



American Planning Association
Oregon Chapter

Creating Great Communities for All

May 12, 2025

Senate Committee on Housing and Development

Re: SB 974

Position: Oppose

Dear Chair Pham, Vice-Chair Anderson, and members of the committee:

I am writing in opposition of SB 974 with its A-engrossed amendments and -A4 amendments, on behalf of the Oregon Chapter of the American Planning Association.

The Oregon Chapter of the American Planning Association (OAPA) is a nonprofit professional membership organization of over 800 planners and those who work with planning in formulating and implementing development and conservation policies at the state and local level. OAPA works to create sustainable and vibrant Oregon communities through professional development, advocacy for sound planning, providing resources to meet the challenges of growth and change, and embracing and promoting diversity, inclusion and equity.

It is an OAPA policy and legislative priority is to address the housing supply and housing affordability crisis. We advocate for solutions to increase long-term housing availability, affordability, and choices for Oregonians statewide. This legislation is well-intended and we agree with the aims of supporting housing production and related public improvements, but even with some moderate amendments, the proposals place undue burden on local jurisdictions without offering new resources or strategies.

Section 1

We appreciate that many potentially harmful proposals in earlier versions of this bill have been reconsidered, and that the bill presents a tighter focus on

engineering plans. Amendment -A4 further improves this proposal by better defining what is referenced by “final engineering plans” specific to the land use review process.

However, these changes are still apt to cause unintended consequences, such as disincentivizing any local government allowances for early or concurrent reviews. By implementing a more rigid and bureaucratic process, it may also lead to more prescriptive (and potentially costly) direction than otherwise possible in a more open and iterative process.

Section 2

The A-Engrossed bill retains a provision that will award both attorney and engineering fees to private parties from public dollars for any potential error in meeting the adopted timelines. These potential rewards also present an incentive for aggressive development proposals that press against the limits of the law while placing undue financial pressure on local governments to approve applications, regardless of their adherence to established plans and regulations. It is also easy to anticipate that one of the key reasons a jurisdiction might fail to meet a deadline would be due to limited staffing – fostering better staffed and well-informed local review departments is not aided by funneling public dollars into private hands.

The -A4 amendments to this section unfortunately do not provide a better solution. The threat of a writ of mandamus is already a substantive means of enforcing the legislature’s intended timelines without additional financial penalties. This section should be eliminated.

Section 3

21(a) Urban Housing Application

This section includes private proposals to amend a local Comprehensive Plan as a type of “urban housing application,” alongside more routine permit review and quasi-judicial land use reviews. In Section 3 (12)F, urban housing applications are in turn defined as a type of “Limited land use decision.”

Limited land use decisions are generally understood to be limited to specific sites rather than modifying a community’s adopted goals, policies, and implementing regulations. A Comprehensive Plan is appropriately modified through broad community engagement practices to consider a broad range of interests, needs, and perspectives to more deeply consider benefits and burdens throughout the wider community, as well as consistency with state and regional law. This change

inappropriately allows a community's Comprehensive Plan to be driven by narrow interests, particularly when it also presents threats of financial liability for the applicant's costs.

The Urban Housing Application definition otherwise remains excessively broad in including a range of inherently discretionary items, including Variances and Planned Unit Developments. It also fails to distinguish the most common housing development situations from those that benefit from additional community and interdisciplinary insights, such as situations where housing will impact environmentally sensitive lands and waters.

Section 4 (5) Design Review

While OAPA advocates for legislation that results in a partnership between the State (funding, DLCD rule-making) with local governments to assess and update existing local development codes such as lot size, building form, context and design requirements to remove barriers to housing production, diversity, affordability and equity, this provision is oversimplifying complex land use issues and stripping local governments of the necessary flexibility to both address unique community needs, and protect vital resources.

Landscaping includes requirements intended to address heat island impacts, as well as mitigation for impacts to environmentally sensitive areas. Parking and building orientation rules are often designed to avoid harmful conflicts between motor vehicle drivers, or between cars and other modes (minimum lane size, clear vision areas, avoiding parking overhangs that block pedestrian access, including wheelchair access). It is a mistake to dismiss this very broad set of categories as purely aesthetic or frivolous community concerns. This consideration should either be limited to a direction for DLCD rulemaking, or eliminated until it can be more constructively defined in future sessions.

Sincerely,

A handwritten signature in black ink that reads "Jonathan Harker". The signature is written in a cursive, flowing style.

Jonathan Harker, AICP

Chair, Legislative and Policy Affairs Committee

Oregon Chapter of the American Planning Association

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