

Requested by Representative KOTEK

**PROPOSED AMENDMENTS TO  
A-ENGROSSED HOUSE BILL 2007**

1 On page 1 of the printed corrected A-engrossed bill, line 2, after “ORS”  
2 insert “197.178,”.

3 In line 9, delete “two” and insert “three”.

4 In line 12, delete “a city or a county” and insert “a city with a population  
5 greater than 5,000 or a county with a population greater than 25,000”.

6 On page 2, delete lines 17 through 30 and insert:

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

10 **“(a) Identify a sample of cities and counties throughout this state**  
11 **that represent a variety of population sizes, housing types and levels**  
12 **of housing affordability;**

13 **“(b) For each city or county included in the sample described in**  
14 **paragraph (a) of this subsection, determine the approximate timeline**  
15 **between submission of a complete application for a housing develop-**  
16 **ment and issuance of a certificate of occupancy for the housing de-**  
17 **velopment based on a sample of applications submitted to the city or**  
18 **county;**

19 **“(c) Identify barriers to reducing the timeline described in para-**  
20 **graph (b) of this subsection for each city or county included in the**  
21 **sample described in paragraph (a) of this subsection; and**

1       **“(d) Prepare a comparative analysis of all timelines determined**  
2 **under paragraph (b) of this subsection.**

3       **“(2) The department shall report the findings of the study to an**  
4 **interim committee of the Legislative Assembly related to land use no**  
5 **later than September 1, 2018.”.**

6       On page 3, delete lines 3 through 10 and insert:

7       “(b)(A) A county may not deny an application for a housing development  
8 located within the urban growth boundary if the development complies with  
9 clear and objective standards, including but not limited to clear and objec-  
10 tive design standards contained in the county comprehensive plan or land  
11 use regulations.

12       “(B) This paragraph does not apply to:

13       “(i) Applications or permits for residential development in areas described  
14 in ORS 197.307 (5); or

15       “(ii) Applications or permits reviewed under an alternative approval pro-  
16 cess adopted under ORS 197.307 (6).

17       “(c) A county may not reduce the density of an application for a housing  
18 development if:

19       “(A) The density applied for is at or below the authorized density level  
20 under the local land use regulations; and

21       “(B) At least 75 percent of the floor area applied for is reserved for  
22 housing.

23       “(d) A county may not reduce the height of an application for a housing  
24 development if:

25       “(A) The height applied for is at or below the authorized height level  
26 under the local land use regulations;

27       “(B) At least 75 percent of the floor area applied for is reserved for  
28 housing; and

29       “(C) Reducing the height has the effect of reducing the authorized density  
30 level under local land use regulations.

1 “(e) Notwithstanding paragraphs (c) and (d) of this subsection, a county  
2 may reduce the density or height of an application for a housing development  
3 if the reduction is necessary to resolve a health, safety or habitability issue  
4 or to comply with a protective measure adopted pursuant to a statewide land  
5 use planning goal.

6 “(f) As used in this subsection:

7 “(A) ‘Authorized density level’ means the maximum number of lots or  
8 dwelling units or the maximum floor area ratio that is permitted under local  
9 land use regulations.

10 “(B) ‘Authorized height level’ means the maximum height of a structure  
11 that is permitted under local land use regulations.

12 “(C) ‘Habitability’ means being in compliance with the applicable pro-  
13 visions of the state building code under ORS chapter 455 and the rules  
14 adopted thereunder.”

15 On page 5, delete lines 33 through 40 and insert:

16 “(b)(A) A city may not deny an application for a housing development  
17 located within the urban growth boundary if the development complies with  
18 clear and objective standards, including but not limited to clear and objec-  
19 tive design standards contained in the city comprehensive plan or land use  
20 regulations.

21 “(B) This paragraph does not apply to:

22 “(i) Applications or permits for residential development in areas described  
23 in ORS 197.307 (5); or

24 “(ii) Applications or permits reviewed under an alternative approval pro-  
25 cess adopted under ORS 197.307 (6).

26 “(c) A city may not reduce the density of an application for a housing  
27 development if:

28 “(A) The density applied for is at or below the authorized density level  
29 under the local land use regulations; and

30 “(B) At least 75 percent of the floor area applied for is reserved for

1 housing.

2 “(d) A city may not reduce the height of an application for a housing  
3 development if:

4 “(A) The height applied for is at or below the authorized height level  
5 under the local land use regulations;

6 “(B) At least 75 percent of the floor area applied for is reserved for  
7 housing; and

8 “(C) Reducing the height has the effect of reducing the authorized density  
9 level under local land use regulations.

10 “(e) Notwithstanding paragraphs (c) and (d) of this subsection, a city may  
11 reduce the density or height of an application for a housing development if  
12 the reduction is necessary to resolve a health, safety or habitability issue  
13 or to comply with a protective measure adopted pursuant to a statewide land  
14 use planning goal.

15 “(f) As used in this subsection:

16 “(A) ‘Authorized density level’ means the maximum number of lots or  
17 dwelling units or the maximum floor area ratio that is permitted under local  
18 land use regulations.

19 “(B) ‘Authorized height level’ means the maximum height of a structure  
20 that is permitted under local land use regulations.

21 “(C) ‘Habitability’ means being in compliance with the applicable pro-  
22 visions of the state building code under ORS chapter 455 and the rules  
23 adopted thereunder.”.

24 On page 7, line 41, delete “particular”.

25 In line 42, before the period insert “that are affordable to households  
26 within the county with a variety of incomes, including but not limited to  
27 households with low incomes, very low incomes and extremely low incomes,  
28 as those terms are defined by the United States Department of Housing and  
29 Urban Development under 42 U.S.C. 1437a”.

30 On page 8, lines 3 through 6, restore the bracketed material and delete

1 the boldfaced material.

2 Delete lines 23 through 33 and insert:

3 “(4) Except as provided in subsection (6) of this section, a local govern-  
4 ment may adopt and apply only clear and objective standards, conditions and  
5 procedures regulating the development of housing, including needed housing.

6 The standards, conditions and procedures:

7 “(a) May include, but are not limited to, one or more provisions regulat-  
8 ing the height or density of a development.

9 “(b) May not have the effect, either in themselves or cumulatively, of  
10 discouraging needed housing through unreasonable cost or delay.”.

11 On page 10, delete lines 15 through 21 and insert:

12 “(5)(a) A city with a population greater than 2,500 or a county with a  
13 population greater than 15,000 shall allow in areas zoned for detached  
14 single-family dwellings:

15 “(A) The development of duplexes, subject to reasonable local regulations  
16 relating to siting, design and minimum density; and

17 “(B) The development of at least one accessory dwelling unit for each  
18 detached single-family dwelling, subject to reasonable local regulations re-  
19 lating to siting and design.

20 “(b) As used in this subsection:

21 “(A) ‘Accessory dwelling unit’ means an interior, attached or detached  
22 residential structure that is used in connection with or that is accessory to  
23 a single-family dwelling.

24 “(B) ‘Duplex’ means a residential structure containing two dwelling  
25 units.”.

26 In line 40, delete “and”.

27 Delete line 41 and insert:

28 “(B) The real property is in an area zoned for residential use that is lo-  
29 cated within the urban growth boundary; and

30 “(C) The housing or space for housing complies with applicable land use

1 regulations and meets the standards and criteria for residential development  
2 for the underlying zone.”.

3 On page 11, line 33, delete “and”.

4 Delete line 34 and insert:

5 “(B) The real property is in an area zoned for residential use that is lo-  
6 cated within the urban growth boundary; and

7 “(C) The housing or space for housing complies with applicable land use  
8 regulations and meets the standards and criteria for residential development  
9 for the underlying zone.”.

10 On page 12, after line 7, insert:

11 **“SECTION 10. (1) A city or a county may subject an application for**  
12 **housing development in a primarily residential district included on the**  
13 **National Register of Historic Places that includes the demolition of a**  
14 **historic property only to procedures and requirements:**

15 **“(a) To which all applications for housing development are subject;**

16 **“(b) Described in this section; or**

17 **“(c) Adopted by the city or the county by ordinance, rule or regu-**  
18 **lation under subsection (4) of this section.**

19 **“(2) When reviewing an application described in subsection (1) of**  
20 **this section, a city or a county shall provide at least one opportunity**  
21 **for a public hearing on the application and shall consider at least the**  
22 **following factors:**

23 **“(a) The historic significance of the historic property;**

24 **“(b) The age and condition of the historic property;**

25 **“(c) The rarity or regularity of the design and construction of the**  
26 **historic property;**

27 **“(d) The value of the historic property to the community;**

28 **“(e) The historic integrity of the historic property;**

29 **“(f) The level of affordability of the historic property compared to**  
30 **the level of affordability of the applied for housing development;**

1       “(g) The density level of the historic property compared to the  
2 density level of the applied for housing development;

3       “(h) Whether the applied for housing development creates infill  
4 housing;

5       “(i) Potential economic consequences of the demolition of the his-  
6 toric property; and

7       “(j) Whether the demolition of the historic property is consistent  
8 with the provisions of the acknowledged comprehensive plan.

9       “(3) Except as provided in subsection (4) of this section, subsection  
10 (2) of this section does not apply to applications for:

11       “(a) Development of housing that is affordable to households with  
12 incomes equal to or less than 120 percent of the median family income  
13 for the county.

14       “(b) Development of multifamily housing, if the application includes  
15 the demolition of a single-family home.

16       “(c) Modifications to the exterior of a residential structure that the  
17 city or the county determines to be predominantly aesthetic in nature.

18       “(d) Development of housing, if the application includes demolition  
19 or relocation only of accessory structures.

20       “(4) A city or a county may, by ordinance, rule or regulation, adopt:

21       “(a) Additional procedures and requirements for the review of ap-  
22 plications described in subsection (1) of this section.

23       “(b) Requirements that applications that qualify for an exception  
24 under subsection (3) of this section submit to a local review process  
25 that includes some or all of the review procedures and requirements  
26 described in subsection (2) of this section.

27       “(5) As used in this section:

28       “(a) ‘Accessory structure’ means a garage, pool house, shed or  
29 other detached structure that is accessory to and sited on the same lot  
30 or parcel as a residential building.

1       “(b) ‘Demolition’ means the purposeful destruction of a residential  
2 structure or an accessory structure.

3       “(c) ‘Historic property’ means a housing development that is listed  
4 as part of a primarily residential district in the National Register of  
5 Historic Places established and maintained under the National Historic  
6 Preservation Act of 1966 (P.L. 89-665).

7       “(d) ‘Multifamily housing’ means a building or group of buildings  
8 in which two or more residential units each have space for eating,  
9 living and sleeping and permanent provisions for cooking and sanita-  
10 tion.

11       “SECTION 11. ORS 197.178 is amended to read:

12       “197.178. (1) Local governments with comprehensive plans or functional  
13 plans that are identified in ORS 197.296 (1) shall compile and report annually  
14 to the Department of Land Conservation and Development the following in-  
15 formation for all applications received under ORS 227.175 for residential  
16 permits and residential zone changes:

17       “(a) The **total** number of **complete** applications received for residential  
18 development, [*including the net residential density proposed in the application*  
19 *and the maximum allowed net residential density for the subject zone*] **and**  
20 **the number of applications approved;**

21       “*[(b) The number of applications approved, including the approved net*  
22 *density; and]*

23       “*[(c) The date each application was received and the date it was approved*  
24 *or denied.]*

25       “(b) **The total number of complete applications received for devel-**  
26 **opment of housing containing one or more housing units that are sold**  
27 **or rented below market rate as part of a local, state or federal housing**  
28 **assistance program, and the number of applications approved; and**

29       “(c) **For each complete application received:**

30       “(A) **The date the application was received;**



- 1       **“(B) The date the application was approved or denied;**  
2       **“(C) The net residential density proposed in the application;**  
3       **“(D) The maximum allowed net residential density for the subject**  
4 **zone; and**  
5       **“(E) If approved, the approved net residential density.**

6       “(2) The report required by this section may be submitted  
7 electronically.”.

8       In line 8, delete “10” and insert “12”.

9       On page 13, line 30, delete “11” and insert “13”.

10      On page 15, delete lines 19 through 22 and insert:

11      **“SECTION 14. The amendments to ORS 197.312 by section 7 of this**  
12 **2017 Act become operative on July 1, 2018.**

13      **“SECTION 15. (1) Sections 1 and 10 of this 2017 Act and the**  
14 **amendments to ORS 197.178, 197.303, 197.307, 215.416, 215.427, 215.441,**  
15 **227.175, 227.178 and 227.500 by sections 3 to 6, 8, 9 and 11 to 13 of this**  
16 **2017 Act apply to:**

17      **“(a) Permit applications submitted for review on or after the effec-**  
18 **tive date of this 2017 Act.**

19      **“(b) Primarily residential districts added to the National Register**  
20 **of Historic Places on or after the effective date of this 2017 Act.**

21      **“(2) The amendments to ORS 197.312 by section 7 of this 2017 Act**  
22 **apply to permit applications for duplexes and accessory dwelling units**  
23 **submitted for review on or after July 1, 2018.”.**

24      In line 23, delete “14” and insert “16”.

25