



MAYOR'S OFFICE

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March 27, 2017

Rep. Brian Clem, Chair
Rep. Susan McLain, Vice-Chair
Rep. Sherrie Sprenger, Vice-Chair
Members of the House Committee on Agriculture and Natural Resources

SUBJECT: Letter in Support of House Bill 3245

Dear Chair Clem and Members of the Committee:

The City of Salem respectfully submits this letter in support of House Bill 3245. The bill provides cities the ability to streamline the process for a limited type of land use application: quasi-judicial comprehensive plan map amendments. Specifically, the bill allows, but does not require, a city council to give authority to the city's planning commission or hearings officer to make a final decision on an application to change the comprehensive plan designation for a specific property or small group of properties. The bill mirrors ORS 215.431, which has provided this same authority to counties since 1987.

Currently, as the result of a 2016 Land Use Board of Appeals (LUBA) case, city councils are required to make decisions on quasi-judicial comprehensive plan map amendments, and are required to do so by ordinance. This process includes an initial hearing at the planning commission or hearings officer level, who makes a recommendation to the city council. Most often, the city council then conducts a second hearing, and upon making a decision, the city council must enact an ordinance. This process has substantially increased the time it takes a city to issue a final land use decision in these cases, therefore delaying projects, and increasing costs to cities, and all participants. It has also made the approval process unnecessarily complex and confusing for the public, applicant, and decision makers because many developments involve multiple land use approvals that must now be reviewed by different decision makers.

Oregon land use law was created with two essential principals in mind: to create a timely and efficient process for property owners to obtain review to develop their property, and to ensure that all parties are afforded a fair and full opportunity to participate in that process. House Bill 3245 supports and furthers both of those principles, by:

EQUAL OPPORTUNITY / AFFIRMATIVE ACTION EMPLOYER

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- Dramatically reducing the time between the submission of a complete application and issuance of a final decision by allowing a planning commission to conduct a hearing and make a final decision instead of referring the matter to the city council.
- Providing for a single decision maker for all land use approvals required for a single development.
- Lowering the cost to participate in the land use process for all participants by streamlining the process.
- Allowing citizen planning commissions to utilize their expertise on this type of technical, fact specific, and applicant-initiated fact specific land use decision.
- Expands the opportunity to participate, by ensuring that all participants in a proceeding have the right to a local appeal.

Contrary to some claims, the bill does not create barriers to citizen participation, nor do this type of quasi-judicial, applicant-initiated decisions involve citywide policy issues that “must” be made by a city council instead of a planning commission or hearings officer:

- Applications subject to this bill involve a small number of properties or property owners; often, just a single lot is involved.
- The bill does not limit community members’ ability to participate in the process; it increases it. The bill allows (but does not require) a city’s planning commission or hearings officer to make a final decision on a matter. That decision can be appealed to the city council. This gives participants two opportunities to make their arguments. If a city council makes the final decision, the only opportunity to appeal is to LUBA.

The City of Salem urges the committee to vote “yes” on HB 3245 and allow cities to streamline the approval process for a limited type of land use applications under the same flexibility that has been available to Oregon counties since 1987.

Sincerely,



Chuck Bennett
Mayor