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March 26, 2015

Representative Brian Clem, Chair
Committee Members
House Committee on Rural Communities, Land Use and Water
State Capitol
900 Court St. NE
Salem Oregon 97301

Re: HB 3222

Dear Chair Clem and Committee Members:

Thank you for the opportunity to testify on HB 3222. 1000 Friends of Oregon is a non-profit, statewide organization. We advocate for livable urban and rural communities, protecting family farms and forests, and conserving natural areas, largely through the implementation and improvement of Oregon's land use planning program. This has included 40 years of advocating for a land use program that supports housing affordable for all Oregonians, in every community.

1000 Friends opposes HB 3222 for several reasons. First, it exempts Oregon cities under 25,000 from the "needed housing" statute. On page 2, lines 2-4 of the bill, the following language is **added**:

(b) "Needed housing" means housing types determined pursuant to the analysis required by ORS 197.296 (3)(b) to meet the need shown for housing within an urban growth boundary at particular price ranges and rent levels.

The effect of this is to narrow the current requirement that *every* city ensure that land is zoned, and other land use measures are taken, to meet the "needed housing" of all socioeconomic, age, and family size levels - the bill would require this only of cities *over 25,000* in population. That statutory citation to ORS 197.296(3)(b) is a section that applies only to Metro and its cities of any size, and to other cities over 25,000 in population.

Obviously, communities of every size across the state have Oregonians who need affordable housing, senior housing, housing appropriate for single people and for families, housing appropriate for the minimum wage workers in their communities, etc.... Eliminating needed housing from cities under 25,000 catches many cities, like, for example: Hood River, Central Point, Dallas, Ashland, Newberg, Middleton, Lincoln City, Prineville, Newport, and many more. See the PSU city populations at http://www.pdx.edu/prc/sites/www.pdx.edu/prc/files/2013CertifiedPopEst_webCitiesTowns.pdf

Second, the bill contains a provision awarding attorney fees to the prevailing party (page 5, lines 7-9) in appeals of residential developments of any type. This will have the effect of chilling the public's participation in land use action in their communities, regardless of the merits of their

position. While quashing the likelihood of judicial review of local decisions might have the appeal of being expeditious, in the long run – if citizens feel voiceless in their own communities - it will result in a backlash against all development. That benefits no one.

Finally, we are concerned about the impact of the language added on page 2, lines 19-24 on the ability of cities to allow planned unit developments (PUDs) and other planning tools that still allow for development but are responsive to sites that are challenging due to geographic, natural resource, or other aspects.

We ask that you not pass HB 3222.

Sincerely,

A handwritten signature in black ink that reads "Mary Kyle McCurdy". The signature is written in a cursive, flowing style.

Mary Kyle McCurdy
Policy Director and Staff Attorney