

Mayor
Honorable Lori DeRemer



City Manager
Jason A. Tuck, ICMA-CM

March 30, 2017

Chair Brian Clem
House Committee on Agriculture and Natural Resources
900 Court Street NE, Salem, OR 97301

Re: Support HB 3245

Dear Chair Clem, Vice-Chairs McLain and Sprenger and members of the Committee,

On behalf of the City Council, I want to express our support for HB 3245 which would allow a governing body to authorize its planning commission, or hearings officer, to conduct hearings on applications for comprehensive plan amendments. Much like several other cities, our prior practice had been to allow the Happy Valley Planning Commission to accommodate such hearings; however, a recent ruling by the Land Use Board of Appeals (LUBA) changed our procedure which has resulted in more time and resources to process some development applications.

LUBA's determination creates gross system inefficiencies

In 2016, the LUBA determined that a decision to amend a city's comprehensive plan map must be adopted by the city's governing body (*Housing Land Advocates v. City of Happy Valley*). That decision comes at the expense of applicants seeking more than one planning or building service. Often, an application to amend the City's comprehensive plan is accompanied by a development application from a property owner or prospective business. These development applications, due to their technical nature, are typically approved by the Planning Commission. As a result of the *Housing Land Advocates* decision, many of these applications must now be heard by multiple bodies before qualifying for approval. The redundancies of this process create additional bureaucracy, increases the time needed to approve applications, and delays development.

LUBA's determination is contrary to county land use processes

Under ORS 215.431 county governing bodies are expressly authorized to allow planning commissions and hearing officers to make final decisions on some types of comprehensive plan amendments. These planning mechanism is not currently extended to cities. HB 3245 would streamline land use procedures to mirror those which are already in place for counties.

HB 3245 restores system efficiency and creates land use parity

16000 SE Misty Drive, Happy Valley, Oregon 97086-4288
Telephone: (503) 783-3800 Fax: (503) 658-5174
happyvalleyor.gov

Happy Valley strongly supports HB 3245 as sponsored by Representatives Kennemer (HB-39) and Vial (HD-26), allowing a governing body to authorize its planning commission, or hearings officer, to conduct hearings on applications for comprehensive plan amendments and make decisions on such applications subject to the acknowledgement procedures set forth in ORS 197.610 to 197.625. This bill provides a necessary clarification for unified map jurisdictions and streamlines a convoluted permit approval process. For these reasons, the City of Happy Valley urges the House Committee on Agriculture and Natural Resource to support HB 3245 and issue a DO-PASS recommendation.

Sincerely,

A handwritten signature in black ink that reads "Lori DeRemer". The signature is written in a cursive style with a large initial "L".

Lori DeRemer
Mayor

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Preserving and enhancing the safety, livability and character of our community