

Requested by Senator ANDERSON

**PROPOSED AMENDMENTS TO
A-ENGROSSED SENATE BILL 974**

1 On page 1 of the printed A-engrossed bill, line 3, after “amending” insert
2 “ORS 34.210.”.

3 Delete lines 5 through 23.

4 On page 2, delete lines 1 through 16 and insert:

5 **“SECTION 1. (1) As used in this section, ‘final engineering plans’**
6 **means the detailed engineering plans and reports for the design or**
7 **construction of public and private infrastructure improvements that**
8 **require review and approval following tentative plat approval by a lo-**
9 **cal government before issuing site development permits, including**
10 **plans and reports for the construction of public and private**
11 **infrastructure improvements such as grading, water, sewer,**
12 **stormwater, transportation systems and utilities.**

13 **“(2) After receiving an application for final engineering plans for**
14 **residential development within an urban growth boundary, a local**
15 **government shall:**

16 **“(a) Within 14 days, confirm that the application was complete**
17 **when submitted or specify all additional materials that must be in-**
18 **cluded for the application to be considered complete.**

19 **“(b) Complete the final review of the engineering plans and, fol-**
20 **lowing receipt of applicable fees, forms and bonds, approve or deny site**
21 **development permits for construction of all public and private**

1 **infrastructure improvements, within 90 days after the date on which:**

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

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

6 **“(C) The applicant states that no additional materials are forth-**
7 **coming.**

8 **“(3) The review period for a local government to complete its review**
9 **under subsection (2) of this section is tolled during the time period**
10 **beginning on the date on which a local government sends a direction**
11 **to the applicant to correct or supplement the application and ending**
12 **on the date on which the amended application is received by the local**
13 **government.**

14 **“(4) The applicant and reviewing local government may agree to**
15 **extend the deadline under subsection (2)(b) of this section by one or**
16 **more 30-day periods.**

17 **“(5) If the local government does not take final action on the ap-**
18 **plication within the deadline provided under subsection (2)(b) of this**
19 **section, including any extension under this section, the applicant may**
20 **file a petition for a writ of mandamus under ORS 34.130 in the circuit**
21 **court of the county where the application was submitted.**

22 **“(6) The local government shall retain jurisdiction to make a deci-**
23 **sion until a petition for a writ of mandamus is filed. Upon receiving**
24 **a petition filed under ORS 34.130, the circuit court has jurisdiction for**
25 **all decisions regarding the application, including settlement.**

26 **“(7) The court shall issue a peremptory writ unless the local gov-**
27 **ernment or any intervenor shows that the approval of final engineer-**
28 **ing plans would violate a substantive provision of the local**
29 **government’s regulations.**

30 **“SECTION 2. ORS 34.210 is amended to read:**

1 “34.210. (1) If the court orders issuance of a peremptory writ of
2 mandamus, the relator shall recover from the defendant damages which the
3 relator has sustained from a false return, to be ascertained in the same
4 manner as in an action.

5 “(2)(a) The court in its discretion may designate a prevailing party and
6 award attorney fees, costs and disbursements to the prevailing party[, *but*].

7 “(b) No attorney fees, costs [*and*] **or** disbursements [*shall*] **may** be
8 awarded against a judge as a defendant in a mandamus action for any action
9 taken in the judge’s official capacity.

10 “(c) Attorney fees, costs and disbursements may only be awarded against
11 adverse parties who have been served with the petition and writ.

12 “(3)(a) **Notwithstanding subsection (2)(a) of this section, the court**
13 **shall award attorney fees, costs and disbursements, including reason-**
14 **able engineering costs, to a relator who prevails on a writ issued pur-**
15 **suant to ORS 215.429 or 227.181 or section 1 of this 2025 Act, only if the**
16 **petition for a writ is filed before the local government issues a final**
17 **decision on the application.**

18 “(b) As used in this subsection:

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

22 “(B) ‘Engineering costs’ includes actual costs incurred to consult
23 with the local government to obtain final engineering approvals or to
24 complete any corrections or supplementations of the application for
25 final engineering plans under section 1 of the 2025 Act.”.

26 On page 5, delete lines 9 through 29 and insert:

27 “(21)(a) ‘Urban housing application’ means an application for residential
28 development, whether a single or combined application, of land that is zoned
29 for residential use or mixed use where residential uses are allowed, or of
30 land that is planned for future residential use, including an application for:

1 “(A) A zone change to allow for residential use;
2 “(B) Notwithstanding ORS 197.195, amendment of a comprehensive plan
3 map;
4 “(C) A planned unit development;
5 “(D) A variance from a residential approval standard;
6 “(E) The partitioning or subdividing of land; or
7 “(F) Residential development based on standards designed to regulate the
8 siting or physical characteristics of a residential use, including site review
9 and design review.

10 “(b) ‘Urban housing application’ does not include an application:
11 “(A) That would reduce the minimum residential density of land.
12 “(B) For a final subdivision or partition plat.
13 “(C) For a residential construction permit under the state building code.
14 “(D) For final engineering plans under section 1 of this 2025 Act.
15 “(E) Subject to a ministerial or other expedited approval procedure, in-
16 cluding a residential use allowed outright.”.

17 On page 6, delete lines 29 through 36 and insert:

18 “(5)(a) A local government may apply residential design standards to an
19 urban housing application only if the application is for the development of
20 fewer than 20 residential units.

21 “(b) This subsection does not apply to land use regulations or require-
22 ments that are related to accessibility, fire ingress or egress, public health
23 or safety, hazardous or contaminated site cleanup or wildlife protection or
24 that implement statewide land use planning goals relating to natural re-
25 sources, natural hazards, the Willamette River Greenway, estuarine re-
26 sources, coastal shorelands, beaches and dunes or ocean resources.

27 “(c) For the purposes of this subsection:

28 “(A) ‘Residential design standards’ means standards intended to preserve
29 the desired character, architectural expression, decoration or aesthetic
30 quality of new homes, including standards regulating:

- 1 “(i) Facade materials, color or patterns;
- 2 “(ii) Roof decoration, form or eave overhang;
- 3 “(iii) Accessories, materials or finishes for entry doors or garages;
- 4 “(iv) Window elements including trim, recesses, shutters or grids;
- 5 “(v) Fence type, design or finishes;
- 6 “(vi) Architectural details;
- 7 “(vii) Covered porches or balconies;
- 8 “(viii) Variety of design or floorplan; or
- 9 “(ix) Front or back yard area landscaping materials or vegetation.

10 “(B) ‘Residential units’ means all new single-unit dwellings, manufactured
11 dwellings and units of middle housing, as defined in ORS 197A.420.”.

12 On page 7, delete lines 30 through 37 and insert:

13 “(5)(a) A local government may apply residential design standards to an
14 urban housing application only if the application is for the development of
15 fewer than 20 residential units.

16 “(b) This subsection does not apply to land use regulations or require-
17 ments that are related to accessibility, fire ingress or egress, public health
18 or safety, hazardous or contaminated site cleanup or wildlife protection or
19 that implement statewide land use planning goals relating to natural re-
20 sources, natural hazards, the Willamette River Greenway, estuarine re-
21 sources, coastal shorelands, beaches and dunes or ocean resources.

22 “(c) For the purposes of this subsection:

23 “(A) ‘Residential design standards’ means standards intended to preserve
24 the desired character, architectural expression, decoration or aesthetic
25 quality of new homes, including standards regulating:

- 26 “(i) Facade materials, color or patterns;
- 27 “(ii) Roof decoration, form or eave overhang;
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- 29 “(iv) Window elements including trim, recesses, shutters or grids;
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