Colin Cortes, AICP, CNU-A
9452 SW Maplewood Dr, Apt. F60
Tigard, OR 97223-6160

May 5, 2025

House Committee on Housing and Homelessness
Oregon State Legislature
900 Court St NE
Salem, OR 97301

RE: Senate Bill 974

Dear Members of the House Committee on Housing and Homelessness:

I am a city planner who writes concerning a bill that is in committee today, May 5: SB 974, "Requires local governments or special districts to complete final review of final engineering plans for residential development within 90 days of submission. Defines 'urban housing application.' Requires urban housing applications to be reviewed as limited land use decisions. Authorizes award of attorney fees to applicant if engineering plans or land use applications for residential development are not processed timely. Prohibits local governments from applying certain design review requirements for certain urban housing applications."

Sect. 1(1)(a): The proposal in Sect. 1(1)(a) (lines 7-9) to establish an application completeness review period of 14 days would introduce an irksome wrinkle from the standard 30 days in ORS 278.178(2). Consistency and stability in statutes makes for better administration by local officials.

Sect. 2 about attorney's costs is unneeded, draconian, and has no apparent relation to increasing the supply of newly built housing or reducing homelessness.

Sect. 3(21), p. 5: The proposed broad definition of an "urban housing application" and making it a "limited land use decision" as statute already defines is too constricting and unnecessary because Oregon law including ORS 197A.400 already requires local governments to have land use regulations that provide a "clear and objective" path to housing development without any need for discretionary reviews. Across Oregon jurisdictions, this is commonly land use review Types I & II. If developers opt for discretionary reviews (Types III and higher), it should go without saying that local governments retain the prerogative to exercise discretion. Developers that do opt for deviations through the common application types of adjustment, conditional use, planned unit development, and variance make a choice to do so. In exchange, they meet requirements that can include discretion.

It would be ludicrous to allow developers to circumvent discretionary process when cities already grant developers the right to develop through a clear and objective path and the option to develop through discretionary paths.

Second, the proposed definition includes planned unit developments and variances, which is patently absurd. By their nature, they are discretionary. I also point out local governments can use variances as a tool to control deviations from environmental standards for expanded or new development along rivers and streams, that is, in floodplains and along or in wetlands. I think the Committee does not wish to crimp a means of local environmental protection. The variance process is customarily, both in Oregon and elsewhere, based on the concept of hardship, that there is a material necessity beyond the control of a landowner that merits deviation from a local development standard. The proposed bill detonates this. The bill is so radical that is essentially abolishes development standards, even clear and objective ones, that developers don't like and wish to wave away. Developers would have unquestioned power and would exercise it.

Third, some local governments like Woodburn – and often developers want – multiple land use applications consolidated into a single, holistic package for a single review and decision by local government. If the legislature were to further make exceptions in statutes for some types of developments and not others, with some based on different numbers of residential lots, consolidated reviews become *de facto* impossible to administer – and the bill proposes a "tentative plat" (preliminary subdivision) as a limited land use decision. This could cause local governments to revert to the more time-consuming sequential reviews of each land use application one at a time.

Sect. 4(5), p. 6: The proposed abolition for a development of 20 or more residential lots of, "design review process or requirements related to aesthetics, landscaping, building orientation, parking or building design" is both irritating and laughable. The legislature cannot seriously consider this to affect housing construction more than any of the prime rate, bank loan terms, construction labor availability, construction materials availability and costs, and the costs to design and building in accordance with building, fire, and life safety codes, including an energy code supplement to the international building code that Oregon adopted that increases the cost of construction relative to other states. The clear intent of the bill is leave unquestioned the assumption that all housing production is capitalistic, that there can be no publicizing of and cap of profits in housing production, and that to meet the needs of national capital, all local regulation within Oregon must be neutered in order to have housing become a uniform, manufactured product, like an iPhone.

Also, there's no obvious basis for setting 20 lots as a threshold, or indeed any number at all, because the very premise of the abolition is false. Additionally, that number would be contested. Developers would subvert the threshold anyway by getting incremental approvals of smaller subdivisions by submitting enough plausible application materials that chunks of lots fewer than 20 are "phases" of a single development that will ultimately be 20 lots or more, and

developers are likely to fatigue local officials (and the Oregon Land Use board of Appeals) into submission on this point.

There is also tactical folly, in that overreach by the legislature that is majority Democrat could very well alienate enough voters who want to retain effective home rule, and who perceive the legislation as unfair castigation for purportedly having done something wrong, causing a majority of the electorate to defect to Republicans, costing the party majority control of the legislature. The political talking point would be that the Democratic legislature was posturing and looking for "straw men" villains in the campaign against unaffordable housing and homelessness – and, sadly, with bills like SB 974, the point would be valid.

There is also the less likely possibility that a populist revolt could go left instead of right – far more towards democratic socialism: More broad and severe rent control, much more eminent domain of, say, strip malls, and redevelopment into publicly built and run public housing not just for the poor but upper classes too, a requirement (as in Vancouver, BC) that developers must reveal their *pro formas* and negotiate what social benefits they provide and how much profit they may make, and the raising of income, business, and capital gains taxes to help fund it all – i.e. redistribution of wealth. I assume for most liberals in the legislature democratic socialism would be anathema as much as right-wing populism and so an incentive to not pursue bills like SB 974. Pursuing such legislation would call attention to the legislature as clueless, out-of-touch, performing of political theatre, and so subject it to punishment at the polls.

I close with noting that, as a constituent within the subarea of the Portland metropolitan area that is subject to Metro jurisdiction, other taxpayers and myself have already been paying levies and special taxes to fund both public housing and subsidized housing as well as to get the homeless housed – and the results are too little and taking too long. Bills like SB 974 test what little patience voting taxpayers have.

In short, the problem with housing production is Wall Street financing, not Main Street zoning. SB 974 does nothing to improve the situation.

I urge the Committee not to pass SB 974 out of committee for a vote by the legislature, and, that the bill be expired.

Sincerely,

Colin Cortes, AICP, CNU-A