

Requested by Senator ANDERSON

**PROPOSED AMENDMENTS TO  
SENATE BILL 974**

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

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

5 **“SECTION 1. (1) After submittal by an applicant of final engineer-**  
6 **ing plans for residential development within an urban growth bound-**  
7 **ary, a local government or special district:**

8 **“(a) Within 14 days, shall confirm that the submittal was complete**  
9 **when submitted or specify all additional materials that must be in-**  
10 **cluded for the submittal to be considered complete.**

11 **“(b) Shall complete final engineering review and be ready, upon**  
12 **submittal of applicable fees, forms and bonds, to issue site develop-**  
13 **ment permits for construction of all public and private improvements,**  
14 **including grading, water, sewer, stormwater, transportation systems,**  
15 **utilities and landscaping, within 90 day after the date that:**

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

18 **“(B) The applicant has provided all materials specified under para-**  
19 **graph (a) of this subsection; or**

20 **“(C) The applicant states that no additional materials are forth-**  
21 **coming.**

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

4       **“(3)(a) An applicant who prevails on a claim arising under this**  
5 **section based on a delay of a local government or special district, in-**  
6 **cluding a claim for a writ of mandamus under ORS 34.130, is entitled**  
7 **to an award of the applicant’s reasonable engineering costs and at-**  
8 **torney fees, including fees incurred on appeal.**

9       **“(b) As used in this subsection:**

10       **“(A) ‘Attorney fees’ includes prelitigation legal expenses, such as**  
11 **costs of preparing and processing the application and supporting the**  
12 **application in local land use hearings or proceedings.**

13       **“(B) ‘Engineering costs’ includes costs to prepare the preliminary**  
14 **plat, to calculate, draft and design infrastructure plans and location,**  
15 **to submit and process the land use application and to consult with the**  
16 **local government planning, engineering and building officials to obtain**  
17 **approvals for the preliminary and final plat, land use and engineering**  
18 **design.**

19       **“SECTION 2.** ORS 197.015, as amended by section 44, chapter 110, Oregon  
20 Laws 2024, is amended to read:

21       **“197.015. As used in ORS chapters 195, 196, 197 and 197A, unless the**  
22 **context requires otherwise:**

23       **“(1) ‘Acknowledgment’ means a commission order that certifies that a**  
24 **comprehensive plan and land use regulations, land use regulation or plan or**  
25 **regulation amendment complies with the goals or certifies that Metro land**  
26 **use planning goals and objectives, Metro regional framework plan, amend-**  
27 **ments to Metro planning goals and objectives or amendments to the Metro**  
28 **regional framework plan comply with the goals.**

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

30       **“(3) ‘Carport’ means a stationary structure consisting of a roof with its**

1 supports and not more than one wall, or storage cabinet substituting for a  
2 wall, and used for sheltering a motor vehicle.

3 “(4) ‘Commission’ means the Land Conservation and Development Com-  
4 mission.

5 “(5) ‘Comprehensive plan’ means a generalized, coordinated land use map  
6 and policy statement of the governing body of a local government that  
7 interrelates all functional and natural systems and activities relating to the  
8 use of lands, including but not limited to sewer and water systems, trans-  
9 portation systems, educational facilities, recreational facilities, and natural  
10 resources and air and water quality management programs.  
11 ‘Comprehensive’ means all-inclusive, both in terms of the geographic area  
12 covered and functional and natural activities and systems occurring in the  
13 area covered by the plan. ‘General nature’ means a summary of policies and  
14 proposals in broad categories and does not necessarily indicate specific lo-  
15 cations of any area, activity or use. A plan is ‘coordinated’ when the needs  
16 of all levels of governments, semipublic and private agencies and the citizens  
17 of Oregon have been considered and accommodated as much as possible.  
18 ‘Land’ includes water, both surface and subsurface, and the air.

19 “(6) ‘Department’ means the Department of Land Conservation and De-  
20 velopment.

21 “(7) ‘Director’ means the Director of the Department of Land Conserva-  
22 tion and Development.

23 “(8) ‘Goals’ means the mandatory statewide land use planning standards  
24 adopted by the commission pursuant to ORS chapters 195, 196, 197 and 197A.

25 “(9) ‘Guidelines’ means suggested approaches designed to aid cities and  
26 counties in preparation, adoption and implementation of comprehensive plans  
27 in compliance with goals and to aid state agencies and special districts in  
28 the preparation, adoption and implementation of plans, programs and regu-  
29 lations in compliance with goals. Guidelines are advisory and do not limit  
30 state agencies, cities, counties and special districts to a single approach.

1       “(10) ‘Land use decision’:  
2       “(a) Includes:  
3       “(A) A final decision or determination made by a local government or  
4 special district that concerns the adoption, amendment or application of:  
5       “(i) The goals;  
6       “(ii) A comprehensive plan provision;  
7       “(iii) A land use regulation; or  
8       “(iv) A new land use regulation;  
9       “(B) A final decision or determination of a state agency other than the  
10 commission with respect to which the agency is required to apply the goals;  
11 or  
12       “(C) A decision of a county planning commission made under ORS 433.763;  
13       “(b) Does not include a decision of a local government:  
14       “(A) That is made under land use standards that do not require interpre-  
15 tation or the exercise of policy or legal judgment;  
16       “(B) That approves or denies a building permit issued under clear and  
17 objective land use standards;  
18       “(C) That is a limited land use decision;  
19       “(D) That determines final engineering design, construction, operation,  
20 maintenance, repair or preservation of a transportation facility that is oth-  
21 erwise authorized by and consistent with the comprehensive plan and land  
22 use regulations;  
23       “(E) That is an expedited land division as described in ORS 197.360;  
24       “(F) That approves, pursuant to ORS 480.450 (7), the siting, installation,  
25 maintenance or removal of a liquefied petroleum gas container or receptacle  
26 regulated exclusively by the State Fire Marshal under ORS 480.410 to  
27 480.460;  
28       “(G) That approves or denies approval of a final subdivision or partition  
29 plat or that determines whether a final subdivision or partition plat sub-  
30 stantially conforms to the tentative subdivision or partition plan; or

1 “(H) That a proposed state agency action subject to ORS 197.180 (1) is  
2 compatible with the acknowledged comprehensive plan and land use regu-  
3 lations implementing the plan, if:

4 “(i) The local government has already made a land use decision author-  
5 izing a use or activity that encompasses the proposed state agency action;

6 “(ii) The use or activity that would be authorized, funded or undertaken  
7 by the proposed state agency action is allowed without review under the  
8 acknowledged comprehensive plan and land use regulations implementing the  
9 plan; or

10 “(iii) The use or activity that would be authorized, funded or undertaken  
11 by the proposed state agency action requires a future land use review under  
12 the acknowledged comprehensive plan and land use regulations implementing  
13 the plan;

14 “(c) Does not include a decision by a school district to close a school;

15 “(d) Does not include, except as provided in ORS 215.213 (13)(c) or 215.283  
16 (6)(c), authorization of an outdoor mass gathering as defined in ORS 433.735,  
17 or other gathering of fewer than 3,000 persons that is not anticipated to  
18 continue for more than 120 hours in any three-month period; and

19 “(e) Does not include:

20 “(A) A writ of mandamus issued by a circuit court in accordance with  
21 ORS 215.429 or 227.179;

22 “(B) Any local decision or action taken on an application subject to ORS  
23 215.427 or 227.178 after a petition for a writ of mandamus has been filed  
24 under ORS 215.429 or 227.179; or

25 “(C) A state agency action subject to ORS 197.180 (1), if:

26 “(i) The local government with land use jurisdiction over a use or activity  
27 that would be authorized, funded or undertaken by the state agency as a  
28 result of the state agency action has already made a land use decision ap-  
29 proving the use or activity; or

30 “(ii) A use or activity that would be authorized, funded or undertaken by

1 the state agency as a result of the state agency action is allowed without  
2 review under the acknowledged comprehensive plan and land use regulations  
3 implementing the plan.

4 “(11) ‘Land use regulation’ means any local government zoning ordinance,  
5 land division ordinance adopted under ORS 92.044 or 92.046 or similar gen-  
6 eral ordinance establishing standards for implementing a comprehensive  
7 plan.

8 “(12)(a) ‘Limited land use decision’ means a final decision or determi-  
9 nation made by a local government pertaining to a site within an urban  
10 growth boundary that concerns:

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

13 “(B) The approval or denial of an application based on discretionary  
14 standards designed to regulate the physical characteristics of a use permitted  
15 outright, including but not limited to site review and design review.

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

17 “(D) The approval or denial of an application for a property line adjust-  
18 ment.

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

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

22 “(b) ‘Limited land use decision’ does not mean a final decision made by  
23 a local government pertaining to a site within an urban growth boundary  
24 that concerns approval or denial of a final subdivision or partition plat or  
25 that determines whether a final subdivision or partition plat substantially  
26 conforms to the tentative subdivision or partition plan.

27 “(13) ‘Local government’ means any city, county or Metro or an associ-  
28 ation of local governments performing land use planning functions under  
29 ORS 195.025.

30 “(14) ‘Metro’ means a metropolitan service district organized under ORS

1 chapter 268.

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

5 “(16) ‘Metro regional framework plan’ means the regional framework plan  
6 required by the 1992 Metro Charter or its separate components. Neither the  
7 regional framework plan nor its individual components constitute a compre-  
8 hensive plan.

9 “(17) ‘New land use regulation’ means a land use regulation other than  
10 an amendment to an acknowledged land use regulation adopted by a local  
11 government that already has a comprehensive plan and land regulations ac-  
12 knowledged under ORS 197.251.

13 “(18) ‘Person’ means any individual, partnership, corporation, association,  
14 governmental subdivision or agency or public or private organization of any  
15 kind. The Land Conservation and Development Commission or its designee  
16 is considered a person for purposes of appeal under ORS chapters 195, 197  
17 and 197A.

18 “(19) ‘Special district’ means any unit of local government, other than a  
19 city, county, Metro or an association of local governments performing land  
20 use planning functions under ORS 195.025, authorized and regulated by  
21 statute and includes but is not limited to water control districts, domestic  
22 water associations and water cooperatives, irrigation districts, port districts,  
23 regional air quality control authorities, fire districts, school districts, hos-  
24 pital districts, mass transit districts and sanitary districts.

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

28 “(21)(a) **‘Urban housing application’ means any application to a lo-**  
29 **cal government for a quasi-judicial decision, whether combined or in**  
30 **separate stages, seeking approval of any aspect of the development of**

1 **lands planned or zoned for residential use or mixed residential use,**  
2 **within an urban growth boundary, including an application to:**

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

5 **“(B) Adopt a planned unit development;**

6 **“(C) Tentatively plat, partition or subdivide the land;**

7 **“(D) Approve any preliminary engineering or design plans relating**  
8 **to the provision of utilities, roads or other urban services; or**

9 **“(E) Site a specific dwelling structure, including a single-unit**  
10 **dwelling, manufactured dwelling, middle housing, single room occu-**  
11 **pancy or multiunit dwelling.**

12 **“(b) ‘Urban housing application’ does not include:**

13 **“(A) An application that would have the effect of reducing the**  
14 **minimum residential density of land.**

15 **“(B) An application for or a decision made by a local government**  
16 **pertaining to a site within an urban growth boundary that concerns**  
17 **approval or denial of a final subdivision or partition plat or that de-**  
18 **termines whether a final subdivision or partition plat substantially**  
19 **conforms to the tentative subdivision or partition plan.**

20 **(C) An application for a residential construction permit.**

21 **(D) Review of final engineering plans under section 1 of this 2025**  
22 **Act.**

23 **(E) A decision that may be made by a ministerial or other expedited**  
24 **approval procedure.**

25 **“[(21)] (22) ‘Urban unincorporated community’ means an area designated**  
26 **in a county’s acknowledged comprehensive plan as an urban unincorporated**  
27 **community after December 5, 1994.**

28 **“[(22)] (23) ‘Voluntary association of local governments’ means a regional**  
29 **planning agency in this state officially designated by the Governor pursuant**  
30 **to the federal Office of Management and Budget Circular A-95 as a regional**

1 clearinghouse.

2 “[~~(23)~~] (24) ‘Wetlands’ means those areas that are inundated or saturated  
3 by surface or ground water at a frequency and duration that are sufficient  
4 to support, and that under normal circumstances do support, a prevalence  
5 of vegetation typically adapted for life in saturated soil conditions.

6 **“SECTION 3.** ORS 197A.400, as amended by section 3, chapter 111,  
7 Oregon Laws 2024, is amended to read:

8 “197A.400. (1) Except as provided in subsection (3) of this section, a local  
9 government may adopt and apply only clear and objective standards, condi-  
10 tions and procedures regulating the development of housing, including  
11 needed housing, on land within an urban growth boundary. The standards,  
12 conditions and procedures:

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

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

17 “(c) May be contained in a comprehensive plan, land use regulation or  
18 an ordinance relating to housing adopted by a city that adopts, including by  
19 reference, a model ordinance adopted by the Land Conservation and Devel-  
20 opment Commission that comports with any qualifications, conditions or  
21 applicability of the model ordinance.

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

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

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

29 “(3) In addition to an approval process for needed housing based on clear  
30 and objective standards, conditions and procedures as provided in subsection

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

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

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

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

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

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

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

17 “(c) Establish approval procedures.

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

23 “(a) **Shall waive the process or requirements for an urban housing**  
24 **application for the development of 20 or more residential units; and**

25 “(b) **May waive the process or requirements for a smaller number**  
26 **of residential units.**

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

30 “197A.400. (1) Except as provided in subsection (3) of this section, a local

1 government may adopt and apply only clear and objective standards, condi-  
2 tions and procedures regulating the development of housing, including  
3 needed housing, on land within an urban growth boundary, unincorporated  
4 communities designated in a county's acknowledged comprehensive plan after  
5 December 5, 1994, nonresource lands and areas zoned for rural residential  
6 use as defined in ORS 215.501. The standards, conditions and procedures:

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

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

11       “(c) May be contained in a comprehensive plan, land use regulation or  
12 an ordinance relating to housing adopted by a city that adopts, including by  
13 reference, a model ordinance adopted by the Land Conservation and Devel-  
14 opment Commission that comports with any qualifications, conditions or  
15 applicability of the model ordinance.

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

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

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

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

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

30       “(b) The approval criteria for the alternative approval process comply

1 with applicable statewide land use planning goals and rules; and

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

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

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

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

11 “(c) Establish approval procedures.

12 **“(5) With respect to any design review process or requirements re-  
13 lated to aesthetics, landscaping, building orientation, parking or  
14 building design, but not including limitations on size or any review  
15 under applicable building codes, fire codes or public health and safety  
16 regulations, a local government:**

17 **“(a) Shall waive the process or requirements for an urban housing  
18 application for the development of 20 or more residential units; and**

19 **“(b) May waive the process or requirements for a smaller number  
20 of residential units.**

21 **“SECTION 5. This 2025 Act takes effect on the 91st day after the  
22 date on which the 2025 regular session of the Eighty-third Legislative  
23 Assembly adjourns sine die.”.**

24 \_\_\_\_\_