



American Planning Association
Oregon Chapter

Creating Great Communities for All

March 28, 2023

House Committee On Housing and Homelessness

Representative Maxine Dexter, Chair

Representative Mark Gamba, Vice-Chair

Representative Jeffrey Helfrich, Vice-Chair

RE: Testimony from the Oregon Chapter of the American Planning Association (OAPA) in support of HB 3197.

Dear Chair Dexter, Vice Chairs Gamba and Helfrich, and Members of the Committee:

The Oregon Chapter of the American Planning Association (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.

HB 3197 clarifies that “clear and objective” standards apply to residential development within the Urban Growth Boundary (UGB). When the Legislature adopted the “clear and objective” statute, it intended the statute to apply to residential development within UGBs. However, a case decided by the Land Use Board of Appeals (LUBA) reached a different conclusion and ruled that the statue applies to the development of housing.

Counties are put in the difficult if not impossible position of applying clear and objective standards to siting dwellings on rural lands located in areas subject to Goal 5 resource protections.

Moreover, dwellings located on farm and forest zones under specific circumstances and applying clear and objective standards in these zones prevents counties from considering site-specific factors in their land use decisions.

It is important to note that HB 3197 is not intended to create barriers to housing, which largely is located inside the UGB. Rather, HB 3197 preserves the farm, forest, and natural resource protections applied to rural lands outside the UGB, as has been the case for decades preceding the recent LUBA interpretation.

We thank you for the opportunity to provide this testimony on HB 3197.

Kevin C. Cook

Sincerely,

Kevin Cook (he/him)

Chair, Legislative and Policy Affairs Committee

Oregon Chapter of the American Planning Association

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