

SB 1537 & SB 974-A4 “Crosswalk” & Implementation Guide

	SB 1537 (2024)	SB 974-A4
Type of Relief <i>Adjustment v. Waiver</i>	<p>Allows a builder to apply for up to 10 unique “adjustments” to siting standards and certain design criteria as outlined in the bill if the application meets certain eligibility requirements.</p> <p>SECTION 38 (1)(a) “Adjustment” means a deviation from an existing land use regulation.</p> <p>(b) “Adjustment” does not include: (C) A <u>complete waiver of land use regulations</u> or any changes beyond the explicitly requested and allowed adjustments.</p> <div style="border: 1px solid black; padding: 5px; margin-top: 10px;"> SB 1537 allows a builder the option to apply for an adjustment to a standard. </div>	<p>Requires local government to waive the application and review of certain design criteria for applications of 20+ eligible units.</p> <p>“A local government may apply residential design standards to an urban housing application only if the application is for the development of fewer than 20 residential units.”</p> <div style="border: 1px solid black; padding: 5px; margin-top: 10px;"> SB 974 requires a JX to waive a standard completely. </div>
Eligibility <i>High-Density Housing v. Low-Density Housing</i>	<p>An application is only eligible for the benefits of SB 1537 if the application meets several requirements in subsection (2), including meeting the minimum density standards under section 55 (3)(a)(C):</p> <ol style="list-style-type: none"> a. 17 dwelling units per net residential acre if sited within the Metro urban growth boundary; b. 10 units per net residential acre if sited in a city with a population of 30,000 or greater; c. 6 units per net residential acre if sited in a city with a population of 2,500 or greater and less than 30,000; or d. 5 units per net residential acre if sited in a city with a population less than 2,500 	<p>Requires local government to waive the application and review of certain design criteria for applications of 20+ residential units.</p> <p>“(B) Residential units means all new single-unit dwellings, manufactured dwellings and units of middle housing, as defined in ORS 197A.420.”</p> <div style="border: 1px solid black; padding: 5px; margin-top: 10px;"> Eligible Projects (20+): <ul style="list-style-type: none"> Single-Family Housing Middle Housing Manufactured Housing </div>

	<p>Eligible Projects:</p> <ul style="list-style-type: none"> • Multi-Family Housing • High Density Middle Housing • High Density Manufactured Housing • Low Density Middle and Manufactured (in small cities) • High-Density Single-Family (for specific standards) 	
<p>Types of Design Standards Addressed</p> <p><i>Potential overlap in yellow</i></p>	<p>SB 1537 granted adjustments for both siting standards and design standards. The design standards include both functional standards and aesthetic standards.</p> <p>(a) Facade materials, color or pattern.</p> <p>(b) Facade articulation.</p> <p>(c) Roof forms and materials.</p> <p>(d) Entry and garage door materials.</p> <p>(e) Garage door orientation, unless the building is adjacent to or across from a school or public park.</p> <p>(f) Window materials, except for bird-safe glazing requirements.</p> <p>(g) Total window area, for up to a 30 percent adjustment, provided the application includes at least 12 percent of the total facade as window area.</p> <p>(h) For manufactured dwelling parks, middle housing as defined in ORS 197A.420, multifamily housing and mixed-use residential (NOT single-family housing):</p> <p>(A) Building orientation requirements, not including transit street orientation requirements.</p> <p>(B) Building height transition requirements, not more than a 50</p>	<p>SB 974 only waives a subset of design criteria that have no bearing on functionality and are only aesthetic standards:</p> <p>(A) 'Residential design standards' means standards intended to preserve the desired character, architectural expression, decoration or aesthetic quality of new homes, including standards regulating:</p> <p>(i) Facade materials, color or patterns;</p> <p>(ii) Roof decoration, form or eave overhang;</p> <p>(iii) Accessories, materials or finishes for entry doors or garages;</p> <p>(iv) Window elements including trim, recesses, shutters or grids;</p> <p>(v) Fence type, design or finishes;</p> <p>(vi) Architectural details;</p> <p>(vii) Covered porches or balconies;</p> <p>(viii) Variety of design or floorplan; or</p>

	<p>percent adjustment from the base zone.</p> <p>(C) Requirements for balconies and porches.</p> <p>(D) Requirements for recesses and offsets.</p> <p>Allows adjustment of proscribed design standards that deal with functionality and aesthetics.</p>	<p>(ix) Front or back yard area landscaping materials or vegetation</p> <p>Requires waiver of subset of design criteria just related to aesthetics.</p>
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Does an overlap between SB 1537 and SB 974 create implementation conflicts?

No. While some of the language overlaps, there is no legal conflict between the two. SB 974 mandates a **full waiver** of certain applicable criteria, meaning local governments eliminate the standard entirely. Because the waived requirement no longer applies, builders have no need to request an adjustment under SB 1537, and local governments will not review or make a decision based on those criteria. This simplifies the process, reducing workload for both local governments and builders.

Here is a non-exhaustive list of examples:

Example 1: Low-density project with 20+ single family homes:

- Does not qualify for 1537, only would qualify for 974.
- Listed design criteria in 974 waived. Applicant would not submit materials related to these standards. Staff would not review or make decision based on these criteria.
- Applicant would not apply to “adjust” standards because SB 1537 is not an available tool.

Example 2: New multi-family apartment building:

- SB 974 not available. None of the design criteria would be waived.
- If an applicant needs an adjustment from any of the criteria, the applicant will apply for an adjustment under the SB 1537 process.
- Staff will review for eligibility. If an applicant is eligible, local gov will grant adjustment.

Example 3: New manufactured dwelling park of 20+ units in the Metro area:

- Does not qualify for 1537 because of density minimums, only would qualify for 974.
- Applicant would not submit materials related to these standards or apply to adjust standards because SB 1537 is not an available tool.
- Listed design criteria in 974 waived. Staff would not review or make decision based on these criteria.

Example 4: 20+ townhouses in Metro:

- Qualifies for SB 974. Listed design criteria in 974 waived. Applicant would not submit materials related to these standards. Staff would not review or make a decision based on these criteria.
- Applicant could also qualify for additional adjustments under SB 1537. If an applicant needs an adjustment from any of the criteria not already waived, the applicant will apply for an adjustment under the SB 1537 process.
- Staff will review for eligibility. If an applicant is eligible, local gov will grant the adjustment.

Example 5: New manufactured dwelling park of 20+ in a small city:

- Qualifies for SB 974. Listed design criteria in 974 waived. Applicant would not submit materials related to these standards. Staff would not review or make a decision based on these criteria.
- Applicant could also qualify for additional adjustments under SB 1537. If an applicant needs an adjustment from any of the criteria not already waived, the applicant will apply for an adjustment under the SB 1537 process.
- Staff will review for eligibility. If an applicant is eligible, local gov will grant the adjustment.

Summary of Examples:

Housing Type	SB 974 Applies?	SB 1537 Applies?	Waiver vs. Adjustment	Process Impact
Low-density project (20+ single-family homes w/ duplexes)	✔ Yes	✗ No	Waivers apply; no adjustments eligible	Local gov waives 974 standards
New multi-family apartment building	✗ No	✔ Yes	Application eligible for adjustments.	Applicant submits adjustment request, local gov reviews eligibility
Manufactured dwelling park in Metro area (low density)	✔ Yes	✗ No	Waivers apply; no adjustments eligible	Local gov waives 974 standards
20+ townhouses in Metro (high-density)	✔ Yes	✔ Yes	Some waivers apply; additional adjustments possible	Local gov waives 974 standards, applicant may request adjustments for eligible criteria not waived
20+ Manufactured dwelling units (small city)	✔ Yes	✔ Yes	Some waivers apply; additional adjustments possible	Local gov waives 974 standards, applicant may request adjustments for eligible criteria not waived