



April 2, 2025

Re: HB 2258-2

Chair Marsh, Vice Chairs Anderson and Breese-Iverson and members of the House Committee On Housing and Homelessness,

For the record, my name is Micah Meskel and I'm the Urban Conservation Director for the Bird Alliance of Oregon - a statewide conservation nonprofit working to inspire all people to love and protect birds, wildlife, and the natural environment upon which life depends. We represent over 12,000 members across the State of Oregon.

We are testifying in opposition to HB 2258-2 amendment, this opposition is not against the policy intention of the bill as we appreciate and support its efforts to facilitate the building of more infill middle housing across the state - as we recognize that middle housing infill is one of the most climate conscious strategies for increasing our housing supply and affordability for ownership - and we believe strongly that it should benefit from the retention of the existing urban tree canopy.

Our opposition is in the amendment's inclusion of tree removal standards as one of the allowable variations and adjustments in section 2 lines 22-30 on page 3. We believe strongly that all housing should benefit from the retention of the existing urban tree canopy. Additionally we urge you to include wetlands in the list of natural hazard zones precluded from this policy on lines 6 and 7 on page 2. The state should not incentivize development in wetlands at a time when extreme weather events are only worsening. Lastly we continue to be perplexed by the inclusion of single family homes in qualifying for any other allowable variations or adjustments - which I think misses an opportunity to give middle housing types a leg up in the development process. Limiting the scope of this proposal to duplex and denser could help improve the affordability outcome by reducing the land cost per unit of new housing produced.

This is the 3rd consecutive legislative session Bird Alliance of Oregon and our allies will have to advocate to ensure local tree protections and a robust urban tree canopy (which provides countless community health and livability impacts) isn't pitted against increasing housing opportunities in infill development.

We do appreciate the governor's staff's attempts to include some tree protections or tree removal mitigation standards in this policy, but the current -2 amendment still leaves most trees unprotected and preempts local codes, which have each been crafted to balance a unique set of local priorities. For the city of Portland this policy would only protect or require mitigation of removal of 1/3rd of the existing tree canopy. Additionally preempting those policies as proposed upsets that balance will likely create conflict and potentially stigmatize the housing units that will get built through this policy, unnecessarily creating conflict in communities across the state.

To review the brief history around the Governor's major housing initiatives over the last three legislative sessions.

- In the 2023 legislative session - HB 3414 - died because of a similar provision that pitted housing versus local environmental protections.
- Following the conclusion of the 2023 session, we worked closely with the Governor's staff and fellow housing and environmental advocates to ensure that future efforts to pass legislation to increase housing productivity across the state didn't replicate this false dichotomy of housing vs environment.
- In the 2024 legislative session - SB 1537 - successfully passed, which did not pit housing production vs the environment, but rather successfully leveraged funding to support housing production while increasing climate resilience.

I personally want to reflect on the absence of an important advocate and stakeholder in this multi year effort to ensure future housing production does not come at the loss to the environment. The late Bob Sallinger, my colleague, mentor, and friend is sadly not here to continue that advocacy. I'm not just lonely, without him by my side this session, but a little frustrated that we are fighting this battle once again. At the conclusion of the last session and in preparation for this session last summer and fall - we continued efforts of collaboration with the Governor's office, and thought we had settled on a compromise that importantly held local tree protections harmless to these efforts. Alas that is not the case, and he is not present to speak up, so I feel I must.

All housing, old and new should be climate resilient and benefit from the reduced temperatures, access to nature, and clean air that existing trees provide. Existing trees should be treated as essential infrastructure like other public utilities that is not compromised by variations or adjustments to local rules as currently allowed by the -2 amendment

Apart from our stance that all communities should have trees and other forms of nature in immediate proximity, we fear that locally in the PDX metro area, this policy will serve as a loophole that will allow developers to clear tree constrained infill lots and build luxury single family homes that provide no tangible benefit for the broader community - we appreciate that they be smaller per this policy - but it still wrongly misses the

opportunity to give duplexes triplexes and other middle housing options a leg up by including single family homes in this concept.

I urge you to remove inclusion of tree removal standards as one of the allowable variations and adjustments in Section 2, lines 22-30 on page 3 and remove political opposition from the tree advocates to what is otherwise a good bill.
Instead we hope you look for opportunities to ensure our newest residents we welcome into our communities can benefit from the existing and future tree canopy.

Thank you for your consideration.

Micah Meskel
Urban Conservation Director
Bird Alliance of Oregon