

Submitter: Elizabeth Decker
On Behalf Of:
Committee: House Committee On Rules
Measure: HB3414

I am writing in opposition to HB 3414 for multiple reasons, from the perspective of a land use planning consultant working with Oregon cities for over a decade on zoning code updates.

Requiring and detailing 'adjustments' at the state level through legislation is a sausage-making approach on steroids, gone awry. The fundamental concept of requiring cities to override their local adopted standards is an attempt to short-circuit planning rather than improve planning through promulgating meaningful, targeted direction for code updates. The state has been successful and forward-thinking in this approach in the past several years, with strong state requirements for ADUs and middle housing. This legislation should focus on defining what it WANTS cities to do and permit, rather than making an end-run around local regulations to invalidate many of them. The latest approaches in the -14 and -15 amendments appear to make progress in directing the scope of adjustments, but ultimately underline the futility of this approach. If cities will be required to allow a 20% adjustment to density, for example, cities will just amend their development codes to set maximum densities 20% lower in order to limit the impact of the adjustments they will be required to grant.

As I understand, the "poster child" for the need for state-directed adjustments to local code was an affordable housing project proposed in Troutdale that was denied a variance to reduce off-street parking. But we have a solution to that parking problem: the new Climate Friendly and Equitable Communities rules that cap the amount of parking that can be required for multifamily developments.

The biggest help that the state could provide to support greater housing production would be a model code for multifamily housing that is built on clear and objective standards that do not cause unreasonable cost and delay, as mandated by ORS 197.307(4). Case-by-case LUBA direction to define "clear and objective" standards and "unreasonable cost and delay" have been a slow and incomplete, decades-long process to arrive at reasonable residential standards. A model code for multifamily should be developed through a rulemaking process and cities should be required to either adopt the model code or less restrictive local standards, similar to the process developed and successfully implemented for middle housing under HB 2001 (2019).

The latest -17 amendments that propose a "free" UGB expansion for jurisdictions are the latest most troubling idea. We will not find affordability by expanding out and increasing infrastructure costs for new and existing city residents. We will find more

housing options by using existing land and having good discussions at the city level about housing needs and capacity, as will be required by the new Oregon Housing Needs Analysis program enacted by this session's HB 2001. Give this new process a chance to work and to guide UGB expansions as needed, where actual need is demonstrated.

We just celebrated 50 years of SB 100, which established the statewide land use planning program. The program has always been meant to evolve, and creative evolution is alive and well. Notable recent legislation and rules changes have allowed ADUs, middle housing, Climate Friendly and Equitable Communities and a new regional housing planning approach through the Oregon Housing Needs Analysis. We need change and we need more housing--and we are on the way there! Please give those important updates a chance to work rather than haphazardly overwriting them through this bill, and pursue additional targeted program changes where needed. Let us move into the next 50 years of Oregon's land use planning program with all deliberate speed and intention.