



ILLUSTRATION BY DAN PEGODA

# Splitsville

## Developers' bill divides and conquers

BY ALAN PITTMAN

**W**hat three decades of planning joined together developers have split asunder. The Oregon Home Builders Association, backed by Springfield officials, rammed a bill through the state Legislature this spring to split the Eugene/Springfield urban growth boundary (UGB) in two and force Eugene to conduct an early buildable lands inventory, a move developers think will hasten UGB expansion in Eugene.

"This was a very important bill," said Eugene Mayor Kitty Piercy of the impact of HB 3337, which she expects the governor will soon sign. "We were very surprised and disappointed."

Developers working with Springfield bulldozed a pro-sprawl law through the Legislature with questionable arguments in a result that may impact livability, taxes and city relations for decades to come.

Local developers have been fighting for years to expand Eugene/Springfield's joint UGB to allow more urban sprawl. Developers tried legal action to force the city to update its buildable lands inventory, the first step toward a UGB expansion, but lost. They convinced Springfield to let developers pay \$40,000 for a new land study for their side of the UGB, but Eugene refused to go along and held potential veto power over any big Springfield UGB expansion. In January the council voted 5-4, with Piercy breaking the tie, to follow a staff recommendation to not conduct a new land inventory.

Undaunted, the developers took the local fight to Salem. HB 3337, "at the request of Oregon Home Builders Association," the Legislature's official bill ledger read, was quickly scheduled for an April hearing. The bill would split the local UGB and force Eugene to do the land study in two years. Springfield Rep. Terry Beyer, Sen. Bill Morrisette, Mayor Sid Leiken and Springfield city councilors backed the bill. But the key engine behind the legislation was the Home Builders, one of the most powerful lobbying groups in the state.

"They're very, very powerful," said Eugene's lobbyist, Alex Cuyler, noting how the developer group killed legislation that may have required developers, instead of taxpayers, to fund their full growth impact on schools.

"The Home Builders have usurped the timber industry" in terms of their "monstrous power" in Salem, Eugene Councilor Bonny Bettman said. "They have lawmakers from both sides of the aisle in their pocket."

In the 2004 election cycle, the latest where comprehensive data was available, the Home Builders' political action committee was one of the state's biggest spenders with \$170,000 in contributions. Republicans got 83 percent of the money, but the developer PAC gave Democratic Senate Majority Leader Kate Brown \$9,000 and Democratic House Majority Leader Dave Hunt \$500.

Cuyler said Home Builders lobbyist Jon Chandler described Springfield as "his non-client client" on the bill. "They were working very closely."

Developers and their Springfield allies made HB 3337 a top priority. Piercy said she heard there were threats to hold up a key energy bill and/or a key fix for Measure 37 if the sprawl bill wasn't passed. With the message out that important bills "might have a hard time getting through," Eugene "seemed not as important," Piercy said.

The Salem chaos caused by Measure 37's effective repealing of sprawl controls for many developers in Oregon may also have helped pass the local sprawl bill. "Measure 37 is just a complete attack on land use laws; this isn't that different," Cuyler said.

Home Builders lobbyists have argued in Salem that Measure 37 should be fixed by restricting development outside UGBs while allowing for easy UGB expansions and unrestricted development inside the growth boundaries.

Piercy said the city also failed to jump on the sprawl bill quickly. "Alex hadn't expected it to be taken as seriously," she said.

Cuyler admits that "he probably could have been better prepared" for one early hear-