

HB 3197-1
(LC 1637)
4/17/23 (RLM/ps)

Requested by Representative MCLAIN

**PROPOSED AMENDMENTS TO
HOUSE BILL 3197**

1 On page 1 of the printed bill, line 2, after “housing” insert “; creating new
2 provisions”.

3 Delete lines 5 through 31 and delete page 2 and insert:

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

7 “197.307. (1) The availability of affordable, decent, safe and sanitary
8 housing opportunities for persons of lower, middle and fixed income, includ-
9 ing agriculture workforce housing, is a matter of statewide concern.

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

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

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

21 “(a) May include, but are not limited to, one or more provisions regulat-

1 ing the density or height of a development.

2 “(b) May not have the effect, either in themselves or cumulatively, of
3 discouraging needed housing through unreasonable cost or delay.

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

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

8 “(b) An application or permit for residential development in historic areas
9 designated for protection under a land use planning goal protecting historic
10 areas.

11 “(6) In addition to an approval process for needed housing based on clear
12 and objective standards, conditions and procedures as provided in subsection
13 (4) of this section, a local government may adopt and apply an alternative
14 approval process for applications and permits for residential development
15 based on approval criteria regulating, in whole or in part, appearance or
16 aesthetics that are not clear and objective if:

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

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

21 “(c) The approval criteria for the alternative approval process authorize
22 a density at or above the density level authorized in the zone under the ap-
23 proval process provided in subsection (4) of this section.

24 “(7) Subject to subsection (4) of this section, this section does not infringe
25 on a local government’s prerogative to:

26 “(a) Set approval standards under which a particular housing type is
27 permitted outright;

28 “(b) Impose special conditions upon approval of a specific development
29 proposal; or

30 “(c) Establish approval procedures.

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

5 “197.307. (1) The availability of affordable, decent, safe and sanitary
6 housing opportunities for persons of lower, middle and fixed income, includ-
7 ing agriculture workforce housing, is a matter of statewide concern.

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

11 “(3) A local government shall permit needed housing in one or more zon-
12 ing districts or in zones described by some comprehensive plans as overlay
13 zones with sufficient buildable land to satisfy that need.

14 “(4) Except as provided in subsection (6) of this section, a local govern-
15 ment may adopt and apply only clear and objective standards, conditions and
16 procedures regulating the development of housing, including needed housing,
17 on land within an urban growth boundary, **urban unincorporated com-**
18 **munities and areas zoned for rural residential use as defined in ORS**
19 **215.501.** The standards, conditions and procedures:

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

22 “(b) May not have the effect, either in themselves or cumulatively, of
23 discouraging needed housing 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
26 identified in a formally adopted central city plan, or a regional center as
27 defined by Metro, in a city with a population of 500,000 or greater.

28 “(b) An application or permit for residential development in historic areas
29 designated for protection under a land use planning goal protecting historic
30 areas.

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

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

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

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

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

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

18 “(b) Impose special conditions upon approval of a specific development
19 proposal; or

20 “(c) Establish approval procedures.

21 **“SECTION 3. The amendments to ORS 197.307 by section 2 of this**
22 **2023 Act become operative on July 1, 2025.**

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