



February 3, 2025

Co-Chairs Helm and Owens

House Committee On Agriculture, Land Use, Natural Resources, and Water

900 Court Se. NE Salem, OR 97301

RE: League of Oregon Cities on HB 3013

Co-Chairs Helm and Owens, Vice Chair Finger McDonald, Members of the Committee,

As written, the League of Oregon Cities would like to elevate concerns about HB 3013 and the - 1 amendment. We outline our concerns below, both on the part of our legal counsel and cities, focusing on the feedback we have received from our land use attorney. LOC would like to acknowledge that we have cities in support, opposition, and with no position on this bill.

The largest concern surrounds unacknowledged or remanded decisions from LUBA. Decisions that are remanded can be remanded for a variety of reasons related to the development or completely unrelated, on a substantive basis or a procedural one. Even if they are related to the development in question, a city may be able to resolve those issues on remand in a manner that results in the development still being approvable, in other words, consistent with what ultimately becomes the city's acknowledged plan and regulations. We are creating a situation where the developer would be required to stop and remove the improvements, potentially only for it to be authorized later and reconstructed, if it is still economically viable to develop. This seems particularly wasteful if the reason for the amendments being remanded has nothing to do with the specific development at issue.

Additional concerns have been expressed related to the lack of clarity around who is liable for the damages reference in Section 2 (5)(b)(C) and the effective date, with the bill being retroactive to January 1, 2023, which will have an unknown impact on other land use decisions outside of the one being targeted by this bill.

We encourage the Sponsors and Co-Chairs to gather a group of cities and their attorneys to further discuss this bill and what amendments are needed to ensure that all parties are comfortable with this legislation moving forward and the implications on housing development are fully understood.

Respectfully,

Alexandra Ring, Lobbyist, League of Oregon Cities