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 Oregon Department of Administrative Services to develop methodology to conduct regional housing needs analysis and, for certain cities and Metro, to inventory existing housing stock and to establish housing shortage analysis. Requires department to implement analyses and inventory every four years. Requires department to report findings to interim committees of Legislative Assembly no later than January 1, 2021.

Requires Metro, and each city with population greater than 10,000 or within Metro, to develop estimate of its housing need no less than once every eight years and, within 12 months of determining estimated housing need, to adopt housing strategy to meet estimated housing need.

Requires Land Conservation and Development Commission to annually identify 10 priority cities that experience difficulties implementing housing strategy. Appropriates moneys from General Fund to Department of Land Conservation and Development to assist 10 priority cities with implementation of housing strategy.

Allows development or rezoning of public property in urban growth boundary for affordable housing if compatible with surrounding zoning.

Authorizes Secretary of State to audit system development charges and bring enforcement action to correct violations.

 Requires Building Codes Division of Department of Consumer and Business Services to maintain list of local governments’ system development charges and proposed modifications. Requires local governments to deliver copies of records to division. Appropriates moneys from General Fund to department for maintaining records, making records publicly available and reimbursing local governments for costs of compliance.

Awards attorney fees to prevailing intervening developers of affordable housing in Land Use Board of Appeals decisions.

Assigns local government burden of proving on appeal necessity of reduction in density or height in housing development application.

Allows nonresidential places of worship to develop multiple affordable dwellings on land where nonresidential place of worship is allowed use.


Takes effect on 91st day following adjournment sine die.

A BILL FOR AN ACT


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

SECTION 1. (1) As used in this section:

(a) “City” means a city with a population within the city’s urban growth boundary of greater than 5,000.

(b) “Existing housing stock” means housing, by affordability level and type, actually constructed in a city or Metro.

(c) “High income” means above 120 percent of the regional median income.

(d) “Housing shortage” means the difference between the estimated housing units of different affordability levels and housing types needed to accommodate population changes over the next 20 years and the existing housing stock, measured in dwelling units.
(e) “Low income” means income above 50 percent and at or below 80 percent of the regional median income.

(f) “Metro” means a metropolitan service district organized under ORS chapter 268.

(g) “Moderate income” means income above 80 percent and at or below 120 percent of the regional median income.

(h) “Region” has the meaning given that term in ORS 284.752.

(i) “Regional median income” means the median income for households within the region as determined by the Oregon Department of Administrative Services based on area median income established by the United States Department of Housing and Urban Development.

(j) “Very low income” means income at or below 50 percent of the regional median income.

(2) The Oregon Department of Administrative Services shall develop and periodically refine a methodology for calculating:

(a) A regional housing needs analysis that identifies the total number of housing units necessary to accommodate anticipated populations in a region over the next 20 years based on:

(A) Trends in density and in the average mix of housing types of urban residential development;

(B) Demographic and population trends; and

(C) Economic trends and cycles.

(b) An inventory of existing housing stock of each city and Metro.

(c) A housing shortage analysis for each city and Metro.

(3) The methodologies for calculating the regional housing needs analysis, the inventory of existing housing stock and the housing shortage analysis developed under subsection (2) of this section must classify housing by:

(a) Housing type, including attached and detached single-family housing, multifamily housing and manufactured dwellings or mobile homes; and

(b) Affordability, by housing that is affordable to households with:

(A) Very low income;

(B) Low income;

(C) Moderate income; or

(D) High income.

(4) On or before January 1, 2021, and every four years thereafter, the Oregon Department of Administrative Services shall conduct for each region a regional housing needs analysis and, for each city and Metro, shall inventory existing housing stock and establish a housing shortage analysis.

(5) In developing the methodologies and conducting the analyses under this section, the department may consult or contract with subject matter experts, cities and Metro, regional solutions centers described in ORS 284.754 (2) and other jurisdictions that have created or conducted regional housing needs analyses. The department shall consider the most recent consolidated population forecast produced by the Portland State University Population Research Center in making any relevant calculation or forecast.

SECTION 2. Sections 3 to 7 of this 2019 Act are added to and made a part of ORS 197.295 to 197.314.

SECTION 3. (1)(a) No less than once every eight years, on a schedule established by the
Land Conservation and Development Commission or whenever required by ORS 197.296 (3)(a)(C), a metropolitan service district, and each city with a population greater than 10,000 or within a metropolitan service district, shall develop an estimate of its housing need for the next 20 years.

(b) The estimated housing need must classify housing based on the criteria identified in section 1 (3) of this 2019 Act and varying housing densities.

(2) A metropolitan service district or city shall determine its estimated housing need based on:

(a) Trends in density and in the average mix of housing types of urban residential development;

(b) Demographic and population trends;

(c) Economic trends and cycles; and

(d) The regional housing needs analysis methodology and the most recent regional housing needs analysis for the region conducted under section 1 of this 2019 Act.

SECTION 4. (1) Within 12 months of determining its estimated housing need under section 3 (2) of this 2019 Act, a metropolitan service district, or a city described in section 3 (1) of this 2019 Act, must adopt a housing strategy. A housing strategy is a list of actions, measures and policies the metropolitan service district or city plans to undertake that are calculated to demonstrably lead to greater residential development of needed housing at rates necessary to meet the estimated housing need.

(2) In establishing and undertaking actions, measures and policies under subsection (1) of this section, the metropolitan service district or city shall ensure that land zoned for needed housing is in locations appropriate for needed housing and is zoned at density ranges that are likely to be achieved by the housing market using the analysis conducted under section 1 of this 2019 Act. Actions, measures or policies may include:

(a) Increases in the permitted density on existing residential land;

(b) Financial or other incentives for developing needed housing and higher density housing;

(c) Provisions permitting additional density beyond that generally allowed in the zoning district in exchange for amenities and features provided by the developer;

(d) Removal or easing of approval standards or procedures;

(e) Minimum density ranges;

(f) Redevelopment and infill strategies;

(g) Authorization of housing types not previously allowed by the plan or regulations;

(h) Adoption of an average residential density standard;

(i) Rezoning or redesignation of nonresidential land; or

(j) Plans for obtaining or using federal, state and regional subsidies and financing to support needed housing.

(3) The Land Conservation and Development Commission, in consultation with the Housing and Community Services Department, shall maintain a list of potential policies designed to encourage the development of each classification of needed housing.

SECTION 5. (1) Upon the determination of a metropolitan service district, or city described in ORS 197.296 (1), of its housing capacity under ORS 197.296 (3)(a)(B), if the housing capacity is less than the most recent estimate of housing need developed under section 3 (1) of this 2019 Act, a metropolitan service district or city shall:
(a) Amend its urban growth boundary to include sufficient buildable lands reasonably necessary to site needed housing and, in consultation with local school districts, to include sufficient land reasonably necessary to accommodate the siting of new public school facilities;

(b) Amend its comprehensive plan, regional framework plan, functional plan, land use regulations, or housing strategy adopted under section 4 of this 2019 Act, to demonstrably increase the likelihood that residential development will occur at densities sufficient to accommodate needed housing; or

(c) Adopt a combination of the actions described in paragraphs (a) and (b) of this subsection.

(2) A city that is outside a metropolitan service district that takes any actions under subsection (1) of this section shall:

(a) Demonstrate that the city's comprehensive plan, land use regulations, and housing strategy adopted under section 4 of this 2019 Act, comply with goals and rules adopted by the Land Conservation and Development Commission and implement ORS 197.295 to 197.314;

(b) Determine the density and mix of housing types anticipated as a result of actions taken under subsection (1) of this section;

(c) Monitor and record the actual density and mix of housing types achieved; and

(d) Compare actual and anticipated density and mix and submit the comparison to the commission at the next periodic review or at the next legislative review of its urban growth boundary, whichever comes first.

SECTION 6. A city that is not described in ORS 197.296 (1) shall, at periodic review or at any other legislative review of the comprehensive plan that requires the application of a statewide planning goal relating to buildable lands for residential use, according to rules of the Land Conservation and Development Commission:

(1) Determine the estimated housing need within the jurisdiction for the next 20 years;

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

(3) Adopt measures necessary to accommodate the estimated housing need determined under this subsection.

SECTION 7. (1) The Land Conservation and Development Commission shall annually identify no more than 10 priority housing cities that experience difficulties implementing the cities' housing strategy adopted under section 4 of this 2019 Act based on criteria developed by the commission and that consider:

(a) The magnitude of the estimated housing need of each city determined under section 3 (2) of this 2019 Act;

(b) The estimated housing need of each city as a proportion of the city's population;

(c) Recent housing development reported by each city;

(d) Recent actions taken by each city to implement its housing strategy; and

(e) How recently and how often the commission has previously designated a city as a priority housing city under this section.

(2) For the purposes of increasing the development of needed housing in a priority housing city, the Department of Land Conservation and Development may:

(a) Prioritize available technical or financial resources for the city;

(b) Provide enhanced review and oversight of the city's housing strategy;
(c) Enter into agreements with the city relating to the city’s modification or implement-
tion of its housing strategy; or

(d) Petition the commission to act under ORS 197.324 as necessary to require the city to
amend its comprehensive plan or land use regulations to comply with the statewide land use
planning goals related to housing and urbanization or ORS 197.295 to 197.314.

(3) No later than September 15 of each year, the department shall provide to the Legis-
lative Assembly or an appropriate committee of the Legislative Assembly, in the manner
provided under ORS 192.245, a report on the activities undertaken by the department under
this section.

SECTION 8. ORS 197.296 is amended to read:

ORS 197.296. (1)(a) [The provisions of subsections (2) to (9) of this section apply to]

This section applies to a metropolitan service district and to cities that are within a metropolitan service
district [regional framework plans and local government comprehensive plans for lands within the ur-
ban growth boundary of a city that is located outside of a metropolitan service district and has] or
that have a population of 25,000 or more.

(b) The Land Conservation and Development Commission may establish a set of factors under
which additional cities are subject to [the provisions of] this section. In establishing the set of factors
[required] under this paragraph, the commission shall consider the size of [the] a city, the needed
housing for the city, the rate of population growth of the city or the proximity of the city to an-
other city with a population of 25,000 or more or to a metropolitan service district.

(2) At periodic review [pursuant to ORS 197.628 to 197.651] or at any other legislative review
of the comprehensive plan or regional framework plan that concerns the urban growth boundary and
requires the application of a statewide planning goal relating to buildable lands for residential use,
a [local government] a metropolitan service district or a city shall demonstrate that its compre-
hensive plan or regional framework plan provides sufficient buildable lands within the urban growth
boundary established pursuant to statewide planning goals to accommodate [estimated housing needs
for 20 years. The 20-year period shall commence on the date initially scheduled for completion of the
periodic or legislative review] needed housing.

(3)(a) In performing the duties under subsection (2) of this section, a [local government] metro-
politan service district or a city shall:

[(a) (A) Inventory the supply of buildable lands within the urban growth boundary; [and]
(B) Determine the housing capacity of the buildable lands; and
(C)]

Develop an estimate of housing need as described in section 3 (1) of this 2019 Act, unless needed housing has been developed within the previous two years.

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

[(4)(a) For the purpose of the inventory described in subsection (3)(a) of this section, “buildable
lands” includes:]

[(A) Vacant lands planned or zoned for residential use;]
[(B) Partially vacant lands planned or zoned for residential use;]
[(C) Lands that may be used for a mix of residential and employment uses under the existing
planning or zoning; and]
[(D) Lands that may be used for residential infill or redevelopment.]

(b) For the [purpose of the inventory and determination of housing capacity described in subsection
purposes of paragraph (a)(A) and (B) of this subsection, the metropolitan service district or city must demonstrate consideration of:

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

(B) A written long term contract or easement for radio, telecommunications or electrical facilities, if the written contract or easement is provided to the district or city; and

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

(c) Except for land that may be used for residential infill or redevelopment, a metropolitan service district or a city shall create a map or document that may be used to verify and identify specific lots or parcels that have been determined to be buildable lands.

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

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

(b) A metropolitan service district or a city shall make the determination of housing capacity described in paragraph (a) of this subsection using a shorter time period than the period described in paragraph (a) of this subsection if the district or city finds that the shorter time period will provide more accurate and reliable data related to housing capacity and need. The shorter time period may not be less than three years.

(c) A local government shall use data from a wider geographic area or use a time period for economic cycles and trends longer than the time period described in paragraph (a) of this subsection if the analysis of a wider geographic area or the use of a longer time period will provide more accurate, complete and reliable data relating to trends affecting housing need than an analysis performed pursuant to paragraph (a) of this subsection. The local government must clearly describe the geographic area, time frame and source of data used in a determination performed under this paragraph.

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

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

(b) Amend its comprehensive plan, regional framework plan, functional plan or land use regulations to include new measures that demonstrably increase the likelihood that residential development will occur at densities sufficient to accommodate housing needs for the next 20 years without expansion.
of the urban growth boundary. A local government or metropolitan service district that takes this action shall monitor and record the level of development activity and development density by housing type following the date of the adoption of the new measures; or

(c) Adopt a combination of the actions described in paragraphs (a) and (b) of this subsection.

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

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

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

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

(a) Increases in the permitted density on existing residential land;

(b) Financial incentives for higher density housing;

(c) Provisions permitting additional density beyond that generally allowed in the zoning district in exchange for amenities and features provided by the developer;

(d) Removal or easing of approval standards or procedures;

(e) Minimum density ranges;

(f) Redevelopment and infill strategies;

(g) Authorization of housing types not previously allowed by the plan or regulations;

(h) Adoption of an average residential density standard; and

(i) Rezoning or redesignation of nonresidential land.

(10)(a) The provisions of this subsection apply to local government comprehensive plans for lands within the urban growth boundary of a city that is located outside of a metropolitan service district and has a population of less than 25,000.

(b) At periodic review pursuant to ORS 197.628 to 197.651 or at any other legislative review of the comprehensive plan that requires the application of a statewide planning goal relating to buildable lands for residential use, a city shall, according to rules of the commission:

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

(B) Inventory the supply of buildable lands available within the urban growth boundary to ac-
commodate the estimated housing needs determined under this subsection; and]
[(C) Adopt measures necessary to accommodate the estimated housing needs determined under this
subsection.]
[(c) For the purpose of the inventory described in this subsection, “buildable lands” includes those
lands described in subsection (4)(a) of this section.]

SECTION 9. ORS 197.295 is amended to read:
197.295. As used in ORS 197.295 to 197.314 and 197.475 to 197.490:
(1) “Buildable lands” means lands in urban and urbanizable areas that are suitable, available
and necessary for residential uses. “Buildable lands” includes both or mixed residential and em-
ployment uses, including vacant [land], partially vacant and developed land likely to be devel-
oped, redeveloped or used for residential infill.
(2) “Manufactured dwelling park” has the meaning given that term in ORS 446.003.
(3) “Needed housing” means the types and affordability levels of housing that a metro-
politan service district or a city must develop to meet its estimated housing need under
section 3 of this 2019 Act.
[(3) (4) “Government assisted housing” means housing that is financed in whole or part by ei-
ther a federal or state housing agency or a housing authority as defined in ORS 456.005, or housing
that is occupied by a tenant or tenants who benefit from rent supplements or housing vouchers
provided by either a federal or state housing agency or a local housing authority.
[(4) (5) “Manufactured homes” has the meaning given that term in ORS 446.003.
[(5) (6) “Mobile home park” has the meaning given that term in ORS 446.003.
[(6) (7) “Periodic review” means the process and procedures as set forth in ORS 197.628 to
197.651.
[(7) (8) “Urban growth boundary” means an urban growth boundary included or referenced in
a comprehensive plan or regional framework plan.

SECTION 10. ORS 197.303 is repealed.

SECTION 11. No later than January 1, 2021, the Oregon Department of Administrative
Services shall submit a report detailing the findings described in section 1 (4) of this 2019
Act, in the manner provided in ORS 192.245, to the appropriate interim committees of the
Legislative Assembly.

SECTION 12. Section 13 of this 2019 Act is added to and made a part of ORS chapter 197.

SECTION 13. (1) As used in this section, “public property” means all real property of the
state, counties, cities, incorporated towns or villages, school districts, irrigation districts,
drainage districts, ports, water districts, service districts, metropolitan service districts,
housing authorities, public universities listed in ORS 352.002 or all other public or municipal
corporations in this state.
(2) Notwithstanding any land use regulation, comprehensive plan, or statewide land use
planning goal, a local government shall allow the development of housing on public property
provided:
(a) The real property is not preserved as open space or parks;
(b) The real property is located within the urban growth boundary;
(c) The real property is zoned for residential development or surrounded by parcels zoned
for residential development;
(d) The housing complies with applicable land use regulations and meets the standards
and criteria for residential development for the underlying zone of the land or the sur-
rounding residential land described in paragraph (c) of this subsection;

(e) At least 50 percent of the residential units provided under this section is affordable to households with incomes equal to or less than 60 percent of the area median income, as defined in ORS 456.270; and

(f) The affordability of the residential units described in paragraph (e) of this subsection is subject to an affordable housing covenant, as described in ORS 456.270 to 456.295, held by the local government or the Housing and Community Services Department and with a duration of no less than 60 years.

(3) Notwithstanding any statewide land use planning goal, a local government may amend its comprehensive plan and land use regulations to allow public property to be used for the purposes described in subsection (2) of this section.

SECTION 14. Sections 15 and 16 of this 2019 Act are added to and made a part of ORS 223.297 to 223.314.

SECTION 15. (1) The Secretary of State may audit a local government's:

(a) Methodology for calculating system development charges under ORS 223.301 and 223.304;

(b) Use of revenues from system development charges under ORS 223.302 and 223.307; and

(c) Modifications to the list of capital improvements the local government intends to fund with system development charges and system development charges rates and to the public process by which system development charges are modified under ORS 223.309.

(2) The Secretary of State may issue orders necessary to enjoin any violation of ORS 223.297 to 223.314, subject to a local government's right to request a contested case proceeding under ORS 183.413 to 183.470.

SECTION 16. (1) The Building Codes Division of the Department of Consumer and Business Services shall maintain records for every local government of:

(a) The methodology used by the local government to calculate a system development charge under ORS 223.304;

(b) Proposed and adopted ordinances or resolutions that would establish or increase a system development charge under ORS 223.304; and

(c) Proposed and adopted ordinances or resolutions that would establish or modify a list of capital improvements used to increase or establish a system development charge adopted under ORS 223.309.

(2) The division shall make the information collected under this section publicly available, which may include access by electronic records.

SECTION 17. (1) On or before January 1, 2021, each local government that imposes any system development charge shall deliver to the Building Codes Division of the Department of Consumer and Business Services copies of:

(a) The methodology used by the local government to calculate a system development charge under ORS 223.304;

(b) The list of capital improvements used to establish a system development charge adopted under ORS 223.309 (1);

(c) All ordinances or resolutions adopted on or after January 1, 2010, that established or increased a system development charge under ORS 223.304; and

(d) All ordinances or resolutions adopted on or after January 1, 2010, that established or modified a list of capital improvements to increase a system development charge adopted
under ORS 223.309.

(2) The division may agree to accept copies in an electronic format.

(3) The division may reimburse the local government its reasonable costs, including copying costs, of complying with this section.

SECTION 18. ORS 197.830 is amended to read:

197.830. (1) Review of land use decisions or limited land use decisions under ORS 197.830 to 197.845 shall be commenced by filing a notice of intent to appeal with the Land Use Board of Appeals.

(2) Except as provided in ORS 197.620, a person may petition the board for review of a land use decision or limited land use decision if the person:

(a) Filed a notice of intent to appeal the decision as provided in subsection (1) of this section; and

(b) Appeared before the local government, special district or state agency orally or in writing.

(3) If a local government makes a land use decision without providing a hearing, except as provided under ORS 215.416 (11) or 227.175 (10), or the local government makes a land use decision that is different from the proposal described in the notice of hearing to such a degree that the notice of the proposed action did not reasonably describe the local government’s final actions, a person adversely affected by the decision may appeal the decision to the board under this section:

(a) Within 21 days of actual notice where notice is required; or

(b) Within 21 days of the date a person knew or should have known of the decision where no notice is required.

(4) If a local government makes a land use decision without a hearing pursuant to ORS 215.416 (11) or 227.175 (10):

(a) A person who was not provided notice of the decision as required under ORS 215.416 (11)(c) or 227.175 (10)(c) may appeal the decision to the board under this section within 21 days of receiving actual notice of the decision.

(b) A person who is not entitled to notice under ORS 215.416 (11)(c) or 227.175 (10)(c) but who is adversely affected or aggrieved by the decision may appeal the decision to the board under this section within 21 days after the expiration of the period for filing a local appeal of the decision established by the local government under ORS 215.416 (11)(a) or 227.175 (10)(a).

(c) A person who receives notice of a decision made without a hearing under ORS 215.416 (11) or 227.175 (10) may appeal the decision to the board under this section within 21 days of receiving actual notice of the nature of the decision, if the notice of the decision did not reasonably describe the nature of the decision.

(d) Except as provided in paragraph (c) of this subsection, a person who receives notice of a decision made without a hearing under ORS 215.416 (11) or 227.175 (10) may not appeal the decision to the board under this section.

(5) If a local government makes a limited land use decision which is different from the proposal described in the notice to such a degree that the notice of the proposed action did not reasonably describe the local government’s final actions, a person adversely affected by the decision may appeal the decision to the board under this section:

(a) Within 21 days of actual notice where notice is required; or

(b) Within 21 days of the date a person knew or should have known of the decision where no notice is required.

(6) The appeal periods described in subsections (3), (4) and (5) of this section:
(a) May not exceed three years after the date of the decision, except as provided in paragraph (b) of this subsection.

(b) May not exceed 10 years after the date of the decision if notice of a hearing or an administrative decision made pursuant to ORS 197.195 or 197.763 is required but has not been provided.

(7)(a) Within 21 days after a notice of intent to appeal has been filed with the board under subsection (1) of this section, any person described in paragraph (b) of this subsection may intervene in and be made a party to the review proceeding by filing a motion to intervene and by paying a filing fee of $100.

(b) Persons who may intervene in and be made a party to the review proceedings, as set forth in subsection (1) of this section, are:

(A) The applicant who initiated the action before the local government, special district or state agency; or

(B) Persons who appeared before the local government, special district or state agency, orally or in writing.

(c) Failure to comply with the deadline or to pay the filing fee set forth in paragraph (a) of this subsection shall result in denial of a motion to intervene.

(8) If a state agency whose order, rule, ruling, policy or other action is at issue is not a party to the proceeding, it may file a brief with the board as if it were a party. The brief shall be due on the same date the respondent’s brief is due and shall be accompanied by a filing fee of $100.

(9) A notice of intent to appeal a land use decision or limited land use decision shall be filed not later than 21 days after the date the decision sought to be reviewed becomes final. A notice of intent to appeal plan and land use regulation amendments processed pursuant to ORS 197.610 to 197.625 shall be filed not later than 21 days after notice of the decision sought to be reviewed is mailed or otherwise submitted to parties entitled to notice under ORS 197.615. Failure to include a statement identifying when, how and to whom notice was provided under ORS 197.615 does not render the notice defective. Copies of the notice of intent to appeal shall be served upon the local government, special district or state agency and the applicant of record, if any, in the local government, special district or state agency proceeding. The notice shall be served and filed in the form and manner prescribed by rule of the board and shall be accompanied by a filing fee of $200 and a deposit for costs to be established by the board. If a petition for review is not filed with the board as required in subsections (10) and (11) of this section, the filing fee and deposit shall be awarded to the local government, special district or state agency as cost of preparation of the record.

(10)(a) Within 21 days after service of the notice of intent to appeal, the local government, special district or state agency shall transmit to the board the original or a certified copy of the entire record of the proceeding under review. By stipulation of all parties to the review proceeding the record may be shortened. The board may require or permit subsequent corrections to the record; however, the board shall issue an order on a motion objecting to the record within 60 days of receiving the motion.

(b) Within 10 days after service of a notice of intent to appeal, the board shall provide notice to the petitioner and the respondent of their option to enter into mediation pursuant to ORS 197.860. Any person moving to intervene shall be provided such notice within seven days after a motion to intervene is filed. The notice required by this paragraph shall be accompanied by a statement that mediation information or assistance may be obtained from the Department of Land Conservation and Development.

(11) A petition for review of the land use decision or limited land use decision and supporting
brief shall be filed with the board as required by the board under subsection (13) of this section.

(12) The petition shall include a copy of the decision sought to be reviewed and shall state:
(a) The facts that establish that the petitioner has standing.
(b) The date of the decision.
(c) The issues the petitioner seeks to have reviewed.

(13)(a) The board shall adopt rules establishing deadlines for filing petitions and briefs and for
oral argument.
(b) At any time subsequent to the filing of a notice of intent and prior to the date set for filing
the record, or, on appeal of a decision under ORS 197.610 to 197.625, prior to the filing of the
respondent’s brief, the local government or state agency may withdraw its decision for purposes of
reconsideration. If a local government or state agency withdraws an order for purposes of recon-
sideration, it shall, within such time as the board may allow, affirm, modify or reverse its decision.
If the petitioner is dissatisfied with the local government or agency action after withdrawal for
purposes of reconsideration, the petitioner may refine the notice of intent and the review shall pro-
ceed upon the revised order. An amended notice of intent shall not be required if the local govern-
ment or state agency, on reconsideration, affirms the order or modifies the order with only minor
changes.

(14) The board shall issue a final order within 77 days after the date of transmittal of the record.
If the order is not issued within 77 days the applicant may apply in Marion County or the circuit
court of the county where the application was filed for a writ of mandamus to compel the board to
issue a final order.

(15)(a) Upon entry of its final order the board may, in its discretion, award costs to the pre-
vailing party including the cost of preparation of the record if the prevailing party is the local
government, special district or state agency whose decision is under review. The board shall apply
the deposit required by subsection (9) of this section to any costs charged against the petitioner.
(b) The board shall award reasonable attorney fees and expenses to the prevailing party
against any other party who the board finds presented a position without probable cause to believe
the position was well-founded in law or on factually supported information.

c) The board shall award attorney fees to an applicant under subsection (7)(b)(A) of this
section who is a prevailing party against a petitioner who appeals a local government’s land
use decision or limited land use decision that grants the applicant a permit to partition,
subdivide or construct publicly supported housing, as defined in ORS 456.250.

(16) Orders issued under this section may be enforced in appropriate judicial proceedings.

(17)(a) The board shall provide for the publication of its orders that are of general public in-
terest in the form it deems best adapted for public convenience. The publications shall constitute
the official reports of the board.
(b) Any moneys collected or received from sales by the board shall be paid into the Board
Publications Account established by ORS 197.832.

(18) Except for any sums collected for publication of board opinions, all fees collected by the
board under this section that are not awarded as costs shall be paid over to the State Treasurer to
be credited to the General Fund.

(19) The board shall track and report on its website:
(a) The number of reviews commenced, as described in subsection (1) of this section, the number
of reviews commenced for which a petition is filed under subsection (2) of this section and, in re-
lation to each of those numbers, the rate at which the reviews result in a decision of the board to
uphold, reverse or remand the land use decision or limited land use decision. The board shall track and report reviews under this paragraph in categories established by the board.

(b) A list of petitioners, the number of reviews commenced and the rate at which the petitioner’s reviews have resulted in decisions of the board to uphold, reverse or remand the land use decision or limited land use decision.

(c) A list of respondents, the number of reviews involving each respondent and the rate at which reviews involving the respondent have resulted in decisions of the board to uphold, reverse or remand the land use decision or limited land use decision. Additionally, when a respondent is the local government that made the land use decision or limited land use decision, the board shall track whether the local government appears before the board.

(d) A list of reviews, and a brief summary of the circumstances in each review, under which the board exercises its discretion to require a losing party to pay the attorney fees of the prevailing party.

SECTION 19. ORS 215.416 is amended to read:

215.416. (1) When required or authorized by the ordinances, rules and regulations of a county, an owner of land may apply in writing to such persons as the governing body designates, for a permit, in the manner prescribed by the governing body. The governing body shall establish fees charged for processing permits at an amount no more than the actual or average cost of providing that service.

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

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

(4)(a) A county may not approve an application if the proposed use of land is found to be in conflict with the comprehensive plan of the county and other applicable land use regulation or ordinance provisions. The approval may include such conditions as are authorized by statute or county legislation.

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

(B) This paragraph does not apply to:

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

(ii) Applications or permits reviewed under an alternative approval process adopted under ORS 197.307 (6).

(c) A county may not reduce the density of an application for a housing development on a reduction in density if:

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

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

(d) A county may not reduce the height of an application for a housing development on a reduction in height if:
(A) The height applied for is at or below the authorized height level under the local land use regulations;

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

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

(e) Notwithstanding paragraphs (c) and (d) of this subsection, a county may [reduce the density or height of] condition an application for a housing development on a reduction in density or height only if the reduction is necessary to resolve a health, safety or habitability issue or to comply with a protective measure adopted pursuant to a statewide land use planning goal. 

Notwithstanding ORS 197.350, the county has the burden of proving the necessity of the reduction.

(f) As used in this subsection:

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

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

(C) “Habitability” means being in compliance with the applicable provisions of the state building code under ORS chapter 455 and the rules adopted thereunder.

(5) Hearings under this section shall be held only after notice to the applicant and also notice to other persons as otherwise provided by law and shall otherwise be conducted in conformance with the provisions of ORS 197.763.

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

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

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

(A) Within 5,000 feet of the side or end of a runway of an airport determined by the Oregon Department of Aviation to be a “visual airport”; or

(B) Within 10,000 feet of the side or end of the runway of an airport determined by the Oregon Department of Aviation to be an “instrument airport.”

(7) Notwithstanding the provisions of subsection (6) of this section, notice of a land use hearing need not be provided as set forth in subsection (6) of this section if the zoning permit would only allow a structure less than 35 feet in height and the property is located outside the runway “approach surface” as defined by the Oregon Department of Aviation.

(8)(a) Approval or denial of a permit application shall be based on standards and criteria which shall be set forth in the zoning ordinance or other appropriate ordinance or regulation of the county and which shall relate approval or denial of a permit application to the zoning ordinance and comprehensive plan for the area in which the proposed use of land would occur and to the zoning ordinance and comprehensive plan for the county as a whole.

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

(9) Approval or denial of a permit or expedited land division shall be based upon and accompanied by a brief statement that explains the criteria and standards considered relevant to the deci-
sion, states the facts relied upon in rendering the decision and explains the justification for the
decision based on the criteria, standards and facts set forth.

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

(11)(a)(A) The hearings officer or such other person as the governing body designates may ap-
prove or deny an application for a permit without a hearing if the hearings officer or other desig-
nated person gives notice of the decision and provides an opportunity for any person who is
adversely affected or aggrieved, or who is entitled to notice under paragraph (c) of this subsection,
to file an appeal.

(B) Written notice of the decision shall be mailed to those persons described in paragraph (c)
of this subsection.

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

(D) An appeal from a hearings officer's decision made without hearing under this subsection
shall be to the planning commission or governing body of the county. An appeal from such other
person as the governing body designates shall be to a hearings officer, the planning commission or
the governing body. In either case, the appeal shall be to a de novo hearing.

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

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

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

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

(b) If a local government provides only a notice of the opportunity to request a hearing, the
local government may charge a fee for the initial hearing. The maximum fee for an initial hearing
shall be the cost to the local government of preparing for and conducting the appeal, or $250,
whichever is less. If an appellant prevails at the hearing or upon subsequent appeal, the fee for the
initial hearing shall be refunded. The fee allowed in this paragraph shall not apply to appeals made
by neighborhood or community organizations recognized by the governing body and whose bounda-
ries include the site.

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

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

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

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

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

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

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

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

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

(B) The date of the decision; and

(C) A description of the decision made.

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

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

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

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

SECTION 20. ORS 227.175 is amended to read:

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

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

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

(4)(a) A city may not approve an application unless the proposed development of land would be in compliance with the comprehensive plan for the city and other applicable land use regulation or ordinance provisions. The approval may include such conditions as are authorized by ORS 227.215 or any city legislation.

(b)(A) A city may not deny an application for a housing development located within the urban growth boundary if the development complies with clear and objective standards, including [but not limited to] clear and objective design standards contained in the city comprehensive plan or land use regulations.

(B) This paragraph does not apply to:
(i) Applications or permits for residential development in areas described in ORS 197.307 (5); or
(ii) Applications or permits reviewed under an alternative approval process adopted under ORS 197.307 (6).

(c) A city may not [reduce the density of] condition an application for a housing development on a reduction in density if:
   (A) The density applied for is at or below the authorized density level under the local land use regulations; and
   (B) At least 75 percent of the floor area applied for is reserved for housing.

(d) A city may not [reduce the height of] condition an application for a housing development on a reduction in height if:
   (A) The height applied for is at or below the authorized height level under the local land use regulations;
   (B) At least 75 percent of the floor area applied for is reserved for housing; and
   (C) Reducing the height has the effect of reducing the authorized density level under local land use regulations.

(e) Notwithstanding paragraphs (c) and (d) of this subsection, a city may [reduce the density or height of] condition an application for a housing development on a reduction in density or height only if the reduction is necessary to resolve a health, safety or habitability issue or to comply with a protective measure adopted pursuant to a statewide land use planning goal. Notwithstanding ORS 197.350, the city has the burden of proving the necessity of the reduction.

(f) As used in this subsection:
   (A) “Authorized density level” means the maximum number of lots or dwelling units or the maximum floor area ratio that is permitted under local land use regulations.
   (B) “Authorized height level” means the maximum height of a structure that is permitted under local land use regulations.
   (C) “Habitability” means being in compliance with the applicable provisions of the state building code under ORS chapter 455 and the rules adopted thereunder.

(5) Hearings under this section may be held only after notice to the applicant and other interested persons and shall otherwise be conducted in conformance with the provisions of ORS 197.763.

(6) Notice of a public hearing on a zone use application shall be provided to the owner of an airport, defined by the Oregon Department of Aviation as a “public use airport” if:
   (a) The name and address of the airport owner has been provided by the Oregon Department of Aviation to the city planning authority; and
   (b) The property subject to the zone use hearing is:
      (A) Within 5,000 feet of the side or end of a runway of an airport determined by the Oregon Department of Aviation to be a “visual airport”; or
      (B) Within 10,000 feet of the side or end of the runway of an airport determined by the Oregon Department of Aviation to be an “instrument airport.”

(7) Notwithstanding the provisions of subsection (6) of this section, notice of a zone use hearing need only be provided as set forth in subsection (6) of this section if the permit or zone change would only allow a structure less than 35 feet in height and the property is located outside of the runway “approach surface” as defined by the Oregon Department of Aviation.

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

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

(10)(a)(A) The hearings officer or such other person as the governing body designates may ap-
prove or deny an application for a permit without a hearing if the hearings officer or other desig-
nated person gives notice of the decision and provides an opportunity for any person who is
adversely affected or aggrieved, or who is entitled to notice under paragraph (c) of this subsection,
to file an appeal.

(B) Written notice of the decision shall be mailed to those persons described in paragraph (c)
of this subsection.

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

(D) An appeal from a hearings officer's decision made without hearing under this subsection
shall be to the planning commission or governing body of the city. An appeal from such other person
as the governing body designates shall be to a hearings officer, the planning commission or the
governing body. In either case, the appeal shall be to a de novo hearing.

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

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

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

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

(b) If a local government provides only a notice of the opportunity to request a hearing, the
local government may charge a fee for the initial hearing. The maximum fee for an initial hearing
shall be the cost to the local government of preparing for and conducting the appeal, or $250,
whichever is less. If an appellant prevails at the hearing or upon subsequent appeal, the fee for the
initial hearing shall be refunded. The fee allowed in this paragraph shall not apply to appeals made
by neighborhood or community organizations recognized by the governing body and whose bounda-
ries include the site.

(c)(A) Notice of a decision under paragraph (a) of this subsection shall be provided to the ap-
plicant and to the owners of record of property on the most recent property tax assessment roll
where such property is located:
(i) Within 100 feet of the property that is the subject of the notice when the subject property is wholly or in part within an urban growth boundary;
(ii) Within 250 feet of the property that is the subject of the notice when the subject property is outside an urban growth boundary and not within a farm or forest zone; or
(iii) Within 750 feet of the property that is the subject of the notice when the subject property is within a farm or forest zone.

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

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

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

(a) Be entered in a registry available to the public setting forth:
   (A) The street address or other easily understood geographic reference to the subject property;
   (B) The date of the decision; and
   (C) A description of the decision made.

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

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

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

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

SECTION 21. ORS 215.441 is amended to read:

215.441. (1) If a church, synagogue, temple, mosque, chapel, meeting house or other nonresidential place of worship is allowed on real property under state law and rules and local zoning ordinances and regulations, a county shall allow the reasonable use of the real property for activities customarily associated with the practices of the religious activity, including:

(a) Worship services.
(b) Religion classes.
(c) Weddings.
(d) Funerals.
(e) Meal programs.
(f) Child care, but not including private or parochial school education for prekindergarten through grade 12 or higher education.
(g) Providing housing or space for housing in a building or buildings that [is] are detached from the place of worship, provided:
   (A) At least 50 percent of the residential units provided under this paragraph are affordable to households with incomes equal to or less than 60 percent of the median family income for the county in which the real property is located;
   (B) The real property is in an area zoned for residential use that is located within the urban growth boundary; and
   (C) The housing or space for housing complies with applicable land use regulations and meets the standards and criteria for residential development for the underlying zone.
(2) A county may:
   (a) Subject real property described in subsection (1) of this section to reasonable regulations,
       including site review or design review, concerning the physical characteristics of the uses author-
       ized under subsection (1) of this section; or
   (b) Prohibit or restrict the use of real property by a place of worship described in subsection (1)
       of this section if the county finds that the level of service of public facilities, including transporta-
       tion, water supply, sewer and storm drain systems is not adequate to serve the place of worship
       described in subsection (1) of this section.

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

(4) Housing and space for housing provided under subsection (1)(g) of this section must be sub-
    ject to a covenant appurtenant that restricts the owner and each successive owner of [the] a build-
    ing or any residential unit contained in [the] a building from selling or renting any residential unit
    described in subsection (1)(g)(A) of this section as housing that is not affordable to households with
    incomes equal to or less than 60 percent of the median family income for the county in which the
    real property is located for a period of 60 years from the date of the certificate of occupancy.

SECTION 22. ORS 227.500 is amended to read:

227.500. (1) If a church, synagogue, temple, mosque, chapel, meeting house or other nonresiden-
         tial place of worship is allowed on real property under state law and rules and local zoning ordi-
         nances and regulations, a city shall allow the reasonable use of the real property for activities
         customarily associated with the practices of the religious activity, including:

         (a) Worship services.
         (b) Religion classes.
         (c) Weddings.
         (d) Funerals.
         (e) Meal programs.
         (f) Child care, but not including private or parochial school education for prekindergarten
             through grade 12 or higher education.
         (g) Providing housing or space for housing in a building or buildings that [is] are detached from
             the place of worship, provided:

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

             (B) The real property is in an area zoned for residential use that is located within the urban
                 growth boundary; and

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

(2) A city may:

         (a) Subject real property described in subsection (1) of this section to reasonable regulations,
             including site review and design review, concerning the physical characteristics of the uses au-
             thorized under subsection (1) of this section; or

         (b) Prohibit or regulate the use of real property by a place of worship described in subsection
             (1) of this section if the city finds that the level of service of public facilities, including transporta-
             tion, water supply, sewer and storm drain systems is not adequate to serve the place of worship

[20]
described in subsection (1) of this section.

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

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

SECTION 23. ORS 223.304 is amended to read:

223.304. (1)(a) Reimbursement fees must be established or modified by ordinance or resolution setting forth a methodology that is, when applicable, based on:

(A) Ratemaking principles employed to finance publicly owned capital improvements;

(B) Prior contributions by existing users;

(C) Gifts or grants from federal or state government or private persons;

(D) The value of unused capacity available to future system users or the cost of the existing facilities; and

(E) Other relevant factors identified by the local government imposing the fee.

(b) The methodology for establishing or modifying a reimbursement fee must:

(A) Promote the objective of future system users contributing no more than an equitable share to the cost of existing facilities.

(B) Be available for public inspection.

(2) Improvement fees must:

(a) Be established or modified by ordinance or resolution setting forth a methodology that is available for public inspection and demonstrates consideration of:

(A) The projected cost of the capital improvements identified in the plan and list adopted pursuant to ORS 223.309 that are needed to increase the capacity of the systems to which the fee is related; and

(B) The need for increased capacity in the system to which the fee is related that will be required to serve the demands placed on the system by future users.

(b) Be calculated to obtain the cost of capital improvements for the projected need for available system capacity for future users.

(3) A local government may establish and impose a system development charge that is a combination of a reimbursement fee and an improvement fee, if the methodology demonstrates that the charge is not based on providing the same system capacity.

(4) The ordinance or resolution that establishes or modifies an improvement fee shall also provide for a credit against such fee for the construction of a qualified public improvement. A “qualified public improvement” means a capital improvement that is required as a condition of development approval, identified in the plan and list adopted pursuant to ORS 223.309 and either:

(a) Not located on or contiguous to property that is the subject of development approval; or

(b) Located in whole or in part on or contiguous to property that is the subject of development approval and required to be built larger or with greater capacity than is necessary for the particular development project to which the improvement fee is related.

(5)(a) The credit provided for in subsection (4) of this section is only for the improvement fee
charged for the type of improvement being constructed, and credit for qualified public improvements under subsection (4)(b) of this section may be granted only for the cost of that portion of such improvement that exceeds the local government's minimum standard facility size or capacity needed to serve the particular development project or property. The applicant shall have the burden of demonstrating that a particular improvement qualifies for credit under subsection (4)(b) of this section.

(b) A local government may deny the credit provided for in subsection (4) of this section if the local government demonstrates:

(A) That the application does not meet the requirements of subsection (4) of this section; or

(B) By reference to the list adopted pursuant to ORS 223.309, that the improvement for which credit is sought was not included in the plan and list adopted pursuant to ORS 223.309.

(c) When the construction of a qualified public improvement gives rise to a credit amount greater than the improvement fee that would otherwise be levied against the project receiving development approval, the excess credit may be applied against improvement fees that accrue in subsequent phases of the original development project. This subsection does not prohibit a local government from providing a greater credit, or from establishing a system providing for the transferability of credits, or from providing a credit for a capital improvement not identified in the plan and list adopted pursuant to ORS 223.309, or from providing a share of the cost of such improvement by other means, if a local government so chooses.

(d) Credits must be used in the time specified in the ordinance but not later than 10 years from the date the credit is given.

(6) Any local government that proposes to establish or modify a system development charge shall maintain a list of persons who have made a written request for notification prior to adoption or amendment of a methodology for any system development charge. The local government may periodically delete names from the list, but at least 30 days prior to removing a name from the list shall notify the person whose name is to be deleted that a new written request for notification is required if the person wishes to remain on the notification list.

(7)(a) A local government must mail written notice [must be mailed] to persons on the list maintained under subsection (6) of this section and to the Building Codes Division of the Department of Consumer and Business Services at least 90 days prior to the first hearing to establish or modify a system development charge, and the methodology supporting the system development charge must be available at least 60 days prior to the first hearing. The failure of a person on the list and the division to receive a notice that was mailed does not invalidate the action of the local government. [The local government may periodically delete names from the list, but at least 30 days prior to removing a name from the list shall notify the person whose name is to be deleted that a new written request for notification is required if the person wishes to remain on the notification list.]

(b) Legal action intended to contest the methodology used for calculating a system development charge may not be filed after 60 days following adoption or modification of the system development charge ordinance or resolution by the local government[.] unless the ordinance or resolution, on its face, demonstrates that the ordinance or resolution does not comply with this section.

Except as provided in section 15 of this 2019 Act, a person [shall] may request [judicial] review of the methodology used for calculating a system development charge only as provided in ORS 34.010 to 34.100.

(8) A change in the amount of a reimbursement fee or an improvement fee is not a modification
of the system development charge methodology if the change in amount is based on:

(a) A change in the cost of materials, labor or real property applied to projects or project capacity as set forth on the list adopted pursuant to ORS 223.309; or

(b) The periodic application of one or more specific cost indexes or other periodic data sources. A specific cost index or periodic data source must be:

(A) A relevant measurement of the average change in prices or costs over an identified time period for materials, labor, real property or a combination of the three;

(B) Published by a recognized organization or agency that produces the index or data source for reasons that are independent of the system development charge methodology; and

(C) Incorporated as part of the established methodology or identified and adopted in a separate ordinance, resolution or order.

(9) A local government shall deliver a copy of an adopted ordinance or resolution establishing or modifying the methodology used for calculating a system development charge under this section to the Building Codes Division of the Department of Consumer and Business Services.

SECTION 24. ORS 223.309 is amended to read:

223.309. (1) Prior to the establishment of a system development charge by ordinance or resolution, a local government shall prepare a capital improvement plan, public facilities plan, master plan or comparable plan that includes a list of the capital improvements that the local government intends to fund, in whole or in part, with revenues from an improvement fee and the estimated cost, timing and percentage of costs eligible to be funded with revenues from the improvement fee for each improvement.

(2) A local government that has prepared a plan and the list described in subsection (1) of this section may modify the plan and list at any time. If a system development charge will be increased by a proposed modification of the list to include a capacity increasing capital improvement, as described in ORS 223.307 (2):

(a) The local government shall provide, at least 30 days prior to the adoption of the modification, notice of the proposed modification to the persons who have requested written notice under ORS 223.304 (6) and to the Building Codes Division of the Department of Consumer and Business Services.

(b) The local government shall hold a public hearing if the local government receives a written request for a hearing on the proposed modification within seven days of the date the proposed modification is scheduled for adoption.

(c) Notwithstanding ORS 294.160, a public hearing is not required if the local government does not receive a written request for a hearing.

(d) The local government shall deliver a copy of an adopted ordinance or resolution modifying the list described in subsection (1) of this section to the division.

([d]) (e) The decision of a local government to increase the system development charge by modifying the list may be judicially reviewed only as provided in ORS 34.010 to 34.100 and section 15 of this 2019 Act.

SECTION 25. ORS 195.145 is amended to read:

195.145. (1) To ensure that the supply of land available for urbanization is maintained:

(a) Local governments may cooperatively designate lands outside urban growth boundaries as urban reserves subject to ORS 197.610 to 197.625 and 197.626.

(b) Alternatively, a metropolitan service district established under ORS chapter 268 and a
county may enter into a written agreement pursuant to ORS 190.003 to 190.130, 195.025 or 197.652 to 197.658 to designate urban reserves. A process and criteria developed pursuant to this paragraph are an alternative to a process or criteria adopted pursuant to paragraph (a) of this subsection.

(2)(a) The Land Conservation and Development Commission may require a local government to designate an urban reserve pursuant to subsection (1)(a) of this section during its periodic review in accordance with the conditions for periodic review under ORS 197.628.

(b) Notwithstanding paragraph (a) of this subsection, the commission may require a local government to designate an urban reserve pursuant to subsection (1)(a) of this section outside of its periodic review if:

(A) The local government is located inside a Primary Metropolitan Statistical Area or a Metropolitan Statistical Area as designated by the Federal Census Bureau upon November 4, 1993; and

(B) The local government has been required to designate an urban reserve by rule prior to November 4, 1993.

(3) In carrying out subsections (1) and (2) of this section:

(a) Within an urban reserve, neither the commission nor any local government shall prohibit the siting on a legal parcel of a single family dwelling that would otherwise have been allowed under law existing prior to designation as an urban reserve.

(b) The commission shall provide to local governments a list of options, rather than prescribing a single planning technique, to ensure the efficient transition from rural to urban use in urban reserves.

(4) Urban reserves designated by a metropolitan service district and a county pursuant to subsection (1)(b) of this section must be planned to accommodate population and employment growth for at least 20 years, and not more than 30 years, after the 20-year period for which the district has demonstrated a buildable land supply in the most recent inventory, determination and analysis performed under ORS 197.295 to 197.314.

(5) A district and a county shall base the designation of urban reserves under subsection (1)(b) of this section upon consideration of factors including, but not limited to, whether land proposed for designation as urban reserves, alone or in conjunction with land inside the urban growth boundary:

(a) Can be developed at urban densities in a way that makes efficient use of existing and future public infrastructure investments;

(b) Includes sufficient development capacity to support a healthy urban economy;

(c) Can be served by public schools and other urban-level public facilities and services efficiently and cost-effectively by appropriate and financially capable service providers;

(d) Can be designed to be walkable and served by a well-connected system of streets by appropriate service providers;

(e) Can be designed to preserve and enhance natural ecological systems; and

(f) Includes sufficient land suitable for a range of housing types.

(6) A county may take an exception under ORS 197.732 to a statewide land use planning goal to allow the establishment of a transportation facility in an area designated as urban reserve under subsection (1)(b) of this section.

(7) The commission shall adopt by goal or by rule a process and criteria for designating urban reserves pursuant to subsection (1)(b) of this section.

SECTION 26. ORS 197.299 is amended to read:

ORS 197.299. (1) A metropolitan service district organized under ORS chapter 268 shall complete the inventory, determination and analysis required under ORS 197.296 (3) and section 3 of this 2019
Act not later than six years after completion of the previous inventory, determination and analysis.

(2)(a) The metropolitan service district shall take such action as necessary under [ORS 197.296 (6)(a)] section 5 (1)(a) of this 2019 Act to accommodate one-half of a 20-year buildable land supply determined under ORS 197.296 [(3) (3)(a)(A) within one year of completing the [analysis] inventory and determinations.

(b) The metropolitan service district shall take all final action under [ORS 197.296 (6)(a)] section 5 (1)(a) of this 2019 Act necessary to accommodate a 20-year buildable land supply determined under ORS 197.296 [(3)] (3)(a)(A) within two years of completing the analysis.

(c) The metropolitan service district shall take action under [ORS 197.296 (6)(b)] section 5 (1)(b) of this 2019 Act, within one year after the analysis required under [ORS 197.296 (3)(b)] section 3 of this 2019 Act is completed, to provide sufficient buildable land within the urban growth boundary to accommodate the estimated housing [needs] need for 20 years from the time the actions are completed. The metropolitan service district shall consider and adopt new measures that the governing body deems appropriate under [ORS 197.296 (6)(b)] section 5 (1)(b) of this 2019 Act.

(3) The Land Conservation and Development Commission may grant an extension to the time limits of subsection (2) of this section if the Director of the Department of Land Conservation and Development determines that the metropolitan service district has provided good cause for failing to meet the time limits.

(4)(a) The metropolitan service district shall establish a process to expand the urban growth boundary to accommodate a need for land for a public school that cannot reasonably be accommodated within the existing urban growth boundary. The metropolitan service district shall design the process to:

(A) Accommodate a need that must be accommodated between periodic analyses of urban growth boundary capacity required by subsection (1) of this section; and

(B) Provide for a final decision on a proposal to expand the urban growth boundary within four months after submission of a complete application by a large school district as defined in ORS 195.110.

(b) At the request of a large school district, the metropolitan service district shall assist the large school district to identify school sites required by the school facility planning process described in ORS 195.110. A need for a public school is a specific type of identified land need under ORS 197.298 (3).

(5) Three years after completing its most recent demonstration of sufficient buildable lands under ORS 197.296, a metropolitan service district may, on a single occasion, revise the determination and analysis required as part of the demonstration for the purpose of considering an amendment to the metropolitan service district’s urban growth boundary, provided:

(a) The metropolitan service district has entered into an intergovernmental agreement and has designated rural reserves and urban reserves under ORS 195.141 and 195.145 with each county located within the district;

(b) The commission has acknowledged the rural reserve and urban reserve designations described in paragraph (a) of this subsection;

(c) One or more cities within the metropolitan service district have proposed a development that would require expansion of the urban growth boundary;

(d) The city or cities proposing the development have provided evidence to the metropolitan service district that the proposed development would provide additional needed housing to the needed housing included in the most recent determination and analysis;
(e) The location chosen for the proposed development is adjacent to the city proposing the de-
velopement; and
(f) The location chosen for the proposed development is located within an area designated and
acknowledged as an urban reserve.

(6)(a) If a metropolitan service district, after revising its most recent determination and analysis
pursuant to subsection (5) of this section, concludes that an expansion of its urban growth boundary
is warranted, the metropolitan service district may take action to expand its urban growth boundary
in one or more locations to accommodate the proposed development, provided the urban growth
boundary expansion does not exceed a total of 1,000 acres.

(b) A metropolitan service district that expands its urban growth boundary under this sub-
section:

(A) Must adopt the urban growth boundary expansion not more than four years after completing
its most recent demonstration of sufficient buildable lands under ORS 197.296; and

(B) Is exempt from the boundary location requirements described in the statewide land use
planning goals relating to urbanization.

SECTION 27. ORS 197.302 is amended to read:

197.302. (1) After gathering and compiling information on the performance measures as described
in ORS 197.301 but prior to submitting the information to the Department of Land Conservation and
Development, a metropolitan service district shall determine if actions taken under [ORS 197.296
(6)] section 5 of this 2019 Act have established the buildable land supply and housing densities
necessary to accommodate the estimated housing [needs] need determined under [ORS 197.296 (3)]
section 3 of this 2019 Act. If the metropolitan service district determines that the actions under-
taken will not accommodate the estimated housing need, the district shall develop a corrective
action plan, including a schedule for implementation. The metropolitan service district shall submit
the plan to the department along with the report on performance measures required under ORS
197.301. Corrective action under this section may include amendment of the urban growth boundary,
comprehensive plan, regional framework plan, functional plan or land use regulations [as described
in ORS 197.296].

(2) Within two years of submitting a corrective action plan to the department, the metropolitan
service district shall demonstrate by reference to the performance measures described in ORS
197.301 that implementation of the plan has resulted in the buildable land supply and housing den-
sity within the urban growth boundary necessary to accommodate the estimated housing [needs] need for each housing type as determined under [ORS 197.296 (3)] section 3 of this 2019 Act.

(3) The failure of the metropolitan service district to demonstrate the buildable land supply and
housing density necessary to accommodate the estimated housing [needs] need as required under
this section [and ORS 197.296] may be the basis for initiation of enforcement action pursuant to ORS
197.319 to 197.335.

SECTION 28. ORS 197.304 is amended to read:

197.304. (1) Notwithstanding an intergovernmental agreement pursuant to ORS 190.003 to
190.130 or acknowledged comprehensive plan provisions to the contrary, a city within Lane County
that has a population of 50,000 or more within its boundaries shall meet its obligation under ORS
197.295 to 197.314 separately from any other city within Lane County. The city shall, separately
from any other city:

(a) Establish an urban growth boundary, consistent with the jurisdictional area of responsibility
specified in the acknowledged comprehensive plan; and
(b) Demonstrate, as required by ORS 197.296, that its comprehensive plan provides sufficient buildable lands within an urban growth boundary established pursuant to statewide planning goals to accommodate the estimated housing [needs] need for 20 years.

(2) Except as provided in subsection (1) of this section, this section does not alter or affect an intergovernmental agreement pursuant to ORS 190.003 to 190.130 or acknowledged comprehensive plan provisions adopted by Lane County or local governments in Lane County.

SECTION 29. ORS 197.522 is amended to read:

197.522. (1) As used in this section:

(a) “Needed housing” has the meaning given that term in ORS 197.303 197.295.

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

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

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

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

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

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

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

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

SECTION 30. ORS 197.637 is amended to read:

197.637. (1) Upon request of the Department of Land Conservation and Development, the Housing and Community Services Department shall review the [inventory and analysis of housing, and measures taken to address the housing need, required of certain local governments under ORS 197.296] measures taken to address needed housing under ORS 197.296 by a metropolitan service district or a city described in ORS 197.296 (1). The review shall address the likely effect of the housing strategy adopted under section 4 of this 2019 Act and measures developed [by a local government under ORS 197.296 (6) or (7)] under section 5 of this 2019 Act on the adequacy of the supply of buildable land and opportunities to satisfy [needs identified under ORS 197.296 (3)] the estimated housing need determined under section 3 of this 2019 Act.

(2) The Land Conservation and Development Commission and the Director of the Department of Land Conservation and Development shall consider the review and any recommendations of the Housing and Community Services Department when determining whether a [local government] metropolitan service district or a city has complied with the statewide land use planning goals and the requirements of ORS 197.296 197.295 to 197.314.

SECTION 31. ORS 197.732 is amended to read:

[27]
197.732. (1) As used in this section:

(a) “Compatible” is not intended as an absolute term meaning no interference or adverse impacts of any type with adjacent uses.

(b) “Exception” means a comprehensive plan provision, including an amendment to an acknowledged comprehensive plan, that:

(A) Is applicable to specific properties or situations and does not establish a planning or zoning policy of general applicability;

(B) Does not comply with some or all goal requirements applicable to the subject properties or situations; and

(C) Complies with standards under subsection (2) of this section.

(2) A local government may adopt an exception to a goal if:

(a) The land subject to the exception is physically developed to the extent that it is no longer available for uses allowed by the applicable goal;

(b) The land subject to the exception is irrevocably committed as described by Land Conservation and Development Commission rule to uses not allowed by the applicable goal because existing adjacent uses and other relevant factors make uses allowed by the applicable goal impracticable; or

(c) The following standards are met:

(A) Reasons justify why the state policy embodied in the applicable goals should not apply;

(B) Areas that do not require a new exception cannot reasonably accommodate the use;

(C) The long term environmental, economic, social and energy consequences resulting from the use at the proposed site with measures designed to reduce adverse impacts are not significantly more adverse than would typically result from the same proposal being located in areas requiring a goal exception other than the proposed site; and

(D) The proposed uses are compatible with other adjacent uses or will be so rendered through measures designed to reduce adverse impacts.

(3) The commission shall adopt rules establishing:

(a) That an exception may be adopted to allow a use authorized by a statewide planning goal that cannot comply with the approval standards for that type of use;

(b) Under what circumstances particular reasons may or may not be used to justify an exception under subsection (2)(c)(A) of this section; and

(c) Which uses allowed by the applicable goal must be found impracticable under subsection (2) of this section.

(4) A local government approving or denying a proposed exception shall set forth findings of fact and a statement of reasons that demonstrate that the standards of subsection (2) of this section have or have not been met.

(5) Each notice of a public hearing on a proposed exception shall specifically note that a goal exception is proposed and shall summarize the issues in an understandable manner.

(6) Upon review of a decision approving or denying an exception:

(a) The Land Use Board of Appeals or the commission shall be bound by any finding of fact for which there is substantial evidence in the record of the local government proceedings resulting in approval or denial of the exception;

(b) The board upon petition, or the commission, shall determine whether the local government’s findings and reasons demonstrate that the standards of subsection (2) of this section have or have not been met; and
(c) The board or commission shall adopt a clear statement of reasons that sets forth the basis for the determination that the standards of subsection (2) of this section have or have not been met.

(7) The commission shall by rule establish the standards required to justify an exception to the definition of “needed housing” [authorized by ORS 197.303] in ORS 197.295.

(8) An exception acknowledged under ORS 197.251, 197.625 or 197.630 (1981 Replacement Part) on or before August 9, 1983, continues to be valid and is not subject to this section.

SECTION 32. ORS 197.313 is amended to read:

197.313. [Nothing in ORS 197.312 or in the amendments to ORS 197.295, 197.303, 197.307 by sections 1, 2 and 3, chapter 795, Oregon Laws 1983, shall] ORS 197.295 to 197.314 may not be construed to require a city or county to contribute to the financing, administration or sponsorship of government assisted housing.

SECTION 33. ORS 197.314 is amended to read:

197.314. (1) Notwithstanding ORS 197.296, 197.298, 197.299, 197.301, 197.302, 197.303, 197.307, 197.312 and 197.313 197.295 to 197.314, within urban growth boundaries each city and county shall amend its comprehensive plan and land use regulations for all land zoned for single-family residential uses to allow for siting of manufactured homes as defined in ORS 446.003. A local government may only subject the siting of a manufactured home allowed under this section to regulation as set forth in ORS 197.307 (8).

(2) Cities and counties shall adopt and amend comprehensive plans and land use regulations under subsection (1) of this section according to the provisions of ORS 197.610 to 197.651.

(3) Subsection (1) of this section does not apply to any area designated in an acknowledged comprehensive plan or land use regulation as a historic district or residential land immediately adjacent to a historic landmark.

(4) Manufactured homes on individual lots zoned for single-family residential use in subsection (1) of this section shall be in addition to manufactured homes on lots within designated manufactured dwelling subdivisions.

(5) Within any residential zone inside an urban growth boundary where a manufactured dwelling park is otherwise allowed, a city or county shall not adopt, by charter or ordinance, a minimum lot size for a manufactured dwelling park that is larger than one acre.

(6) A city or county may adopt the following standards for the approval of manufactured homes located in manufactured dwelling parks that are smaller than three acres:

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

(b) The manufactured home shall have exterior siding and roofing that, in color, material and appearance, is similar to the exterior siding and roofing material commonly used on residential dwellings within the community or that is comparable to the predominant materials used on surrounding dwellings as determined by the local permit approval authority.

(7) This section shall not be construed as abrogating a recorded restrictive covenant.

SECTION 34. Section 8, chapter 52, Oregon Laws 2016, is amended to read:

Sec. 8. (1) The local government of a pilot project site selected by the Land Conservation and Development Commission under section 4, [of this 2016 Act] chapter 52, Oregon Laws 2016, may not plan or zone the site to allow a use or mix of uses not authorized under sections 2 to 9, [of this 2016 Act] chapter 52, Oregon Laws 2016, unless the local government withdraws the pilot project site from the urban growth boundary and rezones the site pursuant to law, statewide land use planning goals and land use regulations implementing the goals that regulate allowable uses of land
outside urban growth boundaries.

(2) A local government may not use sections 2 to 9, [of this 2016 Act] chapter 52, Oregon Laws 2016, to bring high-value farmland, as determined by the commission, within its urban growth boundary.

(3) The inclusion of pilot project sites dedicated to affordable housing within an urban growth boundary pursuant to sections 2 to 9, [of this 2016 Act] chapter 52, Oregon Laws 2016, does not authorize a local government to convert buildable lands within the urban growth boundary that are planned for needed housing, as defined in ORS 197.303 197.295, to other uses.

(4) Notwithstanding ORS 197.309 (2), for a pilot project site selected under section 4, [of this 2016 Act] chapter 52, Oregon Laws 2016, and affordable housing developed on a selected pilot project site, a local government may take any action described in ORS 197.309 that has the effect of establishing the sales price for a housing unit or residential building lot or parcel, or that requires a housing unit or residential building lot or parcel to be designated for sale to a particular class or group of purchasers.

(5) Sections 2 to 9, [of this 2016 Act] chapter 52, Oregon Laws 2016, do not constitute a statutory contract. A pilot project site selected under section 4, [of this 2016 Act] chapter 52, Oregon Laws 2016, and affordable housing developed on a selected pilot project site remain subject to new or additional regulatory requirements authorized by law, statewide land use planning goals and land use regulations implementing the goals.

(6) As used in this section, “lot” and “parcel” have the meanings given those terms in ORS 92.010.

SECTION 35. In addition to and not in lieu of any other appropriation, there is appropriated, for the biennium beginning July 1, 2019, out of the General Fund:

(1) To the Department of Consumer and Business Services, the amount of $_______, to take actions authorized or required under sections 15 and 16 of this 2019 Act.

(2) To the Department of Land Conservation and Development, the amount of $_______, to take actions authorized or required under section 7 of this 2019 Act.


(2) The Secretary of State, Oregon Department of Administrative Services, the Land Conservation and Development Commission and the Department of Land Conservation and Development may take any action before the operative date specified in subsection (1) of this section necessary to exercise, on or after the operative date specified in subsection (1) of this section, the duties required under this 2019 Act.

SECTION 37. This 2019 Act takes effect on the 91st day after the date on which the 2019 regular session of the Eightieth Legislative Assembly adjourns sine die.