

A-Engrossed
House Bill 3197

Ordered by the House May 8
Including House Amendments dated May 8

Sponsored by Representative MCLAIN (at the request of Washington County)

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.

Limits **application of** requirement that **housing** development regulations be clear and objective [*to development of housing within urban growth boundaries*].
Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to standards applicable to development of housing; creating new provisions; amending ORS
3 197.307 and 215.278; and declaring an emergency.

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

5 **SECTION 1.** ORS 197.307, as amended by section 14, chapter 401, Oregon Laws 2019, section
6 2, chapter 54, Oregon Laws 2022, and section 81, chapter 13, Oregon Laws 2023 (Enrolled House
7 Bill 2001), is amended to read:

8 197.307. (1) The availability of affordable, decent, safe and sanitary housing opportunities for
9 persons of lower, middle and fixed income, including agriculture workforce housing, is a matter of
10 statewide concern.

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

13 (3) A local government shall permit needed housing in one or more zoning districts or in zones
14 described by some comprehensive plans as overlay zones with sufficient buildable land to satisfy that
15 need.

16 (4) Except as provided in subsection (6) of this section, a local government may adopt and apply
17 only clear and objective standards, conditions and procedures regulating the development of hous-
18 ing, including needed housing, **on land within an urban growth boundary**. The standards, condi-
19 tions and procedures:

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

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

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

25 (a) An application or permit for residential development in an area identified in a formally
26 adopted central city plan, or a regional center as defined by Metro, in a city with a population of
27 500,000 or greater.

28 (b) An application or permit for residential development in historic areas designated for pro-

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 tection under a land use planning goal protecting historic areas.

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

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

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

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

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

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

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

18 (c) Establish approval procedures.

19 **SECTION 2.** ORS 197.307, as amended by section 14, chapter 401, Oregon Laws 2019, section
20 2, chapter 54, Oregon Laws 2022, section 81, chapter 13, Oregon Laws 2023 (Enrolled House Bill
21 2001), and section 1 of this 2023 Act, is amended to read:

22 197.307. (1) The availability of affordable, decent, safe and sanitary housing opportunities for
23 persons of lower, middle and fixed income, including agriculture workforce housing, is a matter of
24 statewide concern.

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

27 (3) A local government shall permit needed housing in one or more zoning districts or in zones
28 described by some comprehensive plans as overlay zones with sufficient buildable land to satisfy that
29 need.

30 (4) Except as provided in subsection (6) of this section, a local government may adopt and apply
31 only clear and objective standards, conditions and procedures regulating the development of hous-
32 ing, including needed housing, on land within an urban growth boundary, **unincorporated com-**
33 **munities designated in a county's acknowledged comprehensive plan after December 5, 1994,**
34 **nonresource lands and areas zoned for rural residential use as defined in ORS 215.501.** The
35 standards, conditions and procedures:

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

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

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

41 (a) An application or permit for residential development in an area identified in a formally
42 adopted central city plan, or a regional center as defined by Metro, in a city with a population of
43 500,000 or greater.

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

1 (6) In addition to an approval process for needed housing based on clear and objective standards,
2 conditions and procedures as provided in subsection (4) of this section, a local government may
3 adopt and apply an alternative approval process for applications and permits for residential devel-
4 opment based on approval criteria that are not clear and objective if:

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

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

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

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

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

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

16 (c) Establish approval procedures.

17 **SECTION 3.** ORS 215.278 is amended to read:

18 215.278. (1) The Land Conservation and Development Commission shall revise administrative
19 rules regarding dwellings customarily provided in conjunction with farm use to allow, under ORS
20 215.213 and 215.283, the establishment of accessory dwellings needed to provide opportunities for
21 farmworker housing for individuals primarily engaged in farm use whose assistance in the manage-
22 ment of the farm is or will be required by the farm operator on the farm unit.

23 **(2) County land use regulations may not establish standards for accessory farmworker**
24 **housing that are in addition to those required under this chapter or commission rules unless**
25 **the standards are clear and objective.**

26 [(2)] (3) As used in this section:

27 (a) "Farm unit" means the contiguous and noncontiguous tracts in common ownership used by
28 the farm operator for farm use as defined in ORS 215.203.

29 (b) "Farmworker" means an individual who, for an agreed remuneration or rate of pay, performs
30 labor, temporarily or on a continuing basis, for a person in the:

31 (A) Production of farm products;

32 (B) Planting, cultivating or harvesting of seasonal agricultural crops; or

33 (C) Forestation or reforestation of land, including but not limited to planting, transplanting,
34 tubing, precommercial thinning and thinning of trees or seedlings, the clearing, piling and disposal
35 of brush and slash and other related activities.

36 (c) "Farmworker housing" means housing:

37 (A) Limited to occupancy by farmworkers and their immediate families; and

38 (B) No dwelling unit of which is occupied by a relative of the owner or operator of the
39 farmworker housing.

40 (d) "Owner" means a person that owns farmworker housing. "Owner" does not mean a person
41 whose interest in the farmworker housing is that of a holder of a security interest in the housing.

42 (e) "Relative" means:

43 (A) A spouse of the owner or operator; and

44 (B) An ancestor, lineal descendant or whole or half sibling of the owner or operator or the
45 spouse of the owner or operator.

1 **SECTION 4.** The amendments to ORS 197.307 and 215.278 by sections 2 and 3 of this 2023
2 Act become operative on July 1, 2025.

3 **SECTION 5.** This 2023 Act being necessary for the immediate preservation of the public
4 peace, health and safety, an emergency is declared to exist, and this 2023 Act takes effect
5 on its passage.
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