

Senate Bill 936

Sponsored by Senators GORSEK, MANNING JR, Representative TRAN; Representatives BOICE, GAMBA, GRAYBER, HUDSON, MANNIX, NOSSE, RUIZ

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: This Act allows water cleaning in any land use zone and limits review. (Flesch Readability Score: 65.7).

Makes a public health infrastructure facility an allowed use on any zone if the Oregon Health Authority, Department of Environmental Quality or United States Environmental Protection Agency has established a deadline for the development of the facility. Limits criteria that a local government may apply in approving the development. Applies to certain applications already under review.

Declares an emergency, effective on passage.

A BILL FOR AN ACT

Relating to public health infrastructure facilities; and declaring an emergency.

Be It Enacted by the People of the State of Oregon:

SECTION 1. Section 2 of this 2025 Act is added to and made a part of ORS chapter 197.

SECTION 2. (1) As used in this section:

(a) **“Operator” has the meaning given that term in ORS 448.405.**

(b) **“Public health infrastructure facility” or “facility” means:**

(A) **A sewage treatment works as defined in ORS 448.405; or**

(B) **A water system, as defined in ORS 448.405, including the systems’ intake and distribution pipelines, distribution mains, and any facilities and accessory buildings located on the property.**

(2) **If the Oregon Health Authority, the Department of Environmental Quality or the United States Environmental Protection Agency issues a rule or order to a local government or operator, or enters into an agreement with a local government or operator, that requires the development of a new facility, or requires the expansion, alteration, replacement, improvement or modification of an existing facility, by a date certain, development in compliance with the order is an outright permitted use in any zone. A local government shall administratively approve an application for such a use only as provided in this chapter, notwithstanding:**

(a) **Any contrary provision of this chapter or ORS chapter 215 or 227;**

(b) **Any Land Conservation and Development Commission rule or statewide land use planning goal;**

(c) **Any provision in a comprehensive plan or land use regulation except as described in subsection (3) of this section; or**

(d) **Any prior application or decision by the local government for the same or a substantially similar proposal, regardless of whether such prior proposal was or becomes approved, denied, withdrawn or appealed.**

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 **(3) A local government may apply siting or development standards for the review of any**
2 **application under subsection (2) of this section only if the standards:**

3 **(a) Are clear and objective;**

4 **(b) Do not, individually or cumulatively, discourage the development of an allowed facility**
5 **through unreasonable costs or delays; and**

6 **(c) Are not related to operational requirements, water quality standards or certification**
7 **standards which are or may be regulated by the Oregon Health Authority, the Department**
8 **of Environmental Quality or the United States Environmental Protection Agency.**

9 **(4) A local government shall issue a final decision under this section within 120 days after**
10 **the application is filed by an operator.**

11 **(5)(a) A decision made under this section is not a land use decision and may only be ap-**
12 **pealed by writ of review under ORS 34.010 to 34.100.**

13 **(b) An approval under this section is sufficient for the purposes of demonstrating that**
14 **the use is a compatible land use for the purposes of fulfilling any state agency rule that im-**
15 **plements ORS 197.180 (1).**

16 **SECTION 3. Section 2 of this 2025 Act applies only to an application described in section**
17 **2 (2) of this 2025 Act that was submitted on or after the effective date of this 2025 Act.**

18 **SECTION 4. (1) Upon the request of an applicant, a local government shall review, or**
19 **re-review, an application to develop a facility that was originally submitted to the local gov-**
20 **ernment before the effective date of this 2025 Act as provided in this section. The review**
21 **must be based on, at the option of the operator, one of the following:**

22 **(a) Applicable criteria or conditions of approval imposed by the local government in a**
23 **land use decision based on applicable criteria in place before the effective date of this 2025**
24 **Act; or**

25 **(b) Siting or development standards described in section 2 (3) of this 2025 Act.**

26 **(2) The local government may not require the filing of a new application subject to sec-**
27 **tion 2 of this 2025 Act if:**

28 **(a) The operator had submitted an application under this section; and**

29 **(b) The application was previously approved by the local government.**

30 **(3) A local government shall administratively issue a final decision on an application de-**
31 **scribed in this section within 120 days after the operator has filed a request with the local**
32 **government requesting the review of an application under this section. An approval under**
33 **this subsection must include any conditions of approval that had been previously imposed by**
34 **the local government.**

35 **(4)(a) A decision made under this section is not a land use decision and may only be ap-**
36 **pealed by writ of review under ORS 34.010 to 34.100.**

37 **(b) An approval under this section is sufficient for the purposes of demonstrating that**
38 **the use is a compatible land use for the purposes of fulfilling any state agency rule that im-**
39 **plements ORS 197.180 (1).**

40 **SECTION 5. Section 4 of this 2025 Act is repealed on January 2, 2028.**

41 **SECTION 6. This 2025 Act being necessary for the immediate preservation of the public**
42 **peace, health and safety, an emergency is declared to exist, and this 2025 Act takes effect**
43 **on its passage.**