



Janelle Booth, City Manager
Scott Cowan, Mayor

May 12, 2025

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

RE: Opposition for SB 974-A4 – Timelines for permits

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

The City of Millersburg thanks you for the opportunity to provide testimony on proposed Senate Bill 974-A4. While Millersburg supports the intent of providing timely engineering review of projects, we are opposed to this bill.

Engineering Permitting Timelines

As a small city of 3,200 residents, we are very concerned about the imposition of timelines and penalties on our public infrastructure permitting process. This is not because Millersburg currently struggles to meet the expectations of our developers and their engineers. It is because of the significant liability risk it will impose on cities, especially small cities, and the unintended consequences we believe will result from passage of this bill.

In small cities staff wear multiple hats, and in Millersburg our engineer is no exception. This position is responsible for overseeing all aspects of engineering and public works within our city, including water, sewer, streets, and stormwater; planning and overseeing our own maintenance and capital projects; compliance with state permits and programs (stormwater, drinking water, etc.); reviewing and inspecting all city construction permits (right-of-way, grading, erosion and sediment control permits); and more.

When an application for a new residential development is submitted, our engineer must put everything else on hold to process and review the application. The initial review of these applications typically takes between 20 and 60 hours, depending on the size of the project and quality of the design and drawings submitted. Once comments are returned to the design engineer, it may be weeks or months before the first resubmittal addressing our comments. There are typically three to four rounds of review and comments before the plans can be approved for construction.

In spite of this, Millersburg is known for being very developer friendly. We prioritize these applications and work hard to communicate with our developers and their engineers. We will often set up meetings with engineers to go over our comments and make sure they understand and can respond with questions/concerns in real time instead of weeks of back and forth via email. When there is a partial submittal with a significant piece missing, we will often begin reviewing with the condition that piece will be submitted and reviewed before the project can be approved. For example, many projects are initially submitted to us without a finalized stormwater design because they are in the process of obtaining state and federal wetland permits, which can take months or years. Beginning review of the rest of the project concurrent with the Department of State Lands and/or US Army Corps of Engineers review enables the project to move forward and get to construction more quickly.

Imposing timelines and penalties will not make this process better or faster in Millersburg. It will decrease our flexibility to be responsive and work with developers and engineers to get them permits in the most efficient and timely manner possible. With these timeline restrictions, we will need to be stricter about not beginning review until we deem the application complete (otherwise we will eat into the 90 days). There will be circumstances where we will be forced to deny permits that are getting close to the 90-day deadline, which will require the developer to begin the process again and pay new fees.

In Millersburg, we are fortunate to have an engineer on staff; most small cities do not have this ability and rely on consultants to provide necessary engineering support. This introduces additional challenges, including tracking, documenting, and liability concerns. Cities may find they need to increase their permitting fees to offset increased/additional review costs. Liability for potential claims if the 90-day deadline is exceeded will be a concern for both cities and their consulting engineers who provide review services.

Suggested Modification

While we support the goal of addressing barriers or delays to the construction of housing, this bill is unlikely to help housing be constructed faster or cheaper. In Millersburg, and other small cities, it will more likely have the opposite effect. Although we believe it is problematic for all cities, if the committee feels this bill is necessary to address an issue in our state, we suggest the process is rolled out in stages, beginning with larger cities who have more impact on the development of housing and more internal resources to implement it. If the timelines prove to be beneficial to housing production, they can then be rolled down to smaller communities in the future.

Comprehensive Plan Amendments

The proposed changes still include Comprehensive Plan Map Amendments and Zone Changes to be processed at a Staff level. This has two significant problems. First, it reduces the opportunity for the public to participate in Land Use decisions. For most cities, Millersburg included, State Planning Goal 1 (public participation) is executed by using the hearing process as a tool to allow the public to participate. Reducing the public review to those who happen to be aware of the Type II process used for a Limited Land Use review is detrimental to the implementation of Goal 1.

Second, Comprehensive Plan Map Amendments and Zone Changes are very important Land Use decisions, especially those that increase density. These kinds of decisions should be made

by elected Council Members. Limited Land Use decisions are made at the staff level; staff are not elected. Staff decisions are and should be limited to those that are based on clear and objective criteria and contain no discretion. Upzoning is NOT a right and requires the application of discretion. Any discretionary decision should be made by the City Council, not staff.

Again, thank you for the opportunity to provide testimony on this bill. We recognize that we are all working for the best for our communities and state; we want to be part of solutions that fix problems. We believe this bill will create, rather than fix, problems.

Thank you,

A handwritten signature in blue ink that reads "Janelle Booth". The signature is written in a cursive, flowing style.

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