

SB 974-3
(LC 1177)
4/2/25 (RLM/ps)

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 the final review of the engineering plans and**
12 **be ready, upon submittal of applicable fees, forms and bonds, to issue**
13 **site development permits for construction of all public and private**
14 **improvements, including grading, water, sewer, stormwater, trans-**
15 **portation systems, utilities and landscaping, within 90 days after the**
16 **date on which:**

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

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

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

1 coming.

2 “(2) The review period for a local government to complete its review
3 under subsection (1) is tolled during the time period beginning on the
4 date on which a local government sends a rejection or direction to the
5 applicant to correct or supplement the application and ending on the
6 date on which the amended application is received by the local gov-
7 ernment.

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

11 **“SECTION 2.** (1) An applicant is entitled to an award of the
12 applicant’s reasonable engineering costs and attorney fees, including
13 fees incurred on appeal if the applicant prevails on a claim against a
14 local government or special district for failing to meet a deadline for
15 final action under:

16 “(a) Section 1 of this 2025 Act; or

17 “(b) For an urban housing application, ORS 215.427 or 227.178.

18 “(2) As used in this section:

19 “(a) ‘Attorney fees’ includes prelitigation legal expenses, such as
20 costs of preparing and processing the application and supporting the
21 application in local land use hearings or proceedings.

22 “(b) ‘Claim’ includes a petition for a writ of mandamus under ORS
23 34.130, 215.429 or 227.179.

24 “(c) ‘Engineering costs’ includes costs to prepare the preliminary
25 plat, to calculate, draft and design infrastructure plans and location,
26 to submit and process the land use application and to consult with the
27 local government planning, engineering and building officials to obtain
28 approvals for the preliminary and final plat, land use and engineering
29 design.

30 **“SECTION 3.** ORS 197.015, as amended by section 44, chapter 110, Oregon

1 Laws 2024, is amended to read:

2 “197.015. As used in ORS chapters 195, 196, 197 and 197A, unless the
3 context requires otherwise:

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

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

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

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

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

30 “(6) ‘Department’ means the Department of Land Conservation and De-

1 velopment.

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

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

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

12 “(10) ‘Land use decision’:

13 “(a) Includes:

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

16 “(i) The goals;

17 “(ii) A comprehensive plan provision;

18 “(iii) A land use regulation; or

19 “(iv) A new land use regulation;

20 “(B) A final decision or determination of a state agency other than the
21 commission with respect to which the agency is required to apply the goals;
22 or

23 “(C) A decision of a county planning commission made under ORS 433.763;

24 “(b) Does not include a decision of a local government:

25 “(A) That is made under land use standards that do not require interpre-
26 tation or the exercise of policy or legal judgment;

27 “(B) That approves or denies a building permit issued under clear and
28 objective land use standards;

29 “(C) That is a limited land use decision;

30 “(D) That determines final engineering design, construction, operation,

1 maintenance, repair or preservation of a transportation facility that is oth-
2 erwise authorized by and consistent with the comprehensive plan and land
3 use regulations;

4 “(E) That is an expedited land division as described in ORS 197.360;

5 “(F) That approves, pursuant to ORS 480.450 (7), the siting, installation,
6 maintenance or removal of a liquefied petroleum gas container or receptacle
7 regulated exclusively by the State Fire Marshal under ORS 480.410 to
8 480.460;

9 “(G) That approves or denies approval of a final subdivision or partition
10 plat or that determines whether a final subdivision or partition plat sub-
11 stantially conforms to the tentative subdivision or partition plan; or

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

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

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

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

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

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

30 “(e) Does not include:

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

3 “(B) Any local decision or action taken on an application subject to ORS
4 215.427 or 227.178 after a petition for a writ of mandamus has been filed
5 under ORS 215.429 or 227.179; or

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

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

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

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

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

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

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

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

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

30 “(E) The approval or denial of an application for an extension, alteration

1 or expansion of a nonconforming use.

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

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

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

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

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

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

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

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

29 “(19) ‘Special district’ means any unit of local government, other than a
30 city, county, Metro or an association of local governments performing land

1 use planning functions under ORS 195.025, authorized and regulated by
2 statute and includes but is not limited to water control districts, domestic
3 water associations and water cooperatives, irrigation districts, port districts,
4 regional air quality control authorities, fire districts, school districts, hos-
5 pital districts, mass transit districts and sanitary districts.

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

9 “(21)(a) ‘Urban housing application’ means any application to a lo-
10 cal government for a quasi-judicial decision, whether combined or in
11 separate stages, seeking approval of any aspect of the development of
12 lands planned or zoned for residential use or mixed residential use,
13 within an urban growth boundary, including an application to:

14 “(A) Amend a comprehensive plan or seek a variance from a land
15 use regulation;

16 “(B) Adopt a planned unit development;

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

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

20 “(E) Site a specific dwelling structure, including a single-unit
21 dwelling, manufactured dwelling, middle housing, single room occu-
22 pancy or multiunit dwelling.

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

24 “(A) An application that would have the effect of reducing the
25 minimum residential density of land.

26 “(B) An application for or a decision made by a local government
27 pertaining to a site within an urban growth boundary that concerns
28 approval or denial of a final subdivision or partition plat or that de-
29 termines whether a final subdivision or partition plat substantially
30 conforms to the tentative subdivision or partition plan.

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

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

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

6 “[(21)] **(22)** ‘Urban unincorporated community’ means an area designated
7 in a county’s acknowledged comprehensive plan as an urban unincorporated
8 community after December 5, 1994.

9 “[(22)] **(23)** ‘Voluntary association of local governments’ means a regional
10 planning agency in this state officially designated by the Governor pursuant
11 to the federal Office of Management and Budget Circular A-95 as a regional
12 clearinghouse.

13 “[(23)] **(24)** ‘Wetlands’ means those areas that are inundated or saturated
14 by surface or ground water at a frequency and duration that are sufficient
15 to support, and that under normal circumstances do support, a prevalence
16 of vegetation typically adapted for life in saturated soil conditions.

17 **“SECTION 4.** ORS 197A.400, as amended by section 3, chapter 111,
18 Oregon Laws 2024, is amended to read:

19 “197A.400. (1) Except as provided in subsection (3) of this section, a local
20 government may adopt and apply only clear and objective standards, condi-
21 tions and procedures regulating the development of housing, including
22 needed housing, on land within an urban growth boundary. The standards,
23 conditions and procedures:

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

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

28 “(c) May be contained in a comprehensive plan, land use regulation or
29 an ordinance relating to housing adopted by a city that adopts, including by
30 reference, a model ordinance adopted by the Land Conservation and Devel-

1 opment Commission that comports with any qualifications, conditions or
2 applicability of the model ordinance.

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

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

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

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

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

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

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

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

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

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

28 “(c) Establish approval procedures.

29 **“(5) With respect to any design review process or requirements re-**
30 **lated to aesthetics, landscaping, building orientation, parking or**

1 **building design, but not including limitations on size or any review**
2 **under applicable building codes, fire codes or public health and safety**
3 **regulations, a local government:**

4 **“(a) Shall waive the process or requirements for an urban housing**
5 **application for the development of 20 or more residential lots or par-**
6 **cels; and**

7 **“(b) May waive the process or requirements for a smaller number**
8 **of residential lots or parcels.**

9 **“SECTION 5.** ORS 197A.400, as amended by section 2, chapter 533,
10 Oregon Laws 2023, and section 4, chapter 111, Oregon Laws 2024, is amended
11 to read:

12 “197A.400. (1) Except as provided in subsection (3) of this section, a local
13 government may adopt and apply only clear and objective standards, condi-
14 tions and procedures regulating the development of housing, including
15 needed housing, on land within an urban growth boundary, unincorporated
16 communities designated in a county’s acknowledged comprehensive plan after
17 December 5, 1994, nonresource lands and areas zoned for rural residential
18 use as defined in ORS 215.501. The standards, conditions and procedures:

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

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

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

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

29 “(a) An application or permit for residential development in an area
30 identified in a formally adopted central city plan, or a regional center as

1 defined by Metro, in a city with a population of 500,000 or greater.

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

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

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

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

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

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

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

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

23 “(c) Establish approval procedures.

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

29 **“(a) Shall waive the process or requirements for an urban housing**
30 **application for the development of 20 or more residential lots or par-**

1 cels; and

2 “(b) May waive the process or requirements for a smaller number
3 of residential lots or parcels.

4 “SECTION 6. This 2025 Act takes effect on the 91st day after the
5 date on which the 2025 regular session of the Eighty-third Legislative
6 Assembly adjourns sine die.”.

7 _____