



THE BUREAU OF
**PLANNING &
SUSTAINABILITY**

April 3, 2025

House Committee on Emergency Management, General Government, and Veterans
900 Court St HR C
Salem, OR 97301

Chair Tran, Vice Chairs Grayber and Lewis, and Members of the Committee,

On behalf of the City of Portland's Bureau of Planning and Sustainability, I am writing to express our opposition to House Bill 3062 as currently drafted with the narrower -2 amendments. While we support the overall intent of the bill, the current language is overly broad and includes undefined terms, which raises significant concerns about implementation at the local level.

This bill will have a tremendous impact on economic development and the City's ability to meet Oregon's land use goals, particularly compliance with Goal 9 Economic Development goals that require cities to maintain sufficient employment land to accommodate job forecasts and a diversity of jobs, including low barrier, middle wage jobs. About half of Portland's industrial and employment land is within 1,000 feet of a zone that allows residential uses. This bill creates a significant burden on local jurisdictions and industrial developers and will materially impact the competitiveness of the city's employment lands. It will require local planners to review every development application that includes warehouse space to check all of the land uses within 1,000 feet to determine if there is a sensitive use that requires applying impact standards. It will require any industrial development that includes any amount of warehouse space to prepare and submit a Level 1 risk assessment to DEQ, as well as demonstrating compliance with any impact standards.

In general, our concerns are related to the use of extremely broad terms that are undefined. Significant issues that need to be addressed, include:

The phrase "any application for the development or use of land" is too broad and undefined. This provision should only apply to land use reviews for new development. Otherwise, minor electrical, plumbing or mechanical building permits will trigger this assessment.



City of Portland, Oregon | Bureau of Planning and Sustainability | www.portland.gov/bps
1810 SW 5th Avenue, Suite 710, Portland Oregon, 97201 | Phone: 503-823-7700 | Relay: 711

The City of Portland is committed to providing meaningful access. To request translation, interpretation, modifications, accommodations, or other auxiliary aids or services, contact 311, Relay: 711.

Traducción e Interpretación | Biên Dịch và Thông Dịch | अनुवादन तथा व्याख्या | 口笔译服务 | Устный и письменный перевод | Turjumaad iyo Fasiraad | Письмовий і усний переклад | Traducere și interpretariat | Chiaku me Awewen Kapas | 翻訳または通訳 | ການແປພາສາ ຫຼື ສາທາລະນະການ | الترجمة التحريرية أو الشفهية | Portland.gov/bps/accommodation

The use “warehouse or distribution center” is overly broad and undefined. There are many different types of warehouse uses. As written, the provision would apply to any industrial development that includes warehouse space of any size including small warehouse space that is accessory to manufacturing use. This bill should apply to large distribution centers with more than 100,000 square feet of warehouse space since completing a Level 1 Risk Assessment, including demonstrating the development will not create vibration, noise, odor or glare will be too expensive and onerous for small businesses to take on.

The definition of a “sensitive receptor” is too broad. For example, parks should not be included because they are often used as a buffer between industrial and residential uses. A better reference would be “a zone that primarily allows for residential uses.” Land use zones will create a more static and predictable landscape for future economic development, which will be important as this legislation does not account for impacts created by sensitive uses that choose to locate near existing distribution centers. For instance, there is other legislation moving this session to make it easier for childcare centers to locate near employment centers – which is a good goal. However, if they locate in industrial areas, they will create a burden on all the nearby businesses that have warehouse space, unless these other issues are addressed.

We support regulating large distribution centers as a stationary source under the DEQ’s Cleaner Air Oregon (CAO) program. However, as written, this provision does not say what DEQ is supposed to do with the Level 1 risk assessment once it is conducted and whether any mitigation measures are required. This provision should direct DEQ to undertake rulemaking to regulate large distribution centers as a stationary source.

Again, the City of Portland is supportive of the intent of this bill. In fact, we are working to launch a project to address similar issues, starting with an analysis of our industrial-residential edge as part of an update to our Economic Opportunities Analysis (EOA).

Unfortunately, this bill needs significantly more work to be effective without paralyzing economic development. We have offered multiple solutions and would be open to participating in a collaborative conversation, with all impacted parties at the table, to find a way to make this idea workable. This bill, unfortunately, is rushed and ill defined. Moving it forward would hurt efforts to do this important work.

Sincerely,



Eric Engstrom
Director
City of Portland Bureau of Planning and Sustainability

