

Monday, April 2nd, 2018

DELIVERED VIA EMAIL

Eugene Mayor, City Council and City Manager
City Manager's Office
125 East 8th Avenue
Eugene, OR 97401

Re: SB 1051/SDUs in Eugene

Dear Mayor, City Councilors and City Manager:

WE CAN, the Walkable Eugene Citizen Advisory Network, considers the Planning Commission recommendation regarding secondary dwelling units a completely inadequate response to SB 1051. The bill was intended to address Oregon's crisis of housing affordability, and requires cities to allow "at least one accessory dwelling unit for each detached single-family dwelling, subject to reasonable local regulations related to siting and design." The Planning Commission's recommendation fails to address both the intent and the specific text of SB 1051. To comply with state law, Council needs, at a minimum, to remove lot size restrictions and owner-occupancy requirements for Secondary Dwelling Units.

It's very clear that Eugene has a severe housing crisis related both to an insufficient amount of affordable housing and a very limited range of housing types for our changing demographics. The community is eager to address this crisis. Over 200 citizens have signed a petition for requesting action on SDU's and Cottage Cluster developments, and a letter submitted to Council in January included the signatures of over a dozen organization requesting action on Cottages in Eugene (attached). With the minor tweaks recommended by the Planning Commission, Eugene's code would still stand in the way of residents hoping to resolve the housing crisis.

The Planning Commission's recommendation correctly identifies the zones that must comply with SB 1051--namely, all areas zoned for detached single-family dwellings--but utterly fails to address the main point of the bill: that each detached single-family dwelling shall be allowed to develop at least one SDU. Many homes in Eugene's R-1 neighborhoods are not permitted to create an SDU under current code, and this would remain the case if the Planning Commission's recommendation were adopted as presented.

Lot Size Minimums

One of the primary roadblocks for single-family homeowners creating SDUs is lot-size minimums. Eugene currently disallows SDUs in R-1 on lots smaller than 6,100 square feet. This prohibits nearly 5,000 single-family homeowners from developing either an attached or detached SDU. The DLCD specifically addressed this issue in its March, 2018 guidance document (attached), recommending that "an ADU could be developed on any legal lot or parcel as long as it met the required setbacks and lot coverage limits; local governments should not mandate a minimum lot size for ADUs." Eugene should follow DLCD's recommendation and remove lot size minimums for SDUs.

Owner-Occupancy Requirements

WE CAN strongly believes that owner-occupancy requirements are not design or siting requirements, and thus not permitted under SB 1051. Owner-occupancy requirements regulate not the building, but rather who lives in the building. There is no clear guidance available as to whether owner-occupancy could be allowed as a "reasonable siting and design regulation". In all likelihood, this will ultimately be

determined in the Land Use Board of Appeals. However, there is no requirement for owner-occupancy requirements in the law; removing owner-occupancy requirements is clearly within the discretion of the city. Keeping them may very well not be. A decision here should be focused on equity and housing availability.

The DLCDC has recommended against owner-occupancy requirements simply because they are difficult to enforce and will “likely simply be ignored and constitute an on-going enforcement headache for local governments.” WE CAN has additional concerns about the equity of owner-occupancy requirements. Since enforcement will inevitably be selective and complaint-based, the requirement invites discriminatory actions in which a neighbor who objects to what a resident looks like, who s/he lives with, or what his/her income level is, could file a complaint based on owner-occupancy and force that resident to move to some other neighborhood. Eugene has nuisance codes to address property maintenance and resident behavior, and these are more appropriate mechanisms than owner-occupancy to protect neighborhood livability.

Other Provisions

WE CAN supports the Planning Commission recommendation to allow places of worship to build two affordable housing units on their property. This is an excellent example of an action that would remove roadblocks and red tape for those in our community who want to take positive, concrete steps to address the housing crisis.

WE CAN supports the recommendations to modify the definition of SDUs to more closely match the state’s definition, and to permit SDUs in residential zones that didn’t previously permit SDUs. While neither of these changes will do much to remove roadblocks to building SDUs, they bring Eugene’s code into slightly closer alignment with state regulations.

Conclusion

Eugene is facing a housing crisis, affecting residents of all income levels and walks of life. Action is needed. There is no one magic bullet that will solve the housing shortage in Eugene and many cities around the nation. There will need to be many, multi-faceted solutions, and some individuals will object to any action taken. But taking no action is not an option.

Fully complying with SB 1051 by the July, 2018 deadline will be a clear signal that Eugene is taking the current housing shortage seriously, and beginning to address it. We therefore urge Council to adjust the Planning Commission’s recommendation to include a removal of lot size minimums and owner-occupancy requirements in addition to the other elements put forward.

Respectfully,
WE CAN (Walkable Eugene Citizen Advisory Network)
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WE CAN, the Walkable Eugene Citizen’s Advisory Network, is an ad hoc citizens group focused on promoting walkable, 20-minute neighborhoods and housing choice in Eugene.