

SB 974-A5
(LC 1177)
5/16/25 (RLM/ps)

Requested by Senator ANDERSON

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

1 On page 1 of the printed A-engrossed bill, line 3, delete “197.015” and in-
2 sert “ORS 34.210, 197.015, 197.195”.

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 30 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 final engineering plans and,**
20 **following the receipt of applicable fees, forms and bonds, approve or**
21 **deny site development permits for construction of all public and pri-**

1 vate infrastructure improvements, within 120 days after the date on
2 which:

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

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

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

9 “(3) The review period for a local government to complete its review
10 under subsection (2)(b) of this section:

11 “(a) Is tolled during the time period beginning on the date on which
12 a local government sends a direction to the applicant to correct or
13 supplement the application and ending on the date on which the
14 amended application is received by the local government.

15 “(b) May be extended one or more times for a specified period at the
16 written request of the applicant, provided that the total of all exten-
17 sions does not exceed 245 days.

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

23 “(b) The local government shall retain jurisdiction to make a deci-
24 sion until a petition for a writ of mandamus is filed.

25 “(c) Upon receiving a petition filed under ORS 34.130, the circuit
26 court has jurisdiction for all decisions regarding the application, in-
27 cluding settlement.

28 “(d) The court shall issue a peremptory writ unless the local gov-
29 ernment or any intervenor shows that the approval of final engineer-
30 ing plans would violate a substantive provision of the local

1 **government's regulations.**

2 **"SECTION 2.** ORS 34.210 is amended to read:

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

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

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

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

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

19 **"(b) As used in this subsection 'attorney fees' includes prelitigation**
20 **legal expenses, such as the costs of preparing and processing the ap-**
21 **plication and supporting the application in local land use hearings or**
22 **proceedings."**

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

24 "(21)(a) 'Urban housing application' means an application for residential
25 development, whether a single or combined application, of land that is zoned
26 for residential use or mixed use where residential uses are allowed, or of
27 land that is planned for future residential use, including an application for:

28 "(A) A zone change to allow for a denser residential use designation;

29 "(B) A planned unit development;

30 "(C) A variance from a residential approval standard;

1 “(D) The partitioning or subdividing of land; or

2 “(E) Residential development based on standards designed to regulate the
3 siting or physical characteristics of a residential use, including site review
4 and design review.

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

6 “(A) That would reduce the minimum residential density of land.

7 “(B) For a final subdivision or partition plat.

8 “(C) For a residential construction permit under the state building code.

9 “(D) For final engineering plans under section 1 of this 2025 Act.

10 “(E) Subject to a ministerial or other expedited approval procedure, in-
11 cluding a residential use allowed outright.”.

12 After line 37 insert:

13 **“SECTION 4.** ORS 197.195, as amended by section 45, chapter 110, Oregon
14 Laws 2024, is amended to read:

15 “197.195. (1)(a) A limited land use decision [*shall*] **must** be consistent
16 with applicable provisions of city or county comprehensive plans and land
17 use regulations. [*Such a*] **The** decision may include conditions authorized by
18 law.

19 **“(b)** [*Within two years of September 29, 1991,*] Cities and counties shall
20 incorporate all comprehensive plan standards applicable to limited land use
21 decisions into their land use regulations. A decision to incorporate all, some,
22 or none of the applicable comprehensive plan standards into land use regu-
23 lations shall be undertaken as a post-acknowledgment amendment under ORS
24 197.610 to 197.625. If a city or county does not incorporate its comprehensive
25 plan provisions into its land use regulations, the comprehensive plan pro-
26 visions may not be used as a basis for a decision by the city or county or
27 on appeal from that decision.

28 “(2) A limited land use decision is not subject to the requirements of ORS
29 197.797.

30 “(3) A limited land use decision is subject to the requirements of para-

1 graphs (a) to (c) of this subsection.

2 “(a) In making a limited land use decision, the local government shall
3 follow the applicable procedures contained within its acknowledged compre-
4 hensive plan and land use regulations and other applicable legal require-
5 ments.

6 “(b) For limited land use decisions, the local government shall provide
7 written notice to owners of property within 100 feet of the entire contiguous
8 site for which the application is made. The list shall be compiled from the
9 most recent property tax assessment roll. For purposes of review, this re-
10 quirement shall be deemed met when the local government can provide an
11 affidavit or other certification that such notice was given. Notice shall also
12 be provided to any neighborhood or community organization recognized by
13 the governing body and whose boundaries include the site.

14 “(c) The notice and procedures used by local government shall:

15 “(A) Provide a 14-day period for submission of written comments prior to
16 the decision;

17 “(B) State that issues which may provide the basis for an appeal to the
18 Land Use Board of Appeals shall be raised in writing prior to the expiration
19 of the comment period. Issues shall be raised with sufficient specificity to
20 enable the decision maker to respond to the issue;

21 “(C) List, by commonly used citation, the applicable criteria for the de-
22 cision;

23 “(D) Set forth the street address or other easily understood geographical
24 reference to the subject property;

25 “(E) State the place, date and time that comments are due;

26 “(F) State that copies of all evidence relied upon by the applicant are
27 available for review, and that copies can be obtained at cost;

28 “(G) Include the name and phone number of a local government contact
29 person;

30 “(H) Provide notice of the decision to the applicant and any person who

1 submits comments under subparagraph (A) of this paragraph. The notice of
2 decision must include an explanation of appeal rights; and

3 “(I) Briefly summarize the local decision making process for the limited
4 land use decision being made.

5 “(4) Approval or denial of a limited land use decision shall be based upon
6 and accompanied by a brief statement that explains the criteria and stan-
7 dards considered relevant to the decision, states the facts relied upon in
8 rendering the decision and explains the justification for the decision based
9 on the criteria, standards and facts set forth.

10 “(5) A local government may provide for a hearing before the local gov-
11 ernment on appeal of a limited land use decision under this section. The
12 hearing may be limited to the record developed pursuant to the initial
13 hearing under subsection (3) of this section or may allow for the introduction
14 of additional testimony or evidence. A hearing on appeal that allows the
15 introduction of additional testimony or evidence shall comply with the re-
16 quirements of ORS 197.797. Written notice of the decision rendered on appeal
17 shall be given to all parties who appeared, either orally or in writing, before
18 the hearing. The notice of decision shall include an explanation of the rights
19 of each party to appeal the decision.

20 “(6) A city shall apply the procedures in this section, and only the pro-
21 cedures in this section, to a limited land use decision, even if the city has
22 not incorporated limited land use decisions into land use regulations, as re-
23 quired by ORS 197.646 (3), except that a limited land use decision that is
24 made under land use standards that do not require interpretation or the ex-
25 ercise of policy or legal judgment may be made by city staff using a
26 ministerial process.

27 **“(7) A local government that, pursuant to an urban housing appli-**
28 **cation, amends a land use regulation to rezone land:**

29 **“(a) Notwithstanding subsection (1)(a) of this section, is not re-**
30 **quired to comply with the regulation that is being amended.**

1 **“(b) Is not required to provide any hearing described in ORS 197.610**
2 **to 197.625, if the local government gives notice to the Department of**
3 **Land Conservation and Development in the manner provided by ORS**
4 **197.610 and 197.615 on or before the date on which the local government**
5 **gives the notice required by subsection (3)(c) of this section.”.**

6 In line 38, delete “4” and insert “5”.

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

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

11 “(b) This subsection does not apply to land use regulations or require-
12 ments that are related to setbacks, building height, accessibility, fire ingress
13 or egress, public health or safety, state or federal water quality standards,
14 hazardous or contaminated site cleanup or wildlife protection or that imple-
15 ment statewide land use planning goals relating to natural resources, natural
16 hazards, the Willamette River Greenway, estuarine resources, coastal
17 shorelands, beaches and dunes or ocean resources.

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

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

22 “(i) Facade materials, colors or patterns;

23 “(ii) Roof decoration, form or materials;

24 “(iii) Accessories, materials or finishes for entry doors or garages;

25 “(iv) Window elements such as trim, shutters or grids;

26 “(v) Fence type, design or finishes;

27 “(vi) Architectural details, such as ornaments, railings, cornices and col-
28 umns;

29 “(vii) Size and design of porches or balconies;

30 “(viii) Variety of design or floorplan; or

1 “(ix) Front or back yard area landscaping materials or vegetation.

2 “(B) ‘Residential units’ means any new single-unit dwellings, manufac-
3 tured dwellings and units of middle housing, as defined in ORS 197A.420.”.

4 In line 37, delete “5” and insert “6”.

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

6 “(5)(a) A local government may apply residential design standards only
7 to an application that is for the development of fewer than 20 residential
8 units within an urban growth boundary.

9 “(b) This subsection does not apply to land use regulations or require-
10 ments that are related to setbacks, building height, accessibility, fire ingress
11 or egress, public health or safety, state or federal water quality standards,
12 hazardous or contaminated site cleanup or wildlife protection or that imple-
13 ment statewide land use planning goals relating to natural resources, natural
14 hazards, the Willamette River Greenway, estuarine resources, coastal
15 shorelands, beaches and dunes or ocean resources.

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

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

20 “(i) Facade materials, colors or patterns;

21 “(ii) Roof decoration, form or materials;

22 “(iii) Accessories, materials or finishes for entry doors or garages;

23 “(iv) Window elements such as trim, shutters or grids;

24 “(v) Fence type, design or finishes;

25 “(vi) Architectural details, such as ornaments, railings, cornices and col-
26 umns;

27 “(vii) Size and design of porches or balconies;

28 “(viii) Variety of design or floorplan; or

29 “(ix) Front or back yard area landscaping materials or vegetation.

30 “(B) ‘Residential units’ means any new single-unit dwellings, manufac-

1 tured dwellings and units of middle housing, as defined in ORS 197A.420.

2 **“SECTION 7. Section 1 of this 2025 Act and the amendments to ORS**
3 **34.210 and 197.195 by sections 2 and 4 of this 2025 Act become operative**
4 **July 1, 2026.**

5 **“SECTION 8.** ORS 197A.400, as amended by section 2, chapter 533,
6 Oregon Laws 2023, section 4, chapter 111, Oregon Laws 2024, and section 6
7 of this 2025 Act is amended to read:

8 “197A.400. (1) Except as provided in subsection (3) of this section, a local
9 government may adopt and apply only clear and objective standards, condi-
10 tions and procedures regulating the development of housing, including
11 needed housing, on land within an urban growth boundary, unincorporated
12 communities designated in a county’s acknowledged comprehensive plan after
13 December 5, 1994, nonresource lands and areas zoned for rural residential
14 use as defined in ORS 215.501. The standards, conditions and procedures:

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

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

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

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

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

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

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

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

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

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

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

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

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

19 “(c) Establish approval procedures.

20 “[5](a) *A local government may apply residential design standards only to*
21 *an application that is for the development of fewer than 20 residential units*
22 *within an urban growth boundary.]*

23 “[b) *This subsection does not apply to land use regulations or requirements*
24 *that are related to setbacks, building height, accessibility, fire ingress or*
25 *egress, public health or safety, state or federal water quality standards, haz-*
26 *ardous or contaminated site cleanup or wildlife protection or that implement*
27 *statewide land use planning goals relating to natural resources, natural haz-*
28 *ards, the Willamette River Greenway, estuarine resources, coastal shorelands,*
29 *beaches and dunes or ocean resources.]*

30 “[c) *For the purposes of this subsection:]*

1 “[A] *‘Residential design standards’ means standards intended to preserve*
2 *the desired character, architectural expression, decoration or aesthetic quality*
3 *of new homes, including standards regulating:*]

4 “[i] *Facade materials, colors or patterns;*]

5 “[ii] *Roof decoration, form or materials;*]

6 “[iii] *Accessories, materials or finishes for entry doors or garages;*]

7 “[iv] *Window elements such as trim, shutters or grids;*]

8 “[v] *Fence type, design or finishes;*]

9 “[vi] *Architectural details, such as ornaments, railings, cornices and col-*
10 *umns;*]

11 “[vii] *Size and design of porches or balconies;*]

12 “[viii] *Variety of design or floorplan; or*]

13 “[ix] *Front or back yard area landscaping materials or vegetation.*]

14 “[B] *‘Residential units’ means any new single-unit dwellings, manufac-*
15 *tured dwellings and units of middle housing, as defined in ORS 197A.420.*]

16 **“SECTION 9. The amendments to ORS 197A.400 by section 8 of this**
17 **2025 Act become operative on January 2, 2033.”.**

18 In line 38, delete “6” and insert “10”.
19
