



TO: House Committee on Housing  
FROM: Matt Brinkley  
Planning Director, City of Medford  
DATE: May 13, 2021  
RE: Opposition to SB 8

Although we support the goal of SB 8, the City of Medford remains opposed to it in its current form and with proposed amendments.

The proposed legislation would eliminate the ability of local jurisdictions to require that certain developers of affordable obtain zoning that would permit a proposed affordable housing development. This would mean that in a limited number of cases, affordable housing could be developed in any zone. Such developments, furthermore, would be automatically entitled to significant increases in density. The City of Medford evaluates infrastructure capacity at time of zone change, not later in the development process during land division, site plan review, or similar development review. If affordable housing developments become exempt from the requirement to obtain appropriate zoning, the City of Medford will not have an opportunity to review infrastructure adequacy for these projects. This problem is further compounded by the significant increase in density that SB 8 affords to these projects. While it may be possible for the City to deny an application based on infrastructure inadequacy at the time of Site Plan Review, SB 8 confuses development review issues and undermines the legal authority for such action, at least in jurisdictions like Medford that assess infrastructure adequacy at time of zone change.

Finally, SB 8 is inconsistent with well-established planning practice and one of the principle legal foundations of the State's land use system: it ignores the purpose and legal primacy of the comprehensive plan. Zoning implements the policies of the comprehensive plan, and changes of zoning are often required to achieve consistency between zoning and the comprehensive. SB 8 would enable a developer to circumvent a jurisdiction's comprehensive plan and the substantial public process upon which those documents are built.

Thank you for your consideration of our concerns.