



American Planning Association  
**Oregon Chapter**

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*Making Great Communities Happen*

May 16, 2019

Representative Alissa Keny-Guyer, Chair  
House Committee on Human Services and Housing  
900 Court Street NE, Room 347  
Salem, OR 97301  
[hhs.exhibits@oregonlegislature.gov](mailto:hhs.exhibits@oregonlegislature.gov)

RE: Testimony from the Oregon Chapter of the American Planning Association – SB 534-A

Dear Chair Keny-Guyer and Members of the Committee:

This letter provides written testimony from the Oregon Chapter of the American Planning Association (OAPA) in response to SB 534, as amended. 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.

OAPA did not present written or oral testimony in response to the initial bill. This letter reflects the collective comments received from OAPA's Legislative and Policy Affairs Committee (LPAC) in response to the bill, as amended. As amended, OAPA has not taken a position on SB 534. However, at this time, OAPA recommends that the bill be further clarified as to which chapter and section of ORS is intended for amendment. Specifically, we observe how SB 534 indicates that new text is to be added to and made part of ORS 197. However, we also observe the letter of testimony submitted by the Department of Land Conservation and Development (DLCD) dated March 8, 2019, indicating text is to amend ORS 227, as the bill appears to be connected to subdivisions and partitions. We observe how ORS 92.010 defines a "Lawfully established unit of land" in addition to other definitions related to partitioning or subdividing land. Accordingly, ORS Chapter 92, Sections 92.010 – 92.179, should be considered in review of this bill. We also acknowledge how ORS 92.176 enables a county or city to approve a permit for a single-family dwelling as defined in ORS 215.402, through a process that can validate a unit of land not lawfully established (e.g. through partition or subdivision).

In summary, we recommend that SB 534-A be further clarified in order to reduce potential conflicts with existing statute. Finally, OAPA recommends that the final version of the bill be subject to rulemaking and to include local government planning representatives as part of that process (e.g. video conference if necessary).

Sincerely,

Kirsten Tilleman, AICP, President  
Board of Directors

Damian Syrnyk, AICP, Chair  
Legislative and Policy Affairs Committee