

Requested by Representative MCLAIN

**PROPOSED AMENDMENTS TO
HOUSE BILL 3197**

1 On page 1 of the printed bill, line 2, delete “amending ORS 197.307” and
2 insert “creating new provisions; amending ORS 197.307 and 215.278”.

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, **unincorporated communities**
18 **designated in a county’s acknowledged comprehensive plan after De-**
19 **cember 5, 1994, nonresource lands and areas zoned for rural residential**
20 **use as defined in ORS 215.501.** The standards, conditions and procedures:

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

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

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

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

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

1 areas.

2 “(6) In addition to an approval process for needed housing based on clear
3 and objective standards, conditions and procedures as provided in subsection
4 (4) of this section, a local government may adopt and apply an alternative
5 approval process for applications and permits for residential development
6 based on approval criteria 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.** ORS 215.278 is amended to read:

22 “215.278. (1) The Land Conservation and Development Commission shall
23 revise administrative rules regarding dwellings customarily provided in con-
24 junction with farm use to allow, under ORS 215.213 and 215.283, the estab-
25 lishment of accessory dwellings needed to provide opportunities for
26 farmworker housing for individuals primarily engaged in farm use whose
27 assistance in the management of the farm is or will be required by the farm
28 operator on the farm unit.

29 **“(2) County land use regulations may not establish standards for**
30 **accessory farmworker housing that are in addition to those required**

1 **under this chapter or commission rules unless the standards are clear**
2 **and objective.**

3 “[2] (3) As used in this section:

4 “(a) ‘Farm unit’ means the contiguous and noncontiguous tracts in com-
5 mon ownership used by the farm operator for farm use as defined in ORS
6 215.203.

7 “(b) ‘Farmworker’ means an individual who, for an agreed remuneration
8 or rate of pay, performs labor, temporarily or on a continuing basis, for a
9 person in the:

10 “(A) Production of farm products;

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

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

16 “(c) ‘Farmworker housing’ means housing:

17 “(A) Limited to occupancy by farmworkers and their immediate families;
18 and

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

21 “(d) ‘Owner’ means a person that owns farmworker housing. ‘Owner’ does
22 not mean a person whose interest in the farmworker housing is that of a
23 holder of a security interest in the housing.

24 “(e) ‘Relative’ means:

25 “(A) A spouse of the owner or operator; and

26 “(B) An ancestor, lineal descendant or whole or half sibling of the owner
27 or operator or the spouse of the owner or operator.

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

30 **“SECTION 5. This 2023 Act being necessary for the immediate**

1 **preservation of the public peace, health and safety, an emergency is**
2 **declared to exist, and this 2023 Act takes effect on its passage.”.**

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