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May 14, 2015

Senator Gelser, Chair  
Committee Members  
Senate Committee on Human Services and Early Childhood  
State Capitol, 900 Court St. NE  
Salem Oregon 97301

Re: HB 3222A

Dear Chair Gelser and Committee Members:

Thank you for the opportunity to testify on HB 3222A. 1000 Friends of Oregon is a non-profit, statewide organization. We advocate for livable urban and rural communities, protecting family farms and forests, and conserving natural areas, largely through the implementation and improvement of Oregon's land use planning program. This has included 40 years of advocating for a land use program that supports housing affordable for all Oregonians, in every community.

House Bill 3222A reflects substantial amendments from its original version, and therefore 1000 Friends is now able to support the bill. HB 3222A adds one clarifying provision to a statute, ORS 197.320, that already authorizes the Land Conservation and Development Commission (LCDC) to take actions necessary to bring local governments into compliance with existing land use laws.

Currently, local governments can provide two paths for residential development applications: the "clear and objective" development standards path, which allows only fairly uniform, measureable-type standards, and the "discretionary" path, which allows developers and local governments to use non-"clear and objective" standards for a particular development, for example, standards that take into account elements like aesthetics, challenging topography, and other factors unique to a parcel of land, as long as the approval conditions do not reduce the allowed density.

ORS 197.320 currently authorizes LCDC to take action if a local government is applying improper approval standards or conditions to housing development applications that are processed under the "discretionary" residential approval process. However, the statute does not currently allow LCDC to take similar action to ensure that the "clear and objective" path is implemented in a way that conforms to land use law. This bill corrects what seems to be an oversight, and will complete LCDC's tool to help ensure that local governments are implementing their housing zoning codes in ways that do not reduce allowed density.

Sincerely,

A handwritten signature in cursive script that reads "Mary Kyle McCurdy".

Mary Kyle McCurdy  
Policy Director and Staff Attorney