

**HB 3197 A STAFF MEASURE SUMMARY****Carrier:** Rep. McLain**House Committee On Rules****Action Date:** 05/04/23**Action:** Do pass with amendments. (Printed A-Eng.)**Vote:** 6-0-1-0**Yeas:** 6 - Breese-Iverson, Fahey, Kropf, Scharf, Valderrama, Wallan**Exc:** 1 - Nosse**Fiscal:** Has minimal fiscal impact**Revenue:** No revenue impact**Prepared By:** Claire Adamsick**Meeting Dates:** 4/27, 5/4**WHAT THE MEASURE DOES:**

Clarifies a local government may adopt and apply only clear and objective standards, conditions, and procedures regulating the development of housing and needed housing on land within an urban growth boundary. Removes limitation that alternative local government approval process include criteria regulating appearance or aesthetics of residential development projects. Extends, effective July 1, 2025, the same provisions regarding clear and objective standards to unincorporated communities designated in a county’s acknowledged comprehensive plan after December 5, 1994, nonresource lands, and areas zoned for rural residential use as defined in ORS 215.501. Limits, effective, July 1, 2025, county land use regulations from establishing additional standards for accessory farmworker housing unless the standards are clear and objective. Declares emergency, effective on passage.

**ISSUES DISCUSSED:**

- Senate Bill 1051 (2017) and interpretation of existing law by Land Use Board of Appeals (LUBA)
- Application of clear and objective standards on lands outside urban growth boundary
- Balancing clear and objective standards with site-specific factors focused on minimizing impacts on wildlife and natural areas

**EFFECT OF AMENDMENT:**

Replaces the measure.

**BACKGROUND:**

Local governments may deny or condition the approval of applications for housing development based on a variety of factors, including whether the application proposes to develop on land zoned for residential uses and the nature of the property ownership.

In 2017, the Legislative Assembly enacted Senate Bill 1051, which clarified that jurisdictions must approve an application for all housing development within an urban growth boundary if it meets the clear and objective standards outlined within the city or county comprehensive plan or zoning ordinances. According to the Department of Land Conservation and Development, these requirements have posed challenges for local governments with subjective code provisions. A 2021 decision by the Land Use Board of Appeals (LUBA) ruled that the clear and objective standards provisions adopted in 2017 apply to all housing development, regardless of location. Some local governments have reported that the ruling created confusion about the intent of current statute.

House Bill 3197 A clarifies a local government may adopt and apply only clear and objective standards, conditions, and procedures regulating housing development on land within an urban growth boundary. The measure also expands a local government’s alternative approval process beyond standards regulating the “appearance or

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aesthetics” of a project. Lastly, the measure allows counties to apply the same clear and objective standards to unincorporated communities, nonresource lands, areas zoned for rural residential use and accessory farmworker housing beginning July 1, 2025.