Multnomah County

Date: February 7, 2022

To: Chair Julie Fahey, Vice-Chair WInsvey Campos, Vice-Chair Lily Morgan, and
                Committee Members
                House Committee on Housing

From: Jamie Waltz, Director, Multnomah County Department of Community Services
                Carol Johnson, Land Use Planning Director

Subject: HB 4063 (2022 Regular Session)

Chair Fahey, Vice-Chair Campos, Vice-Chair Morgan, and Members of the Committee,

While Multnomah County believes HB 4063's proposed pilot program to research, analyze and improve the process for approving and permitting residential construction projects could be valuable, the proposed changes to the definition of substantial completion, not requiring recordation of final subdivisions plats, and vagueness regarding the necessity to assign temporary addresses create unacceptable risks for government agencies and the taxpayers to whom we are accountable. This bill would change the definition of substantial completion for new subdivisions and prohibits cities or counties from requiring that the subdivision plat be recorded as part of determining whether conditions of development are substantially complete. It also requires that temporary addresses be assigned, if necessary, but does not define what conditions constitute a necessity.

Definition of "Substantial Completion"

This bill adds some clarification to the design criteria for roads accessed by emergency vehicles; however, this benefit is undermined by language stating that whether the roads are fully paved or completed is not to be considered when determining if required improvements are substantially complete. The original definition of "substantial completion" that is carried over in this bill includes the acts of inspection and testing as part of the process of determining compliance with applicable code requirements.

Inspection and testing take place after something is actually made and not simply designed. If a road is not "fully paved or completed," it is not possible to evaluate whether it meets the applicable code requirements as the standards that must be evaluated are based on a completed road. Multnomah County believes that the appropriate way to address deviations from standards should be based on site specific issues and conditions which have been mutually agreed upon by all parties as currently allowed by ORS 455.175(c). Removing the ability of local governments to require that roads be fully paved or completed in order to be "substantially complete" as is proposed by this bill could result in a localized nuisance, and potentially unsafe and hazardous conditions for the broader community.

Recording of Subdivision Plat

HB 4063 adds a provision to the effect that a city's or county's determination of "substantially complete" does not require the subdivision plat to be recorded. Lots are not created until the subdivision plat is recorded, and absent this step it is possible that zoning could be violated by the number of dwelling units per lot exceeding what is allowed. In the instance that the project is interrupted by unforeseen circumstances, a situation could result where the subdivision process would have to be started from the beginning creating uncertainty and financial risk.

Temporary Address Assignment

The primary purpose of assigning addresses is to enable the location of the persons or events requiring an emergency response. Changing addresses can be highly disruptive and expensive due to the need to update personal, business and financial information. It can also cause confusion and delays by emergency service responders. Due to the potential public safety impacts, Multnomah County believes that assigning temporary addresses based on preliminary information creates unnecessary impacts to the public's safety.

In closing, I urge the committee to oppose HB 4063. This bill creates significant and unnecessary risks for local governments and the broader community.

Thank you,

Carol Johnson   **Jamie Waltz**
Land Use Planning Director   Director
Land Use Planning Division   Department of Community Services
Department of Community Services

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