



March 24, 2023

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

Re: HB 3569 Relating to housing

Thank you for the historic level of support for housing that we are seeing from you and your colleagues in the legislature 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. In November 2022, the Portland City Council adopted a series of resolutions to direct City staff to continue to identify ways to streamline and expedite the development review process.

Unfortunately, we are strongly opposed to HB 3569 as introduced. As stated in Section 3 (2) it totally negates our comprehensive plan, our zoning code and all other policy objectives in the name of housing. Section 3, paragraph (3) eliminates all development standards in a local zoning code – the local government may not apply additional criteria. This legislation goes beyond addressing arbitrary design standards. Under this bill, cities may not apply basic development standards - no density limits, no building heights, no setbacks. It implies that a developer can build anything they want anywhere, except on natural hazards.

It is our understanding that the bill is modeled after HB 2006 from the 2021 session, which established an expedited review process for emergency shelters, which are a fundamentally different type of development than radically changing the land use review process for 36,000 housing units per year over the next 10 years.



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The proponents of this bill have articulated three goals: faster review process, few or limited review standards, and limited appeals. These issues are or can be addressed by existing laws or in other legislation. Relief from specific development standards are addressed by the variance procedures in HB 3414. Limiting or discouraging LUBA appeals are addressed, in part, by SB 847, which limits appeals and awards attorney's fees in middle housing cases. It is not clear that frivolous appeals are a major issue that is holding up housing production. In Portland, since 2017 we have processed nearly 3,000 land use reviews. Out of those reviews, there have been 28 local appeals and 8 LUBA appeals. Anecdotes and stories are nice scare tactics, but there is no evidence to back these claims that appeals are significantly impacting housing production.

In terms of faster review process, this bill does nothing to expedite review and leaves in place the current 120-day timeline for decisions. The bill also provides for a writ of review to circuit court which is an open-ended and lengthy process. Currently, land divisions already have access to the expedited land division procedure, which is a 63-day process. For land use reviews, the Legislature should look to amending the limited land use decision process in ORS 197.195. One option would be to replace the local appeal hearing with a direct appeal to LUBA. The City of Portland has created this type of process and made it available to a wide range of developments, including affordable housing projects in historic districts.

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

