



The League of Women Voters of Oregon is a 100-year-old grassroots nonpartisan political organization that encourages informed and active participation in government. We envision informed Oregonians participating in a fully accessible, responsive, and transparent government to achieve the common good. LWVOR Legislative Action is based on advocacy positions formed through studies and member consensus. The League never supports or opposes any candidate or political party.

September 21, 2020

To: Land Conservation and Development Commission
Robin McArthur, Chair
Members of the Commission
Email: esther.johnson@state.or.us

Re: Agenda Item 7, Middle Housing Rulemaking – **Comments**

The League of Women Voters of Oregon has long been a supporter of our statewide land use planning program with local implementation, engaging our members from at least since 1959. We support the 19 statewide land use Goals. Our extensive studies over the years have addressed Climate Change, Coastal Management, Energy Conservation, Natural Hazards and Water Policy, among others in the Natural Resource area. We also have positions around Housing, including “.....to provide a decent home and a suitable living environment for every American family.....at all income levels.....to provide within their boundaries an adequate supply of decent housing for low-and moderate-income groups..... When families or individuals cannot afford decent housing, government should provide assistance in the form of income and/or subsidized housing.” We have appreciated the opportunity to work on these proposed rules through the many lenses with which we work.

We supported HB 2001 (2019) from which this rulemaking is required. From the beginning, this Commission has worked to include as many voices as possible in order to reflect that legislation. The Rules Advisory Committee and the Technical Advisory Committees convened by the Department reflect those decisions. Although we have not always agreed with every decision, **on the whole, we support the Draft rules. However, we want to draw attention to the following sections with clarifying comments/suggestions:**

660-046-0010 (2) (c): We support this statement as it allows cities and counties to protect lands that may become future urban areas in order to assure the future development meets the goals of HB 2001.

660-046-0010 (3): We support this entire section as it reflects the entire land use program Goals. We are hopeful that Goal 7 may eventually clearly include the hazard of wildfires. And we look forward to a future conversation around how we can clearly link the issue of climate change into all Goals.

660-046-0010 (4): We want to note that, although you will also adopt **by reference** a Middle Housing Model Code, that it is these rules that govern. The Model Code has pushed the envelope in some cases beyond the strict adherence to the legislation. We look forward to local jurisdictions being able to pick and choose among the various sections while always focusing on these governing rule requirements.

660-046-0030 (2): We certainly support local governments seeking ways to increase the affordability of housing; however, we recognize that the state has limited powers related to local financing. It will be incumbent upon us all to use what you may adopt under HB 2003, the Housing Production Strategy rules, to engage the public in finding solutions to our housing needs and that will, by necessity, include encouraging a variety of financing options.

660-046-0205: It is this entire section where we have seen a bump in the road to a largely consensus-driven rulemaking effort. The Department provided an opportunity for a supplemental discussion of this section. That effort included some statistics around current zoning. However, **those statistics did NOT include removal of the Goal-Protected Areas noted in 660-046-0010(3).** We believe that the statistics cannot be relied upon to come to the conclusion that 75% of all residential lots and parcels within each census block group should be required to allow middle housing development. **See 660-046-0205 (3)(b)(F). While we can accept the general direction that staff has given the Commission on this issue and we cannot recommend a different percentage, we feel strongly that this requirement is too high. Let us move forward but not overreach in this first-ever effort to enact Middle Housing legislation.** Assuming that the 75% is lowered, then the percentages for each housing type should also be changed. The phrase “in areas” was deliberately included in the legislation to allow some flexibility for local jurisdictions as they also provide for this major change in zoning laws. We also worry that the most appealing lots to redevelop are those with currently “affordable” housing. We don’t want to lose that housing stock as we are creating these new choices.

We choose not to comment on the design standards for the various housing types. We are neither developers nor builders. We do, however, want to be sure that all housing built includes greenery and trees. A recent [study](#) demonstrated the link between formerly redlined neighborhoods and excessive heat due to insufficient tree canopy. If we allow or create new neighborhoods where the residents are subjected to extreme heat, are we again treating those who might live in these new units to the same unfair treatment as in the past? Rather, we should be working on strategies and actions to add more tree canopy and reduce the heat island effect in the formerly redlined areas and make every neighborhood more livable for all. **Our goal is to have you adopt rules that are implementable and will help those non-profit and private developers and builders provide a range of housing options for all Oregonians and to ensure both the environment and human health are protected fairly for all people, regardless of race, color, gender, national origin, or income.**

Lastly, there was a suggestion that the Department review these rules at some time in the future in order to modify provisions as we all learn how this legislation will perform on the ground. **We support a 5-year review**, although the new Housing Production Strategy Rules (upon which we’ll comment separately) do require an annual analysis by the Department.

Thank you for the opportunity to discuss these Draft rules and for having the opportunity to participate in their drafting.



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