



Home Builders Association
of Metropolitan Portland

August 28, 2020

Jeff Petrillo, Chair
Washington County Planning Commission
155 N. First Ave.
Hillsboro, OR 97124

Re: Ordinance No. 869 – Significant Natural Resources

Dear Mr. Petrillo,

The Home Builders Association of Metropolitan Portland (“HBA”) represents over 800 businesses and thousands of women and men who work in the residential building and remodeling industries throughout the greater Portland area. We are dedicated to maximizing housing choice for all who reside in the region while promoting housing access and availability for everyone.

The COVID-19 pandemic is causing severe economic disruption throughout Washington County. Home building, like many industries, is facing an uncertain future. Across the metropolitan region, new home starts were down over 50 percent year-over-year in the months of April, May, and June. This downturn in construction is attributable to many factors including, but not limited to, supply chain interruptions for materials coming from East Asia, reductions in available capital, and an uncertain economic outlook.

Washington County (the “County”) is approaching a Great Recession level decline in new home construction starts at a time when we remain gripped in a severe housing crisis. Indeed, despite the economic downturn, Oregonians continue to desperately need new housing. A recent report showed the state underbuilt 155,000 units of housing since 2010. This failure forces Oregon families to compete for ever scarce housing, which in turn drives up costs, delays family formations, and inhibits economic growth.

Given the trying combination of the current economic outlook and the pressing need for new housing to meet Oregon’s needs, the County should refrain from increasing the regulatory costs associated with new housing. As an ever greater number of our neighbors find it difficult to secure their housing needs, the timing is truly ill-suited to add thousands of dollars to the cost of building each new home.

Unfortunately, that is exactly what draft Ordinance No. 869 (Significant Natural Resources) could accomplish. Specifically, the County should address the following issues to ensure that developers can build new housing at reasonable prices.

Section 422-2. The County has already conducted thorough Goal 5 analysis in compliance with regional and state requirements. Section 422-2 seeks to greatly expand the areas delineated as significant natural resources through the addition of Metro’s Class I and II Riparian Habitat. Not only is Metro’s mapping notoriously inaccurate, but these additions add new land into the Goal 5 planning process without providing property owners notice of the potential impact and their property rights under state law. The County should forgo these additions and only pursue them in the future if and when proper mapping and property owner notification has occurred.

Section 422-3. As stated above, the County has already conducted required Goal 5 analysis. Like Section 422-2, Section 422-3 would dramatically increase the amount of area required to further analyze significant natural resources. Expanding the reach of this analysis to properties within 150 feet of a mapped or established resources completely disregards the existing analysis and again implicates property rights. Additionally, this section fails to recognize the importance of natural or artificial barriers – such as roads and topographical features – that serve to completely separate adjoining properties. If the County wants to expand the areas covered under Goal 5, it should initiate a separate mapping exercise and ensure that it is properly notifying Washington County residents of their property rights under state law.

Section 404-4.5.E.2.a. The County is proposing to allow for preservation of Water Areas and Wetlands and Water Related Fish and Wildlife Habitat to count towards only 20% of the required open space in planned unit developments (PUDs). This number is extremely low and fails to properly advance the County’s goals of providing greater PUD flexibility while maximizing significant natural resource preservation. In order to better advance these twin goals, the County should allow for preservation to count towards 100% of the required open space. Doing so will expand preservation opportunities and ensure that new housing can best integrate into the natural environment.

Ordinance No. 869 should respond to the current development moratorium. Any further expansion of Goal 5 analysis necessitates far greater engagement and notification than that associated with the Ordinance No. 869. HBA encourages the County to focus on the task at hand and continue other discussions to a time when the County has the resources to fully do so.

Sincerely,

Ezra Hammer

Vice President, Policy and Government Affairs

Cc: Ian Beaty, Commissioner
Mark Havener, Commissioner
Deborah Lockwood, Commissioner
Anthony Mills, Commissioner
Sushmita Poddar, Commissioner
Eric Urstadt, Commissioner
Matt Wellner, Vice Chair