



Sightline Institute is an independent think tank working to advance sustainability in the Pacific Northwest. We believe it exists at the intersection of environmental health and social justice.

When people choose to live close to one another, they cut their energy use approximately in half. This is why Sightline's housing program is dedicated to giving more people the ability take this voluntary action with profound benefits for the economy and the planet.

We see a lot of things to like in HB 3414:

- More predictable enforcement of state housing laws.
- A study of how to improve permitting approval processes.
- A general intent to cut red tape and needless rules.

There are also good ideas in the –5 and –6 amendments:

- In both, adding a **sunset date**. This is a way to gracefully admit that Section 2 is likely to have some unwanted consequences. A built-in end date will tend to reduce the chance that these lead to a backlash that would be worse than today's status quo.
- In both, recognizing that mandatory **lot sizes, lot dimensions, setbacks, and parking counts** all limit production of housing, especially in more walkable neighborhoods. The –6 amendments would do more than the –5 amendments to reduce these barriers.
- In both, **reducing obstructive lawsuits** by awarding attorney fees for challenges to needed housing to the applicant and the approving jurisdiction.
- In –5, for development-related violations of state law, narrowing the potential reporters to **development applicants only**. Oregon doesn't want the Housing Accountability and Production Office to accidentally become a new venue for NIMBYism.
- In –5, giving HAPO the discretion to ignore complaints that are not "**credibly alleged**." This new institution shouldn't be required to investigate every single complaint it receives.
- In –5, preventing **simultaneous appeals** to HAPO and LUBA.

We're disappointed that neither amendment allows any **flexibility on height, FAR, or unit count**. These are three of the biggest obstacles to housing, especially lower-cost housing. Allowing projects to exceed their current maximums by up to 30% would allow a building in a 3-story zone to include a fourth story; or a triplex of 2-bedroom homes to instead be a triplex with 3-bedroom homes; or a fourplex to instead be a fiveplex. Allowing these to dip below their current minimums by up to 30% would recognize that

minimum density standards can sometimes be barriers to short-term housing production and are worth waiving during a housing emergency.

Another, much more limited approach: Section 2 could allow height variances of up to 50% but no changes to FAR. Under both amendments, Section 2 will tend to encourage wide, low buildings by allowing variances on setbacks and lot coverage but not to height. Allowing buildings to be “tall and skinny” may create a more pleasant built environment.

As lawmakers can see from the testimony tally on this bill, every land use rule has a constituency. Any bill written as broadly as the –6 amendments will be opposed by many of those constituencies.

For that reason, we think the legislature might best take a page from the –5 amendments to create **a more focused list of adjustments and variances** that gives builders temporarily increased flexibility only in a smaller number of particularly burdensome parts of land use law.

We'd suggest height, FAR, unit count, lot sizes, lot dimensions, setbacks, and parking counts.

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