



**LEAGUE OF WOMEN VOTERS®
OF OREGON**

February 7, 2016

To: House Committee on Rural Communities, Land Use and Water
Representative Brian Clem, Chair
Representative Ken Helm, Vice-Chair
Representative Bill Post, Vice-Chair

Re: HB 4079- Overturning Goal 14 by allowing unnecessary UGB expansion pilot projects **-OPPOSE**

The League of Women Voters is a nonpartisan, grassroots political organization that encourages informed and active participation in government. The League supports our state land use planning program with local implementation. **Land use planning is about where people live, work, play, shop and how they get there.** We are also a member of the Housing Alliance, and we support mechanisms to assure we have housing for all Oregon citizens.

The League finds this legislation unnecessary because of the actions of this legislature in 2013 in adopting both HB 2253 and HB 2254 and the December 2015 adoption of implementing rules for HB 2254 (OAR 660, Division 38). HB 2254 (2013) required development of a more streamlined process for Urban Growth Boundary expansions for small and large cities while also focusing on providing for **complete communities**. The rules recognize the high cost of infrastructure in any UGB expansion and require a good look at current UGBs before considering a costly expansion.

We supported Table 5 (attached) of that rule providing a list of choices for local governments to help provide a mix of housing opportunities for their citizens. Adoption of the items listed in this Table would provide for more immediate housing opportunities than a costly and time consuming rulemaking and UGB expansion. We support allowing local jurisdictions to use **inclusionary zoning** as yet another tool to address this issue. As a part of that effort, we expect that there will be a set of tools to help the development community provide for that full mix of housing. But even inclusionary zoning will not be a “quick fix”. We must look at local development code changes and an infusion of cash in order to see quick results.

This bill does not provide for a definition of “affordable housing” (instead leaving it to the costly rulemaking process). It encourages lands on the edge of communities be designated as affordable housing instead of including that housing inside communities. Until cities use the tools in Table 5 of the new Division 38 rules, it is premature to even consider yet another rulemaking effort

Sincerely,

Handwritten signature of Norman Turrill in black ink.

Norman Turrill
LWV of Oregon, President

Handwritten signature of Peggy Lynch in black ink.

Peggy Lynch
Natural Resources Coordinator

Attached: **Table 5:** OAR 660-038-0190(5) Table of measures to accommodate housing needs within the UGB: http://www.oregon.gov/LCD/docs/rulemaking/UGB_RAC/OAR660-038.pdf

Table 5: OAR 660-038-0190(5) Table of measures to accommodate housing needs within the UGB:			
Item	Current Zoning Code Provision	Adopted change (note: none of these changes may require approval of a conditional use permit)	High or Low Impact
1	Does not allow accessory dwelling units	Allows accessory dwelling units: No off-street parking requirement Any type of structure Owner may live in either dwelling Allowed in any zoning district that allows detached single-family No Systems Development Charges for Water, Sewer, or Transportation	High
2	No minimum density standards	Minimum density standard at least 70 percent of maximum density for all residential zoning districts. Exemptions for constrained lands as defined in OAR 660-38-0070 and for minor partitions.	High
3	Single-family detached homes allowed in medium density zoning district (as defined by residential need path standards)	No more than 25 percent of residences in development application in medium density zoning district may be single-family detached homes, unless the detached home is on a lot less than or equal to 3,000 square feet. Minor partitions exempted.	High
4	Off-street parking requirements of one space per multi-family dwelling or greater	Change parking requirements to maximum of no more than one space per multi-family dwelling and no more than .75 spaces per multi-family dwelling within ¼ mile of high frequency transit service (defined as transit service with weekday peak hour service headway of 20 minutes or less). Allow provision of on-street parking spaces to meet offstreet parking requirements. Allow reductions below one space per multi-family dwelling for developments that provide spaces for car-share vehicles or free transit passes to residents.	High

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5	No density bonus for affordable housing	Establish density bonus for affordable housing of at least 20 percent with no additional development review standards vs. development applications that do not include a density bonus. The affordable housing units shall constitute at least 20 percent of the overall dwelling units in the development application granted the density bonus. The affordable housing units must be reserved as affordable housing for a minimum of 50 years. Affordable housing is defined as housing that is reserved for households with a maximum household income of 80 percent of a city's mean household income. The percentage threshold for the household affordable housing reservation may also be less than 80 percent of a city's mean household income.	High
6	Current land use/zoning designations	Rezone from low density to medium or high density: City UGB 10,000 to 25,000: at least 10 acres City UGB 25,000 to 50,000: at least 25 acres City UGB > 50,000: at least 50 acres	High
7	Does not allow duplexes in single-family residential zoning districts	Permit duplexes on any lot in single-family residential zoning districts with no additional development review standards vs. single-family detached residences.	High
8	Current public street standards	Reduction in public street right of way width standard by at least two feet.	High
9	Does not allow residences in some commercial zoning districts	Allow residences above the first floor and behind commercial uses on additional commercially-zoned lands, with no off-street parking requirement greater than one space per residence, with provisions for additional parking reductions for shared commercial and residential uses and in areas with approved parking management districts. UGB population 10,000 to 25,000: at least 20 acres UGB population 25,000 to 50,000: at least 50 acres UGB population > 50,000: at least 100 acres	High
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10	Systems Development Charges reductions or waivers	Adopt provisions that eliminate systems development charges for affordable housing units, or reduce systems development charges for such units by a minimum of 75 percent of the total systems development charges assessed to similar units that are not reserved for affordable housing. The affordable housing units must be reserved as affordable housing for a minimum of 50 years. Affordable housing is defined as housing that is reserved for households with a maximum household income of 80 percent of a city's mean household income. The percentage threshold for the household affordable housing reservation may also be less than 80 percent of a city's mean household income.	High
11	Does not authorize property tax exemptions for low income housing development pursuant to ORS 307.515 to 307.537	Authorizes property tax exemptions for low income housing development pursuant to ORS 307.515 to 307.537 under both the criteria set forth in ORS 307.517 and the criteria set forth in ORS 307.518, for all zoning districts within the city that permit multiple-family dwellings, with no additional development review standards vs. equivalent residential development that does not receive the exemption.	High
12	Does not authorize property tax exemptions for non-profit corporation low-income housing development pursuant to ORS 307.540 to 307.548.	Authorizes property tax exemptions for non-profit corporation low-income housing development pursuant to ORS 307.540 to 307.548, with no additional development review standards vs. equivalent residential development that does not receive the exemption.	High
13	Does not authorize property tax exemptions for multiple unit housing pursuant to ORS 307.600 to 307.637	Authorizes property tax exemptions for multiple unit housing pursuant to ORS 307.600 to 307.637, with no additional restrictions on location of such exemptions above those set in the statutes, and with required benefits pursuant to ORS 307.618 that are clear and objective and do not have the effect of discouraging the use of the property tax exemption by otherwise qualifying developments through the imposition of unreasonable cost or delay.	High
14	Allows accessory dwelling units, but missing one or more of desired attributes	Allows accessory dwelling units: No off-street parking requirement Any type of structure Owner may live in either dwelling Any zoning district that allows detached units No Systems Dev. Charges for Water or Sewer	Low
Table 5: OAR 660-038-0190(5) Table of measures to accommodate housing needs within the UGB:			

Item	Current Zoning Code Provision	Adopted change (note: none of these changes may require approval of a conditional use permit)	High or Low Impact
15	Does not allow accessory dwelling units	Allows accessory dwelling units, but with at least one of the attributes from measure #14 above not adopted.	Low
16	Off-street parking requirements greater than one space per multi-family dwelling	Change parking requirements to maximum of one space per multi-family dwelling.	Low
17	No minimum density standards	Minimum density standards at least 50 percent of maximum density for all residential zoning districts. Exemptions for constrained lands as defined in OAR 660-38-0070 and for minor partitions.	Low
18	Minimum density standard less than 70percent of maximum density	Raise minimum density standards to at least 70 percent of maximum density for all residential zoning districts. Exemptions for constrained lands as defined in OAR 660-038-0070 and for minor partitions.	Low
19	Current land use/zoning designations	Rezone from low density to medium or high density: City UGB 10,000 to 25,000: 5 to 10 acres City UGB 25,000 to 50,000: 10 to 25 acres City UGB > 50,000: 20 to 50 acres.	Low
20	Density bonus for affordable housing less than 25 percent or with additional development review restrictions vs. standard housing	Increase density bonus for affordable housing to at least 25 percent with no additional development review standards vs. standard housing	Low
21	Current land use/zoning designations	Reduce minimum lot size for single-family residential zoning districts by at least one-quarter of the current minimum: City UGB 10,000-25,000: at least 25 acres City UGB 25,000-50,000: at least 50 acres City UGB >50,000: at least 100 acres	Low
22	Does not allow residences in some commercial zoning districts	Allow residences above the first floor and behind commercial uses on additional commercially-zoned lands, with no off-street parking requirement greater than one space per residence. UGB population 10,000 to 25,000: 10 to 20 acres UGB population 25,000 to 50,000: 20 to 50 acres UGB population > 50,000: at least 40 to 100 acres	Low
23	Does not have a cottage housing code provision	Adopt a cottage housing code provision authorizing at least 12 du/ac.	Low

24	Does not allow duplexes in single-family residential zoning districts	Permit duplexes on corner lots in single-family residential zoning districts with no additional development review restrictions vs. single-family	Low

Table 5: OAR 660-038-0190(5) Table of measures to accommodate housing needs within the UGB:

Item	Current Zoning Code Provision	Adopted change (note: none of these changes may require approval of a conditional use permit)	High or Low Impact
		detached residence.	
25	Off-street parking requirements for detached single-family units, attached single-family units, duplexes, or triplexes greater than one space per unit.	Reduce parking requirements for detached singlefamily units, attached single-family units, duplexes, and triplexes to no greater than one space per unit.	Low
26	No systems development charge deferrals	Adopt provisions that defer payment of systems development charges for affordable housing units to the date of occupancy of the unit. The affordable housing units must be reserved as affordable housing for a minimum of 50 years. Affordable housing is defined at housing that is reserved for households with a maximum household income of 80 percent of a city’s mean household income. The percentage threshold for the household affordable housing reservation may also be less than 80 percent of a city’s mean household income.	Low
27	Does not authorize property tax exemptions for single-unit housing in distressed areas pursuant to ORS 307.651 to 307.687	Authorizes property tax exemptions for single-unit housing pursuant to ORS 307.651 to 307.687, with design standards pursuant to ORS 307.657(3) that are clear and objective and do not have the effect of discouraging the use of the property tax exemption by otherwise qualifying developments through the imposition of unreasonable cost or delay.	Low

28	Does not authorize freeze in property tax assessment valuation for rehabilitated residential property pursuant to ORS 308.450 to 308.481	Authorizes freeze in property tax assessment valuation for rehabilitated residential property pursuant to ORS 308.450 to 308.481. The boundaries of the area that qualifies for the assessment freeze shall be between 10 percent and 20 percent of the city’s total land area. The city shall promulgate standards and guidelines for review of applications under the program pursuant to ORS 308.456(3) that are clear and objective and do not have the effect of discouraging use of the program by otherwise qualifying rehabilitations through the imposition of unreasonable cost and delay.	Low
29	Single-family homes allowed in high density zoning district (as defined by residential need path standards)	New single-family homes not allowed in high density zoning district	Low
30	Does not allow attached-single family residences in a single-	Permit attached single-family residences in a singlefamily residential district with a minimum lot size of	Low

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Item	Current Zoning Code Provision	Adopted change (note: none of these changes may require approval of a conditional use permit)	High or Low Impact
	family residential district with a minimum lot size 5,000 square feet or less	5,000 square feet or less.	
31	No maximum lot size for singlefamily detached dwellings in zoning districts that permit attached and multi-family housing	Maximum lot size for single-family detached dwellings in zoning districts that permit attached and multi-family housing of 5,000 square feet. Minor partitions exempted.	Low