

**From:** [Scott Mahr](#)  
**To:** [GOV Hpac \\* GOV](#)  
**Subject:** PROTECT OUR WETLANDS  
**Date:** Thursday, November 16, 2023 8:41:09 AM

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You don't often get email from [scottmahr@gmail.com](mailto:scottmahr@gmail.com). [Learn why this is important](#)

Dear Council, I write to ask that you strike down the proposal to decrease the wetland-development buffer requirement from 50 feet to 5 feet. Wetlands provide necessary floodplain and erosion management, pollution filtration, carbon sequestration, and fish and wildlife habitat. By decreasing a development buffer by 90%, there is an increased likelihood that higher sediment and pollutant loads would enter our state waters. As a result, wetlands would continue to be degraded rather than protected and restored. Affordable housing and natural resources are not at odds with each other. Wetlands are a mitigation and adaptation tool we desperately need to help combat the impacts of climate change. They reduce air pollution by capturing carbon and are a cooling source for surrounding communities. Wetland protection needs to be prioritized, and communities must be developed in coexistence with wetlands. Thank you.

**From:** [Dan Brenner](#)  
**To:** [GOV Hpac \\* GOV](#)  
**Subject:** PROTECT OUR WETLANDS  
**Date:** Thursday, November 16, 2023 8:15:07 AM

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[You don't often get email from dbrenner320@icloud.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification> ]

Dear Council, I write to ask that you strike down the proposal to decrease the wetland-development buffer requirement from 50 feet to 5 feet. Wetlands provide necessary floodplain and erosion management, pollution filtration, carbon sequestration, and fish and wildlife habitat. By decreasing a development buffer by 90%, there is an increased likelihood that higher sediment and pollutant loads would enter our state waters. As a result, wetlands would continue to be degraded rather than protected and restored. Affordable housing and natural resources are not at odds with each other. Wetlands are a mitigation and adaptation tool we desperately need to help combat the impacts of climate change. They reduce air pollution by capturing carbon and are a cooling source for surrounding communities. Wetland protection needs to be prioritized, and communities must be developed in coexistence with wetlands. One thing we need to remember is that once you remove or infringe upon a wetlands with roads and housing, it can never be returned. It is lost forever.

Thank you.

Dan Brenner

**From:** [Janet and Deane](#)  
**To:** [GOV Hpac \\* GOV](#)  
**Subject:** PROTECT OUR WETLANDS  
**Date:** Thursday, November 16, 2023 7:13:55 AM

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You don't often get email from janandeane@gmail.com. [Learn why this is important](#)

Dear Council,

I was shocked to hear that there is a proposal to decrease the wetland-development buffer requirement from 50 feet to 5 feet.

Wetlands provide necessary floodplain and erosion management, pollution filtration, carbon sequestration, and fish and wildlife habitat. By decreasing a development buffer by 90%, there is an increased likelihood that higher sediment and pollutant loads would enter our state waters. As a result, wetlands would continue to be degraded rather than protected and restored.

Affordable housing and natural resources are not at odds with each other. Wetlands are a mitigation and adaptation tool we desperately need to help combat the impacts of climate change. They reduce air pollution by capturing carbon and are a cooling source for surrounding communities.

Wetland protection needs to be prioritized, and communities must be developed in coexistence with wetlands.

Thank you.

**From:** [Lillian Stone](#)  
**To:** [GOV Hpac \\* GOV](#)  
**Subject:** PROTECT OUR WETLANDS  
**Date:** Wednesday, November 15, 2023 8:50:35 PM

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You don't often get email from [lillianjstone@gmail.com](mailto:lillianjstone@gmail.com). [Learn why this is important](#)

Dear Council, I write to ask that you strike down the proposal to decrease the wetland-development buffer requirement from 50 feet to 5 feet. Wetlands provide necessary floodplain and erosion management, pollution filtration, carbon sequestration, and fish and wildlife habitat. By decreasing a development buffer by 90%, there is an increased likelihood that higher sediment and pollutant loads would enter our state waters. As a result, wetlands would continue to be degraded rather than protected and restored. Affordable housing and natural resources are not at odds with each other. Wetlands are a mitigation and adaptation tool we desperately need to help combat the impacts of climate change. They reduce air pollution by capturing carbon and are a cooling source for surrounding communities. Wetland protection needs to be prioritized, and communities must be developed in coexistence with wetlands. Thank you.

**From:** [maehah@comcast.net](mailto:maehah@comcast.net)  
**To:** [GOV Hpac \\* GOV](#)  
**Subject:** PROTECT OUR WETLANDS  
**Date:** Wednesday, November 15, 2023 5:46:55 PM

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You don't often get email from [maehah@comcast.net](mailto:maehah@comcast.net). [Learn why this is important](#)

Dear Council, I write to ask that you strike down the proposal to decrease the wetland-development buffer requirement from 50 feet to 5 feet. Wetlands provide necessary floodplain and erosion management, pollution filtration, carbon sequestration, and fish and wildlife habitat. By decreasing a development buffer by 90%, there is an increased likelihood that higher sediment and pollutant loads would enter our state waters. As a result, wetlands would continue to be degraded rather than protected and restored. Affordable housing and natural resources are not at odds with each other. Wetlands are a mitigation and adaptation tool we desperately need to help combat the impacts of climate change. They reduce air pollution by capturing carbon and are a cooling source for surrounding communities. Wetland protection needs to be prioritized, and communities must be developed in coexistence with wetlands. Thank you.

**From:** [Rhett Lawrence](#)  
**To:** [GOV Hpac \\* GOV](#)  
**Subject:** PROTECT OUR WETLANDS  
**Date:** Wednesday, November 15, 2023 4:44:58 PM

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You don't often get email from rhettlawrence@yahoo.com. [Learn why this is important](#)

Dear Council,

I am Portland resident who enjoys our state's wetlands and the wildlife they support. I write today to ask that you strike down the proposal to decrease the wetland-development buffer requirement from 50 feet to 5 feet. Wetlands provide necessary floodplain and erosion management, pollution filtration, carbon sequestration, and fish and wildlife habitat. By decreasing a development buffer by 90%, there is an increased likelihood that higher sediment and pollutant loads would enter our state waters. As a result, wetlands would continue to be degraded rather than protected and restored.

Affordable housing and natural resources are not at odds with each other. Wetlands are a mitigation and adaptation tool we desperately need to help combat the impacts of climate change. They reduce air pollution by capturing carbon and are a cooling source for surrounding communities. Wetland protection needs to be prioritized, and communities must be developed in coexistence with wetlands.

Thank you,

Rhett Lawrence  
6445 N Commercial Ave  
Portland OR 97217  
503-490-2869

**From:** [Mike & Mary Stock](#)  
**To:** [GOV Hpac \\* GOV](#)  
**Subject:** Please Protect Our Wetlands  
**Date:** Wednesday, November 15, 2023 4:04:14 PM

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[You don't often get email from mstock1@frontier.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification> ]

To the Housing Production Advisory Council,

I strongly urge you to reject the proposal to decrease the required wetland-development buffer from 50 feet to 5 feet.

Wetlands provide necessary floodplain and erosion management, pollution filtration, carbon sequestration, and fish and wildlife habitat. Decreasing the development buffer by 90% would result in an increased likelihood of soil runoff into wetlands, changing their hydrology and topography, and higher sediment and pollutant loads would enter our state waters. As a result, wetlands would continue to be degraded rather than protected and restored.

Affordable housing and natural resource protection need not be incompatible. Wetlands are a mitigation and adaptation tool we desperately need to help combat the impacts of climate change. They reduce air pollution by capturing carbon and are a cooling source for surrounding communities, regardless of the nature of the housing in those communities. Wetland protection needs to be prioritized, and communities must be developed in coexistence with wetlands.

Thank you for considering my views.

Michael Stock  
13240 SW Brittany Drive  
Tigard OR 97223

**From:** [Cathy Lewis-Dougherty](mailto:Cathy.Lewis-Dougherty)  
**To:** [GOV Hpac \\* GOV](mailto:GOV.Hpac*GOV)  
**Subject:** PROTECT OUR WETLANDS  
**Date:** Wednesday, November 15, 2023 2:48:07 PM

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[You don't often get email from [cathyld321@gmail.com](mailto:cathyld321@gmail.com). Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification> ]

Dear Housing Production Advisory Council,

I write to ask that you strike down the proposal to decrease the wetland-development buffer requirement from 50 feet to 5 feet. Wetlands provide necessary floodplain and erosion management, pollution filtration, carbon sequestration, and fish and wildlife habitat. By decreasing a development buffer by 90%, there is an increased likelihood that higher sediment and pollutant loads would enter our state waters. As a result, wetlands would continue to be degraded rather than protected and restored.

Affordable housing and natural resources are not at odds with each other. Wetlands are a mitigation and adaptation tool we desperately need to help combat the impacts of climate change. They reduce air pollution by capturing carbon and are a cooling source for surrounding communities. Wetland protection needs to be prioritized, and communities must be developed in coexistence with wetlands.

Thank you,

Cathy Lewis-Dougherty  
13644 Twin Creek Ln.  
Lake Oswego, OR 97035



**From:** [Mike Meyer](#)  
**To:** [GOV Hpac \\* GOV](#)  
**Subject:** PROTECT OUR WETLANDS  
**Date:** Wednesday, November 15, 2023 2:37:48 PM

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You don't often get email from [mjmyaire@aol.com](mailto:mjmyaire@aol.com). [Learn why this is important](#)

Dear Council,

I find it astonishing the Governor, a council appointed by the Governor, any individual, or any group would consider any policy that would further degrade environmental protections in place today. Protections should be more stringent as evidenced by the climate changes we are experiencing around the globe and right here in Oregon. I own 20 acres in Tigard along the Tualatin River. All of my Western Red Cedars have died or are dying. I've removed 30 one-hundred foot plus trees so far. A study has been done on this die off and the cause of death is climate change. Record temperatures and wildfires are going to be the norm now for us with loss of life and property damage that will continue to put a burden on our economy and our existence. The fact policies such as this are even being considered tells me this council has questionable priorities. Once these buffers are removed, there is no going back.

The Governor has set a high goal for housing units yet Oregon lost 10,000 residents last year. Build responsibly taking into consideration need but realize creating thousands of affordable units will attract in migration which will continue to put a strain on our natural resources and ability to produce the food necessary to support that population. It's obviously a delicate balance but reducing a buffer from 50 feet to 5 seems to indicate we are in serious trouble and have run out of land. Have you considered clear cutting forests, draining lakes, or closing parks to build apartments? Reducing this buffer seems just as ridiculous.

Here in my community, King City is planning to build 3,600 homes along the Tualatin River putting additional strain on the environment here. They have chosen to build a regionally significant collector road through a nature preserve, LUBA appeal pending. Don't think this one issue you are considering is the only issue that will affect the environment. Every one of these decisions has a cumulative effect and it needs to stop and be reversed.

I ask that you strike down the proposal to decrease the wetland-development buffer requirement from 50 feet to 5 feet. Wetlands provide necessary floodplain and erosion management, pollution filtration, carbon sequestration, and fish and wildlife habitat. By decreasing a development buffer by 90%, there is an increased likelihood that higher sediment and pollutant loads would enter our state waters. As a result, wetlands would continue to be degraded rather than protected and restored. Affordable housing and natural resources are not at odds with each other. Wetlands are a mitigation and adaptation tool we desperately need to help combat the impacts of climate change. They reduce air pollution by capturing carbon and are a cooling source for surrounding communities. Wetland protection needs to be prioritized, and communities must be developed in coexistence with wetlands.

Thank you.

Mike Meyer  
Tigard, Oregon

**From:** [Doug](#)  
**To:** [GOV Hpac \\* GOV](#)  
**Subject:** PROTECT OUR WETLANDS  
**Date:** Wednesday, November 15, 2023 1:57:43 PM

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You don't often get email from [dms.portland@gmail.com](mailto:dms.portland@gmail.com). [Learn why this is important](#)

Dear Council, I write to ask that you strike down the proposal to decrease the wetland-development buffer requirement from 50 feet to 5 feet. Wetlands provide necessary floodplain and erosion management, pollution filtration, carbon sequestration, and fish and wildlife habitat. By decreasing a development buffer by 90%, there is an increased likelihood that higher sediment and pollutant loads would enter our state waters. As a result, wetlands would continue to be degraded rather than protected and restored. Affordable housing and natural resources are not at odds with each other. Wetlands are a mitigation and adaptation tool we desperately need to help combat the impacts of climate change. They reduce air pollution by capturing carbon and are a cooling source for surrounding communities. Wetland protection needs to be prioritized, and communities must be developed in coexistence with wetlands. Thank you.

A 5 foot is just not feasible as a wetland buffer. Runoff from hard surfaces can easily travel that distance. You can not even install an effective swale in a buffer that small. Plus a swale could be considered development.

**From:** [Linda Mihata](#)  
**To:** [GOV Hpac \\* GOV](#)  
**Subject:** PROTECT OUR WETLANDS  
**Date:** Wednesday, November 15, 2023 1:34:21 PM

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[You don't often get email from [elmihata@comcast.net](mailto:elmihata@comcast.net). Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification> ]

Dear Council, I write to ask that you strike down the proposal to decrease the wetland-development buffer requirement from 50 feet to 5 feet. Wetlands provide necessary floodplain and erosion management, pollution filtration, carbon sequestration, and fish and wildlife habitat. By decreasing a development buffer by 90%, there is an increased likelihood that higher sediment and pollutant loads would enter our state waters. As a result, wetlands would continue to be degraded rather than protected and restored. Affordable housing and natural resources are not at odds with each other. Wetlands are a mitigation and adaptation tool we desperately need to help combat the impacts of climate change. They reduce air pollution by capturing carbon and are a cooling source for surrounding communities. Wetland protection needs to be prioritized, and communities must be developed in coexistence with wetlands. Thank you.

Sent from my iPad



November 3, 2023  
Housing Production Advisory Council  
Re: Consolidated Tax Reform

Members of the HPAC,

Thank you for the opportunity to provide these comments today regarding the Consolidated Tax Reform proposals. By way of background, our organizations represent builders, realtors, property owners, and housing advocates across the state. Collectively, our organizations have worked on land use and economic reform since the founding of our state planning system, and support Oregon's goal of drastically increasing housing production. Further, we recognize and support the need for more infrastructure across the state. We also support finding creative and sustainable ways to fund needed infrastructure projects now and in the future. However, we have substantial concerns about some of the proposals from the HPAC financing committee, namely the Consolidated Tax Reform Proposal.

The cost of living in Oregon is already incredibly high, and Oregon families are struggling to stay afloat in a post-pandemic economy. While increasing Oregonians' property tax burden would certainly raise revenue for local governments, it may also serve as a harmful disincentive to increased development, reduce buyers purchasing power, increase costs for low to moderate income families, increase the risk of gentrification, and make affordable housing more difficult to develop.

While well intentioned, the Consolidated Tax Reform Proposal contains harmful and regressive policy suggestions that should not move forward. Specifically, the HPAC should not move forward Item (A) Targeted Measure 50 Reform, Item (B) Adopt Land Value Tax, Item (E) Reduce or Eliminate Tax Exemptions. Instead, the HPAC should explore more property tax incentives like Item (D) Temporary property tax exemption for new housing at 120% AMI or below.

- I. **Item (A) Targeted Measure 50 Reform or Item (E) Reduce or Eliminate Tax Exemptions should not move forward because increased property taxes hurt Oregon families and increase risk of inequitable housing outcomes:**

There is also no measurable correlation between increased property taxes and increased housing production or housing equity. In fact, the HPAC need only look to states where property tax rates are especially high, to see the negative impacts from increased property taxes to homeowners, renters, and builders. As an example, Texas is in the process of passing major property tax reform to reduce property taxes because of the harmful impacts high property tax rates are having on its communities. See [Texas taxes push Black, Hispanics out of homes - The Washington Post](#). This article highlights the negative consequences high property taxes are having on communities in the San Antonio area:

*Property valuations in Bexar County, home to San Antonio, have increased by an average of 73 percent over the last 10 years, raising the tax bill of the average homeowner between \$2,300 and \$3,000, according to the county appraisal district. The number of homeowners protesting their valuations has jumped 50 percent in the past five years. Neighbors are helping each other apply for tax exemptions, and some residents are exploring housing trusts and historic preservation to protect their land. These things combined, residents say, leave them with few options to save their neighborhoods from the kinds of destabilizing changes that Austin has experienced.*

*“There seems to be no way to stop it,” said the retired teacher, whose property taxes increased to nearly \$5,000 this year from \$1,200 in 2010. She has tried to rally her longtime neighbors, but they seem resigned to the changes, she said. “The city is just going to do what they want.”*

When homeowners are unable to pay their tax bills, they are forced to move to other neighborhoods or even other states with less tax burden. This directly increases the likelihood of gentrification of neighborhoods. Further, an increased tax burden reduces the buying power of future homeowners and often requires taxpayers to take out additional loans in order to reconcile their tax bills. Moreover, increased property taxes disincentivizes real estate investment, ultimately reducing investment in community growth. Oregon is already disadvantageous for real estate investors. Increasing property taxes will not make Oregon more attractive for development. Again, while increasing property taxes may increase revenue for local governments to fund infrastructure projects, the countervailing negatives of this policy exacerbate the inequitable outcomes of our housing crisis. Measure 5 and Measure 50 were put in place by voters to rein in increased property taxes and prevent these exact inequitable outcomes from occurring.

For these reasons, we strongly urge the HPAC to not move forward Item (A) Targeted Measure 50 Reform, Item (B) Adopt Land Value Tax, or Item (E) Reduce or Eliminate Tax Exemptions.

**II. Item (B) Adoption of Land Value Tax should not move forward because it could decrease the likelihood that affordable housing is produced in our urban centers:**

A land value tax (LVT) is a tax based solely on the value of unimproved land, without consideration of any buildings or other structures erected upon it. An LVT disregards things like structural improvements, drainage improvements, and the value of any agricultural crops that may be growing on the land. Some economists assert the idea that an LVT would incentivize development, because it would eliminate any disincentive caused by taxation based on improvements, like houses.

As this committee well knows, the fear of potential increased property taxes is not a major barrier to housing production in Oregon, and is not the reason why homebuilders are not able to build to scale. Moreover, adoption of an LVT could have significant inequitable outcomes for housing development, and decrease the likelihood that affordable housing is produced where we need it most, specifically inside our urban centers.

Given Oregon’s unique land use planning system, there is a limited amount of buildable land available for residential development. The constraint on our buildable land supply has drastically increased the price of land inside our urban growth boundaries. If an LVT was adopted, depending on how value of

land is assessed, land inside our urban growth boundaries that is near transit in our city centers, will be taxed at much higher rates than vacant lands near or outside the boundary.

As an example, if an LVT was in place, a vacant lot inside a city center will likely have a higher tax rate than a lot at the edge of town improved with a mansion, guest house, barn, horse riding arena, and more, because the value of urban center lot greatly outweighs the value of the rural lot. The vacant lot owner is going to have to pay much more than the mansion owner because their land is in a prime city location. This means that the vacant lot owner (and any subsequent developer of the vacant lot) will not only need to overcome the costs of acquisition, but also significant property taxes. In turn, this will make production of an affordable or moderate-income housing product even more difficult to pencil than it is now. The likely outgrowth is that more expensive housing units will have to be produced to see any sort of return.

We have concerns that if an LVT was adopted, infill lots needed for residential development in our urban centers would bear a disproportionate tax rate, which would greatly disincentivize affordable housing production. For this reason, we urge the HPAC not to move this recommendation forward.

**III. Item (C) Eliminating the Mortgage Interest Deduction (MID) for second homes should not move forward because it would hurt communities that depend on second home revenue:**

Eliminating the Mortgage Interest Deduction (MID) for second homes is only estimated to increase state revenue by \$30 million per year. This is not an amount of money that could make a significant impact on infrastructure investment or housing production. However, it could have a significant negative impact on communities that rely on the economic benefits of second home ownership.

The impacts to the communities that would be affected have not been analyzed, but they need to be. While eliminating the mortgage interest deduction for second homes would bring marginal additional revenue to the state, it would likely take revenue, jobs and investment away from the communities where the second homes reside. Given that the purpose of this proposal is to generate revenue for local government infrastructure and housing production needs, it is not at all clear that there would be a net benefit to local communities.

The [NW Colorado Council of Governments](#) did a study on the social and economic impacts of second home ownership and found that in the communities studied second homes and second home owners were the largest economic drivers in those communities in terms of both outside dollars coming in to the community as well primary and secondary jobs in the community. While the impacts will be different in each community based upon the concentration of second home ownership, potential negative impacts must be taken into account. For communities that do generate a significant amount of economic activity for second home ownership, a proposal to disincentivize second home ownership while sending money to the state rather than keeping it in the local community would likely be a net loss to that community.

The timing to eliminate the mortgage interest deduction for second homes also could not be worse. Interest rates are at the highest level in 20 years and home purchase activity has [slowed to its lowest level since 1995](#). Homes are unaffordable right now even with the mortgage interest

deduction. Eliminating it for any set of homeowners or potential homeowners will be a further drag on the housing market which represents roughly 15% of GDP.

In conclusion, no good case has been made about why this proposed policy would (1) increase housing production (2) reduce the cost of ownership for primary home buyers/owners or (3) provide an overall benefit to communities with higher concentrations of second homes.

**IV. Item (D) Tax Exemption for Moderate Income Housing should move forward as it provides needed incentives to developing this type of housing:**

We agree with Item (D)'s recognition that the economic feasibility of housing production is hampered by increasing capital and operating costs. Granting properties with homes or rental units available to families earning at or below 120% AMI a property tax exemption would significantly change the economics of housing development and incentivize new production of units of all types. We strongly encourage the HPAC to explore more opportunities for these types of exemptions and should put forward additional recommendations for more tax exemptions to alleviate financial constraints on homeowners, builders, buyers, and renters.

Thank you for the opportunity to provide these comments today. Please do not hesitate to reach out to a representative of any of our organizations with questions or concerns.

Jodi Hack  
CEO  
Oregon Home Builders Association  
Jhack@oregonhba.com

Jeremy Rogers  
Director of Legal Affairs & Public Policy  
Oregon REALTORS  
jrogers@oregonrealtors.org

Samantha Bayer  
General Counsel  
Oregon Property Owners Association  
sbayer@oregonpropertyowners.org

**From:** [Karl S](#)  
**To:** [GOV Hpac \\* GOV](#)  
**Subject:** DO NOT DESTROY OUR WETLANDS !  
**Date:** Thursday, November 16, 2023 6:41:57 PM

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You don't often get email from kfsh12@gmail.com. [Learn why this is important](#)

Dear Council, Did you all just move to Oregon? Think we should return to private ownership of Oregon beaches? Think we should destroy our wetlands? Did you answer yes to all, or at least one?

Immediately withdraw the unnecessary and idiotic proposal to decrease the wetland-development buffer requirement from 50 feet to 5 feet.

Wetlands provide necessary floodplain and erosion management, pollution filtration, carbon sequestration, and fish and wildlife habitat. By decreasing a development buffer by 90%, there is an increased likelihood that higher sediment and pollutant loads would enter our state waters. As a result, wetlands would continue to be degraded rather than protected and restored. Affordable housing and natural resources are not at odds with each other. Wetlands are a mitigation and adaptation tool we desperately need to help combat the impacts of climate change. They reduce air pollution by capturing carbon and are a cooling source for surrounding communities. Wetland protection needs to be prioritized, and communities must be developed in coexistence with wetlands.

This proposal of yours will not help with affordable sustainable housing communities.



**From:** [Gregg Russell](#)  
**To:** [GOV Hpac \\* GOV](#)  
**Cc:** [Victoria Frankeny](#)  
**Subject:** Housing versus wetlands  
**Date:** Thursday, November 16, 2023 9:57:36 AM

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Dear Council,

Climate change should be at the top of any agenda either locally or nationally and any issues that would directly affect climate change should be critically reviewed.

I find it difficult to understand that this Housing Production Advisory Council could even consider reducing wetland development buffers by 90% given the dramatic changes occurring not only in Oregon but around the world.

In the not-too-distant past, wetlands were regarded as wastelands. Most people felt that they were places to be avoided and it was common to drain them, fill them or treat them as dumping grounds. A study published by the U.S. Fish and Wildlife Service in 1990 revealed a startling fact: more than half of the 221 million acres of wetlands that existed in the lower 48 states in the late 1700s have been destroyed. We can't let that happen in Oregon! Oregon should be leading the country in environmental issues, not detracting from them.

Today, we know or should know that wetlands provide many important services to the environment and to the public.

Affordable housing should be co-existing with the wetlands without changing the current fifty-foot buffer between development and state waters. Building up rather than out should be the rule of thumb to accommodate the housing market.

Even in my own community in Washington County, King City plans to build 3300-3600 new homes along the Tualatin River thus putting huge strains on the Tualatin River watershed. King City is pushing for a collector road through a nature preserve conservation easement. This is not intelligent planned development but a recipe for disaster. We can do better, much better!

Gregg Russell



11675 SW Hazelbrook Road | Tualatin, OR | 97062 | (503) 218 2580 | tualatinriverkeepers.org | info@tualatinriverkeepers.org

November 15, 2023

Dear Housing Production Advisory Council (HPAC):

Tualatin Riverkeepers (TRK) is a community-based organization that protects and restores the Tualatin River watershed. We build watershed stewardship through engagement, advocacy, restoration, access, and education. We write to express concerns with the recommendation to reduce 50-foot buffers to 5 feet from state wetlands, and ask the Council to vote against moving forward with the recommendation.

**I. The recommendation will compromise the quality and quantity of waters throughout the state.**

Wetlands are a natural source of filtration. With less distance between a potential release and state waters, there are less opportunities for pollutants to filter out before reaching our waters directly or via groundwater. While climate change has made rain events unpredictable, greater buffers will help decrease the probability and quantity of sediment entering our state waters.

It is no secret that development greatly disturbs and loosens soils. This issue is further exacerbated by tree removal.<sup>1</sup> For example, for several days during the spring of 2022, sediment was released into the Tualatin River from a school construction site in West Linn.<sup>2</sup> This project disturbed approximately 21.7 acres of soil and is approximately 250 feet away from the Tualatin River and surrounding wetlands. In comparison, this recommendation proposes a mere 5 feet of distance between construction sites and our wetlands. If a distance of 250 feet could do this level of damage, imagine the amount of damage that could be caused if the project was in closer proximity. This degree of sediment load would completely alter the hydrology and topography of a healthy wetland.

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<sup>1</sup> This further emphasizes a need for cities and counties to develop a strong tree code that promotes preserving existing trees, rather than removing and replanting. A rollback of jurisdictions' tree codes has been another topic of discussion amongst the Council, and one that has faced serious opposition.

<sup>2</sup> See Notice of Civil Penalty Assessment and Order Case No. WQ/SW-NWR-2022-532. Issued by DEQ on Dec. 16, 2022.

Furthermore, the workgroup recommendation misleads the Council by stating that current regulations are overly restrictive of what they deem “low quality wetlands.” Wetlands, regardless of state, still provide a significant environmental value, including necessary cooling and carbon sequestration and habitat for native species. Not to mention, **wetlands can be restored**. There are several examples throughout the state where organizations and landowners have restored wetlands previously designated as “low quality.”<sup>3</sup> The fact that a wetland is “low quality” is not justification for lesser protections, as many of the benefits still remain.

## **II. The recommendation puts already vulnerable communities in precarious situations.**

The mission of the Council is to identify possible answers to the housing crisis. And while reducing these buffer restrictions look good for increasing available housing, it could lead to further displacement of already vulnerable communities.

Wetlands provide necessary water storage for flood water and stormwater runoff. However, there must be significant buffers from development to allow wetlands to function without risk to nearby housing. As the area develops and creates more impervious surfaces, the amount of uncontrolled stormwater increases. Wetlands are a natural stormwater management strategy, reducing rates and volume of stormwater flow and lowering flood and erosion risk. In fact, lack of stormwater and erosion control are some of the larger threats in our watershed, causing extreme headcutting and stream widening in lands recently incorporated into the urban growth boundary for development. See Exhibit A. If the buffer restriction is lessened, erosion rates would increase drastically and could displace established communities.

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<sup>3</sup> “Wetland Restoration at Tualatin River Refuge.” Fish & Wildlife Service (<https://www.fws.gov/media/wetland-restoration-tualatin-river-refuge>); “Glencoe Swale (Hillsboro).” Tualatin Soil and Water Conservation District (<https://tualatinswcd.org/projects/glencoe-swale/>); “‘This place wanted to be a wetland’: how a farmer turned his fields into a wildlife sanctuary.” The Guardian (Oct. 22, 2023), (<https://www.theguardian.com/us-news/2023/oct/22/farm-wetland-bird-animal-sanctuary-oregon>).



**Exhibit A:** Unnamed tributary in King City Community Park. Erosion is the result of unmitigated stormwater runoff from the uphill Bull Mountain community. The headcutting of this stream is occurring at a rate of approximately 8 feet per year.

Lastly, wetlands provide positive health benefits to community members. Wetlands hold recreational, cultural, and aesthetic value, and these values play a direct role in a person’s physical and mental health and well-being.<sup>4</sup> Communities need natural areas; this is more evident than ever since the pandemic. As a result, wetlands should be preserved, protected, and restored, not placed in further endangerment.

**III. Conclusion**

Urbanization is the greatest threat to our wetlands, and with the current change to the definition of our federal waters, we are dependent now, more than ever, on the state to protect them.<sup>5</sup> Contrary to the opinion expressed from the development workgroup, there are several reasons why reducing the prescriptive buffers from 50 feet to 5 feet would be harmful to the human and natural environment.

Thank you for your time and consideration on these issues. Please feel free to contact me if you have any questions regarding these comments.

Sincerely,

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<sup>4</sup> Carter, May Elizabeth. “Wetlands and Health: How do Urban Wetlands Contribute to Community Wellbeing?,” *Wetlands and Human Health* (Aug. 2015).

<sup>5</sup> The United States Supreme Court recently changed the EPA and Army Corps of Engineers’ jurisdictional oversight in the *Sackett v. EPA* opinion released earlier this year, leaving many water resources subject to state oversight.

A handwritten signature in black ink, appearing to read "Victoria Frankeny". The signature is fluid and cursive, with the first name "Victoria" written in a larger, more prominent script than the last name "Frankeny".

Victoria Frankeny [she/her]  
Riverkeeper & Staff Attorney  
Tualatin Riverkeepers  
[victoria@tualatinriverkeepers.org](mailto:victoria@tualatinriverkeepers.org)



November 16, 2023

Housing Production Advisory Council

Re: Climate Friendly and Equitable Communities Recommendation

Members of the HPAC,

Thank you for the opportunity to provide comments today encouraging your support of the CFEC recommendation. By way of background, our organizations represent homebuilders, realtors, home buyers, and property owners across the state. Our organizations have been deeply involved in both the Climate Friendly and Equitable Communities (CFEC) rulemaking and HB 2001 (2023), which codified the Oregon Housing Needs Analysis. We will also be engaged in the OHNA rulemaking process.

Because of our commitment to increasing housing production and equitable housing outcomes, we appreciate this Council's recognition that CFEC and our Housing Goals are not aligned, and are encouraging DLCD to slow down the implementation of CFEC until proper implementation of OHNA is complete. Therefore, we support the HPAC moving the CFEC recommendation forward to the Governor.

Throughout the entire CFEC RAC process, we raised concerns about how the CFEC rules would have significant inequitable outcomes for housing development. We specifically raised concerns that the CFEC rules were being created in a vacuum without alignment with the upcoming OHNA legislation and rulemaking. Unfortunately, our concerns were not listened to, and to this day, continue to go unaddressed.

To be clear, these concerns are not merely "questions" as categorized at the last LCDC Commission hearing. We have significant concerns about the outcomes of these rules for housing development, which is why we continue to raise them and pushback against CFEC where it is appropriate.

**We fear that without significant Legislative and Executive oversight, the conflicts between CFEC and OHNA will not be properly addressed. This will result in disastrous outcomes for our local government who are responsible for promoting needed housing development under OHNA, which in turn will have negative consequences for housing producers who will be caught in the crossfire of bureaucratic whiplash.**

Attached to this letter is the comment letter we provided to LCDC at the last Commission meeting outlining our overarching policy concerns with CFEC and the OHNA rules. As we have worked in partnership with local governments and DLCD on implementing OHNA, we have come to find even more concerns with the two countervailing policies. We anticipate that as we go, we will find even more areas where these policies fail to align. This is why a stay on certain sections of the rules is imperative.

We are happy to provide additional information to the HPAC if requested, but for the purposes of this letter, we will just focus on two examples:

**I. The housing portions of CFEC should not come into effect until after OHNA is in effect because doing otherwise puts the cart before the horse when planning for future housing need:**

OHNA requires the state to assign local governments “housing need” allocations and targets by January 1, 2025. The allocation and targets are based on several factors, including the 20-year regional need, forecasted population and job growth, Metro’s needed housing projections under ORS 197.303, and need across various income levels. Under OHNA, local governments must plan to meet this need and their targets. They must take significant steps to update their comprehensive plans and zoning codes to try and meet these specific metrics.

Conversely, in the most recently adopted CFEC rules, OAR 660-012-0315 requires a subject local government to adopt a Climate Friendly Area “sufficient to accommodate at least 30 percent of the total identified number of housing units necessary to meet all current and future housing needs.” Cities must then adopt land use requirements for climate-friendly areas and a climate-friendly comprehensive plan by December 31, 2024. Cities are already completing their CFA studies. All “current and future housing needs” means something **very different** than what is contemplated in OHNA. Under the newly adopted CFEC rules, “housing need” is determined by the city’s most recently adopted and acknowledged “housing needs analysis” or “housing capacity analysis”, which is a very different articulation of housing need that does not take into consideration the factors outlined in OHNA. In fact, the entire reason we passed OHNA this Session was because how cities were planning for housing need previously was not furthering Oregon’s fair or equitable housing outcomes.

Why would we ask cities to designate large swaths of their jurisdiction as Climate Friendly Areas large enough to hold 30% of “all future housing need” based on old metrics and require them to update their zoning ordinances and comprehensive plans to promote this “housing need” all to turn around and hold the city accountable for completely different housing metrics two years later? How does this type of inconsistency and overburden on local planning staff help improve housing production? How does this help promote the outcomes OHNA statutorily requires cities to plan for? It simply does not.

There is no reason for the housing portion of the CFEC rules to come into effect before OHNA comes into effect. The best course of action is to stay the portions of the CFEC rules impacting

housing, allow the state to complete the OHNA rulemaking, allow OHNA to come into effect, and then allow local governments to plan their climate friendly areas after they know what their housing need allocations and targets are under OHNA.

**II. CFEC does not simply “allow” more housing units, but imposes minimum density standards that create exclusive high-density zones, which will disallow important housing types promoted under OHNA and HB 2001 (2019):**

The CFEC rules contain highly prescriptive and aggressive minimum density standards for Climate Friendly Areas. Specifically, some jurisdictions have a minimum density standard of 20-25 du/net acre. The reason for these standards, according to DLCD, is that we need to require increased density in CFAs to reduce VMT at levels great enough to meet the VMT reduction targets. Stated plainly, if enough people are living in CFAs in high-rise apartments with no parking, the less likely they are to drive cars, and the more likely they are to take public transit. While we fundamentally disagree with this type of social engineering through planning, and question the efficacy of this policy, we also have consistently opposed the prescriptive density standards because of the negative outcomes they will have on housing development.

Given the standards outlined in the rules, we would realistically see near exclusive development of multistory housing. This means more expensive building materials and design requirements, which would work against the affordability goals of OHNA. We would see homogenous production of multistory apartments, which would work against the diverse housing goals of OHNA and HB 2001 from 2019, which sought to allow duplexes city-wide. There would be almost no opportunities for homeownership in CFAs, which works against the equity goals of OHNA and sets future generations up for a lifetime of being rent burdened. To top it off, DLCD and local governments acknowledge that gentrification will be an inherent component of Climate Friendly Areas. See the [City of Eagle Point’s](#) quote from their CFA study:

*“Due to the nature of the regulations, an area designated as a climate friendly area gains the capability to be redeveloped for a wide variety of uses and dense housing types. While these factors intend to promote nodes not reliant on personal automobile use, they also have the capability of creating modernized, attractive, and competitively priced developments which can subsequently displace protected classes.”*

The density standards in CFA’s work completely against OHNA’s statutory requirement that OHNA be implemented under the principles of developing affordable and equitable housing, and that local governments can face enforcement orders for policies that inhibit equitable access to housing choice.

**Again, why would we require cities to adopt certain policies knowing they will result in inequitable housing outcomes all the while passing legislation holding them accountable for adopting policies that result in inequitable housing outcomes? This is what we mean when we say that these two policies do not align.**



While DLCD may have made some minor improvements to the rules, our concerns about the misalignment of these two policies have NOT been addressed. We have not been alone in raising these concerns and others. We urge the HPAC to please review the following comment letters submitted on the matter:

- [City of Bend's Study](#) highlighting concerns with implementation of rules.
- [City of Springfield's written comments](#) for the LCDC Commission meeting.
- [LOC's written comments](#) for the LCDC Commission meeting.
- [Hillsboro's & Cornelius' written comments](#) for the LCDC Commission Meeting.
- [OR, OHBA, OPOA, OBI, OTA comment letter](#) stating our concerns with OHNA in April.

For these reasons, we strongly urge the HPAC to move forward with their recommendation to the Governor that the CFEC rules related to housing be stayed until after OHNA rules come into effect. To do otherwise creates greater internal conflict for local governments being tasked with implementing opposing mandates, which puts the Governor's goal of 36,000 units a year in jeopardy.

As previously stated, we would be happy to provide the HPAC with more information if requested and are available to answer any questions members of the Council may have.

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To: Housing Production Advisory Council

From: Andy Smith, Government Relations Manager

Date: November 17, 2023

Re: CFEC Recommendation

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We appreciate the work that has gone into crafting a reasonable recommendation. Our interest over the last two plus years of engagement with DLCD and LCDC on the CFEC rules has been to ensure that statewide climate rules had their intended effect in our community while mitigating unintended consequences. Unfortunately, the latest update to the CFEC rules adopted earlier this month is a mere microcosm of the last two and a half years of work.

The latest updates to the CFEC rules do make some minor improvements. Yet none of the core issues we have raised have been addressed in a meaningful way. I recently asked our land use and transportation planning staff about the current state of the CFEC rules post update. In response, one staff member shared an example from a recent CFEC TSP Policy Guidelines Meeting.

- “I raised the same Section 0830 concerns. I said DLCD and LCDC either didn’t read or ignored our concerns that our city relies on developers to build our projects. My question was ignored, and the moderator quickly moved on to the next question. One example of many is the impact of the extension of Cornelius Pass Road through South Hillsboro (Oregon’s largest master planned community). We have invested millions of dollars in design and tax credits for developers to dedicate right of way and/or build a partial project. We should not have to go back and redo that work. At this point I’m exhausted from spending countless hours trying to be productive and provide solutions that ensure critical infrastructure that supports housing development can be constructed under these rules only to be ignored or dismissed.”

Our coalition of cities provided an extensive memo to HPAC in October that details the conflicts between CFEC and OHNA. Those conflicts remain with the updated rules.

The City of Hillsboro has always been committed to climate friendly and equitable planning and development practices. We are confident that the CFEC rules and the OHNA can align and result in increased housing production and more climate friendly and equitable communities. Unfortunately, our feedback continues to be dismissed, and the result of the current rules will be to significantly impede the delivery of road infrastructure to support needed housing.

The HPAC is the only body that seems to be taking these issues seriously, which is refreshing. We encourage you not to be worn down as our planning staff and local planning staff across the state have become after two plus years of engagement with the department. Please advance this recommendation for the sake of good government, and our shared priorities to meaningfully address climate change and deliver needed housing.



**Commissioner Carmen Rubio**  
City of Portland

Monday, November 6<sup>th</sup>, 2023

Co-Chair JD Tovey Co-Chair Damien Hall  
Housing Production Advisory Council  
Salem, OR 97301

Re: HPAC Work Group Recommendations for November 3<sup>rd</sup>, 2023

Co-Chairs and Members of the Housing Production Advisory Council,

Thank you for your work to increase housing production across the State and the opportunity to provide feedback on the proposals scheduled for a second reading at the November 3<sup>rd</sup> HPAC meeting. The City of Portland is continuing to not take a formal position on specific proposals, but instead we are offering feedback from staff that will hopefully help improve the recommendations as they are finalized. Given the particularly short timeline for providing testimony on this very robust set of recommendations, we are unable to fully comment on all the items being presented so have prioritized providing initial feedback on select recommendations. Should these proposals advance and become legislative concepts, we anticipate continuing to engage and may have additional feedback to share as part of that process.

Expand Brownfields Redevelopment Funding Programs

We appreciate your interest in providing more resources for redeveloping brownfields, which are an important part of achieving our housing production goals in an urban context, and believe increasing the size and flexibility of existing state programs will help bring currently unusable land onto the market.

Insurance Risk Pool

We appreciate your acknowledgement of the significant increases in insurance rates across existing affordable housing, especially for permanent supportive housing, and your interest in exploring a permanent solution to address this issue statewide.

Low-Interest Loan Fund

As we have shared before, we appreciate the HPAC's interest in expanding tools available to support middle-income/workforce housing development, and believe that a below-market revolving fund could be a valuable additional tool, as interest rates have increased rapidly and stymied development. Should this concept advance, we would suggest designing the program to reduce risks to lenders and focusing on construction lending which makes the largest impact.

Catalyzing Portland

We appreciate the HPAC's enthusiasm for the economic recovery and long-term vitality of Portland and the role that the health of our housing market plays in the overall health of the state. This proposal

addresses a variety of items specific to Portland, many of which we are currently advancing or exploring locally, building off of multiple years of stakeholder engagement and research. For example, HPAC members are likely aware of our current efforts to ensure that our inclusionary housing program is supported by adequate tax abatements to offset impacts to development feasibility. And we similarly are moving toward a single permitting authority at the City. As much as we appreciate your endorsement of the work we are doing, we believe each of these strategies should be advanced and implemented at the local level. In addition, there are a few components of the proposal that are of concern, including the mention of suspending our inclusionary housing program and the idea of a broad expansion of SDC waivers without also acknowledging the need for an alternative source of funding for local infrastructure improvements.

#### Early Feasibility Acceptance

We understand the issue that this proposal is trying to address, however do not believe that this is the appropriate remedy. We have concerns that this proposal circumvents the land use system, creating land use decisions that would be made outside of the formal land use process. Moreover, it is common, if not typical for proposals to evolve after Early Assistances meetings in response to issues identified in that preliminary discussion. These are not conducted at the level of a check sheet review process that occurs later in the application process. If this proposal became law, we would likely be forced into the position of telling all applicants that the proposals contain insufficient information to fully evaluate them, in order to retain further opportunities to review and provide feedback.

#### Appeals Expedited Process

Generally speaking, we are concerned that this proposal would be detrimental to local jurisdictions, applicants, and community engagement in the land use process. The timeline and limitations on contents of the record and length of brief would make it almost impossible for appellants (including developers) to challenge a decision or to respond to a challenge and provide LUBA with adequate information about the decision. Limiting briefs to 250 words could negatively impact both sides of an appeal as oftentimes the issues that are raised on appeal are complex. The standard of review change also raises concerns as it is an overly deferential standard and adds uncertainty by using undefined terms without precedent in Oregon case law. Where a developer appealing an interpretation of a discretionary local code provision to LUBA might be able to prevail under the *current* standard of review (for example by demonstrating that the local government improperly construed the law or the decision was not supported by substantial evidence), they would be hard pressed to demonstrate “obvious error,” per this proposal.

#### Density Swap

In the context of this proposal, it is important to acknowledge that state law already requires local jurisdictions to account for physical constraints such as steep slopes or wetlands in our buildable land inventories, to offer a clear and realistic representation of available housing development capacity within our city. However we have some more practical concerns with this proposal as well. First, as density is transferred and further concentrated within a specific portion of a development site, at a certain point more intensive structure types will be needed to achieve equivalent densities (for example, building apartments in lieu of detached houses or middle housing). Portland already offers a planned development process to consider appropriate and site-specific development standards to apply and respond to these situations. Absent that process, the clear and objective standards that otherwise apply to single dwelling or middle housing development are not appropriately designed for these larger structure types. Additionally, concentrating density near some of these physical features (without appropriate review and consideration of the impacts) could run counter to the city’s obligation to

protect public safety and comply with Statewide Goal 7. For example, compounding units on the fringe of a landslide hazard could add additional development impacts, site disturbance, and soil load bearing which could further destabilize the slope – putting residents in these areas at risk.

Thank you again for your ongoing efforts to devise innovative policies to help support Oregon’s housing production goals.

Sincerely,

A handwritten signature in black ink, appearing to read "Carmen Rubio". The signature is written in a cursive style with a small dot above the "i" in "Rubio".

Carmen Rubio  
Commissioner, City of Portland

## CONSOLIDATED TAX REFORM HPAC FINANCE WORKGROUP

### HPAC Work Group Recommendation Template

Excerpts:

#### RECOMMENDATION

*Taxes are both a tool to raise revenue for government and to shape taxpayer behavior. Attaining the Governor's desired housing production goals will require significant new revenue; this recommendation highlights actions that can address revenue shortfalls and encourage a shift in taxpayer behavior to support housing production.*

**Reform Oregon's tax system to encourage development of needed housing and provide adequate revenue for local governments to support housing production. Potential actions include (but are not limited to):**

**A) Targeted Measure 50 Reform:**

1. Increase annual Maximum Assessed Value change to 5%.
2. Authorize voters to increase the permanent levy of their local jurisdiction.
3. Exempt Cities and Counties from compression.

**B) Adopt Land Value Tax**

**C) Eliminate Mortgage Interest Deduction for Second Homes (i.e., abolish income tax deduction for interest paid on second homes).**

**D) Enact temporary property tax exemption for new housing at 120% AMI or below.**

**E) Reduce or Eliminate Tax Expenditures (i.e., tax exemptions) not related to housing.**

#### WORKGROUP ADOPTION

October 11, 2023 by unanimous consent.

### Co-chairs Guidance: Standards for Analysis

**1. CLEARLY DESCRIBE THE HOUSING PRODUCTION ISSUE THAT THE RECOMMENDED ACTION(S) WILL ADDRESS.**

**A) Targeted Measure 50 Reform**

Property taxes are the single largest source of tax revenue for cities (League of Oregon Cities, 2019). However, unrestricted revenue for local governments has not kept pace with the demands placed on them, especially with respect to infrastructure expansion and maintenance (EcoNorthwest, 2022).

Oregon's land use system artificially constrains the supply of buildable land to encourage compact, orderly development of urban centers while protecting rural land from urbanization and sprawl. Successful execution of this policy requires large, well thought-out infrastructure investments. Prior to the tax revolt in the 1990s, infrastructure planning, funding and implementation was predominantly the responsibility of local governments. However, as general fund revenues became constrained, the cost and planning burden shifted to new development. Thirty years on, we are faced with a significant amount of land that is eligible for urbanization under Oregon's land use system, but economically infeasible for private parties to develop.

The following three reforms to Measure 50 will increase unrestricted general fund revenues for local government:

1. Increase annual Maximum Assessed Value change to 5%.

Measure 50 created the concept of Assessed Value (AV). The 1997-98 Maximum Assessed Value (MAV) for each property was set at 90% of its 1995-96 real market value (RMV). If no new construction occurs on the property, then the growth in maximum assessed value is capped at 3% per year. However, the assessed value cannot exceed real market value. First, the current year MAV is set to the greater of (a) 103 percent of the prior year's AV or (b) 100 percent of the property's maximum AV. Then, the AV is set as the lesser of (a) the current year's MAV or (b) the Real Market Value (RMV) (Oregon Department of Revenue, 2009, p. 3).

Since adoption, Real Market Values have grown significantly faster than Maximum Assessed Values; for the assessment as of January 1, 2021, Assessed Value was 56.2% of Real Market Value on a statewide basis. Said another way, property values have increased 433% while assessed values have only increased 243% (Legislative Revenue Office, 2023, p. D6).

Voters have responded by authorizing additional taxes at the local level. During the same time period, voter approved bonds, local option levies, and newly created special districts increased property tax rates by approximately 30%. However, voters have been constrained in their ability to raise taxes by Measure 5.

Increasing the annual MAV cap will allow assessed values to trend towards RMV over time while still providing meaningful protections and predictability to rate payers. This has two major benefits:

- i. The difference between inflation (the increased cost of providing government services) and unrestricted revenue provided by property tax will decrease over time.
- ii. Inequalities between similarly situated property owners (similar assets paying different tax amounts) will decrease over time.

2. Authorize voters to increase the permanent levy of their local jurisdiction.

Measure 50 did not replace Measure 5, but rather established a second level of restrictions. Measure 50 gave each district a permanent tax rate which cannot be increased without a constitutional amendment. However, voters can approve local option levies for up to five years for operations, and up to the lesser of ten years or the useful life of capital projects. Local option levies, as well as general obligation bonds, must be approved by a majority vote at a general election.

In response to these limits, voters have adopted numerous special districts, operating levies, and bond programs. Essentially, creating a special district is a workaround to the permanent limits – for example, a city can convert its fire department to a special district with its own, newly established tax rate. The permanent rate for the City does not decrease but the permanent rates paid by citizens does increase (Legislative Revenue Office, 2023, p. D2).

The proliferation of special districts (together with operating levies and bonding programs) makes it clear that voters want more services and are willing to pay for them through increased property taxes. However, the permanent tax rates for cities and counties are based on the rates that existed at the time M50 was adopted. This creates two problems:

- i. General property tax levy amounts in 1996 were based on materially different economic conditions than exist today, especially for rural counties. This has led to a significant inequity between jurisdictions which continues to be exacerbated over time.
- ii. Local governments are being asked to shoulder more financial responsibility than in the 90s. Decreasing Federal and State funding of infrastructure is a prime example of how local governments are being asked to pick up the slack when addressing problems that affect society (EcoNorthwest, 2022, pp. 11-22).

### 3. Exempt Cities and Counties from compression.

As an alternative or in addition to action B above, exempting Cities and Counties from compression would make more unrestricted general fund resources available. Compression occurs when a property's tax rate must be lowered so that the tax imposed on the assessed value of a single property does not exceed \$10/\$1,000 of the property's real market value for non-school taxing districts and \$5/\$1,000 for school taxing districts. While Compression is primarily driven by M5, the RMV/AV ratio established by M50 can also contribute to the problem.

This recommendation would adjust the sequence in which revenues are reduced, so that Cities and Counties are the last to see their revenue decrease.

## **B) Adopt Land Value Tax**

Oregon's property tax system disincentivizes improvements to real property; eliminating the disincentive will lead to the creation of more housing units. Property taxes are based on the value of a property, which generally consists of the value of the land plus the value of the improvements on the land. As the value of either component increases, taxes increase proportionately. While this approach appears to be simple and fair on its face, it ignores the fundamental differences between what drives value for land compared to improvements thereon. Simply put:

- The value of LAND is driven by factors outside the owner's control, such as proximity to public amenities (transport; parks, police & fire protection) and the overall supply of similarly situated available land.
- The value of IMPROVEMENTS are driven by the amount of capital investment by the owner. The more an owner invests (constructs, remodels, etc.), the more valuable the improvements will be.

Under the existing taxing scheme, the more an owner invests in a property, the higher the owner's taxes will be. This increase in costs is a direct disincentive to improve property – examples for



housing production include: new construction of housing on vacant land; infill housing such as ADUs; and adaptive reuse of underutilized improvements.

The proposed regime assesses tax solely on the value of land. For any given amount of revenue to be raised, the tax will transfer value from the property owner to the government based only on the value created by society. Any value created by the owner will remain with the owner.

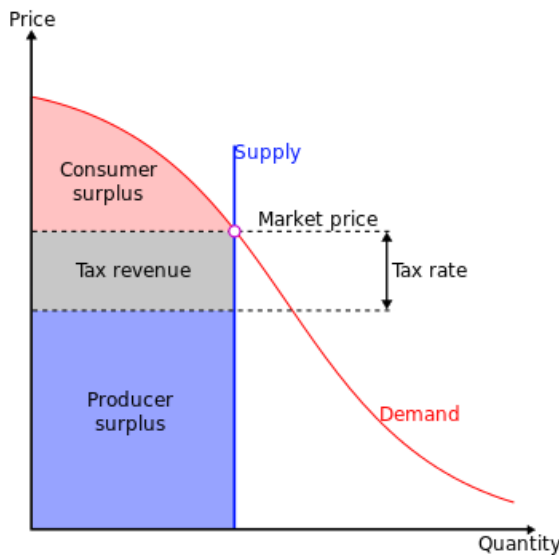
**E) Reduce or Eliminate Tax Expenditures (remove exemptions)**

Oregon has 138 exemptions from Property Tax amounting to approximately \$12 billion in foregone revenue during the 23-25 biennium; additionally there are 184 Income Tax expenditures of which 86 flow from Oregon specific statutes (Oregon Department of Revenue Research Section, 2023, p. 5). While individual tax exemptions may make sense on their own, when analyzed collectively, they represent a serious impediment to local government being adequately funded.

**2. PROVIDE AN OVERVIEW OF THE HOUSING PRODUCTION ISSUE, INCLUDING QUANTITATIVE/QUALITATIVE CONTEXT IF AVAILABLE.**

**B) Adopt Land Value Tax**

The economic analysis of the Land Value Tax has a rich history, with support from free market luminaries like Adam Smith and Milton Freedman, who famously described it as “the least bad tax” because of its minimal distortion to economic incentives. Any resource which is valuable and scarce will produce economic rents. However, when supply is perfectly inelastic (i.e., no more land can be produced) taxes on the good will reduce producer surplus.



As such, this tax is especially well suited to Oregon where our land use system further constrains the supply of urbanizable land (beyond the natural fact that there is a fixed supply). Adam Smith summarized the argument as follows in Book V of The Wealth of Nations:

*“The tax upon land values is, therefore, the most just and equal of all taxes. It falls only upon those who receive from society a peculiar and valuable benefit, and upon them in proportion to the benefit they receive. It is the taking by the community, for the use of the community, of that value which is the creation of the community. It is the application of the common property to common uses. When all rent is taken by taxation for the needs of the*

*community, then will the equality ordained by Nature be attained. No citizen will have an advantage over any other citizen save as is given by his industry, skill, and intelligence; and each will obtain what he fairly earns. Then, but not till then, will labor get its full reward, and capital its natural return.”* (Smith, 1776).

**4. PROVIDE AN OVERVIEW OF THE EXPECTED OUTCOME OF THE RECOMMENDED ACTION(S), INCLUDING QUANTITATIVE/QUALITATIVE CONTEXT IF AVAILABLE.**

**A) Targeted Measure 50 Reform**

Reforming Measure 50 will increase the amount of revenue available to local governments by approximately \$165 million per year.<sup>5</sup>

**B) Adopt Land Value Tax**

Conversion to a Land Value Tax would have three major impacts (Local Housing Solutions, n.d.):

- Discouraging speculative holding of vacant land – landowners pay the same tax for a vacant lot as the same lot with improvements constructed on it.
- Encourage the additional development of partially improved land – the owner of a single family house + lot would benefit from the construction of an ADU and not be penalized by additional tax.
- The increased cost of holding land would generally depress land prices which may reduce the ultimate cost of housing.

**6. PROVIDE A GENERAL OVERVIEW OF IMPLEMENTATION, THE WHO AND HOW FOR THE RECOMMENDED ACTION(S).**

**A) Targeted Measure 50 Reform**

- Each of the proposed changes requires amending Oregon’s constitution. We recommend that the legislature draft the referrals to ensure the technical language is appropriately vetted.

**B) Adopt Land Value Tax**

- This change will require an amendment to the Constitution followed by several statutory changes and OAR changes. We recommend that the legislature draft the referrals to ensure the technical language is appropriately vetted.
- Additionally, significant work will be required by County assessors to adjust assessment systems and methodologies; while land assessments are included in the current property tax regime, they will play a much larger role with the adoption of this recommendation. We expect a significant amount of initial appeals and recalculations.
- Due to the monumental shift in methodology, we recommend gradual phased-in approach over several years during which the ratio of land/improvement values for tax calculations trend to 100%.

**7. OUTLINE THE DATA AND INFORMATION NEEDED FOR REPORTING TO TRACK THE IMPACT AND IMPLEMENTATION OF THE RECOMMENDED ACTION(S).**

**B) Adopt Land Value Tax**

- Track total revenue for local jurisdictions; ensure that millage rates are set correctly such that changing assessment basis is revenue neutral.

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## **Commentary on the HPAC Work Group Recommendations, by Common Ground-OR/WA:**

A basic principle in liberal economic theory holds that legitimately created value belongs to the creator of that value. Land value is created cumulatively by the community as a whole, and as such belongs to the community; building value is created by private capital, and as such, belongs to the owner. Hence, government is justified in recapturing by means of property taxation what it has “given.”

In this sense, a returned “giving” does not result in relinquished revenue. On the other hand, property tax exemptions, the favored relief method of elected officials, are not revenue neutral. Over the past several years they have shifted the tax burden from the business sector (having received the majority of tax breaks) onto households.

Land value taxation (LVT) is based upon the principles advocated by 19<sup>th</sup> Century political economist Henry George. The theory of land taxation holds that a property tax based upon site values provides an incentive to bring land into productive use; simultaneously, a reduction or abolition of taxes on site improvements should encourage more efficient land use.

This theory was subsequently incorporated into law in several British Commonwealth countries, as well as in Taiwan, Denmark, Estonia, and in the U.S. state of Pennsylvania. Thus far, no U.S. public entity has taxed solely the value of land – the “single tax”. In all instances where the split-rate form of LVT has been adopted, land values are taxed at a higher rate than building values.

Under the present equal rate taxation system, owners have no financial incentive to improve property because a higher tax liability will result from taxing the building improvements. Unless the property tax system is allowed to shift the tax rate off of building values onto land values by applying differential rates, the former outcome is inescapable. The Sightline Institute’s Alan Durning states in his book *Tax Shift*: “Most northwest jurisdictions seek to prevent urban sprawl through the regulatory tools of land-use planning. Yet a simple reform to the existing property tax would turn it into a powerful incentive for investment.”

By shifting taxes from capital investment onto land and natural resources the land value tax is a fairer tax. Taxing private use of land and natural resources keeps prices low and stable, broadening ownership and encouraging productivity (i.e. putting land to its “highest and best use”).

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Common Ground OR-WA is a regional chapter of Common Ground USA ([commonground-usa.net](http://commonground-usa.net)), a 501(c)4 non-profit organization, committed to reducing and replacing taxes on labor and capital, and to appropriate the value of land and other natural resources to pay for essential government services. For more than ten years, we have been conducting research on land-based taxes, and actively promoting state legislation to reform the existing property tax system.

A property tax reform bill, designed as a split-rate variation of the land value tax was introduced (SJR-1) in the 2005 legislative assembly. The bill proposes amending the state constitution to allow

the taxation of land and improvements at differential rates. By repealing Measures 5 and 50, a reformed tax system would base tax collections on true market assessments. More recent drafts of a tax reform bill have evolved into an LVT study bill and a local option LVT.

We are pleased that the Tax Reform Working Group recognizes the failure of Measures 5 and 50 to bring equity and fairness to Oregon's property tax. It also acknowledges that limiting assessments and tax rates fails to provide adequate local government revenue and encourage development of needed housing. We agree with all the recommendations of the Working Group, with one exception:

We do not believe that increasing the annual Maximum Assessed Value change to 5% will achieve meaningful results. The Legislative Revenue Office's RESEARCH REPORT #4-15: *Analysis of Options for Restructuring Oregon's State and Local Revenue System* found that Measure 50 created a rigid, inflexible system leading to horizontal inequities for taxpayers – the unequal tax treatment of taxpayers with similarly valued property. This inequity is caused by the divergence of assessed value from real market value. When general home prices rise, horizontal inequities can increase over time. Land values in some neighborhoods within a county grow more rapidly than others.

The Northwest Economic Research Center, College of Urban and Public Affairs, Portland State University, FINAL REPORT: *Oregon Property Tax Capitalization: Evidence from Portland*, March 2014, confirmed the inequities of the system based on differing rates of changes between maximum assessed value (MAV) and real market value (RMV). The study found that differences in property tax payments are having a significant effect on sale price. Houses that have experienced large growth in value since the inception of the current system tend to be paying less as a percentage of their homes' value in taxes, which increases sale price. This disproportionately benefits property owners who can afford to buy in areas with faster increases in property values. This report focuses on Portland, but this same dynamic is likely at play in the rest of the state.

We have to conclude that the MAV system by any means of contrivance is problematic. When authorizing additional taxes at the local level whether by voter approved bonds, local option levels, or newly created special districts, the effects are sporadic and stop-gap at best. Measure 5 also constrains the ability of local jurisdictions to raise tax revenues.

The HPAC Work Group is clear in its diagnosis: Oregon's property tax system disincentivizes improvements to real property; eliminating the disincentive will lead to the creation of more housing units. LVT is the clear path to this objective.

A reduction in tax rate on improvement assessments would facilitate the renewal and replacement of obsolete buildings in a region's central cities. Property owners, responding to the fiscal inducement to reduce the land-to-building value ratio, would build more intensively on vacant and underutilized sites. Stagnating local business districts, including historic "main streets," could be revived under the land value tax.

The 2-rate tax would discourage land speculation, or holding unimproved or under-improved property for the purpose of reselling without making substantial capital investments. A sufficiently heavy land tax would deplete cash reserves from the holdout owner. As a result of placing

proportionately higher taxes on land, it would become too costly to hold onto vacant or underutilized centrally located sites. A trend would emerge toward infill development and a gradual re-centralization of urban development. Simultaneously, there would be a diminishing demand for peripheral sites at the urban fringe.

Because the differential-rate tax is applied uniformly to all properties within a jurisdiction, the general effect would be a restraint on rising land prices, leading towards greater housing affordability. When the land tax encompasses an entire housing market, there is a general downward pressure on location rents. This occurs because the higher tax on land values is capitalized into lower residential land sales prices.

These propositions have been supported by several independent studies conducted by LRO, PSU's NERC, Common Ground-OR/WA, City Club of Portland, Portland METRO, and Institute of Public Policy & Management, University of Washington. These studies cover the jurisdictions of Portland, Multnomah & Washington counties, Salem-Kaiser, Clark County, King County, and Washington State.

The adoption of LVT requires amending Oregon's constitution because Measures 5 and 50 were inappropriately baked into the constitution, effectively changing a revenue-based property tax system to a mostly rate-based system, and shifting the burden of funding primary and secondary education from counties to the state government. A second constitutional barrier is the uniformity clause, which is regrettably interpreted to treat land and improvements as different classes of property. An ordinary reading of the law would differentiate between classes of land use, not two components of property. This precludes the use of split rates on land and improvements.

Common Ground-OR/WA has proposed a constitutional amendment authorizing a local option LVT, whereby counties or cities may by popular vote switch to a split-rate LVT system and be granted an exemption from Measures 5 & 50. We encourage the HPAC Work Group to explore this route.

HPAC recommendations state the need to follow constitutional changes with a state statute prescribing the mechanisms of LVT. We too recommend that the legislature draft the referrals. Since Common Ground-OR/WA has already prepared draft language for previous LVT bills with some success in garnering legislators' support, we recommend that HPAC examine these texts.

We too have stated that significant work will be required by county assessors to adjust assessment systems and methodologies. Geogist organizations around North America, most especially in Pennsylvania, have firmly expressed the need for accurate and up-to-date property assessments, which is the only way that the built-in incentives of LVT can become effective. In fact, Common Ground-OR/WA has prepared language for a Best Practices Assessment bill, refining details with suggestions from Oregon Department of Revenue staff.

We too recognize the need for a gradual phased-in approach over several years during which the ratio of land/improvement values for tax calculations trend to 100 percent. This is precisely what we have been developing over the past several years – a six-step process, including buffered phase-out / phase-in from MAV to RMV assessments over a 5-year period, as well as a homestead

exemption and tax deferral to minimize the burden of a precipitous increase in tax liability for some homeowners.

It is clear that a change to LVT will have to be revenue neutral, meaning that the combined split-rate applied to RMV assessments will likely be lower than the existing rate for MAV assessments. All simulation modeling that we have performed or reviewed incorporates this assumption. However, a change back to a revenue-based tax system will require some method of limiting revenue growth – out of political acceptability and popular consent. Washington State, using RMV assessments, uses the standard system of limiting annual revenue increases to a given percentage; other factors can be added such as population growth and cost of living increase.

Finally, the HPAC Recommendation Template included a NERC citation: Northwest Economic Research Center, *Land Value Tax Analysis: Simulating the Effects in Multnomah County*, June 2019. It is worth noting that Common Ground-OR/WA commissioned this study, with the financial support of Oregon Community Foundation, and Schalkenbach Foundation. The report’s conclusion states:

“Ultimately, land-based property tax systems, whether a split-rate LVT or a building exemption tax, are found to achieve what they are designed to do—place more of the tax burden on wealthier landowners and encourage the highest and best use of land. An LVT would provide a more equitable tax structure, incentivize building upgrading and development of underutilized properties, and discourage “holding” land for speculative purposes.”

*Common Ground – OR/WA*

[www.commongroundorwa](http://www.commongroundorwa)



**From:** [RICE-WHITLOW Kristina \\* GOV](#)  
**To:** [GEORGE Dagny R \\* GOV](#)  
**Subject:** HPAC Testimony  
**Date:** Wednesday, November 15, 2023 8:09:09 PM

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Hi Dagny,

This testimony was received through Constituent Services.

Dear Governor Kotek, The Portland Parks & Recreation Board would like to bring to your attention our letter to the Housing Production Advisory Council, submitted for public comment. It outlines our concerns regarding the rolling back of environmental projections in service to expanding housing. We ask you to look at both housing and the climate crises together and work to ensure that Oregon's needed housing advances do not come at the expense of the health of the residents in those newly created homes and their neighbors. With respect, Portland Parks & Recreation Board November 15, 2023 Housing Production Advisory Council 900 Court Street, Suite 254 Salem, OR 97301 Dear Housing Production Advisory Council, The Portland Parks & Recreation Board (PP&R Board) advises the City of Portland City Council on issues pertaining to, among other things, Portland's parks and natural areas. Our duty as the PP&R Board is to review plans and policies, existing or being developed, by any governmental agency and to advocate for the advancement of parks, natural areas, open spaces, and recreational facilities and services in city and regional planning and design. In our capacity as the PP& R Board, we are writing to urge you not to adopt any recommendations that would relax or dismantle established ecological protections that allow for the easier removal of trees, suspension of other environmental regulations like eco-roofs or bird-safe buildings, or otherwise exacerbate the health and safety threats posed by heat islands in our communities. Such policies may increase housing units in a neighborhood, but they do so at the expense of access to safe and healthy environments for the entire community, including those living in newly constructed housing. PP&R Board believes in building complete communities. Working alongside Park & Recreation staff, we strive to ensure every neighborhood in Portland has access to parks, trees, recreation centers, and other environmental resources and amenities that serve as critical infrastructure. We know that in a world that's facing increasing temperatures, wildfires, and severe weather events, parks and trees do more than offer respite in the city. They save lives by bringing down temperatures, protecting human health, cleaning our air, increasing biodiversity, and making our homes more climate resilient. We are acutely aware of the housing crisis our communities face. People experiencing houselessness often seek refuge in public parks and greenspaces, many of which are managed by the City of Portland's Bureau of Parks & Recreation. The lack of housing across Oregon is a humanitarian crisis that needs to be addressed immediately. Earlier this year, Governor Kotek's office proposed HB 3414, which would have increased housing production by stripping critical environmental protections across the state. Rather than looking to create holistic solutions, the bill sought to address one crisis while ignoring that Oregon also faces another concurrent crisis: climate change. Climate change affects us all and will only continue to worsen over time. Already, we've documented the hottest temperatures on record in Portland, with communities of color and low-income neighborhoods experiencing the most extreme conditions. During the 2021 heat dome, Multnomah County reported 72 heat-related deaths, of which 42 occurred in "heat island," neighborhoods that are dominated by pavement without enough green infrastructure to



cool them down. An additional 24 deaths were counted across the state. Hazardous air quality days are becoming more common, creating dangerous conditions for community members with respiratory health issues, which have only increased due to long Covid. As Oregon faces these two crises simultaneously, we must create policies that ensure we implement holistic solutions that address the environment and housing, not pitting one against the other. Governor Kotek's ambitious housing goal — to build 36,000 new homes per year — cannot come at the expense of community safety and resilience. This Council has proposed removing vital environmental protections that safeguard our urban tree canopy, wetlands, and regulations around remediation of contaminated sites, among others, which will put more residents in harm's way. We implore you to consider growing and protecting vital green spaces and green infrastructures as you increase housing units in order to protect and sustain these communities and neighborhoods. Trees, green spaces, eco-roofs, bioswales, wetlands, and floodplains are integral parts of our communities, environment, and City, making us more resilient to climate change and protecting the health, housing, and lives of all Oregonians. For Portland Parks & Recreation, green infrastructure creates habitat corridors throughout the city, ensuring parks aren't isolated pockets of green but an essential part of a complex ecosystem that benefits both people and wildlife. As advocates for our Parks system, which is acutely impacted by houselessness and is tasked with creating green space that protects our communities, we find it critical to dually support the creation of more housing and the maintenance and growth of this green infrastructure, which will ultimately save lives for people who live in our desperately needed new housing. We ask you to look at both housing and the climate crises together and work to ensure that Oregon's needed housing advances do not come at the expense of the health of the residents in those newly created homes and their neighbors. We must ensure that people who live there can thrive now and in future generations. Respectfully submitted, Portland Parks & Recreation Board

**Kristina Rice-Whitlow (she/her/hers)**  
**Director of Constituent Services & Deputy Operations Director**  
**Office of Governor Tina Kotek**  
**Cell phone: 503-510-8907**

**From:** [AmyCTDAS](#)  
**To:** [GOV Hpac \\* GOV](#)  
**Subject:** In response to wetlands proposal  
**Date:** Thursday, November 16, 2023 7:25:12 AM

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You don't often get email from amyctdas@yahoo.com. [Learn why this is important](#)

Good Morning and thank you for your time,

Please strike down the proposal to decrease the wetland-development buffer requirement from 50 feet to 5 feet. Wetlands provide necessary floodplain and erosion management, pollution filtration, carbon sequestration, and fish and wildlife habitat. By decreasing a development buffer by 90%, there is an increased likelihood that higher sediment and pollutant loads would enter our state waters. If we don't have our water protected then what do we have?

Thank you

Amy Wachlin, Local Small business owner and Farmer working with Nature not against it.

Sent from my Verizon, Samsung Galaxy smartphone



November 17, 2023

Dear Housing Production Advisory Council (HPAC) Members,

The League of Oregon Cities (LOC) encourages your support for the CFEC Alignment Recommendation submitted at the October 13 HPAC meeting.

The LOC appreciates that the recent CFEC rule amendments adopted by the Land Conservation and Development Commission (LCDC) make some incremental improvements to the CFEC rules. However, **the amendments do not resolve the fundamental conflicts between the CFEC rules and the OHNA.**

The LOC represents all of Oregon's incorporated 241 cities, including the over 40 cities subject to the CFEC rules. Each city is unique in its way. Each city cares deeply about climate and mitigating the impacts of climate change for the people who live in their communities. Each city also cares deeply about advancing equity, promoting home ownership paths, and supporting those who have faced housing instability to secure permanent housing.

To be clear, the CFEC rules may work well in some communities. Differences between geographies, available transit, and existing built environments mean these rules have different impacts when applied on the ground in each unique community. The CFEC rules cannot be implemented effectively in *all* subject cities, which means more work is needed.

We encourage you to adopt this recommendation because aligning these two initiatives is imperative. The alternative is to continue with the current process, which will delay if not make meeting Oregon's housing development goals impossible. It represents smart governance and will establish a better path for us to work together to achieve a more climate friendly and equitable state where the path to homeownership is available, and housing is affordable.

Thank you for your consideration and leadership in addressing this critical issue.

Ariel Nelson  
League of Oregon Cities

**From:** [Alison Rhea](#)  
**To:** [GOV Hpac \\* GOV](#)  
**Subject:** NO BUFFER REDUCTION! Nov 17, 2023 Meeting  
**Date:** Thursday, November 16, 2023 2:20:22 PM

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You don't often get email from [alison@lcpilc.net](mailto:alison@lcpilc.net). [Learn why this is important](#)

I am a native Oregonian and have worked in wetlands and the natural resources arena in Oregon for over 35 years. During this time I have watched buffers go for zero feet wide to the minimum 50 feet wide we have in place today. The purpose of a buffer is to protect the physical, chemical, and biological integrity of the wetland/waterway and is backed by extensive science and research.

5' buffers are not going to protect anything! Science tells us that a **minimum** 50 foot wide buffer only provides a modicum of protection. Our native riparian tree species (like Western Red Cedar) need more than 50 feet to grow and survive. The buffer provides protection to the wetland/waterway from stormwater runoff, sediment, herbicides, pet wastes, pollutants, and other deleterious materials generated by developments and human beings. They also provide habitat for our species of concern (like red legged frogs) and our listed endangered species who depend on water for breeding and adjacent riparian areas for food, habitat, and protection. Forested buffers also assist to reduce water temperatures for salmon and provide much needed migratory and resident bird species habitat.

## **I am appalled that we are even considering reduction of necessary buffers.**

Please do what is mandated by our federal Public Trust Doctrine and reiterated in our State's regulations (ORS 196.800) which require us to protect and preserve our valuable, fragile, and dwindling wetland/waterway resources and leave the minimum 50 foot buffer standard in place.

Thank you,

S. Alison Rhea  
[alison@lcpilc.net](mailto:alison@lcpilc.net)  
503-887-3350

**From:** [Wendy Kroger](#)  
**To:** [GOV Hpac \\* GOV](#)  
**Cc:** [kroger Wendy](#)  
**Subject:** NO BUFFER REDUCTION! Nov 17, 2023 Meeting  
**Date:** Thursday, November 16, 2023 1:43:12 PM

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[You don't often get email from krogerw@comcast.net. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification> ]

As a very long-time Oregonian, having moved here as a child in 1947, I'm extremely concerned that you want to mow down the very natural areas that make Oregon unique. Oregon's significant natural resources have been under pressure from knee-jerk development for generations.

Every time there's some sort of "crisis" - usually a manmade one — the self-appointed fixers come up with the same old solution: trash our wild lands. The current wetland buffers are already completely insufficient.

How about you clean up the brown field development areas where humans have already made a complete mess - they're usually where there are more social services anyway. Our watersheds need wetlands now more than ever to mitigate the impacts of climate change, filter pollution and keep natural resources in our communities.

Leave the natural areas alone... Unless you want to finally respect, repair and give them enough space to breathe.

Wendy Kroger  
Beaverton OR

**From:** [Kevin Mahr](#)  
**To:** [GOV Hpac \\* GOV](#)  
**Subject:** Please PROTECT OUR WETLANDS!  
**Date:** Thursday, November 16, 2023 9:07:42 AM

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You don't often get email from khmahr@gmail.com. [Learn why this is important](#)

Dear Council,

I write to ask that you strike down the proposal to decrease the wetland-development buffer requirement from 50 feet to 5 feet. Wetlands provide necessary floodplain and erosion management, pollution filtration, carbon sequestration, and fish and wildlife habitat. By decreasing a development buffer by 90%, there is an increased likelihood that higher sediment and pollutant loads would enter our state waters. As a result, wetlands would continue to be degraded rather than protected and restored. Affordable housing and natural resources are not at odds with each other. Wetlands are a mitigation and adaptation tool we desperately need to help combat the impacts of climate change. They reduce air pollution by capturing carbon and are a cooling source for surrounding communities. Wetland protection needs to be prioritized, and communities must be developed in coexistence with wetlands.

Thank you.

**From:** [Loie Atkinson](#)  
**To:** [GOV Hpac \\* GOV](#)  
**Subject:** Proposal to Allow Development 5 Feet from Wetlands  
**Date:** Friday, November 17, 2023 8:56:16 AM

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[You don't often get email from naturelover56@gmail.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification> ]

Please do not decrease the wetland development buffer from 50 ft. to 5 ft. That proposal would put any development at high risk for costly (and unnecessary) flooding. It would also impact Oregon waters with more pollution and sediment. There has got to be a balance with nature - not an overpowering that leads to human ills down the road. Let's be proactive and think ahead! We will continue to have strong rain deluges in future.

Thank you,  
L. Atkinson  
Portland, OR

**From:** [Minta](#)  
**To:** [GOV Hpac \\* GOV](#)  
**Subject:** Proposal to Decrease Buffer for wetlands  
**Date:** Friday, November 17, 2023 8:06:40 AM

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[You don't often get email from rrudys@yahoo.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification> ]

Hello,

I am a Portland-area resident and homeowner and nature enthusiast, and I am writing to urge you not to decrease the buffer zone around wetlands as has been proposed. Our wetlands provide a habitat for animals and are important for the environment. Allowing development so close to wetlands will increase the risk of pollution and damage to the wetlands.

Thank you,

Raminta

Sent From My iPhone



**From:** [Niki](#)  
**To:** [GOV Hpac \\* GOV](#)  
**Subject:** PROTECT OUR WETLANDS  
**Date:** Wednesday, November 15, 2023 12:20:42 PM

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[You don't often get email from toaks3@frontier.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification> ]

Dear Council,

I'm writing to ask that you strike down the proposal to decrease the wetland-development buffer requirement from 50 feet to 5 feet.

Living near a Wetland, I know Wetlands provide necessary floodplain and erosion management, pollution filtration, carbon sequestration, and fish and wildlife habitat.

By decreasing a development buffer by 90%, there is an increased likelihood that higher sediment and pollutant loads would enter our state waters. As a result, wetlands would continue to be degraded rather than protected and restored.

Affordable housing and natural resources are not at odds with each other. Wetlands are a mitigation and adaptation tool we desperately need to help combat the impacts of climate change. They reduce air pollution by capturing carbon and are a cooling source for surrounding communities.

Wetland protection absolutely needs to be prioritized, and communities must be developed with wetland protection being the number one priority if we want to leave any sort of resemblance of wildlife for our future humans.

Thank you.

Sent from my iPhone

**From:** [\(null\) toaks3](#)  
**To:** [GOV Hpac \\* GOV](#)  
**Subject:** PROTECT OUR WETLANDS  
**Date:** Wednesday, November 15, 2023 12:16:44 PM

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[You don't often get email from toaks3@frontier.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification> ]

Dear Council, I write to ask that you strike down the proposal to decrease the wetland-development buffer requirement from 50 feet to 5 feet. Wetlands provide necessary floodplain and erosion management, pollution filtration, carbon sequestration, and fish and wildlife habitat. By decreasing a development buffer by 90%, there is an increased likelihood that higher sediment and pollutant loads would enter our state waters. As a result, wetlands would continue to be degraded rather than protected and restored. Affordable housing and natural resources are not at odds with each other. Wetlands are a mitigation and adaptation tool we desperately need to help combat the impacts of climate change. They reduce air pollution by capturing carbon and are a cooling source for surrounding communities. Wetland protection needs to be prioritized, and communities must be developed in coexistence with wetlands. Thank you.

**From:** [Alison Rhea](#)  
**To:** [GOV Hpac \\* GOV](#)  
**Subject:** PROTECT OUR WETLANDS  
**Date:** Thursday, November 16, 2023 4:12:37 PM

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You don't often get email from [alison@lcp LLC.net](mailto:alison@lcp LLC.net). [Learn why this is important](#)

I am a native Oregonian and have worked in wetlands and the natural resources arena in Oregon for over 35 years. During this time I have watched buffers go for zero feet wide to the minimum 50 feet wide we have in place today. The purpose of a buffer is to protect the physical, chemical, and biological integrity of the wetland/waterway and is backed by extensive science and research.

5' buffers are not going to protect anything! Science tells us that a **minimum** 50 foot wide buffer only provides a modicum of protection. Our native riparian tree species (like Western Red Cedar) need more than 50 feet to grow and survive. The buffer provides protection to the wetland/waterway from stormwater runoff, sediment, herbicides, pet wastes, pollutants, and other deleterious materials generated by developments and human beings. They also provide habitat for our species of concern (like red legged frogs) and our listed endangered species who depend on water for breeding and adjacent riparian areas for food, habitat, and protection. Forested buffers also assist to reduce water temperatures for salmon and provide much needed migratory and resident bird species habitat.

## **I am appalled that we are even considering reduction of necessary buffers.**

Please do what is mandated by our federal Public Trust Doctrine and reiterated in our State's regulations (ORS 196.800) which require us to protect and preserve our valuable, fragile, and dwindling wetland/waterway resources and leave the minimum 50 foot buffer standard in place.

Thank you,

S. Alison Rhea  
[alison@lcp LLC.net](mailto:alison@lcp LLC.net)  
503-887-3350

**From:** [RONALD BLACK](#)  
**To:** [GOV Hpac \\* GOV](#)  
**Subject:** PROTECT OUR WETLANDS  
**Date:** Thursday, November 16, 2023 7:12:50 PM

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You don't often get email from ronblack@comcast.net. [Learn why this is important](#)

Dear Council, I write to ask that you strike down the proposal to decrease the wetland-development buffer requirement from 50 feet to 5 feet. Wetlands provide necessary floodplain and erosion management, pollution filtration, carbon sequestration, and fish and wildlife habitat. By decreasing a development buffer by 90%, there is an increased likelihood that higher sediment and pollutant loads would enter our state waters. As a result, wetlands would continue to be degraded rather than protected and restored. Affordable housing and natural resources are not at odds with each other. Wetlands are a mitigation and adaptation tool we desperately need to help combat the impacts of climate change. They reduce air pollution by capturing carbon and are a cooling source for surrounding communities. Wetland protection needs to be prioritized, and communities must be developed in coexistence with wetlands. Thank you.

**From:** [Alison Rhea](#)  
**To:** [GOV Hpac \\* GOV](#)  
**Subject:** PROTECT OUR WETLANDS  
**Date:** Thursday, November 16, 2023 4:11:54 PM

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You don't often get email from [alison@lcp LLC.net](mailto:alison@lcp LLC.net). [Learn why this is important](#)

Dear Council, I write to ask that you strike down the proposal to decrease the wetland-development buffer requirement from 50 feet to 5 feet. Wetlands provide necessary floodplain and erosion management, pollution filtration, carbon sequestration, and fish and wildlife habitat. By decreasing a development buffer by 90%, there is an increased likelihood that higher sediment and pollutant loads would enter our state waters. As a result, wetlands would continue to be degraded rather than protected and restored. Affordable housing and natural resources are not at odds with each other. Wetlands are a mitigation and adaptation tool we desperately need to help combat the impacts of climate change. They reduce air pollution by capturing carbon and are a cooling source for surrounding communities. Wetland protection needs to be prioritized, and communities must be developed in coexistence with wetlands. Thank you.

Alison Rhea

**From:** [Eric Gerlach](#)  
**To:** [GOV Hpac \\* GOV](#)  
**Subject:** PROTECT OUR WETLANDS  
**Date:** Thursday, November 16, 2023 10:05:52 AM

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You don't often get email from ericdotger@comcast.net. [Learn why this is important](#)

Dear Council, I write to ask that you strike down the proposal to decrease the wetland-development buffer requirement from 50 feet to 5 feet. Wetlands provide necessary floodplain and erosion management, pollution filtration, carbon sequestration, and fish and wildlife habitat. By decreasing a development buffer by 90%, there is an increased likelihood that higher sediment and pollutant loads would enter our state waters. As a result, wetlands would continue to be degraded rather than protected and restored. Affordable housing and natural resources are not at odds with each other. Wetlands are a mitigation and adaptation tool we desperately need to help combat the impacts of climate change. They reduce air pollution by capturing carbon and are a cooling source for surrounding communities. Wetland protection needs to be prioritized, and communities must be developed in coexistence with wetlands. Thank you.

Eric Gerlach  
503-807-9318

**From:** [Dave Robinson](#)  
**To:** [GOV Hpac \\* GOV](#)  
**Subject:** PROTECT OUR WETLANDS  
**Date:** Thursday, November 16, 2023 9:20:27 AM

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You don't often get email from [hiamfyd@yahoo.com](mailto:hiamfyd@yahoo.com). [Learn why this is important](#)

Dear Council, I write to ask that you strike down the proposal to decrease the wetland-development buffer requirement from 50 feet to 5 feet. Wetlands provide necessary floodplain and erosion management, pollution filtration, carbon sequestration, and fish and wildlife habitat. By decreasing a development buffer by 90%, there is an increased likelihood that higher sediment and pollutant loads would enter our state waters. As a result, wetlands would continue to be degraded rather than protected and restored. Affordable housing and natural resources are not at odds with each other. Wetlands are a mitigation and adaptation tool we desperately need to help combat the impacts of climate change. They reduce air pollution by capturing carbon and are a cooling source for surrounding communities. Wetland protection needs to be prioritized, and communities must be developed in coexistence with wetlands. Thank you.

**From:** [Becky Mahr](#)  
**To:** [GOV Hpac \\* GOV](#)  
**Subject:** PROTECT OUR WETLANDS  
**Date:** Thursday, November 16, 2023 8:49:38 AM

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You don't often get email from rbmahr@gmail.com. [Learn why this is important](#)

Dear Council, I write to ask that you strike down the proposal to decrease the wetland-development buffer requirement from 50 feet to 5 feet. Wetlands provide necessary floodplain and erosion management, pollution filtration, carbon sequestration, and fish and wildlife habitat. By decreasing a development buffer by 90%, there is an increased likelihood that higher sediment and pollutant loads would enter our state waters. As a result, wetlands would continue to be degraded rather than protected and restored. Affordable housing and natural resources are not at odds with each other. Wetlands are a mitigation and adaptation tool we desperately need to help combat the impacts of climate change. They reduce air pollution by capturing carbon and are a cooling source for surrounding communities. Wetland protection needs to be prioritized, and communities must be developed in coexistence with wetlands. Thank you.



**From:** [Deb Walk](#)  
**To:** [GOV Hpac \\* GOV](#)  
**Subject:** Protecting the environment is not a hippie thing, it's a survival thing.  
**Date:** Thursday, November 16, 2023 8:46:59 AM

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[You don't often get email from walkd08@icloud.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification> ]

Dear Council,

I am writing to ask that you strike down the proposal to decrease the wetland-development buffer requirement from 50 feet to 5 feet.

Wetlands are critical to floodplain and erosion management. Look at the recent studies that show how wetlands help to mitigate storm damage and protect against flooding.

They help with pollution filtration, carbon sequestration, and fish and wildlife habitat.

By decreasing a development buffer by 90%, there is higher sediment and pollution that will enter our state waters. There are healthy river charts available and when you take the time to look. So very many of our state rivers are under stress now.

Decreasing the buffer would increase the water temperatures which would severely impact the native fish and the smaller aquatic species that help make rivers healthier.

Wetlands are a front line mitigation tool and they are imperative to help combat the impacts of climate change. They reduce air pollution by capturing carbon and are a cooling source for all the surrounding areas.

Oregon rivers and the wetlands they depend on, supply millions of recreational dollars annually and they need to be protected to the maximum extent.

The people who think of wetlands as buildable land certainly don't have Oregon's long term best interest in mind.

Debbie Walk  
14120 Sw River Lane  
97224

We must speak for the Tree's because they cannot speak for Themselves!  
Dr. Seuss- The Lorax

**From:** [sjo.belles@frontier.com](mailto:sjo.belles@frontier.com)  
**To:** [GOV Hpac \\* GOV](#)  
**Subject:** Public Comments for November 17, 2023 HPAC Meeting  
**Date:** Friday, November 17, 2023 1:30:42 AM

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You don't often get email from [sjo.belles@frontier.com](mailto:sjo.belles@frontier.com). [Learn why this is important](#)

Please vote against the proposal to decrease the wetland development buffer from 50 feet to 5 feet.

By decreasing the development buffer by a whopping 90%, higher sediment levels and pollutants will enter our waterways and have adverse effects. Wetlands provide floodplain and erosion management, pollution filtration, carbon sequestration, and fish and wildlife habitat. I urge you to develop affordable housing in a way that shows good environmental stewardship. There are so many areas not in or near sensitive wetlands that are currently underutilized; please choose those for development instead of jeopardizing our ecosystem.

Sincerely,

Cindy Belles

**From:** [Michael Fellows](#)  
**To:** [GOV Hpac \\* GOV](#)  
**Subject:** Wetland Buffer Proposal  
**Date:** Thursday, November 16, 2023 6:19:20 PM

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You don't often get email from mfellows@frontier.com. [Learn why this is important](#)

**NO!** Please strike down the proposal to decrease the wetland-development buffer requirement from 50 feet to 5 feet. Wetlands provide necessary floodplain and erosion management, pollution filtration, carbon sequestration, and fish and wildlife habitat. By decreasing development buffers by 90%, there is increased likelihood that higher sediment and pollutant loads would enter our state waters.

Michael Fellows

**mf**

**From:** [John Griffiths](#)  
**To:** [GOV Hpac \\* GOV](#)  
**Cc:** [John Griffiths](#)  
**Subject:** Wetland Buffer Reduction Proposal  
**Date:** Thursday, November 16, 2023 10:13:07 AM

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HPAC,

My understanding is that HPAC is considering a proposal tomorrow that would reduce required wetland development buffers by 90%...from 50 feet to five feet. This is a dangerous proposal relative to wetland and river health. It would inevitably lead to further wetland damage via increased soil and pollutant inflows while further harming rivers (e.g., Tualatin River) that are already dealing with maximum daily loads of pollutants. This proposal goes 180 degrees in the wrong direction. We need to preserve and restore wetlands in Oregon in order to better filter pollution and mitigate the impacts of climate change, not threaten them further. Please reject this proposal.

Thank you,

John Griffiths

**From:** [Mann](#)  
**To:** [GOV Hpac \\* GOV](#)  
**Cc:** [GOV Press \\* GOV](#)  
**Subject:** Wetland Development Buffet Vote - urgent  
**Date:** Thursday, November 16, 2023 5:40:08 PM

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Hello members of Oregon State Housing Production Advisory Council

I am shocked to find out that there is a vote scheduled to reduce the buffer between developments and wetlands from 50' to 5'. How has this even reached this stage without Oregon residents being clearly informed about the proposal?? Getting to meet the new construction targets of the Governor's housing targets should focus on the tens of thousands of wasted areas where there are abandoned parking lots, disused industrial facilities etc... Watersheds should be completely OFF the table.

It is a proposal which flies in the face of policies which have been pushed - correctly - by the state to restore and preserve vital wetlands. I won't go into myriad reasons why as these have continuously been researched, outlined and proven. NO one voting on this can be uninformed as to the benefits and need - so who is behind the proposal? Who is helping it proceed and what connections to funding do these people have?

I speak for a large swathe of the Scholls Valley community and we unanimously call for a 100% rejection of the idea.

Sincerely

Zaph Mann

503 866 5924

Scholls Valley Community Network

**From:** [Kurt Geist](#)  
**To:** [GOV Hpac \\* GOV](#)  
**Subject:** Wetland proposal  
**Date:** Thursday, November 16, 2023 10:56:13 AM

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Please oppose the proposal to allow housing to build within 5 feet, versus the current 50 foot rule.

I am shocked this is even up for a vote, and would like to know how it got this far. I'm certain it is being pushed by developers, and would like to know who on the commission has such a connection to the developer community. If this passes, the housing commission will be seen as a pawn for developers. In addition, it will be legally challenged, and if need be, there will be an initiative to reverse this environmentally irresponsible attempted policy.

Wetlands are critical for so many reasons. Moving housing developments from 50ft., to 5 feet, will impact species dependent on wetlands habitat, will increase erosion, increase sediment, and increase pollution of the wetlands.

Thank-you,

Kurt Geist  
503-754-4940

**From:** [Bryce Gill](#)  
**To:** [GOV Hpac \\* GOV](#)  
**Subject:** Wetlands  
**Date:** Thursday, November 16, 2023 10:12:04 AM

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[You don't often get email from brycegill@gmail.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification> ]

Hello, I hope this finds you well and have n alignment.

It is with concern that I ask you to please strike down the proposal to decrease the wetland development buffer requirements from 50 ft. to 5 ft. Wetlands provide uncountable benefits to all creatures, including humans, through erosion management, pollution filtration, natural habitat for wildlife and plants creating cleaner air, as well as many unseen benefits will be shown only by many years of being undisturbed.

By decreasing the buffer by 90% there is much higher likelihood of sediment and pollutant loads entering our state waters. Not only from the narrow proximity but also by the building process(es) itself.

Thank you for hearing me and others on this and doing your part to maintain what is Wild in our lands and in our selves.

Bryce Gill

Sent from my iPhone