

HB 4037-6
(LC 222)
2/5/26 (RLM/ps)

Requested by HOUSE COMMITTEE ON HOUSING AND HOMELESSNESS (at the request of Representative Pam Marsh)

**PROPOSED AMENDMENTS TO
HOUSE BILL 4037**

1 On page 1 of the printed bill, line 3, delete “197A.805,”.

2 On page 12, delete lines 18 through 45.

3 On page 13, delete lines 1 through 40 and insert:

4 “**NOTE:** Section 14 was deleted by amendment. Subsequent sections were
5 not renumbered.

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7 “**LAND CONSERVATION AND DEVELOPMENT COMMISSION ORDERS**”.
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10 On page 15, delete lines 16 through 45.

11 On page 16, delete lines 1 through 23 and insert:

12 “**SECTION 17.** ORS 197A.400 is amended to read:

13 “197A.400. (1)(a) Except as provided in subsection (3) of this section, a
14 local government may adopt and apply only clear and objective standards,
15 conditions and procedures regulating:

16 “(A) The development of housing; and

17 “(B) Tree removal [*codes*] related to the development of housing.

18 “(b) The standards, conditions and procedures:

19 “(A) May include, but are not limited to, one or more provisions regu-
20 lating the density or height of a development.

21 “(B) May not have the effect, either in themselves or cumulatively, of

1 discouraging needed housing through unreasonable cost or delay.

2 “(C) May be contained in a comprehensive plan, land use regulation or
3 an ordinance relating to housing adopted by a city that adopts, including by
4 reference, a model ordinance adopted by the Land Conservation and Devel-
5 opment Commission that comports with any qualifications, conditions or
6 applicability of the model ordinance.

7 “(c) This subsection applies only within:

8 “(A) An urban growth boundary;

9 “(B) An unincorporated community designated in a county’s acknowledged
10 comprehensive plan after December 5, 1994;

11 “(C) Nonresource land; or

12 “(D) An area zoned for rural residential use as defined in ORS 215.501.

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

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

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

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

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

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

29 “(c) The approval criteria for the alternative approval process authorize
30 a density at or above the density level authorized in the zone under the ap-

1 proval process provided in subsection (1) of this section.

2 “(4) Subject to [subsection (1)] **subsections (1) and (5)** of this section,
3 this section does not infringe on a local government’s prerogative to:

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

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

8 “(c) Establish approval procedures.

9 **“(5) For applications subject to subsection (1) of this section, the
10 local government:**

11 **“(a) Shall provide notice of the application only to owners of record
12 of property on the most recent property tax assessment roll where
13 such property is located within 100 feet, or within 500 feet for devel-
14 opments of 20 units or more, of the property that is the subject of the
15 notice;**

16 **“(b) May not require a public hearing prior to making a decision
17 on the application; and**

18 **“(c) May provide an opportunity for a local appeal only to the ap-
19 plicant.**

20 **“(6) Notwithstanding ORS 197.825, only the applicant may appeal a
21 decision made under subsection (5) of this section to the Land Use
22 Board of Appeals.”.**

23 Delete lines 34 through 36 and insert:

24 “(d) 90 days, for an application to develop housing within an urban
25 growth boundary where:

26 “(A) The applicant and the land’s zoning designation are identical to the
27 applicant and zoning designation in a previous application that was approved
28 by the city within the two years preceding the date the present application
29 was submitted;

30 “(B) The land use regulations applicable to the land are identical to the

1 regulations applicable in the previously approved application; and
2 “(C) The application and the land’s lot or parcel are substantially similar
3 to the previously approved application and its lot or parcel; or”.

4 On page 18, delete lines 37 through 39 and insert:

5 “(c) 90 days, for an application to develop housing within an urban
6 growth boundary where:

7 “(A) The applicant and the land’s zoning designation are identical to the
8 applicant and zoning designation in a previous application that was approved
9 by the city within the two years preceding the date the present application
10 was submitted;

11 “(B) The land use regulations applicable to the land are identical to the
12 regulations applicable in the previously approved application; and

13 “(C) The application and the land’s lot or parcel are substantially similar
14 to the previously approved application and its lot or parcel; or”.

15 On page 23, line 22, delete “(4)”.

16 In line 34, restore “ORS”.

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