

Letter in Opposition to HB 458

Honored Senators,

I am writing to ask you to carefully assess the context and implication of **HB 458** and then **vote NO**. While reflecting the concerns of many others familiar with land use issues and market trends, I am writing on my own behalf as an architect serving as President of our neighborhood association as well as land use chair.

The longstanding **purpose for zoning regulations for housing** is to provide options for a wide range of housing choices while addressing quality of life concerns such as access to light, air, acoustic and visual privacy, provisions for outdoor recreation, garden space, as well as neighborhood architectural character, safe levels of occupancy and support for transportation and infrastructure. **These bills all work against those considerations** with **top down** radical changes to zoning codes.

**SB 458** and its complement **HB 2283** eliminate *minimum lot sizes* as a zoning tool and substitute allowed housing unit density as the criteria for lot divisions and lot size. **HB 2565** and **SB 458** also prohibit covenants that might restrict such land divisions including side and front setbacks and lot size. In plain English, even the smaller lots in single family neighborhoods could be divided into 4 lots as 4 housing units (6 in Portland) are allowed by right in HB 2001.

**House Bill 2565** allows partitioning for the creation of lots for duplexes, ADUs and all Middle Housing and prohibits all covenants that might prevent any lot divisions, as well any regulations for setbacks or lot size restrictions that would prevent such division. (Very similar to **HB 2283** above.)

As you may be aware, **HB 458** and the similar House Bills all appear to be orchestrated by **1000 Friends/Welcome Portland Neighbors** whose agenda is tightly aligned with the **Up for Growth** and Seattle based **Sightline Institute** promoting their “go big” campaign approach to housing. Their game plan is to use state legislators to bypass local government control of land use to advance their ideology laced vision. (Sightline newsletter <https://tinyurl.com/axap8hzc>).

In weighing the evidence please consider:

- These bills are **unapologetic efforts to eliminate any form of single family** zoning within most urban growth boundaries, a process begun in 2019 with HB 2001. The declared “housing emergency” and “housing justice” arguments are frankly lipstick on the pig.
- In Oregon, Comprehensive Plans **must include** a 20 year supply of land zoned for all types of housing including single family. Assuming that LCDC is carrying out its responsibilities for approving plans, there is **no statistical basis for claiming** that single family zoning is materially contributing to a crisis of affordability.
- By encouraging exponentially increased random density for the housing, advocates claim that the market will produce a novel blend of generic housing units whose sheer numbers will translate to affordability. Short of **a massive tax payer funded investment** in state sponsored housing, this will not occur irrespective of zoning.

- While these bills don't mandate demolishing single family houses, they **prevent local governments from planning and zoning for the most desired housing type** thereby engineering a shortage. Such market manipulation will contribute to driving up the price of land and especially land in existing single family neighborhoods with larger lots in two ways; by **creating a shortage** of single family houses and by **increasing the potential for redeveloping** the underlying lots for higher density housing.
- Behind the ideological curtain is the money - **investor interests seeking to increase density** entitlements that will benefit of the global investor class. By increasing the underlying value of the land, developers of rental property **will be empowered to easily outbid homeowners** for single family lots and thus transform them to income generating properties, especially in lower income areas of our towns and cities. All cleverly promoted under the guise of solving a housing "emergency".
- Sponsors claim that housing deregulation will limit pressure for urban growth boundary expansion. However, the documented market desire for single family houses is not aligned with this assumption and the backlash potential to take down the boundary or leap frog to exurban towns will only grow.

Repeating the strategies employed in the 2017 and 2019 legislative sessions, advocates are wielding a double edged sword - advancing their agenda via the city planning staff with one edge while using the legislature to **orchestrate an end-run around local government** processes with the other. Local governments and their elected officials are relieved of accountability while householders and other stakeholders are deprived of rights under Oregon law. The legislative end run violates the fundamental purpose of SB 100 and Oregon Statewide Planning Goals. **Planning Goal 1 requires public participation** in local regulation of land use decisions even at the neighborhood level and requires an auditing agency independent of the planning bureau to manage the public process.

Along with you, many of us want to find responsible solutions to the shortage of housing and the decreased affordability relative to income. The arguments in favor of these bills are hollow, destructive, and ultimately benefit developers of market rate and subsidized multi-family housing. The ability of cities to provide predictable density, lot size, and other quality of life considerations traditionally associated with zoning is being systematically unraveled. The environmental damage and social displacement inherent in the demolition of viable single family housing and the unforeseeable development patterns from diffuse and random densification all work against the livability and sustainability goals once embraced by Oregon Statewide Planning Goals.

We appreciate your consideration and look forward to an ongoing dialog on these and other issues.

Rod Merrick, AIA  
(via email)

PS> It is worth noting that housing prices in Oregon cities are in the middle of the pack nationally and the lowest on the West Coast.

Please take note of similarly concerning bills:

**HB 2558, HB 2583**