



June 11, 2019

Senator James Manning, Chair
Transportation and Economic Development Subcommittee-Ways and Means Committee
900 Court Street, NE
Salem, OR 97301

RE: City of Eugene Opposition to HB 2001

The City of Eugene opposes both the engrossed version of HB 2001 and the -16 amendments and respectfully requests a No Pass recommendation. The City Council held a work session on HB 2001 in March and while we are working hard to address housing supply in our community, we do not believe HB 2001 will result in more units on the ground.

As in March, when Councilor Jennifer Yeh testified before the House Committee on Human Services and Housing, our core concerns are still evident in the -16 amendments. Primarily, the city has concern with the pre-emption of local control for land use decisions and the impact this will have on community trust in public agencies, that the bill as written is unclear, and finally that the effort to implement HB 2001 will be costly and pull staff and the community away from existing housing and density projects.

The City of Eugene and other local governments should have the authority to, within the general land use planning framework created by state law, implement land use planning strategies that are tailored to their specific communities. Different communities experience different challenges and have different needs and each community should have the freedom to plan accordingly. We have learned, often after some strife that the greatest successes in our land use planning and development efforts occur when we engage our neighbors early and often in the things that will affect where they live, work, and play.

An example that is within Senate District 7 and House Districts 13 and 14, of the kind of collaborative community planning we are doing right now is the River Road-Santa Clara Neighborhood Plan. This project is charting a vision for the future of two of Eugene's largest neighborhoods with a key goal of the Plan to improve River Road, the major street that runs from Santa Clara, through River Road, and connects the neighborhoods to central Eugene. As one of the major transportation routes in the Eugene area, River Road is important to neighborhood residents, the Eugene-Springfield community, and regional travelers, and was identified as a key corridor in Envision Eugene-our long range land use, housing, and economic prosperity plan.

The Neighborhood Plan draft vision, which was developed by the resident planning committees, includes "thriving, vibrant and active mixed neighborhood centers along the River Road corridor" and "a transportation system that is safe, accessible, affordable, environmentally responsible and transitions to zero carbon." The current draft plan includes recommendations for increased density along transit corridors, including piloting new 'missing middle' approaches. Statewide mandates like those included in HB 2001 would upend this work, creating distrust within our community and cause the residents of Eugene and other communities to feel that they have no real voice in the land use planning process because the legislature can simply override all their input and hard work.

Second, HB 2001 is difficult to implement. It includes vague language, undefined terms and is difficult to translate into our local code. Eugene has experience in this regard based on our attempts to implement SB 1051. For example, under HB 2001, Eugene would be required to allow for a duplex on every lot or parcel zoned for residential use that allows for a detached single-family dwelling. Eugene would also be required to allow all middle housing types in areas zoned for residential use that allow for detached single-family dwellings. According to the comparison/summary provided by the Speaker's office, this does not require that all middle types be allowed on every lot. However, the language is not clear, and will be open to a wide range of interpretations (which can lead to appeals). The language "in areas zoned for" is similar to, but not identical to that of SB 1051, which gives it different meaning.

Additionally, the -16 amendments provides that Eugene may "regulate siting and design of middle housing" provided that the regulations do not individually or cumulatively discourage the development of all middle housing types permitted in the area through unreasonable cost and delay. This language is different from what was adopted for SB 1051 ("reasonable local regulations related to siting or design"), yet just as vague. The lack of clarity will undoubtedly result in appeals, which will need to be accounted for in our adoption process.

Finally, in order to implement the changes required by HB 2001, the City's planning staff and attorney's office will need to shift their attention from other important work the City is already doing to further the goal of increasing housing availability in Eugene. The -16 amendment extends the timeline and gives cities until June 30, 2022 to adopt land use regulations. Although this is an extension in time to complete the work from the original bill, given the number of important land use and housing projects city staff are currently working on, we'll have to stop working on those to meet this deadline.

Examples of the type of work city staff are currently working on include land use code audits to identify regulatory and process barriers to construction of housing. Planning Staff, with input from interested stakeholders, are also working to update the City's land use code to revise the City's clear and objective housing approval criteria to ensure they are working efficiently and effectively. In May, the Eugene City Council held a public hearing on an ordinance that includes removing the owner-occupancy requirement for accessory dwelling units, among other regulations, and are waiting to see the outcome of HB 2001 before taking action on the ordinance (in case we also need to remove the parking requirement).

City staff are also working to clarify and streamline certain permitting requirements and processes related to the development of housing. In addition, staff and residents are working together on neighborhood plans, planning for growth in the community, and creating a set of housing tools and strategies to support the development of housing within the City. Although Eugene is larger than many cities in Oregon, our staff can only do so much, and implementation of HB 2001 will pull them away from the other important housing-related projects already happening in our community.

For all these reasons the City opposes HB 2001 and the dash 16 amendments and respectfully asks this committee for a No Pass recommendation.

Sincerely,

submitted electronically

Ethan Nelson
Intergovernmental Relations Manager