



American Planning Association  
**Oregon Chapter**

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*Making Great Communities Happen*

March 29, 2019

Senator Shemia Fagan, Chair  
Senate Committee on Housing  
900 Court Street NE  
Salem, OR 97301  
[shous.exhibits@oregonlegislature.gov](mailto:shous.exhibits@oregonlegislature.gov)

RE: Testimony from the Oregon Chapter of the American Planning Association on SB 10

Dear Chair Fagan and Members of the Committee:

This letter provides testimony from the Oregon Chapter of the American Planning Association (OAPA) on SB 10. OAPA is an independent, statewide, not-for-profit membership organization of over 950 planners from across the state working for cities of a range of sizes, counties, special districts, state agencies, community-based organizations, and private firms. OAPA provides leadership in the development of vital communities by advocating excellence in community planning, promoting education and resident empowerment, and by providing the tools and support necessary to meet the challenges of growth and change.

OAPA appreciates and shares the Senate President's goal of doing something to provide more affordable and diverse types of housing for Oregonians. However, our Legislative and Policy Affairs Committee (LPAC) has reviewed SB 10 and while OAPA supports the intent of the bill we urge caution in proceeding to adoption due to several concerns about content and infeasibility of implementation, detailed below. We also offer some recommendations for the Committee's consideration, summarized at the end of this letter.

#### **AREAS OF CONCERN**

As proposed, we think the bill will not achieve the results sought by simply increasing densities along certain transit corridors. Additionally, we have major concerns that proposed upzoning preempts local planning efforts and negates the clear mandate found in Statewide Planning Goal 1 (Citizen Involvement) where there shall be made "the opportunity for citizens to be involved in all phases of the planning process". The following are our specific areas of concern, based on input from planners from larger and smaller cities both within and outside the Portland metro area.

#### **Planning and zoning based on transit areas and service versus jurisdictional boundaries, community size, and location.**

- Transit agencies are often organized in district/regional patterns that may or may not align well with jurisdictional boundaries. So, some cities that meet the 10,000+ population threshold may fall within these district boundaries and may be appropriate for inclusion in the Bill, while others are not. The proposed population thresholds are of concern due to the broad differences in this regard between those cities at the 10,000 threshold and say, the 25,000 population threshold.

- Most cities in Oregon have high density residential zones. However, the upper range can vary from community to community and, outside of Portland, may not allow the density of development proposed under Section 2.
  - OAPA recommends scaling these upper ranges back based on what communities are already doing, or are more capable of doing. For example, we think it's reasonable to require 50 units per acre if a community's high density zone already allows up to 45 units per acre.
  - Conversely, requiring 25 percent increases in maximum density (Subsection 5(b)) does not recognize that some jurisdictions already have significantly large density maximums. This maximum density requirement punishes jurisdictions with existing high densities along corridors and near stations/stops.
- Smaller communities within the Portland metropolitan planning area have adopted building height limits and architectural design standards that would conflict with the high density targets (75 du/acre within ¼ mile and 45 du/acre within ½ mile of a priority transportation corridor).
  - The requirement for smaller communities to meet this standard would have a serious impact on development patterns, community character, and quality of life. For example, in the case of Cornelius, a city of 12,500 located within the metropolitan service district, a ¼-mile buffer along TriMet Line 57 (classified as a priority transportation corridor) would encompass 44% of the total city area. The ½-mile buffer would encompass 82% of the total city area.
  - Also of concern are small cities in the 10,000+ range that are freestanding and just outside a district or MPO boundary. Canby, for example, may at some point have a frequent connector bus service to Oregon City and TriMet service. Does this small city service and its intercity corridor (state highway) become the unintended subject of this legislation, when other legislative initiatives and state planning goals adequately address housing need/affordability/availability in the small city itself?

#### **Priority transit corridors and transit-supportive communities.**

- As proposed, the legislation applies to priority transit corridors rather than station areas. The corridors between stations and stops can include large swaths of cities that may or may not be proximate to transit stops.
- Oregon has a wealth of transit-supportive communities that are fine-tuned, national models. SB 10, with its proposed corridor zoning formula, ignores decades of good planning by Oregon cities and counties, transit agencies, and other government bodies.
- Successful priority transit corridors work in tandem with the housing market, with realistic levels of density. They are not based strictly on prescriptive formulas or on lineal distance from a primary transit line. They allow variations in density along a corridor, based on distance from station areas, feeder bus lines, and park and rides. SB 10 mandates uniformly high corridor densities that are far beyond market reality in most Oregon metro areas. As introduced, SB 10 does not acknowledge the complex geography of Oregon metro priority transit corridors. It does not incorporate the proven market incentives that have created real transit supportive, higher density communities in Oregon.
- SB10 could spawn a backlash against well-planned transit expansions and re-zoning, undermining the Legislature's visionary transportation act, HB 2017, and its funding support.
- Priority transit corridors succeed when they have high-level service and amenities and well-planned station areas, mixed use hubs, town centers, regional centers, and transit supportive urban design. Transit corridors often connect new density nodes and diverse, less-dense,

established neighborhoods, which vary widely along most corridors. These nodes draw crosstown riders from much greater distances than their immediate corridors. This is the experience of Oregon's longest-operating modern priority transit corridors, the Eastside and Westside MAX. For example, the Rockwood stations serve walk-on traffic from older single family and new multifamily housing; the Hollywood station serves the growing Providence medical complex, crosstown bus lines, and the stable, low-density Laurelhurst neighborhood; the Milwaukie Max Line serves low density neighborhoods and parks on both sides (Eastmoreland and Westmoreland); and Westside Max goes under the West Hills with limited corridor access, in a lower density corridor, but it concentrates riders at Park and Rides.

#### **Housing affordability and availability.**

- Transit agencies as unintended planners may result in mismatched priorities as, for example, housing affordability and availability may not line up with transit agency key missions, funding priorities, or funding sources.
- An increase in housing supply will not necessarily affect housing affordability, as new high-density development would most likely be market-rate and unattainable for those most affected by regional housing challenges.
- Such significant upzoning would potentially displace existing low-income communities that live in existing single-family housing stock. In cases of suburban communities within the Portland metropolitan service district, many of these older neighborhoods currently lie along priority transportation corridors and their residents already depend on these transit services.
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#### **Neighborhood integrity and character.**

- On a fundamental level, people who want to live in high density neighborhoods will gravitate toward communities that provide this housing type (e.g., Portland). Those who wish to live in suburban communities where their skyline is not dominated by high-rises will move to the outskirts of the metropolitan service district (e.g., Forest Grove), and they should not be affected by an overly broad application of high density zoning along a priority transit corridor.
- Also of concern with respect to SB10's focus on transit corridors are issues of site constraints, topography, etc. that may not allow the densities envisioned. Some examples include Sunset Transit Center in Beaverton, Washington Park-Zoo in Portland, and others.

#### **Public Involvement and prior community planning.**

- Cities have spent years of public engagement and thoughtful planning, not to mention millions of taxpayer dollars, to plan communities that try to meet the visions and desires of their constituencies. This proposal has the potential to undermine all of that labor, and the public trust, to impose a policy guided by noble goals, but one that will have questionable results.
  - Many communities are already working toward densification and upzoning in appropriate areas – they should be allowed to complete and implement their work, which has been guided through community participation.

#### **RECOMMENDATIONS**

While OAPA supports the intent of the bill, we think a more inclusive approach to integrate stakeholder input prior to adoption is necessary to achieve the desired outcome, similar to HB 2017 (Transportation Act) and HB 2020. In both cases legislative committees held forums all over the state to develop bills and some degree of consensus among those affected. If such a process were proposed to create a workable

transit corridor/housing bill for the Legislature's consideration next year, OAPA would support and participate in it.

We recommend continuing to build off of Oregon's established land use and transportation planning approach to meet the desired outcome of increasing housing availability and affordability. For example, HB 2020 supports metropolitan communities making smart, regional choices, in scenarios that define transportation-efficient growth patterns, with associated greenhouse gas emissions reduction. However, if SB 10 does move forward this session, OAPA recommends focusing on cities within a metropolitan service district and those within a metropolitan planning organization.

Thank you for your time and attention to our testimony.

Sincerely,



Kirsten Tilleman, AICP, President  
Board of Directors



Damian Syrnyk, AICP, Chair  
Legislative and Policy Affairs Committee