



THE BUREAU OF  
**PLANNING &  
SUSTAINABILITY**

March 24, 2023

Chair Dexter, Vice-Chair Gamba, Vice-Chair Helfrich and members of the Committee.

Re: HB 3414 – housing variances and accountability

Thank you for the historic level of support for housing that we are seeing from you and your colleagues in this session.

The City of Portland shares your urgency in addressing housing production by streamlining and expediting permit reviews. Over the last two years, the City of Portland has changed our zoning code and land use review procedures to reduce the need for public hearings and increase the use of clear and objective standards for housing developments.

### **Variations**

With respect to the variance procedures in Section 2, we understand the need for a nimble variance process that allows difficult sites to be developed into needed housing. This flexibility needs to result in variances that increase the number of housing units compared to compliance with the regulation.

We appreciate the work that has gone into the -1 amendments, which put some basic parameters on the types of requests that would be eligible for automatic approval. Additional changes to the bill are needed to ensure we don't inadvertently create a loophole for someone to abuse this flexibility. For example, there should be a limit on the number of variances that could be requested on any single project, and variances should be limited to reducing a requirement but not fully eliminate it.

Additional provisions are needed to address:



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- Signs. As drafted, these provisions only apply to prohibition on signage and a variance could be used for an unlimited increase in the size of signs where they are allowed in mixed-use commercial zones.
- Goal 5 resources. As drafted, these provisions can be used to eliminate all protection measures.
- Change the type of land use review or eliminate procedural steps.

We look forward to continuing to work together to make this another measure that can help increase housing in Oregon.

### **Housing Accountability and Production Office**

We support the intent of creating a Housing Accountability and Production Office (HAPO) to provide robust technical assistance and streamlined enforcement to ensure local jurisdictions are promoting housing production.

We have one recommendation for how this part of the bill could be further clarified. It appears that a housing complaint could be pursued in three different venues at the same time – a LUBA appeal, an LCDC enforcement petition, and a HAPO complaint. As you can imagine this situation would be a tremendous burden on local jurisdictions, as well as State staff, and could result in conflicting direction from multiple sources. As such, the legislation would benefit from a minor amendment to clarify that only one path can be utilized for a given case.

The City of Portland again thanks you for your work and looks forward to the continuing discussion on how to increase housing production.

Sincerely,



Donnie Oliveira  
Director

