



American Planning Association
Oregon Chapter

Creating Great Communities for All

February 23, 2021

Senator Kayse Jama, Chair
Senator Dennis Linthicum, Vice Chair
Senate Committee on Housing and Development
900 Court Street NE
Salem, OR 97301

RE: Testimony from the Oregon Chapter of the American Planning Association in Opposition to SB 391

Dear Chair Jama, Vice Chair Linthicum, and Members of the Committee:

This letter provides testimony from the Oregon Chapter of the American Planning Association (OAPA) on SB 391. OAPA is an independent, statewide, not-for-profit educational organization of more than 800 planners from across the state who work for cities, counties, special districts, state agencies, tribes, community-based organizations, universities, and private firms. OAPA provides leadership in the development of vital communities by advocating excellence in community planning, promoting education and resident empowerment, and providing the tools and support necessary to meet the challenges of growth and change. OAPA supports sustainable communities and works to enhance the quality of life for current and future generations by helping to create and stabilize places that are equitable, healthy, and resilient and provide ongoing economic, environmental, and social benefits.

OAPA's Board approved 2021 Legislative Priorities include: "Confront climate change," "Address the housing crisis," and "Advocate for Oregon's planning program," among others, and is the lens through which this testimony is provided.

OAPA has reviewed SB 391 and opposes the bill for the following reasons:

- A rural residential zone exists typically to recognize built and committed lands, so that anyone who has lawfully established a residential use in the area, or who has land that is interspersed with rural residents and lots too small to be used for resource purposes, is not disadvantaged by state laws that largely limits most lands outside urban growth boundaries to resource uses. In other words, these lands were the subject of an exception from a requirement that they be used for resource purposes. In accordance with Oregon's Statewide Planning Program, non-resource residential uses were intended to be limited to urban areas. Lands outside of urban areas that are not used for farm or forest resource use, were approved for non resource zoning as part of a Goal exception process.
- This bill could weaken urban growth boundaries and restart a controversy thought settled forty years ago -- that non-resource residential uses must be placed inside urban growth boundaries.
- Urban ADUs increase the supply of affordable housing using existing infrastructure while avoiding urban sprawl. SB 391 does the opposite - by allowing rural ADUs, SB 391 contributes to sprawl, increases demands on infrastructure and services, and undermines Oregon's efforts to contain climate change by increasing vehicle miles traveled and carbon emissions.

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- The bill also allows vacation occupancy (though not at the same time the main dwelling might be used for that same purpose). One of the principal problems with accessory dwelling units is that they are financially tempting to be used not for relieving housing needs, but as temporary vacation rentals (think AirBnB) that may bring a better financial return and don't involve all those pesky landlord tenant laws.
- Finally, there does not appear to be any emergency to justify the immunity of the bill from a popular vote in a referendum, should that be necessary.

Thank you for your time and attention to our testimony. OAPA recommends that SB 391 be tabled.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Eunice Kim', is positioned below the word 'Sincerely,'.

Eunice Kim, AICP, Chair
Legislative and Policy Affairs Committee