

HB 2658-2  
(LC 3406)  
5/9/25 (RLM/ps)

Requested by Representative EVANS

**PROPOSED AMENDMENTS TO  
HOUSE BILL 2658**

1 On page 2 of the printed bill, delete lines 20 through 27 and insert:

2 “(f) Unless required to do so by the Americans with Disabilities Act of  
3 1990, 42 U.S.C. 12101 et seq., a county with a population of 15,000 or greater  
4 may not include a condition in a permit for development on a single lot or  
5 parcel that requires the applicant to fund, implement, create, repair, renovate  
6 or install any improvement, if the county or another public body as defined  
7 in ORS 174.109 has, prior to the application and for the same improvement  
8 or an improvement serving substantially the same function at the same lo-  
9 cation:

10 “(A) Appropriated or allocated the funds necessary for the improvement;

11 “(B) Approved plans for the improvement by someone other than the ap-  
12 plicant, provided that the construction of that improvement is reasonably  
13 expected to commence within four years from the date of the permit appli-  
14 cation; or

15 “(C) Initiated procurement of the improvement.”.

16 On page 4, delete lines 40 through 45 and delete pages 5 through 7.

17 On page 8, delete lines 1 through 12 and insert:

18 “**SECTION 2.** ORS 215.416, as amended by section 1 of this 2025 Act, is  
19 amended to read:

20 “215.416. (1) When required or authorized by the ordinances, rules and  
21 regulations of a county, an owner of land may apply in writing to such per-

1 sons as the governing body designates, for a permit, in the manner prescribed  
2 by the governing body. The governing body shall establish fees charged for  
3 processing permits at an amount no more than the actual or average cost  
4 of providing that service.

5 “(2) The governing body shall establish a consolidated procedure by which  
6 an applicant may apply at one time for all permits or zone changes needed  
7 for a development project. The consolidated procedure shall be subject to the  
8 time limitations set out in ORS 215.427. The consolidated procedure shall be  
9 available for use at the option of the applicant no later than the time of the  
10 first periodic review of the comprehensive plan and land use regulations.

11 “(3) Except as provided in subsection (11) of this section, the hearings  
12 officer shall hold at least one public hearing on the application.

13 “(4)(a) A county may not approve an application if the proposed use of  
14 land is found to be in conflict with the comprehensive plan of the county  
15 and other applicable land use regulation or ordinance provisions. The ap-  
16 proval may include such conditions as are authorized by statute or county  
17 legislation.

18 “(b)(A) A county may not deny an application for a housing development  
19 located within the urban growth boundary if the development complies with  
20 clear and objective standards, including but not limited to clear and objec-  
21 tive design standards contained in the county comprehensive plan or land  
22 use regulations.

23 “(B) This paragraph does not apply to:

24 “(i) Applications or permits for residential development in areas described  
25 in ORS 197A.400 (2); or

26 “(ii) Applications or permits reviewed under an alternative approval pro-  
27 cess adopted under ORS 197A.400 (3).

28 “(c) A county may not condition an application for a housing development  
29 on a reduction in density if:

30 “(A) The density applied for is at or below the authorized density level

1 under the local land use regulations; and

2 “(B) At least 75 percent of the floor area applied for is reserved for  
3 housing.

4 “(d) A county may not condition an application for a housing development  
5 on a reduction in height if:

6 “(A) The height applied for is at or below the authorized height level  
7 under the local land use regulations;

8 “(B) At least 75 percent of the floor area applied for is reserved for  
9 housing; and

10 “(C) Reducing the height has the effect of reducing the authorized density  
11 level under local land use regulations.

12 “(e) Notwithstanding paragraphs (c) and (d) of this subsection, a county  
13 may condition an application for a housing development on a reduction in  
14 density or height only if the reduction is necessary to resolve a health, safety  
15 or habitability issue or to comply with a protective measure adopted pursu-  
16 ant to a statewide land use planning goal. Notwithstanding ORS 197.350, the  
17 county must adopt findings supported by substantial evidence demonstrating  
18 the necessity of the reduction.

19 “(f) Unless required to do so by the Americans with Disabilities Act of  
20 1990, 42 U.S.C. 12101 et seq., a county [*with a population of 15,000 or*  
21 *greater*] may not include a condition in a permit for development on a single  
22 lot or parcel that requires the applicant to fund, implement, create, repair,  
23 renovate or install any improvement, if the county or another public body  
24 as defined in ORS 174.109 has, prior to the application and for the same im-  
25 provement or an improvement serving substantially the same function at the  
26 same location:

27 “(A) Appropriated or allocated the funds necessary for the improvement;

28 “(B) Approved plans for the improvement by someone other than the ap-  
29 plicant, provided that the construction of that improvement is reasonably  
30 expected to commence within four years from the date of the permit appli-

1 cation; or

2 “(C) Initiated procurement of the improvement.

3 “(g) As used in this subsection:

4 “(A) ‘Authorized density level’ means the maximum number of lots or  
5 dwelling units or the maximum floor area ratio that is permitted under local  
6 land use regulations.

7 “(B) ‘Authorized height level’ means the maximum height of a structure  
8 that is permitted under local land use regulations.

9 “(C) ‘Habitability’ means being in compliance with the applicable pro-  
10 visions of the state building code under ORS chapter 455 and the rules  
11 adopted thereunder.

12 “(5) Hearings under this section shall be held only after notice to the  
13 applicant and also notice to other persons as otherwise provided by law and  
14 shall otherwise be conducted in conformance with the provisions of ORS  
15 197.797.

16 “(6) Notice of a public hearing on an application submitted under this  
17 section shall be provided to the owner of an airport defined by the Oregon  
18 Department of Aviation as a ‘public use airport’ if:

19 “(a) The name and address of the airport owner has been provided by the  
20 Oregon Department of Aviation to the county planning authority; and

21 “(b) The property subject to the land use hearing is:

22 “(A) Within 5,000 feet of the side or end of a runway of an airport de-  
23 termined by the Oregon Department of Aviation to be a ‘visual airport’; or

24 “(B) Within 10,000 feet of the side or end of the runway of an airport  
25 determined by the Oregon Department of Aviation to be an ‘instrument air-  
26 port.’

27 “(7) Notwithstanding the provisions of subsection (6) of this section, no-  
28 tice of a land use hearing need not be provided as set forth in subsection (6)  
29 of this section if the zoning permit would only allow a structure less than  
30 35 feet in height and the property is located outside the runway ‘approach

1 surface' as defined by the Oregon Department of Aviation.

2 “(8)(a) Approval or denial of a permit application shall be based on stan-  
3 dards and criteria which shall be set forth in the zoning ordinance or other  
4 appropriate ordinance or regulation of the county and which shall relate  
5 approval or denial of a permit application to the zoning ordinance and com-  
6 prehensive plan for the area in which the proposed use of land would occur  
7 and to the zoning ordinance and comprehensive plan for the county as a  
8 whole.

9 “(b) When an ordinance establishing approval standards is required under  
10 ORS 197A.200 and 197A.400 to provide only clear and objective standards, the  
11 standards must be clear and objective on the face of the ordinance.

12 “(9) Approval or denial of a permit or expedited land division shall be  
13 based upon and accompanied by a brief statement that explains the criteria  
14 and standards considered relevant to the decision, states the facts relied  
15 upon in rendering the decision and explains the justification for the decision  
16 based on the criteria, standards and facts set forth.

17 “(10) Written notice of the approval or denial shall be given to all parties  
18 to the proceeding.

19 “(11)(a)(A) The hearings officer or such other person as the governing  
20 body designates may approve or deny an application for a permit without a  
21 hearing if the hearings officer or other designated person gives notice of the  
22 decision and provides an opportunity for any person who is adversely af-  
23 fected or aggrieved, or who is entitled to notice under paragraph (c) of this  
24 subsection, to file an appeal.

25 “(B) Written notice of the decision shall be mailed to those persons de-  
26 scribed in paragraph (c) of this subsection.

27 “(C) Notice under this subsection shall comply with ORS 197.797 (3)(a),  
28 (c), (g) and (h) and shall describe the nature of the decision. In addition, the  
29 notice shall state that any person who is adversely affected or aggrieved or  
30 who is entitled to written notice under paragraph (c) of this subsection may

1 appeal the decision by filing a written appeal in the manner and within the  
2 time period provided in the county's land use regulations. A county may not  
3 establish an appeal period that is less than 12 days from the date the written  
4 notice of decision required by this subsection was mailed. The notice shall  
5 state that the decision will not become final until the period for filing a local  
6 appeal has expired. The notice also shall state that a person who is mailed  
7 written notice of the decision cannot appeal the decision directly to the Land  
8 Use Board of Appeals under ORS 197.830.

9 “(D) An appeal from a hearings officer's decision made without hearing  
10 under this subsection shall be to the planning commission or governing body  
11 of the county. An appeal from such other person as the governing body des-  
12 ignates shall be to a hearings officer, the planning commission or the gov-  
13 erning body. In either case, the appeal shall be to a de novo hearing.

14 “(E) The de novo hearing required by subparagraph (D) of this paragraph  
15 shall be the initial evidentiary hearing required under ORS 197.797 as the  
16 basis for an appeal to the Land Use Board of Appeals. At the de novo hear-  
17 ing:

18 “(i) The applicant and other parties shall have the same opportunity to  
19 present testimony, arguments and evidence as they would have had in a  
20 hearing under subsection (3) of this section before the decision;

21 “(ii) The presentation of testimony, arguments and evidence shall not be  
22 limited to issues raised in a notice of appeal; and

23 “(iii) The decision maker shall consider all relevant testimony, arguments  
24 and evidence that are accepted at the hearing.

25 “(b) If a local government provides only a notice of the opportunity to  
26 request a hearing, the local government may charge a fee for the initial  
27 hearing. The maximum fee for an initial hearing shall be the cost to the local  
28 government of preparing for and conducting the appeal, or \$250, whichever  
29 is less. If an appellant prevails at the hearing or upon subsequent appeal, the  
30 fee for the initial hearing shall be refunded. The fee allowed in this para-

graph shall not apply to appeals made by neighborhood or community organizations recognized by the governing body and whose boundaries include the site.

“(c)(A) Notice of a decision under paragraph (a) of this subsection shall be provided to the applicant and to the owners of record of property on the most recent property tax assessment roll where such property is located:

“(i) Within 100 feet of the property that is the subject of the notice when the subject property is wholly or in part within an urban growth boundary;

“(ii) Within 250 feet of the property that is the subject of the notice when the subject property is outside an urban growth boundary and not within a farm or forest zone; or

“(iii) Within 750 feet of the property that is the subject of the notice when the subject property is within a farm or forest zone.

“(B) Notice shall also be provided to any neighborhood or community organization recognized by the governing body and whose boundaries include the site.

“(C) At the discretion of the applicant, the local government also shall provide notice to the Department of Land Conservation and Development.

“(12) A decision described in ORS 215.402 (4)(b) shall:

“(a) Be entered in a registry available to the public setting forth:

“(A) The street address or other easily understood geographic reference to the subject property;

“(B) The date of the decision; and

“(C) A description of the decision made.

“(b) Be subject to the jurisdiction of the Land Use Board of Appeals in the same manner as a limited land use decision.

“(c) Be subject to the appeal period described in ORS 197.830 (5)(b).

“(13) At the option of the applicant, the local government shall provide notice of the decision described in ORS 215.402 (4)(b) in the manner required by ORS 197.797 (2), in which case an appeal to the board shall be filed within

1 21 days of the decision. The notice shall include an explanation of appeal  
2 rights.

3 “(14) Notwithstanding the requirements of this section, a limited land use  
4 decision shall be subject to the requirements set forth in ORS 197.195 and  
5 197.828.”.

6 On page 9, delete lines 11 through 18 and insert:

7 “(f) Unless required to do so by the Americans with Disabilities Act of  
8 1990, 42 U.S.C. 12101 et seq., a city with a population of 15,000 or greater  
9 may not include a condition in a permit for development on a single lot or  
10 parcel that requires the applicant to fund, implement, create, repair, renovate  
11 or install any improvement, if the city or another public body as defined in  
12 ORS 174.109 has, prior to the application and for the same improvement or  
13 an improvement serving substantially the same function at the same lo-  
14 cation:

15 “(A) Appropriated or allocated the funds necessary for the improvement;

16 “(B) Approved plans for the improvement by someone other than the ap-  
17 plicant, provided that the construction of that improvement is reasonably  
18 expected to commence within four years from the date of the permit appli-  
19 cation; or

20 “(C) Initiated procurement of the improvement.”.

21 On page 11, delete lines 23 through 45 and delete pages 12 and 13.

22 On page 14, delete lines 1 through 32 and insert:

23 **“SECTION 4.** ORS 227.175, as amended by section 5, chapter 111, Oregon  
24 Laws 2024, and section 3 of this 2025 Act, is amended to read:

25 “227.175. (1) When required or authorized by a city, an owner of land may  
26 apply in writing to the hearings officer, or such other person as the city  
27 council designates, for a permit or zone change, upon such forms and in such  
28 a manner as the city council prescribes. The governing body shall establish  
29 fees charged for processing permits at an amount no more than the actual  
30 or average cost of providing that service.



1       “(2) The governing body of the city shall establish a consolidated proce-  
2       dure by which an applicant may apply at one time for all permits or zone  
3       changes needed for a development project. The consolidated procedure is  
4       subject to the time limitations set out in ORS 227.178. The consolidated  
5       procedure shall be available for use at the option of the applicant no later  
6       than the time of the first periodic review of the comprehensive plan and land  
7       use regulations.

8       “(3) Except as provided in subsection (10) of this section, the hearings  
9       officer shall hold at least one public hearing on the application.

10       “(4)(a) A city may not approve an application unless the proposed devel-  
11       opment of land would be in compliance with the comprehensive plan for the  
12       city and other applicable land use regulation or ordinance provisions, in-  
13       cluding an ordinance described in ORS 197A.400 (1)(c). The approval may  
14       include such conditions as are authorized by ORS 227.215 or any city legis-  
15       lation.

16       “(b)(A) A city may not deny an application for a housing development  
17       located within the urban growth boundary if the development complies with  
18       clear and objective standards, including clear and objective design standards  
19       contained in the city comprehensive plan or land use regulations.

20       “(B) This paragraph does not apply to:

21       “(i) Applications or permits for residential development in areas described  
22       in ORS 197A.400 (2); or

23       “(ii) Applications or permits reviewed under an alternative approval pro-  
24       cess adopted under ORS 197A.400 (3).

25       “(c) A city may not condition an application for a housing development  
26       on a reduction in density if:

27       “(A) The density applied for is at or below the authorized density level  
28       under the local land use regulations; and

29       “(B) At least 75 percent of the floor area applied for is reserved for  
30       housing.

1 “(d) A city may not condition an application for a housing development  
2 on a reduction in height if:

3 “(A) The height applied for is at or below the authorized height level  
4 under the local land use regulations;

5 “(B) At least 75 percent of the floor area applied for is reserved for  
6 housing; and

7 “(C) Reducing the height has the effect of reducing the authorized density  
8 level under local land use regulations.

9 “(e) Notwithstanding paragraphs (c) and (d) of this subsection, a city may  
10 condition an application for a housing development on a reduction in density  
11 or height only if the reduction is necessary to resolve a health, safety or  
12 habitability issue or to comply with a protective measure adopted pursuant  
13 to a statewide land use planning goal. Notwithstanding ORS 197.350, the city  
14 must adopt findings supported by substantial evidence demonstrating the  
15 necessity of the reduction.

16 “(f) Unless required to do so by the Americans with Disabilities Act of  
17 1990, 42 U.S.C. 12101 et seq., a city [*with a population of 15,000 or greater*]  
18 may not include a condition in a permit for development on a single lot or  
19 parcel that requires the applicant to fund, implement, create, repair, renovate  
20 or install any improvement, if the city or another public body as defined in  
21 ORS 174.109 has, prior to the application and for the same improvement or  
22 an improvement serving substantially the same function at the same lo-  
23 cation:

24 “(A) Appropriated or allocated the funds necessary for the improvement;

25 “(B) Approved plans for the improvement by someone other than the ap-  
26 plicant, provided that the construction of that improvement is reasonably  
27 expected to commence within four years from the date of the permit appli-  
28 cation; or

29 “(C) Initiated procurement of the improvement.

30 “(g) As used in this subsection:

1 “(A) ‘Authorized density level’ means the maximum number of lots or  
2 dwelling units or the maximum floor area ratio that is permitted under local  
3 land use regulations.

4 “(B) ‘Authorized height level’ means the maximum height of a structure  
5 that is permitted under local land use regulations.

6 “(C) ‘Habitability’ means being in compliance with the applicable pro-  
7 visions of the state building code under ORS chapter 455 and the rules  
8 adopted thereunder.

9 “(5) Hearings under this section may be held only after notice to the ap-  
10 plicant and other interested persons and shall otherwise be conducted in  
11 conformance with the provisions of ORS 197.797.

12 “(6) Notice of a public hearing on a zone use application shall be provided  
13 to the owner of an airport, defined by the Oregon Department of Aviation  
14 as a ‘public use airport’ if:

15 “(a) The name and address of the airport owner has been provided by the  
16 Oregon Department of Aviation to the city planning authority; and

17 “(b) The property subject to the zone use hearing is:

18 “(A) Within 5,000 feet of the side or end of a runway of an airport de-  
19 termined by the Oregon Department of Aviation to be a ‘visual airport’; or

20 “(B) Within 10,000 feet of the side or end of the runway of an airport  
21 determined by the Oregon Department of Aviation to be an ‘instrument air-  
22 port.’

23 “(7) Notwithstanding the provisions of subsection (6) of this section, no-  
24 tice of a zone use hearing need only be provided as set forth in subsection  
25 (6) of this section if the permit or zone change would only allow a structure  
26 less than 35 feet in height and the property is located outside of the runway  
27 ‘approach surface’ as defined by the Oregon Department of Aviation.

28 “(8) If an application would change the zone of property that includes all  
29 or part of a mobile home or manufactured dwelling park as defined in ORS  
30 446.003, the governing body shall give written notice by first class mail to

1 each existing mailing address for tenants of the mobile home or manufac-  
2 tured dwelling park at least 20 days but not more than 40 days before the  
3 date of the first hearing on the application. The governing body may require  
4 an applicant for such a zone change to pay the costs of such notice.

5 “(9) The failure of a tenant or an airport owner to receive a notice which  
6 was mailed does not invalidate any zone change.

7 “(10)(a)(A) The hearings officer or such other person as the governing  
8 body designates may approve or deny an application for a permit without a  
9 hearing if the hearings officer or other designated person gives notice of the  
10 decision and provides an opportunity for any person who is adversely af-  
11 fected or aggrieved, or who is entitled to notice under paragraph (c) of this  
12 subsection, to file an appeal.

13 “(B) Written notice of the decision shall be mailed to those persons de-  
14 scribed in paragraph (c) of this subsection.

15 “(C) Notice under this subsection shall comply with ORS 197.797 (3)(a),  
16 (c), (g) and (h) and shall describe the nature of the decision. In addition, the  
17 notice shall state that any person who is adversely affected or aggrieved or  
18 who is entitled to written notice under paragraph (c) of this subsection may  
19 appeal the decision by filing a written appeal in the manner and within the  
20 time period provided in the city’s land use regulations. A city may not es-  
21 tablish an appeal period that is less than 12 days from the date the written  
22 notice of decision required by this subsection was mailed. The notice shall  
23 state that the decision will not become final until the period for filing a local  
24 appeal has expired. The notice also shall state that a person who is mailed  
25 written notice of the decision cannot appeal the decision directly to the Land  
26 Use Board of Appeals under ORS 197.830.

27 “(D) An appeal from a hearings officer’s decision made without hearing  
28 under this subsection shall be to the planning commission or governing body  
29 of the city. An appeal from such other person as the governing body desig-  
30 nates shall be to a hearings officer, the planning commission or the govern-

ing body. In either case, the appeal shall be to a de novo hearing.

“(E) The de novo hearing required by subparagraph (D) of this paragraph shall be the initial evidentiary hearing required under ORS 197.797 as the basis for an appeal to the Land Use Board of Appeals. At the de novo hearing:

“(i) The applicant and other parties shall have the same opportunity to present testimony, arguments and evidence as they would have had in a hearing under subsection (3) of this section before the decision;

“(ii) The presentation of testimony, arguments and evidence may not be limited to issues raised in a notice of appeal; and

“(iii) The decision maker shall consider all relevant testimony, arguments and evidence that are accepted at the hearing.

“(b) If a local government provides only a notice of the opportunity to request a hearing, the local government may charge a fee for the initial hearing. The maximum fee for an initial hearing shall be the cost to the local government of preparing for and conducting the appeal, or \$250, whichever is less. If an appellant prevails at the hearing or upon subsequent appeal, the fee for the initial hearing shall be refunded. The fee allowed in this paragraph does not apply to appeals made by neighborhood or community organizations recognized by the governing body and whose boundaries include the site.

“(c)(A) Notice of a decision under paragraph (a) of this subsection shall be provided to the applicant and to the owners of record of property on the most recent property tax assessment roll where such property is located:

“(i) Within 100 feet of the property that is the subject of the notice when the subject property is wholly or in part within an urban growth boundary;

“(ii) Within 250 feet of the property that is the subject of the notice when the subject property is outside an urban growth boundary and not within a farm or forest zone; or

“(iii) Within 750 feet of the property that is the subject of the notice when

1 the subject property is within a farm or forest zone.

2 “(B) Notice shall also be provided to any neighborhood or community  
3 organization recognized by the governing body and whose boundaries include  
4 the site.

5 “(C) At the discretion of the applicant, the local government also shall  
6 provide notice to the Department of Land Conservation and Development.

7 “(11) A decision described in ORS 227.160 (2)(b) shall:

8 “(a) Be entered in a registry available to the public setting forth:

9 “(A) The street address or other easily understood geographic reference  
10 to the subject property;

11 “(B) The date of the decision; and

12 “(C) A description of the decision made.

13 “(b) Be subject to the jurisdiction of the Land Use Board of Appeals in  
14 the same manner as a limited land use decision.

15 “(c) Be subject to the appeal period described in ORS 197.830 (5)(b).

16 “(12) At the option of the applicant, the local government shall provide  
17 notice of the decision described in ORS 227.160 (2)(b) in the manner required  
18 by ORS 197.797 (2), in which case an appeal to the board shall be filed within  
19 21 days of the decision. The notice shall include an explanation of appeal  
20 rights.

21 “(13) Notwithstanding other requirements of this section, limited land use  
22 decisions are subject to the requirements set forth in ORS 197.195 and  
23 197.828.”.

24 \_\_\_\_\_