

Presentation to HB 2001 Healthy Democracy Planning Review Panel by Jon Belcher for Neighborhood Leaders Council November 21, 2020

- 1) Role of Neighborhood Associations
 - a) Challenge of involving the public in land use as initiated in Oregon by Senate Bill 100 (in 1973 47 years ago)
 - i) State level
 - (1) Legislation like HB2001
 - (2) Converted into statutes and administrative rules (what is happening now for HB200)
 - ii) Cities and Counties Convert into Land use Code – Eugene’s [Chapter 9](#)
 - iii) Legal Appeals
 - (1) Local – land use decisions by Planning Director, Hearings official, Planning Commission or City Council
 - (2) Appeals to Land Use Board of Appeals – special court just for land use
 - (3) Appeal to state Court of Appeals and occasionally Oregon Supreme Court
 - (4) 47 years of state statutes & administrative rules, local code and court decisions make for an extraordinarily complex web of land use rules. Hard for anyone besides Professional Planners and Land Use Attorneys to follow.
 - b) Goal I Citizen Involvement: “Goal 1 calls for “the opportunity for citizens to be involved in all phases of the planning process.” It requires each city and county to have a citizen involvement program that addresses:
 - i) Opportunities for widespread public involvement (both in development of rules and appeal of decisions)
 - ii) Effective two-way communication with the public
 - iii) Making technical information easy to understand
 - c) It is for these reasons (and others) that the City of Eugene established 23 Neighborhood Associations covering almost every area inside Eugene’s Urban Growth Boundary and gives them the responsibility to:
 - i) advise to the City Council, & Planning Commission on matters affecting the growth and development of the neighborhood and to develop neighborhood proposals with respect to land use & zoning.
 - ii) address all matters which affect the neighborhood.
 - iii) Educate the citizens of the neighborhood. The organization will encourage and facilitate communication among the members on matters of common concern.
 - iv) preserve and develop the neighborhood and to achieve the objectives of this and other neighborhood associations.
 - v) whatever else it deems necessary and appropriate to enhance the welfare of its members and livability of the neighborhood.
 - d) Primary ways to perform these duties:
 - i) Involve themselves during development of plans and new land use code through participation in committees and providing testimony during public hearings when new land use code and plans are developed. City specifically involves affected neighborhoods in developing Neighborhood Plans (some 20 or so) for their areas of the City. I and others in the River Road and Santa Clara area are currently involved in such a process
 - ii) Initiating and/or participating in the land use appeal process. It is challenging for volunteers to research all those city and state statutes and court decisions sufficiently to be able to make our case against Land Use lawyers and technical experts hired by developers especially when we have to pass the hat to hire our own lawyers and experts. I would say that y’all will have more knowledge than the average Neighborhood Association land use volunteer.

iii) It is unfortunate that the Quasi-Judicial land use process is a zero-sum game (a winner and a loser are determined and there is no opportunity for negotiation between the developer and neighbors. We are currently working on a proposal that requires the parties to have a meaningful discussion about these issues before the developer has completed his planning application and the only dispute resolution is via the Quasi-Judicial process.

2) Need for more than land use code to implement Middle Housing.

On his website MissingMiddleHousing.com, concept founder Daniel Parolek states:

- a) “Missing Middle Housing is a range of house-scale buildings with multiple units—compatible in scale and form with detached single-family homes—located in a walkable neighborhood. The land use code you will help develop will serve that purpose.
- b) The word *middle* as used in the term Missing Middle Housing has another meaning. The second definition of middle relates to the affordability or attainability level. These housing types — which range in style from small multiunit apartment buildings to town houses to duplex, triplex or fourplex houses — have historically delivered attainable choices to middle-income families and continue to play a role in providing homes to the “middle income” market. The intent is to achieve affordable price points for rental or for-sale units without subsidies. Unfortunately, we are seeing that this isn’t the case.
 - i) Building new housing is expensive both for labor and materials. In Eugene, the cost is even more expensive because we have such a small supply of undeveloped land which raises the cost of undeveloped lots. And it is even more expensive to build infill on an already developed lot.
 - ii) A worse case scenario will be when developers demolish older less expensive small homes to replace them with more market rate middle housing units. There will be more housing, but it will be more expensive than the units it replaces.
 - iii) My point is that merely writing code that reallows middle housing in Eugene will meet the first goal of providing more of these housing types but the housing they allow will be even more expensive to rent or own than the already too expensive housing we now have in Eugene.
- c) I encourage you to request that you be given information on how to make the new middle housing more affordable. Ask for information about and recommend that the City provide incentives the City that encourage housing affordability in these new housing times. Examples include:
 - (1) reducing or eliminating Systems development charges for middle housing (especially since this type of housing places fewer demands for infrastructure.
 - (2) Expediting the approval process for middle housing (time is money for developers)
 - (3) Explore creative financing structures such as community land trusts.
 - (4) Use financial subsidies such as some form of MUPTE or construction fees.
 - (5) Use inclusionary zoning to require some portion of larger developments be affordable.

Thanks for the opportunity to speak to you and to answer your questions. If you have more ,I can be reached at jbelcher@efn.org