

House Committee on Agriculture, Land Use, Natural Resources, and Water
Attn: Co-Chairs Representative Ken Helm and Representative Mark Owens
Oregon State Legislature
900 Court St NE
Salem, Oregon 97301

RE: Opposition to HB 2950

Dear Chairs Helm and Owens, members of the committee:

My name is Natalie Janney. I am a civil engineer in Salem, Oregon. I work with developers all over the State of Oregon to produce various types of housing. As a part of the development process, we work with developers to take their projects from conception, through the land use process, design, and permitting. As part of the land use process, I have seen firsthand several times where Goal 1 has been misused to stall, discourage, or kill housing developments within Urban Growth Boundaries. In my 17 years of working within the land use system, I have so many examples. I will list a few.

Public Funds for turtle habitat with no turtles

A property on the west side of Thornton Lake in Albany, Oregon had a proposed subdivision, similar to an existing development on the East side of Thornton Lake. The neighbors attended all public hearings with staunch opposition. At one point, they suggested that it was possible that the developer hired a helicopter to remove a bald eagle nest from a nearby tree. The main reason they gave to deny the subdivision was the presence of the Western Pond Turtle at Thornton Lake. The Western Pond Turtle is an endangered species that likes to bask on the side of the lake. The developer told the City of Albany, he was willing to sell the property to them and not do the development. Under public pressure, the City used public funds as well as received funds through a grant process and bought the property to be basically a turtle preserve. However, the side of the lake that the development was on is NOT turtle habitat. The property can now never be developed and also doesn't have turtles on it. Citizen involvement caused the city to use public money to buy turtle habitat that isn't turtle habitat and was otherwise developable land in the UGB.

Living areas with no windows

An apartment project in Salem, Oregon was proposed that bordered park property on one side, commercial property on two sides, and single family residential on one side. During the site design process, the neighbors used the neighborhood association to file an appeal of the approval without charge. During neighborhood meetings, the same neighbors said they would rather have a gas station or strip club next to them rather than apartments.

The appeal went before the City Council. Despite the fact that the project met the approval criteria and design standards, the developer was asked to make changes to the project in order to get the project approved. At one point, the City Council asked the developer if he was willing to remove all windows on that side of the building. He was not, as this would have meant living areas with no windows. He was then asked if he was willing to make the windows sight obscuring. He was not. City Council ultimately limited the height of the building to 2 stories, keep the same setback for a 3 story building, build a taller fence, and install more landscaping along the single-family property. This meant the project used more land, had fewer units, have to pay more for taller fence, and pay more for additional landscaping. Fewer units with a higher cost, all for a project that met all design and approval criteria in a zone that allowed the housing type.

Neighborhood Comments

During neighborhood meetings, neighbors in Eugene have referred to apartment dwellers as pedophiles who will party all night long. I've heard the phrase "low income breeding hutches" used to describe apartments in Molalla. Neighbors once opposed a subdivision in Independence because they would have to take down the volleyball net they had set up and mourned that it was the space they walked their dogs (on private property they did not own). People don't love change in their neighborhoods and I've heard people say some really terrible things during the process to stop housing.

I fear any process that allows for more public participation when we need housing. The City of Albany recently enacted more requirements for Open Space for single family projects as part of the public participation for the Housing Implementation Plan, a process meant to produce more housing. Goal 1 currently encourages significant NIMBYism and public participation for needed and allowed housing developments.

If anything, we should be looking to redo Goal 1 to restrict public engagement in the land use process where development is allowed. Goal 1 should not be used to restrict or limit housing where housing is zoned. We should be looking at reforming the appeal processes that are allowed to stop the gamesmanship and meritless appeals that stall development. If this were to go forward, I would ask the committee to expand the advisory group to include representatives from the industries that experience NIMBYism, including home building, industrial development, agritourism, and renewable energy development.

Thank you for your time and consideration.



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