



March 12, 2025

**Clackamas County Board of Commissioners
Policy Position
Relating to Land Use Application Timelines**

Clackamas County opposes SB 974 unless amended. As proposed, SB 974 would require counties to take final action on a land use application for the development of a single-family dwelling within 45 days, including the resolution of any appeals under ORS 215.422.

Most single-family dwelling projects in Clackamas County do not require a land use application. When one *is* required, applicants are afforded a state-mandated opportunity to appeal a staff decision to a hearings officer, including a 12-day appeal filing period, 20-day public notice period before the hearing, 7-day mandatory open record period for any requesting party, and 7-day mandatory response period for any requesting party. In the rare event of an appeal, this two-level process necessitates the current 120-day time limit. Even if the county amended its code to require all applications to go directly to a public hearing, thereby bypassing the staff-level review that is more straightforward for most applicants, the minimum statutory requirements would eat up 34 of the 45 days, leaving only 11 days for a hearings officer to write and issue a decision, assuming no weekends, holidays, or hearing wait-times delayed any step of the process. The combined impact of these requirements prevents Clackamas County from reliably processing a land use application within the desired 45 days. To mitigate some of the timing uncertainty and prevent applicants from facing mandatory public hearings, successful legislation must:

- Apply only within Urban Growth Boundaries, channeling development into places designed to accommodate growth.
- Exclude environmentally protected lands or lands mapped as prone to hazard (Goal 5 protected lands, floodplains) from the 45-day time limit.
- Exclude applications that a developer opts into as part of an alternative review process (e.g., variances) from the 45-day time limit.
- Specify that – notwithstanding local code provisions to the contrary – applications that are subject to the new requirements must be processed as ministerial decisions and are neither “permits” as defined by ORS 215.416 (and the city analog to that statute) nor “land use decisions” to minimize conflicts with other state statutes and local zoning codes.

We urge a “NO” vote on SB 974 unless amended.

Please contact Trent Wilson (twilson2@clackamas.us) for more information.