

Memorandum

Date: December 2, 2025

To: West Linn Planning Commission

From: Darren Wyss, Principal Planner

Subject: Senate Bill 1537 (2024)

At its October 15, 2025, meeting the Planning Commission requested staff to bring back information on the exemption process for [Senate Bill 1537 \(2024\)](#). Senate Bill 1537 (SB1537) was related to housing and intended to help increase housing production in the state.

The Commission expressed interest in a presentation regarding the exemption process for Sections 44 to 47 of the bill, Limited Land Use Decisions. These sections added a few more items to the definition of a limited land use decision and amended ORS 197.195 to add the following:

(6) A city shall apply the procedures in this section, and only the procedures in this section, to a limited land use decision, even if the city has not incorporated limited land use decisions into land use regulations, as required by ORS 197.646 (3), except that a limited land use decision that is made under land use standards that do not require interpretation or the exercise of policy or legal judgment may be made by city staff using a ministerial process.

Staff proposed in Summer 2025 to bring forward code amendments to implement the procedures per the State legal guidance at the time. The procedures would require the City, and other jurisdictions in the state, not to process limited land use decisions via quasi-judicial proceedings. The [State legal guidance was amended](#) shortly thereafter to clarify cities could continue using their adopted land use procedures and staff removed the proposed code amendments from the 2025 Code Clean Up Package.

There is an exemption or time extension option in the bill for implementing the Limited Land Use Decisions requirements (Section 46). The City would be required to demonstrate a substantial hardship from increased costs or staff capacity to implement procedures as required under ORS 197.195(6). However, based on State legal guidance, the City can continue following the adopted procedures in [Community Development Code Chapter 99](#), which provide for a quasi-judicial public hearing for certain applications that would be considered limited land use decisions under ORS 197.015.

Sections 37 to 43 of the bill relate to Housing Land Use Adjustments. The bill lists a number of mandatory adjustments a city must grant for residential projects. In West Linn, a qualifying

residential project would need to achieve 17 dwelling units per acre to be eligible for the adjustments.

Section 39 of the bill outlines an exemption process for the mandatory adjustments. To qualify, the City would need to demonstrate: 1) all listed adjustments are eligible for an adjustment under the adopted City code, and 2) that 90 percent of requested adjustments were approved in the past five years. However, the City would not qualify for an exemption from the mandatory adjustments as the existing Community Development Code provisions do not permit all listed adjustments in the bill.

If you have questions about the meeting or materials, please feel free to email or call me at dwyss@westlinnoregon.gov or 503-742-6064. Thanks, and I look forward to seeing everyone at the meeting.

Wyss, Darren

From: A Sight for Sport Eyes <sporteyes@yahoo.com>
Sent: Wednesday, November 26, 2025 12:18 PM
To: Planning Commission (Public)
Subject: 12/5 PC Meeting

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from an External source. Do not click links, open attachments, or follow instructions from this sender unless you recognize the sender and know the content is safe. If you are unsure, please contact the Help Desk immediately for further assistance.

Dear Chair and Commissioners,

I know an update to SB1537 is on your agenda. Since you last met on this topic, I found out that SB1537 requirements sunset in 2032. I did not remember hearing anything about this in the previous planning commission meetings and wanted to bring this to your attention.

Because the law is designed to operate *only* until that date, I question why we were planning on amending our code for a statute that will expire, regardless or not if we apply for the exception or not. Per DLCD (Oregon Department of Land Conservation and Development), cities are not required to change code to implement SB1537 because it does sunset. The bill's provisions apply automatically, even if a city takes no action.

Please see the DLCD FAQ on "Housing Production: SB 1537 Implementation"
here: https://www.oregon.gov/lcd/Housing/Documents/DLCD_SB1537_Guidance_FAQ.pdf

Question 34 gives this guidance for cities:

" Does a local government need to amend their development codes to incorporate these provisions? Is adoption by reference sufficient? Answer: A local government may adopt conforming amendments to implement Section 38 by reference or apply the statute directly for adjustment requests. THE HAPO does not recommend updating codes implementing this section, given that the provision will sunset in 2032."

The Legislature intentionally designed SB 1537 to function statewide without forcing cities into lengthy or unnecessary code revisions. It is meant to operate as a **temporary overlay**, not a permanent change to municipal zoning.

If we amend our code, we are effectively doing the opposite of what the Legislature intended. Code changes tend to be long-lasting. Reversing them in 2032 will require another full code-amendment process—public hearings, staff time, legal review, and significant city resources. In practice, this means we are **extending SB 1537 beyond its sunset date**, even though the law was designed to end.

In other words:

- SB 1537 already applies today without local code changes, and regardless of the exemption status.
- Any amendments we adopt now will outlive the bill.
- Unwinding those amendments in 2032 will take substantial time and effort.

This creates unnecessary work today *and* commits the city to repeating the process eight years from now.

Given DLCD's guidance, it seems like the best course of action is to:

1. Do not amend our development code in response to SB 1537 at this time.
2. Allow SB 1537 to operate as intended—as a temporary statewide standard.
3. Revisit the issue closer to 2032 if the Legislature extends or modifies the bill.

This approach respects the temporary nature of SB 1537, avoids duplicative work, and prevents us from accidentally making temporary legislative provisions effectively permanent.

I hope this information is helpful to the PC, and thank you for your time and dedication to the city.

Shannen Knight
A Sight for Sport Eyes
1553 11th St.
West Linn, OR 97068
503-699-4160
888-223-2669
Fax: 888-240-6551
www.sporteyes.com