May 14, 2025

Representative Pam Marsh, Chair
House Committee On Housing and Homelessness
900 Court St., NE
Salem, Oregon 97301

Dear Chair Marsh and Members of the House Committee On Housing and Homelessness,

Regarding SB974-A4, we are writing to oppose this bill and specifically the definition of an urban housing application and the section related to waiving requirements for design review of 20 or more residential lots or parcels.

The new definition for "Urban housing application" and making everything listed a limited land use decision is both internally inconsistent within the bill and inconsistent with the existing structure of land use planning and decision making in Oregon. The changes in SB 974 would result in a myriad of potential complications and challenges, ultimately resulting in added cost and delay for the developer and eventual residents.

A Comprehensive Plan amendment is clearly under the purview of a local jurisdiction and the City implementing the policies that arise from their own community. It should not be a limited land use decision which are intended to be in compliance with Comprehensive Plans and are subject to little discretion as opposed to Comprehensive Plan amendments which are highly discretionary in fact the most discretionary decision a City can make and are not regulatory or clear and objective. Additionally, planned unit developments are discretionary paths that give applicants a second choice besides the clear and objective path. An urban housing application and any limited land use decision should only be clear and objective not the most discretionary reviews afforded an applicant.

We also want to highlight another area of outstanding concern around design review in the bill and ask that it be amended out. Section 4(5)(a) requires that local governments waive the design review process or requirements for an urban housing application for the development of 20 or more residential lots or parcels. SB 1537 (2024), adopted just last session, already requires clear and objective requirements. Eliminating these standards risks causing harm to neighborhood livability while not accomplishing the laudable goal of speeding up development.

Ultimately, this section is not clear as to what it is intended to regulate. The language seems to apply to "development of 20 or more residential lots or parcels" which indicates a division of land or subdivision application. A subdivision application typically is reviewing density, infrastructure, and public improvements which are already required to meet clear and objective standards. It is the clear and objective ministerial permits and building permits that regulate aesthetics, landscaping, building orientation, parking (which is not applicable to communities affected by CFEC), or building design. If the intent of the bill is to require cities to eliminate review of these basic community planning and design requirements we cannot support that action.

Our local review of housing has already been pre-empted, given the limited processes in place as a result of clear and objective requirements and the mandatory adjustments process adopted with SB 1537 in the last session. It is not clear what problem the pre-emption of design review on 20 or more residential lots or parcels is attempting to solve.

Our cities have faithfully and to the best of our ability implemented numerous housing laws passed by the Legislature in recent years, including HB 2001 (2019), HB 3115 (2021), HB 2003 (2023), and SB 1537 (2024) with little in the way of state funding assistance. We respectfully request that you reconsider the punitive approach outlined in SB 974 -A4 and prioritize collaborative housing production solutions for the benefit of our shared constituents.

Sincerely,

Mayor Frank Bubenik
City of Tualatin