



American Planning Association
Oregon Chapter

Creating Great Communities for All

February 26, 2026

To: Senate Committee on Housing and Development

Re: **HB 4037 A (Section 17)**

Position: **Oppose**

Correction from OAPA's verbal testimony on Thursday, February 26, 2026: OAPA is opposed to Section 17, not to Section 14.

Dear Chair Pham, Vice-Chair Anderson, and members of the committee:

The Oregon Chapter of the American Planning Association (OAPA) appreciates the opportunity to provide updated testimony on **HB 4037 A (Section 17)**.

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. OAPA works to create sustainable and vibrant Oregon communities through professional development, advocacy for sound planning, providing resources to meet the challenges of growth and change, and embracing and promoting diversity, inclusion and equity.

OAPA is neutral on the many elements of this bill, but our organization remains opposed to **Section 17** as written. This section removes a city's ability to hold a public hearing for certain types of land use applications, creates less consistent noticing practices that shut out some groups, and bans the public from appealing certain application decisions through LUBA.

Local planners like myself have not had sufficient opportunity to shape this overly broad language to address the more nuanced nature of how this language would play out in the real world.

We've heard that this section was drafted to prevent public hearings for true administrative reviews. OAPA does not have inherent concerns with that. Public hearings are already commonly not required for true administrative reviews in most jurisdictions. Because of that, it's not clear that the intended effect is even necessary.

However, the language in this bill goes further than this described intent by applying to all reviews where "clear and objective" standards apply. That is a broad category, and the full reach of "clear and objective" requirements is even still being contested in our courts.

Particularly, housing projects that impact goal-protected resource areas like wetlands, and streams, and landslide risk areas are still subject to clear and objective standards and can fall under this banner in this bill.

For an example based on my work as a City Planner: this bill would apply to a subdivision where the developer is proposing to outright remove a mapped stream or wetland based on ostensibly fact-based objective claims, and build housing and infrastructure in those locations. In similar applications I've seen in the past, the public process that occurred allowed neighbors to provide fact-based information about these goal-protected water resources where homes were directly being proposed. Far from just NIMBYism, neighbors and community non-profits added to the factual basis including historic aerial imagery and photos, and scientific studies from nearby properties, to bear on the status of the resource. Removing the ability to appeal and limiting notices creates a much greater risk that streets and driveways are paved down within resources like streams and wetlands.

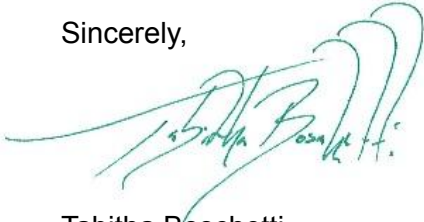
Further, OAPA is concerned with the prohibition of non-applicant appeals in Section 17.

Appeals serve a valuable function for accountability. Removing the threat of appeals would have serious impacts on the quality of applications that come through. Claiming damages at the circuit court does not replace that function of land use appeals. LUBA serves a unique purpose that the circuit court is not set up to replace.

A decision of this caliber is in conflict with Goal 1 at the same time as there is a bigger push to take a big look at public involvement in land use. A change of this degree warrants a larger conversation, and should benefit from the big look at Goal 1. It should not just slip into an omnibus bill that is largely unrelated to this topic.

For these reasons, we respectfully request that you remove Section 17, or come back to rework this language in a future session.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Tabitha Boschetti', with a large, stylized flourish at the end.

Tabitha Boschetti
Chair, Legislative and Policy Affairs Committee
Oregon Chapter of the American Planning Association
www.oregonapa.org