

B-Engrossed
House Bill 2306

Ordered by the Senate May 13
Including House Amendments dated April 1 and Senate Amendments
dated May 13

Sponsored by Representatives MARSH, STARK, SMITH DB; Representatives MEEK, NEARMAN, NOBLE, ZIKA,
Senator HEARD (Pre-session filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Requires city or county to issue residential building permits upon substantial completion of construction of public improvements in residential subdivisions.

A BILL FOR AN ACT

1
2 Relating to residential subdivisions.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1. (1) As used in this section:**

5 (a) **“Conditions of development” means requirements that, as part of a residential sub-**
6 **division, a developer, declarant or owner must construct public improvements that are con-**
7 **tained in:**

8 (A) **A development agreement under ORS 94.504 to 94.528;**

9 (B) **Conditions of approval under ORS 92.040, 215.416 or 227.175; or**

10 (C) **Any other agreement with, or conditional approval by, a local government.**

11 (b) **“Residential subdivision” means a residential development requiring a developer,**
12 **declarant or owner to subdivide land, as defined in ORS 92.010, and to obtain a permit under**
13 **ORS 215.416 or 227.175.**

14 (c) **“Substantial completion” means the city, county or other appropriate public body has**
15 **inspected, tested and found acceptable under applicable code requirements, unless the parties**
16 **agree to a lower standard:**

17 (A) **The water supply system;**

18 (B) **The fire hydrant system;**

19 (C) **The sewage disposal system;**

20 (D) **The storm water drainage system, excepting any landscaping requirements that are**
21 **part of the system;**

22 (E) **The curbs;**

23 (F) **The demarcating of street signs acceptable for emergency responders; and**

24 (G) **The roads necessary for access by emergency vehicles.**

25 (2) **A city or county may not deny a building permit allowing the construction of resi-**
26 **dential dwellings under a residential subdivision on the basis that the conditions of develop-**
27 **ment have not been met, if:**

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 **(a) Substantial completion of conditions of development for the residential subdivision**
2 **occurs; and**

3 **(b) The developer, declarant or owner, to secure the completion of the remaining public**
4 **improvements included as conditions of development for the residential subdivision:**

5 **(A) Obtains and maintains a bond; or**

6 **(B) Undertakes an alternative form of financial guarantee, if any, that is acceptable to,**
7 **but may not be required by, the city or county.**

8 **(3) Subsection (2) of this section does not prevent a city or county from declining to issue**
9 **certificates of occupancy for any residential dwellings if all conditions of development are**
10 **not fully completed or the conditions for the release of the bond are not fulfilled.**

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