



Testimony to the Senate Committee on Housing and Development in Opposition to SB 1537 Without Continued Amendments

February 9, 2024

Dear Chair Jama, Vice Chair Anderson, and Committee Members,

On behalf of Beyond Toxics, a state-wide environmental justice organization, and thousands of our supporters across the state, we are writing to express our opposition to SB 1537 as currently written. Beyond Toxics has been an active public interest participant in policy decisions related to equity and environmental justice for the last twenty years, and our organization has a special interest in integrating equity into Oregon's robust land use system. We are proponents of finding equitable solutions to both the housing and climate crises and hope that any changes to Oregon's land use laws and policies improve environmental and community resiliency.

We applaud and appreciate the Governor's hard work on this bill and her dedication to swiftly solving Oregon's housing crisis. While Beyond Toxics supports many of the provisions in this bill—including increased funding for affordable housing infrastructure and the climate-smart incentives—SB 1537's provisions allowing the expansion of Urban Growth Boundaries (UGBs) are extremely concerning and would weaken Oregon's land use system.

Thousands of acres within existing UGBs should first be prioritized for affordable housing infrastructure. Expanding UGBs will not help meet our state's actual housing needs and has no beneficial relationship to increasing affordable housing. Prioritizing housing development within existing UGBs takes advantage of existing infrastructure and vital community services. Further, increasing higher-density affordable housing within existing UGBs and more walkable communities benefits community well-being and decreases city sprawl. Building housing at the edge of cities places homes further away from schools, grocery stores, and community services while increasing reliance on car-centric infrastructure. Not only is this inefficient and inconvenient, but it also increases negative climate impacts. Increased transportation from single-passenger cars will result in increased greenhouse gas emissions, heat islands, and stormwater runoff that will pollute our rivers and streams. Further, increasing road infrastructure will pave over Oregon's natural and working lands (including farmlands, rangelands, and forests), thus losing significant, potential carbon sequestration areas.

Section 50 of SB 1537, which contains language about prioritizing "non-resource" or "exception" lands, also leaves a concerning gap for subjective land use decisions. For example,

Oregon's definition of "non-resource lands" includes land that has "low productivity for raising crops, livestock, and forest trees," but omits any land that is highly valuable for carbon sequestration or lands that serve as wetlands, flood plains, or wildlife habitat. Furthermore, the bill allows for the rezoning of "exception area" land made "unsuitable" for farming or forestry by surrounding development. Allowing such zoning changes could potentially wipe out small family farms that provide fresh food for local markets and that are surviving despite increasing pressure from surrounding development. These lands may have excellent soils for farming and livestock; nonetheless, they could be swept into rezoning for residential property merely because they are located near other kinds of development. By expanding the urban footprint beyond the existing UGBs, cities will develop housing in the wildland-urban interface, which presents an extreme risk of fire and a lack of firefighting services. Increasing housing infrastructure in these areas puts more lives, livelihoods, and homes at risk of wildfire. Further, removing vital carbon-sequestering lands through UGB expansion will increase the likelihood of more catastrophic wildfires.

We are also concerned about provisions allowing the Land Use Board of Appeals to award attorney fees for the appeal of a residential development proposal to local governments. This puts developers squarely in an advantageous position compared to a common Oregon resident who may bring legitimate legal claims but who cannot afford a comparable team of land use lawyers to represent their position, nor could afford to pay the legal costs of the opposing side if the case was decided against them. Historically, this has been a successful method of silencing potential plaintiffs and could set a dangerous, inequitable precedent.

For these reasons, we urge further amendment of SB 1537 regarding the problematic UGB expansion component. We appreciate the opportunity to provide testimony on this pressing issue that seeks to solve our state's housing crisis.

Respectfully submitted,

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