



April 1, 2019

Via e-mail: [shous.exhibits@oregonlegislature.gov](mailto:shous.exhibits@oregonlegislature.gov)

To: Senate Committee on Housing  
Senator Shemia Fagan, Chair and Members of the Committee

RE: Opposition to -1 Amendment to SB 8 (Requires Payment of Costs on Appeals)

Dear Chair Fagan and Members of the Senate Committee on Housing:

Thrive Hood River (formerly Hood River Valley Residents Committee) is one of Oregon's oldest local land use advocacy groups. Since 1977 our mission has been to protect farms, forests, special wild places and the livability of urban and rural communities in Hood River County. We strongly support affordable housing and we have advocated for local zoning code changes and incentives to increase production of affordable housing but **we are opposed to SB 8.**

Citizen Involvement (Goal 1) is at the core of Oregon's land use program. Our system relies on the participation of citizens at every stage of the land use process, including implementation. Public participation in the land use system –including appeals– is the mechanism Oregon uses to provide oversight of local government decision-making. SB 8 would have a chilling effect on public participation and oversight.

SB 8 is an over-reaction to a rare problem. In 2017-18, local governments made 10,000+ land use decisions, only 131 were appealed to LUBA. Of those appealed, a tiny percentage are related to affordable housing projects. There is already a provision in ORS 197.830(15)(b) which provides for attorney fees for frivolous appeals, which seems plenty strong enough to deter meritless appeals of affordable housing projects: "The board shall also award reasonable attorney fees and expenses to the prevailing party against any other party who the board finds presented a position without probable cause to believe the position was well-founded in law or on factually supported information."

Oregon law requires "clear and objective" standards for needed housing. Most appeals of affordable housing projects are not spurious appeals of "clear and objective" housing standards but appeals related to more discretionary aspects of site plan review (i.e. transportation access, natural features, stormwater etc.).

SB 8 sets a dangerous precedent. We are concerned this bill would create a slippery slope leading to other measures to curb public involvement in land use. This year affordable housing is the cause that is picked out for special treatment. If passed, SB 8 will pave the way for calls for awarding attorneys fees to other types of projects (for instance, industrial projects or projects related to economic development) undermining the public oversight our land use system is built on. Thrive Hood River urges your committee to reject SB 8.

Best regards,



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