

March 30, 2021

To: Senate Committee on Housing, Oregon State Legislature

Re: Testimony in Opposition to Senate Bill 458 (SB458) - Division of land for Middle Housing

Dear Chair Jama, Vice Chair Linthicum, Members of the Committee,

Please accept this testimony in opposition to SB458 for the following reasons.

Need

The need for this legislation is questionable since HB2001, which was passed in 2019 and is currently in the process of implementation, already allows for splitting middle housing lots.

HB2001 allows cities to define plexes as being attached (in the same structure) or detached. If plexes are detached, it can be argued, they are no longer middle housing but standalone single-family units and must follow single-family standards, including lot size. In Eugene that is 4,500 square feet.

Alternately, HB2001 allows townhouses or row houses built on separate lots as small as 1,500 square feet and plexes can be configured this way if there is a need for separate lots. In fact, many of the diagrams in the model code depict plexes in townhouse configurations.

If there is a need for standalone middle housing units on separate lots HB2001 allows this in the form of cottage clusters. HB2001's Administrative Rules states:

“Nothing in this division precludes a Large City from allowing Cottage Cluster dwelling units on individual Lots or Parcels within the Cottage Cluster development.”

There is no need for SB458, since HB2001 provides sufficient flexibility to split lots for middle housing.

Limits

SB458 is flawed because it sets no limit on the number of times a parcel of land can be divided, or on minimum lot size.

Goal 1

SB458 blatantly violates State Goal 1, public participation. Land division is obviously a land use issue, yet the legislation states:

“(b) May not require the applicant to provide public notice of the application or require a public hearing to evaluate the application, notwithstanding ORS 227.175;”

“4) A person may not appeal the approval of a division of land under this section.”

Allowing public participation in land use decisions is a reasonable expectation.

Conclusion

SB458 is redundant, may have serious consequences, and violates the public trust.

SB458 should be dropped.

Respectfully submitted:

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