



May 5, 2025

Oregon State Legislature
House Committee on Housing and Homelessness

RE: SB 974A - Oppose unless amended

Chair Marsh, Vice-Chair Andersen, Vice-Chair Breese-Iverson, and Members of the Committee,

Thank you for the opportunity to submit **testimony on SB 974-A** on behalf of Central Oregon LandWatch (LandWatch) and 1000 Friends of Oregon (1000 Friends). Our organizations work to ensure Oregon's livable future. We do this by helping create well-planned and well-built cities, preserving farmland, and protecting wild, open spaces.

LandWatch and 1000 Friends appreciate the improvements the Senate made to this bill, which include: 1) Focusing the provisions within UGBs; and 2) Narrowing the focus to shot clocks/timelines for engineering and public work permits.

However, as the Senate committee members acknowledged, additional refinements are still needed to SB 974 in the House. There are several concerns and clarifications that have yet to be addressed, which are outlined here. Thus, we appreciate and support Senator Anderson, Senator Broadman, and Senator Patterson's remarks in Committee and Senator Sollman's remarks on the Senate Floor that directly acknowledged additional work on this bill is necessary in the House.

At this time we remain opposed to SB 974-A as written, but ask that the following issues be addressed in order to improve the bill and move our organizations to a more supportive position on this bill.

1. 'Urban housing application' definition is still too broad

Senate Bill 974-A creates a new category called "urban housing application," which the bill directs to be processed with limited public involvement. While that might be appropriate for some types of land use decisions, the bill's definition of "urban housing application" sweeps in several significant land use actions that should not be limited land use decisions. Below is our proposed amendment and the detailed rationale:

Adjustments Needed to Section 3 (21)(a) lines 13-19, page 5

'Urban housing application' means any application to a local government for a quasi-judicial decision, whether combined or in separate stages, seeking approval of any aspect of the development of lands planned or zoned for residential use or mixed residential use, within an urban growth boundary, including an application to:

"(A) Amend a comprehensive plan or seek a variance from a land use regulation;

- ~~"(B) Adopt a planned unit development;~~
- ~~"(C) Tentatively plat, partition or subdivide the land;~~
- ~~"(D) Approve any preliminary engineering or design plans relating to the provision of utilities, roads or other urban services; or~~
- ~~"(E) Site a specific dwelling structure, including a single-unit dwelling, manufactured dwelling, middle housing, or single room occupants or multi-unit dwelling.~~

Rationale for removing (A): As outlined in our testimony, amending a comprehensive plan is too significant of a land use action to be a limited land use decision. Comprehensive plans are created with extensive public involvement, representing community values and consensus. Changing a plan should be just as thoughtful. Without sideboards, including variances is too broad because allowable variances differ widely in every city. Further, SB 1537 (2024) already includes provisions that allow developers to take up to 10 distinct adjustments to a city's housing development standards.

Rationale for removing (B): Planned Unit Developments are most often large developments that have large impacts and require extensive infrastructure, and are not appropriate for a limited land use decision.

Rationale for removing (D): Senate Bill 974-A now imposes timelines (shot clocks) for the engineering and public works departments of cities to process residential applications, and that seems a very worthwhile concept we continue to support. But we have concerns with reducing all of these to limited land use decisions, especially those relating to the design of transportation facilities, especially the non-auto aspects of this: sidewalks, bikeways, and accessibility.

Rationale for edits to (E): Similar to other requested adjustments, these types of developments often have larger impacts and are not appropriate for limited land use decisions.

2. **Design review scope is still too broad**

We support reducing design review for some cases but SB 974-A 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 and secure bicycle parking. These should be added to the 'not including limitations on' portion of this paragraph

In addition, in (a) & (b) it appears that 'shall' and 'may' have been switched. With the adjustments we've outlined here included, we'd be supportive of this section. However if it isn't narrowed, both (a) and (b) should be "May"

Adjustments Needed to Section 4 (5)(a)(b) lines 29-36 (page 6) and to Section 5 (5)(a)(b) line 30-37 (page 7)

“(5) With respect to any design review process or requirements related to aesthetics, ~~landscaping, building orientation, parking or building design~~, but not including limitations on size or any review under applicable building codes, fire codes or public health and safety regulations, a local government:

- “(a) Shall ~~May~~ waive the process or requirements for an urban housing application for the development of 20 or more residential units; and
- “(b) ~~May~~ Shall waive the process or requirements for a smaller number of residential units.

3. Cost reimbursement to applicant if local government delays is problematic

This section provides for awards to applicants for attorney and engineering costs if there is a delay by the local government on the shot clock, and it expands eligible expenses to include delays on an “urban housing application.” This goes too far, as it requires a public entity to pay public money to a private entity, who may run-up the tab with a lot of legal and engineering costs. We recommend starting with the timelines/shot clocks and seeing how that goes first.

Remove Section 2 lines 1-16 (page 2)

~~SECTION 2. (1) An applicant is entitled to an award of the applicant's reasonable engineering costs and attorney fees, including fees incurred on appeal if the applicant prevails on a claim against a local government or special district for failing to meet a deadline for final action under:~~

- ~~(a) Section 1 of this 2025 Act; or~~
- ~~(b) For an urban housing application, ORS 215.427 or 227.178.~~
- ~~(2) As used in this section:~~
 - ~~(a) “Attorney fees” includes prelitigation legal expenses, such as costs of preparing and processing the application and supporting the application in local land use hearings or proceedings.~~
 - ~~(b) “Claim” includes a petition for a writ of mandamus under ORS 34.130, 215.429 or 227.179.~~
 - ~~(c) “Engineering costs” includes costs to prepare the preliminary plat, to calculate, draft and design infrastructure plans and location, to submit and process the land use application and to consult with the local government planning, engineering and building officials to obtain approvals for the preliminary and final plat, land use and engineering design.~~

4. Clarity needed on what an urban housing application does not include

We believe ‘building permit’ is a more common term and helps clarify the differences between this provision and 21(a)(E).

Clarify language in Section 3 (21)(b)(C) line 27 (page 5):

"(b) 'Urban housing application' does not include:

- "(A) An application that would have the effect of reducing the minimum residential density of land.
- "(B) An application for or a decision made by a local government pertaining to a site within an urban growth boundary that concerns approval or denial of a final subdivision or partition plat or that determines whether a final subdivision or partition plat substantially conforms to the tentative subdivision or partition plan.
- (C) An application for a residential ~~construction building~~ permit.
- (D) Review of final engineering plans under section 1 of this 2025 Act.
- (E) A decision that may be made by a ministerial or other expedited approval procedure.

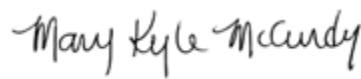
This bill contains provisions that we support and that would prove effective in bolstering housing production. However, there are several issues that still need to be addressed to ensure this bill can be successfully implemented. **Therefore, we urge you to amend SB 974-A before moving it out of your committee.**

Thank you for your service and consideration of this testimony. We look forward to continuing to work with this Committee and other stakeholders to resolve the outstanding issues in this bill.

Sincerely,



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