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Local Residential Development Process Improvement Study: Initial Barrier Identification

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Introduction

Oregon’s lawmakers and Governor, housing developers, and housing advocates share a common goal of making local housing development regulations easier to navigate. Oregon Senate Bill (SB) 1537 was passed in 2024, directing the creation of the Housing Accountability and Production Office (HAPO), a joint office of the Department of Consumer and Business Services, Building Codes Division (DCBS) and the Department of Land Conservation and Development (DLCDC). HAPO is directed to partner with local governments and housing developers to navigate the complexities of state housing laws related to land use and permitting. HAPO provides funding, guidance, and technical support to incentivize and minimize barriers to housing production and ensure compliance with state laws and regulations.

SB 1537, Section 5 (1) and (2) directs HAPO to study and produce a report related to development processes and standards, with consideration of barriers to housing production and potential improvements, best practices, and considerations that support increasing housing production and affordability in Oregon. This study is referred to as the Local Residential Development Process Improvement (LRDPI) study.

The study is evaluating local development review processes, including land use, building, public works and infrastructure. A companion study, directed under SB 1537, Section 5 (3) is evaluating state level barriers to housing production—see that project’s [fact sheet](#) for more information.

Purpose

This document provides an assessment of barriers to residential development. The purpose of this assessment is to identify common barriers to residential development in the land use entitlement, public works review, and construction permitting and plan review processes. Many of the barriers described in this memo vary by development project type, jurisdiction, entity responsible, and applicability (e.g., urban or rural, large or small).

This assessment draws on the expertise of the LRDPI consultant team and staff at HAPO, DLCDC, and DCBS; relevant research and studies; and input from stakeholder focus groups with both housing producers and local government housing regulators. This barrier assessment will be refined as needed based on additional stakeholder feedback and incorporated into the final report. The final report will also incorporate best practices, case studies, and other information beyond the identified barriers described in this assessment.

Overview of the Housing Development Process in Oregon

Residential development in Oregon typically involves a series of local review processes that may include land use entitlements, public works and infrastructure review, and construction permitting and inspections. The specific sequence and scope of review vary by project type and jurisdiction, but they generally begin with a land use review to determine whether the



proposed development is allowed under the local zoning code. Land use review may include zoning confirmation, development review, land divisions, and/or other land use approvals.

Land divisions typically involve a two-part approval process: preliminary approval and final approval. Once a project receives preliminary plat approval, including preliminary engineering design, it advances through final engineering design and infrastructure permitting. After the final engineering design is approved, the required infrastructure can be constructed to support the land division. Following construction, as-built plans are submitted and the final plat is reviewed and approved. Following final plat approval, the land division is recorded and the resulting lots are eligible for future vertical development.

For projects that do not include land division, land use approval is typically followed by construction permitting, including building permits and permitting for any associated infrastructure improvements. Additional permits may be required prior to construction, such as grading, right-of-way, or tree removal permits, to prepare the site for development. Once the project is constructed, inspections are conducted to confirm the project is ready for final approval and Certificate of Occupancy. For infrastructure improvements, a final step typically involves submission and approval of as-built plans.

In Oregon, local governments must use clear and objective standards for housing approvals. Oregon Revised Statute (ORS) 197A.400 requires that local governments adopt and apply clear and objective standards, conditions, and procedures regulating the development of housing. Jurisdictions that have a clear and objective land use application approval path can also adopt alternative or “discretionary” approval criteria. However, discretionary procedures may still be required in certain situations, such as when development occurs in designated historic areas, and applicants may opt into a discretionary review for additional flexibility or development incentives (e.g., density bonuses). As a result, housing developers may still encounter a range of land use review processes.

As a part of the LRDPI study, a visual was developed to conceptualize the residential review process in Oregon, and it can be found in Appendix A.

Understanding Impacts on Housing Production

Oregon's development approval requirements serve important public purposes, such as ensuring health and safety, coordinating infrastructure investments, protecting environmental resources, and providing transparency and opportunities for public input. Many development approval processes stem from state, regional, or local legal requirements that local jurisdictions must comply with; where applicable, these have been identified in this report.

Development approval requirements can improve project quality, reduce long-term risks, and support coordinated decision-making in alignment with Oregon's statewide goals for housing availability, natural resource protection, growth management, and economic development. At the same time, the structure and sequencing of these processes can affect housing production outcomes. The focus of this report is on review processes rather than the substance of local, state, or federal requirements; however, this report acknowledges process



issues that result from standards (e.g., because they are unclear, create conflicts or confusion, or are especially difficult to meet).

Many of the barriers identified in this report arise from differences between how public review processes are designed and how private development decisions are made. Public processes are driven by formal procedures, while private development decisions are iterative, risk-based, and sensitive to timing and cost. Misalignment between these approaches can lead to delays, redesign, and increased financial risk.

Throughout the report, potential barriers are framed under four categories: time, complexity, uncertainty, and cost. These categories are used to describe how a barrier may lengthen project timelines, increase administrative or technical complexity, increase the uncertainty or risk associated with the project, or raise development costs, ultimately affecting the feasibility and pace of housing production.

Many of the development processes described in this memorandum can benefit housing development in some cases and create challenges in others. For instance, discretionary review can enable flexibility that allows developers to advance a new form of development or a creative design not anticipated by the code. However, for developments that are simply trying to make housing work on a given site with a scale and design that is financially viable, discretionary review can mean uncertain development approval timelines, project delays, and related financing challenges. This memorandum summarizes the intended purpose of Oregon's development review processes and identifies where they pose barriers in practice.

Recent Legislation

Some of the barriers identified in this memo may be addressed by recent state legislation. Some of these changes have not yet been implemented locally and may not be reflected in recent or ongoing projects.

- **SB 1537** (effective June 6, 2024) requires local governments to grant adjustments to specific development and design standards for qualifying development. The mandatory adjustment requirements sunset on January 2, 2032.
- **SB 974** (2025)
 - prohibits public hearings for many residential projects except on appeal (effective July 1, 2026).
 - prohibits application of design standards for certain residential development (sunsets January 2, 2033).
 - establishes timelines for public works reviews.
- **House Bill (HB) 2138** (2025) broadens allowance of middle housing (effective 2027, 2028) and allows concurrent processing of a middle housing land division with a standard land division.
- **HB 4037** (2026) limits notification and prevents hearings for residential development subject to clear and objective standards.



1. LAND USE ENTITLEMENT REVIEW

1.1. Process Steps

1.1.1. Handling Initial Inquiries

DESCRIPTION

At the beginning of nearly all development processes, the applicant seeks clarification on allowed uses, procedures, timelines, and standards. Staff provide general guidance on requirements and review procedures.

WHY THIS MATTERS AND HOW IT CAN HELP

This step helps applicants identify requirements early on and plan and scope accordingly.

RELEVANT LEGAL REQUIREMENT(S)

There are no Oregon statutes governing how jurisdictions handle informal inquiries.

POTENTIAL BARRIERS IN THE PROCESS

- Jurisdiction staff availability may be limited, delaying responses and input.
- Applicants are limited in the information they can provide a jurisdiction when initially inquiring due to the early and oftentimes conceptual nature of the project. In response, jurisdictions are limited in the direction they can provide applicants without specific and comprehensive project details, which may lead to a general response. As a result, the response may result in sharing insufficient or inaccurate information or have inaccurate interpretation, leading the applicant to wrong (and costly) assumptions. Few inquiries are truly quick and easy questions, and early guidance on requirements vary.
- Providing more detailed guidance typically requires applicants to develop and share more complete project information, which can increase up-front costs for the applicant. At early inquiry stages, applicants may be hesitant to incur these costs given the uncertainty and nonbinding nature of preliminary guidance. Jurisdictions, however, face comparatively less risk in offering informal feedback prior to formal application submission.

1.1.2. Pre-Application Conferences and Resultant Guidance

DESCRIPTION

Pre-application conferences (pre-apps) provide early coordination across planning, public works, building, and fire departments, and sometimes partner agencies. Pre-app conferences are typically required for major land use reviews (such as zone changes, conditional use



reviews, or other discretionary land use procedures). For other types of projects, they may be encouraged, mandatory, or voluntary.

WHY THIS MATTERS AND HOW IT CAN HELP

These meetings are intended to help applicants understand requirements and expectations, identify potential issues, and support preparation of a complete application. When jurisdictions involve all relevant reviewing parties (including building and public works staff) and provide clear written notes or other information to the applicant, pre-apps can streamline the subsequent application process and reduce the likelihood of incomplete or revised submittals.

RELEVANT LEGAL REQUIREMENT(S)

There are no Oregon statutes governing how jurisdictions handle pre-apps.

POTENTIAL BARRIERS IN THE PROCESS

- Jurisdiction's submittal requirements may require detailed pre-application materials in order for staff to identify specific issues, applicable regulations, and processes. This may result in increased cost to the applicant to prepare for the conference.
- Jurisdiction's reviewing staff may not be aware of upcoming proposed code changes that could impact proposed development, especially if current planning review staff do not engage in long-range planning work or do not engage long-range planning staff in the pre-apps.
- Applications are reviewed based on the standards in effect at the time an application is deemed complete. If applicable standards change between the pre-apps and application submittal (e.g., due to code amendments), applicants may rely on outdated information, resulting in plan revisions, extended timelines, and increased costs. This is particularly challenging when local codes are changing frequently (e.g., to respond to state legislation and local planning processes).
- Some jurisdictions, particularly smaller ones, may not have sufficient funding and/or staff capacity to track legislative changes, update local codes accordingly, and keep staff trained on recent and pending changes. This can make providing accurate and up-to-date information challenging for staff.
- Jurisdictions may charge high pre-application fees to ensure adequate staff time for thorough project analysis and coordination across multiple departments and external agencies.
- A barrier for both jurisdictions and applicants is that partner agencies may not participate in the pre-app, which can cause gaps in due-diligence guidance and information.
- Pre-application feedback is typically nonbinding. Incomplete, inaccurate, and/or unclear feedback from jurisdictions may result in errors or omissions from the applicant, such as submitting incomplete applications or the need for redesign after submission once requirements are clarified. These issues can result in schedule extensions and higher soft costs.



- Required right-of-way dedication and/or infrastructure improvements can have a substantial impact on project design/density and costs. If pre-apps do not clearly and accurately identify requirements/expectations for public improvements, applicants may waste time and effort advancing a project that will prove not to be financially viable or spend time and resources redesigning the project to accommodate the dedication or improvements.

1.1.3. Application Acceptance and Completeness Review

DESCRIPTION

Under Oregon land use law, when a local government receives a land use application (for a permit, land use decision, or zone change), it has 30 days from receipt of the application to determine whether the application is complete or to notify the applicant in writing of exactly what information is missing and allow the applicant to submit the missing information. Note that the “tolling” of the 30-day review period applies only to a jurisdiction’s time reviewing the application materials and does not reflect the applicant’s time to respond to information requests. When all required materials are received, the application is deemed complete and the 120-day statutory review clock begins. (Note: The statutory review clock is 100 days for affordable housing [ORS 197A.470] and 63 days for expedited land divisions [ORS 197A.140].) The applicant can direct that an application be deemed complete after the initial 30 days and reviewed based on the information provided if desired.

WHY THIS MATTERS AND HOW IT CAN HELP

Ensuring all materials needed to determine compliance with applicable standards are available at the time of review prevents delays later in the process. Jurisdictions can deny applications that have not demonstrated that they meet the applicable criteria, so ensuring all information has been provided to demonstrate compliance avoids the risk of denial on this basis. Some jurisdictions use checklists to help applicants more easily identify required materials.

RELEVANT LEGAL REQUIREMENT(S)

ORS provisions 227.178 and 215.427 establish a 30-day deadline for completeness review, for cities and counties respectively, along with requirements for written notice of missing information and statutory decision timelines.

POTENTIAL BARRIERS IN THE PROCESS

- A completeness determination may require back-and-forth between the applicant and permitting specialists, with iterations potentially drawing out the process and increasing soft costs for the applicant.
- Lack of clarity in submittal requirements can make it more challenging for applicants to understand what is needed to get to a complete application. This can



disproportionately impact less experienced applicants and those developing in the jurisdiction for the first time.

1.1.4. Coordination with Public Works, Building Department, and Local Fire Official Review

DESCRIPTION

During land use review, planners coordinate with engineering and building staff to identify infrastructure needs, development conditions, and technical requirements. In rural areas on septic systems, coordination with the sanitation department is typically also required for new vertical construction.

WHY THIS MATTERS AND HOW IT CAN HELP

Coordinating across departments and reviewers helps ensure that all relevant standards and requirements have been identified, provides an opportunity to reconcile any conflicts between different sets of requirements, and allows all parties to review whether the application meets (or will be able to meet) relevant standards.

RELEVANT LEGAL REQUIREMENT(S)

N/A

POTENTIAL BARRIERS IN THE PROCESS

- Coordination between departments/entities may be challenging when each has separate priorities and responsibilities and no single manager or department/entity is responsible for the entire development process.
- Coordination between multiple departments/entities can add time to the process, particularly when having to coordinate multiple schedules. A lack of coordination between departments/entities can contribute to delays, inconsistent or contradictory decisions, poor communication, and lack of accountability.
- Differences in processes or policies between these departments/entities can create confusion for the applicant. Applicants may find it challenging to find a central point for decision-making, approval requirements, or timelines.

1.1.5. Public Hearings

DESCRIPTION

For some residential development projects, public hearings may be required when discretionary review is allowed by statute (e.g., residential development in a historic area, ORS 197A.400(2)(b)), or where a legislative decision is necessary (e.g., a zone change or comprehensive plan amendment).



WHY THIS MATTERS AND HOW IT CAN HELP

Public hearings provide transparency and an opportunity for formal public input for discretionary decisions by planning commissions, hearings officers, or elected officials. They can support public involvement under Oregon's Statewide Planning Goal 1, allow potentially affected parties to understand what is proposed and what regulations the project is required to meet, and provide a venue for public comment.

RELEVANT LEGAL REQUIREMENT(S):

ORS 197.797 establishes provisions for quasi-judicial land use hearings conducted before a local governing body, planning commission, hearings body, or hearings officer on application for a land use decision. SB 974 (2025) and HB 4037 prohibit public hearings for many residential projects except on appeal (effective July 1, 2026)

POTENTIAL BARRIERS IN THE PROCESS

- Public hearing timelines are influenced by the frequency of Planning Commission or City Council meetings and available agenda time, as well as hearings officer availability and scheduling practices. This can create delays between when an application is ready for a hearing and a decision.
- The uncertainty of whether a project will be approved through a discretionary process increases risk for the developer.
- Public opposition in a discretionary review process, especially where decisions are made by local elected officials, can impact decisions on affordable housing, higher-density housing, infill, and other projects that create neighborhood opposition. This, in turn, can make developers less willing to advance projects that could generate community opposition if a hearing is required.
- Public input during the review process can result in project modifications, delays, or appeals.
- Hearings tend to be associated with greater levels of public notice and public awareness than other forms of discretionary reviews (e.g., written public comment periods), which can increase the volume of public input, especially for controversial projects.
- Planning Commissions or City Council members may have limited familiarity with state and local planning requirements and processes, and they may not fully understand their role and expectations due to limited training and content exposure.
- The general public typically does not understand what the standards/guidelines are for public involvement and comments, which can result in confusion and frustration for all parties involved. This can also result in land use appeals that draw out the project timeline with no measurable changes to a project.
- State-mandated reductions in public hearings for certain developments shift public feedback to other channels, altering the procedural dynamic between city staff, developers, and the community.



1.1.6. Issuance of Decision and Conditions of Approval

DESCRIPTION

A formal issuance of approval or denial is made by the review authority set forth in the jurisdiction's land use regulations. The decision-maker can approve the request, deny it, or approve it with conditions to ensure compliance with development standards and approval criteria. Some conditions are required to be fulfilled within a specified period stated in the decision; other conditions affect how the land use activity operates and must be met as long as the activity is in use. Failure to meet conditions of approval may invalidate the approval action.

WHY THIS MATTERS AND HOW IT CAN HELP

The land use decision is essential to development moving forward to subsequent steps. Conditions of approval can clarify subsequent permitting requirements and may allow applicants to address compliance issues in later stages of the development process.

RELEVANT LEGAL REQUIREMENT(S):

ORS 197.797 addresses the process and timeline, while ORS 197.796 governs appeal procedures and attorney fees related to conditions of approval.

POTENTIAL BARRIERS IN THE PROCESS

- The decision to deny an application can stop a project altogether and create uncertainty during the appeals process.
- Conditions of approval that are not clearly tied to applicable approval criteria or development standards, or that arise from public input, may introduce requirements that are difficult to anticipate. This can result in additional design or permitting work, increased costs, and extended timelines, which may ultimately affect project feasibility.
- In some jurisdictions, minor adjustments/changes to conditions of approval cannot be done without a second public process, causing project delays and additional costs.
- Development codes may create expectations and place responsibilities on applicants related to new development and/or redevelopment that are insurmountable for smaller or infill projects. Local jurisdictions with limited resources available may assign responsibilities, including but not limited to infrastructure improvements to small projects, as conditioned through land use approval. These are very difficult to negotiate or otherwise reduce because of the rigidity of the land use decision-making process.



1.1.7. Appeals Process

DESCRIPTION

Oregon's land use appeals process allows applicants or the public to challenge land use decisions, either at the local level or by appealing to the state's independent Land Use Board of Appeals (LUBA).

WHY THIS MATTERS AND HOW IT CAN HELP

Appeals on discretionary decisions can elevate the decision to a different decision-making body and/or provide an opportunity for a hearing for contentious applications. Appeals can also allow an applicant to challenge a denial or a condition of approval.

RELEVANT LEGAL REQUIREMENT(S):

ORS 197.828-830 dictates the LUBA process related to limited land use decisions, local government interpretations, and review procedures.

POTENTIAL BARRIERS IN THE PROCESS

- Appeals extend timelines and add legal costs, even when projects are ultimately approved.
- Appeals increase uncertainty for the applicant.

1.2. Types of Applications, Review, and Approvals

This section provides an overview of land use review processes that are required for specific situations.

1.2.1. Annexation and Annexation-Related Processes

DESCRIPTION

Annexation is required when a property must be incorporated into city limits to access urban services and may involve public hearings or voter participation depending on local rules. In exchange for the opportunity to be incorporated into city limits and receive city services, an applicant typically must agree to terms of an annexation agreement. This details how the property will be “brought up to city standard,” on what timeline, and who will be financially responsible for the upgrades.

WHY THIS MATTERS AND HOW IT CAN HELP

Annexation is often required prior to development, except in unincorporated areas where development is allowed under County regulations. Annexation agreements can provide an opportunity for property owners and cities to agree on how necessary urban services to enable development will be provided.



RELEVANT LEGAL REQUIREMENT(S)

ORS Chapter 222 describes procedures and requirements for annexation, including requirements related to consent by property owners and voters in the territory to be annexed and provisions for when a city election (voter approval) is required, not required, and prohibited. OAR 660-014 governs annexations and stipulates the opportunity to engage in annexation agreements, consistent with ORS 222.

POTENTIAL BARRIERS IN THE PROCESS

- The property must qualify for annexation (e.g., it must be within an urban growth boundary [UGB], contiguous or connected to existing city limits, etc.).
- Annexation may require the coordination and consent of numerous property owners within a larger annexation area.
- Negotiation of annexation agreements can lead to uncertainty and up-front costs for the applicant and may require significant time for both staff and the applicant. These negotiations can be especially time-consuming on large sites with multiple property owners (e.g., large UGB expansion areas).
- In some cases, significant land use and/or infrastructure planning work is required before annexation (e.g., within Metro, concept plans within UGBs are generally completed prior to annexation). Jurisdiction-led planning processes may be delayed by staff capacity, funding availability, or political controversies. This can delay development from moving forward.
- Where annexation planning is not led or funded by local jurisdictions, responsibility and associated costs, such as for infrastructure planning, may shift to the applicant as part of annexation agreements.
- The provision of infrastructure to newly annexing areas can be complex and costly. Annexation into service districts may be required. Infrastructure may be required to be brought up to "urban standards" prior to annexation. Typically, the cost to extend and provide services to the project site is the applicant's responsibility. Major infrastructure capacity constraints can make the extension of services infeasible (e.g., if a new reservoir is required to provide water service). The recourse an applicant has for addressing the financial proportionality of required improvements is limited as part of an annexation agreement. These challenges can create hurdles to annexation, thus preventing development from advancing.
- For annexations that require voter elections¹ or depend on elected officials for approval, concerns over how growth will impact City services, traffic, etc. can lead to a lack of political support that can impede annexation.

¹ ORS 222.127 precludes cities from requiring voter approval for annexation of land within a UGB in certain conditions.



1.2.2. Comprehensive Plan & Zoning Map Amendments

DESCRIPTION

Requests to change a land use designation or zoning map require discretionary review. An application may be subject to a quasi-judicial or legislative decision depending on the scope. A public hearing is typically required, except where prohibited by recent changes to state law (see below). Changes to comprehensive plan designations are sometimes considered legislative decisions (depending on the jurisdiction), while changes to zoning designations for specific properties that are consistent with the comprehensive plan are typically considered quasi-judicial decisions.

WHY THIS MATTERS AND HOW IT CAN HELP

Changing comprehensive plan or zoning designations can offer developers a chance to proceed under different regulations that may better align with the desired development scale, intensity, or mix of uses. Allowing applicants to propose changes for specific properties provides an opportunity for jurisdictions to consider the merits of targeted updates independent of larger citywide or subarea-level legislative actions. To maintain the value and integrity of a jurisdiction's long-range planning, a review of changes to comprehensive plan designations typically evaluates whether the proposed change aligns with local policies and goals, whether it impacts the jurisdiction's ability to meet 20-year land needs, and whether existing and planned infrastructure can accommodate different or more intensive development than previously planned.

RELEVANT LEGAL REQUIREMENT(S)

OAR 660-018-0020 governs proposed changes to comprehensive plans or land use regulations, including notice to DLCD at least 35 days before holding the first evidentiary hearing on adoption of the proposed change. OAR 660-012-0060 describes Transportation Planning Rule requirements that address consistency between land use and transportation plans, including a requirement to consider whether amendments to land use plans or regulations significantly affect transportation facilities. ORS 197A.420 and 197A.025 provide exceptions to that requirement for certain housing-related changes, including allowing middle housing and implementing a housing production strategy. SB 974 (2025) establishes an expedited process for review of certain zone changes that allow a denser residential use designation.

POTENTIAL BARRIERS IN THE PROCESS

- The approval criteria, especially for legislative comprehensive plan amendments, tend to be discretionary, which creates uncertainty and may require extensive analysis of transportation, services, or policy conformance. The criteria and analysis may not be appropriately scaled to the impact of the change. For example, a comprehensive plan and zoning map amendment that change the intensity of a use (e.g., from low-density



residential to higher density residential) may not merit the same level of review as a change to another use category.

- The process may require one or more public hearings, which can create delay and additional opportunities to introduce points that can be raised on appeal (see Barriers noted in Section 1.1.5).
- Comprehensive plan and zoning map amendments may trigger Transportation Planning Rule (TPR) requirements, which can require additional analysis and coordination and, in some cases, amendments to the local Transportation System Plan—adding time, cost, and complexity to the review process.
- Legislative amendments are not subject to the 120-day statutory review clock.

1.2.3. Land Divisions

DESCRIPTION

Land division is the process of dividing land into individually saleable and buildable lots or parcels. Until recently, this has been done primarily through standard subdivision (4 or more lots) and partition (3 or fewer parcels) procedures. However, with the advent of middle housing land divisions and the changes to the expedited land division process (including 2025 updates), more flexible land division processes are available in many jurisdictions for certain middle housing types, as discussed in the next section. This section focuses on “standard” subdivision and partition processes.

WHY THIS MATTERS AND HOW IT CAN HELP

Land divisions are essential to the ability to create new lots for development and to allow fee simple sale of the completed housing.

RELEVANT LEGAL REQUIREMENT(S)

ORS 92 governs subdivision and partition procedures, including requirements for government bodies to adopt regulations. Local government review of tentative plans for partitions and subdivisions is subject to the same completeness check and time limit standards in ORS 215.427 and ORS 227.178. Within cities, ORS 227.100 governs subdivision plats that relate to street alterations. ORS 197A.142 allows expedited review for land divisions meeting certain criteria.

POTENTIAL BARRIERS IN THE PROCESS

- Conformance with land division standards may restrict the size and shape of the lots, reducing the number of lots that can be created through standard land divisions.
- Land divisions require a two-step process. Approval of a preliminary (tentative) plan is the first step. Typically, a preliminary plan for a standard land division has been subject to discretionary review and, depending on the scale of the subdivision, required a public hearing. Not all jurisdictions have amended their land division regulations to



ensure that standard residential land divisions are only subject to clear and objective standards (see Section 1.3.1 below).

- Jurisdictions may have highly detailed requirements for preliminary civil plan design submission (e.g., 70% civil plan design). Preparation of preliminary civil plans may require a significant amount of infrastructure planning and design, which can be costly to the applicant.
- New streets and/or improvements to existing streets may be required to be constructed or bonded prior to approval of the final plat. New streets must be built to local public street standards, as many jurisdictions do not allow private streets except in limited circumstances.
- For small infill land divisions, required infrastructure improvements (e.g., half-street improvements) can represent a disproportionate share of total project costs.
- Final plats are required to be surveyed and monumented by the applicant, approved by the county surveyor, and recorded. The County recording process can sometimes lead to unexpected last-minute delays.
- Standard land division applications are typically not allowed to be processed concurrently with building permits.² This adds to the project timeline. (Note: ORS 455.175 allows approval of building permits in a residential subdivision if the applicant demonstrates "substantial completion" of public improvements and secures a bond or other financial guarantee of completion, which is common in many jurisdictions.)³

1.2.4. Middle Housing Land Divisions

DESCRIPTION

Middle housing land divisions (MHLDs) provide a simplified and expedited process for subdividing or partitioning lots with middle housing so that each unit is on a separate property. This enables the units to be sold and owned individually. After an MHLD is completed, the development is subject to the requirements and standards that applied to the parent lot, and the housing is defined and regulated as the original middle housing type. For example, an attached triplex that undergoes an MHLD does not become a townhouse development; the structure and property are still subject to requirements for a triplex. This means that siting standards such as minimum lot size, setbacks, and lot coverage apply to the overall parent lot, not individual middle housing lots.

WHY THIS MATTERS AND HOW IT CAN HELP

MHLDs allow units to be divided for fee simple ownership, increasing the market appeal of middle housing. They also provide a streamlined land division process with an expedited timeline and limited approval criteria. If requested by the applicant, local governments must issue a decision on a tentative MHLD plan within 63 days of application completeness

² Some jurisdictions allow applicants to request concurrent review after tentative approval or to proceed to building permit application during land division review at their own risk.

³ Concurrent land division and building permit review is allowed for middle housing development applications.



(compared to 120 days for standard land divisions), and only the applicant may appeal. This shortened process can reduce development costs and limit the potential for delay. The limited approval criteria also allow more flexible lot and site configurations, including lots without public street frontage and shared access and parking arrangements.

RELEVANT LEGAL REQUIREMENT(S)

Under ORS 92.031, MHL D is a required process for cities that must allow middle housing per ORS 197A.420(2) or (3). ORS 92.031 establishes the general framework, required approval criteria, and conditions of approval for MHL Ds. If requested by the applicant, MHL Ds must be processed under the expedited land division procedure in ORS 197A.140. MHL D requirements were updated in 2025 by HB 2138.

POTENTIAL BARRIERS IN THE PROCESS

- HB 2138 (2025) allows concurrent processing of an MHL D with a standard land division that creates the parent lots. However, each MHL D is limited to a single duplex, triplex, quadplex, or cottage cluster, or a single structure containing town houses. This means that applicants would need to submit, and local governments would need to process, separate MHL D applications for each parent lot. Although local governments could allow concurrent processing, the process impacts of this change are not yet known.
- MHL Ds require separate utilities for each unit, unless local governments establish specific policy routes for assessing requirements for shared utilities or addressing service scale in connection fees. If required, separate utilities multiply infrastructure costs and may limit opportunities on smaller or constrained sites that lack space for separate connections.
- The introduction of multiple new development pathways, including MHL Ds, increases code complexity and requires additional training and familiarization for both applicants and reviewers.
- As with standard land divisions, final plats are required to be surveyed and monumented by the applicant, approved by the county surveyor, and recorded. The County recording process can sometimes lead to unexpected last-minute delays.

1.2.5. Development Review

DESCRIPTION

While the terminology varies by jurisdiction, broadly speaking, development review is the review of a development application for zoning and development standard compliance prior to the issuance of a building permit. This review includes zoning, siting, and design regulatory compliance. For a small-scale residential development that is an allowed use outright (e.g., detached single unit or middle housing) and meets clear and objective standards (such as siting standards), this may simply be staff's review of the building permit for zoning and land use development regulation compliance. However, in many jurisdictions, larger-scale



residential developments require approval of a separate land use application prior to submitting a building permit. For development under clear and objective standards, the land use application is typically reviewed by staff (as either a Ministerial or Administrative decision).⁴ Recent legislation in HB 4037 precludes a public hearing on the initial land use decision for clear and objective residential development review, though not all jurisdictions have development codes that comply with this statute.

Note: Not all jurisdictions issue their own building permits and may outsource development review to another agency (e.g., a city contracts out to its county). Therefore, the barriers related to development review may be different depending on who administers the building code.

WHY THIS MATTERS AND HOW IT CAN HELP

The development review process ensures that applicable land use standards have been met. Requiring it to precede a building permit application can avoid issues if building code is met but land use standards are not or the proposed development is not allowed on the site under the zoning code.

RELEVANT LEGAL REQUIREMENT(S)

ORS 227.215 gives cities the authority to regulate land development. HB 4037 (2026) requires that the initial decision on clear and objective residential development applications be made without a public hearing (ORS 197A.400).

POTENTIAL BARRIERS IN THE PROCESS

- Jurisdictions may have very detailed siting or design standards that require review in a land use application that must be approved prior to submitting building permit applications. The level of detail needed to demonstrate compliance with land use standards means that plan sets can be complex and costly to prepare for the applicant. The level of detail can also cause an applicant to wait until later in the project development process to submit the land use application, potentially resulting in greater cost and time impacts if changes are required.
- To provide public notice, some jurisdictions require a higher level of review for multiunit housing, even where it is permitted outright and meets all clear and objective standards. This can add unnecessary delay since there should be no grounds for comment if the decision did not require the use of discretion.
- Where a jurisdiction approves a building permit for a use that is permitted outright and does not require a land use application, and LUBA subsequently finds that the

⁴ Ministerial decisions (sometimes referred to as Type I) are made by applying City standards and criteria that do not require the use of discretion (i.e., there are clear and objective standards), and therefore can be made by staff without public notice and without a public hearing. Administrative decisions (sometimes referred to as Type II) are made by staff, but because the review involves some use of discretion in applying the standards, public notice and an opportunity to appeal must be provided.



standards did require the use of discretion, the decision to issue the building permit could be reversed, putting the project at risk of significant delay.

1.2.6. Adjustments and Variances

DESCRIPTION

Proposals that do not meet zoning standards may require a variance or adjustment/modification, though Section 38 of SB 1537 requires local governments grant adjustments to specific development and design standards applied to the development of housing if an application meets certain conditions. Review processes for these vary by jurisdiction, but because the approval criteria generally involve the use of discretion on the part of the decision-maker, public notice and an opportunity to appeal are provided. Though some jurisdictions currently require public hearings for variances, SB974 changes to ORS 197A.146 (SB 974 2025) will effectively prohibit a public hearing for the initial decision on a variance request for most residential development.

WHY THIS MATTERS AND HOW IT CAN HELP

Adjustments and variances provide opportunities for developers to request flexibility on specific standards to address site-specific challenges. Adjustments in particular tend to offer a relatively simple discretionary review for small deviations from clear and objective standards so that development is not precluded or overly restricted by the application of strict clear and objective standards. Variances are intended to address hardship situations where unusual site conditions require additional flexibility to accommodate a reasonable development that broadly aligns with the intent of the zone.

RELEVANT LEGAL REQUIREMENT(S)

ORS 197A.146, as amended by SB 974 (2025) effective July 1, 2026, limits hearings on variances for residential development.

POTENTIAL BARRIERS IN THE PROCESS

- When a development proposal conflicts with the development code, it is the applicant's responsibility to request a variance or adjustment. Jurisdiction staff cannot decide to apply a variance or adjustment to address a conflict through the local government review process.
- Variances and adjustments are a public process, opening the project up to some level of risk with appeals.
- Variances and adjustments typically require separate but often concurrent and/or contingent applications, adding to permit complexity and costs.
- SB 1537 allows temporary flexibility on specified land use regulations for qualifying residential developments by requiring local governments to grant adjustments to specific development and design standards if an application meets certain conditions. SB 1537 allows for additional building height, or an additional story, but not additional



floor area ratio (FAR). Additional FAR would make the tool more useful in certain jurisdictions.

1.2.7. Planned Development

DESCRIPTION

An alternative to a standard land division and development review, planned developments or “planned unit developments” (PUDs) are intended to provide flexibility in terms of the size and shape of lots, housing types, mix of uses, phasing, public infrastructure, etc. on a large development site. This flexibility is often granted in exchange for preservation of open space or natural resources or other public benefits. Some jurisdictions require planned developments in areas subject to natural resource regulations. Planned development projects are generally large, and approval criteria tend to be discretionary, so jurisdictions have historically had land use review processes that require a public hearing. However, SB 974 (2025) created a new process for certain housing applications on residential lands within an urban growth boundary, including PUDs, which requires that the initial decision be made without a public hearing (ORS 197A.146).

WHY THIS MATTERS AND HOW IT CAN HELP

Planned developments can allow for creativity and flexibility for developers to lay out sites in ways that make sense for their project, rather than being bound by the clear and objective standards in the development code. They typically allow for flexibility on multiple standards at the same time with a single application and may enable inclusion of additional housing types or uses beyond those typically allowed in the zone.

RELEVANT LEGAL REQUIREMENT(S)

ORS 197A.146 (expedited process for certain residential development applications) becomes operative July 1, 2026.

POTENTIAL BARRIERS IN THE PROCESS

- The level of detail needed to demonstrate compliance with approval criteria means that plan sets and narratives can be complex and costly to prepare.
- Discretionary approval criteria and public hearing processes create time and cost risks. Note: The additional time and risk of a public hearing may have been addressed for some residential projects with the passage of SB 974, though appeals of a decision can still be subject to a public hearing.
- Requirements to preserve open space (e.g., 20 percent or more) can result in fewer residential units or require unique arrangement of housing units and types. The complexity of this variation can make it difficult to find builders to do the work or can require specialty trades to develop the platted lots.



- Tracking PUDs and their deviation from typical development standards is complex for a local jurisdiction to implement, particularly if the development happens over an extended time frame.

1.2.8. Design Review and Historic Review

DESCRIPTION

Design review includes evaluating building form, materials, and aesthetic qualities in designated districts to achieve community design objectives. Historic review ensures consistency with historic design of an area's construction era, compatibility with historic resources, and compliance with preservation standards. Jurisdictions may not require discretionary design review for residential development, unless the application is within a historic area designated for protection (ORS 197A.400).

WHY THIS MATTERS AND HOW IT CAN HELP

Discretionary design review can provide a more flexible and nuanced way to show that development will address key local design-related goals, such as providing pedestrian-friendly facades and avoiding blank walls. Applicants may opt into a discretionary design review process for added flexibility, to receive a bonus, or if it otherwise benefits the project. Historic reviews help ensure that new development in historic districts does not detract from the historic qualities of the area.

RELEVANT LEGAL REQUIREMENT(S)

ORS 197A.400 exempts residential development in designated historic areas from requirements for clear and objective regulations.

POTENTIAL BARRIERS IN THE PROCESS

- Design Review and Historic Review processes add complexity and uncertainty to development processes, beyond standard development review procedures.
- Design Review and Historic Review often include discretionary criteria such as “compatibility” with design guidelines or surrounding properties, or “visual interest.” These criteria can be challenging for an applicant to interpret and demonstrate compliance with and may lead to inconsistent decision-making and additional redesign. While such discretionary criteria are allowed for Historic Review, it is not allowed under state statute for Design Review; however, many jurisdictions have not amended their codes to be fully clear and objective. (See Section 1.3.1.)
- Where design standards are clear and objective, they are often very prescriptive and can limit design or development flexibility. (See Section 1.3.3 Design Standards.)
- In preparing a Design Review or Historic Review application package, applicants may need to prepare lengthy narratives and make multiple revisions to plans to demonstrate compliance with Design or Historic Guidelines.



- Once submitted, applicants may need multiple resubmittals to satisfy Design/Historic Review bodies, further increasing timelines and soft-cost expenditures.

1.2.9. Natural Resource and Natural Hazard Reviews

DESCRIPTION

Jurisdictions are required to adopt programs to protect natural resources such as wetlands and riparian corridors per Statewide Planning Goal 5, floodplains and landslide hazard areas per Statewide Planning Goal 7, the Willamette River Greenway per Statewide Planning Goal 15, and estuarine and coastal areas per Statewide Planning Goals 16 through 19. These programs involve limitations/restrictions on land development within, or adjacent to, resource and hazard areas. These lands may have overlapping federal standards that must also be adhered to (e.g., floodplain requirements).

It is typical that local jurisdictions do not count, or significantly discount, the capacity of these lands in Housing Capacity Analyses, and they do not rely on housing production in these areas to meet their local housing needs. However, these standards can impact development of land outside of resource or hazard areas that is contingent on disturbance within protected areas.

WHY THIS MATTERS AND HOW IT CAN HELP

These requirements are central to Oregon's approach to maintaining long-term environmental quality and protecting life and property against natural hazards as part of land development.

RELEVANT LEGAL REQUIREMENT(S)

Statewide Planning Goal 5 (Natural Resources, Scenic and Historic Areas, and Open Spaces) and implementing OARs; Statewide Planning Goal 7; (Areas Subject to Natural Hazards) and the National Flood Insurance Program (NFIP); the Willamette River Greenway per Statewide Planning Goal 15; and estuarine and coastal areas per Statewide Planning Goals 16 through 19. The statewide planning goals are provided in OAR 660-015-0000. Department of Environmental Quality (DEQ) permits related to Land Use Compatibility statements are governed by ORS 340-018-0050.

POTENTIAL BARRIERS IN THE PROCESS

- Developers may find it difficult to determine the development potential of a site containing natural resources areas, especially where there are multiple overlapping overlays and regulatory requirements.
- Where natural resource and/or natural hazard reviews are required, these reviews may require special reports and require review or permitting through outside agencies or districts with different timelines and submittal requirements.



- Complex and costly submittal requirements (e.g., special reports) are often required to develop a site even if the proposed project is not on the portion of the site within the resource or hazard area.
- Where impacts to natural resource areas cannot be avoided, the process of identifying and securing mitigation opportunities can be costly. Additionally, there may not be on-site or off-site mitigation opportunities available.

1.3. Zoning and Land Use Standards

1.3.1. Clear and Objective Standards

DESCRIPTION

Oregon Revised Statutes require that jurisdictions provide clear and objective standards for residential development, except in certain circumstances (ORS 197A.400). Where clear and objective standards apply, jurisdictions must approve applications that meet those standards, limiting discretionary decision-making and reducing uncertainty in the approval process. The situations for which clear and objective standards are required have expanded over the years.

WHY THIS MATTERS AND HOW IT CAN HELP

These requirements are intended to provide predictability and allow housing developments to be reviewed ministerially.

RELEVANT LEGAL REQUIREMENT(S)

ORS 197A.400 requires clear and objective standards related to the development of housing and tree removal

POTENTIAL BARRIERS IN THE PROCESS

- To be objective (measurable), standards often need to be very detailed (e.g., to regulate floor area ratio, a code should specify the specific parts of a building included in the calculation of floor area and the portions of the site to be included). This level of detail in a code may necessitate the applicant responding with a similar level of detail in their application to demonstrate compliance. This may increase the cost of application preparation and may delay the timing of the application submission.
- Approvals based on clear and objective standards that are subsequently found to not be entirely clear and objective can be at risk of appeal.
- Clear and objective standards can limit creative design solutions. This may steer some applicants into discretionary pathways, which opens them up to public review and appeal.
- Some jurisdictions' development codes have not been fully updated for consistency with the requirement for clear and objective standards. Discretionary standards cannot



be used as the basis to deny an application for needed housing, but this can still create challenges for jurisdiction staff and uncertainty for applicants.

- Prior to implementation of recent changes to state law, hearings for (theoretically) objective decisions could create a venue for opposition that makes it hard for decision-makers and participants to address only relevant decision criteria.
- Overlapping and conflicting clear and objective regulations can create situations where all standards cannot be met. This can force the applicant to undergo an alternative discretionary review process or to request an adjustment or variance if the code does not clearly state which standards apply in the case of a conflict.

1.3.2. Siting Standards

DESCRIPTION

Siting standards regulate the location, position, bulk, scale, and form of a structure and include, but are not limited to, standards that regulate perimeter setbacks, dimensions, bulk, scale, coverage, minimum and maximum parking requirements, utilities, and public facilities. Siting standards are typically clear and objective.

WHY THIS MATTERS AND HOW IT CAN HELP

Siting standards serve a variety of purposes such as ensuring safety, access, and compatibility with surrounding areas, by regulating building placement, scale, and site layout.

RELEVANT LEGAL REQUIREMENT(S)

Administrative Rules have established permissible siting standards for middle housing (OAR 660-046). SB 1537 requires jurisdictions to grant mandatory adjustments to certain siting standards (sunsets January 2, 2032). State rules have also reduced or prohibited minimum parking requirements in many contexts, including but not limited to certain residential development types, Climate-Friendly Areas, and certain transit-served locations (OAR 660-012-0405 through 660-012-0450).

POTENTIAL BARRIERS IN THE PROCESS

- Siting standards can constrain which portions of a site are buildable, affecting site layout and development potential. Standards can interact to reduce the buildable envelope beyond what any single standard would suggest.
- Irregular site configuration can create challenges in applying siting standards and may limit feasible building placement.
- Density or FAR limitations can affect project yield and limit financial feasibility.
- Parking minimums can consume significant site area, reducing space available for buildings, open space, or stormwater facilities and increasing development costs. (See note above about state limitations on parking requirements.)
- Parking maximums may impact the marketability of projects.



- Standards based on conventional single-unit development patterns may not align with middle or multiunit housing forms, creating barriers even if higher densities are allowed.
- Some jurisdictions may have maximum square foot limitations for accessory dwelling units (ADUs) that are smaller than typical modular buildings, which effectively prohibits use of those modular designs as ADUs.

1.3.3. Design Standards

DESCRIPTION

Design standards regulate the arrangement, orientation, materials, appearance, articulation, or aesthetic of dwelling unit features or accessory elements on a site. Design standards include, but are not limited to, standards that regulate entry and dwelling orientation, facade materials and appearance, window coverage, driveways, parking configuration, pedestrian access, screening, landscaping, and private, open, shared, community, or courtyard spaces.

WHY THIS MATTERS AND HOW IT CAN HELP

Design standards can enhance the visual quality and compatibility of development, support high-quality building and site design, and contribute to safe and attractive pedestrian environments.

RELEVANT LEGAL REQUIREMENT(S)

Administrative Rules have established permissible design standards for middle housing (OAR 660-046). SB 1537 requires jurisdictions to grant mandatory adjustments to certain design standards (sunsets January 2, 2032). Sections 7 to 9, Chapter 330, Oregon Laws 2025 (SB 974) preempts the application of certain residential design standards to single-unit or middle housing developments of 20 or more residential units (sunsets on January 2, 2033).

POTENTIAL BARRIERS IN THE PROCESS

- Some jurisdictions administer systems of Design Standards (and sometimes guidelines) that are complex and challenging to navigate.
- Design Standards based on points may allow little flexibility and add additional project cost.
- Prescriptive design standards can limit innovation in building design and site layout. They can also limit the use of standardized building components in modular or prefabricated housing, reducing cost savings from off-site construction.
- Jurisdiction staff may have conflicting interpretations of design standards, which can result in varied requirements across reviewers.
- Detailed design standards can add to construction costs if they require use of premium materials, customized features, or additional use of expensive materials such as glazing.



- In smaller cities that aren't subject to the ORS 197A.425 requirements related to ADUs, additional design standards may still pose barriers to development of ADUs.
- Meeting multiple standards can add complexity to the design process and can increase the time and effort required for compliance (see Section 1.3.4 below).
- Screening and clearance requirements (e.g., for ground-mounted equipment such as transformers) can consume valuable site area and increase project costs.

1.3.4. Multiple Overlapping Standards

DESCRIPTION

Some sites are subject to multiple layers of regulations. This layering can include zoning overlays, historic or environmental overlays, design guidelines, and infrastructure or public facility standards. While each set of standards serves a specific policy goal, their overlap can create uncertainty for applicants and staff, particularly when the development code does not clearly explain how the standards interact or which standards take precedence.

RELEVANT LEGAL REQUIREMENT(S)

N/A

POTENTIAL BARRIERS IN THE PROCESS

- There can be lack of clarity in the development code or from staff about how overlapping standards relate to one another. Difficulty predicting compliance requirements increases risk for developers and reduces project feasibility.
- This adds complexity to the design and land use review process, which can lengthen project timelines and add administrative effort.
- There is potential for conflicting standards, which may require iterative redesign or multiagency negotiation. For instance, where county and city street standards apply to the same site, overlay zoning standards can create conflicts with base zone standards for things such as minimum and maximum setbacks. Where codes do not establish a clear hierarchy, jurisdictions may require the applicant to prepare, submit, and pay for zoning adjustments; furthermore, applicants are required to wait for approval before submitting for building permits, causing additional cost and potentially additional time for projects.
- Land use, building, and fire codes may use the same terminology with different definitions, which can create confusion for the applicant. For instance, land use and building codes may have different definitions for "living space," "commercial," or "multiunit structures."



1.3.5. Manufactured Dwelling Park Standards

DESCRIPTION

A manufactured dwelling park is a lot or ownership where four or more manufactured dwellings or prefabricated structures are located and where the primary purpose is to rent or lease space. Residents own or rent their homes but do not own the land. Building new manufactured dwelling parks involves both state and local regulations. Not many new manufactured dwelling parks have been built in Oregon, so it may be difficult to pinpoint specific barriers.

RELEVANT LEGAL REQUIREMENT(S)

ORS 197.475 through 197.490 govern siting of manufactured dwelling parks. The state building code (Oregon Manufactured Dwelling and Park Specialty Code, 2002) addresses infrastructure and utilities (e.g., streets, water, and power) as well as improvements such as parking and play areas.

POTENTIAL BARRIERS IN THE PROCESS

- The Oregon Manufactured Dwelling and Park Specialty Code was developed in 2002 and could be updated to allow for more efficient land use (e.g., currently 2 parking spaces per unit plus guest parking required).
- Standards may not be compliant with the Americans with Disabilities Act (ADA), for example, for sidewalks both in placement and design.
- Local land use regulations often limit the location and size of manufactured dwelling parks and subject them to discretionary reviews (e.g., conditional use review). Often local codes identify acreage minimums and other barriers.
- There can be a lack of clarity as to who regulates design standards and siting standards or a lack of awareness of relevant state standards by applicants.
- There can be minimal, if any, acknowledgment of the variety of unit types that may be built/placed in a manufactured dwelling park. Whether a modular building is allowed in a manufactured home park can be difficult to determine based on the local zoning code, and it can cause delays in permitting and increase costs for the design professionals or contractors involved. HB 4064 (passed in 2022) specifically intended to permit modular units in all residential zoned areas, including manufactured dwelling parks and manufactured dwelling cooperatives, but local zoning ordinances have not all been updated accordingly.
- There can be confusion in terminology between manufactured home parks, mobile home, and recreational vehicle parks, causing delays in projects. Many local codes do not allow recreational vehicles in manufactured home parks.



2. CONSTRUCTION PERMITTING AND PLAN REVIEW

In this context, Construction Permitting and Plan Review refers to the vertical building review. Site and infrastructure process is covered in Section 3. In some jurisdictions building review and on-site infrastructure are reviewed as a single permit, while other jurisdictions treat them separately. In some jurisdictions, review for zoning, siting, and design standard compliance also happens as part of the building permit review process (conducted by planning staff) rather than as a separate land use decision.

2.1. Process Steps

2.1.1. Permit Application Acceptance and Intake/Completeness Review

DESCRIPTION

Most local jurisdictions have implemented a review process to evaluate the completeness of applications before they will fully intake (“accept”) the application package and route it for review. Some jurisdictions require other approvals, such as land use, public works, and/or septic, before they will accept a building permit application. One exception is that some projects utilize phased permitting or sequential approvals to allow construction on one portion of a large or complex project while other portions are still under review.

WHY THIS MATTERS AND HOW IT CAN HELP

A preliminary check to see if all necessary materials have been provided helps streamline review later and makes more efficient use of reviewers’ time.

RELEVANT LEGAL REQUIREMENT(S)

ORS 455.050 governs building permits. ORS 455.160 discusses failure to provide timely plan reviews but does not provide clear time frames.

POTENTIAL BARRIERS IN THE PROCESS

- The jurisdiction’s expectations for applicant materials are not always clear, which can add time to a project.
- Applicant materials may be deemed incomplete based on a checklist that has irrelevant requirements for a specific project, adding time to a project.
- Several rounds of completeness comments can delay a project or burden staff time in processing applications.



2.1.2. Building Plan Review and Approval

DESCRIPTION

Building plan review is a required step in the construction permitting process and ensures that proposed construction complies with applicable building codes and safety standards. During this review, plan examiners evaluate submitted drawings to confirm that structural, electrical, plumbing, mechanical, and life-safety elements meet current code requirements. In many jurisdictions, building permits are not issued until construction plans for infrastructure improvements are approved and a public works or construction permit is issued.

WHY THIS MATTERS AND HOW IT CAN HELP

This process is intended to reduce health and safety risks, promote consistent construction practices, and provide a documented basis for subsequent inspections. Approved plans and inspections can also facilitate property transactions and financing by providing verification that work was reviewed and authorized in accordance with local and state requirements.⁵

RELEVANT LEGAL REQUIREMENT(S)

ORS 455.050 governs building permits. ORS 455.160 discusses failure to provide timely plan reviews but does not provide clear time frames.

POTENTIAL BARRIERS IN THE PROCESS

- The level of detail jurisdictions expect for drawings varies greatly. Some jurisdictions expect very detailed information, which can increase the cost and time required to create and review plans.
- Where applications are submitted with incomplete design information, additional review cycles may be required, increasing workload for permitting staff and extending overall review timelines.
- An incomplete first review by a jurisdiction may lead to substantive new comments on a second or third review, leading to additional delays and costs for both the applicant and jurisdiction.
- The increasing complexity of building codes, specifically, new energy efficiency standards such as American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE) standards, adds to review timelines and requires additional staff training. The additional design effort and plan submittal needed to ensure building plans meet new energy code requirements add to project costs and timelines.
- Building departments' staffing and turnover challenges can be compounded by the extended training periods (up to 26 weeks) required to certify new inspectors and reviewers. This can result in staffing shortages and may increase review timelines.

⁵ Oregon Building Codes Division, *Plan Review Guide: Nailing Your Plan Submission* (Salem, OR: Oregon Department of Consumer and Business Services, November 2023), <https://www.oregon.gov/bcd>



- Many online permitting systems require all departments to close the review cycle before responses can be issued or another review cycle to start. This can add time to a project when one department is understaffed and holding up an entire review cycle.
- Alternatively, systems that allow applicants to respond before all comments are input can result in applicants resubmitting materials before the first cycle of review is complete, creating confusion and delay.
- Delays in infrastructure plan approval and permitting can delay building permit issuance, extending project timelines.

2.1.3. Building Inspections

DESCRIPTION

After a project begins construction, inspectors visit the job site to verify that work has been done according to the approved plans and meets applicable codes.

WHY THIS MATTERS AND HOW IT CAN HELP

Inspections are the process to ensure construction complies with approved plans and safety codes.

RELEVANT LEGAL REQUIREMENT(S)

ORS 455 provides clear guidelines for designating inspectors. Local governments can apply to the state to assume responsibility for administering and enforcing specified specialty codes (ORS 455.158, 455.150).

POTENTIAL BARRIERS IN THE PROCESS

- Limited inspection staffing and capacity to respond promptly to development activity can result in construction delays. For example, some municipalities can only provide on-site inspections two or three times a week.
- Inconsistent interpretation of code implementation between different inspectors or between inspectors and plan reviewers can result in late-stage delays or corrections and require removal/replacement of work already complete, adding cost and time to a project.
- The inspection process may lead to unanticipated delays when inspectors stop an inspection after identifying a significant issue, requiring additional inspection cycles to identify other potential issues.
- Inspection protocols can vary across jurisdictions, such as differing criteria for when work is eligible for inspection. This can make it challenging for developers working across multiple jurisdictions.
- Where jurisdictions do not allow alternate inspection options, such as videos or photos, it can slow the inspection process.



2.1.4. Certificate of Occupancy

DESCRIPTION

Certificates of Occupancy (C of O's) must be issued before building use to confirm the building is safe to occupy. A certificate is issued after all required inspections and conditions have been met.⁶ Some jurisdictions offer a Temporary Certificate of Occupancy (TCO) to allow occupancy of a building that meets all life-safety requirements but may not have all zoning requirements or finishes installed.

WHY THIS MATTERS AND HOW IT CAN HELP

C of O's in many cases serve as a final check that all requirements associated with the permit have been met. Sometimes public improvements may not be completed if there are bonds in place to cover them. A TCO can be very helpful to allow leasing or sale of a building once it is safe to do so but while minor permit requirements are still outstanding.

RELEVANT LEGAL REQUIREMENT(S)

ORS 455.055 provides guidelines for C of O requirements.

POTENTIAL BARRIERS IN THE PROCESS

- The closeout from TCO to finalized occupancy can be delayed due to unclear expectations of inspectors or unforeseen circumstances during construction. C of O can be delayed in some cases due to issues regarding public improvements, landscaping, or other elements outside the building itself. Sometimes these delays are beyond the applicant's or builder's control. A lack of final occupancy can be costly with extended TCOs and may jeopardize project financial closing.
- Jurisdictions vary on what a TCO allows or doesn't allow, such as furniture move-in to full building occupancy. Providing clear guidance to applicants as early as possible regarding what to expect once the project has reached TCO would be helpful to allow contractors and developers to plan project occupancy appropriately.

2.2. Differences by Housing Type and Scale (ORSC vs. OSSC)

Depending on the building typology, two primary building codes are used for residential construction: the Oregon Residential Specialty Code (ORSC) and the Oregon Structural Specialty Code (OSSC).

⁶ In small jurisdictions this may be coordinated by community development staff/planner, and conditions of approval are part of the land use decision.



2.2.1. Oregon Residential Specialty Code

DEFINITIONS

The ORSC generally applies to one- and two-unit dwellings. The ORSC is based on the International Residential Code (IRC) and the International Fire Code, and it is a comprehensive code for detached one- and two-unit dwellings; attached, stacked two-unit dwellings; and town houses up to three stories high. Moreover, the ORSC covers building, mechanical, and fuel gas systems.⁷ It also includes standards addressing energy efficiency.

REQUIREMENTS AND REVIEW PROCESS

Plan sets and the level of detail expected for structures falling under the ORSC are typically simpler and less detailed than those falling under the OSSC. It is not uncommon for projects under the ORSC to have a single reviewer for structural and life safety. Mechanical, electrical, and plumbing (MEP) are not typically reviewed during plan review for developments falling under ORSC, except where items are included in the ORSC. The majority of MEP is reviewed during inspections only.

POTENTIAL BARRIERS

- Addressing new energy efficiency standards adds time and effort for both applicants and reviewers.

2.2.2. Oregon Structural Specialty Code

DEFINITIONS

The OSSC applies to larger structures. The OSSC is based on the International Building Code, International Fire Code, and the International Existing Building Code and works in conjunction with several other codes, including Oregon Energy Efficiency Specialty Code (OEESC), Oregon Electrical Specialty Code (OESC), Oregon Mechanical Specialty Code (OMSC), Oregon Plumbing Specialty Code (OPSC), and Oregon Fire Code. The OSSC regulates all residential structures not covered by the ORSC.

REQUIREMENTS AND REVIEW PROCESS

Projects that fall under the OSSC typically face a more complex review process than those under the ORSC. Required plan sets are typically more detailed.

⁷ The ORSC does not contain plumbing or electrical provisions. The Oregon Electrical Specialty Code and the Oregon Plumbing Specialty Code apply to developments under both the ORSC and the OSSC.



POTENTIAL BARRIERS

- Builder and trade familiarity with OSSC vs. ORSC may impact the likelihood of certain types of housing being successfully constructed. The OSSC review process also costs more for the applicant due to different permit pricing and inspection frequencies.
- Local permitting staff may have less familiarity with OSSC, as most of their experience pertains to processing single-unit dwelling applications.
- Addressing new energy efficiency standards adds time and effort for both applicants and reviewers.

2.2.3. Other Specialty Codes

Other specialty codes regulated by the State of Oregon that apply to residential structures include the Oregon Manufactured Dwelling Installation Specialty Code (OMDISC) and Oregon Manufactured Dwelling and Parks Specialty Code (OMD&P). These are discussed further below in Section 2.3.3.

2.3. Differences by Construction Method (Site-Built, Modular, Prefabricated, Manufactured Housing)

Different construction methods can impact the permitting and inspections process for projects.

2.3.1. Site-Built

Site-built projects follow the outline described in Section 2.1. Some projects include off-site panelized construction, which typically also follows the outline described in Section 2.1 unless the panels do not allow for inspection of elements within the cavity (see “closed construction” described below).

2.3.2. Modular Construction and Prefabricated Structures

DEFINITIONS

A “prefabricated structure,” or modular construction, is a building or subassembly that has been manufactured or had a substantial part manufactured or assembled using closed construction at an off-site location to be wholly or partially assembled on-site. Closed construction in this context means a factory-assembled structure or component that encloses factory-installed structural, mechanical, electrical, plumbing, or energy conservation equipment or materials inside a floor, wall, or roof cavity, which is not entirely open for visual inspection of the equipment or material at the site.⁸

⁸ Oregon Building Codes Division. “*Prefabricated Structures Program.*” Oregon.gov. Accessed January 11, 2026. <https://www.oregon.gov/bcd/permit-services/pages/prefabricated-structures.aspx>



REQUIREMENTS AND REVIEW PROCESS

Modular construction is permitted through the Prefabricated Structure Program. The Prefabricated Structure Program follows the same building codes as site-built structures—the ORSC or OSSC depending on the building type. Modular construction, or prefabricated structures, typically require the prefabricated structure permit from the state as well as a local jurisdiction permit (e.g., foundation and/or siting permits), which may trigger site development or land use permits.⁹

POTENTIAL BARRIERS

- The permitting process for modular construction can be more complicated; application materials need a clear division of what is in the prefabricated structures permit versus the local jurisdiction permits.
- The process for obtaining permits for mass-produced prefabricated dwellings is not easily understood; the process is divided between state-administered programs within the Building Codes Division and local jurisdiction permits for site-specific work. A user guide to the process would be helpful.

2.3.3. Manufactured Dwellings or Manufactured Housing

DEFINITIONS

Manufactured dwellings, or manufactured housing, are factory-built residential structures constructed to federal manufactured housing construction safety standards and are installed in accordance with an Oregon-approved installation code. A manufactured home or dwelling is further defined in Oregon law as a structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed in accordance with federal manufactured housing construction and safety standards and regulations in effect at the time of construction.

Note that “mobile homes” and “recreational vehicles” are separately defined and not included within this category:

- *“Mobile home” means a structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed between January 1, 1962, and June 15, 1976, and met the construction requirements of Oregon mobile home law in effect at the time of construction. (New housing does not fall into this category.)*
- *A recreational vehicle means a vehicle with or without motive power that is designed for use as temporary living quarters and as further defined by rule by the Director of*

⁹ Oregon Building Codes Division. “Prefabricated Structures Program.” Oregon.gov. Accessed January 11, 2026. <https://www.oregon.gov/bcd/permit-services/pages/prefabricated-structures.aspx>



Transportation, as defined in ORS 174.101, that is more than eight and one-half feet wide. Recreational vehicles are not considered housing under Oregon law.

REQUIREMENTS AND REVIEW PROCESS

Manufactured housing is required to be built to federal U.S. Department of Housing and Urban Development (HUD) standards. Manufactured housing must be constructed by manufacturers certified by the division or an approved HUD primary inspection agency, pursuant to the Federal Manufactured Home Procedural and Enforcement Regulations (24 CFR Section 3282.362).

Modular construction, or prefabricated structures, typically require the prefabricated structure permit from the state as well as a local jurisdiction permit (e.g., foundation and/or siting permits), which may trigger site development or land use permits. The permitting process for modular construction can be more complicated; application materials need a clear division of what is in the prefabricated structures permit versus the local jurisdiction permits.

In addition, installation of manufactured homes requires a local jurisdiction foundation permit per the OMDISC, which may trigger site development or land use permits.

POTENTIAL BARRIERS

- Some local jurisdictions are not familiar with the distinction between prefabricated/modular construction and manufactured housing, which can cause delays in permitting and increase costs for the design professionals or contractors involved.
- Some local jurisdictions require structures within manufactured home parks to be relocatable, whereas prefabricated/modular units aren't designed with the same intent, which can cause delays in permitting and increase costs for the design professionals or contractors involved.



3. PUBLIC IMPROVEMENTS REVIEW AND PERMITTING

The public works review process is also referred to as the construction permitting process (for infrastructure and public improvements). This process typically follows a land use entitlement process if the project does not include land division. Depending on the project, this may happen before, after, or concurrently with construction permitting for the building. This section describes the review and approval processes for infrastructure. The construction permitting process for buildings is described in Section 2.

3.1. Establishing Required Public Improvements

DESCRIPTION

As part of land use entitlement, jurisdictions typically require preliminary engineering information to evaluate whether proposed development can be served by adequate infrastructure. Some jurisdictions require service provider letters confirming availability of water, sewer, stormwater, or other utilities, which may require preparation of conceptual or preliminary plans before a land use application can move forward.

Development engineers are often involved as early as the pre-application stage to support coordination between planning and public works staff. During land use review, planners rely on preliminary engineering plans to establish conditions of approval for required infrastructure improvements. These plans must demonstrate compliance with applicable engineering standards, while full construction-level design is completed later as part of the public works permitting process.

WHY THIS MATTERS AND HOW IT CAN HELP

Even in an infill setting, new development often requires some public improvements to address infrastructure gaps, capacity limitations, or existing facilities that do not meet current standards. In larger subdivisions, required public improvements may be more extensive to serve new lots and future homes. Identifying required public improvements early in the process helps applicants know what to expect.

RELEVANT LEGAL REQUIREMENT(S)

Exactions (including required public improvements) on development are governed by constitutional protections under the Oregon Constitution, Fifth Amendment of the U.S. Constitution, and Supreme Court rulings that have established case law tests for exactions, including “nexus” and “rough proportionality.”

ORS 197A.420(6) limits traffic study requirements and certain exactions that a local government can impose on middle housing development.



POTENTIAL BARRIERS IN THE PROCESS

- Service provider letters may require preliminary design of infrastructure improvements, which front-loads engineering work early in the process; later changes to plans may require costly reengineering. Additionally, service provider letters do not guarantee timely service. Costs and timelines are often unknown until specific requests for service are made.
- It can be difficult for applicants to anticipate the full extent of public improvements that may be required for their development until the pre-application conference, at which point they may have already invested money in initial designs or purchased the property. Other requirements may not be established until further analysis is completed. When costs are substantially higher than expected, it can substantially impact project financial viability.
- Establishing required infrastructure improvements (e.g., frontage improvements) can be contentious, leading to negotiations or appeals that are costly and time-consuming for both the applicant and staff.
- There is no universally accepted method of assessing proportionality, resulting in variation among jurisdictions and discretion in determining how exactions should apply in specific cases.
- Local public works design standards may not provide for phasing opportunities or allow for flexibility that would reduce the burden on applicants.
- Jurisdictions may perceive it to be risky to make exceptions or allowances for specific development applications given requirements related to ADA compliance, due process, and equal treatment.
- The appropriate avenue for recourse if an applicant disagrees with the city engineer's requirement may not be clear to the applicant.

3.2. Public Improvements Construction Permitting Process

This section describes the review process for any public and private infrastructure associated with a residential development project. This construction permitting process starts with the creation of construction plan sets for public and private infrastructure (e.g., underground utilities, stormwater management, streets, pedestrian pathways, etc.) and is followed by submittal, review, plan approval, preconstruction conference, financial assurance, permit issuance, construction, completion, inspection, punch list, warranties, and acceptance.

3.2.1. Predesign Meeting (As Applicable)

DESCRIPTION

A predesign meeting is an early coordination step in the construction permitting process that brings together the applicant, design team, city staff, and relevant utility and service providers or districts.



WHY THIS MATTERS AND HOW IT CAN HELP

The purpose of the meeting is to align expectations, clarify applicable standards and submittal requirements, and identify potential infrastructure issues before preparation of final construction documents begin.

RELEVANT LEGAL REQUIREMENT(S):

N/A

POTENTIAL BARRIERS IN THE PROCESS

- Predesign meetings can be helpful in clarifying requirements, but this requires detailed plans early on and associated up-front costs.

3.2.2. Application Acceptance and Completeness Review

DESCRIPTION

Application acceptance and completeness review is the process by which permitting staff determine whether submitted construction permit materials meet local intake requirements and can be formally accepted for review. This step may involve back-and-forth coordination between the applicant and permitting specialists to address missing, unclear, or incorrectly formatted materials, and it is influenced by the structure of a jurisdiction's permitting systems and intake procedures.

Submittal requirements vary by jurisdiction. Some jurisdictions allow infrastructure improvements to be shown on a single consolidated plan set, while others require separate plan sets for each type of improvement, such as water, sewer, stormwater, or street improvements.

WHY THIS MATTERS AND HOW IT CAN HELP

As with building permits, a preliminary check to see if all necessary materials have been provided helps streamline review later and makes more efficient use of reviewers' time.

RELEVANT LEGAL REQUIREMENT(S)

Effective July 1, 2026 (and affected by SB 974 in 2025), ORS 195.860 requires a 30-day completeness check for final engineering plans following tentative plat approval.

POTENTIAL BARRIERS IN THE PROCESS

- Expectations for applicant submittal materials are not always clear to applicants, which can result in additional clarification, resubmittals, and extended review timelines.
- Applications may be deemed incomplete based on standardized checklists that include requirements not relevant to a specific project, adding unnecessary time and effort for both applicants and reviewers.



- Multiple rounds of completeness review and comment response can delay overall project timelines and increase administrative workload for permitting staff.
- Consideration of site-specific safety and operational needs, which are essential to the function of the review, require application of professional judgment, leading to more potential for differing interpretations that create uncertainty about what will be required.

3.2.3. Plan Review

DESCRIPTION

During the review phase, construction plan sets for on-site and adjacent infrastructure are submitted to all applicable reviewing entities, which may include city or county engineering departments, fire districts, water and sewer providers, transportation agencies such as the Oregon Department of Transportation (ODOT), and other service districts. These documents typically include final civil engineering plans, stormwater reports, and related technical materials.

Reviews are generally conducted through multiple review cycles, with comments issued and addressed before plans can move forward toward approval.

WHY THIS MATTERS AND HOW IT CAN HELP

The review phase is essential to determine whether the proposed design meets applicable standards, including those related to health and safety.

RELEVANT LEGAL REQUIREMENT(S):

Effective July 1, 2026 (and affected by SB 974 in 2025), ORS 195.860 requires final review in 120 days for final engineering plans following tentative plat approval.

POTENTIAL BARRIERS IN THE PROCESS

- Staff turnover or internal coordination challenges can result in inconsistent or conflicting review comments across review cycles.
- Increasingly complex codes, including energy standards and new housing regulations, require additional training and review time.
- Until ORS 195.860 goes into effect, engineering plan review processes lack clear statutory timelines, contributing to uncertainty and variability in review duration across jurisdictions.
- When ORS 195.860 goes into effect, it may complicate concurrent review of construction permits and review by outside agencies such as wetland fill, since state agencies are not held to the same 120-day timeline.
- Coordination among service providers (e.g., fire, emergency medical services, water, sewer, and electricity) to determine applicable standards can extend project timelines.



- Overlapping or conflicting standards between reviewing bureaus or agencies, such as fire, transportation, or utility providers, can create additional coordination challenges and require iterative revisions to resolve. Resulting revisions might require costly site and building redesign.
- Some jurisdictions take a long time processing Public Works permits, resulting in approval far into the construction of a development project, which can cause construction completion delays, unexpected pauses, or high contingencies very late in projects.
- It is not uncommon for Temporary Certificates of Occupancy (TCOs) to be extended for months while trying to close out Public Works or Site Development items, which can increase carrying costs for the development. This can result from the applicant's lack of clarity on what is needed from the jurisdiction. This can put financial closing for development projects in jeopardy.
- Some jurisdictions may not have clear information on requirements and processes for connecting ADUs to public facilities.
- Items missed or not identified during earlier review cycles may be raised in later reviews, creating a domino effect that requires redesign, resubmittals, and additional review time.
- Conflicting or inconsistent requirements between jurisdictions or reviewing agencies can place applicants in the position of reconciling competing standards, leading to delays, increased costs, and uncertainty in project delivery.

3.2.4. Engineering Design and Construction Plan Approval and Permit Issuance

DESCRIPTION

Once final plans are ready for approval following the review and revisions described above, jurisdictions generally require the owner or developer to provide financial assurances, such as performance bonds, to ensure completion of required infrastructure improvements.

After plans are approved and financial assurances are in place, a preconstruction conference is held with the owner or developer, engineer of record, and applicable jurisdiction or agency staff. Additional permits may be required prior to construction, such as grading, right-of-way, or tree removal permits. Once all applicable fees are paid, permits are issued and construction of infrastructure improvements may begin.

RELEVANT LEGAL REQUIREMENT(S):

Effective July 1, 2026 (and affected by SB 974 in 2025), ORS 195.860 outlines a process and appeals procedures.



3.2.5. Facility Acceptance

DESCRIPTION

During construction, infrastructure work (such as grading, utility installation, and street or right-of-way improvements) is subject to inspection. Upon completion, once all punch list items identified during inspections have been resolved, the performance bonds or other financial assurances linked to completion of construction can be released. Maintenance bonds may be required to ensure the performance of infrastructure or other improvements requiring ongoing monitoring (e.g., street trees). Final steps typically include submission and approval of as-built plans as well as final plat review and recording (if applicable). Certificate of Occupancy (C of O) is often dependent on facility acceptance or substantial completion of public facilities (with a bond).

POTENTIAL BARRIERS IN THE PROCESS

- C of O's are not issued until public facilities are substantially complete (with bonding) or facilities are accepted. This can result in project delays and associated costs.
- Performance bonds collected early in the process may be insufficient to cover actual prevailing-wage costs if the jurisdiction must step in to complete abandoned infrastructure improvements. This can make the jurisdiction hesitant to consider facilities substantially complete and to allow issuance of the C of O before all improvements are complete and accepted.



4. Cross-Cutting Barriers

4.1. External Reviews & Permitting Requirements

DESCRIPTION

In addition to the standard municipal departments, other government agencies and special districts often must approve various aspects of the development. The following is a high-level summary of some of the other agencies, which may review certain aspects of a residential development. *This summary is not intended to detail specific agency review thresholds, requirements, or procedures.* Rather, this list is intended to provide a general overview of the complex series of processes an applicant may have to navigate in order to obtain residential development approval.¹⁰

- The Oregon Department of Transportation (ODOT) reviews projects that propose new or modified access, driveways, or utilities within or adjacent to state highway and rail rights-of-way. (ORS 374)
- The Oregon Department of State Lands (DSL) and the U.S. Army Corps of Engineers (USACE) are involved when development may affect wetlands, waterways, or other regulated waters. (ORS 196.785)
- The Oregon Department of Environmental Quality (DEQ) issues construction stormwater permits. DEQ administers 1200-C National Pollutant Discharge Elimination System (NPDES) permits, which are required for many residential development projects. (ORS 455, ORS 486)
- Oregon Health Authority (OHA) review may be required for projects involving drinking water systems, on-site wastewater systems, or other public health-related infrastructure. (OAR 333-061-0005)
- State Historic Preservation Office (SHPO) review is required when a project may affect historic or archaeological resources. (OAR 736-051-0000 through 0090; ORS 358.905 through 358.961)
- Federal Aviation Administration review may be required for projects near airports or flight paths. Notice to Oregon Department of Aviation is required for some development applications in proximity to public-use airports.
- U.S. Fish and Wildlife Service and/or National Oceanic and Atmospheric Administration (NOAA) Fisheries may review projects that could affect threatened or endangered species or designated critical habitats.
- County Surveyor's Office review is typically required for land divisions, property line adjustments, and the establishment or verification of legal boundaries and easements.
- Fire districts review projects for compliance with fire access, water supply, apparatus reach, and life-safety requirements.

¹⁰ Some of the barriers related to statewide processes will be evaluated in a separate study on state-level barriers, which was also directed under SB1537. For more information on this study, see the project's fact sheet here: https://www.oregon.gov/lcd/HAPO/Documents/Project2-pager_20250922.pdf



- Other special districts are involved when a project connects to or modifies district-owned infrastructure or must demonstrate service availability and capacity.

POTENTIAL BARRIERS IN THE PROCESS

- It is sometimes unclear who needs to review what materials and who is responsible for routing the materials to agencies. This is particularly true when a project does not have a land use process where a pre-application process is done.
- The federal government does not operate under the same timelines that state and local agencies do. Review by federal agencies, such as the Army Corps of Engineers for wetlands and waterways, may significantly increase the development process timeline.
- The timing and sequencing of review sign-offs is commonly unclear.

4.2. Other Cross-Cutting Barriers

DESCRIPTION

Some barriers to housing production span across multiple review processes. Issues related to staff capacity, public opposition, or interdepartmental coordination may arise at any stage in the housing development process. This section describes some of the additional barriers applicants face in navigating Oregon’s review procedures, including those that cut across topics or do not fit neatly within the other sections of this report.

POTENTIAL BARRIERS

- Applicants may encounter conflicting requirements between different agencies and districts, with no clear hierarchy of which requirements supersede the others.
- Limited staff capacity, training, and turnover can create additional challenges for applicants in navigating review processes and understanding requirements.
- It is challenging for applicants and staff to stay up-to-date with the scale and pace of legislative changes from the state related to residential development. While these changes support housing production overall, researching and understanding frequently changing requirements takes additional time.
- Incremental delays across land use, public improvement, building, and external agency reviews accumulate and increase project costs in aggregate even when individual delays are minor.
- External partners, such as utility providers, may not participate in early coordination, which can result in late-stage changes or delays.
- Public review and appeal processes can introduce uncertainty, delay, and added cost to a development application.
- For developers that work across multiple jurisdictions, a lack of uniformity in the content and application of regulations across local jurisdictions creates inefficiencies.
- Many Oregon jurisdictions require developers to provide performance or maintenance bonds and complete deferred public infrastructure (e.g., streets, utilities, stormwater) before final acceptance of improvements, after a Certificate of Occupancy is issued.



While these bonding and compliance requirements are necessary and serve to expedite projects through review and construction, they can introduce additional costs late in the development process and affect project financing.

- SB 1537 has created some situations where the exemptions (such as height) can create a project that is not feasible for the local jurisdiction to accommodate with current firefighting equipment. The only way this may come to light is through well-educated staff sharing, typically in a pre-application meeting.
- Licensed professionals, such as engineers and architects, noted that they are already subject to professional liability for their designs and expressed concern with discretionary review of elements that meet established building and engineering standards. While some level of discretion is necessary, inconsistencies across related standards, such as transportation requirements that may not align with site conditions, can create conflicting expectations and additional review cycles.

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Appendix A. Development Review Process Graphic

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