

SB 974 B STAFF MEASURE SUMMARY**Carrier:** Rep. Breese-Iverson**House Committee On Housing and Homelessness****Action Date:** 05/21/25**Action:** Do pass with amendments to the A-Eng bill. (Printed B-Eng.)**Vote:** 10-1-1-0**Yeas:** 10 - Andersen, Breese-Iverson, Edwards, Fragala, Helfrich, Javadi, Levy E, Mannix, Marsh, Sosa**Nays:** 1 - Gamba**Exc:** 1 - Dobson**Fiscal:** Fiscal impact issued**Revenue:** No revenue impact**Prepared By:** Iva Sokolovska, LPRO Analyst**Meeting Dates:** 5/5, 5/12, 5/19, 5/21**WHAT THE MEASURE DOES:**

The measure establishes deadlines and procedures for reviewing final engineering plans for residential development and creates a new streamlined land use decision process for certain residential zone changes, planned unit developments, and variances. The measure also prohibits local governments from applying residential design standards to housing developments of 20 or more units within urban growth boundaries unless they are multifamily structures.

Detailed Summary:**Final Engineering Plan Review Requirements**

- Defines “final engineering plans” as detailed infrastructure designs submitted after tentative plat approval but prior to site development permits.
- Requires local governments to confirm completeness of applications within 30 days or request additional materials and approve or deny permits for site development within 120 days of deeming the application complete, subject to applicant extensions.
- Caps applicant-requested extensions at 245 days total.
- Tolls the 120-day review period while awaiting applicant corrections.
- Allows applicants to file for a writ of mandamus in circuit court if deadlines are not met and requires courts to approve application unless it violates substantive regulations.
- Makes provisions operative on July 1, 2026.

Streamlined Review for Certain Land Use Applications

- Applies only to lands within urban growth boundaries that are zoned or planned primarily for residential use.
- Applies to applications for zone changes to allow denser residential use; planned unit developments; or variances from residential standards.
- Excludes applications for subdivision plats, building permits, ministerial reviews, or final engineering plans.
- Requires notice to nearby property owners and recognized neighborhood associations but does not require a hearing if written notice is provided to Department of Land Conservation and Development.
- Provides a 14-day comment period and lays out detailed notice and appeal procedures.
- Requires approval or denial of the application to be based upon and accompanied by a brief statement that explains the criteria and standards considered relevant to the decision, states the facts relied upon in rendering the decision and explains the justification for the decision based on the criteria, standards and facts set forth.
- Permits a local government to provide for a hearing on appeal.

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- Allows a person adversely affected if a local government fails to provide the required notice for land use decisions processed under these provisions to appeal the decision to the Land Use Board of Appeals (LUBA) within 10 years.
- Integrates the new streamlined land use application process created by this section into LUBA's existing procedural framework, preserves appeal rights, and imposes the existing procedural participation and issue preservation applicable to quasi-judicial or expedited land use decisions.
- Makes provisions operative on July 1, 2026.

Limits on Local Residential Design Standards

- Prohibits local governments from applying residential design standards to housing developments of 20 or more units within urban growth boundaries unless they are multifamily structures.
- Exempts safety-related and resource-related regulations, such as land use regulations or requirements that are related to setbacks, building height, accessibility, fire ingress or egress, public health or safety, state or federal water quality standards, hazardous or contaminated site cleanup or wildlife protection or that implement statewide land use planning goals relating to natural resources, natural hazards, the Willamette River Greenway, estuarine resources, coastal shorelands, beaches and dunes or ocean resources.
- Defines "residential design standards" as standards intended to preserve the desired character, architectural expression, decoration or aesthetic quality of new homes and specifies categories.
- Sunsets these provisions on January 2, 2033.

Takes effect on 91st day following adjournment sine die.

ISSUES DISCUSSED:

- Implementation timelines and effective dates of the measure
- Senate Bill 1537 (2024) interactions and expansion
- Limited land use decision process and public comments
- Infrastructure capacity to serve new builds
- Expedited process types
- Landscape and tree code design standards

EFFECT OF AMENDMENT:

The amendment extends deadlines for local review of housing-related applications, drops the automatic fee award, and adds in a new land-use track option with modified notice rules and a broad pre-emption of local design standards with exceptions for public health and safety.

Detailed Summary:

- Establishes a definition of "final engineering plans."
- Increases deadline for completeness check from 14 to 30 days and extends the final decision deadline from 90 to 120 days.
- Caps applicant-requested extensions at 245 days total.
- Permits applicants to file mandamus and requires courts to issue writ unless city shows substantive violation, removes automatic awarding of fees to applicant.
- Prohibits residential design standards for projects of more than 20 units, with specified exceptions.
- Adds new track for zone changes, planned unit development, and variances on residential land inside UGB:
 - Notice only to owners within 100 feet and neighborhood groups.
 - 14-day written-comment window; no hearing required unless appealed.
 - Initial decision without hearing; optional hearing on appeal.
- Exempts applications in the new track from post-acknowledgment procedures.
- Modifies operative dates.

BACKGROUND:

Oregon's statewide land use system is governed by Statewide Planning Goals, enforced through comprehensive plans adopted by local governments. Urban development is limited to areas inside Urban Growth Boundaries

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(UGBs) to preserve farm and forest land and reduce sprawl. Cities must process development proposals in accordance with their acknowledged comprehensive plans and implementing regulations.

Final engineering plans are detailed infrastructure designs (roads, sewer, stormwater, etc.) submitted after tentative land divisions but before construction begins. Oregon law does not state 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 requirements only affect the appearance of homes. These requirements are often tied to land use decisions made at the local level.