



American Planning Association
Oregon Chapter

Creating Great Communities for All

June 1, 2023

House Committee On Rules
Representative Julie Fahey, Chair
Representative Vikki Breese-Iverson, Vice-Chair
Representative Jason Kropf, Vice-Chair

RE: Testimony from the Oregon Chapter of the American Planning Association (OAPA) on HB 3414.

Dear Chair Fahey, Vice Chairs Breese-Iverson and Kropf, and Members of the Committee:

This letter presents testimony from the Oregon Chapter of the American Planning Association (OAPA) on the June 1, 2023, draft amendments to HB 3414. Thank you for this opportunity to provide our testimony. OAPA is a nonprofit professional membership organization of over 800 planners and those who work with planning in formulating and implementing development and conservation policies at the state and local level. If HB 3414 is passed and becomes law, our members working for cities, counties, and councils of government will be responsible for implementing its provisions.

OAPA appreciates the work that's gone into the adjustment language in HB 3414; it has come a long way since it was first introduced. That said, we remain opposed to the latest draft amendments and recommend the following issues be addressed before passage:

- The adjustment language needs to be clear regarding the situations in which a proposed development would qualify for an adjustment. The criteria for approving an adjustment are still confusing as to what benefits would need to be demonstrated to approve an adjustment, e.g., more housing units.
- As drafted, we question whether a local government would choose to adopt and use this process, especially if a local government has already adopted variance criteria that has served them well. To show results, the proposed adjustment process would need to approve more housing and more quickly than processes and criteria that are already on the books.

- The exceptions that may not be subject to an adjustment do not recognize all of the statewide planning goals, and resources protected by the planning goals that cities and counties must protect through land use regulations. The adjustment language is unclear as to what constitutes "natural resources," does not provide exceptions for protections for historic, scenic, and wildlife resources under Statewide Planning Goal 5, and also does not address protection for other resources such as groundwater under Statewide Planning Goal 6.
- The adjustment language still shifts the burden of proving an adjustment should not be granted to the local government, instead of an applicant having to demonstrate that granting the adjustment will result in a public benefit, such as additional housing units.
- Finally, the current amendments also limit the ability to appeal an adjustment to only the applicant, which is inconsistent with established state law that parties may also appeal a land use decision to LUBA.

OAPA supports the proposed amendments related to the Housing Accountability Production Office (HAPO). We appreciate the focus of this new office on providing both technical assistance to local governments and resources to housing developers to support the development of housing in Oregon. The latest amendment also provide much needed clarity on the process for reporting and investigating violations and ensure that jurisdiction shopping is not an issue between HAPO, the Land Use Board of Appeals, or the Department of Land Conservation and Development.

We thank you for the opportunity to provide this testimony on HB 3414.

Sincerely,



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Relevant Resources, Better Planners, Exceptional Communities

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