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April 2, 2015

Representative Brian Clem, Chair
Committee Members
House Committee on Rural Communities, Land Use and Water
State Capitol
900 Court St. NE
Salem Oregon 97301

Re: HB 3221-1

Dear Chair Clem and Committee Members:

1000 Friends of Oregon is a 40-year old, non-profit, statewide organization. We advocate for livable urban and rural communities, protecting family farms and forests, and conserving natural areas, largely through the implementation and improvement of Oregon's land use planning program.

1000 Friends opposes HB 3221-1. 1000 Friends shares the goal of many to increase opportunity inside urban growth boundaries (UGBs) for more housing, including more diverse housing and affordable housing. However, HB 3221 will have the opposite impact. This bill seems designed to cripple the ability of cities to efficiently and accurately conduct a buildable lands analysis, and to take actions to meet housing demand by providing policies and investments to encourage infill, redevelopment, and upzoning, by burying them in make-work record-keeping tasks.

HB 3221 introduces vague, new terms into the residential land analysis that cities already do, and requires assumptions that are not based in reality. Here are some examples:

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- Lines 14-15: Introduces new term of "evaluate" before a laundry list of things to "evaluate." Under existing law, cities already "determine the housing capacity of the buildable lands." Unclear what the new language means.
- Lines 16-26: A list of things to be "evaluated," some of which cities already do, some of which require access to data that is not made available, and some of which make no sense.
 - For example, subsection (b)(E) at lines 21-22 states that "covenants, restrictions and declarations" are to be evaluated. This requires title searches on individual tax lots, a true make-work exercise that will reveal that in practice, many of these are stale and not even enforced.
 - Section (c), lines 23-26 require a detailed map of all buildable lots and parcels citywide. Metro does this, but it is uncertain if every other city over 25,000 has this capacity.

Page 3, lines 23-28 and page 5, lines 21-23

- This appears to require cities to establish a “baseline” for the buildable lands analysis based on the current “density achieved and housing mix.” However, this will give an inaccurate picture of the actual conditions and trends in a city. The current development pattern of any city reflects developments of 100 years ago to a month ago. This isn't reasonable - as a recent survey of cities conducted by DLCD shows, without cities doing anything in particular, density has steadily increased in all sizes of cities statewide, year after year. That is the recent trend that will not be captured by a mere density average. And again, new terms are introduced like “baseline.”

Page 5, line 20 – page 6, line 4

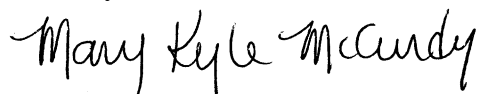
- This is a list of paperwork projects (“describe,” “monitor and record,” “specify,” “account for”), at least some of which is already done by many cities, but this bill again introduces new language so it is not clear if cities will have to re-do their current practices to meet vague new requirements.
- Just one example of something that seems to be out of touch with reality: the bill requires cities to somehow predict and build into their UGB analysis the amount of time it will take to enact measures to increase development potential. Those are actions like making code changes, adopting new policies, designating urban renewal districts, creating local improvement districts, investing money in road and sidewalk improvements, etc.... All of which require public hearings and often the input from other public agencies and private entities. This will not encourage density increase – it will actively thwart it.

Page 6, lines 5-6

- Section (B), which seems to require a city or Metro to "provide for future expansion of the UGB" even when the city has determined that efficiencies inside the UGB do not require an expansion, is confusing and unworkable. If the objective is to indicate where a UGB would expand if there is a need (which does not seem to be the objective of this language but it is difficult to tell) , Metro and cities already have two tools available for that: designation of urban reserves, and regular update of the UGB.

HB 3221-1 is a confusing and unworkable bill, and will not help in increasing the development capacity of cities. We ask you to oppose HB 3221-1. Thank you for consideration of our comments.

Sincerely,



Mary Kyle McCurdy
Policy Director and Staff Attorney