



# MEDFORD

CITY MANAGER'S OFFICE

June 1, 2023  
411 West 8<sup>th</sup> Street  
Medford, OR 97501  
[HOUSE BILL 3414](#)

Dear House Rules Committee:

The City of Medford is appreciative of the significant changes made to HB 3414 and the shift to an approach that clearly identifies which development standards are eligible for “adjustment” or, as we know them locally, “exceptions”. As I testified previously before this committee, explicitly defining when the law applies rather than when it might not, avoids the inevitability that the list will clearly address development standards that are unique to individual communities and their community development goals and needs. This change will make implementation more feasible for those who will be responsible for its ultimate success as a policy.

As this concept moves forward, significant improvements to the language are possible that would improve application of the HB3414. These include the following:

- It is unclear whether adjustments to “unit density maximums” in 4(h) are intended to allow for greater residential density above what would otherwise be permitted. If this is the intent, as I think it is, language could be modified to more clearly define the extent to which maximum density may be adjusted.
- Provisions that address nonresidential uses on the first floor of a mixed-use building are confusing. It appears that the intent is to 1) preserve the ability for local governments to require specific types of nonresidential uses on the first of mixed use buildings in certain circumstances but to 2) limit those circumstances and provide relief in others. If that is the intent, the current language can and should be revised to more clearly convey that intent and define the circumstances under which relief applies. For example, “Allowing” suggests that this provision applies local land use regulations that permit rather than require nonresidential uses on the first floor of a mixed-use building. But relief is really only necessary in circumstances when local land use regulations “require” nonresidential uses on the first floor of a mixed-use building. Additionally, qualifying terminology like “retail transportation corridors” is not defined in the proposed legislation and is not a commonly or universally used term of art within the practice of land use planning. Without clarity, language such as this is left open to interpretation and interpretation often involves more time and expense including litigation. This is contrary to the intent of the legislation and should be avoided.

By clarifying language in instances like these, we will be able to mitigate some of the inevitable unintended consequences of this legislation and reduce the likelihood of litigation between applicants and local jurisdictions that would add further delay and expense to the development process.

Although we think that HB3414 could be implemented with focused refinement of the -14 amendment, we continue to have concerns about its more general policy implications. We are concerned that while some applicants will use the allowances created by HB3414 to deliver high quality housing that is needed by low- and middle-income households, some developers will exploit of these allowances to reduce the quality of housing available to households in these income groups, undermining our communities' efforts to create livable neighborhoods for all of our residents, and further entrenching inequity in the built environment. Such is the case with adjustments to "total window area" that would enable developers to construct housing that fails to provide occupants with adequate natural light.

Time for further discussion and refinement of the concept will enable us to address these issues collaboratively and achieve better outcomes for the residents of this state.

Sincerely,

Matt Brinkley

City of Medford, Planning Director