

Submitter: Aquilla Hurd-Ravich
On Behalf Of:
Committee: House Committee On Rules
Measure: HB3414

HB3414 should be delayed until the next legislative session to allow time for developers to take advantage of recently adopted middle housing codes. Today, all across the state, middle housing is being approved and built in areas where previously it was not allowed through a simple review completed at the time of building permit, both as infill projects and in new middle housing subdivisions. Moreover, middle housing land division offer up options for smaller and more affordable home ownership. We are seeing this bill in action. Oregon City planners and building staff talk to residents and developers daily about middle housing options. We have already approved multiple middle housing and middle housing land divisions since June 30, 2022. Additionally, most new subdivisions being proposed this year in Oregon City also are anticipating using portions or all of the lots for middle housing products. HB2001 is working!

In addition to HB2001, state law already constrains how local governments can process and review “the development of needed housing” which is defined as basically all housing on land zoned for residential or mixed use in ORS 197.307. When local governments review applications for needed housing the criteria under consideration must be clear and objective in other words easily understood and not requiring discretionary judgement. This current state law that all local governments are bound by already reduced red tape and streamlines regulations, to Governor Kotek’s point. While middle housing development such as duplex, triplex, quadplex, townhome, and cottage cluster can now be developed in an over the counter process on any lot that allows a single family home, a more traditional subdivision can only be reviewed through these clear and objective standards unless the developer desires to vary from the standard. These actions are both the result of State laws.

I agree with Mayors McGriff, Batey, and Rosener that the State should give time for recent legislation like the 2019 HB2001 Middle Housing bill, Climate Friendly and Equitable Communities, and the newly enhance Housing Needs Analysis/ Housing Capacity Analysis and ultimately the Housing Production Strategies time to generate the desired effects.

HB3414 is not the answer to building more housing, constructing new housing that is affordable, or moving unsheltered individuals into shelter. There are different solutions to those problems that do not gut local government’s ability to implement community-based zoning codes already heavily governed by Oregon’s land use laws. If the State really wished to decrease the cost of residential development, they could finance infrastructure upgrades and new infrastructure as a way to reduce the system

development charges that cities must collect in order to provide basic services for their new residents.

Finally, HB3414 creates a sledgehammer to the state's historic preservation program which allows for context sensitive review of historic resources. Historic properties represent such a minuscule number of the statewide housing stock, and their protection is embedded into the overall vision of Oregon's Land Use program. The amendments proposed for this bill have, yet to date, to differentiated buildings located on the National Register or locally designated from those that are non-contributing resources in the historic district, which should be, at a minimum, required to protect our historic resources both above and below ground. This bill should contain exceptions to historic resources that are critical to the character of Oregon City and so many other Certified Local Governments throughout the state.