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February 17, 2021

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

***Testimony: SB 458***

Chair Jama, Vice Chair Linthicum, and Members of the Committee,

Central Oregon LandWatch (“LandWatch”) is a conservation organization which for more than 35 years has protected Central Oregon’s beautiful forests and high desert, rivers and springs, fish and wildlife, and our vibrant communities. We work to conserve the region’s ecosystems, wildlife habitat, and working rural lands balanced with a responsible, sustainable approach to planning and fostering thriving communities.

***LandWatch supports SB 458, if amended.*** Bill proposes to promote middle housing in cities by allowing land divisions.

LandWatch supports efforts to provide for more housing options within urban growth boundaries, including middle housing. This bill appears to follow up on 2019’s HB 2001 in easing the provision of middle housing, and we support that concept.

However, we are concerned about two problematic subsections of this bill:

SECTION 2 (3): In approving a division of land under this section, a city (b) May not require the applicant to provide public notice of the application or require a public hearing to evaluate the application, notwithstanding ORS 227.175;

SECTION 2 (4): A person may not appeal the approval of a division of land under this section.

These subsections conflict with Goal 1, erode equal application of state land use law, and discriminate against certain other types of development, creating a 'you can appeal that type of development, but not this type of development' scenario. At the very least, we believe public notice and the ability to appeal such a development approval should be retained under current law.



Respectfully submitted,

Rory Isbell  
Staff Attorney  
Central Oregon LandWatch

