



Bureau of Planning and Sustainability
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April 2, 2019

Representative Brian Clem, Chair
House Committee on Agriculture and Land Use
900 Court Street NE
Salem, OR 97301

RE: HB 2003

Dear Chair Clem and Members of the Committee:

The City of Portland appreciates the opportunity to comment on HB 2003 – 4 amendments. The City of Portland supports the intent of the legislation to update and clarify how cities and counties should incorporate development trends, changing demographics, and forecasted growth to identify strategies to provide the capacity to meet their expected housing needs. The City of Portland has taken many of the actions implied by the housing production strategy requirement in Section 3, but as currently written we are concerned that this strategy will be a costly burden that does not effectively address the critical issue of producing needed housing. The provisions and direction contained in the proposed amendment are important and highly complex, and warrant additional discussion and refinement of both the policy and technical details. We have identified some potential inconsistencies in the new language and would appreciate the opportunity for further comment.

We appreciate that the amendment removes the SDC provisions in Sections 15-17 from the legislation.

We note issues identified in our March 5th testimony on HB 2003 are not addressed in the proposed amendment:

- Section 13(2): “shall” should be replaced with “may” to avoid a mandate that cities “allow development” of housing on land purchased for other purposes, such as water, sewer or stormwater purposes, that may cause a local government to violate bond covenant or other local policies. This is a significant concern.
- Section 20 limits a local jurisdiction’s authority in design review to reduce density (or floor area) and building height, except in limited circumstances. The City of Portland appreciates that the bill maintains the integrity of our discretionary design review process in the Central City, the

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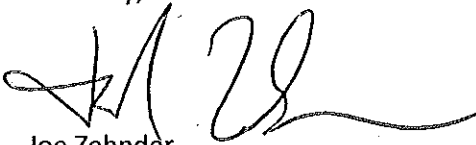


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Gateway regional center and our historic districts. The proposed limits on reducing density are consistent with the policy direction in our proposed Design Overlay Zone amendments, which limit a reduction in proposed density, but maintains the City's authority to adjust height. However, the City opposes proposed language in Section 20 to shift the burden to the City to demonstrate the "necessity" of density or height reductions for health, safety, habitability or measures adopted pursuant to statewide goals. The applicant bears the burden because they must demonstrate that their proposal complies with all applicable regulations, including those designed to protect health, safety and habitability of the City. Once the applicant has met that burden, the City must approve their proposal.

The City of Portland supports the concept of updating the state framework for determining housing needs and local strategies to address those needs. However, the proposed -4 amendment needs additional discussion and refinement in order to be an effective response to the housing production issues in Oregon. We appreciate the opportunity to comment and would be happy to inform further discussions on these topics moving forward. Thank you for your consideration.

Sincerely,



Joe Zehnder
Interim Director

