



Chair Tran, Vice-Chairs Grayber and Lewis, and members of the House Committee on Emergency Management, General Government, and Veterans,

Thank you for the opportunity to provide testimony in opposition to HB 3062. For background, Oregon REALTORS® is an industry association comprised of roughly 18,000 members who work as real estate brokers, real estate principal brokers, real estate property managers, and affiliated industry professionals.

HB 3062 would create significant impediments to the siting and development of industrial uses in Oregon. As written, HB 3062 would dramatically expand opportunities to appeal quasi-judicial land use decisions related to industrial uses and would do so in several ways.

Under HB 3062, each local government would be required to map sensitive uses within its urban growth boundary (UGB) and update the map each time the local government updates its economic opportunity assessment. It appears that the intended purpose of this map is for industrial use applicants to reference when completing their public health impacts analyses, as required by section 2, subsection (3). However, subsection (3)(a) requires applicants to conduct a public health impacts analysis for all sensitive uses, even if a sensitive use is not mapped by the local government. Failure to account for a sensitive use could subject the application to appeal.

Further, while the definition of “sensitive uses” includes residences, schools, parks, hospitals, and residential care facilities, it also means “uses of land frequently made by vulnerable populations,” which is exceedingly broad and open to interpretation. Even if public health impacts analyses were conducted for all nearby residences, schools, parks, hospitals, and residential care facilities, the breadth of this definition could, again, subject the application to appeal if someone considers another use to be “frequently made by vulnerable populations.”

Additionally, HB 3062 would require an additional public hearing, notice of which must be provided to all “owners of record of property on the most recent property tax assessment roll, where such property is used for a sensitive use.” This notice is in addition to the notice that must be provided to all property owners within 100 feet of the proposed site, as required by ORS 197.797 (2)(a), regardless of whether their property is considered a sensitive use. Since properties within 100 feet of the proposed site are always noticed, it is unclear how far from the proposed site a sensitive use property could be and still be required to receive notice. Since no distance from the proposed site is described in the bill, this could be interpreted to mean all residential lots within the UGB—a standard which we believe far exceeds the intended scope of HB 3062. As written, a residential property owner anywhere in the UGB who was not noticed



could claim that they were supposed to be noticed as part of this process, subjecting the application to appeal yet again.

Oregon REALTORS® appreciates Representative Tran’s desire to ensure land use planning is done carefully and with meaningful public participation. We share this desire. But we hope that our feedback towards this bill demonstrates the extreme complexity of our state’s land use laws and how a well-intentioned proposal such as this can have significant and damaging unintended consequences.

Oregon REALTORS® urges you to vote NO on HB 3062.

Thank you for your time and consideration of our testimony.