



# Marion County

## OREGON

### Board of Commissioners

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To the House Committee on Agriculture and Natural Resources:

#### **BOARD OF COMMISSIONERS**

Sam Brentano  
Janet Carlson  
Kevin Cameron

Many thanks to Chair Clem and the committee for hearing HB 2937 and HB 2938 today. This past year, I served as a co-chair of the Mid-Willamette Homeless Initiative. With the cities of Salem and Keizer, we spent a year working on proven strategies to address homelessness in our area – with eight subcommittees, huge inclusion of advocates, service providers, educators, public officials, and surveys or interviews with 123 stakeholders, 57 of whom had been homeless.

#### **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 our local regulations to remove barriers or add incentives.

Imagine my surprise when I received an email 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 filed a complaint with the county. Code enforcement investigated and sent letters 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. Actually, state law is silent on ADUs and RVs on farmland, but authorizes DLCD to create goals and administrative rules. One line in those administrative rules says, "only one dwelling per parcel" in farming zones which drives all the 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.

While allowing ADUs and RVs on rural residential lands won't be a "silver bullet" to solve the housing supply problem, it will be one more tool in the toolbox to add to the housing supply. These bills state the policy that ADUs are allowed and also set important sideboards – only one ADU per lot or parcel, there has to already be a home there so this legislation isn't placing dwellings where none exist currently, and the bills require county codes to regulate health and safety matters, like electricity, septic and water.

My guess is that there are hundreds of these living situations which exist illegally, and for which health and safety concerns cannot be taken care of through permits, because the county's only option is to tell people to leave, remove an RV, or dismantle a manufactured dwelling.

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. Both bills are endorsed by the Association of Oregon Counties. I appreciate Mark Nystrom's work with the stakeholder groups to identify amendments and additional sideboards that will alleviate concerns about potential conflicts with farming.

My preference is to not muddy the statewide policy with too much detail and to allow counties to create provisions that reflect local needs. State Representative David Brock Smith may recall a conversation in the Association of Oregon Counties Housing Subcommittee where he and Washington County Commissioner Greg Malinowski had a friendly debate about whether the bill should include 1200 maximum square footage for an ADU that works for Curry County or 900 square feet is the number since that is preferred in Washington County.

The Marion County situation featured on KPTV was on farmland, not rural residential. So stripping the bill of farmland provisions won't resolve that issue for us. However, we are willing to compromise on this and other issues so that a bill can move forward.

I appreciate the committee's favorable consideration of expanding Oregon's housing options through allowing ADUs on rural residential properties.

Sincerely,



Janet Carlson  
Commissioner