

Please enter the entire e-mail thread below into the record for HB 2001.

Thank you.

Paul Conte
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Accredited Earth Advantage
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From: **Paul Conte** <paul.t.conte@gmail.com>

Date: Mon, Mar 18, 2019 at 1:43 PM

Subject: Re: * Reply Requested * Please clarify status of HB 2001 amendments prior to hearing deadline

To: SmileyWolfe Taylor <Taylor.SmileyWolfe@oregonlegislature.gov>

Cc: Rep Kotek <Rep.TinaKotek@oregonlegislature.gov>, Rep KenyGuyer <Rep.AlyssaKenyGuyer@oregonlegislature.gov>

Taylor,

Thank you for the responses.

2. Eugene does have land zone "Agricultural" within the UGB. Here are other zone, in addition to the residential zones that allow a single-family dwelling: Commercial (3 of 4 zones), Employment and Industrial (All 4 zones), Park, Recreation, and Open Space (2 of 4 zones), Public Lands (the 1 zone) and eight special area zones.

7. Is "governing document" defined somewhere in the statutes? I completely missed that this referred to CC&Rs.

I didn't see any response to my question: "Should I understand that the Speaker and committee have reviewed all of the testimony from the first hearing, and this is all that they decided to change?"

Am I correct in assuming that the answer would be "Yes"?

-- Paul

Accredited Earth Advantage
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On Mon, Mar 18, 2019 at 10:16 AM SmileyWolfe Taylor <Taylor.SmileyWolfe@oregonlegislature.gov> wrote:

Hi Paul,

Please see responses below in blue.

Taylor Smiley Wolfe, MPP

Policy Director

House Speaker Tina Kotek

e-mail: taylor.smileywolfe@oregonlegislature.gov

Office: (503) 986 -1202

From: Paul Conte <paul.t.conte@gmail.com>

Sent: Saturday, March 16, 2019 1:56 PM

To: Rep Kotek <Rep.TinaKotek@oregonlegislature.gov>; Rep KenyGuyer <Rep.AlissaKenyGuyer@oregonlegislature.gov>

Subject: * Reply Requested * Please clarify status of HB 2001 amendments prior to hearing deadline

March 16, 2019

Honorable Speaker and Chair,

I've carefully reviewed the dash-10 amendments to HB 2001. I want to be sure I understand where things stand with respect to amendments to the bill before I submit further testimony.

By my reading, here are the major, substantive changes:

1. Add "townhouses" to "Middle Housing."
2. Clarifies that cities must "permit the development of all middle housing types in areas zoned to allow detached single-family dwellings." This is the broadest possible scope and includes almost every Eugene zone, including commercial, agricultural, etc. [The bill limits the allowance of middle housing to within the UGB - so farm land should not be included unless Eugene has farm land zoned for residential use within the UGB?](#)
3. Changes the language to allow all regulations for siting and design, as long as the regulations "do not, individually or cumulatively, discourage the development of middle

housing through unreasonable costs or delay." This is consistent with the language for clear-and-objective housing criteria (and a change that's needed in the ADU statute).

4. Adds the local government to the prevailing party than can collect attorney fees. This just drives another nail in the coffin of citizen LUBA appeals.

5. Alters the deadline for cities to comply. (The language is unclear as to what the exact impact is.) Allows limited ability for DLCD to grant six-month extension.

6. Prohibits cities from treating these zoning changes, by themselves, as "efficiency measures" when determining housing capacity.

7. Prohibits regulations that would "unreasonably" restrict dwellings to below the maximum density allowed by the zone. This would eliminate "conditions of approval" on zone changes, PUDs, etc. It isn't clear whether it would prohibit Eugene's "/n" overlay zone that "customizes" the min and/or max density of residential zones or zones (such as commercial) that have no density criteria. Provides a huge toehold for appeals re criteria for open space, setbacks and other regulations. [This is specific to deed restrictions.](#)

Items 1, 2, 4 and 7 serve certain developers' interests at the expense of potentially many residents. The other items don't change the direct impacts of the bill much (3 is a clarification, 5 gives cities a little more time to act, and 6 might slightly impact housing capacity analysis.)

The amendments do not address a long list of significant issues, raised by many individuals (including myself) and organizations during the first hearing.

Should I understand that the Speaker and committee have reviewed all of the testimony from the first hearing, and this is all that they decided to change? Or is there some other explanation, such as the committee decided on this round of amendments to address mainly items that the developers wanted?

Thank you for clarifying this for me.

Respectfully,

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