



March 4, 2025

House Committee on Housing and Homelessness
Oregon State Capitol 900 Court St. NE
Salem, Oregon 97301

Re: Opposition for HB-2138

Dear Chair Marsh, Vice-Chair Andersen, and members of the committee:

On behalf of the City of Lake Oswego and the City Council, I am writing in opposition of HB 2138.

First and foremost, the City of Lake Oswego urges the Legislature and Governor's Office to prioritize the effective implementation of existing housing legislation (HB 2001, HB 2003, SB 1537, and Climate-Friendly and Equitable Communities) before enacting further mandates. The City of Lake Oswego, along with cities across the state, is focused on the implementation of previously passed housing legislation. We ask the Legislature to allow cities to fully implement these regulations and live the impact before adding more. Then at that time, the Legislature and Governor's Office should convene local implementation voices to evaluate and provide feedback on real-world implementation. Any legislative action in 2025 should focus on refining existing policies through technical corrections, rather than introducing new, potentially destabilizing mandates.

As we have shared in the last three legislative sessions, housing production is a top concern for all communities throughout Oregon, including Lake Oswego. We share your desire for increasing housing supply and types that could be affordable for a range of incomes, however HB 2138 will shift our focus from that goal to respond to more State mandates yet again. Furthermore, HB 2138 provides shortcuts for developers with no requirements to invest into the shared responsibility of infrastructure and with no assurance that the intended middle housing provides affordable opportunities for homeownership.

The City of Lake Oswego's main concerns of HB 2138 are:

- **Traffic Impact Analysis should be required even for smaller infill middle.** Traffic studies are not a hinderance for housing production. Traffic counts or analysis is a routine process for any development. The studies are important to help inform our Transportation System deficiencies, which in turn helps the City prioritize transportation dollars and projects. This is creating a precedent for developers to skip steps in the development process.
- **Frontage improvements need to continue to be required for any development, including infill or redevelopment.** Similar to the traffic studies and analysis, frontage improvements

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by developers are how cities complete crucial infrastructure connections, such as sidewalk connections and stormwater systems. This is particularly important for cities like Lake Oswego, which are largely built-out and still have significant areas with aging infrastructure that was originally designed to rural standards. If the Legislature and Governor's Office share the goal of walkable, livable communities, frontage improvements deliver that vision. Frontage improvements ensure the shared responsibilities of developers and the City to invest back in our community, ultimately increasing capacity for additional housing over time.

- **Current 'Plexes' language should not change in regards to the attached or detached guidance.** Current state law defines cottage clusters as detached, and allows Plexes to be either attached or detached. Following previous middle housing rules and process, the City of Lake Oswego went through the multi-year process with extensive community engagement about how middle housing fits in our community. Our City Council made the decision last year that Plexes in Lake Oswego must be attached and cannot be detached. By undoing this, the State is removing local decision making and would require the City to reverse and update all our codes related to our middle housing work. This reinforces the fact the State continues to move the goalposts and continues to add more rules, all while we are still trying to implement previously passed housing legislation.
- **Review and amend the demolition review for houses listed in the National Register of Historic Places.** We share similar frustrations with the current criteria and process for demolition review of Historic homes on the National Registry. The City cannot apply its own local historic criteria and has no authority to require preservation under current regulations. We would like to see a review and amendment to the criteria and process to ensure thoughtful consideration before significant historic and cultural structures are lost. We look forward to a balanced approach that supports both housing needs and the preservation of Oregon's architectural heritage.

Overall, we urge the Legislature to pause and let the work of past sessions take effect. If there are needed amendments or guidance to cities, the Legislature-created Housing Accountability and Production Office should be providing that oversight as it was intended.

We look forward to an amended version of HB 2138 that supports us working together to support the production of needed housing and achieve better outcomes for all our communities.

Thank you for the opportunity to provide comment.

Sincerely,



Mayor Joe Buck

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