

SENATE AMENDMENTS TO SENATE BILL 974

By COMMITTEE ON HOUSING AND DEVELOPMENT

April 18

1 On page 1 of the printed bill, line 3, after “ORS” delete the rest of the line and delete line 4
2 and insert “197.015 and 197A.400; and prescribing an effective date.”.

3 Delete lines 6 through 30 and delete pages 2 through 8 and insert:

4 **“SECTION 1. (1) After submittal by an applicant of final engineering plans for residential**
5 **development within an urban growth boundary, a local government or special district:**

6 **“(a) Within 14 days, shall confirm that the submittal was complete when submitted or**
7 **specify all additional materials that must be included for the submittal to be considered**
8 **complete.**

9 **“(b) Shall complete the final review of the engineering plans and be ready, upon submittal**
10 **of applicable fees, forms and bonds, to issue site development permits for construction of all**
11 **public and private improvements, including grading, water, sewer, stormwater, transporta-**
12 **tion systems, utilities and landscaping, within 90 days after the date on which:**

13 **“(A) The application is deemed complete under paragraph (a) of this subsection;**

14 **“(B) The applicant has provided all materials specified under paragraph (a) of this sub-**
15 **section; or**

16 **“(C) The applicant states that no additional materials are forthcoming.**

17 **“(2) The review period for a local government to complete its review under subsection (1)**
18 **is tolled during the time period beginning on the date on which a local government sends a**
19 **rejection or direction to the applicant to correct or supplement the application and ending**
20 **on the date on which the amended application is received by the local government.**

21 **“(3) The applicant and reviewing local government or special district may agree to extend**
22 **the deadline under subsection (1)(b) of this section by one or more 30-day periods.**

23 **“SECTION 2. (1) An applicant is entitled to an award of the applicant’s reasonable engi-**
24 **neering costs and attorney fees, including fees incurred on appeal if the applicant prevails**
25 **on a claim against a local government or special district for failing to meet a deadline for**
26 **final action under:**

27 **“(a) Section 1 of this 2025 Act; or**

28 **“(b) For an urban housing application, ORS 215.427 or 227.178.**

29 **“(2) As used in this section:**

30 **“(a) ‘Attorney fees’ includes prelitigation legal expenses, such as costs of preparing and**
31 **processing the application and supporting the application in local land use hearings or pro-**
32 **ceedings.**

33 **“(b) ‘Claim’ includes a petition for a writ of mandamus under ORS 34.130, 215.429 or**
34 **227.179.**

35 **“(c) ‘Engineering costs’ includes costs to prepare the preliminary plat, to calculate, draft**

1 **and design infrastructure plans and location, to submit and process the land use application**
2 **and to consult with the local government planning, engineering and building officials to ob-**
3 **tain approvals for the preliminary and final plat, land use and engineering design.**

4 “**SECTION 3.** ORS 197.015, as amended by section 44, chapter 110, Oregon Laws 2024, is
5 amended to read:

6 “197.015. As used in ORS chapters 195, 196, 197 and 197A, unless the context requires otherwise:

7 “(1) ‘Acknowledgment’ means a commission order that certifies that a comprehensive plan and
8 land use regulations, land use regulation or plan or regulation amendment complies with the goals
9 or certifies that Metro land use planning goals and objectives, Metro regional framework plan,
10 amendments to Metro planning goals and objectives or amendments to the Metro regional frame-
11 work plan comply with the goals.

12 “(2) ‘Board’ means the Land Use Board of Appeals.

13 “(3) ‘Carport’ means a stationary structure consisting of a roof with its supports and not more
14 than one wall, or storage cabinet substituting for a wall, and used for sheltering a motor vehicle.

15 “(4) ‘Commission’ means the Land Conservation and Development Commission.

16 “(5) ‘Comprehensive plan’ means a generalized, coordinated land use map and policy statement
17 of the governing body of a local government that interrelates all functional and natural systems and
18 activities relating to the use of lands, including but not limited to sewer and water systems, trans-
19 portation systems, educational facilities, recreational facilities, and natural resources and air and
20 water quality management programs. ‘Comprehensive’ means all-inclusive, both in terms of the ge-
21 ographic area covered and functional and natural activities and systems occurring in the area cov-
22 ered by the plan. ‘General nature’ means a summary of policies and proposals in broad categories
23 and does not necessarily indicate specific locations of any area, activity or use. A plan is ‘coordi-
24 nated’ when the needs of all levels of governments, semipublic and private agencies and the citizens
25 of Oregon have been considered and accommodated as much as possible. ‘Land’ includes water, both
26 surface and subsurface, and the air.

27 “(6) ‘Department’ means the Department of Land Conservation and Development.

28 “(7) ‘Director’ means the Director of the Department of Land Conservation and Development.

29 “(8) ‘Goals’ means the mandatory statewide land use planning standards adopted by the com-
30 mission pursuant to ORS chapters 195, 196, 197 and 197A.

31 “(9) ‘Guidelines’ means suggested approaches designed to aid cities and counties in preparation,
32 adoption and implementation of comprehensive plans in compliance with goals and to aid state
33 agencies and special districts in the preparation, adoption and implementation of plans, programs
34 and regulations in compliance with goals. Guidelines are advisory and do not limit state agencies,
35 cities, counties and special districts to a single approach.

36 “(10) ‘Land use decision’:

37 “(a) Includes:

38 “(A) A final decision or determination made by a local government or special district that con-
39 cerns the adoption, amendment or application of:

40 “(i) The goals;

41 “(ii) A comprehensive plan provision;

42 “(iii) A land use regulation; or

43 “(iv) A new land use regulation;

44 “(B) A final decision or determination of a state agency other than the commission with respect
45 to which the agency is required to apply the goals; or

1 “(C) A decision of a county planning commission made under ORS 433.763;
2 “(b) Does not include a decision of a local government:
3 “(A) That is made under land use standards that do not require interpretation or the exercise
4 of policy or legal judgment;
5 “(B) That approves or denies a building permit issued under clear and objective land use stan-
6 dards;
7 “(C) That is a limited land use decision;
8 “(D) That determines final engineering design, construction, operation, maintenance, repair or
9 preservation of a transportation facility that is otherwise authorized by and consistent with the
10 comprehensive plan and land use regulations;
11 “(E) That is an expedited land division as described in ORS 197.360;
12 “(F) That approves, pursuant to ORS 480.450 (7), the siting, installation, maintenance or removal
13 of a liquefied petroleum gas container or receptacle regulated exclusively by the State Fire Marshal
14 under ORS 480.410 to 480.460;
15 “(G) That approves or denies approval of a final subdivision or partition plat or that determines
16 whether a final subdivision or partition plat substantially conforms to the tentative subdivision or
17 partition plan; or
18 “(H) That a proposed state agency action subject to ORS 197.180 (1) is compatible with the ac-
19 knowledged comprehensive plan and land use regulations implementing the plan, if:
20 “(i) The local government has already made a land use decision authorizing a use or activity
21 that encompasses the proposed state agency action;
22 “(ii) The use or activity that would be authorized, funded or undertaken by the proposed state
23 agency action is allowed without review under the acknowledged comprehensive plan and land use
24 regulations implementing the plan; or
25 “(iii) The use or activity that would be authorized, funded or undertaken by the proposed state
26 agency action requires a future land use review under the acknowledged comprehensive plan and
27 land use regulations implementing the plan;
28 “(c) Does not include a decision by a school district to close a school;
29 “(d) Does not include, except as provided in ORS 215.213 (13)(c) or 215.283 (6)(c), authorization
30 of an outdoor mass gathering as defined in ORS 433.735, or other gathering of fewer than 3,000
31 persons that is not anticipated to continue for more than 120 hours in any three-month period; and
32 “(e) Does not include:
33 “(A) A writ of mandamus issued by a circuit court in accordance with ORS 215.429 or 227.179;
34 “(B) Any local decision or action taken on an application subject to ORS 215.427 or 227.178 after
35 a petition for a writ of mandamus has been filed under ORS 215.429 or 227.179; or
36 “(C) A state agency action subject to ORS 197.180 (1), if:
37 “(i) The local government with land use jurisdiction over a use or activity that would be au-
38 thorized, funded or undertaken by the state agency as a result of the state agency action has already
39 made a land use decision approving the use or activity; or
40 “(ii) A use or activity that would be authorized, funded or undertaken by the state agency as
41 a result of the state agency action is allowed without review under the acknowledged comprehensive
42 plan and land use regulations implementing the plan.
43 “(11) ‘Land use regulation’ means any local government zoning ordinance, land division ordi-
44 nance adopted under ORS 92.044 or 92.046 or similar general ordinance establishing standards for
45 implementing a comprehensive plan.

1 “(12)(a) ‘Limited land use decision’ means a final decision or determination made by a local
2 government pertaining to a site within an urban growth boundary that concerns:

3 “(A) The approval or denial of a tentative subdivision or partition plan, as described in ORS
4 92.040 (1).

5 “(B) The approval or denial of an application based on discretionary standards designed to reg-
6 ulate the physical characteristics of a use permitted outright, including but not limited to site re-
7 view and design review.

8 “(C) The approval or denial of an application for a replat.

9 “(D) The approval or denial of an application for a property line adjustment.

10 “(E) The approval or denial of an application for an extension, alteration or expansion of a
11 nonconforming use.

12 “**(F) The approval or denial of an urban housing application.**

13 “(b) ‘Limited land use decision’ does not mean a final decision made by a local government
14 pertaining to a site within an urban growth boundary that concerns approval or denial of a final
15 subdivision or partition plat or that determines whether a final subdivision or partition plat sub-
16 stantially conforms to the tentative subdivision or partition plan.

17 “(13) ‘Local government’ means any city, county or Metro or an association of local govern-
18 ments performing land use planning functions under ORS 195.025.

19 “(14) ‘Metro’ means a metropolitan service district organized under ORS chapter 268.

20 “(15) ‘Metro planning goals and objectives’ means the land use goals and objectives that Metro
21 may adopt under ORS 268.380 (1)(a). The goals and objectives do not constitute a comprehensive
22 plan.

23 “(16) ‘Metro regional framework plan’ means the regional framework plan required by the 1992
24 Metro Charter or its separate components. Neither the regional framework plan nor its individual
25 components constitute a comprehensive plan.

26 “(17) ‘New land use regulation’ means a land use regulation other than an amendment to an
27 acknowledged land use regulation adopted by a local government that already has a comprehensive
28 plan and land regulations acknowledged under ORS 197.251.

29 “(18) ‘Person’ means any individual, partnership, corporation, association, governmental subdi-
30 vision or agency or public or private organization of any kind. The Land Conservation and Devel-
31 opment Commission or its designee is considered a person for purposes of appeal under ORS
32 chapters 195, 197 and 197A.

33 “(19) ‘Special district’ means any unit of local government, other than a city, county, Metro or
34 an association of local governments performing land use planning functions under ORS 195.025, au-
35 thorized and regulated by statute and includes but is not limited to water control districts, domestic
36 water associations and water cooperatives, irrigation districts, port districts, regional air quality
37 control authorities, fire districts, school districts, hospital districts, mass transit districts and sani-
38 tary districts.

39 “(20) ‘Urban growth boundary’ means an acknowledged urban growth boundary contained in a
40 city or county comprehensive plan or adopted by Metro under ORS 268.390 (3).

41 “**(21)(a) ‘Urban housing application’ means any application to a local government for a**
42 **quasi-judicial decision, whether combined or in separate stages, seeking approval of any as-**
43 **pect of the development of lands planned or zoned for residential use or mixed residential**
44 **use, within an urban growth boundary, including an application to:**

45 “**(A) Amend a comprehensive plan or seek a variance from a land use regulation;**

1 **“(B) Adopt a planned unit development;**
2 **“(C) Tentatively plat, partition or subdivide the land;**
3 **“(D) Approve any preliminary engineering or design plans relating to the provision of**
4 **utilities, roads or other urban services; or**
5 **“(E) Site a specific dwelling structure, including a single-unit dwelling, manufactured**
6 **dwelling, middle housing, single room occupancy or multiunit dwelling.**
7 **“(b) ‘Urban housing application’ does not include:**
8 **“(A) An application that would have the effect of reducing the minimum residential**
9 **density of land.**
10 **“(B) An application for or a decision made by a local government pertaining to a site**
11 **within an urban growth boundary that concerns approval or denial of a final subdivision or**
12 **partition plat or that determines whether a final subdivision or partition plat substantially**
13 **conforms to the tentative subdivision or partition plan.**
14 **(C) An application for a residential construction permit.**
15 **(D) Review of final engineering plans under section 1 of this 2025 Act.**
16 **(E) A decision that may be made by a ministerial or other expedited approval procedure.**
17 **“[(21)] (22) ‘Urban unincorporated community’ means an area designated in a county’s ac-**
18 **knowledged comprehensive plan as an urban unincorporated community after December 5, 1994.**
19 **“[(22)] (23) ‘Voluntary association of local governments’ means a regional planning agency in**
20 **this state officially designated by the Governor pursuant to the federal Office of Management and**
21 **Budget Circular A-95 as a regional clearinghouse.**
22 **“[(23)] (24) ‘Wetlands’ means those areas that are inundated or saturated by surface or ground**
23 **water at a frequency and duration that are sufficient to support, and that under normal circum-**
24 **stances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions.**
25 **“SECTION 4. ORS 197A.400, as amended by section 3, chapter 111, Oregon Laws 2024, is**
26 **amended to read:**
27 **“197A.400. (1) Except as provided in subsection (3) of this section, a local government may adopt**
28 **and apply only clear and objective standards, conditions and procedures regulating the development**
29 **of housing, including needed housing, on land within an urban growth boundary. The standards,**
30 **conditions and procedures:**
31 **“(a) May include, but are not limited to, one or more provisions regulating the density or height**
32 **of a development.**
33 **“(b) May not have the effect, either in themselves or cumulatively, of discouraging needed**
34 **housing through unreasonable cost or delay.**
35 **“(c) May be contained in a comprehensive plan, land use regulation or an ordinance relating to**
36 **housing adopted by a city that adopts, including by reference, a model ordinance adopted by the**
37 **Land Conservation and Development Commission that comports with any qualifications, conditions**
38 **or applicability of the model ordinance.**
39 **“(2) The provisions of subsection (1) of this section do not apply to:**
40 **“(a) An application or permit for residential development in an area identified in a formally**
41 **adopted central city plan, or a regional center as defined by Metro, in a city with a population of**
42 **500,000 or greater.**
43 **“(b) An application or permit for residential development in historic areas designated for pro-**
44 **tection under a land use planning goal protecting historic areas.**
45 **“(3) In addition to an approval process for needed housing based on clear and objective stan-**

1 dards, conditions and procedures as provided in subsection (1) of this section, a local government
2 may adopt and apply an alternative approval process for applications and permits for residential
3 development based on approval criteria that are not clear and objective if:

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

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

8 “(c) The approval criteria for the alternative approval process authorize a density at or above
9 the density level authorized in the zone under the approval process provided in subsection (1) of this
10 section.

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

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

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

15 “(c) Establish approval procedures.

16 “(5) **With respect to any design review process or requirements related to aesthetics,
17 landscaping, building orientation, parking or building design, but not including limitations on
18 size or any review under applicable building codes, fire codes or public health and safety
19 regulations, a local government:**

20 “(a) **Shall waive the process or requirements for an urban housing application for the
21 development of 20 or more residential lots or parcels; and**

22 “(b) **May waive the process or requirements for a smaller number of residential lots or
23 parcels.**

24 “**SECTION 5.** ORS 197A.400, as amended by section 2, chapter 533, Oregon Laws 2023, and
25 section 4, chapter 111, Oregon Laws 2024, is amended to read:

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

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

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

36 “(c) May be contained in a comprehensive plan, land use regulation or an ordinance relating to
37 housing adopted by a city that adopts, including by reference, a model ordinance adopted by the
38 Land Conservation and Development Commission that comports with any qualifications, conditions
39 or applicability of the model ordinance.

40 “(2) The provisions of subsection (1) 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 “(3) In addition to an approval process for needed housing based on clear and objective stan-
2 dards, conditions and procedures as provided in subsection (1) of this section, a local government
3 may adopt and apply an alternative approval process for applications and permits for residential
4 development 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 (1) 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 (1) of this
11 section.

12 “(4) Subject to subsection (1) 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 “(5) **With respect to any design review process or requirements related to aesthetics,**
18 **landscaping, building orientation, parking or building design, but not including limitations on**
19 **size or any review under applicable building codes, fire codes or public health and safety**
20 **regulations, a local government:**

21 “(a) **Shall waive the process or requirements for an urban housing application for the**
22 **development of 20 or more residential lots or parcels; and**

23 “(b) **May waive the process or requirements for a smaller number of residential lots or**
24 **parcels.**

25 “**SECTION 6. This 2025 Act takes effect on the 91st day after the date on which the 2025**
26 **regular session of the Eighty-third Legislative Assembly adjourns sine die.”.**