



American Planning Association
Oregon Chapter

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Making Great Communities Happen

March 30, 2017

Senator Gelser, Chair
Senate Committee on Human Services
Oregon State Legislature
900 Court Street
Salem, OR 97301

RE: Oregon Chapter of the American Planning Association testimony to the Senate Committee on Human Services regarding SB 1024.

Dear Chair Gelser and members of the Committee,

The Oregon Chapter of the American Planning Association (OAPA) is an independent, statewide, not-for-profit educational organization with 850 members that provides leadership in the development of vital communities by advocating excellence in community planning, promoting education and citizen empowerment, and providing the tools and support necessary to meet the challenges of growth and change.

OAPA has reviewed SB 1024 that would require counties to allow the siting of an accessory dwelling unit in areas zoned rural residential and **are opposed to the bill as written and urge the Members not to pass it out of the Committee.**

Multiple bills have been introduced this session that would greatly increase the number of dwellings and people living in rural residential and resource lands (HB 3012, HB 2937, HB 2938, HB 2456), either in ADUs, “historic” (built before 1950) homes, recreational vehicles (RVs), or on church owned lands. Any one of these bills would result in a significant policy change for Oregon from compact development in cities to sprawl. The negative impacts of sprawl have been widely researched and include: increased congestion and transportation costs to residents as well as service providers; increased conflicts between residents and farmers and foresters that would jeopardize farming and forestry economies; detrimental impacts on wildlife; increased water and air quality issues; increased impacts on rural schools; and increased release of greenhouse gasses from cars, to name just a few negative impacts.

We have some specific concerns about the bill as written:

- **The bill is a significant land use policy change and would blur the line between urbanizable and rural areas.** Oregon Statewide Goal 14 states that urban growth boundaries (UGBs) shall be established to “identify and separate urbanizable land from rural land.” The Oregon Supreme Court determined that Counties must also address

Goal 14 in rural areas (*1000 Friends of Oregon vs. Land Conservation and Development Commission and Curry County*, 724 P.2d 268, 301 Or.App. 447 at 447 (1986)). Lots that are smaller than two acres may start to require “urban” style services (depending on the water table, soils, and capacity and type of septic system in place), especially water and sewer service and are no longer “rural.” By allowing two dwellings, a primary dwelling and an accessory dwelling, on lots as small as two acres, SB 1024 would allow densities that are more urban in nature and make Oregon’s urban growth boundaries and Goal 14, less effective at separating urban from rural.

- **The bill makes urbanization in the future more difficult.** A 2015 study by the University of Oregon¹ found that property was more likely to redevelop at urban densities once it was brought into the UGB and annexed if it was at densities greater than one unit on two acres. If the Legislature permits unincorporated areas surrounding UGBs to develop at densities of less than 2 acres per unit, then we would likely see little of that land redevelop at urban densities within the planning horizon (generally about 20 years) once it was added to the UGB and annexed into a city.
- **Adding “affordable” housing in rural areas can increase transportation costs for low income residents** as it is much farther away from schools, shopping, employment, and other services. For example, according to the H&T Index², the total annual auto cost for a household living in Stafford is \$13,436/year, about \$4,000 more than someone living in inner SE Portland that spends about \$9,315 per year. In Central Oregon, a household living about 15 miles from Bend would pay about \$5,000 more on transportation per year, or \$15,477, compared to someone living in the City of Bend, who pays about \$10,899. The same website notes that, overall, people generally pay less of their total income in housing and transportation in cities compared to rural areas.
- **Increased density in rural areas will increase the conflicts between residents and farmers and foresters.** The additional housing may be used for short-term rental, instead of long-term housing, both of which can increase the possibility of conflicts between residents and farmers and foresters using commonly accepted practices for farming and forestry. Even with Oregon’s Right to Farm law (ORS 30.930), residents regularly complain about standard farming and forestry practices. The Oregon Farm Bureau testified in March 2017 on HB 2937 and HB 2938³ on many of the conflicts between residents and farmers, including increased traffic on rural roads that is particularly hazardous during harvest time, as well as complaints about noise, dust, hours of operation, and other conflicts.
- **Additional density in rural areas may overburden existing infrastructure and public services** such as police, fire, roads, emergency services, schools, etc.

¹ *Analysis of Development on Rural Residential Lands: A Report to the HB 2254 Rules Advisory Committee*, Community Service Center, University of Oregon, September 2015.

² The Housing and Transportation Index: <http://htaindex.cnt.org/>.

³ Testimony by Mary Anne Nash for the Oregon Farm Bureau to the House Committee on Human Services and Housing on HB 2937 and HB 2938 on March 14, 2017

<https://olis.leg.state.or.us/liz/2017R1/Downloads/CommitteeMeetingDocument/106688>.

- **SB 1024 should be permissive, not mandatory**, and allow counties to craft their own regulations and standards for permitting ADU's.

IF the Committee determines that it wants to change Oregon policy to allow additional residential uses outside of UGBs, OAPA respectfully asks that the Committee amend the bill to address the issues listed above and consider:

- Allow, not require, Counties to determine if allowing additional ADUs is right for their county, or specific areas of the county. Allow the County to regulate the use of ADUs, for example, short-term vs. long-term rentals.
- Limit the number of dwelling units (ADU, RV, or affordable housing (excluding already allowable farm worker housing) to one unit.
- Require the lot to be a minimum of four acres.
- Require the additional dwelling unit (ADU, RV, or affordable housing) be located on the same lot or parcel as the primary dwelling.
- Require the additional dwelling unit (ADU, RV, or affordable housing) and the parcel be in compliance with all DEQ's on-site wastewater standards.
- Require a recorded deed restriction (if applicable, may not be necessary with the placement of an RV as allowed in HB 2938) that acknowledges resources used in the vicinity, and an agreement to comply with adopted standards.
- Require the additional dwelling unit (ADU, RV, or affordable housing) to use the existing well (or share a well).

OAPA also asks that the bills explicitly authorize Counties to regulate the zones in which additional dwelling units (ADU, RV, or affordable housing) are allowed, along with siting standards, dwelling unit size, restricting short-term rentals, and owner-occupied requirements for one of the dwellings.

Thank you again for the opportunity to testify on these bills.

Sincerely,



Jeannine Rustad, JD, President
Oregon Chapter of the American Planning Association