

February 27, 2024

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

**RE: HB 4063-A: Amendment to Section 7 (3)(a)(B) to clarify policy intent**

Chair Jama, Vice-Chair Anderson, and Members of the Committee,

Thank you for the opportunity to provide testimony on HB 4063-A on behalf of Central Oregon LandWatch (COLW). COLW is a conservation organization based in Bend that, for more than 35 years, has been working to create well-planned cities and protect farmland and wild, open spaces across the region.

As we understand it, the policy intent of Sections 7 and 8, “*Opting in to Amended Housing Development Regulations*” is to help address an issue with the ‘goal post’ rule on lands within Urban Growth Boundaries (UGBs). It does this by allowing housing applicants to opt in to newly adopted standards or policies without having to submit a new application. The current ‘goal post’ rule doesn’t allow for that, because it requires submitting a new application and restarting the application process from the beginning in order for the application to be reviewed under new standards and criteria enacted after its initial submittal.

As written, it is unclear if the provisions in Section 7 are actually limited to housing applications on city and county lands within UGBs. While it is appropriate to streamline the housing application process for lands within UGBs slated for urban development, this isn’t the case for proposed housing developments on lands outside of UGBs, which are zoned for farming, forestry, open space, and wildlife habitat. Housing applications in these areas are analyzed for their potential impacts on those rural resources.

**LandWatch supports the policy intent of Sections 7 and 8 aimed at streamlining the development application process to more quickly and efficiently deliver needed housing within UGBs - and not on lands outside of UGBs. However, one technical amendment to Section 7(3)(a)(B) should be considered to clarify and achieve this policy intent.**

We are concerned about the potential unintended consequences of allowing applications related to housing on farm and forest lands outside of UGBs to change course and ‘opt in’ to new standards or policies created by a county. Often housing development applications on rural lands result in controversial, drawn-out processes, and creating less certainty about which standards and criteria apply will only exacerbate those issues. **Therefore, LandWatch urges the following amendment to Section 7(3)(a)(B):**

*For an application relating to development of housing **within urban growth boundaries**, upon the request of the applicant, those standards and criteria that are*





*operative at the time of the request.*

LandWatch recognizes that this 'opt in' language is also in SB 1537-A, Section 8 (3)(a)(B), and should that bill advance, it is unlikely it will include this requested amendment. Should HB 4063-A also advance without this amendment, *we request that this adjustment be included in any forthcoming discussions and 'clean up' legislation* pertaining to either of these bills in the 2025 legislative session.

LandWatch respectfully requests this clarification to make the policy intent clear and to maintain the integrity of Oregon's land use system that supports appropriate development on city and county lands within UGBs, and limits inappropriate development on farm and forest lands outside of UGBs. Thank you for your service and consideration of this testimony.

Sincerely,

A handwritten signature in black ink, appearing to read "CH", written over a light blue circular stamp.

Corie Harlan  
Cities & Towns Program Director

