

SB 974 A STAFF MEASURE SUMMARY

Carrier: Sen. Anderson

Senate Committee On Housing and Development

Action Date: 04/07/25
Action: Do pass with amendments. (Printed A-Eng.)
Vote: 4-0-1-0
Yeas: 4 - Anderson, Broadman, Patterson, Pham
Exc: 1 - Nash
Fiscal: Fiscal impact issued
Revenue: No revenue impact
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Meeting Dates: 3/17, 3/19, 4/7

WHAT THE MEASURE DOES:

The measure establishes timelines for the review and approval process for final engineering plans for residential development within urban growth boundaries. The measure also defines urban housing applications and exempts projects developing 20 or more residential lots from specific aesthetic and design reviews, with optional waivers for smaller projects.

Detailed Summary:

Limited Land Use Decision

- Makes an urban housing application a limited land use decision, meaning a final decision made by a local government pertaining to a site within a UGB.

Urban Housing Application

- Defines 'urban housing application' as an application to a local government for a quasi-judicial decision seeking approval of any aspect of the development of lands zoned, or planned, for residential use or mixed-use within a UGB, including an application to:
 - amend a comprehensive plan or seek variance from a land use regulation;
 - adopt a planned development;
 - tentatively plat, partition, or subdivide the land;
 - approve any preliminary engineering or design plans relating to utilities, road, or other urban services;
 - site a dwelling structure.
- Clarifies that an urban housing application does not include:
 - an application that would have the effect of reducing minimum residential density of land;
 - an application for a residential construction permit;
 - a final decision on whether a subdivision or partition substantially conforms to the tentative subdivision or partition plan;
 - a final review of engineering plans within a UGB; and
 - a decision made by a ministerial or other expedited approval procedure.

Exemption from Certain Design Review Processes

- Requires local governments to waive the design review process or requirements for urban housing applications involving the development of 20 or more residential lots or parcels.
- Specifies that said design review process or requirements relate to aesthetics, landscaping, building orientation, parking, or building design, but not including limitations on size or any review under applicable building codes, fire codes, or public health and safety regulations
- Allows local government to waive the design review process or requirements for projects involving fewer than 20 residential lots or parcels.

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Timeline for application review of final engineering plans for residential development

Initial Completeness Check (14 Days)

- Requires that a local government or special district confirm receipt, or specify all additional materials that must be provided to complete an application, of a completed final engineering plan application for a residential development within an urban growth boundary (UGB) within 14 days of submittal.

Final Review (90 Days)

- Requires that a local government or special district return a decision on a complete application—one which includes all applicable fees, forms, and bonds—of final engineering plans for residential development within a UGB, and be ready to issue all necessary permits, including utilities, within 90 days after the date on which:
 - the application is deemed complete;
 - the applicant has supplied all materials necessary to complete an initially incomplete application; or
 - the applicant states that they are not providing additional materials.
- Allows the applicant and the reviewing local government or special district to agree to extend the 90-day deadline by 30-day periods.
- “Tolls” – puts on hold – the defined review period between when the government or special district notifies the applicant that additional materials are required to complete the application, and when the applicant returns those materials.

Recovery of Costs for Missed Deadlines

- Provides that an applicant is entitled to an award, including of the applicant's reasonable engineering costs and attorney fees, if the local government or special district fails to meet the deadline for final action of:
 - a 90-day period for final engineering plan application within a UGB;
 - an urban housing application;
 - a permit, limited land use decision, or zone change application for land within a UGB within 120 days after the application is deemed complete.
- Defines 'attorney fees' as including prelitigation legal expenses, such as the cost of preparing and processing the application and supporting the application in hearings.
- Defines 'engineering costs' as including costs to prepare the preliminary plat, to calculate, draft, and design infrastructure plans, and to submit and process the application and consult with relevant local government officials.

Takes effect on 91st day following adjournment sine die.

ISSUES DISCUSSED:

- Housing Institute Affordability Roadblock Study
- Uses of building design reviews
- Limited land use decisions and quasi-judicial decisions
- Creation of "urban housing application"
- Expediated timeline and possible expenses to cities

EFFECT OF AMENDMENT:

The amendment replaces the measure.

BACKGROUND:

Under Oregon's system of Land Use Planning, the Land Conservation and Development Commission, or LCDC, defines land use goals, and the Department of Land Conservation and Development (DLCD) facilitates and assists local governments in carrying out these goals through their comprehensive plans. [Local comprehensive plans address the statewide goals and a variety of local planning priorities](#). New land-use applications are reviewed and screened for compliance with comprehensive plans. Oregon Law currently mandates that the deciding body on a land use decision return their decision no later than 150 days (if a county) or 120 days (if a city, or for mineral

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extraction) after receipt of a complete application. A quasi-judicial decision in the context of land use in Oregon is a decision that applies existing rules and policies to a specific factual situation, such as a development proposal, requiring a hearing and findings of fact and conclusions of law.