



American Planning Association
Oregon Chapter

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Making Great Communities Happen

March 4, 2019

Representative Brian Clem, Chair
House Committee on Agriculture and Land Use
900 Court Street NE, Room 347
Salem, OR 97301
haglu.exhibits@oregonlegislature.gov

RE: Testimony from the Oregon Chapter of the American Planning Association on HB 2003

Dear Chair Clem and Members of the Committee:

This letter provides testimony from the Oregon Chapter of the American Planning Association (OAPA) on HB 2003. OAPA is an independent, statewide, not-for-profit membership organization of over 950 planners from across the state working for cities, counties, special districts, state agencies, community-based organizations, and private firms. OAPA provides leadership in the development of vital communities by advocating excellence in community planning, promoting education and resident empowerment, and by providing the tools and support necessary to meet the challenges of growth and change.

Our Legislative and Policy Affairs Committee (LPAC) has reviewed HB 2003 and urges caution in proceeding to adoption. OAPA supports the approach that HB 2003 proposes to improve how we plan for needed and affordable housing in Oregon. One of OAPA's legislative priorities for 2019 is to "Improve Housing Affordability and Availability." With this priority in mind, we offer the following testimony on HB 2003. Please consider these at a high level and focused on policy. OAPA also stands to work with and requests the opportunity to assist in the development of any amendments to this bill because our membership includes planners who will be tasked with implementing it.

1. Threshold of community size. HB 2003 requires that the proposed changes be applied to cities with a population of 10,000 or more. OAPA is concerned about this because even cities with a population of 10,000 may have a very small planning staff. Amendments to this bill need to consider scaling requirements to the size of the community. Please also consider timing requirements for compliance here as well.

2. Data from the State to support local planning for housing. We support the direction of HB 2003 to assist communities with data to plan for housing, including buildable lands inventories and housing needs analysis. We request clarification on how products such as regional housing needs analyses are intended to be used, and whether the intent is that these products would either inform or direct a local housing needs analysis. Additionally, we would encourage evaluation of different methodologies to determine regional housing need. Currently housing needs analysis use forecasted population growth as a primary data point, however this may be problematic as population projections are based on past land use decisions. California has required Regional Housing Needs Assessment (RHNA) since the passage of SB375 in 2008 and proposed changes to the RHNA Methodology and updates to SB735 are currently being discussed.

3. Consideration of affordable housing. HB 2003 proposes requiring housing needs analyses to consider the housing needs of very low, low, moderate, and high income households. OAPA supports the direction of HB 2003 to account for housing in these categories. This provides an opportunity for local government planners to better coordinate with affordable housing coordinators to ensure housing for these households are accounted for in housing needs analyses.

4. System Development Charges (SDCs). Sections 15 through 17 of the bill outline new reporting requirements to the Secretary of State's office regarding the methodology and changes to methodology for SDCs. OAPA is concerned that SDCs, which have proven to be a valuable tool for financing the construction of needed infrastructure, may be subject to political oversight at the state level when justification for why this change is necessary has not been established. State law already provides adequate avenues for public review of SDCs and their calculation, and the decision to adopt and when or if to increase SDCs should be left a local decision and out of HB 2003.

5. Attorney's Fees. HB 2003 includes language similar to that proposed in SB 8. OAPA also testified on SB 8 on February 22, 2019, and also recommends not including such language in HB 2003. OAPA supports the involvement of community members in local planning decisions, and sees the language in Section 18 as a potential barrier to local participation.

6. Urban Growth Boundaries (UGBs). HB 2003 incorporates changes that relate to how the land need for housing is met under ORS 197.296. Today, both this statute and state administrative rules require a local government to determine to what extent, if at all, a land need for housing can be reasonably accommodated within a UGB before making the case that an expansion of the UGB is needed for additional housing land. Please clarify whether HB 2003 is intended to modify this approach. OAPA would recommend against doing so. In 2013, the Legislature passed HB 2254 that created a more streamlined approach for amending UGBs. We recommend that HB 2003 focus on planning for needed housing and not stray into the area of amending UGBs.

7. Public Lands. HB 2003 proposes several changes that would require local government to allow housing to be developed on public property. OAPA supports the idea of looking at more opportunities for the development of housing, but recommends careful consideration as to what types of public property could be developed with housing. For example, surplus park land may be in a great location for additional housing; surplus ODOT right of way may in a poor location for the development of additional housing.

Thank you for your time and attention to our testimony.

Sincerely,



Kirsten Tilleman, AICP, President
Board of Directors



Damian Syrnyk, AICP, Chair
Legislative and Policy Affairs Committee