

# House Bill 3017

Sponsored by Representative DOHERTY; Senator BURDICK

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Restricts requirement that local governments apply clear and objective standards to only buildable lands.

## A BILL FOR AN ACT

1  
2 Relating to buildable lands; amending ORS 197.307.

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

4 **SECTION 1.** ORS 197.307 is amended to read:

5 197.307. (1) The availability of affordable, decent, safe and sanitary housing opportunities for  
6 persons of lower, middle and fixed income, including housing for farmworkers, is a matter of state-  
7 wide concern.

8 (2) Many persons of lower, middle and fixed income depend on government assisted housing as  
9 a source of affordable, decent, safe and sanitary housing.

10 (3) When a need has been shown for housing within an urban growth boundary at particular  
11 price ranges and rent levels, needed housing [*shall*] **must** be permitted in one or more zoning dis-  
12 tricts or in zones described by some comprehensive plans as overlay zones with sufficient buildable  
13 land to satisfy that need.

14 (4) Except as provided in subsection (6) of this section, a local government may adopt and apply  
15 only clear and objective standards, conditions and procedures regulating the development of  
16 housing[, *including needed housing*] **on buildable lands**. The standards, conditions and procedures:

17 (a) May include, but are not limited to, one or more provisions regulating the density or height  
18 of a development.

19 (b) May not have the effect, either in themselves or cumulatively, of discouraging needed hous-  
20 ing through unreasonable cost or delay.

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

22 (a) An application or permit for residential development in an area identified in a formally  
23 adopted central city plan, or a regional center as defined by Metro, in a city with a population of  
24 500,000 or more.

25 (b) An application or permit for residential development in historic areas designated for pro-  
26 tection under a land use planning goal protecting historic areas.

27 (6) In addition to an approval process for needed housing based on clear and objective standards,  
28 conditions and procedures as provided in subsection (4) of this section, a local government may  
29 adopt and apply an alternative approval process for applications and permits for residential devel-  
30 opment based on approval criteria regulating, in whole or in part, appearance or aesthetics that are  
31 not clear and objective if:

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

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

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

5 (c) The approval criteria for the alternative approval process authorize a density at or above  
6 the density level authorized in the zone under the approval process provided in subsection (4) of this  
7 section.

8 (7) Subject to subsection (4) of this section, this section does not infringe on a local  
9 government's prerogative to:

10 (a) Set approval standards under which a particular housing type is permitted outright;

11 (b) Impose special conditions upon approval of a specific development proposal; or

12 (c) Establish approval procedures.

13 (8) In accordance with subsection (4) of this section and ORS 197.314, a jurisdiction may adopt  
14 any or all of the following placement standards, or any less restrictive standard, for the approval  
15 of manufactured homes located outside mobile home parks:

16 (a) The manufactured home *[shall]* **must** be multisectional and enclose a space of not less than  
17 1,000 square feet.

18 (b) The manufactured home *[shall]* **must** be placed on an excavated and back-filled foundation  
19 and enclosed at the perimeter such that the manufactured home is located not more than 12 inches  
20 above grade.

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

23 (d) The manufactured home shall have exterior siding and roofing which in color, material and  
24 appearance is similar to the exterior siding and roofing material commonly used on residential  
25 dwellings within the community or which is comparable to the predominant materials used on sur-  
26 rounding dwellings as determined by the local permit approval authority.

27 (e) The manufactured home *[shall]* **must** be certified by the manufacturer to have an exterior  
28 thermal envelope meeting performance standards which reduce levels equivalent to the performance  
29 standards required of single-family dwellings constructed under the state building code as defined  
30 in ORS 455.010.

31 (f) The manufactured home shall have a garage or carport constructed of like materials. A ju-  
32 risdiction may require an attached or detached garage in lieu of a carport where such is consistent  
33 with the predominant construction of immediately surrounding dwellings.

34 (g) In addition to the provisions in paragraphs (a) to (f) of this subsection, a city or county may  
35 subject a manufactured home and the lot upon which it is sited to any development standard, ar-  
36 chitectural requirement and minimum size requirement to which a conventional single-family resi-  
37 dential dwelling on the same lot would be subject.

38