



HB 3136A: Fairness in Planning Commission Composition Laws

Problem

Ensuring a diversity of occupations in the make-up of planning commissions is an important goal. Oregon has long had a law prohibiting more than two people from a single occupation, business, trade or profession from serving together a planning commission. However, for the last 50 years Oregon has had an additional restriction prohibiting more than two people who work for companies engaged principally in the buying, selling or developing of real estate for profit to serve on city or county planning commission.

Importance

The effect of the latter provision is that while a rancher, a farmer and an orchardist may all participate on a planning commission concurrently without violating ORS 215 or 227, a real estate agent, a builder, and an architect may not. That's even the case if the real estate professionals are in unrelated specialty areas such as an agent who sells farms and ranches, a builder who builds single family homes, and an architect who designs commercial buildings.

The effect of the singular restriction on real estate occupations is to create two distinct classes of Oregonians under the law, a distinction that treats people unfairly based on their occupation and lacks any rational basis.

Tying a handful of professions together and applying a unique restraint to those professions inherently creates underrepresentation by real property experts in the county and city land use advising process. It limits the expertise available to commissions and brands all real estate professionals as unwanted house guests within the land use planning process.

Solution

HB 3136A would remove the provisions in ORS 215 and ORS 227 that singularly limit the number of individuals who are principally engaged in the buying, selling or developing of real estate for profit from serving on city or county planning commissions concurrently, if the planning commission contains more than 5 members. Importantly, the provisions requiring that “[n]o more than two members shall be engaged in the same kind of occupation, business, trade or profession” will remain in the law for all planning commissions to ensure a diversity of occupations in the make-up of planning commissions.

Benefits

Planning commissions are advisory bodies and are meant to provide a crucible for robust discussion of land use proposals. HB 3136A will ensure that this is the case. By retaining the provisions that ensures occupational diversity on planning commissions while removing the provisions that singularly limit the number of individuals who are principally engaged in real property development and transactions, planning commissions will be better able to utilize the full expertise of their community to help make informed land use decisions.

Support HB 3136A to ensure fairness in planning commission composition laws