

CITY OF SPRINGFIELD, OREGON

DEVELOPMENT AND PUBLIC WORKS DEPARTMENT



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TO: Senate Committee on Housing & Development, Oregon State Legislature
FROM: Sandy Belson, Comprehensive Planning Manager, City of Springfield
DATE: February 18, 2021
RE: SB 458

The City of Springfield appreciates the legislature's work to address the urgent and real housing needs that exist across Oregon, including those related to affordable homeownership opportunities. We appreciate the opportunity to provide feedback on SB 458.

The City of Springfield has a long history of support for affordable homeownership opportunities. In 2019, the City of Springfield's testimony on HB 2001 included a request that townhomes be included as one of the middle housing options so that a home-ownership housing type would be included as "middle housing". At the same time, the Springfield City Council directed staff to complete a full development code update, starting with a focus on housing, that was streamlined, straightforward, and user-friendly. In February of 2020, we released a draft housing code that would have allowed any type of housing to be developed on any residentially zoned lot within the parameters of our adopted density ranges. We thought this approach would allow the market to respond favorably to housing needs in our community, address access and equity considerations by allowing a variety of housing types and sizes within every neighborhood, and greatly simplify the code making it easier for developers. However, the newly adopted rules for HB 2001 focus on housing type, which precludes us from going forward with adoption of our draft code based on density ranges.

In this context, our preference would be to implement the provisions of HB 2001 into our codes which will increase opportunities for small-lot homeownership. Then, if there continued to be barriers across the state to building that had not been resolved, work with stakeholders to identify and solve those issues. As it stands, SB 458 lacks clear alignment with approved processes for building permit approvals, land use approvals, and land divisions.

Without further clarification, the bill has the potential to add confusion and complexity to our regulatory system and to cause confusion between the definitions of duplex, triplex, fourplex and townhome and could make things more difficult for builders/developers. But we recognize the urgency felt by stakeholders and have appreciated the opportunity to participate in discussions on the development of the legislation. Most of our concerns with the language in SB 458 are also concerns we have had with HB 2283, the House version of this bill, though we are optimistic that many of them are being addressed through amendments being worked on in the House:

1. This proposed legislation does not address Oregon's building codes for 1 and 2 family dwellings that requires a different construction standard for two dwellings in separate

ownership. Building codes do not provide a clear path for retrofitting a home when dividing a duplex into separate ownership. Doing so after the building is constructed is much more difficult and costly than building a fire wall as part of the original construction. If constructed duplexes that are subsequently divided into separate ownership are not required to be brought into conformance with Oregon's building codes, implementation of this bill will end up misleading the public as to their safety inside these homes. Someone who buys the home will likely assume that since there was a certificate of occupancy from the city's building official and the city has approved the land division, that the home meets all relevant codes when in fact it does not. Instead, the owner will own a home that does not comply with adopted safety standards.

2. Section 2. (2) (b) (C) – There is no building code definition for “substantially complete,” nor is there a definition in the bill. Consider language like “Has had a certificate of occupancy for less than two years and has been occupied for less than 12 months.”
3. Section 2. (3) (a) states that the only applicable approval criteria are within that section. But there are no approval criteria listed.
 - a. There are no criteria for what needs to be included on the final plat. The city would be required to approve whatever is submitted, even if there are mistakes in drawing the property that is to be divided.
 - b. There are no approval criteria to make the parcels or lots correspond to the housing units. This bill would allow someone to create a one square foot lot.
4. Section 2. (3) (c) requires approval within 60 days. If the bill is amended to include submittal requirements or allow a city to establish some submittal requirements, then this timeline for a 60-day review period should start once the applicant submits a complete application.

Thank you for your leadership and for the opportunity to provide this feedback on SB 453.