



Marion County

OREGON

Board of Commissioners

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To Chair Alissa Keny-Guyer and Members of the House Committee on Human Services and Housing:

BOARD OF COMMISSIONERS

Sam Brentano
Janet Carlson
Kevin Cameron

Many thanks to the committee for hearing HB 2937 and HB 2938 today. I regret that I can't be there to testify in person. This past year, I served as a co-chair of the Mid-Willamette Homeless Initiative. Four local jurisdictions spent a year working on proven strategies to address homelessness in our area – eight subcommittees; huge inclusion of advocates, service providers, educators, and public officials; and surveys or interviews with 57 people who had experienced homelessness.

CHIEF ADMINISTRATIVE OFFICER

John Lattimer

First on the list of strategies is to increase the supply of affordable housing. There are simply not enough places for people to live – especially for people with limited means. Strategies include building more homes and apartments and also scrutinizing local regulations to remove barriers or add incentives.

Imagine my surprise when I was contacted in the midst of all this activity. KPTV was working on a story. They had been contacted by a person living in an RV in rural Marion County, with permission from the homeowner. Someone had filed a complaint. Code enforcement sent a letter giving this person two weeks notice to find a new place to live or risk a \$1,025 fine. She asked, "Where are we going to go?"

Of course I took this situation to heart. Our code enforcement officers, it turned out, were simply following state law and county codes. Actually, state law is silent on ADUs and RVs on farmland, but authorizes DLCDC to create goals and administrative rules. One line in those administrative rules says, "only one dwelling per parcel" in farm zones which drives all the related county regulations.

While each county handles things a bit differently, here's how Marion County handles that. You can have a "guest house," but it can't have a working restroom and for many years could only have a microwave and small refrigerator, no stove. Guest houses are okay because they aren't defined as a second "dwelling." Or you can live in an RV or manufactured dwelling on rural property, if you are a "caretaker." That requires a doctor's note. And as soon as the caretaking situation is resolved, the RV or manufactured home has to be removed from the property.

While allowing ADUs and RVs on rural residential and farm properties won't be a "silver bullet" to solve Oregon's housing supply problem, it will be an important "tool in the toolbox" to add to that supply. HB 2937 and HB 2938 set the state policy that ADUs are allowed and also set necessary sideboards – only one ADU per lot or parcel, there has to already be a home on the lot or parcel so this legislation isn't allowing dwellings where none exists currently, and the bills require county codes to regulate health and safety matters, like electricity, septic and water supply. My guess is that there are hundreds of these living situations which currently exist illegally around the state, and for which health and safety concerns cannot be taken care of through county permits, because the county's only option at present is to tell people to leave, remove an RV, or dismantle a manufactured dwelling.

I think it's important to not muddy the statewide policy with too much detail and allow those details to be developed in county codes. Recognize that when counties amend their codes, it must be noticed **and approved by DLCD**. The AOC Housing Subcommittee listened to (then-Commissioner) State Representative David Brock Smith and Washington County Commissioner Greg Malinowski in a friendly debate about whether 1200 maximum square footage for an ADU that works for Curry County or 900 square feet that is preferred in Washington County should be included in these bills. I would again submit that those issues are best resolved through county codes which reflect local needs, not wrestled with in state statute!

Both bills are endorsed by the Association of Oregon Counties. I want to thank Representative Julie Parrish for her help in getting the bills drafted and Representative Brian Clem for filing them as committee bills.

I have heard one concern raised that this legislation could create the potential for short-term rentals in farm zones. I am happy to support a committee amendment to add another sideboard, if needed.

However, I am hopeful the bill will retain both rural residential and farmland provisions. First, the Marion County situation featured on KPTV was on farmland, not in a rural residential zone. So stripping the bill of farmland provisions won't solve that issue which is pending this legislation. Second, our planners tell us that rural residential is defined somewhat differently around the state and that ADUs are actually more feasible on farmland than on rural residential. Our planner Brandon Reich can explain to you why that is. Third, any county wanting to create codes more stringent than state law can certainly do so, meaning that a county can set a higher bar for ADUs on farmland than the general sideboards in this legislation.

I appreciate the committee's favorable consideration of this legislation.



Janet Carlson
Marion County Commissioner