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March 17, 2025

Senate Committee on Housing and Development
Oregon State Capitol
900 Court Street NE
Salem, Oregon 97301

Re: SB 974, -1 – Oppose

Chair Pham, Vice-Chair Anderson, and members of the committee,

Thank you for the opportunity to provide testimony on the -1 amendment to SB 974. Central Oregon LandWatch (“LandWatch”) is a land use and conservation advocacy organization that, for more than 35 years, has protected Central Oregon’s farm and forest lands, rivers and springs, fish and wildlife, and vibrant communities. We work to conserve the region’s ecosystems, wildlife habitat, and working rural lands balanced with a responsible, sustainable approach to planning and fostering thriving communities.

LandWatch opposes SB 974, -1, which would greatly expand the definition of “limited land use decision” to include a new category of application called “urban housing application” that would include all comprehensive plan and zoning code amendments, planned unit developments, and concepts plans. Including these types of land use applications in the “limited land use decision” definition would strip out important public participation opportunities in local review of some of the highest-impact land use applications. The -1 amendment would also impose payment of opposing parties’ attorneys’ fees on unsuccessful petitioners to LUBA of the bill’s new category of “urban housing application.”

We oppose the -1 amendment to SB 974 unless amended as described below.

The bill greatly expands the definition of "limited land use decision" to include comprehensive plan and zoning code amendments, and planned unit developments and concept plans. We offer the following amendments with explanation for why they are needed:

- Page 6: Delete lines 27-28 (so (A) and (B)). These subsections list very broad types of local land use decisions that would be reduced to "limited land use decisions," meaning limited public participation and review. These two provisions are *not* about how to streamline locating housing on lands already zoned for residential use (we have supported those efforts); rather, these are about actually changing the foundational, community-driven land use plan and zoning map and code without a broad public process, or any public process. The types of land use decisions encompassed by (A) and (B) include urban growth boundary expansions, changing plan designations for large areas, such as UGB expansion areas, etc... as well as smaller plan or zone map amendments for areas throughout a city.



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- Page 6 revise line 30 to page 7 line 1 (so (D)): This also seems broad. The -1 amendment already imposes a time frame for the engineering and public works departments of cities to process residential applications, and that seems a very worthwhile concept. But we cannot go along with reducing *all* of these to limited land use decisions, especially as it relates to the design of transportation related facilities - and our focus is on the non-auto aspects of this: sidewalks, bikeways, accessibility, etc...
- Page 7, delete lines 21-30 to page 8, lines 1-6 (this is Section 10): Section 10 of the -1 would require LUBA to award attorneys' fees to an applicant and local government, paid by an unsuccessful petitioner who challenges decisions falling under the bill's new definition of "urban housing application." This would have a chilling effect on public participation in the land use process, and would be counter to Goal 1 of the planning program, which requires broad public participation in both legislative and quasi-judicial land use processes. If the deletion and revision listed above are made, this section may become less of a concern to us.
- Page 10, lines 1-6 and page 11, lines 22-27 : While we support reducing design review in many cases, this is too broad. In particular, removing design review for "landscaping, building orientation, parking or building design" could impact the ability of a city to ensure that a building's landscaping addresses climate change policies, and that building orientation and the design of parking and the building take into account accessibility for pedestrians and those with mobility devices, secure bicycle parking, etc...

If the above amendments cannot be adopted, then we would alternatively request that the -1 be dropped entirely.

Base Bill: We interpret the base bill to impose that shortened review period *both inside and outside UGBs*, although we understand that the intent of the bill might be to apply that timeline only inside UGBs. To clarify, if the base bill moves forward, **we respectfully request an amendment to the base bill section 1, page 1, line 22: "(d) 45 days if the application is an urban housing application for the development of a single-family dwelling."** Otherwise, we see a high likelihood of conflict between the 45-day review period and ORS 197.797, which governs local government review of quasi-judicial land use applications and affords procedural rights to hearings participants. ORS 197.797 requires 20-day notice of public hearings and "open record" periods following hearings. Squeezing those important procedural safeguards into a 45-day review period is problematic. We support the need to expedite housing approvals inside our cities, but would want to ensure that portion of the bill is limited to inside UGBs.

Regards,

Rory Isbell
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Central Oregon LandWatch



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