

## EXHIBIT MM



Home Builders Association  
of Metropolitan Portland

October 11, 2021

Chair Crosby  
Sandy Planning Commission  
39250 Pioneer Blvd  
Sandy, OR 97055

**Subject:** Deer Meadows Subdivision, Case File No. 21-014 SUB/TREE

Dear Chair Crosby, Vice-chair Carlton, and Commissioners:

The Home Builders Association of Metropolitan Portland (“HBA”) represents over 850 companies and tens of thousands of women and men who work in the residential building and remodeling industries throughout the greater Portland area. We work to promote housing affordability and are dedicated to maximizing housing choice for all who reside in the region.

The State of Oregon generally – and the Portland Metropolitan region in particular – is suffering from an historic deficit of available housing. The Portland Metro region faces a nearly 60,000 unit current deficit, with an additional 225,000 units needed by 2040<sup>1</sup>. One of the most important measures that the legislature has taken in recent years to help combat this deficit is to strengthen Oregon’s longstanding “Needed Housing Statutes.”

Specifically, the legislature required in 2017 that local governments adopt and apply only “clear and objective standards, conditions and procedures regulating the development of housing.” ORS 197.307(4). The statutes further provide that such regulations “may not have the effect, either in themselves or cumulatively, of discouraging needed housing through unreasonable cost or delay.” Moreover, the standards must be clear and objective on the face of the ordinance. ORS 227.173 (2).

HBA is concerned that the City of Sandy (“City”) Municipal Code and Development Code (“Codes”) contain standards, conditions and procedures that regulate the development of housing, which are not clear and objective. Development Code certainty is a large factor in the ability to acquire, finance, develop and construct housing. The degree with which the development community can rely on predictable code standards can determine whether a housing proposal moves beyond a concept and through each subsequent phase of development review. To increase the reliability of its code, with the view toward housing, HBA urges the City to adopt and apply only clear and objective standards regulating the development of housing.

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<sup>1</sup> *Implementing a Regional Housing Needs Analysis Methodology in Oregon: Approach, Results, and Initial Recommendations*. August 2020. Prepared for Oregon Housing and Community Services. Technical Report.

HBA understands that many local governments have had to wrestle with unclear, subjective, and/or discretionary codes written before the amended Needed Housing Statutes. HBA understands that the City is currently grappling with this very issue as it regards the Deer Meadows subdivision, and appreciates that it may require the City to not apply certain land use standards that it may have applied in the past, or is used to applying.

However, HBA encourages the City to abide by the letter and spirit of the Needed Housing Statutes by imposing only clear and objective development code standards, including land use regulations, to this and other applications subject to City approval. At the same time, HBA encourages the City to adopt revised clear and objective standards that regulate the development of housing, to address development issues currently regulated by subjective standards.

The City's attention to clear and objective development standards for housing can help ensure that development proceeds toward construction without unnecessary delays, while meeting specified conditions of approval. In June, pursuant to HB2001, Sandy refined its zoning code, applying clear and objective siting and design standards to allow both attached and detached duplexes on all lots and parcels that allow for the development of single detached dwellings. By adopting and applying clear and objective land use and other standards regulating the development of all housing, the City can support more efficient housing production, in order to accommodate the current and future needs of Sandy residents.

Respectfully,



Roseann Johnson

Assistant Director of Government Affairs

Cc: Steven Hook, Commissioner  
Jan Lee, Commissioner  
Ron Lesowski, Commissioner  
Hollis MacLean-Wenzel  
Chris Mayton, Commissioner  
City Recorder