

March 9, 2019

Honorable Chair Fagan and Committee Members:

Please consider the following testimony regarding Senate Bill 331.

Regarding “Buildable Lands.” SB 1051 (2018) added the following language to ORS 227.175:

(4)(b)(A) A city may not deny an application for a housing development located within the urban growth boundary if the development complies with clear and objective standards, including but not limited to clear and objective design standards contained in the city comprehensive plan or land use regulations.

(B) This paragraph does not apply to:

- (i) Applications or permits for residential development in areas described in ORS 197.307 (5); or
 - (ii) Applications or permits reviewed under an alternative approval process adopted under ORS 197.307 (6).
- (c) A city m

LUBA has held that the requirement for clear-and-objective criteria overrides local (e.g., Eugene) discretionary criteria for approval of Willamette Greenway permits, even though these criteria are almost *verbatim* the same as in OAR 660-015-0005 criteria for implementing Goal 15 - Willamette Greenway.

A new subsection (iii) should be added to ORS 227.175(4)(b)(B), that exempts applications for Willamette Greenway permits.

Regarding “Gentrification.” *Expand the text in “repairing and rebuilding homes and businesses” to “repairing, renovating, rebuilding, replacing, redeveloping or expanding homes and businesses.”*

Regarding “Regional Framework Plan.” *Must define or reference definitions. Should be coordinated with HB 2003 introduction of the same term.*

Regarding the following provision:

“housing needs for 20 years for housing at price ranges and rent levels affordable to households within the county with a variety of incomes, including households with low, very low, and extremely low incomes, as those terms are defined by the United States Department of Housing and Urban Development under 42 U.S.C. 1437a.”

It is virtually impossible to make any sort of reasonable *twenty-year* projection under these terms because the two main variables - housing costs and incomes - are so variable and to a very large extent not within the control of local or regional authorities.

A better approach is to have near-, intermediate- and long-term projections, plans and implementation commitments that are finer-grained for the near-term and more general for the long-term; and to reevaluate more frequently (e.g., every two or three years). Must coordinate with HB 3002. See comments submitted for that bill.

Regarding “(b) For the purpose of the inventory and determination of housing capacity described in subsection (3)(a) of this section, the local government must demonstrate consideration of:”

The enumerated list needs to include “Covenants, Conditions and Restrictions (CC&Rs) that limit housing capacity below the projects for unrestricted property of the same plan designation and characteristics.

CC&Rs can dramatically constrain actual capacity and lead to future shortfall in housing development. The negative effect of CC&Rs would be significantly amplified if HB 2001 and SB 10 were adopted because most, if not all, future subdivisions would record restrictive CC&Rs to protect single-family developments.

Regarding “(D) The impact that residential infill or redevelopment will have upon neighborhoods with average property values lower than the average property value within the local government’s jurisdiction, including neighborhood gentrification.”

This is a very positive addition to the analysis of the impact of housing policies, plans and implementation measures.

This qualification should be implemented in HB 2001 and SB 10, if those bills are forwarded by the respective committees.

Thank you for your consideration.

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