

Requested by Representative KOTEK

**PROPOSED AMENDMENTS TO
HOUSE BILL 4015**

1 In line 2 of the printed bill, after “housing;” insert “amending ORS
2 195.145, 197.286, 197.290, 197.296, 197.299, 197.301, 197.302 and 197.637 and
3 section 22, chapter 640, Oregon Laws 2019;”.

4 Delete lines 4 through 7 and insert:

5 **“SECTION 1.** ORS 197.296 is amended to read:

6 “197.296. (1)(a) [*The provisions of*] Subsections (2) to (9) of this section
7 apply to [*metropolitan service district regional framework plans and local*
8 *government comprehensive plans for lands within the urban growth boundary*
9 *of a city that is located outside of a metropolitan service district and has a*]
10 **Metro, cities within Metro with a population of 10,000 or more and**
11 **cities outside of Metro with a population of 25,000 or more.**

12 “(b) The Land Conservation and Development Commission may establish
13 a set of factors under which additional cities are subject to the provisions
14 of this section. In establishing the set of factors required under this para-
15 graph, the commission shall consider the size of the city, the rate of popu-
16 lation growth of the city or the proximity of the city to another city with
17 a population of 25,000 or more or to [*a metropolitan service district*] **Metro.**

18 “(2)(a) A local government shall demonstrate that its comprehensive plan
19 or regional framework plan provides sufficient buildable lands within the
20 urban growth boundary established pursuant to statewide planning goals to
21 accommodate estimated housing needs for 20 years:

1 “(A) At periodic review under ORS 197.628 to 197.651;

2 “(B) As scheduled by the commission:

3 “(i) At least once each eight years for [*local governments that are not*

4 *within a metropolitan service district*] **cities outside of Metro**; or

5 “(ii) At least once each six years for [*a metropolitan service district*]

6 **Metro and cities within Metro**; or

7 “(C) At any other legislative review of the comprehensive plan or regional

8 framework plan that concerns the urban growth boundary and requires the

9 application of a statewide planning goal relating to buildable lands for resi-

10 dential use.

11 “(b) The 20-year period shall commence on the date initially scheduled for

12 completion of the review under paragraph (a) of this subsection.

13 “(3) In performing the duties under subsection (2) of this section, a local

14 government shall:

15 “(a) Inventory the supply of buildable lands within the urban growth

16 boundary and determine the housing capacity of the buildable lands; and

17 “(b) Conduct an analysis of existing and projected housing need by type

18 and density range, in accordance with all factors under ORS 197.303 and

19 statewide planning goals and rules relating to housing, to determine the

20 number of units and amount of land needed for each needed housing type for

21 the next 20 years.

22 “(4)(a) For the purpose of the inventory described in subsection (3)(a) of

23 this section, ‘buildable lands’ includes:

24 “(A) Vacant lands planned or zoned for residential use;

25 “(B) Partially vacant lands planned or zoned for residential use;

26 “(C) Lands that may be used for a mix of residential and employment uses

27 under the existing planning or zoning; and

28 “(D) Lands that may be used for residential infill or redevelopment.

29 “(b) For the purpose of the inventory and determination of housing ca-

30 pacity described in subsection (3)(a) of this section, the local government

1 must demonstrate consideration of:

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

5 “(B) A written long term contract or easement for radio, telecommuni-
6 cations or electrical facilities, if the written contract or easement is provided
7 to the local government; and

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

10 “(c) Except for land that may be used for residential infill or redevelop-
11 ment, a local government shall create a map or document that may be used
12 to verify and identify specific lots or parcels that have been determined to
13 be buildable lands.

14 “(5)(a) Except as provided in paragraphs (b) and (c) of this subsection, the
15 determination of housing capacity pursuant to subsection (3)(a) of this sec-
16 tion must be based on data relating to land within the urban growth
17 boundary that has been collected since the last review under subsection
18 (2)(a)(B) of this section. The data [*shall*] **must** include:

19 “(A) The number, density and average mix of housing types of urban resi-
20 dential development that have actually occurred;

21 “(B) Trends in density and average mix of housing types of urban resi-
22 dential development;

23 “(C) Market factors that may substantially impact future urban residen-
24 tial development; and

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

27 “(b) A local government shall make the determination described in para-
28 graph (a) of this subsection using a shorter time period than the time period
29 described in paragraph (a) of this subsection if the local government finds
30 that the shorter time period will provide more accurate and reliable data

1 related to housing capacity. The shorter time period may not be less than
2 three years.

3 “(c) A local government shall use data from a wider geographic area or
4 use a time period longer than the time period described in paragraph (a) of
5 this subsection if the analysis of a wider geographic area or the use of a
6 longer time period will provide more accurate, complete and reliable data
7 relating to trends affecting housing need than an analysis performed pursu-
8 ant to paragraph (a) of this subsection. The local government must clearly
9 describe the geographic area, time frame and source of data used in a de-
10 termination performed under this paragraph.

11 “(6) If the housing need determined pursuant to subsection (3)(b) of this
12 section is greater than the housing capacity determined pursuant to sub-
13 section (3)(a) of this section, the local government shall take one or both of
14 the following actions to accommodate the additional housing need:

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

24 “(b) Amend its comprehensive plan, regional framework plan, functional
25 plan or land use regulations to include new measures that demonstrably in-
26 crease the likelihood that residential development will occur at densities
27 sufficient to accommodate housing needs for the next 20 years without ex-
28 pansion of the urban growth boundary. A local government or metropolitan
29 service district that takes this action shall adopt findings regarding the
30 density expectations assumed to result from measures adopted under this

1 paragraph based upon the factors listed in ORS 197.303 (2) and data **de-**
2 **scribed** in subsection (5)(a) of this section. The density expectations may not
3 project an increase in residential capacity above achieved density by more
4 than three percent without quantifiable validation of such departures. For
5 *[a local government located outside of a metropolitan service district]* **cities**
6 **outside of Metro**, a quantifiable validation must demonstrate that the as-
7 sumed housing capacity has been achieved in areas that are zoned to allow
8 no greater than the same authorized density level, **as defined in ORS**
9 **227.175**, within the local jurisdiction or a jurisdiction in the same region.
10 For *[a metropolitan service district]* **Metro**, a quantifiable validation must
11 demonstrate that the assumed housing capacity has been achieved in areas
12 that are zoned to allow no greater than the same authorized density level
13 within *[the metropolitan service district]* **Metro**.

14 “*[(c) As used in this subsection, ‘authorized density level’ has the meaning*
15 *given that term in ORS 227.175.]*”

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

27 “(8)(a) A local government outside a metropolitan service district that
28 takes any actions under subsection (6) or (7) of this section shall demonstrate
29 that the comprehensive plan and land use regulations comply with goals and
30 rules adopted by the commission and implement ORS 197.286 to 197.314.

1 “(b) A local government shall determine the density and mix of housing
2 types anticipated as a result of actions taken under subsections (6) and (7)
3 of this section and monitor and record the actual density and mix of housing
4 types achieved following the adoption of these actions. The local government
5 shall compare actual and anticipated density and mix. The local government
6 shall submit its comparison to the commission at the next review of its urban
7 growth boundary under subsection (2)(a) of this section.

8 “(9) In establishing that actions and measures adopted under subsections
9 (6) and (7) of this section demonstrably increase the likelihood of higher
10 density residential development, the local government shall at a minimum
11 ensure that land zoned for needed housing is in locations appropriate for the
12 housing types identified under subsection (3) of this section, is zoned at
13 density ranges that are likely to be achieved by the housing market using
14 the analysis in subsection (3) of this section and is in areas where sufficient
15 urban services are planned to enable the higher density development to occur
16 over the 20-year period. Actions or measures, or both, may include but are
17 not limited to:

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

19 “(b) Financial incentives for higher density housing;

20 “(c) Provisions permitting additional density beyond that generally al-
21 lowed in the zoning district in exchange for amenities and features provided
22 by the developer;

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

24 “(e) Minimum density ranges;

25 “(f) Redevelopment and infill strategies;

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

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

29 “(i) Rezoning or redesignation of nonresidential land.

30 “(10)(a) [*The provisions of this subsection apply to local government com-*

1 *prehensive plans for lands within the urban growth boundary of a city that is*
2 *located outside of a metropolitan service district and has]* **This subsection**
3 **applies to cities outside of Metro with** a population of less than 25,000.

4 “(b) As required under paragraph (c) of this subsection, a city shall, ac-
5 cording to rules of the commission:

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

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

11 “(C) Adopt measures necessary to accommodate the estimated housing
12 needs determined under this subsection.

13 “(c) The actions required under paragraph (b) of this subsection [*shall*]
14 **must** be undertaken:

15 “(A) At periodic review pursuant to ORS 197.628 to 197.651;

16 “(B) On a schedule established by the commission for cities with a popu-
17 lation greater than 10,000, not to exceed once each eight years; or

18 “(C) At any other legislative review of the comprehensive plan that re-
19 quires the application of a statewide planning goal relating to buildable
20 lands for residential use.

21 “(d) For the purpose of the inventory described in this subsection,
22 ‘buildable lands’ includes those lands described in subsection (4)(a) of this
23 section.

24 **“SECTION 2.** ORS 197.299 is amended to read:

25 “197.299. (1) [*A metropolitan service district organized under ORS chapter*
26 *268]* **Metro** shall complete the inventory, determination and analysis re-
27 quired under ORS 197.296 (3) not later than six years after completion of the
28 previous inventory, determination and analysis.

29 “(2)(a) [*The metropolitan service district]* **Metro** shall take such action as
30 necessary under ORS 197.296 (6)(a) to accommodate one-half of a 20-year

1 [buildable land] supply of buildable lands determined under ORS 197.296 (3)
2 within one year of completing the analysis.

3 “(b) [The metropolitan service district] **Metro** shall take all final action
4 under ORS 197.296 (6)(a) necessary to accommodate a 20-year [buildable
5 land] supply of buildable lands determined under ORS 197.296 (3) within
6 two years of completing the analysis.

7 “(c) [The metropolitan service district] **Metro and cities within Metro**
8 shall take action under ORS 197.296 (6)(b), within one year after the analysis
9 required under ORS 197.296 (3)(b) is completed, to provide sufficient
10 buildable [land] lands within [the] **Metro’s** urban growth boundary to ac-
11 commodate the estimated housing needs for 20 years from the time the
12 actions are completed.

13 “[d) The metropolitan service district] **Metro and cities within Metro**
14 shall consider and adopt new measures that [the] **their** governing [body
15 deems] **bodies deem** appropriate under ORS 197.296 (6)(b) [and shall allocate
16 any housing capacity that is not accommodated under this section to be ac-
17 commodated by the application of ORS 197.296 (6)(b) by cities within the met-
18 ropolitan service district with a population greater than 10,000].

19 “[e) Cities to which housing capacity is allocated under paragraph (d) of
20 this subsection shall take steps, at least once every six years as scheduled by
21 the Land Conservation and Development Commission, to demonstrably increase
22 the likelihood that residential development will occur at densities sufficient to
23 accommodate housing needs for the next 20 years as required by ORS 197.296
24 (6)(b).]

25 “(3) The **Land Conservation and Development** Commission may grant
26 an extension to the time limits of subsection (2) of this section if the Direc-
27 tor of the Department of Land Conservation and Development determines
28 that [the metropolitan service district] **Metro** has provided good cause for
29 failing to meet the time limits.

30 “(4)(a) [The metropolitan service district] **Metro** shall establish a process

1 to expand the urban growth boundary to accommodate a need for land for a
2 public school that cannot reasonably be accommodated within the existing
3 urban growth boundary. [*The metropolitan service district*] **Metro** shall de-
4 sign the process to:

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

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

11 “(b) At the request of a large school district, [*the metropolitan service*
12 *district*] **Metro** shall assist the large school district to identify school sites
13 required by the school facility planning process described in ORS 195.110. A
14 need for a public school is a specific type of identified land need under ORS
15 197.298 (3).

16 “(5) Three years after completing its most recent demonstration of suffi-
17 cient buildable lands under ORS 197.296 (2), [*a metropolitan service district*]
18 **Metro** may, on a single occasion, revise the determination and analysis re-
19 quired as part of the demonstration for the purpose of considering an
20 amendment to [*the metropolitan service district’s*] **Metro’s** urban growth
21 boundary, provided:

22 “(a) [*The metropolitan service district*] **Metro** has entered into an inter-
23 governmental agreement and has designated rural reserves and urban re-
24 serves under ORS 195.141 and 195.145 with each county located within [*the*
25 *district*] **Metro**;

26 “(b) The commission has acknowledged the rural reserve and urban re-
27 serve designations described in paragraph (a) of this subsection;

28 “(c) One or more cities within [*the metropolitan service district*] **Metro**
29 have proposed a development that would require expansion of the urban
30 growth boundary;

1 “(d) The city or cities proposing the development have provided evidence
2 to [*the metropolitan service district*] **Metro** that the proposed development
3 would provide additional needed housing to the needed housing included in
4 the most recent determination and analysis;

5 “(e) The location chosen for the proposed development is adjacent to the
6 city proposing the development; and

7 “(f) The location chosen for the proposed development is located within
8 an area designated and acknowledged as an urban reserve.

9 “(6)(a) If [*a metropolitan service district*] **Metro**, after revising its most
10 recent determination and analysis pursuant to subsection (5) of this section,
11 concludes that an expansion of its urban growth boundary is warranted, [*the*
12 *metropolitan service district*] **Metro** may take action to expand its urban
13 growth boundary in one or more locations to accommodate the proposed de-
14 velopment, provided the urban growth boundary expansion does not exceed
15 a total of 1,000 acres.

16 “(b) [*A metropolitan service district that*] **If Metro** expands its urban
17 growth boundary under this subsection, **Metro**:

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

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

23 **“SECTION 3.** ORS 197.290 is amended to read:

24 “197.290. (1) A city with a population greater than 10,000 shall develop
25 and adopt a housing production strategy under this section no later than one
26 year after[.]

27 “[*(a)*] the city’s deadline for completing a housing capacity analysis under
28 ORS 197.296 (2)(a) **or (10)(b)**.[.]

29 “[*(b)* *The city’s deadline for completing a housing capacity analysis under*
30 *ORS 197.296 (10)(b); or*]

1 “(c) A date scheduled by the Land Conservation and Development Com-
2 mission following the allocation of housing capacity to the city by a metropol-
3 itan service district under ORS 197.299 (2)(d).]

4 “(2) A housing production strategy must include a list of specific actions,
5 including the adoption of measures and policies, that the city shall undertake
6 to promote development within the city to address a housing need identified
7 under ORS 197.296 (6) for the most recent 20-year period described in ORS
8 197.296 (2)(b). Actions under this subsection may include:

9 “(a) The reduction of financial and regulatory impediments to developing
10 needed housing, including removing or easing approval standards or proce-
11 dures for needed housing at higher densities or that is affordable;

12 “(b) The creation of financial and regulatory incentives for development
13 of needed housing, including creating incentives for needed housing at higher
14 densities or that is affordable; and

15 “(c) The development of a plan to access resources available at local, re-
16 gional, state and national levels to increase the availability and affordability
17 of needed housing.

18 “(3) In creating a housing production strategy, a city shall review and
19 consider:

20 “(a) Socioeconomic and demographic characteristics of households living
21 in existing needed housing;

22 “(b) Market conditions affecting the provision of needed housing;

23 “(c) Measures already adopted by the city to promote the development of
24 needed housing;

25 “(d) Existing and expected barriers to the development of needed housing;
26 and

27 “(e) For each action the city includes in its housing production strategy:

28 “(A) The schedule for its adoption;

29 “(B) The schedule for its implementation;

30 “(C) Its expected magnitude of impact on the development of needed

1 housing; and

2 “(D) The time frame over which it is expected to impact needed housing.

3 “(4) The housing production strategy must include within its index a copy
4 of the city’s most recently completed survey under ORS 456.586 (2).

5 “(5) The adoption of a housing production strategy is not a land use de-
6 cision and is not subject to appeal or review except as provided in ORS
7 197.291.

8 **“SECTION 4.** ORS 197.286 is amended to read:

9 “197.286. As used in ORS 197.286 to 197.314 and 197.475 to 197.490:

10 “(1) ‘Buildable lands’ means lands in urban and urbanizable areas that
11 are suitable, available and necessary for residential uses. ‘Buildable lands’
12 includes both vacant land and developed land likely to be redeveloped.

13 “(2) ‘Manufactured dwelling park’ has the meaning given that term in
14 ORS 446.003.

15 “(3) ‘Government assisted housing’ means housing that is financed in
16 whole or part by either a federal or state housing agency or a housing au-
17 thority as defined in ORS 456.005, or housing that is occupied by a tenant
18 or tenants who benefit from rent supplements or housing vouchers provided
19 by either a federal or state housing agency or a local housing authority.

20 “(4) ‘Manufactured homes’ has the meaning given that term in ORS
21 446.003.

22 “(5) ‘Mobile home park’ has the meaning given that term in ORS 446.007.

23 “(6) ‘Periodic review’ means the process and procedures as set forth in
24 ORS 197.628 to 197.651.

25 “(7) ‘Urban growth boundary’ means an urban growth boundary included
26 or referenced in [a] **Metro’s regional framework plan or a local
27 government’s** comprehensive plan.

28 **“SECTION 5.** ORS 197.301 is amended to read:

29 “197.301. (1) [A *metropolitan service district organized under ORS chapter*
30 *268*] **Metro** shall compile and report to the Department of Land Conservation

1 and Development on performance measures as described in this section at
2 least once every two years. The information [*shall*] **must** be reported in a
3 manner prescribed by the department.

4 “(2) Performance measures subject to subsection (1) of this section
5 [*shall*] **must** be adopted by [*a metropolitan service district*] **Metro** and
6 [*shall*] **must** include but are not limited to measures that analyze the fol-
7 lowing:

8 “(a) The rate of conversion of vacant land to improved land;

9 “(b) The density and price ranges of residential development, including
10 both single family and multifamily residential units;

11 “(c) The level of job creation within individual cities and the urban areas
12 of a county inside [*the metropolitan service district*] **Metro**;

13 “(d) The number of residential units added to small sites assumed to be
14 developed in [*the metropolitan service district’s*] **Metro’s** inventory of avail-
15 able lands but which can be further developed, and the conversion of existing
16 spaces into more compact units with or without the demolition of existing
17 buildings;

18 “(e) The amount of environmentally sensitive land that is protected and
19 the amount of environmentally sensitive land that is developed;

20 “(f) The sales price of vacant land;

21 “(g) Residential vacancy rates;

22 “(h) Public access to open spaces; and

23 “(i) Transportation measures including mobility, accessibility and air
24 quality indicators.

25 “**SECTION 6.** ORS 197.302 is amended to read:

26 “197.302. (1) After gathering and compiling information on the perform-
27 ance measures as described in ORS 197.301 but prior to submitting the in-
28 formation to the Department of Land Conservation and Development, [*a*
29 *metropolitan service district*] **Metro** shall determine if actions taken under
30 ORS 197.296 (6) have established the [*buildable land*] supply **of buildable**

1 **lands** and housing densities necessary to accommodate estimated housing
2 needs determined under ORS 197.296 (3). If [*the metropolitan service district*]
3 **Metro** determines that the actions undertaken will not accommodate esti-
4 mated need, [*the district*] **Metro** shall develop a corrective action plan, in-
5 cluding a schedule for implementation. [*The district*] **Metro** shall submit the
6 plan to the department along with the report on performance measures re-
7 quired under ORS 197.301. Corrective action under this section may include
8 amendment of the urban growth boundary, comprehensive plan, regional
9 framework plan, functional plan or land use regulations as described in ORS
10 197.296.

11 “(2) Within two years of submitting a corrective action plan to the de-
12 partment, [*the metropolitan service district*] **Metro** shall demonstrate by ref-
13 erence to the performance measures described in ORS 197.301 that
14 implementation of the plan has resulted in the [*buildable land*] supply of
15 **buildable lands** and housing density within the urban growth boundary
16 necessary to accommodate the estimated housing needs for each housing type
17 as determined under ORS 197.296 (3).

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

22 “**SECTION 7.** ORS 195.145 is amended to read:

23 “195.145. (1) To ensure that the supply of land available for urbanization
24 is maintained:

25 “(a) Local governments may cooperatively designate lands outside urban
26 growth boundaries as urban reserves subject to ORS 197.610 to 197.625 and
27 197.626.

28 “(b) Alternatively, a metropolitan service district established under ORS
29 chapter 268 and a county may enter into a written agreement pursuant to
30 ORS 190.003 to 190.130, 195.025 or 197.652 to 197.658 to designate urban re-

1 serves. A process and criteria developed pursuant to this paragraph are an
2 alternative to a process or criteria adopted pursuant to paragraph (a) of this
3 subsection.

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

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

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

14 “(B) The local government has been required to designate an urban re-
15 serve by rule prior to November 4, 1993.

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

17 “(a) Within an urban reserve, neither the commission nor any local gov-
18 ernment shall prohibit the siting on a legal parcel of a single family dwelling
19 that would otherwise have been allowed under law existing prior to desig-
20 nation as an urban reserve.

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

24 “(4) Urban reserves designated by a metropolitan service district and a
25 county pursuant to subsection (1)(b) of this section must be planned to ac-
26 commodate population and employment growth for at least 20 years, and not
27 more than 30 years, after the 20-year period for which the district has dem-
28 onstrated a [*buildable land*] supply **of buildable lands** in the most recent
29 inventory, determination and analysis performed under ORS 197.296.

30 “(5) A district and a county shall base the designation of urban reserves

1 under subsection (1)(b) of this section upon consideration of factors includ-
2 ing, but not limited to, whether land proposed for designation as urban re-
3 serves, alone or in conjunction with land inside the urban growth boundary:

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

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

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

11 “(d) Can be designed to be walkable and served by a well-connected sys-
12 tem of streets by appropriate service providers;

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

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

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

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

21 **“SECTION 8.** ORS 197.637 is amended to read:

22 “197.637. (1) Upon request of the Department of Land Conservation and
23 Development, the Housing and Community Services Department shall review
24 the inventory and analysis of housing, and measures taken to address the
25 housing need, required of certain local governments under ORS 197.296. The
26 review shall address the likely effect of measures developed by a local gov-
27 ernment under ORS 197.296 (6) or (7) on the adequacy of the supply of
28 buildable [*land*] **lands** and opportunities to satisfy needs identified under
29 ORS 197.296 (3).

30 “(2) The Land Conservation and Development Commission and the Direc-

1 tor of the Department of Land Conservation and Development shall consider
2 the review and any recommendations of the Housing and Community Ser-
3 vices Department when determining whether a local government has com-
4 plied with the statewide land use planning goals and the requirements of
5 ORS 197.296.

6 **“SECTION 9.** Section 22, chapter 640, Oregon Laws 2019, is amended to
7 read:

8 **“Sec. 22.** In addition to and not in lieu of any other appropriation, there
9 is appropriated to the Department of Land Conservation and Development,
10 for the biennium beginning July 1, 2019, out of the General Fund, the amount
11 of \$1,000,000, to provide:

12 **“(1)** Technical assistance to local governments to implement [*sections 4*
13 *to 6 and 15 of this 2019 Act*] **ORS 197.290, 197.291, 197.293 and 197.779** and
14 the amendments to ORS 197.296, 197.299, 197.303, 197.319, 197.320, 215.416,
15 215.441, 227.175, [*and*] 227.500 and [*section 1, chapter 47, Oregon Laws 2018,*]
16 **456.586** by sections [8] **8a, 9, 10a and 11** to 13 and 17 to 20, **chapter 640,**
17 **Oregon Laws 2019; and** [*of this 2019 Act.*]

18 **“(2) Technical assistance to local governments to increase the**
19 **affordability and availability of housing within their jurisdictions.”.**

20 In line 8, delete “2” and insert “10”.

21
