

SB 974 A -A4 STAFF MEASURE SUMMARY

House Committee On Housing and Homelessness

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Meeting Dates: 5/5

WHAT THE MEASURE DOES:

The measure creates deadlines for local review of residential engineering plans. It defines “urban housing application”. It also makes aesthetic design review mandatory for large-scale housing subdivisions while giving cities and counties flexibility to keep or drop such review for smaller projects.

Detailed Summary:

Expedited Engineering-Plan Review and Permit Issuance

- Establishes timelines for local governments and special districts reviewing final engineering plans for residential development located inside an urban growth boundary.
- Requires reviewing body to either confirm the application is complete or list all additional materials needed within 14 days of submittal.
- Requires reviewing body to finish its review and be prepared to issue all site-development permits (grading, water, sewer, stormwater, transportation, utilities, landscaping) upon receipt of required fees, forms, and bonds no later than 90 days after the application is deemed complete—or the applicant says no further materials will be supplied.
- Allows applicant and reviewing local government to agree to one or more 30-day extensions of the 90-day deadline.

Missed Deadlines

- Grants applicants a right to recover reasonable engineering costs and attorney fees (including appeal costs) if they prevail on a claim that a local government or special district failed to meet:
 - the new deadlines for site development permits, or
 - existing statutory deadlines for urban housing applications.
- Clarifies definitions of “attorney fees”, “engineering costs”, and “claim”.

Urban Housing Application Definition

- Creates a statutory definition of the term “urban housing application”.
- Specifies the kinds of quasi-judicial land-use filings that fall under the definition of urban housing application.
- Carves specific categories not treated as urban housing applications.

Design Review Process or Requirements Related to Aesthetics, Landscaping, Building Orientation, Parking, or Building Design

- Directs local governments to waive otherwise applicable aesthetic-based design-review process or requirements if an urban housing application proposes 20 or more lots or parcels.
- Authorized local government to waive said design-review steps for developments with fewer than 20 lots or parcels.

Takes effect on the 91st day following adjournment sine die.

Fiscal impact: Fiscal impact issued

Revenue impact: No revenue impact

SENATE VOTE: Ayes, 29.

This summary has not been adopted or officially endorsed by action of the committee.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

-A4 The amendment defines “final engineering plans,” requires an affirmative approval or denial once a site development application is complete, and tolls the decision clock only while the applicant is curing a written correction request. It bars most aesthetic requirements from being applied solely to projects with more than twenty dwellings.

Detailed Summary:

- Defines “final engineering plans”.
- Changes the duty from “ready to issue” to an actual approval or denial for site-development permits after the application is complete.
- Clock is tolled only when a “direction” to correct or supplement is sent.
- Creates an express, streamlined remedy and a pro-applicant evidentiary presumption:
 - Permits applicant to file mandamus if the deadline is missed.
 - Gives courts exclusive jurisdiction once the petition is filed.
 - Requires courts to issue a peremptory writ unless the city shows a violation of a substantive regulation.
- Makes fee award mandatory only if the writ petition is filed before the local government issues its final decision.
- Limits “engineering costs” to actual costs incurred to secure final engineering approval or cure corrections.
- Modifies definition of “urban housing application”.
- Prohibits local governments from applying most aesthetic standards only to developments with 20 or more dwelling units and states that the limit does not apply to regulations tied to accessibility, fire/life safety, public-health, hazardous-site cleanup, wildlife protection, or statewide-goal resource overlays.
- Defines “residential design standards”.

BACKGROUND:

Oregon law does not have a statewide deadline for a city or county’s final review of subdivision-level engineering or “public-works” plans (grading, utility, street and landscaping drawings). Local governments adopt their own processes under ORS §92.044, so review timelines vary by city or county. Existing state deadlines cover earlier land-use approvals and later building-code plan checks. Unlike the various building codes which outline safety, durability, and efficiency, aesthetic mandates only impact the appearance of homes. These mandates are often tied to land use decisions made at the local level (Housing Affordability Institute’s Affordability Roadblocks series).