HOUSE AMENDMENTS TO
HOUSE BILL 3155
By COMMITTEE ON HOUSING
March 25

On page 1 of the printed bill, line 3, after “197.290” insert “, 197.296”.
Delete lines 7 through 30.

On page 2, delete lines 1 through 28 and insert:

“SECTION 2. (1) At least once every six years, by a date scheduled by the Land Conservation and Development Commission, a city that is within a metropolitan service district and has a population greater than 10,000 shall:
“(a) Inventory the supply of buildable lands within the city and determine the housing capacity of the buildable lands; and
“(b) Conduct an analysis of the city’s existing and projected needed housing under statewide planning goals and rules related to housing by type, mix, affordability and density range to determine the number of units and amount of land needed for each needed housing type for the next 20 years.
“(2) The housing capacity and needed housing analysis conducted under this section must be adopted as part of the city’s comprehensive plan no later than one year after completion of the needed housing analysis.
“(3) If the housing capacity and needed housing analysis conducted under this section demonstrates a housing need, the city shall amend its comprehensive plan or land use regulations to include new measures that demonstrably increase the likelihood that development of needed housing will occur for the type, mix, affordability and densities sufficient to accommodate needed housing for the next 20 years.

SECTION 3. ORS 197.290 is amended to read:
“197.290. (1) A city with a population greater than 10,000 shall develop and adopt a housing production strategy under this section no later than one year after:
“(a) The city’s deadline for completing a housing capacity analysis under ORS 197.296 (2)(a); or
“(b) The city’s deadline for completing a housing capacity analysis under ORS 197.296 (10)(b); or
“(c) A date scheduled by the Land Conservation and Development Commission following the allocation of housing capacity to the city by a metropolitan service district under ORS 197.299 (2)(d)."
“(2) A housing production strategy must include a list of specific actions, including the adoption of measures and policies, that the city shall undertake to promote development within the city to address a housing need identified under ORS 197.296 (6)(b) [for the most recent 20-year period described in ORS 197.296 (2)(b)] or (10)(b) or section 2 of this 2021 Act. Actions under this subsection may include:
“(a) The reduction of financial and regulatory impediments to developing needed housing, in-
cluding removing or easing approval standards or procedures for needed housing at higher densities
or that is affordable;

“(b) The creation of financial and regulatory incentives for development of needed housing, in-
cluding creating incentives for needed housing at higher densities or that is affordable; and

“(c) The development of a plan to access resources available at local, regional, state and na-
tional levels to increase the availability and affordability of needed housing.

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

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

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

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

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

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

“(A) The schedule for its adoption;

“(B) The schedule for its implementation;

“(C) Its expected magnitude of impact on the development of needed housing; and

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

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

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

“(6) A city with a population of 10,000 or less may develop a housing production strategy
as provided in this section.

“SECTION 3a. ORS 197.296 is amended to read:

“197.296. (1)(a) The provisions of subsections (2) to (9) of this section apply to metropolitan
service district regional framework plans and 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 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 city, the rate of popu-
lation growth of the city or the proximity of the city to another city with a population of 25,000 or
more or to a metropolitan service district.

“(2)(a) A local government shall demonstrate that its comprehensive 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:

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

“(B) As scheduled by the commission:

“(i) At least once each eight years for local governments that are not within a metropolitan
service district; or

“(ii) At least once each six years for a metropolitan service district; or

“(C) 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 re-
lating to buildable lands for residential use.

“(b) The 20-year period shall commence on the date initially scheduled for completion of the
review under paragraph (a) of this subsection.

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

“(a) Inventory the supply of buildable lands within the urban growth boundary and determine
the housing capacity of the buildable lands; and

“(b) Conduct an analysis of existing and projected housing need by type and density range, in
accordance with all factors under 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 sub-
section (3)(a) of this section, the local government 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 fa-
cilities, if the written contract or easement is provided to the local government; 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 local government
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.

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

“(A) The number, density and average mix of housing types of urban residential development
that have actually occurred;

“(B) Trends in density and average mix of housing types of urban residential development;

“(C) Market factors that may substantially impact future urban residential development; and

“(D) 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 local government shall make the determination described in paragraph (a) of this sub-
section using a shorter time period than the time period described in paragraph (a) of this subsection
if the local government finds that the shorter time period will provide more accurate and reliable
data related to housing capacity. 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 longer
than the time period described in paragraph (a) of this subsection if the analysis of a wider ge-
ographic 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 both 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 adopt findings regarding the density expectations assumed to result from measures adopted under this paragraph based upon the factors listed in ORS 197.303 (2) and data in subsection (5)(a) of this section. The density expectations may not project an increase in residential capacity above achieved density by more than three percent without quantifiable validation of such departures. For a local government located outside of a metropolitan service district, a quantifiable validation must demonstrate that the assumed housing capacity has been achieved in areas that are zoned to allow no greater than the same authorized density level within the local jurisdiction or a jurisdiction in the same region. For a metropolitan service district, a quantifiable validation must demonstrate that the assumed housing capacity has been achieved in areas that are zoned to allow no greater than the same authorized density level within the metropolitan service district.

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

“(7) Using the housing need 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 197.286 to 197.314.

“(b) A 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 following the adoption of these actions. The local government shall compare actual and anticipated density and mix. The local government shall submit its comparison to the commission at the next review of its urban growth boundary under subsection (7)(a).
section (2)(a) of this section.

“(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, is zoned at density ranges that are likely to be achieved by the housing market using the analysis in subsection (3) of this section and is in areas where sufficient urban services are planned to enable the higher density development to occur over the 20-year period. 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) As required under paragraph (c) of this subsection, 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 accommodate the estimated housing needs determined under this subsection; and
“(C) Adopt measures necessary to accommodate the estimated housing needs determined under this subsection.

“(c) The actions required under paragraph (b) of this subsection shall be undertaken:

“(A) At periodic review pursuant to ORS 197.628 to 197.651;
“(B) On a schedule established by the commission for cities with a population greater than 10,000, not to exceed once each eight years; or
“(C) 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.

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

“(11) If a city with a population of 10,000 or less conducts an inventory of the supply of buildable lands or an estimate of housing need, it must satisfy the requirements of subsection (10) of this section.”.