

Requested by Senator ANDERSON

**PROPOSED AMENDMENTS TO
SENATE BILL 974**

1 On page 1 of the printed bill, line 3, after “ORS” insert “92.100, 197.015,
2 197A.400,”.

3 On page 8, after line 16, insert:

4 **“SECTION 8.** ORS 197.015, as amended by section 44, chapter 110, Oregon
5 Laws 2024, is amended to read:

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

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

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

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

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

20 “(5) ‘Comprehensive plan’ means a generalized, coordinated land use map
21 and policy statement of the governing body of a local government that

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

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

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

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

19 “(9) ‘Guidelines’ means suggested approaches designed to aid cities and
20 counties in preparation, adoption and implementation of comprehensive plans
21 in compliance with goals and to aid state agencies and special districts in
22 the preparation, adoption and implementation of plans, programs and regu-
23 lations in compliance with goals. Guidelines are advisory and do not limit
24 state agencies, cities, counties and special districts to a single approach.

25 “(10) ‘Land use decision’:

26 “(a) Includes:

27 “(A) A final decision or determination made by a local government or
28 special district that concerns the adoption, amendment or application of:

29 “(i) The goals;

30 “(ii) A comprehensive plan provision;

1 “(iii) A land use regulation; or
2 “(iv) A new land use regulation;
3 “(B) A final decision or determination of a state agency other than the
4 commission with respect to which the agency is required to apply the goals;
5 or
6 “(C) A decision of a county planning commission made under ORS 433.763;
7 “(b) Does not include a decision of a local government:
8 “(A) That is made under land use standards that do not require interpre-
9 tation or the exercise of policy or legal judgment;
10 “(B) That approves or denies a building permit issued under clear and
11 objective land use standards;
12 “(C) That is a limited land use decision;
13 “(D) That determines final engineering design, construction, operation,
14 maintenance, repair or preservation of a transportation facility that is oth-
15 erwise authorized by and consistent with the comprehensive plan and land
16 use regulations;
17 “(E) That is an expedited land division as described in ORS 197.360;
18 “(F) That approves, pursuant to ORS 480.450 (7), the siting, installation,
19 maintenance or removal of a liquefied petroleum gas container or receptacle
20 regulated exclusively by the State Fire Marshal under ORS 480.410 to
21 480.460;
22 “(G) That approves or denies approval of a final subdivision or partition
23 plat or that determines whether a final subdivision or partition plat sub-
24 stantially conforms to the tentative subdivision or partition plan; or
25 “(H) That a proposed state agency action subject to ORS 197.180 (1) is
26 compatible with the acknowledged comprehensive plan and land use regu-
27 lations implementing the plan, if:
28 “(i) The local government has already made a land use decision author-
29 izing a use or activity that encompasses the proposed state agency action;
30 “(ii) The use or activity that would be authorized, funded or undertaken

1 by the proposed state agency action is allowed without review under the
2 acknowledged comprehensive plan and land use regulations implementing the
3 plan; or

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

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

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

13 “(e) Does not include:

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

16 “(B) Any local decision or action taken on an application subject to ORS
17 215.427 or 227.178 after a petition for a writ of mandamus has been filed
18 under ORS 215.429 or 227.179; or

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

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

24 “(ii) A use or activity that would be authorized, funded or undertaken by
25 the state agency as a result of the state agency action is allowed without
26 review under the acknowledged comprehensive plan and land use regulations
27 implementing the plan.

28 “(11) ‘Land use regulation’ means any local government zoning ordinance,
29 land division ordinance adopted under ORS 92.044 or 92.046 or similar gen-
30 eral ordinance establishing standards for implementing a comprehensive

1 plan.

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

5 “[A] (a) The approval or denial of a tentative subdivision or partition
6 plan, as described in ORS 92.040 (1).

7 “[B] (b) The approval or denial of an application based on discretionary
8 standards designed to regulate the physical characteristics of a use permitted
9 outright, including but not limited to site review and design review.

10 “[C] (c) The approval or denial of an application for a replat.

11 “[D] (d) The approval or denial of an application for a property line
12 adjustment.

13 “[E] (e) The approval or denial of an application for an extension, al-
14 teration or expansion of a nonconforming use.

15 **“(f) The approval or denial of an urban housing application.**

16 “[b] *‘Limited land use decision’ does not mean a final decision made by*
17 *a local government pertaining to a site within an urban growth boundary that*
18 *concerns approval or denial of a final subdivision or partition plat or that*
19 *determines whether a final subdivision or partition plat substantially conforms*
20 *to the tentative subdivision or partition plan.]*

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

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

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

29 “(16) ‘Metro regional framework plan’ means the regional framework plan
30 required by the 1992 Metro Charter or its separate components. Neither the

1 regional framework plan nor its individual components constitute a compre-
2 hensive plan.

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

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

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

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

22 “(21)(a) ‘Urban housing application’ means any application, whether
23 combined or in separate stages, to a local government seeking ap-
24 proval of any aspect of the development of specified lands for a resi-
25 dential use or mixed residential use, within an urban growth
26 boundary, including an application to, with respect to the land:

27 “(A) Amend a comprehensive plan or land use regulation;

28 “(B) Adopt a planned unit development or concept plan;

29 “(C) Plat, partition or subdivide;

30 “(D) Approve any engineering or design plans relating to the pro-

1 **vision of utilities, roads or other urban services; or**

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

5 **“(b) ‘Urban housing application’ does not include an application**
6 **that would have the effect of reducing the minimum residential den-**
7 **sity of land.**

8 **“[(21)] (22) ‘Urban unincorporated community’ means an area designated**
9 **in a county’s acknowledged comprehensive plan as an urban unincorporated**
10 **community after December 5, 1994.**

11 **“[(22)] (23) ‘Voluntary association of local governments’ means a regional**
12 **planning agency in this state officially designated by the Governor pursuant**
13 **to the federal Office of Management and Budget Circular A-95 as a regional**
14 **clearinghouse.**

15 **“[(23)] (24) ‘Wetlands’ means those areas that are inundated or saturated**
16 **by surface or ground water at a frequency and duration that are sufficient**
17 **to support, and that under normal circumstances do support, a prevalence**
18 **of vegetation typically adapted for life in saturated soil conditions.**

19 **“SECTION 9. Sections 10 and 11 of this 2025 Act are added to and**
20 **made a part of ORS chapter 197A.**

21 **“SECTION 10. (1) The Land Use Board of Appeals shall award at-**
22 **torney fees and engineering costs to an applicant for an urban housing**
23 **application who is the prevailing party.**

24 **“(2) The board shall also award attorney fees to a local government**
25 **that approves an urban housing application and who is the prevailing**
26 **party.**

27 **“(3) As used in this section:**

28 **“(a) ‘Attorney fees’ includes prelitigation legal expenses, including**
29 **preparing and processing the application and supporting the applica-**
30 **tion in local land use hearings or proceedings.**

1 **“(b) ‘Engineering costs’ include costs to prepare the preliminary**
2 **plat, calculate, draft and design infrastructure plans and location,**
3 **submit and process the land use application, and consult with the local**
4 **government planning, engineering and building officials to obtain ap-**
5 **provals for the preliminary and final plat, land use and engineering**
6 **design.**

7 **“SECTION 11. (1) A local government or special district must com-**
8 **plete final engineering review and be ready, upon submittal of appli-**
9 **cable fees, forms and bonds, to issue site development permits for**
10 **construction of all public and private improvements, including grad-**
11 **ing, water, sewer, stormwater, transportation systems, utilities and**
12 **landscaping, within 120 days after submittal by an applicant as part**
13 **of an urban housing application.**

14 **“(2) Unless a local government or special district has rejected,**
15 **within 120 days of submittal by an applicant, an application for final**
16 **engineering review of site development permits described in subsection**
17 **(1) of this section, the submittal is deemed approved and development**
18 **under the permit application may commence.**

19 **“SECTION 12. ORS 197A.400, as amended by section 3, chapter 111,**
20 **Oregon Laws 2024, is amended to read:**

21 **“197A.400. (1) Except as provided in subsection (3) of this section, a local**
22 **government may adopt and apply only clear and objective standards, condi-**
23 **tions and procedures regulating the development of housing, including**
24 **needed housing, on land within an urban growth boundary. The standards,**
25 **conditions and procedures:**

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

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

30 **“(c) May be contained in a comprehensive plan, land use regulation or**

1 an ordinance relating to housing adopted by a city that adopts, including by
2 reference, a model ordinance adopted by the Land Conservation and Devel-
3 opment Commission that comports with any qualifications, conditions or
4 applicability of the model ordinance.

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

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

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

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

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

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

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

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

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

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

30 “(c) Establish approval procedures.

1 **“(5) A local government may not require an applicant to comply**
2 **with any design review process or requirement as a condition of ob-**
3 **taining approval of an urban housing application or any aspect of the**
4 **application, including any design review process or requirement relat-**
5 **ing to aesthetics, landscaping, building orientation, parking or build-**
6 **ing design, but not including limitations on size.**

7 **“SECTION 13.** ORS 197A.400, as amended by section 2, chapter 533,
8 Oregon Laws 2023, and section 4, chapter 111, Oregon Laws 2024, is amended
9 to read:

10 “197A.400. (1) Except as provided in subsection (3) of this section, a local
11 government may adopt and apply only clear and objective standards, condi-
12 tions and procedures regulating the development of housing, including
13 needed housing, on land within an urban growth boundary, unincorporated
14 communities designated in a county’s acknowledged comprehensive plan after
15 December 5, 1994, nonresource lands and areas zoned for rural residential
16 use as defined in ORS 215.501. The standards, 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 or
22 an ordinance relating to housing adopted by a city that adopts, including by
23 reference, a model ordinance adopted by the Land Conservation and Devel-
24 opment Commission that comports with any qualifications, conditions or
25 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 “(5) **A local government may not require an applicant to comply**
23 **with any design review process or requirement as a condition of ob-**
24 **taining approval of an urban housing application or any aspect of the**
25 **application, including any design review process or requirement relat-**
26 **ing to aesthetics, landscaping, building orientation, parking or build-**
27 **ing design, but not including limitations on size.**

28 “**SECTION 14.** ORS 92.100 is amended to read:

29 “92.100. (1)(a) Except as provided in [*subsection (4)*] **subsections (4) and**
30 **(8)** of this section, before a subdivision or partition plat that covers land

1 within the corporate limits of a city may be recorded, the county surveyor
2 must approve the plat.

3 “(b) Notwithstanding ORS 92.170, the governing body of the city may, by
4 resolution or order, designate the city surveyor to serve in lieu of the county
5 surveyor or, with concurrence of the county surveyor, a contract surveyor
6 to act as city surveyor.

7 “(c) Except as provided in subsection (4) of this section, if the land is
8 outside the corporate limits of any city, the subdivision or partition plat
9 must be approved by the county surveyor before it is recorded.

10 “(d) All subdivision plats must also be approved by the county assessor
11 and the governing body of the county in which the property is located before
12 recording.

13 “(e) Notwithstanding paragraph (d) of this subsection, a county may pro-
14 vide by ordinance for the approval of subdivision plats by:

15 “(A) The county assessor; and

16 “(B)(i) The chairperson of the governing body of the county;

17 “(ii) The vice chairperson of the governing body of the county; or

18 “(iii) A person designated in lieu of the chairperson or vice chairperson.

19 “(f)(A) A partition plat is subject only to the approval of the city or
20 county surveyor unless:

21 “(i) The partition plat includes a dedication of land for public road pur-
22 poses; or

23 “(ii) Provided otherwise by ordinance of the governing body.

24 “(B) The city or county surveyor shall review the partition plat only for
25 compliance with the survey-related provisions of ORS 92.010 to 92.192 and
26 209.250.

27 “(2) Before approving the subdivision plat as required by this section, the
28 county surveyor shall check the subdivision site and the subdivision plat and
29 shall take measurements and make computations and other determinations
30 necessary to determine that the subdivision plat complies with the survey-

1 related provisions of ORS 92.010 to 92.192 and 209.250 and with survey-related
2 requirements established pursuant to an ordinance or resolution passed by
3 the governing body of the controlling city or county.

4 “(3) Before approving the partition plat as required by this section, the
5 county surveyor shall check the partition plat and make computations and
6 other determinations that the partition plat complies with the survey-related
7 provisions of ORS 92.010 to 92.192 and 209.250 and with the survey-related
8 requirements established pursuant to an ordinance or resolution by the gov-
9 erning body of the controlling city or county.

10 “(4) Before a subdivision or partition plat prepared by the county sur-
11 veyor in a private capacity may be recorded, the plat must be approved in
12 accordance with subsection (2) or (3) of this section, whichever is applicable,
13 by the surveyor of a county other than the county in which the land is lo-
14 cated and who has been designated by the county surveyor.

15 “(5) For performing the service described:

16 “(a) In subsection (2) of this section, the county surveyor shall collect
17 from the subdivider or declarant a fee of \$100 plus \$5 for each lot contained
18 in the subdivision. The governing body of a city or county may establish a
19 higher fee by resolution or order.

20 “(b) In subsection (3) of this section, the county surveyor shall collect
21 from the partitioner or declarant a fee to be established by the governing
22 body.

23 “(c) In subsection (4) of this section, the designated county surveyor shall
24 collect the applicable subdivision or partition plat check fee, and any travel
25 expenses incurred, as established by the designated county surveyor’s board
26 of commissioners. The subdivision or partition plat check fee and other ex-
27 penses must be paid by the subdivider, partitioner or declarant prior to ap-
28 proval of the subdivision or partition plat by the designated county surveyor.

29 “(6) Nothing in this section prohibits a city, county or special district
30 from requiring engineering review and approval of a subdivision plat to en-

1 sure compliance with state and local subdivision requirements that relate to
2 matters other than survey adequacy.

3 “(7) Granting approval or withholding approval of a final subdivision or
4 partition plat under this section by the county surveyor, the county assessor
5 or the governing body of a city or county, or a designee of the governing
6 body, is not a land use decision or a limited land use decision, as defined in
7 ORS 197.015.

8 **“(8) Unless the county surveyor, city surveyor or designee author-**
9 **ized under this section has, within 120 days of submittal, rejected a**
10 **subdivision or partition plat that is part of an urban housing applica-**
11 **tion, as defined in ORS 197.015, and that has received approval of its**
12 **tentative plan, the plat is considered approved and may be recorded.”.**

13 In line 17, delete “8” and insert “15”.

14 _____