

June 5, 2019

Honorable Senators,

In this morning's OLIS notices, I saw that the Senate Rules Committee has scheduled a public hearing on SB 10 -- density along transit lines -- for TODAY at 1:00 p.m. See:

<https://olis.leg.state.or.us/liz/2019R1/Committees/SRULES/2019-06-05-13-00/SB10/Details>

Senate staff has recommended a mostly "gut and stuff" amendment (#3), which is attached.

The amended version shifts the imposed substantial density increases to "50% of the transit stops", rather than along an entire, linear transit route. It also adds an option for the City to implement its own plan, as long as it meets the same density requirements.

The Eugene City Council previously submitted testimony opposing SB 10 because it usurped local planning and imposed unrealistic increases in allowable density in a blanket fashion.

The amended version is only slightly less bad. It still far overreaches with State-imposed detailed zoning; and if you had time to draw maps of every affected City, including Eugene, you'd see that 50% of stops still creates huge swaths of areas in Eugene, including single-family areas. The implications aren't precisely known, but they'll be very disruptive.

The first principle is that the State should not be dictating some half-thought-out, but radical upzoning until cities can be fully involved in addressing the huge impacts that would result.

Further more, there are critical technical flaws in the language. With the short time I have from this morning's OLIS notice of a hearing in five hours, I may be unable to provide a more detailed critique; but here's a major problem in Section 2 (2)(b)(B)

"Allows the same maximum total number of residential units that would be authorized under paragraph (a) of this subsection."

This comparison is fraught with special cases and conditions that make it impossible to determine in a clear-and-objective manner the "maximum total number of residential units that would be authorized" for each of the two alternatives, (a) and (b).

Furthermore, this criterion doesn't account for such cases as along Eugene's (West) EmX route, which is lined with low-grade commercial zoning and development that allows unlimited density. How is that to be accounted for, when such properties are prime areas for multiple-use redevelopment?

This version of SB 10 just confirms that the State doesn't have the planning competency to dictate such sweeping and impactful zoning rules at this level of detail. Instead, an improved version of HB 2003 that focuses on credible analysis and planning requirements, and which holds Cities accountable, is the appropriate role for the Legislature.

Please vote this bill out of committee with "DO NOT PASS" and reject it in the full Senate.

Thank you,

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**Accredited Earth Advantage
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Requested by Senator COURTNEY

**PROPOSED AMENDMENTS TO
SENATE BILL 10**

1 On page 1 of the printed bill, line 2, before the period insert “; and pre-
2 scribing an effective date”.

3 Delete lines 5 through 31 and delete page 2 and insert:

4 **“SECTION 2. (1) As used in this section, ‘priority transit stop’**
5 **means a transit stop within the boundaries of a city that is on an ar-**
6 **terial as defined in the Oregon Vehicle Code or a major arterial high-**
7 **way as designated in a regional transportation plan, not including an**
8 **interstate, with regular transit service scheduled four or more times**
9 **during any hour between February 27, 2019, and March 2, 2019.**

10 **“(2) A city, in consultation with a local mass transit district or-**
11 **ganized under ORS 267.010 to 267.390, shall either:**

12 **“(a)(A) Identify at least 50 percent of the priority transit stops**
13 **within the city’s boundary that are located on lands where residential**
14 **uses are allowed; and**

15 **“(B) For each priority transit stop identified in subparagraph (A)**
16 **of this paragraph, on lands zoned to allow residential uses, establish**
17 **maximum residential density limits that are at least:**

18 **“(i) Twenty residential units per developable acre on lots or parcels**
19 **entirely within one-quarter mile walking distance of the identified**
20 **stop; and**

21 **“(ii) Forty residential units per developable acre on lots or parcels**

1 entirely within one-eighth mile walking distance of the identified stop;
2 or

3 “(b) Create and adopt a plan for the development of lands within
4 one-half mile walking distance of priority transit stops that:

5 “(A) Establishes a pattern of varied maximum residential density
6 that does not exceed 75 residential units per developable acre, with
7 higher densities prioritized in high ridership areas;

8 “(B) Allows the same maximum total number of residential units
9 that would be authorized under paragraph (a) of this subsection;

10 “(C) Authorizes mixed residential, retail and office uses within
11 areas of higher density focused around identified priority transit stops
12 that are scaled to accommodate transit riders and pedestrian and bi-
13 cycle travel to and from the surrounding area; and

14 “(D) Includes a network of roads and pedestrian and bicycle paths
15 to support high levels of safe pedestrian and bicyclist access and
16 transit use.

17 “(3) A city shall adopt land use regulations and amend its compre-
18 hensive plan to adjust building height limits, parking requirements
19 and other development requirements to allow residential areas to be
20 feasibly developed at densities allowed under subsection (2) of this
21 section.

22 “(4) This section does not prohibit a city from adopting or enforcing
23 land use regulations based on statewide land use planning goals re-
24 lating to:

25 “(a) Natural hazards; or

26 “(b) Natural resources, including air, water, land, natural areas or
27 open spaces, but not including historic resources.

28 “(5) This section does not apply to cities:

29 “(a) With a population under 60,000 on the effective date of this 2019
30 Act; or

