



CITY OF OREGON CITY HISTORIC REVIEW BOARD WORK SESSION AGENDA

Commission Chambers, Libke Public Safety Building, 1234 Linn Ave, Oregon City, OR
97045

Tuesday, November 19, 2024 at 6:00 PM

Ways to participate in this public meeting:

- Attend in person, location listed above. Please see the public comment guidelines below.
- Attend the livestream of the meeting on the City's YouTube Channel:

<https://www.youtube.com/user/CityofOregonCity>

- Register to provide electronic testimony (email ocplanning@orcify.org or call 503-722-3789 by 3:00 PM on the day of the meeting to register)
 - Email ocplanning@orcify.org (deadline to submit written testimony via email is 3:00 PM on the day of the meeting)
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1. CALL TO ORDER AND ROLL CALL

2. DISCUSSION

2.a. Housing Production and Historic Preservation Regulation

3. ADJOURNMENT

PUBLIC COMMENT GUIDELINES

Complete a Comment Card prior to the meeting and submit it to the clerk. When the Chair calls your name, proceed to the speaker table, and state your name and city of residence. Each speaker is given 3 minutes to speak. As a general practice, the committee does not engage in discussion with those making comments. Complaints shall be addressed at the department level prior to addressing the committee.

ADA NOTICE

The location is ADA accessible. Hearing devices may be requested from the City Recorder prior to the meeting. Individuals requiring other assistance must make their request known 48 hours preceding the meeting by contacting the City Recorder's Office at 503-657-0891.

Agenda Posted at City Hall, Pioneer Community Center, Library, City Website.

Video Streaming & Broadcasts: The meeting is streamed live on the [Oregon City's website](https://www.cityoforegoncity.org) and available on demand following the meeting. The meeting can be viewed on Willamette Falls Television channel 28 for Oregon City area residents as a rebroadcast. Please contact WPMC at 503-650-0275 for a programming schedule.



CITY OF OREGON CITY

625 Center Street
Oregon City, OR 97045
503-657-0891

Staff Report

To:	Historic Review Board	Agenda Date:	November 19, 2024
From:	Christina Robertson-Gardiner, Senior Planner		

SUBJECT:

Housing Production and Historic Preservation Regulation

STAFF RECOMMENDATION:

Assistant City Attorney Carrie Richter will provide background on recent legislation related to housing production and its relationship with historic district regulation. Staff has been tracking these efforts and their potential impact on Oregon City's historic resources and wanted to update the Board.

EXECUTIVE SUMMARY:

BACKGROUND:

NEXT STEPS:

OPTIONS:

CITY OF OREGON CITY

HISTORIC REVIEW BOARD

LEGISLATIVE UPDATE

November 19, 2024

By Carrie A. Richter

OREGON'S HOUSING CRISES:

- In the 1970s, the number of housing starts in Oregon hovered around 36,000 per year but the last time more than 30,000 building permits were issued was in 2005, before the Great Recession. In 2010, 6,868 permits were issued.
- Many reasons for this shortfall including restrictive housing laws, national shortage of builders, rising materials costs and stagnant incomes, and high property taxes.
- This lack of supply has significantly increased housing costs creating a barrier to entry for all income levels. Oregon ranks among states with the lowest supply of rental housing that are affordable to people at or below poverty levels.
- In 2023, 17,700 building permits were issued and in June, 2024, the number was 7,300.

RECENT HOUSING LAW CHANGES:

- SB 1051 (2017) – Expands the obligation to adopt and apply only clear and objective standards to all housing. Standards and criteria to protect historic areas under Goal 5 are exempt.
- HB 2001 (2019) and SB 458 (2021) – Mandates middle housing (duplex, triplex, fourplex, cottage cluster, townhouses) and land divisions in single family zones and LCDC adopted rules for the provision of middle housing. City can adopt protective measures to preserve historic resource integrity but they cannot restrict use, density or occupancy and they cannot prohibit development of middle housing in ways that would not also restrict single family housing.
- SB 8 (2021) – Requires allowing affordable housing on land zoned commercial or that allows religious uses without a zone change or conditional use permit up to stated densities and provides for recovery of attorney fees to a prevailing housing provider.

GOVERNOR KOTEK HOUSING PRODUCTION PLAN:

Executive Order 23-4 establishes a housing production goal of 36,000 homes per year to be accomplished by:

- Created the Housing Production Advisory Council which issued a report including 59 recommendations.
- Reducing regulatory and procedural barriers to the production of housing through state laws and administrative rules.
- Allowing for one-time UGB expansion to for affordable and market-rate housing under certain circumstances.
- Funding and loan support for housing focused infrastructure and for low-income housing development.

SB 1537 (2024) EFFECTIVE JAN 1, 2025:

Creates the Housing Accountability Office (HAPO) – joins DLCD and the Building Codes division to assist in applying state housing laws relating to permitting including:

- Technical and financial assistance as well as investigation of complaints and enforcement
- Coordinating state agencies and funding
- Produces studies and best practices for the production of housing (does not change Goal 10 housing capacity and production review through DLCD)

Other substantive, non-historic preservation related changes:

- Allows developers to elect application of new standards adopted after an application was filed.
- Expands mandatory attorney fee recovery where a housing project is approved and then affirmed by LUBA.

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SB 1537 MANDATORY ADJUSTMENTS:

Requires that local governments grant adjustments to identified development and design standards. Applies where the proposed development:

- Proposes a density of not less than 17 du/ac (2,562 sf minimum lot size). Adding more than one unit to a 5,000 sf lot or within the MUC / R-2, for example.
- Adds “new housing units in new construction projects.” Does not apply to alterations of existing buildings but does apply to the construction of new detached housing in a district or landmark site.
- Application must state that the adjustment:
 - Makes feasible otherwise unfeasible development
 - Reduces the sale/rental price of the unit
 - Increases the number of units in the application
 - Will allow all units be subject to an affordable housing covenant for moderate income (80-120% MFI) for at least 30 years.
 - Will allow 20% of units to be affordable to low income (less than 80% MFI) for 60 years.
 - Increases accessibility or visitability features
 - Subject to a zero equity, limited equity, or shared equity ownership model.

SB 1537: 10 “DISTINCT ADJUSTMENTS”

Development Standards:

- Side or rear yard setbacks of no more than 10%
- Parking minimum standards
- Minimum lot size, lot width and depth standards of not more than 10%
- Restrictions on ground-floor residential for mixed use projects
- Building height can be increased one story or 20% of the base zone height

Design Standards

- Façade materials, color or pattern
- Façade articulation
- Roof forms and materials
- Window materials
- Total window area for up to 30% adjustment
- Building orientation, height transition, balcony and porch, recess and offset requirements for multi-family and mixed use

ADJUSTMENT PROCEDURES AND SCOPE:

- Does not allow deviations from tree, wildlife or natural resource, Willamette River Greenway, or natural hazard protections, building or fire code requirements but does apply to regulations that protect historic resources.
- City can decide what procedure, either Type I or II and the process does not need to include notice to neighbors. Will not come before HRB.
- “Only the applicant may appeal the decision.”
- Before Jan 1, 2025, cities can apply to HAPO to be exempt from the mandatory adjustment process. They must show that within the past 5 years they have approve 90% of received adjustment requests or testimonials of builders indicates that the city has a flexible and accommodating adjustment process. HAPO must decide within 120 days of the request and city does not have to grant adjustments while the application is pending.
- Mandatory adjustment obligations sunset on January 2, 2032.

QUESTIONS?

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