



City of North Bend

Post Office Box B • North Bend, OR 97459-0014 • Phone: (541) 756-8500 • FAX: (541) 756-8527

Honorable Representatives and Senator's:

House Bill 3414 is fraught with unintended consequences, specifically in Section 2 (which essentially guts any land use regulation related to residential use) as a person can request a variance from any regulation. Variance regulations were intended to address special circumstances where it is unreasonably difficult for a property to conform to the regulations (i.e. an odd shaped lot which has a 70 foot front of structure requirement which essentially makes the lot unusable or has very limited utility – difficult to fit any standard dwelling design on, or for a similar situation where a platted lot which requires 30 feet of street frontage only has 29). These are reasonable requests for review, and are easily addressed and normally approved by most planning departments or planning commissions.

By requiring however that a variance cannot be denied except for health, safety, or habitability issues – you are creating a significant burden on planning departments crafting additional findings, research, and hearings. All of this cost staff time & dollars, which could cause increase fees in most instances, however the City of North Bend has a voter restricted increase in fees, therefore is limited in passing the cost on, plus just increases the time to review and cost to the developer. Beyond the fee issue, basically a person proposing a new dwelling can request a variance from essentially any land use standard, including such things as; set-backs, impervious surface and lot coverage, drainage control, parking space requirements, mixed use, and a myriad of other minor elements intended to provide reasonable standards for development.

Furthermore Section 4 allows for anyone unsatisfied with getting their way, which in most cases in my experience is simply not wanting to follow the rules – first of which is submitting a site plan or other reasonable document which provides enough information to evaluate their request. Additional burden on the regulator, added time and cost. Not every problem will be land use related, and I would anticipate a significant amount of complaints which have nothing to do with land use rules, but are based upon state laws such as having to connect to an available sanitary sewer, etc. Legal costs will accelerate regardless of applicability, and regulators will be forced to defend against multiple unwarranted claims.

Lastly, I want to express my frame of reference. I have now worked for municipal government 16 years, the last 4 years after 24 years spent as an engineering consultant specializing in land development. This background means I see both sides of the equation, and fully understand that time is money. I have worked for clients from the well managed and educated in development process, to first time home builders, to the shyster type developers. While all have unique perspectives, and I had City's I liked to deal with to ultimately a small few I refused to do work within their jurisdiction, or for the client. Refusal to work for or with typically had nothing to do with regulations, but attitude, and lack of objective goals (developer just wanting to cut corners regardless of the impacts, or regulators who's opinions overruled the regulations, with subjective interpretations). House Bill 3414 as written is in my opinion is a knee jerk reaction to a housing crisis, with no look to the actual impacts, both in quality and livability in housing developed. The impact in general (as in general quality workmanship will still prevail) will be a rash of poor quality and high maintenance structures, ill thought out development, and long term maintenance issues.

My own department is managed based upon my background. Building permits are typically issued within 2 weeks of reasonably complete submittals for single family dwellings. Planning approvals primarily follow state requirements for notice and schedule, but in almost all cases are addressed within a 3 month period related to single family dwellings, including residential subdivisions. The cases that extend longer are related to incomplete submittal information, poor or lack of engineering (I have been licensed for 34 years as a civil and environmental engineer in Oregon so have some reasonable frame of reference) or are very contentious related to the surrounding neighborhoods. We strive to have staff opinions comply with the rules, and rules be objectively based, without involving subjective opinions of the applicant, nor the appellate(s). LUBA is always a route for those who do not agree, but residential development rarely makes it there. There are departments out there that regulate to stifle development, or have unreasonably restrictive, subjective rules, but that is not the norm, nor our philosophy.

I do however think in passage of HB 3414 as written you are creating a monster, which will cause multiple legal battles, and provide little relief to those who's real purpose is to provide economical but reasonable quality housing. Prior legislation has eliminated most of the major restrictions related to housing development, and this bill is just an opportunity to insert unreasonable expectations. It will reign in a little those agencies who have god complexes, but at the same time construct an equal amount of ill construed, poor quality development to burden the rest of the community. Current major issue with housing development is primarily related to meeting the new energy code requirements, and although this provides long term benefit to the state in general, it can be costly for non-standard housing development, is currently poorly understood in general, and has no relation at all to the land use planning realm which this bill addresses.

Respectfully:



Ralph Dunham, PE, PLS, CWRE
Public Works Director
City of North Bend.