

Dear Chair Alissa Keny-Guyer, House Human Services and Housing Committee:

I'm writing to present testimony on House Bill 2001. Thank you and Speaker Kotek for proposing such an important, forward-thinking legislative measure. I have two broad suggestions to help make it more effective:

1) The first topic of my testimony is regarding the initial criteria. It is my strong belief, as a planning professional and a thinking citizen of Oregon, that even cities with fewer than 10,000 people, and counties with fewer than 15,000 people, may be suffering from housing shortages and related economic pains. Therefore, my first recommendation is that this bill should apply statewide:

Any lot in the state of Oregon where a single family house would be legal to build, it should be legal to build up to a fourplex. This will bring our zoning laws into alignment with federal lending standards. It will have several co-benefits, including but not limited to immediate reductions of pressure on UGBs statewide, as well as related reductions in price pressures that currently result from the scarcity of "missing middle" residential options in most Oregon cities, towns, villages, and other human settlements. For too long, we have prohibited these types by law in most of the state, but it's unclear what net benefit this prohibition has brought us. Just as we didn't only legalize alcohol in our cities when we repealed prohibition, nor should we only legalize Missing Middle housing in our cities when we repeal the ban on anything but a single-family house on most residential lands in Oregon.

2) The second topic of my testimony is regarding what we should allow. Here, I must admit that I am divided. While my first inclination is to say that we should switch to a form-based code statewide, one that only limits the urban form of the development we're regulating, rather than the number of units within, I'm not sure that we're yet ready for this major step. If we are, I'm all for it; there are experts in the planning field residing in Oregon today who would be happy to develop a customized statewide form-based land use / zoning code that would most likely help us attain our Statewide Planning Goals more efficiently than is being accomplished today by our existing zoning codes.

However, in the case that we're not yet ready to go form-based statewide, what I recommend is to legalize fourplexes statewide, on any parcel where a single-family house would be legal to build. Allow cities to set the terms of the form of the fourplex: its height, allowable lot coverage, required setbacks, and other regulations to describe the size of the building and its relationship to its surroundings. Allow, of course, four or fewer units to be provided. Allow the form to be regulated by cities; row-houses might be preferred by cities for some locations, cottage clusters in another, and 2 1/2-story traditional Craftsman fourplexes in others. While cities are already advised by DLCDC to not regulate "character" in the interests of equity, they are free to regulate building massing and related aspects of its physical form on a lot.

The reason I recommend requiring cities to allow up through four units on each lot is because bringing zoning code in alignment with federal lending guidelines allows the cost of construction of the building as a whole to be divided by four to generate the cost per unit; doing so allows each unit to be provided by the market at a price that is affordable to a household making the median household income. Economic analyses conducted for the City of Portland confirm that only allowing two or three units on each lot will result in inequitable outcomes whereby the resulting units are still too expensive to be affordable to a household making the area median income. Allowing for the provision of workforce housing by allowing up through four units on each lot will do much to help ease our housing shortages statewide wherever and whenever they may appear, without needing to wait for the years-long lag between market signals and government policy responses.

The specific text I recommend is in SECTION 8, (2), which should be changed to read:

"Each city and county in the State of Oregon shall allow, on any lot where single family homes are currently legal to construct, the development of any Middle housing type on each lot, subject to reasonable local regulations related to siting and design."

Since "Middle housing" is already defined to include "Quadplexes", up to four units will thus be allowed on each residential lot. One question is whether "of up to and including four units" needs to be added to the otherwise open-ended "cottage clusters", given that the term "cottage cluster" does not, unlike "duplex", "triplex", or "quadplex", carry a definition of the number of units allowed in its very name.

Please allow me to address two potential concerns that I know you will hear from cities regarding this point, concerning natural hazards, and transportation.

a) Relating to natural hazards, any place where it would be legal to construct a single family house, it would also be feasible to construct a fourplex. Doing so may involve additional engineering and construction expenses, but there's no reason that the fourplex would be more or less suited for any zone in an environmental zone than a single family house of some indeterminate

size and shape would be in the same location. If there is a public policy interest to be served by prohibiting a fourplex in that location, arguably the same public policy interest should require also prohibiting a single family house of indeterminate size. Single-family houses, especially in more isolated, environmentally-sensitive areas, can be built quite large, easily exceeding 5,000 square feet. Fourplexes can be smaller than 3,000 square feet, if built to contain smaller units. It is thus the overall size of the structure that should be regulated in order to protect the sensitivity of natural areas, not the number of residential dwelling units within, especially at or below the number four.

b) Relating to transportation, this is a complicated topic, as the profession is currently evolving away from using Level Of Service to regulate traffic, towards more multimodal measures involving the throughput of people and the reduction in overall Vehicle Miles Traveled (VMT). In general, however, locating more development in areas where facilities already exist to serve existing environment, rather than growing on new previously-undeveloped land on the urban fringe, has been shown to reduce overall VMT per capita, thus resulting in growth that, in general, helps achieve regional and state goals to reduce carbon emissions from the transportation sector.

Finally, HB 2001, with the amendments in my testimony above, has my full support. I believe this one bill, more than any single action I have seen to date in my career, has the potential to reduce the shortage of workforce housing and help our economy grow, sustainably.

Sincerely yours,
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