

Submitter: Christina Robertson-Gardiner
On Behalf Of:
Committee: House Committee On Rules
Measure: HB3414

The Oregon Legislature and DLCD have spent enormous energy to allow middle housing in all areas that allow single-family residential in large cities statewide. In the last two years, communities came together through public outreach supported by DLCD grant funding and public hearings to create new codes that met the requirements of HB2001 but were tailored to their needs. Oregon faces a dramatic housing shortfall, and governments at all levels need to continue reviewing the development process to identify and reduce barriers to creating new units. HB3414 is not the solution.

Today, all across the state, middle housing is being approved and built in areas where, just a year ago, 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 offers an innovative option for smaller and more affordable home ownership. We are seeing these bills in action. Oregon City planners and building staff discuss middle housing options daily with residents and developers. We have 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!

What concerns me the most about HB3414 is that not even a year after the ink has dried adopting HB2001 code, HB 3414 could upend all this work and create a level of cynicism about a government that I don't think can be repaired. HB3414 tells Oregonians that anybody can pay to request a Variance to the development code if housing is involved. It results in an inequitable pay-to-play scenario that will exacerbate the level of distrust in government and create uncertainty about the applicable development standards for residential units.

Like most cities, Oregon City already has a Variance process for development standards. Very few Variances are denied as the applicant generally can show the hardship imposed by the regulation. HB3414 upends that process and will generate confusion for the applicant, city, and community about the approval criteria, which, conversely, creates more uncertainty and confusion in the development process.

HB3414 also creates a sledgehammer to the state's historic preservation program. Frankly, it slashes the intent of Goal 5 on the eve of its 50th anniversary, which allows for a context-sensitive review of historic resources. The amendments proposed for this bill have, yet to date, 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. Historic properties represent such a minuscule number of the statewide housing stock, and their protection is embedded in the creation of the overall vision of Oregon's Land Use system.

As an on-the-ground staff planner who works with applicants, neighbors, and city officials, I am having trouble understanding what HB3414 is trying to solve. It will not suddenly open the floodgate for new housing, something that did occur with the passing of HB 2001 or in the coming years as cities implement their housing production strategies. HB3414 will only create, not reduce, confusion and uncertainty for residential development.

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