



June 1, 2023

House Rules Committee
900 Court Street NE
Salem, Oregon 97301

Re: Technical Fixes Need to Implement HB 3414-14

Dear Chair Fahey and Committee Members,

The League of Oregon Cities (LOC) appreciates the opportunity to provide feedback on HB 3414-14. As your local implementation partners, cities are on the front lines of the housing crisis and support the Governor's housing production goals.

The LOC applauds the leadership and collaborative work from Representative Gamba that has enabled a number of improvements to HB 3414 since its introduction. We are also thankful for Representatives Dexter and Helm, and Speaker Rayfield, along with their staff for the recent negotiations and updates to the (-14) bill, which incorporated expertise from local land use and development professionals. Despite significant improvements to the underlying structure of the bill, the -14 amendment still needs additional technical improvements to ensure that cities can implement the bill as intended, with minimal delay, confusion, litigation, or adverse impacts to community livability and safety. While the LOC is still reviewing the recently posted -14 amendment, we have identified the following initial technical concerns:

Section 2 – Adjustments

- While building code is referenced in some specific subsections and may be implied for this section, the state building code needs to be explicitly protected from any adjustments in Section 2. Without clear language, cities will face adjustment requests and spend scarce staff time to document and deny adjustment requests for building code issues, which will increase the likelihood of appeal.
- (4)(a) – Missing protections included in a previous version for middle housing setbacks and stepbacks. Cities have spent considerable time and resources implementing HB 2001 (2019) to allow and encourage diverse middle housing types and those efforts and policy goals should be protected.
- (4)(j)(A) – Needs clarification to confirm intent and enable cities to implement accordingly

- (4)(j)(B) – The term “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. Cities’ ability to protect and require ground floor commercial use in mixed-use buildings is critical to for cities to provide walkable, bikeable and climate friendly neighborhoods generally as well as to comply with recent Climate Friendly and Equitable Communities administrative rules. The LOC suggests alternate language such as “clearly defined mixed use areas and commercial corridors designated by local governments” or a definition that will clearly identify the intent for developers and cities alike.

Section 3 – Adjustment Appeals

- (1)(a) The 30-day requirement for a city to make a decision is only feasible if the adjustment is an administrative process with no public notice or public process requirement. This section should be clarified to confirm this bill does not require any public notice or a public hearing.

Thank you again for the opportunity to provide this technical feedback to ensure that HB 3414 with the -14 amendment can be implemented as intended. We hope to contribute to a final amendment to resolve our remaining opposition.

Sincerely,

Ariel Nelson, on behalf of the League of Oregon Cities