



Oregon

Tina Kotek, Governor

Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2540

Phone: 503-373-0050

www.oregon.gov/LCD

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To: The Joint Permitting Council

From: Brenda Ortigoza Bateman, Ph.D., Director
Kirstin Greene, AICP, Deputy Director and Tribal Liaison
Leila Aman, Community Services Division Manager
Leigh McIlvaine, Economic Development Specialist



Subject: **Recommendations re Fast Track Permitting Project Criteria**

I. Introduction

House Bill (HB) 4084 Section 2 sets forth the eligibility criteria for projects to access Oregon's fast track permitting program. Before taking action, the Joint Permitting Council (JPC) could benefit from additional detail under two of the items (d) "Meet readiness criteria established by the council" and (e) "Demonstrate land use compatibility."

Below, DLCD provides six recommendations that may help establish these criteria by the due date of October 1, 2026.

a. Readiness Criteria

The bill directs the JPC to establish additional readiness criteria for project eligibility under Section 2(2)(d). The purpose of adopting readiness criteria is to reduce project risk and bolster economic outcomes for Oregonians through this program.

Clear land development and business readiness criteria can help the JPC vet and prioritize robust project proposals early in the application process, rather than relying on agency permitting staff to assess project viability after the project is already in the fast track permitting pipeline. This will protect the program and participating projects from the uncertainty and permitting delays this bill is designed to address.

Project readiness can imply both land development readiness and business readiness (e.g., a strong development pro forma and capital stack).

- (1) While state permitting can be expedited, without commitment and partnership from local governments and participating businesses, the program will struggle to produce fast-tracked outcomes. With so many unknown factors that will emerge throughout the process, we recommend that local governments demonstrate support for fast track projects via adopted resolution with clear permit approval timelines, funding commitments and a named point of contact / process manager.
- (2) Development readiness criteria are essential to help the JPC select applications that are most likely to produce economic benefit within the near term. Sites that are not served with adequate infrastructure or included in a local capital improvement plan are not developable in the short term. A commitment from the local government to serve the site with

infrastructure via an adopted capital improvement plan demonstrates alignment with community development priorities, significantly reducing the project risk.

- Fast track development readiness project criteria should include wildlife, natural resource, cultural resource, and natural hazard considerations, and should demonstrate that proposed sites are either not encumbered by these conditions or have included site-based mitigation plans in development pro forma.
- Other development readiness criteria that will help the program and JPC succeed include local wetlands inventory of the proposed sites. The local government should either have adopted a local wetlands inventory (LWI) that includes the site or can submit one with the fast track application. Several members of the joint permitting council offered to contribute to a checklist of other inventories or analyses that may be required.

b. Land Use Compatibility

Applicants should propose projects consistent with the existing local comprehensive plans and zoning ordinances. Reminder: State permitting agencies may require land use compatibility statements, or LUCS, from local governments, confirming that the proposed use comports with their local comprehensive plans and land use regulations.

Applicants that are able to submit letters of support from adjacent property owners can further reduce the risk of land use conflicts.

c. Conclusion – Resulting Criteria

If the above points are acceptable to the JPC, consider adding readiness criteria and land use compatibility criteria like the following:

- A project located within a local jurisdiction (city or county) that has demonstrated support for fast track projects via adopted resolution with clear permit approval timelines, funding commitments, and point of contact / process manager.
- A project located on property that the local jurisdiction (city or county) has committed to serve with infrastructure via an adopted capital improvement plan.
- A project that either: (1) is located on property that is not encumbered by wildlife, natural resource, cultural resource, or natural hazard conditions, or (2) has included site-based mitigation plans in its development pro forma.
- A project located on property for which the local jurisdiction (city or county) has adopted a local wetlands inventory (LWI) or can submit one with the fast track application.
- A project located within a local jurisdiction (city or county) that has confirmed that the project is consistent with the local comprehensive plan and zoning ordinances.