



March 21, 2025

Senate Committee on Housing and Development
VIA OLIS

RE: Opposition to SB 974

Chair Pham, Vice-Chair Anderson, Members of the Committee:

Washington County is the second-largest county in the state, by population. We have consistently been one of the fastest-growing counties over the last four decades. This growth does not just occur within the cities of Washington County. About 215,000 people live in the urban unincorporated areas of our county – an area that continues to see development and infill of all types of housing, commercial and industrial uses. Washington County's Land Use & Transportation staff works in cooperation with our development community to improve our services and meet the need for timely service with limited resources.

We have deep concerns about the proposed SB 974 and the -1 amendment which lead us to request that the bill not move forward this session. We are deeply concerned about the proposals to change the mandated timing for land use processes and about how the bill attempts to prescribe engineering review and survey review within an arbitrary and artificial timeline as well. These changes would lead to problematic and unintended consequences for jurisdictions around the state. Our specific concerns with the bill and the proposed -1 amendment are listed below in more detail.

SB 974 Section 1: Limited land use decisions and rezoning of land are not inherently simple reviews – every piece of land is unique and decisions about how they are divided and developed can create other impacts to the natural resources, development capacity, infrastructure needs and other unique characteristics of a parcel of land. They generally require public notice and may require public hearings, including appeal hearings, that make meeting these short timelines impossible. Even a seemingly simple application, such as for a single-family dwelling, requires thorough review to ensure all applicable codes and regulations are being met.

Artificially short deadlines do not solve the funding problems many local jurisdictions are experiencing. Development review, in addition to other related work such as amending local codes and regulations to incorporate state mandated code changes, takes staff time and capacity, which is one of the most limited resources we have. To build out staff capacity, we need additional resources and revenue to hire and retain our workforce. Funding support to local jurisdictions would be a meaningful change that could move the needle toward the type of change envisioned in this bill versus trying to place additional burdens on local staff.

-1 Section 8 (21)(a): Creating a new definition for the “urban housing application” is unnecessary and may cause unintended consequences for areas that are within the urban growth boundary but do not yet have the urban infrastructure necessary to support additional development.

-1 Section 10: Awarding both attorney and engineering costs is a new concept that could be extremely costly to all local jurisdictions. These costs would have to be recouped by imposing higher fees on all development applications, or by reallocating funds from other critical and often mandatory government functions. This could also affect funds needed to pay for the vital infrastructure capacity needed to support new housing. There is no requirement to demonstrate that there was bad faith in making the local land use decision. Further, it is unclear who would be considered the “prevailing” party, given that LUBA often remands local decisions for further review and/or findings, as opposed to overturning the original decision.

-1 Section 11: Building and infrastructure engineering reviews are complex and vary widely due to variations in building types and topography, soil and other unique site conditions. These reviews do not lend themselves to a rigid, uniform approval timeline. These reviews often require an ongoing series of conversations between the reviewing agency, the developer and their consultants, and may also involve other agencies to ensure infrastructure is adequately planned, appropriately sized, and can connect to the greater community system. It is not practical or reasonable to allow only 120 days for review after “submittal”. The proposed use of “submittal” as the starting point is very different from other rules where the application must be deemed complete before the timeline for approval begins.

Failing to adequately review proposed building and infrastructure plans can have catastrophic life-safety and financial consequences to the residents of the housing units, neighbors, and broader communities. Local governments, and the communities we serve, cannot accept or afford the transference of the risks of infrastructure failure from developers to the community solely because we are unable to ensure compliance with local standards within an arbitrary 120-day timeline.

-1 Section 12(5): This section is too broadly written. Complete exemption of all housing types from design review, a term that is not defined, will have unintended impacts to ensuring developments do not create safety concerns, can address site specific circumstances, and do not result in impacts on surrounding land uses.

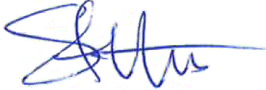
-1 Section 14: We echo the concerns expressed by the Oregon Association of County Engineers and Surveyors. The requirements of this section drastically adjust the role and responsibilities of our County Surveyor, and we are concerned that this can lead to complicated land ownership conflicts. This section cannot be remedied.

In closing, if there is a sincere desire to shorten jurisdiction development review process timelines and streamline the land use regulations that impact housing development, there should be an intentional conversation involving representatives from all parts of the

development process. Instead of the kinds of overly simplistic changes proposed by SB 974, being rushed through with just a superficial two-month deliberation, there should be a comprehensive analysis of development review, permitting and infrastructure standards to increase efficiency, reduce delay, and minimize unintended consequences from proposed changes. Making haphazard changes in a piecemeal way is not the appropriate path to crafting meaningful solutions.

Please vote no on SB 974.

Sincerely,

A handwritten signature in blue ink, appearing to read "Stephen Roberts", with a long horizontal flourish extending to the right.

Stephen Roberts, Director of Land Use & Transportation