 2017 Act takes effect on its passage.”.**

25