

Requested by Senator ANDERSON

**PROPOSED AMENDMENTS TO  
SENATE BILL 1564**

1 In line 2 of the printed bill, after the semicolon insert “creating new  
2 provisions; amending ORS 197A.400, 215.416 and 227.175;”.

3 Delete lines 4 through 20 and insert:

4 **“SECTION 1. Section 2 of this 2024 Act is added to and made a part  
5 of ORS chapter 197A.**

6 **“SECTION 2. (1)(a) On or before January 1, 2026, the Land Conser-  
7 vation and Development Commission shall adopt three model ordi-  
8 nances providing clear and objective standards for the development of  
9 various housing types within an urban growth boundary, including  
10 single-family detached housing, middle housing, as defined in ORS  
11 197A.420, accessory dwelling units, as defined in ORS 197A.425, and  
12 multifamily housing, that may be readily adopted by a local govern-  
13 ment in compliance with the requirements of ORS 197.610.**

14 **“(b) Among the three model ordinances adopted under this section:**

15 **“(A) One must be targeted toward cities with a population of less  
16 than 2,500;**

17 **“(B) One must be targeted toward cities with a population of 2,500  
18 or greater and less than 25,000; and**

19 **“(C) One must be targeted toward cities with a population of 25,000  
20 or greater.**

21 **“(c) In adopting model ordinances under this section, the commis-**

1 **sion:**

2 **“(A) May consider geographic location and other regional factors;**  
3 **and**

4 **“(B) May allow a city to adopt, in whole or in part, a model ordi-**  
5 **nance targeted toward a larger city.**

6 **“(2) A model ordinance adopted under this section is presumed to**  
7 **have clear and objective standards.**

8 **“(3) In adopting model ordinances under this section, the commis-**  
9 **sion shall prioritize the principles and considerations under section 9**  
10 **(2), chapter 13, Oregon Laws 2023.**

11 **“SECTION 3. ORS 197A.400 is amended to read:**

12 **“197A.400. (1) Except as provided in subsection (3) of this section, a local**  
13 **government may adopt and apply only clear and objective standards, condi-**  
14 **tions and procedures regulating the development of housing, including**  
15 **needed housing, on land within an urban growth boundary. The standards,**  
16 **conditions and procedures:**

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

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

21 **“(c) May be contained in a comprehensive plan, land use regulation**  
22 **or an ordinance relating to housing adopted by a city that adopts, in-**  
23 **cluding by reference, a model ordinance adopted by the Land Conser-**  
24 **vation and Development Commission that comports with any**  
25 **qualifications, conditions or applicability of the model ordinance.**

26 **“(2) The provisions of subsection (1) of this section do not apply to:**

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

30 **“(b) An application or permit for residential development in historic areas**

1 designated for protection under a land use planning goal protecting historic  
2 areas.

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

8 “(a) The applicant retains the option of proceeding under the approval  
9 process that meets the requirements of subsection (1) of this section;

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

12 “(c) The approval criteria for the alternative approval process authorize  
13 a density at or above the density level authorized in the zone under the ap-  
14 proval process provided in subsection (1) of this section.

15 “(4) Subject to subsection (1) of this section, this section does not infringe  
16 on a local government’s prerogative to:

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

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

21 “(c) Establish approval procedures.

22 “**SECTION 4.** ORS 197A.400, as amended by section 2, chapter 533,  
23 Oregon Laws 2023, is amended to read:

24 “197A.400. (1) Except as provided in subsection (3) of this section, a local  
25 government may adopt and apply only clear and objective standards, condi-  
26 tions and procedures regulating the development of housing, including  
27 needed housing, on land within an urban growth boundary, unincorporated  
28 communities designated in a county’s acknowledged comprehensive plan after  
29 December 5, 1994, nonresource lands and areas zoned for rural residential  
30 use as defined in ORS 215.501. The standards, conditions and procedures:

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

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

5 **“(c) May be contained in a comprehensive plan, land use regulation**  
6 **or an ordinance relating to housing adopted by a city that adopts, in-**  
7 **cluding by reference, a model ordinance adopted by the Land Conser-**  
8 **vation and Development Commission that comports with any**  
9 **qualifications, conditions or applicability of the model ordinance.**

10 “(2) The provisions of subsection (1) of this section do not apply to:

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

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

17 “(3) In addition to an approval process for needed housing based on clear  
18 and objective standards, conditions and procedures as provided in subsection  
19 (1) of this section, a local government may adopt and apply an alternative  
20 approval process for applications and permits for residential development  
21 based on approval criteria that are not clear and objective if:

22 “(a) The applicant retains the option of proceeding under the approval  
23 process that meets the requirements of subsection (1) of this section;

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

26 “(c) The approval criteria for the alternative approval process authorize  
27 a density at or above the density level authorized in the zone under the ap-  
28 proval process provided in subsection (1) of this section.

29 “(4) Subject to subsection (1) of this section, this section does not infringe  
30 on a local government’s prerogative to:

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

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

5 “(c) Establish approval procedures.

6 **“SECTION 5.** ORS 227.175 is amended to read:

7 “227.175. (1) When required or authorized by a city, an owner of land may  
8 apply in writing to the hearings officer, or such other person as the city  
9 council designates, for a permit or zone change, upon such forms and in such  
10 a manner as the city council prescribes. The governing body shall establish  
11 fees charged for processing permits at an amount no more than the actual  
12 or average cost of providing that service.

13 “(2) The governing body of the city shall establish a consolidated proce-  
14 dure by which an applicant may apply at one time for all permits or zone  
15 changes needed for a development project. The consolidated procedure [*shall*  
16 *be*] **is** subject to the time limitations set out in ORS 227.178. The consolidated  
17 procedure shall be available for use at the option of the applicant no later  
18 than the time of the first periodic review of the comprehensive plan and land  
19 use regulations.

20 “(3) Except as provided in subsection (10) of this section, the hearings  
21 officer shall hold at least one public hearing on the application.

22 “(4)(a) A city may not approve an application unless the proposed devel-  
23 opment of land would be in compliance with the comprehensive plan for the  
24 city and other applicable land use regulation or ordinance provisions, **in-**  
25 **cluding an ordinance described in ORS 197A.400 (1)(c).** The approval may  
26 include such conditions as are authorized by ORS 227.215 or any city legis-  
27 lation.

28 “(b)(A) A city may not deny an application for a housing development  
29 located within the urban growth boundary if the development complies with  
30 clear and objective standards, including clear and objective design standards

1 contained in the city comprehensive plan or land use regulations.

2 “(B) This paragraph does not apply to:

3 “(i) Applications or permits for residential development in areas described  
4 in ORS 197A.400 (2); or

5 “(ii) Applications or permits reviewed under an alternative approval pro-  
6 cess adopted under ORS 197A.400 (3).

7 “(c) A city may not condition an application for a housing development  
8 on a reduction in density if:

9 “(A) The density applied for is at or below the authorized density level  
10 under the local land use regulations; and

11 “(B) At least 75 percent of the floor area applied for is reserved for  
12 housing.

13 “(d) A city may not condition an application for a housing development  
14 on a reduction in height if:

15 “(A) The height applied for is at or below the authorized height level  
16 under the local land use regulations;

17 “(B) At least 75 percent of the floor area applied for is reserved for  
18 housing; and

19 “(C) Reducing the height has the effect of reducing the authorized density  
20 level under local land use regulations.

21 “(e) Notwithstanding paragraphs (c) and (d) of this subsection, a city may  
22 condition an application for a housing development on a reduction in density  
23 or height only if the reduction is necessary to resolve a health, safety or  
24 habitability issue or to comply with a protective measure adopted pursuant  
25 to a statewide land use planning goal. Notwithstanding ORS 197.350, the city  
26 must adopt findings supported by substantial evidence demonstrating the  
27 necessity of the reduction.

28 “(f) As used in this subsection:

29 “(A) ‘Authorized density level’ means the maximum number of lots or  
30 dwelling units or the maximum floor area ratio that is permitted under local

1 land use regulations.

2 “(B) ‘Authorized height level’ means the maximum height of a structure  
3 that is permitted under local land use regulations.

4 “(C) ‘Habitability’ means being in compliance with the applicable pro-  
5 visions of the state building code under ORS chapter 455 and the rules  
6 adopted thereunder.

7 “(5) Hearings under this section may be held only after notice to the ap-  
8 plicant and other interested persons and shall otherwise be conducted in  
9 conformance with the provisions of ORS 197.797.

10 “(6) Notice of a public hearing on a zone use application shall be provided  
11 to the owner of an airport, defined by the Oregon Department of Aviation  
12 as a ‘public use airport’ if:

13 “(a) The name and address of the airport owner has been provided by the  
14 Oregon Department of Aviation to the city planning authority; and

15 “(b) The property subject to the zone use hearing is:

16 “(A) Within 5,000 feet of the side or end of a runway of an airport de-  
17 termined by the Oregon Department of Aviation to be a ‘visual airport’; or

18 “(B) Within 10,000 feet of the side or end of the runway of an airport  
19 determined by the Oregon Department of Aviation to be an ‘instrument air-  
20 port.’

21 “(7) Notwithstanding the provisions of subsection (6) of this section, no-  
22 tice of a zone use hearing need only be provided as set forth in subsection  
23 (6) of this section if the permit or zone change would only allow a structure  
24 less than 35 feet in height and the property is located outside of the runway  
25 ‘approach surface’ as defined by the Oregon Department of Aviation.

26 “(8) If an application would change the zone of property that includes all  
27 or part of a mobile home or manufactured dwelling park as defined in ORS  
28 446.003, the governing body shall give written notice by first class mail to  
29 each existing mailing address for tenants of the mobile home or manufac-  
30 tured dwelling park at least 20 days but not more than 40 days before the

1 date of the first hearing on the application. The governing body may require  
2 an applicant for such a zone change to pay the costs of such notice.

3 “(9) The failure of a tenant or an airport owner to receive a notice which  
4 was mailed [*shall*] **does** not invalidate any zone change.

5 “(10)(a)(A) The hearings officer or such other person as the governing  
6 body designates may approve or deny an application for a permit without a  
7 hearing if the hearings officer or other designated person gives notice of the  
8 decision and provides an opportunity for any person who is adversely af-  
9 fected or aggrieved, or who is entitled to notice under paragraph (c) of this  
10 subsection, to file an appeal.

11 “(B) Written notice of the decision shall be mailed to those persons de-  
12 scribed in paragraph (c) of this subsection.

13 “(C) Notice under this subsection shall comply with ORS 197.797 (3)(a),  
14 (c), (g) and (h) and shall describe the nature of the decision. In addition, the  
15 notice shall state that any person who is adversely affected or aggrieved or  
16 who is entitled to written notice under paragraph (c) of this subsection may  
17 appeal the decision by filing a written appeal in the manner and within the  
18 time period provided in the city’s land use regulations. A city may not es-  
19 tablish an appeal period that is less than 12 days from the date the written  
20 notice of decision required by this subsection was mailed. The notice shall  
21 state that the decision will not become final until the period for filing a local  
22 appeal has expired. The notice also shall state that a person who is mailed  
23 written notice of the decision cannot appeal the decision directly to the Land  
24 Use Board of Appeals under ORS 197.830.

25 “(D) An appeal from a hearings officer’s decision made without hearing  
26 under this subsection shall be to the planning commission or governing body  
27 of the city. An appeal from such other person as the governing body desig-  
28 nates shall be to a hearings officer, the planning commission or the govern-  
29 ing body. In either case, the appeal shall be to a de novo hearing.

30 “(E) The de novo hearing required by subparagraph (D) of this paragraph



1 shall be the initial evidentiary hearing required under ORS 197.797 as the  
2 basis for an appeal to the Land Use Board of Appeals. At the de novo hear-  
3 ing:

4 “(i) The applicant and other parties shall have the same opportunity to  
5 present testimony, arguments and evidence as they would have had in a  
6 hearing under subsection (3) of this section before the decision;

7 “(ii) The presentation of testimony, arguments and evidence [*shall*] **may**  
8 not be limited to issues raised in a notice of appeal; and

9 “(iii) The decision maker shall consider all relevant testimony, arguments  
10 and evidence that are accepted at the hearing.

11 “(b) If a local government provides only a notice of the opportunity to  
12 request a hearing, the local government may charge a fee for the initial  
13 hearing. The maximum fee for an initial hearing shall be the cost to the local  
14 government of preparing for and conducting the appeal, or \$250, whichever  
15 is less. If an appellant prevails at the hearing or upon subsequent appeal, the  
16 fee for the initial hearing shall be refunded. The fee allowed in this para-  
17 graph [*shall*] **does** not apply to appeals made by neighborhood or community  
18 organizations recognized by the governing body and whose boundaries in-  
19 clude the site.

20 “(c)(A) Notice of a decision under paragraph (a) of this subsection shall  
21 be provided to the applicant and to the owners of record of property on the  
22 most recent property tax assessment roll where such property is located:

23 “(i) Within 100 feet of the property that is the subject of the notice when  
24 the subject property is wholly or in part within an urban growth boundary;

25 “(ii) Within 250 feet of the property that is the subject of the notice when  
26 the subject property is outside an urban growth boundary and not within a  
27 farm or forest zone; or

28 “(iii) Within 750 feet of the property that is the subject of the notice when  
29 the subject property is within a farm or forest zone.

30 “(B) Notice shall also be provided to any neighborhood or community

1 organization recognized by the governing body and whose boundaries include  
2 the site.

3 “(C) At the discretion of the applicant, the local government also shall  
4 provide notice to the Department of Land Conservation and Development.

5 “(11) A decision described in ORS 227.160 (2)(b) shall:

6 “(a) Be entered in a registry available to the public setting forth:

7 “(A) The street address or other easily understood geographic reference  
8 to the subject property;

9 “(B) The date of the decision; and

10 “(C) A description of the decision made.

11 “(b) Be subject to the jurisdiction of the Land Use Board of Appeals in  
12 the same manner as a limited land use decision.

13 “(c) Be subject to the appeal period described in ORS 197.830 (5)(b).

14 “(12) At the option of the applicant, the local government shall provide  
15 notice of the decision described in ORS 227.160 (2)(b) in the manner required  
16 by ORS 197.797 (2), in which case an appeal to the board shall be filed within  
17 21 days of the decision. The notice shall include an explanation of appeal  
18 rights.

19 “(13) Notwithstanding other requirements of this section, limited land use  
20 decisions [*shall be*] **are** subject to the requirements set forth in ORS 197.195  
21 and 197.828.

22 **“SECTION 6. In addition to and not in lieu of any other appropri-**  
23 **ation, there is appropriated to the Land Conservation and Develop-**  
24 **ment Commission, for the biennium ending June 30, 2025, out of the**  
25 **General Fund, the amount of \$550,000, to adopt model ordinances un-**  
26 **der section 2 of this 2024 Act.”.**

27 In line 21, delete “3” and insert “7”.

28