

HB 2258-3
(LC 1824)
4/3/25 (RLM/ps)

Requested by Representative MARSH

**PROPOSED AMENDMENTS TO
HOUSE BILL 2258**

1 In line 2 of the printed bill, after “housing” insert “; and declaring an
2 emergency”.

3 Delete lines 4 through 8 and insert:

4 **“SECTION 1. Section 2 of this 2025 Act is added to and made a part
5 of ORS chapter 197A.**

6 **“SECTION 2. (1) The definitions in ORS 197A.420 apply to this sec-
7 tion.**

8 **“(2) The Land Conservation and Development Commission may
9 adopt rules requiring local governments to issue a land use decision,
10 notwithstanding any comprehensive plan or land use regulations or
11 statewide land use planning goals, approving the development of
12 specified residential development types on certain lots or parcels under
13 specified conditions.**

14 **“(3) A rule issued under this section may only pertain to lots or
15 parcels that are:**

16 **“(a) Lawfully established units of land;**

17 **“(b) Within an urban growth boundary;**

18 **“(c) Zoned to allow residential use;**

19 **“(d) At least 1,500 square feet;**

20 **“(e) Not larger than 20,000 square feet;**

21 **“(f) Not covered by slopes averaging more than 15 percent;**

1 “(g) Not within an area identified in an inventory or map that is
2 part of the local government’s comprehensive plan as:

3 “(A) Environmentally sensitive or containing significant natural
4 resources;

5 “(B) Open space or scenic areas; or

6 “(C) Natural hazard areas, including floodplains, river greenways,
7 landslide zones or wildfire risk areas; and

8 “(h) Vacant, including a lot or parcel:

9 “(A) Created by any lawful division of land, regardless of when the
10 division occurred.

11 “(B) On which is sited a nonresidential structure that is noncon-
12 forming or not suitable for any lawful use.

13 “(C) For which residential units were demolished more than five
14 years prior.

15 “(D) For which residential units were demolished within the previ-
16 ous five years, provided that the approved development would create
17 net additional units and would use a building construction plan ap-
18 proved under section 5 of this 2025 Act.

19 “(4) The residential development types that may be approved under
20 this section may only include:

21 “(a) Attached or detached housing, including accessory dwelling
22 units or prefabricated or modular housing.

23 “(b) Types with a buildable area of:

24 “(A) A size of not more than 2,200 square feet for a single-unit
25 dwelling, accessory dwelling unit, duplex, triplex, quadplex or
26 townhouse.

27 “(B) An average per-unit size of not more than 1,400 square feet for
28 cottage clusters or a multiunit dwelling.

29 “(c) A multiunit dwelling with more than six and fewer than 12
30 units.

1 “(d) Housing that complies with the minimum density requirements
2 of the applicable comprehensive plan or land use regulations for the
3 lot or parcel.

4 “(e) Housing types whose building plans have been approved under
5 section 5 of this 2025 Act.

6 “(5) The commission may specify for the approved residential de-
7 velopment types allowed under this section:

8 “(a) Processes that the local governments may apply to the devel-
9 opment, except for public facilities or traffic impact analysis pro-
10 cesses, which the local government may establish and implement.

11 “(b) Applicable design standards and the scope of the design review,
12 which may include requiring the approval of the use of any material,
13 design or method of construction that is approved under the applicable
14 building code or approved under section 5 of this 2025 Act.

15 “(c) Allowable variations or adjustments, or variation or adjust-
16 ment types, from the specific approval. A local government is not re-
17 quired to grant a request for adjustment under sections 38 to 41,
18 chapter 110, Oregon Laws 2024, to development authorized under this
19 section except as specified by the commission.

20 “(d) Limits on land use, including establishing appropriate mini-
21 mum or maximum setbacks, parking requirements, floor-to-area ra-
22 tios or minimum dwelling units per acre.

23 “(e) Standards for tree removal, replacement or planting. The
24 standards for tree removal must include:

25 “(A) Prohibiting the removal of heritage trees or trees with a DBH,
26 as defined in ORS 90.100, of 20 inches or more.

27 “(B) Requiring the replacement of or replanting on or adjacent to
28 the developed lot or parcel for every removed tree that is:

29 “(i) Locally designated as a protected species;

30 “(ii) Not deemed unhealthy by a certified arborist; and

1 “(iii) Has a DBH of 12 inches or more.

2 “(6) In adopting rules under this section, the commission shall co-
3 ordinate with the review of building construction plans by the De-
4 partment of Consumer and Business Services under section 5 of this
5 2025 Act.

6 “SECTION 3. The Land Conservation and Development Commission
7 shall adopt initial rules implementing section 2 of this 2025 Act on or
8 before January 1, 2027.

9 “SECTION 4. Section 5 of this 2025 Act is added to and made a part
10 of ORS chapter 455.

11 “SECTION 5. (1) The Department of Consumer and Business Ser-
12 vices may designate a process by which an applicant for a building
13 permit for a residential structure of a type described in section 2 (4)(a)
14 to (c) of this 2025 Act may receive building construction plan approval
15 from the municipality, including through the use of:

16 “(a) Typical drawings and specifications created by the department
17 under ORS 455.062.

18 “(b) Review of plans and specifications approved by the department
19 under ORS 455.685. Plans and specifications submitted under this par-
20 agraph will remain proprietary unless the submitter requests other-
21 wise.

22 “(2) In implementing this section the department may coordinate
23 with approvals of land use plans by the Land Conservation and De-
24 velopment Commission under section 2 of this 2025 Act.

25 “SECTION 6. This 2025 Act being necessary for the immediate
26 preservation of the public peace, health and safety, an emergency is
27 declared to exist, and this 2025 Act takes effect on its passage.”.