

From the personal desk of
Sharon Konopa, Mayor of Albany

541-926-6812----sharonkonopa@comcast.net

~~~~~

March 18, 2019

Dear House Speaker Tina Kotek:

I am dismayed that this House Bill 2001 is still active. I am submitting new testimony opposing the proposed amendments and attaching at the bottom my previous testimony over the original version.

Thank you for taking out some of the language from the original bill, but overall this is an upsetting bill for my community and the middle Willamette Valley region.

**With all due respect Speaker Kotek, this is the type of legislation that paints a negative picture towards our legislature. Most citizens will not even know this type of legislation is in the works until it impacts their neighborhood. Then who will get blamed? It won't be the legislators who supported this bill, it will be the policy makers at the local level. The same results many cities were upset over with accessory dwelling units that burden our local planning efforts.**

My testimony over HB2001's original version suggests some optional legislation that would be doable and more fair to cities the state could consider with their efforts in promoting density. All of this should be visited in the future with city planners and local leaders involved. Just because this legislative session is up and running doesn't mean it is a good policy to fast track in place. It seems to me this is the common "feel good bill".

Please file this bill away and plan on working with cities large and small for legislation that everyone can truly state they are proud of.

Sharon Konopa, Mayor of Albany

Cc: House Committee on Human Services and Housing

*From the personal desk of*  
**Sharon Konopa, Mayor of Albany**

541-926-6812----sharonkonopa@comcast.net

~~~~~

March 18, 2019

Dear House of Representatives House Committee on Human Services and Housing:

Regarding the amendments to HB2001, I greatly oppose all of this bill and at a minimum remove the amendment for accessory dwelling units.

Below are my comments over the amendments and following is my testimony from the original version of HB2001, which includes other suggested options for promoting density, then impacting our newer and existing single-family neighborhoods.

Subsection (5)—page 1: You still have not defined lot or parcel with this amendment. If a 5000 square foot lot, are we required to **allow** a fourplex in an existing single-family neighborhood? What if the water and sewer lines will not support the capacity to serve this area? Who pays?

(6) Nothing in this section prohibits local governments from permitting the development of single family dwellings in areas zoned to allow for single family dwellings.

Do you really think this language will protect single family zoning? The developers will want to maximize their profits no matter what. Almost all new neighborhoods are always built in phases. It is not fair to have a

homeowner invest in a single-family zoned neighborhood and then comes along a new builder who decides to allow a higher density in the other phases with middle housing. Or, what if it is an infill lot in an existing neighborhood? Who then pays the cost to upsize the infrastructure, as this bill written seems to shove that cost onto local government?

SECTION 3: Wow, who pays for this fast track process? I do hope the state does? Who pays for the additional staff or consultants that will be needed? Or, is the intent with this bill in hopes local government will not have the time or funds to establish middle housing rules for implementation, so then cities will have to follow the state's model middle housing code? This bill seems like the cart before the horse. I would hope our legislators would know what all is in the "model middle housing code" before they pass any bill legislating a new code. I am presuming all the legislators know what they will be passing on to cities when voting on this bill.

SECTION 3a (2): In my reading this section, in order to get an extension for allowing middle housing without following the model middle housing code, cities would need to have a plan to remedy deficiencies with infrastructure of water and sewer. There is no way Albany would have the time and resources to establish a plan and let along a "remedy" to address deficiencies in our system. We can establish a plan as we do annually with our Capital Improvement Project Plan, which lists the majority of unfunded projects throughout the city. To "remedy" would mean to fund. What funds? I hope the state.

SECTION 9: Please do not use the word “unreasonably” in the text of any bill. That is a very subjective word and anyone can interpret it anyway. Please do not put that burden on cities to interpret reasonable and see my comments over ‘reasonable” below.

The original version: Section 7 seems to be overlooked with these amendments! (B): It wasn’t enough for our state legislators to demand cities allow accessory dwelling units with “reasonable regulations” from the 2017 session, so instead now this bill is preventing cities from applying what we feel is ‘reasonable’ with one off street parking space and owner occupied. Please delete 7 (A) and (B) from the original bill. Is “reasonable” a word chosen as an intent to pacify local government with an initial legislation and then take away their local decisions after a legislative bill is to be implemented?

Please House Committee on Human Services and Housing, do not pass this HB2001’s original and amended version as written.

Thank you for your service,

Sharon Konopa, Mayor of Albany

From the personal desk of
Sharon Konopa, Mayor of Albany
541-926-6812----sharonkonopa@comcast.net



February 8, 2019

Dear House Speaker Tina Kotek,

This message is a heartfelt plea to withdraw HB2001 from the list of bills this session. With all due respect, this bill is poorly written with subjective language and will impact the livability of communities throughout Oregon. (see below pages)

I greatly appreciate your service to our beautiful state Speaker Kotek, but I am sorry to say this bill is wrong and very poor legislation. No legislator should support this bill as there are other alternative options to meet the objective of more density for housing.

Please just **pull the bill before Monday's hearing** and mostly since the weather looks poor, why subject people to drive to Salem to oppose this bill?

Below is just some of my suggestions in addressing more housing without impacting the livability of communities across Oregon. I hope you will take it in to deep consideration and **withdraw HB2001** before Monday.

Thank you and best regards,

Sharon Konopa, Mayor of Albany

From the personal desk of
Sharon Konopa, Mayor of Albany

541-926-6812----sharonkonopa@comcast.net

~~~~~

February 8, 2019

Dear House of Representatives Committee on Human Services and Housing:

**HB2001**---requiring duplexes, triplexes, four-plexes in single family zones for cities over 10k in population. Prevents cities from applying regulations to ADU's over off-street parking and owner-occupied for cities over 2500 in population.

Our nation was built on single-family zoning and Albany's first urban neighborhood was single-family. Albany is the eleventh largest city in the state and has the second largest variety of historic stock, plus the largest amount of architectural designs dating back 170 years. Cities have been required for decades to provide housing choices with a wide range of types and densities. Albany has focused on building a livable community, whether in a new or existing neighborhood.

I have been involved in Albany's city government for 22 years, which includes our local land use planning. I have worked hard to build a livable community and lessen sprawl to preserve farm land. This bill is punishing us for years of well-managed urban growth. Albany already has a large supply of multi-family housing and more in the planning stage. This bill impacts homeowners who have invested in their single-family neighborhoods and all because of a state-wide housing demand that most likely will be short lived, as past trends have shown.

Requiring multi-family housing in single-family zoning will erode away all single-family neighborhoods in urban cities and will promote urban sprawl. Albany has two bordering communities under 2500 in population. This bill will put the demand for more new single-family housing developments and add sprawl to these smaller outlining communities. Also, all cities will be faced with developers

pushing the counties to allow new neighborhoods to be built in the urban fringe. This bill could even subject an unincorporated community with developers wanting to build in their area to avoid this state rule. This will not only impact Albany, but all cities statewide.

I understand the need for state mandates over certain legislation, but it is the cities responsibility to build their communities character and to fully know how they want to grow. I would hope that any legislator would reach out to their city leaders in their district before supporting this bill.

Also, every neighborhood throughout Oregon has planned infrastructure for each type of zoning. When a higher density is added to an area that was not planned for more density, puts a demand to upsize the infrastructure to serve that density and places a burden on all ratepayers to cover the costs. This is another strong reason to let cities plan for growth and to not add density to existing neighborhoods.

I am very disheartened at state policies the recent years in eroding away the livability of urban areas and this type of policy making will impact Oregon as it takes away more of our local control. The legislature took away our vote for annexation home rule in 2015, which was a tool for cities to lessen sprawl and add more density. In 2017 you have required ADU's in all zones which also promotes sprawl; as ADU's will eventually transform single-family neighborhoods into multi-family and this puts more demand on new single-family neighborhoods to be built in the smaller communities. You cannot stop people from wanting to live in a single-family neighborhood. This attempt to eliminate single-family zoning with this bill looks like a back-door way to destroy Oregon's land use laws, which are to protect farm and forest lands.

If you want more housing in the state, then focus on multi-family housing projects to serve the population living under their area's median income. That is more of a quick fix to this short-term housing need without destroying a community's character. Albany has over 1000 apartment units in the planning and development stage and this is without HB2001's requirement of middle housing in single-family zones.

**Below are some suggestions I believe will help provide housing for persons living under an area's median income level.**

**1)** Current state law requires all cities to hold in their buildable lands inventory a variety of housing types for low, middle and high-density housing. But the requirement does not apply as a percentage for each type. This housing bill would be more acceptable and doable to **require a percentage of densities in a city's buildable lands inventory.** Such as: 25 percent for low density, 50 percent for middle and 25 percent for high. This retains a single-family neighborhoods character and adds more density to a cities buildable lands, all in all lessens sprawl. Once a city has updated their buildable lands inventory and applied the three types of densities and percentages, then do not allow a city to change a zone to increase single family zoning without showing the inventory has increased at the same rate of growth in the other two density zones.

**2)** Require new single-family neighborhoods to provide a **variety of lot sizes per acre of land.** Requiring the smallest lot to be fifty percent of the largest lot and an even ratio of lot sizes per acre. This will increase the density to single family zoning without changing its character.

**3)** Require all commercial development to **have upper floor housing.** Albany applied mix-use commercial zoning years ago to support upper floor housing, but the developers would only build the housing next door to the commercial. In order to promote more upper floor housing would need to be regulated statewide for commercial zones.

**4)** Require all commercial and industrial parking lots to build a **parking garage or another use for their surface parking lot.** It is not fair for people living in a single-family neighborhood to transform their neighborhood to multi-family when a big box store can have a sea of a parking lot and with limited hours of use.

**5)** If a goal is to provide new rental housing to serve persons with low income, then require any new constructed apartment complex with 20 units or more to set aside 5 or even 10 percent of their units for a tenant with a HUD housing

**voucher.** This will help support low income housing and will not place a cost on to the state.

6) Regulate new Air BnB's, which takes up the limited supply of existing housing.

**These above options, in my opinion, would be doable for cities and will preserve existing neighborhoods and reach your objective in providing more affordable housing throughout the state.**

**Below are my comments in gray shade over the text in this bill, which has some subjective language. I am sorry to say, but this bill as written shows a lack of understanding of how a city builds their community.**

## House Bill 2001

### SUMMARY

***Requires cities with population greater than 10,000 and counties with population greater than 15,000 to allow middle housing in lands zoned for single-family dwellings within urban growth boundary.***

Albany only allows one dwelling per lot outside of the city limits to prevent septic systems. This bill allows middle housing per lot which results in more septic systems, urban sprawl, infrastructure demands and future health hazards.

***(a) "Cottage clusters" means groupings of no fewer than four detached housing units per acre with a footprint of less than 900 square feet each and that include a common courtyard.***

What is defined as "groupings"? Is someone only to build four 900 sq. ft dwellings per acre? I don't think that is the intent of the bill. I asked this question to the Speaker's staff and I was told the bill is silent on the definition of groupings. I would hope before any bill is passed, they would be clear and objective.

*(5)(a) A city with a population greater than 2,500 or a county with a population greater than 15,000 shall allow in areas within the urban growth boundary that are zoned for detached single-family dwellings the development of at least one accessory dwelling unit for each detached single-family dwelling, subject to reasonable local regulations relating to siting and design.*

*(b) As used in this subsection[,]:*

*(A) “Accessory dwelling unit” means an interior, attached or detached residential structure that is used in connection with or that is accessory to a single-family dwelling.*

*(B) “Reasonable local regulations relating to siting and design” does not include owner occupancy requirements of either the primary or accessory structure or requirements to construct additional off-street parking.*

Many cities and counties in our state added this regulation to protect the investments of homeowners in single-family neighborhoods and to prevent costs associated with the demands on the infrastructure to add density. ADU’s will erode-away existing single-family neighborhoods and promote urban sprawl. The market demand for more single-family homes will shift to the smaller communities under the 2500 in population. **Please reverse the 2017 session’s regulation over requiring cities to allow ADU’s.**

SECTION 8. Section 2 of this 2019 Act is amended to read:

***(2) Each city with a population greater than 10,000 and each county with a population greater than 15,000 shall allow, within its urban growth boundary in areas zoned for detached single-family dwellings, the development of at least one middle housing type on each lot, subject to reasonable local regulations related to siting and design.***

Define “lot”. If a lot is only 5000 sq. ft. would it have to be built with middle housing? Does that include infill lots? What if a lot is 20 acres,

then does the requirement only apply for one middle housing dwelling for that 20 acres?

*The answer I received from the Speaker's staff is: The bill is silent on that question – at this point, it says that local governments must allow missing middle housing within single family zones although the intent is to allow one middle housing development per lot, and all middle housing types within the zone.*

Again, please do not pass legislation that is not clear and objective.

**In closing: Please do not pass HB2001 and reverse the 2017 requirement over ADU's. Also, I hope you would consider my above suggestions this session in supporting affordable housing.**

**Thank you for your consideration and service,**

**Sharon Konopa, Mayor of Albany**