



American Planning Association
Oregon Chapter

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Making Great Communities Happen

May 9, 2017

Representative Ken Helm, Chair
House Committee on Energy and Environment
900 Court Street NE, Room 347
Salem, OR 97301

RE: Oregon Chapter of the American Planning Association testimony to the House Committee on Energy and Environment on SB 865A.

Dear Chair Helm and Committee Members.

The Oregon Chapter of the American Planning Association (OAPA) is an independent, statewide, not-for-profit educational organization with 850 members that provides leadership in the development of vital communities by advocating excellence in community planning, promoting education and citizen empowerment, and providing the tools and support necessary to meet the challenges of growth and change.

OAPA appreciates the opportunity to provide this testimony on SB 865A, and recommends the Committee not pass the bill in its current form. We continue to believe that the bill is not necessary given that existing laws and programs include robust public notice and involvement of agencies as part of the local land use process. That said, the amended bill is a significant improvement over the version first introduced. OAPA provided testimony to the Senate Committee on Environment and Natural Resources, and appreciates that the bill was amended to address our and other interests' testimony.

There is one remaining issue to bring to your attention regarding SB 865A. Section 2, subsection (2) includes a requirement for notice and comment that conflicts with existing public notice and comment periods for limited land use decisions and expedited land divisions. ORS 197.195(3)(c)(A) includes a notice requirement for limited land use decisions that is similar to the notice and comment required for expedited land divisions under ORS 197.365(4)(a). Each type of land use application requires a 14 day period for submission of written comments prior to the local government making a decision on the application. This requirement applies to both property owners notified of the application, and special districts from whom notice is sought.

Please also note that the comment period is 14 days in statute; SB 865A would provide districts affected by this bill 15 days from the date notice is received to submit comments. Most cities and counties document the date on which written notice is sent to property owners and special districts on a land use application. However, they cannot document when such notice is

received in order to calculate when written comments would need to be submitted.

OAPA recommends amending SB 865A so that the notice required by the bill is either consistent with those cited above, or so that the notice periods cited above are not inconsistent with the bill.

OAPA members that work for cities and counties are obligated to coordinate with special districts, such as those affected by SB 865A, under Statewide Planning Goal 2, Land Use Planning. State law requires this coordination to ensure an affected unit of government is notified of tentative plats for land divisions, can provide comment on the proposal, and ensure that these comments have been considered and accommodated as much as possible before a decision is made.

Thank you for the opportunity to submit testimony on SB 865A. We're open to working with the bill sponsors to consider amendments that would resolve this conflict. This issue is important and OAPA supports changes to state law that improve coordination between cities, counties, and special districts.

Sincerely,

A handwritten signature in cursive script, appearing to read "Damian Syrnyk".

Damian Syrnyk, AICP
Chair, Legislative and Policy Affairs Committee