



American Planning Association  
**Oregon Chapter**

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*Making Great Communities Happen*

June 26, 2017

Senate Majority Leader Ginny Burdick  
Chair of the Senate Committee on Rules  
Oregon State Legislature  
900 Court Street  
Salem, OR 97301

RE: Oregon Chapter of the American Planning Association testimony on SB 432

Dear Chair Burdick 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.

Our organization has reviewed the -13 amendments for SB 432 and oppose the bill as drafted. **We respectfully ask you both not to pass this bill out of committee. Put simply, this bill rolls back the statewide land use planning goals for the eight eastern Oregon counties that qualify.**

The bill removes procedural protections for residents and property owners in the qualifying counties. Specifically, the bill does not require an exception to meet the statutory criteria (ORS 197.732) and those in administrative rules (OAR 660-04). It also eliminates the post-acknowledgment plan amendment (PAPA) review process at LUBA, as well as the jurisdiction of the court of appeals (except, possibly, on an appeal of a writ of review decision -- however, that may not matter as there are no effective standards for such a review).

Moreover, the bill adds difficult standing criteria: a petitioner may only file a writ of review petition if he or she has been damaged in the use or enjoyment of his or her own land. That eliminates the Oregon Farm Bureau, 1000 Friends of Oregon or other organizations from appealing unless they have a member who can show he or she is affected in that way. Those counties would go back to the old case law on "adversely affected" and resurrect *Duddles v. West Linn*, 535 P. 2d 583, 21 Or. App. 310 (1975).

While Eastern Oregon has recovered much slower than the rest of the state from the recession, significant growth in Central Oregon and the Willamette Valley shows that economic development can be achieved under Oregon's land use planning program. Indeed, most of these regions have even stricter regulations and are not exempted from many of the

regulations that the qualifying counties and cities are exempted from. If you look at the cities along the Highway 97 corridor, they are all growing in population and have seen job growth since the recession.

What counties and cities in eastern Oregon really need is not a total exemption from the statewide land use goals, but additional capacity building and technical economic development and land use resources to be prepared for and promote economic development opportunities. Passage of the transportation funding bill will do much more for Eastern Oregon's economy than waiving land use regulations. We should ensure that we don't undermine that investment by allowing land uses that are not coordinated with transportation investments.

If legislators really want to help Eastern Oregon, they should fund small business development and expansion, fund economic development assistance for counties, and provide funding and technical assistance to update comprehensive plans and zoning codes that are woefully out of date and unprepared for new employers. We can make Eastern Oregon more competitive with Eastern Washington and Western Idaho by working with Blue Mountain Community College and Treasure Valley Community College and creating Business Development Centers like the very successful Center at Central Oregon Community College.

OAPA urges you to not support SB 432. There are a number of things the State can do to support economic recovery and development in Eastern Oregon. We urge you to focus on long term technical and financial support to help growth healthy and vibrant economies in Eastern Oregon.

Sincerely,



Jeannine Rustad, JD, President  
Oregon Chapter of the American Planning Association