

From: [Paul Conte](#)
To: [Sen Fagan](#); [Sen Courtney](#)
Cc: [Sen Heard](#); [Sen Golden](#); [Sen Knopp](#); [Sen MonnesAnderson](#); [Sen Prozanski](#); [Sen Manning](#); [Exhibits SHOUS](#)
Subject: Testimony re Senate Bill 534-4 (CONTE)
Date: Sunday, April 7, 2019 2:35:55 PM

April 7, 2019

Dear Chair Fagan and Committee members,

I've reviewed the latest version of this bill, SB 534-3.

The amended version clarifies what I believe is the purpose, which is to allow residential development "per lot" to be based on an original plat. In Eugene, there are plats that have not been revised since their recording over 100 years ago. Setting no limit on the "lookback" for plats creates the risk of "what you don't know you don't know." I would suggest limiting to plats recorded on or after January 1, 1950.

Recently in Eugene, a developer has exploited a loophole in Eugene's land use code to use very old plats with 15-foot-wide lots to "gerrymander" exiting legal lots in ways that circumvent the intent of the code. The plat predated the adoption of Eugene's first zoning ordinance by many years. I reviewed the property records for many of these lots and found that they were typically purchased in multiples. It appears the purpose of plating such small lots was to enable buyers to pick a lot size that suited their needs and budget, often 3 lots for a 45-foot wide "lot" on which the buyer build a single-family home. There were some smaller and some larger lots, but rarely a house on a single, 15-foot wide lot. And, of course, there were no zoning criteria at that time.

Two potential elements that have been added to the initial version of SB 534 may enable cities to avoid similar unintended consequences of this bill. First, by setting an effective date two years hence, cities will have a reasonable amount of time to amend their codes. Please do not shorten that time period.

Second, allowing cities to adopt "reasonable local regulations relating to siting and design" provides sufficient latitude -- *as long as "siting" regulations can include standards for lot size and configuration (e.g., frontage) and adequate fire and medical emergency response, and other essential services for the public health and safety.* (I had previously suggested an amendment to ensure the public safety, but the committee apparently decided not to incorporate it. See below.) I would recommend at least placing comments in the committee's record of deliberations that such regulations would be considered "reasonable." That would provide "legislative" history to aid future interpretations.

Thank you for your consideration.

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On Sat, Mar 9, 2019 at 4:58 PM Paul Conte <paul.t.conte@gmail.com> wrote:

March 9, 2019

Honorable Chair Fagan and Committee Members:

Please consider the following testimony regarding Senate Bill 534.

The intent of SB 534 is unclear. The summary should explain what limitations the bill's provisions are removing or modifying.

My guess, from reading testimony by Elaine Starmer, of Lincoln City, is that an existing zone or overlay of "VRD" ("Vacation Rental Dwelling") may limit the number of single-family dwellings that are used as "vacation rentals" within some designated area. I also assume this results in some vacant lots that the owners do not develop because the owner wants to develop *only* a vacation rental.

Otherwise, in typical areas "zoned to allow for single-family dwellings," a single-family dwelling would be allowed on "buildable" lots of adequate size, dimensions, service, etc. In which case, this bill would seem unnecessary.

Regardless of the purpose of the bill, it would need several corrections, as follows:

- "the building of a single-family dwelling on lots" is grammatically incorrect and ambiguous.
Change to: "the building of at least one single-family dwelling on a lot."
- "(1) The lot's inability to be adequately served by water, sewer or streets;" overlooks other critical services.
Change to: "The lot's inability to be adequately served by water, sewer, streets, fire and medical emergency response, and other essential services for the public health and safety."
- "(2) The lot being too small or too steep to accommodate a single-family dwelling;" is not at all clear and objective, doesn't really provide even discretionary guidance and overlooks other critical properties of a "buildable" site.
Change to: "The lot being unreasonably small, too steep, unstable or otherwise unsafe to accommodate a single-family dwelling;"

With respect to invalidating "VRDs," if that is the intent; the bill should be withdrawn. A "vacation rental" is a use, which it's reasonable to prohibit in zones that were designated and built out with the use limited to "single-family dwellings" with the explicit or tacit understanding would be owner-occupied or long-term rentals. Allowing unlimited "vacation rentals" in such neighborhoods will clearly destabilize them and is an unethical "changing of the rules" that especially harms owner-occupants.

Thank you for your consideration.

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