



133 SW 2nd Avenue, Suite 201 • Portland, OR 97204 • (503) 497-1000 • fax (503) 223-0073 • www.friends.org
Southern Oregon Office • PO Box 2442 • Grants Pass, OR 97528 • (541) 474-1155 • fax (541) 474-9389
Willamette Valley Office • PO Box 51252 • Eugene OR 97405 • (541) 520-3763
Central Oregon Office • 155 NW Irving Ave • Bend OR 97703 • (541) 797-6761

March 14, 2017

House Committee on Agriculture and Natural Resources
State Capitol
900 Court Street NE
Salem, OR 97301

RE: HB 2894 - 1

Chair Clem and Committee Members:

Thank you for the opportunity to provide testimony on HB 2894. 1000 Friends of Oregon is a nonprofit, membership organization that works with Oregonians to support livable urban and rural communities; protect family farms, forests and natural areas; and provide transportation and housing choice.

1000 Friends opposes HB 2894. We have reviewed the -1 amendments, which do not change our opposition. Parts of the bill are unnecessary, and parts are poor policy.

The -1 amendments provide that when evaluating which lands to bring inside an urban growth boundary, a city shall take into account certain characteristics that could impact the buildable capacity of the lands, including topography, cost of infrastructure provision, and the degree to which an area is already developed. However, this is already the law.

Goal 14 already requires that cities must take into account the following when determining where to expand the UGB:

- “(1) Efficient accommodation of identified land needs;
- 2) Orderly and economic provision of public facilities and services;
- (3) Comparative environmental, energy, economic and social consequences; and
- (4) Compatibility of the proposed urban uses with nearby agricultural and forest activities occurring on farm and forest land outside the UGB.”

This is reinforced and detailed by ORS 660-038-0160. These administrative rules explicitly provide that when studying lands to include in a UGB, cities may examine the following characteristics, and even *exclude* lands from a UGB if it is “impracticable to provide necessary public facilities or services to the land.” Land can also be excluded from a UGB based on “whether the land is subject to significant development hazards,” such as landslides, flooding, and tsunamis, or due to other significant resources.¹ The rules also allow cities to discount the development capacity of other lands based on pre-existing development and parcelization.² This bill is simply not needed.

¹ ORS 660-038-0160(2)

² ORS 660-038-0170(5), (6)

HB 2894-1 does do one other thing. It would direct LCDC to adopt rules recognizing private covenants and conditions that restrict development on residential land. These are private contracts between a homeowner and a homeowner's association, which in the instance addressed in this bill, would have been entered into when land was outside a UGB. If that land is brought into a UGB, it is available for urbanization over time, and is part of a city's residential land supply that is designed to meet the needs of *all* residents. Individual neighborhoods do not get to wall themselves off by entering into private contracts that thwart public policy, as evidenced by a city's residential zoning decisions. LCDC did consider, and rejected, this notion. In doing so, they also heard about the complex burden this would put on cities to find and enforce private contracts that could be decades hold – since they are between private parties, and frequently address all sorts of topics.

We ask that you not pass this bill out of your committee.

Respectfully submitted,

A handwritten signature in black ink that reads "Mary Kyle McCurdy". The signature is written in a cursive, flowing style.

Mary Kyle McCurdy, Deputy Director