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March 29, 2017

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

RE: HB 3245, with -1 amendment

Chair Clem and Committee members:

Thank you for the opportunity to provide testimony on House bill 3245, which addresses local land use procedures. 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 of Oregon opposes HB 3245. The bill allows cities to authorize a planning commission or hearings officer to decide upon amendments to local comprehensive plan maps. We appreciate that the bill sponsors have made clear that the bill is not intended to apply to urban growth boundaries expansion decisions. However, it does still apply to other significant land use decisions.

Comprehensive plans and maps are the core documents underpinning a city's land use plan, zoning ordinance, and planning decisions. Oregon's courts have described local comprehensive plans as local "land use constitutions." City Councils adopted their original comprehensive plans and zoning ordinances. Change to a core document should also be made by the elected body of a city, not an appointed hearings officer or planning commission.

Further, while a resident, business owner, or others concerned about the decision could appeal that planning commission or hearings officer decision to the city council, there is no limit in the bill on the appeal fee that could be charged, making the cost to get a decision from the elected body cost-prohibitive. Under Oregon's land use program, one cannot appeal a local decision to the Land Use Board of Appeals without that final local decision; thus, this would effectively cut all but wealthier people from being able to appeal significant local plan map changes to LUBA.

Changes to core local plan documents should be made by accountable elected officials, and the process should be transparent and accessible. We ask that you oppose HB 3245. Thank you.

Respectfully submitted,

A handwritten signature in black ink that reads "Mary Kyle McCurdy".

Mary Kyle McCurdy
Deputy Director