



February 22, 2019

Senate Committee on Housing
Oregon State Capitol
900 Court Se. NE, HR 50
Salem, OR 97301

Re: SB 10

Dear Chair Fagan and Members of the Committee:

The City of Gresham believes strongly in the power of transit-oriented development to contribute to livable communities, great neighborhoods, avoid urban sprawl, and help with the efficient movement of people within the region. To this end, Gresham has existing Station Centers and Station Center zoning that already allow for high maximum densities (60 dwellings per acre in most station areas, with one area even allowing unlimited density).

While Gresham has worked hard to achieve density near transit services, there are a number of critically important issues with SB 10 we wish to bring to the Committee's attention.

Transit agencies become unintended urban planners:

As drafted, the density maximums are driven by the existence of frequent transit service lines (including bus lines), meaning that the decisions transit agencies make (where to put transit service) end up governing how a community is built. While we often partner with our transit agency as we consider community growth, the agencies themselves are not equipped to drive urban planning and zoning, nor is it consistent with their missions. In addition, transit agencies often change the frequency of service and move transit lines based on service demand and available revenue. They even make service reductions during times of economic distress. But since local government cannot "down-zone" areas, they could be left with very high-density zoning, even when service is reduced or discontinued.

The legislation applies to “corridors” instead of station areas:

Another concern with SB 10 is that it broadly applies to transit corridors, as opposed to station areas. Because of the wide application of the legislation, huge swaths of cities would be substantially up-zoned, even if they are proximate only to transit lines, and not proximate to transit stations. This could have a substantial unintended consequence of dramatically changing the nature of neighborhoods that happen to be within a half-mile or quarter-mile of an arterial roadway that has frequent transit/bus service, even if the actual transit stop or station is not nearby.

Twenty-five percent increase requirement punishes jurisdictions with existing high-densities

Section 5(b) states that cities may not impose a maximum density within their urban growth boundary less than “25 percent greater than the maximum density of the area on the effective date of this 2019 Act.”

Arbitrarily requiring 25% increases in maximum density ignores the fact that some jurisdictions already have significantly large density maximums. Gresham, for example, allows for 60 dwellings per acre in most station areas, which allows for permissible densities that few areas in the region have achieved. Artificially requiring another 25% increase fails to discern between areas that have avoided density, and areas that have welcomed it. In Gresham’s existing station area that has no maximum limit on density, complying with Section 5(b) may even be mathematically impossible, as there is no way to increase “unlimited” by 25%.

Once again, Gresham has worked hard to facilitate transit-oriented development, and has done so in a way that is congruent with local community urban planning and design goals. Please carefully consider the broad implications that this legislation presents. We appreciate the Legislature’s interest in exploring ways to facilitate the development of more housing in Oregon, but we urge the Legislature to do that in collaboration with local communities -particularly communities that can demonstrate local progress and success on those goals.

Sincerely,

Eric Chambers
Government Relations Director