

The Politics of Preemption: Housing through the Lens of State Preemptive Policy

by

Mary Follo

A dissertation accepted and approved in partial fulfillment of the

requirements for the degree of

Doctor of Philosophy

in Political Science

Dissertation Committee:

Alison Gash, Chair

Ronald Michell, Core Member

Dan Tichenor, Core Member

Rebecca Lewis, Institutional Representative

University of Oregon

Spring 2025

© 2025 Mary Follo
This work is openly licensed via [CC BY 4.0](#).

DISSERTATION ABSTRACT

Mary Follo

Doctor of Philosophy in Political Science

Title: The Politics of Preemption: Housing through the Lens of State Preemptive Policy

Increasing polarization in the United States has resulted in policy trends like state preemption, the process through which states invalidate local authority through mandated policy. State preemption can facilitate either progressive or regressive policies, but it also removes the characteristic civic engagement aspect of local decision-making, increasing polarization especially in states with an urban/rural divide. Looking at housing policy as a case study in Oregon, I assess the role of state-preempted policies on community mobilization, civic inclusion, and actual policy outcomes in both large cities (Portland and Eugene) and smaller rural towns (Lebanon and Baker City). I ask whether preemptive policies in the realm of housing—such as House Bill 2001, which mandates multi-unit and cluster housing through statewide zoning requirements, encourage implementation of progressive policies or increase extreme polarization, and erode democracy? This project explores the effects that progressive state policies have on resistant to change cities and asks if preemption is an effective means to more equitable ends. Through both content analysis and qualitative interviews, my analysis shows that preemption is not well understood by residents who perceive localities (and not states) as limiting their democratic participation. Additionally, contrary to existing literature, preemption, at least in the realm of housing, does not increase polarization. Instead, city size is the best predictor of opposition, as medium sized cities, regardless of the urban/rural divide oppose housing preemption due to their perception of a loss of agency. This dissertation contributes to

the literature on the outcomes of state preemption, support and opposition of state policy, and collaborative governance.

ACKNOWLEDGMENTS

When I first started this program, I had very little intention to stay in academia. My goal was to complete the program, return to California, and resume policy work. I've never been so grateful that my plans didn't turn out as I had originally hoped. A friend of mine once told me that by the end of the dissertation you never want to see it again, but I don't feel that way. This dissertation has been a labor of love, and I am incredibly proud of the work I have done and look forward to progressing this project in the future. I am truly indebted to everyone who helped me get here.

First, I would like to thank my committee. Alison, thank you for taking me on in my first year and thank you for believing in me every step of the way. You were always a great sounding board and more than anything a calming presence during comps, the prospectus, the job market, and dissertation writing. I am incredibly grateful. Dan, thank you for your wisdom and for showing me what engaged teaching should be all about. Being your teaching assistant taught me how to be a good professor and I look forward to emulating your passion and expertise in the classroom. Rebecca, thank you for agreeing to be on my committee after one cold email and a zoom call, not only have you taught me so much about policy and housing, but I truly believe the research experience I gained under you was instrumental in my getting a job. Finally, Ron, when I asked you to help me with the policy comp it was because I heard you were the hardest grader, I would have never guessed that you would become my closest advisor and biggest supporter. Thank you for your genuine friendship and mentorship, thank you for always giving me running metaphors I'll understand, for your honest criticism, and your indelible praise, it has been a great honor working with you.

In addition to my committee, I would like to thank my alma mater UC Irvine for a great education, zot zot! And I would like to acknowledge the State of Oregon's education system. What I have learned in school at the University of Oregon and teaching at Willamette University has been insightful and has no doubt set me up for my position next year at Oregon State. I am incredibly grateful to continue to work and live in this amazing state.

I would also like to extend my gratitude to my cohort (Olivia, Parichehr, Yune, Thuy, and Saima) some of my best memories are from the first-year office. Additionally, I would like to thank my other polisci peers that helped me get through the years: Craig, John, Katie, Brett, Kyle, Alex, Mel, Nak, and Pete I am incredibly grateful. I also want to thank Gordon and Marc at the LERC, without you guys bringing me on this year, I would have finished last year with a bad dissertation and no job.

I didn't make it to this point in my life alone and for that I want to extend deep gratitude to my friends from home. Maggie, I always said if I did anything worthwhile in my life where I had to thank people that I would thank you for yelling at me in the middle of a tempo run sophomore year of college. I truly believe I would be a different person if you didn't care so much. Tim, thank you for your always spot on advice and support. Jordan, your friendship has meant the world to me, thank you not only for being my friend, but for becoming my family.

And of course, it's hard to think about friends from home without acknowledging that Eugene has really become my home over these last 7 years. First, I would like to thank Alex, whom without a conversation on the way to the Hult Center, this dissertation in its current form would not exist. Thank you for listening to all of my musings and thank you for letting me test my lectures on you. Thank you to the ERC for tricking me into a job and giving me my first community here. Thank you to Palace Coffee for the best cold brew in town without which I

would have never had the energy to actually write my dissertation. Thank you to the girlies from Girls on the Run, during the job market you reminded me to find my inner superstar. Thank you to the running clubs in this lovely TrackTown USA that have changed my life for the better. Between ERC Mondays, Big Timber Tuesdays, Run Hub Wednesdays, DBC Thursdays, Trail Sisters Fridays, and Hideaway Sundays I have never felt more loved and included in my life. An extra big thank you to all in the Drew Brew Crew who remind me weekly that hard things are never that hard with friends around.

Finally, this would not at all be possible without my family. Thank you to my parents, John and Teri, who have always pushed me to be my best. Without your support, love, and daily phone calls I would not have been able to complete this program. Thank you for always listening to me, for comforting me when it got hard, for reminding me to have a critical eye, for forcing me to love US history growing up, and for always wanting what's best for me. To go from a first-generation college student to earning a doctorate is evidence of your love and support. This is as much my success as it is yours. And Grandma, although you did not see me complete this degree, you were a day one supporter and I know you're celebrating with us.

My final thanks belongs to my dog and best friend, Bennett. Words cannot describe the impact you have made on my life. We did it.

TABLE OF CONTENTS

GLOSSARY	13
CHAPTER I: INTRODUCTION	15
Evolution of Preemption	16
Federalism	20
Oregon	21
Intrastate Fighting and the Rise of Greater Idaho	24
“Rurality” in the Politics of Preemption	27
Rural Resentment and the Rise of Preemption	29
Housing and Preemption	30
Research Question	34
Chapter Outline	38
CHAPTER II: THEORY AND METHODS	42
Introduction	42
Origins of Federalism	43
Localism	48
State Preemption	54
Rural Resentment and Theories of the Urban/Rural Continuum	62
Data and Methods	66
Methodology	77
CHAPTER III: URBAN CITIES AND THEIR RESPONSE TO PREEMPTION	82
Introduction	82

Portland	83
Getting the Bill Off the Ground	85
Incentives	87
Stakeholder Perceptions: Residents	88
Stakeholder Perceptions: City Staff	89
Post Implementation	94
Eugene, Oregon	95
Getting the Bill Off the Ground	97
Stakeholder Perceptions: City Staff	101
Stakeholder Perceptions: Residents	105
Post Implementation	111
Conclusion	114
CHAPTER IV: RURAL CITIES AND THEIR RESPONSE TO HB 2001	116
Introduction	116
Lebanon, Oregon	117
Getting the Bill Off the Ground	118
Stakeholder Perceptions: City Staff	123
Stakeholder Perceptions: Residents	126
Baker City, Oregon	131
Getting the Bill Off the Ground	134
Stakeholder Perceptions: City Staff	137
Stakeholder Perceptions: Residents	141
Post Implementation	144

Conclusion	146
CHAPTER V: CONCLUSIONS	149
Medium Sized Cities, Large Outrage	151
Big City Little Problem, Little City Little Problem?	155
APPENDIX	163
REFERENCES	164

LIST OF FIGURES

Figure 1. Theoretical Mental Model	36
Figure 2. Cities and Counties Affected by HB 2001	69
Figure 3. Case Cities	72
Figure 4. Factors of City Support	160

LIST OF TABLES

Table 1. Case Classification..... 74

Table 2. Case Studies..... 75

Table 3. City Response at the State Level to Preemption..... 76

Table 4. Interview Methodology..... 77

Table 5. Content Analysis Methodology 79

Table 6. Support and Opposition across City Policy Actors 148

Table 7. Interviewee Data..... 163

GLOSSARY

ADU. Additional dwelling unit. These are small homes that are built in addition to the primary dwelling on a lot. They are required for all cities impacted by HB 2001.

DLCD. The Oregon Department of Land and Conservation Development was created in 1973 by SB 100. The department is a state agency that works with local governments to address land use needs.

Dillon's Rule. Dillon's Rule is the practice that local governments can only express powers that are granted by the state. This philosophy comes from an 1868 Iowa Supreme Court case, in which Justice Dillon determined that local governments are an extension of the state.

HB 2001. Oregon House Bill 2001 was passed in 2019. This bill requires that single family zones must allow the development of higher density units. Specifically in cities between 10,000 and 25,000 residents, duplexes and ADUs must be allowed in single family zones. And in cities over 25,000 residents, duplexes, triplexes, quadplexes, cottage clusters, townhouses, and ADUs must be required in all residential areas.

HB 2003. Oregon House Bill 2003 was passed in 2019. This bill requires that all cities impacted by HB 2001 must produce a Housing Capacity Analysis every six years to better plan for their cities. They must then produce a Housing Production Strategy based off their analysis.

HB 2007. Oregon House Bill 2007 failed in committee in 2017. This bill would have legalized duplexes on all urban lots in the state. The lessons learned from the failure of HB 2007 were instrumental in getting HB 2001 passed.

Home Rule. Home Rule is when local governments are granted autonomy by their state. Home rule implies that each level of government has its own realm of authority.

Missing Middle Housing. Missing middle housing refers to medium density multi-unit or cluster style housing that is consistent with single family zoning, but often illegal due to decades of harsh zoning restrictions.

RIP. Residential Infill Project. The residential infill project was introduced in Portland in 2016. It included rezoning and new development standards. Its inability to get passed, helped inspire HB 2001 at the state level.

SB 10. Oregon Senate Bill 10 was passed in 1969. It required that all cities and counties adopt comprehensive land use plans and zoning ordinances. Many local governments resisted implementation which paved the way for SB 100.

SB 100. Oregon Senate Bill 100 was passed in 1973. SB 100 maintained the requirements of SB 10, while establishing additional state goals. It also created the Department of Land and Conservation Development to enforce these changes, and it created an urban growth boundary.

UGB. The urban growth boundary, created in Oregon as a result of SB 100, limited development outside of already established communities. While the UGB has been moved over years, the goal remains to limit urban sprawl.

Chapter I: Introduction

There is no clear and uncontroversial evidence that housing regulation is a principal source of differences in home availability or price across cities. Blanket changes in zoning are unlikely to increase domestic migration or to improve affordability for lower-income households in prosperous areas. (Rodríguez-Pose and Storper 2020)

In September 2021, California passed Senate Bill 9, the second of its kind in the United States, ending single family zoning statewide by facilitating multi-unit development in previously single-family zoned areas. It was met with immediate resistance as more than 200 cities and over 70% of residents surveyed opposed its approval (Coleman 2022; SB 9 & 10 Poll Results n.d.). In addition to this mass resistance, scholars at both UCLA and Berkley doubted the bill's ability to make substantial changes to California's housing stock, leading some to suggest the bill was "dead on arrival" (Metcalf et al. 2022; Hoyle 2024; Rodríguez-Pose and Storper 2020). Cities were quick to find loopholes, designating some single-family zones as historic, while others were protecting endangered animals and therefore exempt from dense development (Wolfe 2022). Concurrently residents shifted blame and anger directly to their city councils, "This plan hasn't been vetted by the communities it will impact. Pretty sneaky of you all to put forth this proposal [...] Single family homes are part and parcel of the American Dream [...] Do your jobs and properly represent the constituents of your city" (Opportunity Housing Comments | City of San José 2020). This belief that the changes did not represent constituents have resulted in low usage by cities and the complete removal of charter cities from the requirements. This has both diminished state authority and weakened enforcement mechanisms of the bill, justifying claims that the bill was dead on arrival. Blanket changes, like state preemption, remove agency from localities who are beholden to their residents. Cooperation between the city and state is necessary for preemption and dependent on resident perception of local agency. When a state oversteps into local matters however, tensions may rise, resulting in uncooperative behavior by

localities. The reliance on this cooperation is a norm of federalism and as such is often respected by the state. Therefore, the ire in California experienced by both the city and the people is representative of norm breaking behavior by the state.

In 2019, there were 250 state preemption laws across the entire United States (Wagner et al. 2021), by 2023, there were 700 preemption laws (Local Solutions Support Center 2025; Meyerson 2024), representing a stark and immediate increase in the use of preemptions as a political tool. State preemption has traditionally existed within the courts as “a judicial determination of whether a new local law conflicted with preexisting state law” (Briffault 2018). However, this massive increase in the use of preemption comes on the heels of a change in characterization from judicial determinations to punitive legislative tools. Beginning in the early 2000’s, states began increasing the passage of preemptive laws that would require, delimit, or block local governments from adopting certain policies to address local problems over which they nominally had jurisdiction.

Evolution of Preemption

Preemption by definition is when “a state’s exercise of power is voided either because federal action has left no room for state action on the subject, or because state action would frustrate an important federal purpose” (Norwood 2019). Historically, preemption began as federal usurpation of state law. Determined judicially in *Gibbons v. Ogden* (1824), the Constitution grants federal power over negating state laws that interfere with federal law through the supremacy clause, the commerce clause, and the necessary and proper clause. Alternatively, state power over local law is not granted by the Constitution, but instead is a determination by each state that is recognized by the federal government. This process of determination began in an Iowa state court in 1868 when Judge John Dillion “lay(ed) out a doctrine of complete

subservience of municipal corporations to state legislatures” (Goodman, Hatch, and McDonald 2021). Hence, Dillon’s Rule was born as a statutory construction, or a “judicially crafted maxim for determining the meaning of statutes” (Mikva and Lane 1997; Richardson Jr 2011) that grants state power over local governments. Under Dillon’s Rule, state power is supreme and legislative ambiguity between the state and local government is often judicially determined. However, in the late 1800’s, Judge Thomas M. Cooley of Michigan would rule that “local governments hold the inherent right of self-governance” (Richardson Jr 2011). This would establish not only that local governments have autonomy over local affairs, but also that they are afforded some level of freedom from state interference. Colloquially known as the Cooley Doctrine, it faded from use after Dillon’s rule was affirmed by the Supreme Court in the early 1900’s.

Today, thirty-nine states have adopted Dillon’s Rule, while forty-eight grant some form of home rule power, and only ten states do not adhere to Dillon’s Rule at all (Goodman, Hatch, and McDonald 2021). This means that while local governments often experience autonomy, they are at the whim of fluctuating state policymaking, resulting in a loss of local power. This loss of local power is embedded within state enforcement mechanisms to correct state and local incongruence. Enforcement mechanisms can be categorized in a few ways. First, there is court driven preemption to determine if a local law is consistent with state law; this type of preemption has historically been the most common use of preemption at the state level. Other types of preemption include executive order preemption, legislative preemption, and referendum, which begins with legislative preemption but requires public approval (Boswell 2018). While courts have historically determined if there was state and local disagreement, recent strategies utilize legislative preemption as a way to both limit local agency and punish ideological incongruence among states and localities (Riverstone-Newell 2017).

While not all preemptions are punitive, the trend toward punitive preemptions to delimit local autonomy is a modern phenomenon that differs from normal state and local relationships. This act of limiting and discouraging local authority is known as “hyper-preemption or new preemption” (Scharff 2017). Furthermore, hyper-preemption reflects partisan politics which threaten to disrupt norms of power sharing at the state level. This disruption should be concerning for residents, as “residents strongly support empowering local governments to solve local problems” (Schneider, Jacoby, and Lewis 2011). Rather than build on the emphasis of devolution which moves decision making closer to the people, preemption sends decision making authority further away. Therefore, the increase of preemption, specifically hyper-preemption, should threaten resident’s perceptions of democracy, as their own ability to influence local politics is diluted by state interference. Additionally, polarization will rise as dissident residents are forced into ideologically consistent politics with the state despite their own local voting records. The rise in preemption across both parties should raise concern among residents whose politics are in tension with the state or perceive local government as better serving their interests. And while new preemption is utilized by both parties, the original departure from norms of more classic, judicial preemption aligns with increases in progressive local politics.

While preemption is a partisan neutral strategy, the political right has successfully deployed its use to further conservative agendas at the local level. In the mid-70’s, amid wide societal change, the ultra-conservative wing of the Republican party ascertained that their efforts at the federal level were not prevailing electorally among the general public. Rather than continue to focus on federal elections and even state elections, the Republican party saw local government as a gap in politics that they could influence. This approach was bolstered by the

creation of the American Legislative Exchange Council (ALEC) in 1973 and with it a new priority to reassert conservatism at the local level. The idea that “Conservatism is weakest at the local level” and “Many businesses focus their government affairs efforts at Washington DC [...] this is a flawed strategy [...] state legislatures have become increasingly activist on a wide range of issues” (Covert 2019) peppered ALEC business pamphlets. And so in the mid 1980’s, industry groups and trade associations began pressuring states to pass business friendly preemptions to overcome local bans; the first being within the tobacco industry (Riverstone-Newell 2017). By the 1990’s, groups like the National Rifle Association were using ALEC to draft model legislation for state preemptions. And by the early 2000’s, state preemption was a standard strategy of partisan politics.

Despite the strategic use of preemption by the right, the left similarly matched the approach, increasing state preemptions regarding wage requirements, sanctuary cities, LGBT protections, and housing, among others (Riverstone-Newell 2017). While these preemptions often attempt to instantiate socially progressive policy among laggard cities, rather than block specific policies, this type of blanket mandate also falls under the realm of new preemption. Previous iterations of preemption relied entirely on judicial determinations to ensure parity among local and state governments. But new preemption focuses on enacting mandates rather than ensuring parity among governments, and is often categorized into two different groups, punitive and nuclear. Punitive preemptions punish localities, often threatening local governments with fines, civil liability, and removal from local office. While nuclear preemption completely removes the ability of local governments to govern (Briffault 2018). These harsh types of preemptions are not exhaustive but represent real changes in political strategy due to increasing polarization. They also call into the question the use of preemptions as mandates in home rule

states. Given that the constitution does not afford localities power, states determine local authority. Each state can be defined by Dillon's Rule (state oversight), Home Rule (local oversight), or some hybrid of the two. Most states operate under a hybrid model that gives localities power to enact policy and protects their decision making. However, the increased use of preemption calls into question the role of shared power and autonomy in a federalist system.

Federalism

Federalism is understood as shared rule by governments in central decision making through entrenched autonomy. This autonomy ensures that “two constitutionally guaranteed orders of government [both] enjoy a direct relationship with the people and exercise meaningful powers (Fenna and Schnabel 2024). Federalism in the United States grew out of post-revolutionary conflict in which the federal government struggled to maintain a cohesive union under a confederative system. Subsequently, the Constitution established entrenched autonomy through the tenth amendment which grants all powers not specifically delegated to the federal government, to the states. Over time, the nuance of power sharing has changed as the levels of government have grown into their roles, but the mechanism has remained the same. Following a power sharing model of more distinct roles, the New Deal ushered in an era of cooperative federalism in which both state and federal government cooperates on overlapping functions. As more conservative thought entered the federal administration in the mid to late 20th century, the federal government began granting the states more autonomy in policy making. Devolution, or the devolving of federal responsibility to the lower levels of government (Tannenwald 1998) became the latest trend of federalism as decision-making was shifted closer to the people. While localities are not granted power by the Constitution, states informally shifted power to local levels for more bottom up engaged policy making. This has characterized federalism for

decades which means that the usurpation of power from the local level back to the state level through preemption, especially new or hyper preemption, violates a norm of federalism. In home rule states, the use of preemption represents a marked shift in these traditional norms. One such state in which this is occurring, is Oregon.

Oregon

The state of Oregon was admitted to the Union in 1865 and through 1906 the Oregon state legislature had full authority to define a city's government. Today all 241 of Oregon's cities operate under Home Rule, making Oregon one of only ten states that does not adhere to Dillon's Rule at all. While Oregon cities have agency over local decision making, the state of Oregon has historically extended state authority into local decision-making on land use and housing. In 1971, the Oregon state legislature passed Senate Bill 10, which required every city and county to make a comprehensive land use plan that aligned with state standards (Department of Land Conservation and Development : History of Land Use Planning : Oregon Planning : State of Oregon n.d.). With no real enforcement mechanism, both cities and counties overwhelmingly rejected this mandate. As a result, in 1973, the state passed Senate Bill 100, which maintained SB10's planning and zoning mandates, created land use goals, and established the Department of Land and Conservation Development to implement statewide zoning where cities failed. Additionally, as part of the planning mandates, the state required each city to determine an urban growth boundary (UGB) that would limit development outside of already established communities and reduce urban sprawl. Despite multiple ballot measures to repeal this state overreach, both SB 10 and SB 100 remained part of state law. This marked the first state-wide urban growth boundary in the United States, positioning Oregon as a leader of land use policy.

Despite this reputation for innovative land use at the state level, Oregon has suffered from inadequate housing construction and development and high rates of homelessness, in part due to the limiting geographic boundaries of the UGB. In fact, in 2023, Oregon ranked first in the nation for the most families with children living without shelter (Drake 2024). Exacerbated by local zoning and historical land use decisions like red-lining, Oregon residents are facing rising costs and limited housing options; and this is not a new scenario. In Portland, Oregon's largest city, urban renewal in the mid 20th century resulted in extreme gentrification and displacement at the start of the 21st century. Compounded with former policies like Black exclusion laws which were not removed from the state constitution until 1926, land use and housing policies have disproportionately displaced minorities by pricing them out of cities. Additionally, high rates of city disinvestment have blighted neighborhoods and displaced primarily low-income and minority residents under an urbanist approach (Goodling, Green, and McClintock 2015). Gentrification specifically, is so pervasive in Portland, that even the show "Portlandia" parodies the white washed culture of the once Black northeast district (Fowler 2018); showing even through pop culture that while Oregon touts its creative class and diverse growth (Florida 2003), its current policies do not propagate this belief into reality. And this is not just a Portland problem, both urban and rural areas struggle to find development ready land, funding for projects, and in more rural areas, developers who are willing to build (Barriers to Housing Production in Oregon: Summary Report 2021). While there is a clear housing crisis in the state, cities have been given considerable autonomy in both zoning and housing development. And yet, this isn't just a local problem, but a state problem. This is how the idea of state preemption in housing and land use took center stage once again in Oregon.

But before investigating Oregon’s preemption, it is worth noting the impact the state has had on preemption bills and how other states have responded. Since the original passing of Oregon’s SB 100, land use and housing policy has become something of a lightning rod for preemption. The most famous example being the Mt. Laurel Doctrine of New Jersey. The Mt. Laurel Doctrine came out of a judicial ruling of a discrimination case which determined that all local governments must contribute their fair share of affordable housing. Passed in 1975, the courts decided that zoning existed as a delegation of state power, an argument rooted in Dillon’s Rule. However, much like SB 10 in Oregon, Mt. Laurel suffered from weak enforcement mechanisms, as cities found legal loopholes to avoid making the state mandated changes. While cities tend to reject state overreach, a variety of states have successfully passed preemptions to better support local housing. Following the example Oregon set in 1973, California, Wisconsin, Georgia, and Massachusetts all require their cities to complete housing plans that meet state planning requirements (The Role of States in Shaping Local Housing Strategies n.d.). Additionally, bills that bar the prohibition of multi-family housing and ADUs have been proposed in Connecticut, Nebraska, Maryland, Utah, and Washington (Harvard Law Review 2022).

However, as preemption bills in the realm of housing proliferate, so too do bills that attempt to remove agency from well-meaning cities. For example, after both Dallas and Austin Texas passed local ordinances prohibiting landlords from refusing tenants with vouchers, a law deemed the “Death Star 2.0” bill was implemented at the state level, “preventing cities from implementing policies that contradict state law unless explicitly authorized” (Exploring the Double-Edged Sword of Housing Preemption 2023). Similar bills have been passed in Florida in response to more expansive inclusionary housing policies at the local level. But this response of

a conservative state punitively punishing localities with preemption fits into the current framework of new preemption. As more liberal cities pass socially progressive laws, ideologically different states respond with punishment, taking away local agency, and increasing polarization. Which begs the question, how would Oregon respond to a housing preemption bill in today's political climate? While SB10 prompted a lack of enforcement by cities when it was passed in the 1970's, extreme polarization and housing insecurity would proceed any new attempt by the state to pass a preemption bill. Given that Oregon is considered both a liberal state and a leader in land use and housing policy, one could assume an outcome of ideological parity akin to classic preemption rather than the punitive thrust of new preemption. And yet, that is not what happens.

Intrastate Fighting and the Rise of Greater Idaho

The impetus for preemption, and the battles that ensue, arise when states and cities experience legal, legislative, or preference divergence. Subsequently, residents also experience this divergence when they perceive one level of government as representing their interests better than the other; this representation gap can increase tension and polarization post preemption. In Oregon, this representation gap exists between the local and state governments. In the 2019 Oregon state legislative session, something unanticipated happened that would have lasting effects on the efficacy of state policy. A group of Republican members of the state senate refused to attend floor sessions for HB 3427 which would create a Student Investment Account of \$2 billion funded through a business tax for K-12 students. Eventually, they relented after securing a deal that promised bills related to gun control and vaccine exemptions would be dropped. However, a month later, the same group would stage walkouts in response to HB 2020 which would implement a carbon tax through an existing cap and trade program. Given the lack of

quorum and the impending close of the legislative session, Governor Brown ordered the state police to retrieve and return the absent senators, however many had already fled the state. In response, one absent senator told the state, “Send bachelors and come heavily armed, I’m not going to be a political prisoner in the state of Oregon. It’s just that simple” (Mesh 2019).

Bolstered by immunity in Idaho and militia groups protecting the senators in Oregon, this walkout lasted ten days, culminating in some returning to vote the bill back to committee. This walkout was the first in over twenty years in state history and began a trend of walkouts as a delay tactic, used again in 2020, 2021, 2023, and 2024.

This is just the latest chapter in Oregon’s long history of intrastate fighting. The idea that the state is not representative of all its residents has long been an issue of contention for those cities that have felt left behind by the state. This tension has increased polarization among residents and has left cities on alert to the threat of sweeping state preemptions. In some cities, the threat of state interference has grown so large, they have turned to more radical strategies of secession rather than be subject to what they perceive as undue influence by the state. In the late 19th century for example, settlers in what is now southern Oregon and northern California proposed their own State of Jefferson distinct from the Oregon territory prior to statehood. This proposal failed in Congress, however, calls for the State of Jefferson persist as residents in the rural southern portion of the state do not feel like their interests are served at the capitol. And while proposals for the State of Jefferson have quietly continued, new more intense secession proposals have proliferated.

As of May 2024, 13 Oregon counties have voted to take the first steps to secede from the state into what they call “Greater Idaho.” The Greater Idaho movement, created in 2019, proposes that eastern Oregon and parts of northern California that are politically disparate to

their left-leaning states become absorbed by the state of Idaho. This movement is just the latest rallying cry for state secession in an incredibly polarized nation. Nationwide, there are twelve state secession movements with nearly 23% of US adults supportive of their state seceding (Orth 2024). Suggesting that excessive polarization is eroding political norms of stable democracy. Relying on beliefs reminiscent of events like the American Revolution and westward expansion, these groups see themselves as fulfilling a sort of manifest destiny. “We don’t think of ourselves as a secessionist movement. We see ourselves as a self-determination movement” (Hannah 2023). Hurdling over the traditional political norms usually present when groups feel underrepresented, these movements see secession as their right or entitlement. The rise of the Tea Party movement in the early 2000s, the continued growth of populism, and the elections in favor of Donald Trump have left citizens emboldened to move beyond the typical responses of voting, civic engagement, or protest, straight to exit (Hirschman 1970). And while the nation has become more polarized as a whole, states themselves serve as the starting point of polarization which is enmeshed in a cycle of tension at the local level that is both the cause and result of preemption. Schragger suggests that tensions between cities and states are the first battleground sites that deepen political cleavages before they are exacerbated at the state and federal level therefore, state and city tension should demand attention (Schragger 2021). It is this very tension that has cultivated the Greater Idaho Movement which operates as vital background information for my research question. If polarization is starting at the city and state level, what does it look like? What types of policies or politics are driving local tensions, and what does this mean for state and federal polarization?

“Rurality” in the Politics of Preemption

It is clear given this movement that cities and counties exist within the state of Oregon that consider themselves in direct opposition to the general administration. The counties that have voted to consider the movement primarily exist within the eastern and southern regions of the state and range from 30,000 to 1,000 residents. Yet, they all share two main characteristics, they primarily lean conservative, and they consider themselves to serve rural interests, regardless of if they fall within a rural designation or not. According the US census, any territory with over 5,000 residents or 2,000 housing units qualifies as urban (Ratcliffe 2022). Previously, areas with over 2,500 but less than 50,000 residents were considered urban clusters, however that criteria was retired in 2020. This new criteria does not define rural, but assumes anything outside of these categories is rural, which creates confusion given that some areas contain both urban and rural territory and population (Bennett et al. 2019). Additionally, “[...] self-reported rurality may differ from that defined strictly by geographic measures; it also suggests that people living in the same area may have different senses of their rurality” (Bennett et al. 2019). Even Oregon’s Department of Land and Conservation Development notes that “the term ‘rural’ means different things to different people” and that “‘Rural use’ is hard to define” (Department of Land Conservation and Development : Rural Planning and Development : Rural Planning : State of Oregon n.d.). For the purposes of this project, I defer to the city and county itself to make the determination of urban or rural. Based on this deferral, all of the counties that voted in favor of the Greater Idaho Movement are considered rural given that they consider themselves to be rural. I believe this deferral of designation better aligns with the actual perceptions and beliefs of residents which is important when trying to understand their lived experience of policy. Therefore, while the rural case cities I use do not fall neatly under the government’s definition of

rural, allowing the cities to define themselves is more methodologically fruitful and better aligns with the push for an urban/rural continuum rather than an urban/rural divide in research (Cattaneo et al. 2022).

Establishing this liminal definition of rurality, it is necessary to return to the tensions that underlie the Greater Idaho Movement. The movement is rooted in the idea that the state administration is unsupportive of rural interests, which are primarily conservative in nature. Often, rurality is wed to conservatism, which does not attend to the nuance of rurality including the sociological and political determinants of rural life like anti-statism (Ashwood 2018). A more anti-state approach would suggest that any power over a lower level of government or intervention by the state would result in opposition. Enmeshed with the small government ideology of conservatism, rural communities tend to favor this as an ideal political stance. However, it was not until the mid to late 1990's that rural communities began to align along political lines, mostly in response to rapid technological growth and economic change, but also a widening education gap and increased racial integration across the US (Brown, Mettler, and Puzzi 2021; Mettler and Brown 2022; Orejel 2024). In Oregon, this was coupled with the designation of the northern spotted owl as an endangered species, a ruling that significantly reduced the timber industry and with it jobs across the state (Woodruff and Clune Hartman 2024). Since then, feelings of resentment paired with regional polarization have widened the gap of anti-statism. In a state with a liberal administration then, any intervention might be perceived as a massive overstep. Furthermore, the metropolitanization of state government, led by increased political and economic power of urban cores, contributes to anti-urbanism and secession movements (Schragger 2021). Metropolitanization of Oregon is a clear factor of anti-state sentiment. Portland, the largest city in Oregon, is the driving force behind the fact that

Oregon has not elected a Republican governor or voted for a Republican presidential candidate in nearly forty years (Woodruff and Clune Hartman 2024). In the 2024 election, Multnomah County, which includes the Portland metro area voted 79.3% in favor of the Democratic candidate. The most solidly blue county in the state, it led only nine of the thirty-six Oregon counties in voting Democrat. This shows that while the majority of the population lives in urban areas that vote blue, geographically, most of the state is conservative, leading to increases in polarization. Because of this, many rural residents are tired of losing political power to bigger cities, “Supporters of Greater Idaho believe redrawing borders would give rural Oregonians the political power and representation they want, no longer allowing Portland voters to control their lives” (Mock 2023). But why does this matter for housing policy?

Rural Resentment and the Rise of Preemption

This movement and the greater “resentment”(Cramer 2016) felt by rural residents underlies the tension and risk of preemption in a highly polarized state. Thus, while extreme polarization is impactful in all types of politics, it can become especially relevant in terms of state preemption.

State preemption, or the ability of the state to assume authority over local control, has increased significantly over the past few decades (Diller 2019; Flavin and Shufeldt 2020; Goodman, Hatch, and McDonald 2021; Swanson and Barrilleaux, Charles 2020). In tandem with growing political cleavages, this increase in preempted policies had also increased polarization (Schragger 2021). As cities with disparate politics to their state perceive preemption as punishment, accusations of undemocratic states proliferate. “State legislative efforts to control, disempower, and remove or punish local officials are obviously intended to hobble local democratic institutions, mainly in large cities or in heavily minority counties. The anti-

democratic thrust of recent preemption efforts is impossible to ignore” (Gardner 2020; Schragger 2021). While denunciations of state preemption as anti-democratic may at first appear histrionic, preemption has been used to stoke culture wars. For example, the banning of plastic bags, minimum wage, inclusionary zoning, and even the removal of Confederate statues poses a threat to residents who prefer local choice to blanket state policy. In addition to the fact that residents prefer local government to solve local problems (Schneider, Jacoby, and Lewis 2011), research also suggests that local governments are best suited to solve these types of problems (Frug and Barron 2011; Goodman, Hatch, and McDonald 2021; Hooghe and Marks 2009; Panettieri 2017). Therefore, the increase of modern preemption in an already polarized nation is exacerbating local and state tensions, leading to more secession movements. In a state with an active secession movement, it makes sense that preemption would increase polarization and tension resulting in uncooperative relationships between localities and the state.

Housing and Preemption

How can a state that is so actively contentious with its localities pass preemption bills without major political breakdown? Despite being a home rule state, Oregon, like all other states has increased the rate of state preemptions. Some of these preemptions involve rules regarding taxation, city services, labor, and regulatory authority (LOC 2023). However, in 2019, the same year as the antagonistic legislative session walkouts and the start of the Greater Idaho Movement, a preemption bill regarding land use was passed. Introduced by Representative (now Governor) Tina Kotek in February 2019, HB 2001 or the middle housing bill, mandates changes to local zoning codes so that middle housing or medium density units, are legal in all residential zones. The crux of this bill is “about choice [...] This is about allowing different opportunities in neighborhoods that are currently extremely limited” (Andersen 2019). Greater choice should

reflect in lower prices, creating more opportunities for homeownership as well as greater rates of fair share housing.

HB 2001 was inspired by Portland's failed attempts to pass their own residential infill project (RIP) which would increase missing middle housing through zoning and the legalization of accessory dwelling units (ADUs). Missing middle housing refers to multi-unit or cluster style housing that is consistent with single family housing. This type of housing is considered missing because its development was considered illegal after the 1920's when land use planning began to prioritize suburbanization through single family zoning (Garcia et al. 2022). Today, missing middle housing is considered a sustainable option for increasing development, reducing costs, and housing more residents. While most cities in Oregon were experiencing some type of housing crisis, Portland's lack of housing was especially egregious. Despite being Oregon's most dense and populous city, Portland suffered from under-building units which caused prices to skyrocket. Redlining in the early to mid-20th century both constrained supply of housing and racially segregated the city, leading to a more severe affordability crisis in the 21st century. This affordability crisis also led to increased rates of gentrification in the early 2000's which displaced large swaths of mostly minority Portlanders. Therefore, in 2015, the residential infill project was proposed to remove single family only zoning designation and create more affordable housing options. Unsurprisingly, this project created mass backlash from residents in single family zoned neighborhoods. It also created mass backlash at the state when in 2017, the first statewide middle housing bill (HB 2007) was introduced, proposing the legalization of duplexes in all residential areas. Two years after this bill died in committee, Representative Kotek returned with the more robust and stronger bill, HB 2001. HB 2001 mandated duplexes, triplexes, fourplexes, cottage clusters, and townhouses in all residential areas for cities over

25,000 and duplexes in cities over 10,000 residents. Like its predecessors, HB 2001 caused immediate backlash. Again, residents, primarily from Portland, but also from all over the state of Oregon submitted testimony in opposition of these changes, as did the Oregon League of Cities who challenged the bill as a sweeping removal of local agency from cities. Resident opposition fell into two camps; those who sided with the LOC and those who supported the sentiment but opposed the bill as not doing enough to encourage different housing options or those afraid developers would take advantage of the new laws to raze currently affordable neighborhoods. However, for every opposition group, there was one of support and many large organizations based in Portland like 1000 Friends of Oregon for example, saw a state mandate as the best way to get their local residential infill project finally approved. In total, the state received over 600 pieces of submitted testimony regarding the bill and in June 2019, in the midst Republican walkouts, the bill passed with 14 Democrats and 3 Republicans in favor, and 4 Democrats and 5 Republicans against. In the third reading of the bill, HB 2001 passed 17-9 and was signed into law in August of 2019 with a required compliance date for cities of June 2022.

Despite being so controversial in its inception, the bill was passed without drawing major partisan ire or government shutdown like other bills during the session. Current research (Briffault 2018; Riverstone-Newell 2017; Scharff 2017) would imply that preemption in the midst of partisan political struggle would most likely be punitive and would create tension between the state and cities without ideological parity. However, the bill was passed with votes in support from both political parties. There are a few potential reasons for this. First, the housing crisis does not discriminate along party lines. Many Republican led cities and rural cities were facing extreme housing and infrastructure shortages that were severely impacting the ability for long-term residents like the elderly and young adults to stay in their community. The framing

of the bill at the state level as a non-displacement measure through housing opportunity may have also reduced opposition from lawmakers who used the bill as an opportunity to claim credit for potential housing. Housing policies that are tied to affordability which is often tied to fears of minority housing or housing those in poverty draws greater opposition and evokes NIMBY sentiments (Scally 2013; Tighe 2010). However, by focusing entirely on opportunities for housing choice, lawmakers were able to avoid racial and social components of deservingness. Finally, because of the pervasiveness of this crisis, housing became less ideological than other issues on the docket during this legislative session. Because it wasn't tied to race or affordability and because politicians could credit claim increases in housing, HB 2001 lost its ideological thrust in the shadow of issues like climate change and taxing businesses. The political opportunity structure that arose in the face of the walkouts allowed for a previously contentious preemption bill to pass with a bipartisan vote.

What makes the case of Oregon's HB 2001 even more interesting is that Republicans and Democrats voted against the bill at nearly the same rate. While more Dems than Reps voted in favor of the bill, this may be due to a majority of Democrats in the state legislature which already puts Republican cities at a disadvantage at the state level. However, many more cities opposed the bill regardless of partisanship and how their representative voted. Despite the two parties having representatives that both supported and opposed the bill, partisanship is absent when it comes to city opposition. This is shown through the LOC open letter of opposition to the state which is signed by a variety of cities that vary in terms of political ideology (RE: HB 2001 Rulemaking and Middle Housing Minimum Compliance Standards 2020). Could this bill have helped catalyze the Greater Idaho Movement? Were smaller and rural cities even involved in the state process? What does on the ground opposition look like and do we see it where we would

expect it? All of these questions are imperative to understanding the housing policy process through the lens of preemption.

Research Question

Given this increasing polarization and the fact that state preemption removes democratic aspects of local decision making, I question what impact state preemption has on policy implementation in ideologically disparate cities. Specifically, if these impacts geographically differ along the urban/rural divide. Looking at housing policy case studies in larger urban cities (Portland and Eugene) and smaller rural towns (Lebanon and Baker City), I assess the role of state-preempted policies on community mobilization, civic inclusion, and actual policy outcomes. Therefore, I ask whether preemptive policies in the realm of housing—such as House Bill 2001, which mandates middle housing through statewide zoning requirements, encourage implementation of progressive policies or increase extreme polarization, and erode democracy? This project explores the effects that progressive state policies have on ideologically different cities and asks if preemption is an effective means to more equitable ends. If the existing literature on new preemption is correct, I would expect to see opposition along the urban/rural divide especially given that the urban/rural divide in Oregon is highly polarized. But that's not what my research shows.

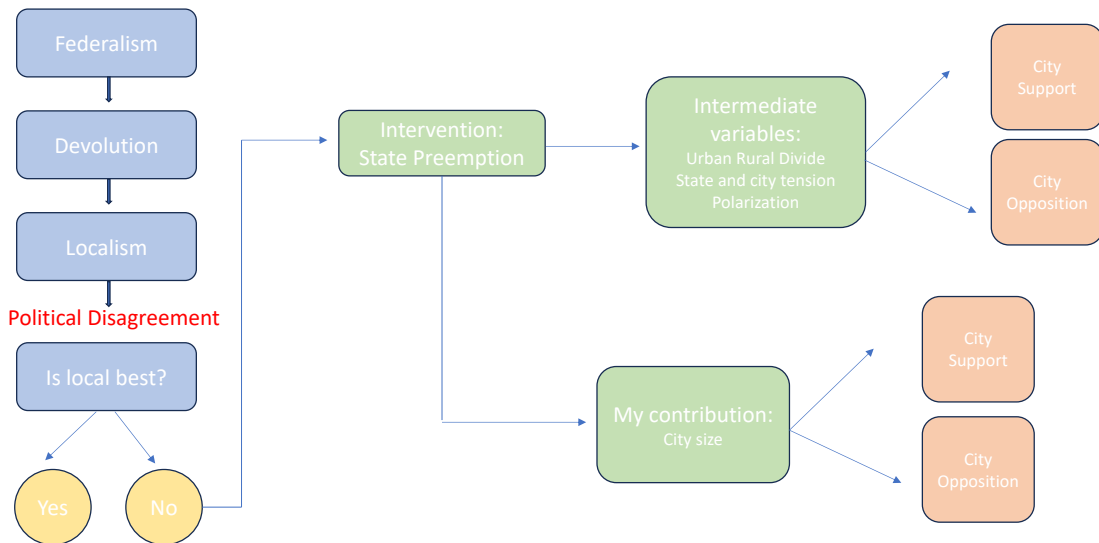
Instead, opposition is more nuanced and variable, depending on city size. Despite polarization at the state level, smaller, more rural cities do not oppose preemption as metropolitanization or whittling away of agency. By framing the policy in a similar way to larger urban cities, these rural communities are able to take a city first approach in which they utilize the state for resources instead of the state utilizing the city for compliance. Alternatively, medium sized cities, regardless of urban or rural designation, struggle to find opportunities for

partnership with the state. Driven by a variety of factors including unclear messaging, low civic engagement, and general uncooperative sentiment, medium sized cities struggle with state interference which impacts local efforts. In all cases observed, residents did not perceive preemption as state interference, but understood the changed policies as a result of city decision making. Therefore, cities that could strike a balance between using state resources and promoting their own local leadership were able to frame the policy as their own city specific attempt to better their community which reduced resident displeasure with the city. Medium sized cities that internally struggled with the changes also experienced residents that were unhappy, resulting in higher levels of attempted appeal and greater tension among the city and state.

This suggests that rather than preemption being a cause of polarization, in some cases it may increase unity among disparate cities and the state which is imperative in a state experiencing secession attempts. Potential unity is evident within the perceptions of both resident and city stakeholders. While housing is political and the housing crisis impacts both parties, commentary collected by stakeholders is not rooted in political ideology. Given the high rates of housing insecurity experienced in the state, rather than focus entirely on politics, many stakeholders focus on increasing development first, with an emphasis on politically cohesive housing second. While some decry metropolitanization or that the large, liberal city of Portland is controlling state politics, many stakeholders focus their energy on local efforts rather than the big picture narrative which paints preemption as an avenue of opportunity for solving the housing crisis. While this option comes with plenty of backlash like the fear of unfettered development and displacement, it shows that using economic arguments of supply and demand is less controversial and perhaps the path of least resistance to increasing housing statewide. By neutralizing the more political aspects of housing, this allows for rural cities to partner with the

state without fear of resident backlash, which is better for long term cooperation and democracy over time. However, it also has the ability to increase tension among medium sized cities that are not familiar or comfortable with state oversight. This tension can expand up to the state and create a harsh environment that may lead to greater uncooperative attitudes in the future. In the short term however, preemption that is stripped of political charge may be useful to reduce high rates of urban/rural tension and polarization in the state. Shown below in Figure 1, I map both the current state of research on preemption and my contribution, that city size is an understudied yet necessary factor in understanding city perceptions of state preemption.

Figure 1. Theoretical Mental Model



Thus, this research project explores the understudied impacts of liberal state preemption on conservative cities and finds, absent from the existing literature, that it does not increase polarization but provides potential opportunities for government partnership. The modern thrust

of preemption as a tool of devolved decision making in tandem with increases in polarization makes this research incredibly timely. Intrastate and interstate fighting threaten to upend traditional power sharing norms, and yet housing, which is a wicked policy problem (Head and Alford 2015), suggesting its nuanced nature can make solutions rare, can actually provide space for collaboration. Therefore, as the housing crisis worsens, liberal states have the opportunity to pass housing preemptions as a strategy to protect residents from potential laggard cities. Given the current threats by the new administration to use federal preemption to punish uncooperative states, it is unclear how this will impact more progressive preemptions. However, given that localities now have middle housing amendments written into their code, it is unlikely that these changes would be removed from the code across all the impacted cities, even if a federal law invalidated the state law. In this new era of hyper-preemption understanding the shift back to vertical decision making is necessary as the very structure of federalism is pushed to its limits. Under this new evolution of federalism, we must ask, what issues are truly local and how can localities work with the state and federal government to solve those issues. As the housing crisis worsens, avenues for state and local partnership become even more necessary, thus strategies to engage localities must adapt to allow for agency, leadership, and resource sharing rather than punitive preemption.

Much of the research done in the field of preemption focuses on the state side of preemption, specifically quantifying what types of legislatures are more likely to preempt localities. Given that preemption is a rising tool of both parties, it is no longer imperative to understand when preemption is happening, it is happening. As the use of preemption increases, this case study is insightful to a wide variety of preemption policies. For example, states like California, Maine, Washington, and Utah, among others have preempted some aspect of local

housing policy. Not only does the Oregon case offer insight into these states, but it also offers insight for other states interested in increasing housing through zoning preemption. Furthermore, this case study offers insight into preemption support and opposition in polarized spaces which can be important for other highly contentious preemption issues like firearms, tax limits, race studies in school, and transgender rights.

Chapter Outline

In the chapters that follow I show how the impacts of preemption are local and characterized by city size rather than regional differences. I begin Chapter II by explaining the theoretical underpinnings of the research project. I offer a review of the theories of federalism and its inception in the United States before explaining its role shaping power dynamics of housing policy. This role can be characterized today as devolution or the devolving of federal responsibility to a lower level of government. It is this trend toward devolution that leads into my next subsection on the role localism has played as a laboratory of democracy. While localism is considered the gold standard in terms of civic engagement, it runs the risk of favoring some voices over others and often results in NIMBYism within housing. To overcome these inequities in local decision making, I introduce multiple frameworks of civic inclusion including empowered deliberative democracy and civic power approaches that remove power from the state. As devolution and civic inclusion have evolved to capture greater local power, states reject this loss of control and lean into preemption. Despite some states allowing their cities greater control through power-sharing models like Home Rule, preemption supersedes local power and has become an increasingly used tool across both parties in all states. Furthermore, new preemption which is characterized by states choosing preemption as a way to punish localities is on the rise, especially in states with conservative legislatures, increasing polarization. Finally, I

connect this increasing polarization to theories of the urban/rural divide which suggest that polarization is regional and is in many cases, rooted in feelings of resentment by rural communities. While the urban/rural divide has characterized much of the literature on regional politics, I lean into Cramer's theory that the divide is better depicted as a continuum that is dependent upon social and economic relationships which are not constrained by physical boundaries. It is this theory that underlies this research project and helps explain the politics of support and opposition. After introducing these relevant theories, I explain my data and methods, giving a summarized account of Oregon, the housing preemption bill, and my four case cities: Portland, Eugene, Lebanon, and Baker City. Finally, I end the chapter with a review of the qualitative methods I used to conduct this research. I believe the use of qualitative methods was most appropriate for this project as it best uncovers perceptions and beliefs of stakeholders.

Chapter III begins the work of analyzing my data for the two urban cases, Portland and Eugene. Through extensive content and discourse analysis as well as interviews, I argue that Portland framed the bill as a local intervention and as a result was able to garner resident support and partner with the state for resources. Alternatively, Eugene was able to access resources but mixed messaging and frustration with state intervention led to extreme opposition, making Eugene the first city to appeal the amendments. Despite both cities being urban and being ideologically aligned with the state, their path to implementation differed significantly. I argue that these differences can be attributed to city size, suggesting that medium sized cities reject state intervention and have higher rates of opposition. Chapter IV continues this work but with my rural cities of Lebanon and Baker City. Lebanon, much like Eugene struggled with state intervention and with metropolitanization which resulted in an uncooperative city staff which impacted their ability to engage citizens. While the amendments passed, Lebanon did not partner

with the state for resources and post implementation stakeholders have expressed frustration with the changes. Alternatively, despite being small, rural, and interested in seceding from the state, Baker City welcomed changes as a way to better house residents that are dealing with housing insecurity. Though fearful of compounding changes in the future, Baker City framed the changes as local intervention and partnered with the state for resources, passing the amendments and making zoning changes without major opposition. I argue that much like the urban cases, in the rural cases city size is the best predictor for support and opposition. Despite having vastly different implementation strategies, Lebanon and Eugene have similar outcomes in which there is resident anger at the local process and city anger at state intervention. Alternatively, Baker City mirrors Portland's approach of local framing and state partnership. Therefore, not only does support and opposition in preemption not match the geographic boundaries of the urban/rural divide, but differences along the divide dissipates as city size becomes the overwhelming predictor of opposition.

Finally, in Chapter V, I argue that my analysis suggests that rather than focus on an urban/rural divide in the academic literature, that an urban/rural continuum better reflects modern politics. Again, I argue that city size is the best predictor of support and opposition. This is further demonstrated by the fact that the League of Oregon Cities wrote an open letter to the state opposing HB 2001 on the behalf of a variety of cities. All cities included in this letter fall under a medium sized designation. Which suggests that both small and large cities are better suited at adapting to state intervention which decreases opposition and polarization among these cities. Preemption tends to decrease polarization then when cities are given flexibility, resources, and the ability to take local ownership of the project but it tends to increase polarization when cities used to a hands-off approach are forced to make sweeping changes rather than the city

specific changes they're used to. Therefore, despite research suggesting that the preemption increases polarization, I argue that certain types of preemption, like housing preemption, can be used to increase unity among the state and traditionally uncooperative cities. While this does run the risk of increasing future tensions among the state and medium sized cities, states should focus on giving localities flexibility and resources to localize the issue and reduce potential opposition. Despite many viewing preemption as a dangerous tool of the Right, it is increasing among both parties which situates its use at a fruitful place for future research. While it can increase polarization in some cases, it can also be used to push through socially progressive policy and when passed with enough city agency, it can potentially create small partnerships between previously uncooperative cities and states. The creation of this partnership can help reduce political tension, benefiting democracy and political normalcy.

Chapter II: Theory and Methods

Introduction

To understand why we get the structures of governance that we do, it is necessary to explore theories of policy making, civic engagement, and decision-making of some of our most enduring institutions. The issue at hand isn't exclusively preemption, but the federalist system in which we divvy up authority over all government provision. When the state believes that they are better suited to make policy, they will intervene in the local policy making process with a state preempted policy. In this chapter, I explicate the theoretical attempts to answer how cities might respond to state preemption by first laying out the theoretical purposes for federalism and then exploring arguments for localism to show how in terms of housing, both localism and federalism have failed residents. In fact, focusing on Fung's push against current forms of civic inclusion I argue with the critiques of localism that the lack of equity in democratic spaces open up these localities to the act of state preemption. Exploring how preemption has fared in other social policies, I argue that state preemption while an attempt to restore progressivism further strips democracy from citizens especially along the urban/rural divide. The underlying theme being that as democracy erodes, polarization increases, and housing policy becomes harder to pass. Most preemption scholarship in terms of preemption focuses on the issue of conservative states preempting localities over more liberal policy, but this is not what is going on in Oregon. By focusing on housing policy through the lens of preemption, I explore the persistence of the urban/rural divide and if it truly is the best descriptor of regional relations in our current highly polarized political era. Using Cramer's theory that the divide is closer to that of a continuum, I set the stage for my case studies; exploring how opposition to preemption does not actually

neatly fit along the urban/rural divide but is significantly more nuanced, begging the question, how does support and opposition manifest in response to state preemption?

Next, I give an overview of my data and methods. In this subsection I reintroduce the housing preemption bill HB 2001 before introducing each case study city with basic demographic data. The case studies of Portland and Eugene are the subject of Chapter III and represent my urban cases, while Lebanon and Baker City are the subject of Chapter IV and represent my rural cases. I then explain the methods I used to conduct my research including policy analysis, discourse analysis, and interviews. My research emphasizes qualitative methods to better understand actual perceptions and nuance in how stakeholders reacted to the bill and its mandated local implementation. Finally, I conclude this chapter by explaining current gaps in the literature and how this research contributes to the field by exploring whether the increase in state preemptions impacts perceptions of democracy at the local level.

Origins of Federalism

From a broad perspective, the theoretical framework I'm engaging reflects the tensions of uncooperative federalism that have grown out of a system of devolution. Uncooperative federalism is the growing trend of resistance by states and localities to dissent, resist, or challenge policies and law from higher levels of government (Bulman-Pozen and Gerken 2008). This type of resistance is possible because of devolution, or the devolving of federal responsibilities to lower levels of government (Tannenwald 1998). As the federalist system has evolved in the US so has the decentralization of policy. Allowing states and localities greater authority is beneficial for citizen engagement and allows policy experimentation at the lower level. It also opens the door for less socially beneficial policies that homogenous citizen groups can champion with little resistance. From a non-normative stance, devolution fits neatly within

cooperative federalism where all levels of government engage in power sharing. Where this becomes an issue is preemption, or the usurpation of local power by the state. Preemption blurs the lines of authority and removes the citizen from the decision making process, reducing local democracy. As democracy erodes, the rate of polarization may increase. In states with political cleavages along the urban/rural divide, preemption may exacerbate issues along these lines, increasing uncooperative federalism. However uncooperative federalism can manifest as resident resistance or more socially inclusive policies. Therefore, tools of federalism like un-cooperation and preemption can be used as mechanisms for both defiance and increased opportunity; my research explores under what conditions these outcomes arise.

Federalism involves a division of control and agency between a federal government and the governments and its regional governments, with the implication that constituents will best be served by shared power. Classical theories of federalism developed in response to the American experience were popularized by Hamilton, Jay, and Madison in the Federalist Papers before being executed into a form and function government (Madison 2016). Federalism, simply put, is the sharing of governmental power, has evolved across multiple theories. Taking a normative approach, classical federalism focuses on the values and norms that should be present in government (Tariq, Khan, and Rizwan 2018). “Federalism means the distribution of the force of the state among several coordinate bodies each originating in and controlled by the constitution” (Tariq, Khan, and Rizwan 2018). Classical federalism as presented then opens the door for dual federalism which at its core is the most basic, each realm of government shares power and yet has authority over very specific issue areas as written by the constitution. Relying on the early promise of America as prompted from Montesquieu and de Tocqueville, classical federalism has

levied extensive critiques for its inability to explain intersectional power sharing that extends beyond normativity into reality.

Alternatively, modern federalism fills in the practical gaps of a more integrated approach that relies on coordination and cooperation. “Federalism is dynamic and changing, adjusting itself according to the needs and requirements of modern times and the particular atmosphere of the area” (Tariq, Khan, and Rizwan 2018). The shift toward cooperative federalism has been beneficial in terms of state and local autonomy as they have acquired power traditionally confined to the federal government. In fact, according to some scholars, the ability of the US to shift power so seamlessly across levels of government is what makes federalism an enduring political feature (Bednar, Eskridge, and Ferejohn 2001). Without these shifts, power and authority can get stuck at only one level of government, creating issues of representation.

This amalgamation of federalism is the bread and butter of housing policy in the United States. The turn toward cooperative federalism in the New Deal era and beyond allowed the federal government to create agencies tasked with creating and implementing regulation and law. In most cases, the devolution of power from the agencies to the states was a way for all parties to reify structures of hegemony (Madden and Marcuse 2016; Massey 2015) while obscuring authority. The decentralization aspect of federalism obfuscates blame by delegating power to alternative sites (Heinkelmann-Wild et al. 2023). When authority is muddled, representation declines as constituents are unable to locate central power. Despite this blame avoidance through obfuscation, housing today is impacted by every level of government in a process that combines these related theories of federalism.

Prior to the early 20th century, housing was the purview of localities, but as wages and development stagnated in the Depression Era, the federal government took control over the

housing crisis by passing the Federal Housing Act which in turn created the Department and Housing and Urban Development. The Federal Housing Act insured banks, lenders, and mortgages to support both the development of new housing and the ability of citizens to afford housing. Successful at stabilizing the housing market for white Americans, the FHA institutionalized housing discrimination through redlining and segregation. This widespread discrimination led to the passing of the Fair Housing Act of 1968 which required all states and cities to prohibit discrimination in the housing market. While this was a strong use of federal authority, all levels of governments participated in avoidance of authority as citizens were tasked with personally bringing cases of discrimination to the federal government. Therefore, despite all levels of government being involved with housing policy, these early policies reflected a weak structure of cooperative federalism where enforcement mechanisms were purposely complicated to maintain the status quo (Massey 2015). As a result, pervasive racism at every level of society was able to seep into both the creation of law and the implementation. While these early policies have been subject to mass criticism, de facto discrimination persists as a function of this obfuscation and further devolution. While race is a persistent background player in housing policy, racism plays a smaller in this project due to the construction of HB 2001 as a middle housing bill rather than an affordable housing bill which is often associated with race.

In the last half of the 20th century, federalism, both in the United States and abroad, evolved yet again, decentralizing federal power further by allowing regional governments greater power over decision making and policy implementation. Devolution or “the devolving” of federal responsibilities to lower levels of government is not without controversy (Tannenwald 1998). At its core, devolution makes sense. If the founding fathers wanted government provision to take place closest to the people, devolution accomplishes this goal and supports a system of

necessary cooperation. Devolution leans into normative federalism as its justified by liberty, active citizenship, and democracy (Weinstock 2001). In fact, some argue that devolution is a repurposing of powers to “conform more closely to what the authors of the Constitution had in mind” (Kincaid 1998). As such, it allows localities the ability to craft regional policy in ways that best support their constituents. But is also allows localities to reject federal and state authority by flat out refusing to implement policy or by engaging residents in local government to create alternative polices, eschewing the will of higher government authority.

The ability to reject federal and state policy as a form of uncooperative federalism is now a vital component of policy making in a deeply polarized nation. States and localities use their status as both rivals and insiders to resist regulation that they deem inconsistent with their regional culture. States as ideologues reject federal policy to craft more ideologically consistent regions, and now localities reject state policy as ways to protect pockets of dissent. (Bulman-Pozen and Gerken 2008). Because the federal government relies on state governments for resources and provision and because of increased devolution of power, uncooperative federalism has become a useful tool for states and localities to resist federal policy. States also pass dissenting policies that are specific to their state with the hope that spillover effects will spread their intended goals. As devolution has increased, so has the ability for states and localities to pursue partisan goals in their given geographies. While this strategy was first used by conservative Republicans, in recent decades progressive federalism, or the ability for states and localities to enact socially progressive change at the lower level has also proliferated (Bulman-Pozen and Gerken 2008; McGrath 2020). And while progressive federalism is in opposition to legal values, it aligns with greater access to democracy as it provides space for local advocacy

(Gerken 2016). Furthermore, it allows even greater agency to localities that can best practice democracy.

Localism

Localities, cities, counties, states, and the federal government all play major roles in the ways in which citizens receive services and live their lives, and yet, localities like cities and counties are not mentioned in the Constitution. Cities have evolved greatly from the founding and are now responsible for essential services like, “police, fire, library, trash collection, street maintenance, transportation, water and power, education, and others” (Parlow 2007). Local governments are microcosms of democracy in that they allow all residents to access and provide testimony to their decision making authority. Given the close nature of stakeholders and decision makers, local governments are also able to experiment with very specific policies that target their constituents. Cities become “laboratories of democracy” a term coined by Justice Brandeis to describe how federalism allows for innovation by the government, a process that is beneficial far beyond city limits, especially when the goals of localities differ from that of states or the federal government. This type of local policy making is considered good when the policy promotes goals that differ from federal goals and is endorsed by a majority of the locality. However, local authority when captured by majority interests can produce normatively bad policy that is threatening to diversity and equality. Despite engagement being considered a necessity for good citizenship, localism without boundaries can be homogenous, turning people away from participation and from democratic values (Theiss-Morse and Hibbing 2005). The turn from classical theories of federalism to devolution and theories of localism structure much of the debate over civic engagement.

Localism is the “reordering and liberalization of political spaces, a site of empowerment, a locus of knowledge generation, a framework for social integration and community building, a localization of economic activities and a site of resistance and environmental activism” (Davoudi and Madanipour 2015). Hence, some theories of localism affirm that democracy is best fostered at the local level where civic engagement can be practiced and space for participation can be created. Localism can be characterized in three ways: managerial, representative, and community. Managerial focuses on networks and conditional devolution of decision making authority, while representative gives full agency to elected officials. Alternatively, the community model gives citizens the rights to engage in their decision making process through community governance (Evans, Marsh, and Stoker 2013). Localism as a form of participatory governance then is considered paramount in terms of engagement and democracy. These theories do not engage the sociological perspective that localism benefits a small elite group that can use their power to exclude groups from civic benefits. Therefore, localism is not without its criticism. “Localist ideology and local political action tend not to build up public life, but rather contribute to the pervasive privatism that is the hallmark of contemporary American politics” (Briffault 1990). Localism, like other theories of democratic governance often fall prey to the liberalism of governance without attending to the obstacles of civic inclusion or the preferences of the civic majority.

Localism in housing is often connected to the NIMBY or Not in my backyard movement. This association between localism and NIMBYism is in part due to the history of zoning and the evolution of local control and exclusionary politics. Land use planning as a form of exclusion and restriction can be traced back to the early days of our government, however the first comprehensive zoning code was passed in New York City in 1916 in response to rapid

industrialization. Prior to this time, cities shaped neighborhoods through policing and public nuisance laws, however New York's zoning code set a new standard for how cities could create their ideal localities. As the idea of zoning caught on, the Department of Commerce passed the Standard Zoning Enabling Act in 1922 which provided states with model legislation to authorize localities to zone (Serkin 2020). But with this new local power, the legality of zoning was soon questioned. For example, in *Village of Euclid v. Amber Realty Company* (1926), Euclid, Ohio developed a zoning code that would prevent Amber Realty from developing part of their land for industry. Despite arguments that Euclid devalued their land and violated their due process, the court held that if zoning has a benefit to the general welfare of a city, zoning restrictions can be upheld.

Thus, the era of widespread zoning began, providing local governments with more power in planning, but also the ability to zone certain groups out of the city. "From the start, U.S. advocates of land use zoning argued that single-family and multi-family housing belonged in separate districts, with the latter existing only in the neighborhoods of factory and business districts" (Marsh 1909; Whittlemore 2021). Furthermore, with the creation of the Home Owner's Loan Corporation (HOLC) during the New Deal era, cities justified their segregationist zoning, as multi-family and minority neighborhoods were rated as "hazardous" locations. These locations, forced into blight by lack of resources, were often subject to urban renewal in the mid 20th century which priced many long-term residents out of their homes. Thus, while local governments have been afforded the power to plan their cities, this power has been burdened by exclusionary policies and adverse outcomes for many residents. Despite the history of local governance and zoning, contemporary wisdom would suggest that local control of land use and zoning is most preferable to the people.

Today, while local control is considered beneficial to citizens, many localities' best attempts at progressive policy are thwarted by their very own residents, highlighting the tension between democracy and social progress through reform. Established residents are a key obstacle in the approval of new development and zoning changes (Babcock 1966; Pendall 1999; Plotkin 1987; Scott 1969). NIMBY protest often reflects "racial or class antagonism, ideological commitment to home ownership, desire to protect neighborhood ambiance, and fear of decreased home value" (Danielson 1976; Livingstone and Blayney 1975; Meyer 1995; Pendall 1999). Therefore, local opposition to both local, state, and federal initiatives is a major barrier to housing development (Barriers to Housing Production in Oregon: Summary Report 2021). In addition, the full devolution of authority to the local level incentivizes strong opposition, especially by those who feel their property or quality of life is threatened in some way. Furthermore, those who tend to participate in local government are overwhelmingly whiter, wealthier, male homeowners. And a "sizable minority of meeting participants are repeat participators who attend multiple meetings to speak out about local housing projects" (Einstein, Palmer, and Glick 2019). The strength of these vocal minorities ends up being the only voices heard, decreasing democracy at the local level and allowing a small group to exclude the masses. As a result, many consider local governance to be ineffective and inequitable (Einstein, Palmer, and Glick 2019; Fung 2006).

Therefore, localism must overcome the temptation to align with the organized bias of the upper class that so often confines local politics (Schattschneider 1975). To overcome this bias, it is suggested that localities create new participatory spaces in which the public can practice democracy (Ercan and Hendriks 2013). These spaces require more than the one-off projects many cities create to pass a new policy and instead require cities to consistently engage in

devolving power away from local government and directly to the citizens. By increasing engagement through these new spaces, the locality can increase trust which is necessary in overcoming these inequities found in traditional participatory structures (Bertot, Jaeger, and Hansen 2012). In addition to trust building, community engagement can actually contribute to state-building. Gaventa and Barrett suggest that this more intentional engagement “can help to contribute to building responsive states, which deliver services, protect and extend rights, and foster a culture of accountability” (Gaventa and Barrett 2010). These works indicate that with devolved engagement in non-traditional participatory spaces, localism can in fact overcome inefficiencies in terms of bias.

To overcome inequity in government, Fung creates a framework in which three dimensions of participation impact the democratic space of decision making. The institutional dimensions of who is allowed to participate, how participants exchange information and make decisions, and scope of this participation and decision making have fundamental impacts on how legitimate and effective governance can be. A policy is viewed as legitimate if citizens have a good reason to support it (Fung 2006). Assuming the policy is supported and citizens agree with who benefits from the policy; citizens are more likely to support if policies are democratically inclusive and have incorporated public representation and direct engagement with the decision making process. As well as when the deliberative process is supported by community organizations that can enhance and citizen led innovation. This type of engagement falls under Empowered Deliberative Democracy (EDD) which relies on the ordinary citizen to help make decisions while decision making authority still lies within the state. EDD engages the normative commitment of communication, public justification, and deliberation within democratic theories. Instead of leaning in to the inequities that devolution can create, EDD, like other forms of civic

power, address inequity in the policy process to restructure social power (Rahman and Gilman 2019).

Both civic power and EDD approaches seek to remake institutions through deliberate, state centered processes rather than absolute devolution to citizens. Similar to theories of democratic experimentalism, these frameworks rely on an expert technocracy to work in tandem with citizens to produce greater levels of democracy (Fung and Wright 2001; Rahman and Gilman 2019; Sabel and Zeitlin 2012). This type of collaborative governance engages stakeholders in a policy network which can identify common values among citizens and reduce inequity and exclusion within the decision making process (Ansell and Gash 2008). Thick communication, trust building, and commitment among participating groups is necessary to facilitate this collaboration which can dissolve if certain groups feel they can pursue alternative means to an end. When implemented properly, these methods of collaborative governance displace the threat of localism's inequalities. However, within the realm of housing, this type of governance has struggled to meaningfully reduce the barriers to entry and as a result, most intervention stems from bureaucratic control rather than local decision making (Doberstein 2016; Ghose 2005).

Alternatively, state intervention can produce a number of benefits including interjurisdictional competition which can spur policy innovation, creating more advantageous outcomes for residents, like higher rates of redistributive policies (Docherty, Gulliver, and Drake 2004; Kenyon and Kincaid 1991). Similar to civic power and EDD this type of intervention positions the state as the facilitator and "only where essential, that of an initiator as local government should continue to be the principal deliverer of services to citizens" (Zimmerman 2012). Like federalism at the state and federal level, federalism at the city and state level requires

a trust paired with devolution. The state must offer incentives for the city to implement their policies. A hands-off facilitator approach allows cities flexibility to practice civic power while also garnering resources from the state.

In opposition to a state centered approach, Orren and Skowronek argue that decision making embedded within the state cannot disrupt sites of power that serve to reify hegemony (Orren and Skowronek 2018). To them, the problem with policy making is not localism that passes authority to residents, but the reliance on the state as a policy maker despite increased devolution. As a result, legitimacy is lost and obfuscation of authority becomes a problem yet again. Dryzek's model of deliberative democracy which divorces the state from the policy making process aligns with Orren and Skowronek's approach to policy making (Dryzek 2002). However, it still suffers from the flaws of localism in that it can emphasize certain voices over others. The removal of the state from federalist heavy policies like housing, while not impossible¹, requires a reordering of power that is difficult within a highly structured capitalist society. The reliance on the state to create a non-state model of participation becomes a kind of cruel optimism (Berlant 2011) that entrenches policy in the status quo. Therefore, the turn toward devolution in federalism has created a system in which residents have greater decision-making authority which often results in exclusion and discrimination. To mitigate the effects of discrimination at the local level, state preemption has become the go to federalist tool of recentering authority.

State Preemption

While federal and state power overlap, the Constitution allows each its own realm of authority. Local governments receive no such assurance though legal documentation. In fact, for

¹ This would be akin to Community Land Trusts.

much of US history, local government was not given credence as a decision-making authority but instead an arm of federal and state government. However, with recent trends of devolution that have modernized the realms in which local governments can operate, localities have become responsible for important polices and immense resources. Despite this revolution of local power, states often preempt local government, “using coercive methods to substitute state priorities for local policymaking” (Goodman, Hatch, and McDonald 2021). Preemption, while not enshrined explicitly in the Constitution has become a mechanism of federalism in which higher levels of government attempt to take back power. It is formed from vague clauses with few boundaries which has led states to produce a variety of different tactics to address local power. In terms of state and local power sharing, the emergence of Dillon’s Rule (state supremacy) in the late 19th century responded to fear of government overreach of property and has since overwhelmingly created an institutional structure of state supremacy.

Instantiated in *Hunter v. City of Pennsylvania*, Dillon’s Rule expressed city power as an offshoot of express delegation by the state. If the state did not want the city to take a specific action, the state would not have given the city the power to do so in the first place (Briffault 1991; Richardson 2011). Localities existed under this limited agency model until the early twentieth century when reformers with the Progressive movement successfully fought for the instantiation of “Home Rule.” “Under home rule, state law delegates police power to a class of local governments, thereby allowing the governments to act on their own initiative” (Sellers and Scharff 2020).

While states can still preempt Home Rule, Home Rule grants greater authority to local governments to make fully autonomous decisions. Despite trends of devolution both from federal to state and state to local, forty of the fifty states apply some type of Dillon’s Rule. The

pervasiveness of Dillon’s Rule makes sense, state courts feel comfortable vesting power in the state legislature to support specific case outcomes especially when applicable to special district decisions (Spitzer 2014). In these cases, however, the courts act as secondary checks on power, using “statutory construction” to interpret legislation and practice little power over the actual decisions made at the local level (Richardson 2011). Dillon’s Rule then works as a type of self-regulation, where cities are aware of backlash and as such are cautious about types of policies they pursue. But Dillon’s Rule also allows legislative preemption absent the court, which creates confusion around the legal boundaries of what preemption is and how it is allowed (Goodman, Hatch, and McDonald 2021; Riverstone-Newell 2017; Swanson and Barrilleaux, Charles 2020). Due to the lack of consistency and authority, state reliance on Dillon’s Rule has been called into question with lobbying groups like the National League of Cities fighting for modernization of local government structure.

As the use of preemption has evolved over time, the general principle questioning the sharing of state and local power remains the same. Traditional theories of state preemption are often characterized as the “judicial determination of whether a new local law conflicts with a state law”(Briffault 2018). This type of preemption while not historically partisan is now used to describe the overreach of a more progressive state limiting stringent regulations at the local level. Additionally, this type of preemption, common in the realm of housing, is often used to describe the process of states disrupting local regulations that appear to be too stringent. *South Burlington County NAACP v. Mt. Laurel Township* (1975) illustrates the importance of state preemption when used to expand housing rights (Derickson et al. 2013). Trying to redevelop low income neighborhoods without a plan for resident displacement, the Supreme Court of New Jersey mandated localities to provide their fair share of affordable housing. When localities still did not

comply, the state court doubled down on their decision in the 1980's creating a Council of Affordable Housing that would enforce oversight and compliance. While an example of classical state preemption that used the courts to change local law, the Mt. Laurel Doctrine today is considered a failure. Immediate loopholes arose in Regional Contribution Agreements (RCAs) that allowed wealthier towns to pay poorer towns to fulfill their housing requirements. In addition, the lack of enforcement by the COAH resulted in them being considered a defunct agency by the state which has forced the court to be the legal entity of enforcement. While not an overnight success, stories like the Mt. Laurel Doctrine are used as vignettes to ascribe meaning to the process of preemption.

Alternatively, the characterization of new preemption often falls along partisan lines to describe the process in which conflicting ideologies result in conservative mandates that are designed to “punitively bar local efforts to address a host of local problems” (Briffault 2018). While some characterize new preemption as an exclusive tool of the GOP (Scharff 2017), others postulate that new preemption is a nonpartisan pattern illustrative of changing policy trends (Goodman, Hatch, and McDonald 2021; Riverstone-Newell 2017). Under this new “epoch” (Goodman, Hatch, and McDonald 2021) of preemption, increased innovation at the local level, resulting from devolution, drives state policymakers to limit local agency in ways that can be described as punitive (Riverstone-Newell 2017). It is this punitiveness that is correlated with conservative policymakers however, conservative states are not necessarily more likely to preempt liberal cities. Instead, ideological incongruence between the state and local level, regardless of partisan directionality, may be a better predictor of the use of new preemption (Barber and Dynes 2023; Goodman and Hatch 2023). Therefore, when many localities embrace the “laboratories of democracy model,” states with incongruent policies use new preemption to

set “maximum” laws that do not intend to shape behavior, but instead to prohibit specific local policies (Barber & Dynes, 2023; Goodman & Hatch, 2023). Additionally, some scholars correlate preemption with political and demographic factors, arguing that preempting less an institutional tool, and more a tool of partisan politics (Einstein, Palmer, and Glick 2019; Flavin and Shufeldt 2020). Alternatively, Bulman-Pozen and Gerken argue that preemption attempts are driven less by party ideology and more by interest groups that lobby states with increasingly legislative professionalization (Bulman-Pozen and Gerken 2008). In both models, new preemption is more likely when driven by more conservative states with more conservative citizens.

While the push by conservative state legislatures as a function of republican backed devolution is a compelling story, it underemphasizes the role of policy divergence. Barber and Dyes offer the idea that ideological disagreement prompts discomfort with the preemption process. And that liberal cities are preempted more often by both Democratic and Republican led state legislatures, albeit Republican legislature preempt at higher rates (Barber and Dynes 2023). Given that devolution has shifted from a Republican tactic for bottom-up politics to a defensive strategy by the left to protect against increasingly erratic institutional changes, the higher rate of use by Republicans make sense. As does the shift to new preemption, though more as a use of punitive ideological preemption rather than strictly conservative preemption. Therefore, preemption should arise under conditions of a conservative legislature in tension with a liberal locality given the policy incongruence; specifically in a reactionary setting where preemption is used as a punitive tool of the state.

The intersection of preemption and housing policy is rooted in both ideology and professionalism. While a host of scholars (Barber and Dynes 2023; Briffault 2018; L. Fowler and

Witt 2019; Goodman, Hatch, and McDonald 2021; Riverstone-Newell 2017) already agree that conservative ideology can be a driver of state led preemption, (Jansa, Hansen, and Gray 2019) finds that less professional legislatures are more likely to copy legislation, relying on both spillover effects from other states and lobby groups to craft preemption laws (Hertel-Fernandez 2019; Pomeranz and Pertschuk 2017). This can result in the piecemeal approach of what policies end up preempted and which do not. Housing on the other hand impacts all aspects of local government from the actual shelter aspect, to taxes, education, public health, etc. Which means that preemption in housing can take many different forms. Goodman and Hatch, suggest that rather than be influenced by elite attitudes, states most often respond to their constituents, specifically in states that are less willing adopt affordable housing preemptions as a result of higher share of renters (Goodman and Hatch 2023). Additionally, in opposition to other scholars (Grossman 2013), Goodman and Hatch find that because housing policy is so contingent on NIMBYs, it is not as path dependent as other types of preemption nor is it driven by urban interests. Therefore, preemption, specifically punitive preemption is often a result of conservative NIMBYism at the local level. Aligning with Bulman- Pozen and Gerken (Bulman- Pozen and Gerken 2008), there is an underlying story here about the use of preemption in states with higher numbers of conservative cities and the opposition to affordable housing preemption policies.

Hence, even in housing, preemption has focused primarily on the role that conservative legislatures and conservative citizens play in shaping what policies look like. But as housing devolves more and more into a national crisis, states are preempting localities with more progressive housing mandates. For example, (Melton-Fant 2020) argues that in states that preempt inclusionary zoning, Black residents delay medical care more often as a result of

decreased stability in housing (Melton-Fant 2020). Inclusionary zoning, is hotly debated as it intends to increase affordable housing through market mechanism rather than through sociological means that target people who need assistance. Additionally, the call for increased affordable housing without the removal of strict land use regulation has left many policy analysts wanting for more. What is different about this study compared to many others in the field is that it focuses on liberal preemption rather than conservative mandates. While Melton-Fant notes the lack of causality between preemption and poor health outcomes, it creates an interesting gap in the literature that I seek to explore. Looking specifically at the state of Oregon, I explore how a state with progressive easement of land use restriction through preemption fares in terms of perceived democracy through engagement and polarization. Specifically do residents and city stakeholders perceive preemption as lacking of democracy and as a result, do they become more polarized? While much of the field studies preemption along ideologically different levels of government, it leaves out a growing and important issue in today's politics, polarization.

While preemption often pushes a certain ideology from the state down to the local level, there has been little discussion thus far if the experience of being preempted by a state increases polarization at the local level. Since preemption is so closely tied to increasing polarization (Briffault 2018), specifically that of state legislatures moving further right, it makes sense that preempted localities with different ideologies would move in an inverse direction. Therefore, conservative states preempting liberal cities should produce greater feelings of liberalism at the local level, and liberal states preempting conservative cities should produce greater levels of conservatism at the local level. This link between policy incongruence at the state and local level as an indicator of preemption and subsequent increases of polarization may also increase secession challenges (Sonenshein and Hogen-Esch 2006). As devolution continues to give

greater authority to the local level and as grievances increase under highly polarized conditions, secessionism becomes a more viable option (Anderson 2004). Given that the current state of federalism has already trended toward extreme devolution, increases in polarization might be an indicator of potential secessionist challenges from the local level. Therefore, increases in state and local policy incongruence and polarization requires greater examination.

Polarization has increased across partisan cleavages like social welfare, resulting in some scholars theorizing that polarization is conflict expansion (Layman, Carsey, and Horowitz 2006). Conflict expansion suggests that all aspects of the party; coalitions, elites, and activists have become divided along multiple policy dimensions, extending conflict and growing polarization (Layman, Carsey, and Horowitz 2006). Therefore, preemption under conditions of policy incongruence can increase rates of conflict and polarization. This increasing conflict can also lead to higher rates of hostility and blame with both states and localities placing blame on each other to the chagrin of their constituents. Preemption allows for blame avoidance with localities placing blame on the state, and the state placing blame on the localities for not implementing “necessary” policy. Elected officials at all levels are able to shift blame resulting from unpopular policies. Additionally, a higher government overriding a hostile lower government, may empower a local government to delay implementation or search for loopholes (Pomeranz 2019). Some research however shows that certain types of preemption is considered more beneficial by city stakeholders, specifically, “floor preemption” which provides minimum standards as opposed to a full prohibition on local decision making. Additionally, preemption that frees up resources for other issues allows local elected officials to leverage unwanted policies into benefits for voters (Pomeranz 2019). However, Schragger argues that regardless of preemption type, increases in preemption are part of a longer trend of growing hostility toward cities.

Specifically, that preemption favors rural interests which follows from an enduring anti-urbanist political project originating in the founding and a key aspect of federalism (Schragger 2021). While this argument aligns with arguments that preemption is conservative in nature, it forgoes any reality where preemption is more liberal and more ideologically urban.

If preemption is more common in ideologically different states and cities compared to states and cities with similar party preferences, then conflict that arises in localities must increase along polarized partisan lines. But Schragger argues that “‘Left’ and ‘Right’ have lost much of their meaning; it is increasingly more accurate to refer to the main feature of political conflict in the United States as urban and rural” (Schragger 2021). The urban/rural divide is foundational to federalism in the United States as the federalist system we have is resultant from the argument over large and small state power. Schragger argues that despite the limitations of localism, “conflict at the metropolitan scale is driving important aspects of our national political life” (Schragger 2021).

Rural Resentment and Theories of the Urban/Rural Continuum

Conflict along the urban/rural divide is nothing new in the United States as regional differences have created distinct identities. Anecdotally many Americans believe what scholar Thomas Frank argues that “economic vulnerability has been displaced as an issue among rural Americans by the wily development of religious and moral symbols by business oriented Republican elites” (Frank 2014). National surveys show that rural Americans are more likely to hold conservative values, are more likely to be white, and more likely to hold religious beliefs than their urban counterparts (Gimpel and Karnes 2006). This presents an entirely underwhelming view of the urban/rural divide that does not account for intersectional issues. For example, the complexities of place based politics like those in rural geographical areas do not

“inevitably lead to support for the Republican Party” (Cramer 2016). Rural communities are economic laggards, and many residents struggle to access services like transportation, affordable doctors and lawyers, and technology (Eisenberg 2022; Love and Powe 2020). Lack of economic power, often attributed to lack resource provision from the federal and state government, undergirds a rural consciousness that increases support for small government while decreasing trust in other levels of government (Cramer 2016). At the same time, “rural communities lack the power to address many of the challenges they face and this powerlessness is rooted in the manner in which rural local governments are defined in American law” (Su 2019). Which means that even while rural residents prefer smaller government, their own smaller governments are often incapable of meeting their preferences. Rural residents both participate in politics less than their urban counterparts (Eisenberg 2022) and have less access to participation as rural communities are often significantly larger than urban cities and rely more on state provision of resources, creating a democratic deficit for residents (Su 2019). As a result a type of rural consciousness is formed among residents in which their identities are shaped by place and the sense that their places “do not get their fair share of power, respect, or resources” (Cramer 2016). In states like Oregon, this resentment is politicized into social polarization and an “us versus them” politics (Abramowitz 2018; Brown and Mettler 2024; Mason 2018; McCoy and Somer 2019) which has contributed to calls for secession. Therefore, a politized divide creates further cleavages between these place based identities which increase polarization along regional lines.

Brown and Mettler suggest that this hard schism along regional lines was not deeply significant prior to the 1990s. Population loss and economic stagnation were driving factors for the rural shift to the right as many rural Americans felt “left behind” by the democratic party (Mettler and Brown 2022). However, scholars argue that despite this feeling of being left behind,

conservative voters consistently get their candidates elected which correlates to higher rates of preemption, in effect letting rural interests drive metropolitan cities (Swan 2021). Additionally, Swan argues that rural communities participate in “constitutional offloading” in which they restrict certain rights within their borders on the rationale that those rights can be exercised nearby in other communities (Swan 2021). This practice, while apparently beneficial to rural communities actually affords metros more agency while disregarding small town borders as permeable and less constitutionally significant (Eisenberg 2022; Swan 2021). The legal reinforcement of rural communities as insignificant furthers resentment of state and federal institutions. So despite any benefits rural communities receive through this often hands off approach, we are seeing high rates of rural distrust of government due to the sense that rural communities are deprived of resources compared to more urban cities (Cramer 2016; Harsell, Flynn, and Jendrysik 2023). On one hand, the rise of rural resentment and perception of resource hoarding could be what’s driving conservative legislatures to enforce punitive new preemptions on metros (Stahl 2017). However, on the other hand, the slow sustained erosion of rural power positions small towns as less prepared and less capable to resist preemption. As preemption increases across all states, rural communities with ideologically dissimilar politics to their states should feel the greatest impact of state control.

For example, in the state of Oregon, the move to gut local control over zoning restrictions through preemption is rooted in liberal ideologies, a use of preemption which is all but absent in the literature. Theories of new preemption rooted in conservative ideology do not make sense in the Democratically led state of Oregon. Further, the state is not openly punishing any ideologically different cities nor is it using the courts as a tool of classic preemption to judicially force laggard cities to comply with state policies. Which presents an interesting question: will

liberal preemption increase rates of rural resentment, in effect increasing polarization within the state? Scholars believe the urban/rural divide is already contributing to the rise of tribalism which foster greater “negative partisanship” and more feelings of “us versus them” (Mettler and Brown 2022). These feelings of tribalism can increase polarization and perceptions of both metropolitan and state overreach. In addition, preemption can increase polarization due its removal of the people in the local decision making process. “Rural dwellers tend to prize community spirit and civic involvement, embracing Tocquevillian or communitarian conception of democracy; and they have strong ties to the place where they live” (Mettler and Brown 2022; Wuthnow 2018). However, theories of rural resentment stemming from the local democracy process overlook the rise of urbanization and urban citizenship that focuses on enhanced community representation and direct democracy as the new pillars of successful city life (Hirschl 2022).

A better theoretical box to place modern preemption in is the “urban/rural continuum.” The urban/rural continuum “is produced by social and economic relationships within and between places” (Cattaneo et al. 2022). Acknowledging that social and economic relationships are not constrained by physical boundaries, the continuum “manifests itself in differentiated development outcomes” (Cattaneo et al. 2022). Therefore, the continuum expands out to accept both rural resentment and urban resentment in the face of state preemption, regardless of ideology. The use of classic preemption in Oregon enforces liberal policies in both liberal and conservative localities. Rather than a punitive response to a non-conforming city, Oregon usurped power to better regulate the growing housing crisis. Due to differing development outcomes, both rural and urban resentment may increase as a result of this preemption.

Data and Methods

To investigate the questions and hypotheses delineated in the prior section, I now describe my methods, including my selection of the case of Oregon as a useful place to investigate these issues, and the set of methods I use to do so in that case. Existing theory suggests that state preemption of local politics is ideologically driven, with higher rates of conservative state's preempting localities (Briffault 2018). This form of new preemption also suggests that as these rates of preemption increase, local autonomy is threatened which may cause discontent locally, creating a bottom up structure of polarization (Briffault 2018; Schragger 2021; Taylor 2019). While conservative states are more likely to preempt, ideological differences across levels of government account for increased rates of preemption across all states regardless of party affiliation. Despite rates of preemption increasing across party lines, most research focuses on the transition into new preemption as the latest iterative tool of federalism. However, theories of new federalism are absent of empirical outcomes when it comes to liberal preemption regardless of locality majority party. Therefore, I track locality outcomes of socially liberal preemption. I use the term socially liberal to describe policies that would be considered progressive in nature or aligning with the goals of a left of center administration. Specifically, am I interesting in the outcomes of HB 2001 in Oregon.

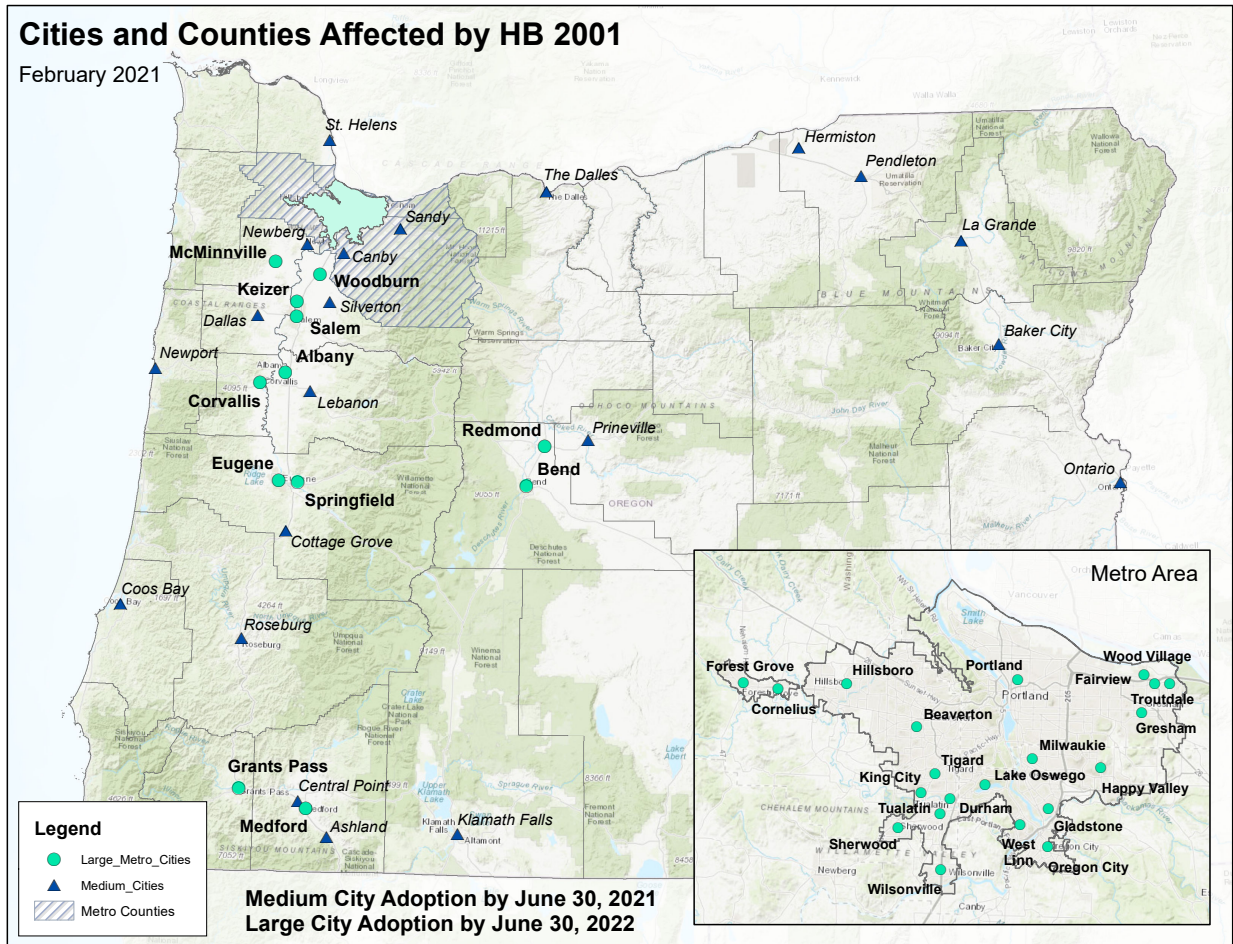
Oregon is known nationally as a progressive state, often described as a “liberal utopia”(Fonsegrives 2024). This is due in part to Portland's reputation both from its real politics and from entertainment as shows like Portlandia have created a chimera of “quirky, liberal Oregon.” But the reality of politics in Oregon is quite different. Only nine of thirty-six counties voted solidly blue in the 2024 election and the state's history proves that a strong conservative movement has always existed. Despite its categorization as a free state, Oregon had strict Black

exclusion laws that is still echoed today. This long history of segregation and exclusion resulted in a highly homogenous state with 76% of Oregon residents identifying as white (Oregon's State Health Assessment: Oregon's Population, n.d.). The majority of diversity is situated along I-5 corridor that runs the length of the state, just west of central Oregon. Unsurprisingly, the I-5 corridor contains the most urban cities in the state as well as the most liberal voters. These cities and their wider counties, hosting the majority of liberal voters in the state are responsible for Democratic representation, but by no means does it represent the rest of the state. 32% of residents identify as democrats, 32% identify as republicans, and 47% are unidentified (NW, Washington, and Inquiries n.d.). Additionally, 67% of the population lives in urban areas, while 31% lives in rural areas (About Rural and Frontier Data | OHSU n.d.). Given this disparity between urban and rural dwellers, Oregon is a state that has been subject to threats of dissolution by its rural residents. Counties in eastern Oregon have discussed subsuming into western Idaho to form Greater Idaho, while southern Oregon has been tempted by a two state secession plan that would create the new State of Jefferson. Oregon is already highly polarized in these areas as more residents are radicalized to succession due to state and urban overreach. Therefore, Oregon's urban/rural divide is so great, preemption should produce drastic and obvious outcomes.

Oregon then is an interesting case for a few reasons, first its racial homogeneity reduces the risk that racial politics are driving discontent. In housing, racial NIMBYism is often cited as one of the biggest obstacles to production of new housing (Barriers to Housing Production in Oregon: Summary Report 2021). With a more homogenous population, NIMBYism may still exist but for reasons related more to community character and quality of life rather than overt racism in housing. This is not to say it doesn't exist, but should be less of a contributing factor in

support or opposition to housing policy. The second reason is the divide of population along urban/rural lines. Geographically, the majority of the state is rural, which contains higher republican voting blocs. While research would suggest that most preemption is driven by conservative legislatures, the opposite is true of Oregon. All preemption that occurs is approved by a majority liberal legislature that preempts both liberal and conservative localities. This lesser studied inverse is important given that more liberal states are turning toward uncooperative or progressive federalism to rebuff conservative federal law. Therefore, the use of liberal state preemption as a factor of polarization is an understudied phenomenon. Based on previous research, I expect to see conservative localities oppose liberal preemption at higher rates than liberal localities and for these conservative enclaves to exhibit greater polarization post preemption. Finally, Oregon is one of only ten home rule states which means that cities and counties set and manage their own policies and laws. Cities have total local control, except when explicitly preempted by the state (LOC 2023). Therefore, preemption in the realm of housing, specifically zoning, which is the legal purview of the city, is a norm breaking behavior by the state.

Figure 2. Cities and Counties Affected by HB 2001



The preemptive policy I am analyzing is House Bill 2001. Specifically, how the bill impacted support and opposition in different types of cities. Passed in 2019, HB 2001 removes local control over zoning policy in an attempt to address the growing housing crisis. By allowing more diverse housing options, this bill encourages higher density construction that can accommodate the population. HB 2001 mandates alternatives to single family zoning in cities with over 25,000 residents and provides alternative options in less population cities (Housing Choices (House Bill 2001) n.d.). This is done through the allowance of duplexes, triplexes, quadplexes, cottage clusters, and townhouses. In addition, medium sized cities of 10,000-25,000 must adopt middle housing amendments along with the allowance of duplexes in single family

zoning lots. These changes are detailed in the Figure 2. Cities and Counties Affected by HB 2001 map (Cities and Counties Affected by HB 2001 2021). Created by the state prior to the city amendment deadline, cities over 25,000 are shown with green dots, while cities impacted over 10,000 are shown with blue triangles. HB 2001 also bans owner occupancy requirements for additional dwelling units (ADUs) and no longer requires off street parking requirements for these units. While these requirements had to be implemented at the city level by June 2022, the state set aside \$3.5 million for grant assistance to the cities by the Department of Land Conservation and Development. Additionally, this research requires I analyze impacts of HB 2001's subsequent HB 2003 which requires the cities preempted under HB 2001 to create a Housing Production Strategy (HPS) as part of a larger Housing Capacity Analysis (HCA). The HPS must include "specific and meaningful plans, tools, actions, and policies to address housing needs identified in the HCA, along with a timeline for adopting and executing each strategy" (Department of Land Conservation and Development : Housing Capacity and Production : Housing Program : State of Oregon n.d.). In addition to distinct plans for development like a buildable land inventory, the HPS also includes an in depth review of resident needs through survey analysis. A major focus of HB 2003 is that the housing developed through HB 2001 is affordable for residents and sustainable for future growth. My analysis includes a review of resident feedback included in the HPS.

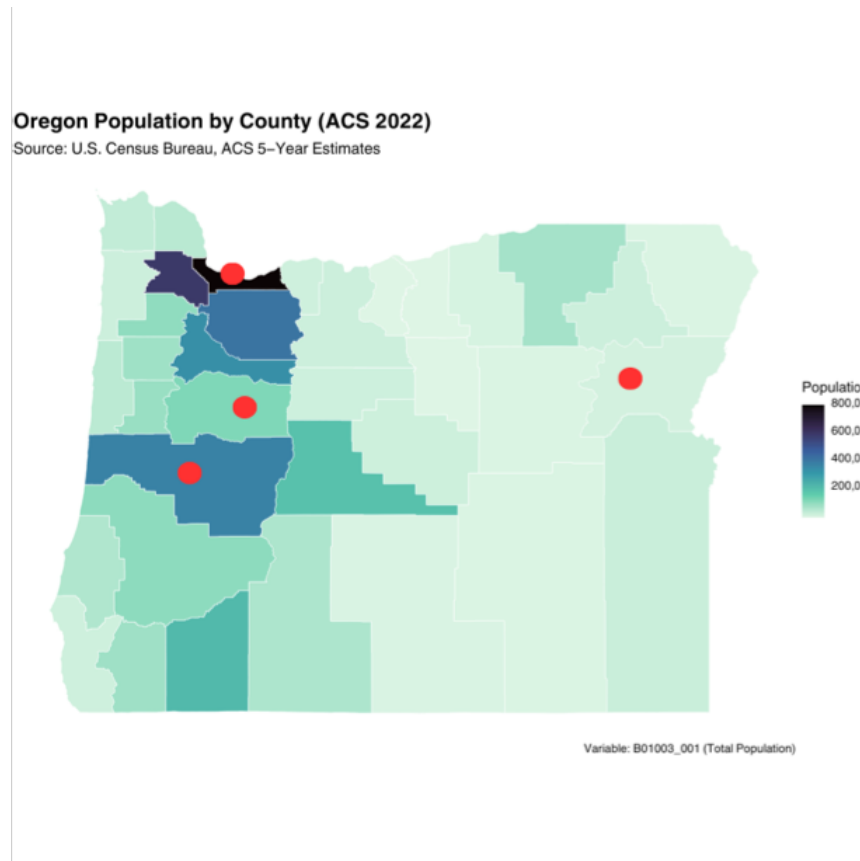
Despite being a preemption bill, HB 2001 did allow some flexibility at the local level by granting cities regulation authority over design standards (not including duplexes) and siting standards such as lot sizes, setbacks, and building height. For cities that did not meet these requirements by the given deadline, a model ordinance created by the state automatically applied within the jurisdiction until amendments could be adopted. Following trends of cooperative

federalism, state and city partnership is common across a variety of policy arenas, however states have historically allowed cities authority over their zoning laws. This usurpation of power over this traditionally local realm increased city and resident resistance at the state level as the state noted the lack of success in housing localism.

While aimed at all medium to large cities in the state, HB 2001 continues the trend of Portland's housing policies. Portland began allowing duplexes on corner lots in most neighborhoods in the 1990's (Ellis 2021). And Portland began working with constituents on their Residential Infill Project (RIP) prior to the passing of the bill. Similar to HB 2001, RIP (passed officially in 2020 and implemented by 2021) established new limits on building sizes, zoning, density, and ADUs. Portland's ability to pass a variety of these zoning specific changes was used a reference point in the state debate over HB 2001. Therefore, while any city over 10,000 residents must amend their zoning, the broader structure of the policy is modeled after a larger metro like Portland, which was not lost on the smaller cities or their constituents, as both legislators and residents submitted testimonial alluding to this fact. In the end, HB 2001 failed on the Senate floor after its first reading 14 (yes)-12 (no) -2 (no vote)-1 (absent), however, it eventually passed 17-9-2-2, with bipartisan support and opposition. The 9 nays were evenly split among democrats and republicans, and represented both urban and rural interests, which makes HB 2001 interesting given that it doesn't fit neatly into the literature on new preemption.

To further explore the impacts of new preemption on cities and their residents, I ask does Oregon's housing preemption bill decrease support for housing policy among residents along the urban divide? And does opposition along this divide impact perceptions of democracy and polarization in the state.

Figure 3. Case Cities



I chose four cities (shown above) that differed on size and regional distinction (urban or rural). I assess where the cities differed in their response to the same policy and what these differences can be attributed to. I analyze testimony and comments beginning in 2019 prior to HB 2001 being passed at the state level before looking at city specific data through the implementation deadline of 2022. I tracked and qualitatively coded comments to determine what were the leading factors of support and opposition. Finally, I track post implementation comments on projects that were possible due to HB 2001 and interviewed residents in 2023 and 2024. Portland, the largest and most urban of my cases was subject to the most dramatic mandates by the state due to its large population. However, as noted, the city of Portland has passed stricter local housing requirements, therefore I hypothesize that Portland will have the

least amount of pushback and polarization. In addition, given that Portland is the most liberal city of my cases, liberal, progressive policy mandates should align best with community goals. My second case, Eugene, is a medium sized metropolitan college town with approximately 177,900 residents. Eugene is unique in that while it is urbanized, it relies heavily on the University as its main employer and source of economy. A relatively liberal city, Eugene voters tends to vote around 40% republican in major elections. However, given the liberal culture of the city and the urban core, I anticipate that Eugene will produce little pushback and polarization. My third case, Lebanon, a medium sized city situated along the liberal I-5 corridor, no longer fits the designation of rural with a population of just under 20,000. However, Lebanon considers itself to be rural and serves rural interests and a rural community, therefore for the purposes of this paper I consider it to be a medium sized rural community. Its main industries include health care, manufacturing, and lumber. While Lebanon is one of the fastest growing cities in the state, I anticipate that its rural character will produce pushback and polarization. My final case is Baker City, located in eastern Oregon with a population of 10,200. The only case not along the I-5 corridor, Baker City represents the majority of small rural cities in the state that rely on cattle ranching, tourism, and manufacturing. Given that Baker City is the most removed from metropolitan housing crises, I anticipate that they will produce the greatest pushback to the preemption bill and as a result higher rates of polarization post implementation. Therefore, a most likely case would show Portland and Eugene supporting the preemption while Lebanon and Baker City oppose it, and a least likely case would show some variation of Portland and Eugene opposing the bill while Lebanon and Baker City support it.

I chose these cities for a variety of reasons. First, as stated, Portland is the largest city in the state and was the catalyst for the middle housing amendments. Because of this, Portland was

my most likely case in that I anticipated Portland would best match my assumption that an urban liberal city would be supportive of the preemption bill. As a foil to Portland, I chose Baker City as it was the smallest city impacted by the bill. While I could have chosen a city on the west side of the state that better matched my other cases in a geographic sense, I chose Baker City because I wanted to test whether opposition would be more pronounced along the urban rural divide. Given that Baker City has been wary of state politics before and has expressed interest in the Greater Idaho Movement, I anticipated that opposition would be most pronounced in comparison to other rural cities. For Eugene and Lebanon, I liked the geographic proximity of the cases given that one city serves a primarily urban population while the other serves a primarily rural population. While there are a variety of small to medium sized cities beyond Lebanon that I could have chosen, what struck me was Lebanon’s insistence on its rural identity. Like Baker City, Lebanon’s cultural identity was focused on its rural character despite its growing into a medium sized city, therefore I found it an interesting match to my other cases.

Table 1. Case Classification

County	City	Pop (2022)	County Classification	City Classification	Population Served	Pop. Growth over 10 years
Multnomah	Portland	634,668	Metro	Urban	Urban	4%
Lane	Eugene	177,873	Metro	Urban	Urban	12%
Linn	Lebanon	19,442	Metro	Urban Cluster	Mostly Rural	23%
Baker	Baker City	10,245	Non-metro	Urban Cluster	Rural	5%

It is important to note that while I group Lebanon and Baker City together as rural serving cities, I also consider Lebanon to be growing into a medium sized city that aligns it better with cities like Eugene. As shown in Table 1, not only has Lebanon experienced the most growth

out of my case cities, but the city itself is also considered to be within a metro. Since 2020, the census has not determined rurality, rather they consider any area of 5,000 people or 2,000 housing units to be urban. Similarly, the Office of Management and Budget doesn't define rurality but instead considers counties either metro or non-metro with non-metros consisting of between 10,000 and 50,000 people. Additionally, urban clusters are defined as any area consisting of 2,500 and 50,000 people. This means that both metros and non-metros can have urban clusters and that these clusters can serve rural populations. While Baker City is my only case within a non-metro, which indicates its greater rurality compared to Lebanon, I focus on the perception of the city itself and its own focus on rurality, to group both Baker City and Lebanon together at the start of this project.

Table 2. Case Studies

City	Pop (2022)	Regional Designation	HB 2001: Housing req- dup, tri, quad, cluster	HB 2001: Housing req- duplex only	HB 2001: Code amend & Housing Analysis	Grants Awarded	Politics	Hypothesis	Results
Portland	634,668	Urban/Large	X		X	\$140,000	Liberal	Support	Increased middle housing: city has permitted over 1,400 ADUs and middle housing units since implementation
Eugene	177,873	Urban/Large-Medium	X		X	\$145,000	Liberal	Support	Post appeals, Eugene's code finally approved in Nov. 2024- Data not available post appeal
Lebanon	19,442	Rural/Small-Medium		X	X	\$0	Conservative	Oppose	Data not available- anecdotally staff says increase in development, not necessarily middle housing
Baker City	10,245	Rural/Small		X	X	\$80,000	Conservative	Oppose	Data not available- anecdotally staff says increase

These four cases are representative of the state of Oregon: large metro, medium metro, medium rural, small rural. All cities are majority white, have poverty rates between 12-19% and

have average ages between 35 and 44. In all cases, these cities had to determine how to comply with HB 2001 within the given time frame. Additionally, each city had to determine how to best involve constituents in the decisions they could control. For example, while Eugene leaned heavily into community engagement through contracting with The Healthy Democracy Project for surveys, Lebanon relied on more on city staff and outreach through social media to represent the average citizen. What is also important about these cases is that two are primarily liberal cities and two are primarily conservative cities. Given that the literature focuses heavily on preemption of liberal cities by conservative state legislatures, the inverse of a liberal state legislature preempting both liberal and conservative cities fills a major gap in the literature.

Table 3. City Response at the State Level to Preemption

Organization	Testimony to the State ~ 619 Responses
Portland	47%
Eugene	10%
Lebanon	0%
Baker City	0%
Non-profit/business/association	12.5%

In addition, the interaction of these cities at the state level provides an interesting starting point for this research. While the bill itself was passed with bipartisan support and opposition, those impacted at the local level were less willing to support change. As shown in Table 3, there were approximately 619 submitted responses at the state level. About half came from the city of Portland, 10% from Eugene, no testimony from the rural cities I am interested in, and around 12% from businesses, non-profits, planning associations, and community development

associations. The testimony from cities and residents was overwhelmingly in opposition, while testimony from businesses and non-profits was generally supportive. Given these results, I was incredibly interested in the role of anti-statism among the rural cities impacted and how this would influence their willingness to cooperate with the state. Given that rural communities are already less civically engaged and the role of metropolitanization within the passage of HB 2001, I found the lack of involvement by rural cities within the state policy process to be indicative of my assumption that rural cities would be opposed to state preemption.

Methodology

To better understand how both cities and their residents understood and reacted to preemption, I focused on qualitative methodologies including interviews, content, and discourse analysis. To find interview participants I cold emailed a variety of city planners and policy makers involved in the HB 2001 amendment process. I found these participants by reading through city websites, testimonies, and news articles about HB 2001. I attempted to use snowball sampling, and once an interview was conducted, I asked interviewees if they could recommend any other interview subjects. This method proved fruitless as my rate for follow-up participants was zero. My interviewees consisted of city planners, regional planning directors, city council staff, developers, community development managers, and residents. Interviews were conducted over the phone, over zoom, and in person. Table 4 shows the number, type, and purpose of my interviews and a more detailed table of interviewee data is included within the appendix.

Table 4. Interview Methodology

Type of Interview	Number of Interviews	Interview Type	Purpose
Formal	8	Semi-structured, iterative. Each lasted 45 minutes to 2 hours.	These conversations mostly with local government staff gave me insight into how cities understood

			and adapted to the changes of HB 2001.
Informal	2+	Unstructured conversations where upon hearing about my project, residents offered their perception of the changes.	These conversations offered greater insight into how everyday people understood the changes. Like reading comments on social media, these conversations prompted by the residents gave me unfiltered insight.

These interviews were in depth, and semi-structured where I would start with broad questions about the process and follow-up on more specific examples given. For example, I often started interviews by asking “What was your role in HB 2001 implementation and what did you think of it?”. Interviews lasted between one hour and three hours and all participants were open to follow-up questions via email. Notes were taken by hand during the interview and no recordings were made. Resident interviews were less structured and focused on previous testimony the resident had already submitted. Additionally in Eugene, many residents upon hearing about my research project, gave me personal commentary about their experience with HB 2001 in non-structured settings. Interviews were then qualitatively coded and analyzed. Specifically, each interview was coded for themes and patterns and then compared with written testimony and other discourse around HB 2001. These interviews allowed me to understand how participants understood their experiences with the state as well as their perceptions throughout the process, giving me greater understanding of the nuances of local politics and policymaking (Lincoln 2005).

These interviews also supplement analysis of data from city meetings, public testimony at both the city and state level, disseminated city information, local news stories, social media, and social posting sites like Reddit, Facebook, and Nextdoor. This data was collected from city websites, city archives, news sites, and through google searches. The specific sources I used are detailed in Table 5. This type of data was tracked and qualitatively coded for recurring patterns and themes. For example, in Eugene, many residents supported the development of new housing, but opposed the middle housing amendments because of the agency it gave developers, this type of testimony was coded under “oppose developers”, “support housing”, and “oppose amendments” and grouped with other similar comments. Discourse analysis, especially of testimonials, was useful to dissect the constructive nature of the testimonials themselves. Many residents repurpose public testimonial with few personal additions, discourse analysis allows me to view this type of participation as a social practice rather than just text.

Table 5. Content Analysis Methodology

Source Type	Source	Purpose
Government	<ul style="list-style-type: none"> • City archives • City council meetings • City pages regarding middle housing • City testimony • DLCD • State bill summary • State testimony 	To collect and analyze response to and from the government. Testimony from residents is the most formal interaction they have with the government
News	<ul style="list-style-type: none"> • Baker City Herald • CNN • Democrat Albany Herald • Elkhorn Media Group • Eugene Weekly • High Country News • KEZI News • Lebanon Local News • Oregon Capitol Chronicle • Oregon Live • OPB 	To collect and analyze how the changes were being publicized locally. I was also interested in who was asked for comment in these articles, and what reader comments consisted of.

	<ul style="list-style-type: none"> • PBS • Register Guard • Willamette Weekly 	
Nonprofits/ Businesses/ Neighborhood associations	<ul style="list-style-type: none"> • Cascadia Partners • League of Oregon Cities • Oregon Business • Portland Neighbors Welcome • Sightline Institute • Trust the Neighbors 	Since non-profits, businesses, and associations were important in the initial approval of HB 2001, I was interested in how they continued to represent the changes through the process.
Social media	<ul style="list-style-type: none"> • Facebook • Reddit 	As the least formal interactions residents had with one another I was interested in how they made sense of the changes without government oversight or under the guise of anonymity.

Finally, I focused on resident discontent with democracy and if this impacted the city going forward. I analyzed additional archival data to see if the implementation of HB 2001 through the actual development of middle housing caused discontent among residents. I also reviewed local election data to see if candidates in the November general election used preemption as a campaign focus. If polarization grows at the local level before expanding out to the national level (localism all the way up) then does preemption increase polarization? Research answering these questions is few and far between with many focusing on either polarization of rural localities or preemption impacting liberal urban metros. I am most interested in the intersection of both the urban/rural divide and when preemption transitions from a perceived threat to a real threat to local democracy. These real threats can produce tangible outcomes in the form of voting behavior, however recent public opinion surveys suggest that support and opposition for preemption are tied to feelings of greater democracy like trust and responsiveness

rather than partisanship (Flavin and Shufeldt 2020). Therefore, this research explores support and opposition for preemption along the urban/rural continuum.

Chapter III: Urban cities and Their Response to Preemption

Introduction

There is a widely held belief that urban cities drive state politics and as a result are better aligned with expansive state policy (Schragger 2021). This belief aligns with theories that position the urban-rural divide as the driver of divisive politics (Cattaneo et al. 2022; Mettler and Brown 2022; Scala and Johnson 2017). Rural interests aren't served by the metropolitanization of politics and thus dissent occurs (Schragger 2021). This chapter explores this idea through the analysis of my two urban case studies, Portland and Eugene. Portland, the most populous city in the state, has long been considered a leader of local housing policy and it is the city's inability to pass a local inclusionary zoning law that catalyzes HB 2001 at the state. Just 100 away lies Eugene, a medium sized city that despite experiencing high numbers of unhoused citizens has similarly been unable to pass exhaustive housing laws. Despite the fact that both cities are urban, they experience very different reactions in response to HB 2001.

The story that I tell in this chapter and the next differs significantly from existing theory that preemption would increase polarization along the urban/rural divide and instead adds to the discourse on city size as the driving factor behind support and opposition. Rather than the divide matching regional boundaries, I find that differences arise instead along boundaries of city size. Medium sized cities that are used to having full agency and resources, struggle to find an identity under preemption, and oppose state intervention, regardless of location. Rather than support matching urban areas and opposition matching rural areas, I find that the designation of urban/rural does not account for the nuance of policymaking in cities where agency is overridden. As shown through these two cases, the city of Portland partners with the state for resources but is clear to their citizens that they are the leaders of the changes, as a result, despite

initial discord, there is little opposition to the local changes and the state. Alternatively, while Eugene also partnered with the state for resources, they struggle to claim credit with their citizens who are angered at the city for the changes. As a result, city and resident stakeholders feel as if their agency and identity is being threatened and as a result, major opposition occurs which culminates in an appeal process. For each case, I review the process of getting the bill off the ground, stakeholder perceptions, and post implementation actions. Issue hierarchy, community engagement, and resident perception divide these two cases and as such create a new typology of support and opposition across city size rather than just the urban/rural divide.

Portland

Portland Oregon is a national leader in land use planning cities. From the creation of the first elective metro council in the United States in the 1970s to the 2040 Plan that directs long term land use planning in the 1990's, Portland has consistently been on the cutting edge of progressive urban planning cities. While not always equitable in outcomes, the policies propagated by the city have told a story of care through the production of deserving and defensible space. And the citywide reaction to HB 2001 aligned with these prior proclivities.

In 2017, when HB 2001 (then HB 2007) was first introduced at the state level, 77% of Portland was zoned only for single family housing and the median income of homeowners was nearly twice that of renters (Andersen 2021; New Report Shows Housing Costs Strain Owners and Renters Alike; Millions Priced Out of Homeownership | Joint Center for Housing Studies 2024) leaving much to be desired in terms of affordability. This first attempt to target Portland specifically would have made it easier for developers to build affordable units and would allow duplexes and ADUs in single family zoned areas. By circumventing NIMBYism in Oregon's largest city, HB 2007 would preempt all cities, creating a new standard of urban planning. At the

state level, over 260 people/groups left public testimony, many acknowledging the need for more housing, while opposing the specific amendments of HB 2007. Specifically, many opposed the historic designation work around which would decimate “history and charm” of neighborhoods. The state’s attempt to target Portland issues through wide mandates eventually failed with some criticizing the state as forgetting about its smaller localities that use their historic districts to protect some of their most affordable housing options (Ramakrishnan 2024). “It is appalling bad policy to use a Portland neighborhood fight to make land-use policy for the entire state” (Raifford, Prince, and Cease 2017). This feeling that the middle housing amendments were a response to Portland issues is one that would be echoed by cities for years. But just two years after the failure of this proposed policy, the next iteration of HB 2007 was introduced at the state level, this time called HB 2001. And this time, it relocated the historic designation work around to a different bill (which subsequently failed).

Despite still being overwhelmingly Portland focused, this bill was aimed at all middle class Oregonians and their missing middle housing. But to get this preemption bill passed, Kotek and legislators called upon their Portland based connections to garner public support. This was again due to the fact that this bill was prompted by Portland. This time, due to the slow speed of Portland’s Residential Infill Project (RIP) approval process, the biggest perceived obstacle at the state level was not other cities angered with preemption, but the large contingent of opposition in Portland. The use of a preemption bill to correct the behaviors of a one misbehaving city is the crux of new preemption (Briffault 2018), however, it is rare for a liberal state to be so heavy handed with a liberal city, especially a liberal city that is considered a leader in the policy arena. As slow as Portland was moving, it was moving faster than many other cities in the state. Which

begs the question: how do cities respond to liberal preemption? Specifically, how do liberal cities respond to liberal preemption?

Getting the Bill Off the Ground

Portland has a long history of passing progressive housing policies but not providing the incentives or resources residents need to enact them. While these initial policies paved the way for more exhaustive policies like RIP, the inability to fully implement these policies would become an obstacle that would eventually incite state intervention. Portland first legalized additional dwelling units (ADUs) by right in 1997, but it wasn't until system development charges were dropped in 2010 that ADU development became widespread. In addition, duplexes on corner lots was legalized in 1991, but according to the city only 3.5% of corner lots have duplexes. And despite up-zoning change that doubled allowable density in some neighborhoods in 1980, only 1% of density change has taken place (Andersen 2019). Portland is caught in a paradoxical cycle of policy implementation by the city and rejection of implementation on the ground by residents. Housing policy across all levels of government has been subjected to this kind of weak implementation in which the mechanism for change has no incentive and no teeth (Massey 2015). The residential infill project (RIP) was meant to change that. RIP was first proposed in 2015 in response to a rising housing crisis that showed a 14% increase in rents across the city (Ellis 2020). RIP would build on previous policies by requiring smaller homes to create more choices for residents and by establishing more clear rules for narrow development. The city fielded more than 15,000 comments and responses to online surveys, public hearings, open houses and emails (About the Residential Infill Project | Portland.gov 2021) which resulted in the creation of a concept report, proposed amendments, and eventually a draft policy.

But it didn't pass in its first year of deliberation, or even its second. HB 2007 in 2017 was the first push from the state to speed up the process of passing RIP, but public hearings would prove that it was too risky to pass. Squashed by a variety of compounded issues including Mayor Hales dropping out of his race for a second term and rumors of nonprofits making back door deals with developers; RIP was paired down to be uncontroversial and still could not make it before the council (Andersen 2021). At the same time, Speaker of the Oregon House of Representatives, Tina Kotek, was working with staff to determine how Portland could be cajoled into making these changes after HB 2007 failed.

But the tide was turning in Portland, around the same time HB 2001 was gaining traction at the state level, the nonprofit, Portland for Everyone, was changing their strategy to attract the support of everyday residents. By attending neighborhood associations to spread education about residential infill, residents began to support the idea, and by the time the first city wide public hearing took place, around half of the testimony was in support of the residential infill project. Portland had two real options, continue skirting the residential infill project, or use the middle housing amendments to force the original project through. Not only did the city decided to push the original project through, they later updated the project to maintain compliance and to assert their leadership position. Despite the literature suggesting a cycle of blame obfuscation that takes place during state preemption (Hansson 2015), Portland instead framed the policy as their own rather than shifting blame to the state. While staff at Portland Metro, the funding agency in Portland, reported that state legislature changed the level of accountability in terms of producing and implementing policies. The city of Portland did not advertise the accountability aspect to the public. By framing the policy as a local issue with local solutions, the city positioned themselves as leaders in the field, and leaders in the policy arena, paving the way for strong partnership with

the state while still maintaining power in the decision making process (Kenyon and Kincaid 1991). This type of collaboration is reminiscent of Kincaid's consensus federalism in which equity, efficiency, and dual accountability provide the groundwork for a bygone era of cooperative federalism. Additionally, this consensus is strengthened through external incentives and previous interactions with the state (Hoornbeek, Beechey, and Pascarella 2016).

Incentives

While localities often decry state interference, opposition typically is muted if they comes with appropriate resources (Zimmerman 2012). Strengthening the partnership, funding solidifies a collaboration between the two governments. For Portland, funding from the state solidified accountability from the city and provided resources to reach a greater breadth of residents. Because RIP was first introduced in 2015, a draft policy existed before HB 2001 was passed in 2019. Since HB 2001 was in response to the city of Portland, it was not expected that other cities in Oregon have a structured policy on hand. Because of this, the state set aside 3.5 million dollars to be allocated through the Department of Land and Conservation Development (DLCD) to assist smaller cities in the middle housing code amendments. Despite the initial focus on smaller cities, any city regardless of size could apply for funding, and Portland was ultimately awarded \$65,000 in grants for the middle housing amendments and an additional \$75,000 for their housing needs analysis equaling a total award of \$140,000. The money went to the funding and managing of an outside advisory committee, consultants, meeting materials, and graphic products. These deliverables bolstered community development and policy analysis, both of which were instrumental in passing RIP. With the additional funding, Portland had greater reach, informing residents of the coming changes through both traditional and non-traditional informational meetings like their Lunch and Learn Zoom sessions that were more accessible to

the general public compared to public hearings. In addition to the 15,000 comments that were fielded during the initial RIP community outreach, the city received an additional 500 written pieces of public testimony and 100 oral comments during the revised hearings for RIP under HB 2001 in 2020. This level of greater community engagement did not change the way city staff talked about the policy changes, but it did change the way the public knew and understand the policy.

For example, during the 2016 public hearing and draft approval process, while city councilors give greater credence to traditional obstacles of policy implementation like aesthetics and site-specific zoning overlays, there is still an overwhelming focus on the localist aspect of the policy. “That’s why I’m very happy this month we’re completing this work on the comprehensive plan, completing work on this project or phase of this project because it’s very important in that dynamic environment that we as neighborhood activists or elected officials or professional planners plan for the city we want [...] Perhaps we put signs in our yards about things we don’t want. [laughter]” (City of Portland, Oregon Official Minutes 2016). Across the two time periods, the narrative from the city council does not change which is a necessary condition for their partnership. Cooperative federalism relies on delegation, which is absent from the preemption model of governance. For a large city like Portland that is used to collaboration and support from the state, the usual agency afforded whether real or perceived is a factor for continued trust and partnership.

Stakeholder Perceptions: Residents

While city stakeholders were overwhelmingly supportive of RIP, resident reactions changed over time with most opposing the state adoption of HB 2001 before then supporting the city approval of RIP. Live public hearings to review the amendments of the residential infill

project drew low numbers of residents. But submitted testimony over the months of amendment consideration reached the hundreds. And despite public testimony often being a site of heightened opposition, many residents submitted testimony that was supportive of the project and most of its amendments. Opposition that existed was minor and focused on the impact of infill in already minority heavy, low income neighborhoods (fair share housing) and the impact on climate goals for the city. As such, when there was opposition, it materialized as “I oppose amendments 5, 7, etc.” As the project evolved, opposition issues remained the same, but so did a high number of residents who believed they could lead the way toward deeper affordable housing.

Most of the opposition to RIP represents the interests of those wanting a guarantee of more affordable housing and less displacement of minorities. Despite the allure to tease apart these topics, all three fit under the wider lens of urban justice (Fainstein 2014). This is an issue that arises again during the second RIP 2 policy, in which agenda setting of residents frames these issues as opposition to one another. Either virtue signaling or real concerns, there is a strong push for Portland to “do better” than its past and take housing a step beyond what RIP requires. While this is a straw man argument given no housing is the outcome of their opposition, this shift from traditional NIMBYism into a more palatable progressive opposition is noticeable across all of the case study cities.

Stakeholder Perceptions: City Staff

During the final approval of the Residential Infill Project, HB 2001 is not mentioned by the city councilors, instead councilors mention that providing more missing middle is something that has been on the docket in Portland for many years. “So residential infill project was initiated in 2016 as part of the comprehensive plan adoption. The concept plan that the council adopted in

December of that year laid out a realistic and attainable approach in fulfillment of key comprehensive plan goals for which anti-displacement and housing affordability activists worked so hard to advocate”(City of Portland, Oregon Official Minutes 2020). Again, the focus here is on city specific stakeholders, councilors and advocates, as the key actors involved in making RIP happen. In this public narrative, the state as a forcing hand is absent, and the people of Portland are the ones who are responsible wholesale for the policy. Despite a public facing narrative of localism, city stakeholders acknowledge the role of the state. “Not everything has been solved, but the state now has more ability to solve problems” one housing expert stated in regard to the changes. The duality between localism and the state centered approach creates a liminal space for the city of Portland to craft both a powerful narrative and a policy with low risk. The policy has to be passed because it is required by the state, but if the city can take control of the policy they have been trying to pass for years, and get it done, then they can take the accolades for a job well done and citizens served. Taking this more dynamic approach, Portland is practicing cooperative federalism with the state that allows both to work more collaboratively in the future. By leading, the city creates an opportunity structure for a new public management (Bryson, Crosby, and Bloomberg 2014) style partnership in the future.

When the final draft was presented to the city council, RIP passed with one vote of opposition, which is significant given what the “no” represented. Commissioner Fritz’s opposition falls into the trap of policy hierarchy that is redundant and excessive in housing policy. This policy hierarchy places the environment as separate from housing justice and perpetuating what some call eco contradiction (Rice et al. 2020). While other councilors practice democratic deference (Lind 2014), Commissioner Fritz listens to the concerns of her constituent’s approval of RIP will create too much developer agency which is at ends with local

preferences. Commissioner Fritz uses the environment as a jumping off point to note that not only do these policies harm the natural environment, but that eco gentrification of neighborhoods will create mass displacement of Black and brown Portlanders. “It will promote more rental housing, not wealth creation through homeownership and not necessarily even more affordable rental housing. Our planet is on fire. [...] The plan will perpetuate further displacement of black, indigenous communities.” (City of Portland, Oregon Official Minutes 2020). To prevent the reification of historical patterns of environmental degradation and displacement, some prefer a strategy that is less holistic but entirely focused on those policy specifics. So, while Commissioner Fritz connects the two concepts of environmentalism and displacement through eco gentrification, what is mirrored back by residents in their opposition is a push for neighborhood consistency through environmental preservation rather than an eco-justice approach that includes both issues as equally important.

This distorted mirroring in testimony is augmented during the final approval of the HB 2001 mandates in RIP 2. RIP2 expanded middle housing designation to buildable lots in a variety of zoning designations, revised overlay zones to be in compliance with state requirements, and created an expedited land division process to make development easier for residents (About the Residential Infill Project | Portland.gov 2021). While RIP addressed higher density zones, RIP2 applies to all residential zoned areas. The cyclical mirroring of the policy hierarchy language is evident in the public testimony for RIP 2. The revision of overlay zones that was approved within RIP 2 represents a policy incongruence between the city and state where the city has more stringent regulation than the state. By shifting compliance measures to the state standard, residents once again pivot to the impact these changes will have on the environment. “This will harm our tree canopy even more with less room for large trees... creates more deadly heat

islands...disgusted with Governance in Portland” (June 1-2, 2022 Council Agenda 2022). Public testimony shifts during this time to order housing as less important than the environment in this political hierarchy played out at the city council. This is most likely due to the fact that RIP only impacted high density areas with few zoning regulations whereas RIP2 expands to all zoning overlays. Therefore, the combination of state compliance and expansion of zoning makes residents fear change especially changes that might impact the environment. Hierarchies that categorize quality of life like aesthetics have the ability to de value the policy concept itself and threaten its implementation ability (Marshall and Toffel 2005). The socio-ecological contradiction of valuing the environment over housing is tied to displacement and gentrification which further erodes ecological justice (Rice et al. 2020). While many states and cities that focus on urban sustainability run into this problem, the erosion of ecological justice is paired with a perceived erosion of democracy. The issue for Portland now is that they spent years framing middle housing as a Portland specific policy and not a state policy. As a result, resident outrage is concentrated on the city itself.

“A class action law suit would be in order if an oppressive government arbitrarily changes a zone after the fact.” “We vote in every election and will be voting to stop your re-election because livability in our house is intolerable after all the taxes paid for 26 year, we can’t retire in our house due to these policies.” “This proposal gives in to PDX being just another overcrowded unlivable concrete dystopia like San Francisco or LA.”
(June 1-2, 2022 Council Agenda 2022)

Despite more intense backlash during RIP 2, it was unanimously approved by the city council, RIP 2 also contained more messaging about the state compliance. It is here that Portland aligns more closely with the other Oregon cities, where when backlash becomes more intense, they can

frame the narrative that blame should be on the state rather than with the city council who is only complying. In regard to RIP 2, the city admitted that the additional policy is in response to “outstanding mandates in the state’s middle housing bill HB 2001.” This again is strategic and allows for the city to use the funding and the push from the state to get their original policy goals passed, while also pushing responsibility for unwanted backlash on the state. This is not to say Portland gave up its partnership, this push and pull of collaboration is what makes the city more willing to work with the state and to get housing done. “The project not only brings the City of Portland into compliance with House Bill 2001, Oregon’s unprecedented statewide zoning reform law—it far surpasses the bill’s requirements” (Residential Infill Project passed today 2020).

This is the ideal scenario for cities that are preempted. They have built up the narrative of success, so really working with the state and being critical of the state is cooperative federalism that is accepted by the public. Sure, they have to work with the state, but they can still lead the charge to pass policies that far surpass what the state requirements, putting them in the driver’s seat. This also frames the city as a national leader that when faced with preemption, went above and beyond the mandate. Residents who respond to the narrative shift which includes greater levels of state intervention, still situate Portland as a leader. For example, in response to the zone overlay, one resident said, “I bring this up in advance as something the City should support or introduce as an Oregon-wide legislative fix to foster the development of more flexible housing configurations or opportunities” Despite greater opposition to RIP 2, the city unanimously approved the policy and established themselves as continued leaders in the field of housing policy.

Post Implementation

One-year post-implementation, Portland experienced an increase in the production of fourplexes in previously single-family zoned neighborhoods. As shown in Table 1, Portland permitted over 1,400 ADUs and middle housing units since the implementation of RIP. Middle housing was shown to use land three times more efficiently than single houses and middle housing units were built with more rooms, enabling greater growing and multigenerational households (Project - Portland Residential Infill Policy (RIP) Analysis n.d.). And 73% of new permits in affected zones were for middle housing projects (Project - Portland Residential Infill Policy (RIP) Analysis n.d.). While process did slow down total development (Effinger 2023), RIP and RIP II worked well with the myriad of other Portland housing bonds and plans to create new middle housing units.

Furthermore, polarization has not appeared to infiltrate the city post implementation. While some commissioners who voted in both the initial RIP approval and RIP 2 have been voted off the council, residents have overwhelmingly listed public safety as the reasoning behind these votes of no confidence. When looking at voting behavior, specifically percentage of the voting population, there has been no major divergences or changes across time. During this time period, the city of Portland did decide to weaken the office of the mayor and move to ranked choice voting, but consistent with reasons for voting certain commissioners off of the city council, voters state that their reasoning for these changes is to boost public safety. The Portland city council has remained solidly Democrat as does the voting at the state level. Given that the city council race did not engage middle housing as a big ticket issue, it makes sense that this would also be reflected at the state level as local politics predict state and federal politics (Schragger 2021).

Portland represents the “most likely” case given that Portland is an urban liberal city, being preempted by a liberal state; I hypothesized, based on the research that Portland would support preemption because of matched ideological preferences. The state policy being based off Portland’s issues allowed for the Portland city council to claim credit for the policy while holding them to a higher level of accountability with the state. Despite Portland being mandated, very few expressed anger at the state or at the progressive policy itself. Despite opposition, the messaging of the city, thanks in part to generous funding from the state, educated citizens who then saw themselves as also leading the charge in the housing crisis. Therefore, polarization did not increase as a result of this policy. Furthermore, because Portland had been working on this policy for years before it was preempted, residents had a myriad of opportunities to participate in local government, and overall did not perceive an erosion of democracy. These perceptions by residents helped strengthen the ability to form the state partnership. This was important during the passage of RIP 2 where residents did lament loss of control over tree coverage to the state, however the accountability structure between the city and state was already in place and as a result, the city unanimously passed RIP2 which went above and beyond middle housing measures. These opportunity structures allowed for Portland to form a partnership with the state which will open up future options between the two parties.

Eugene, Oregon

As the third largest city in the state with 177,000 residents, it’s an urban, medium-large college town. Similar to other medium sized Oregon cities, Eugene regularly built middle housing pre WWII but stopped as a result of suburbanization during the post war period. In addition, urban development policies of the mid 20th century razed much of the mixed use housing that had been used for racial minorities at the time. The result being a city that has

prioritized single family housing and student apartments rather than middle housing and mixed use.

Because of Eugene's size, the city was required to make the same changes that effected Portland including the inclusion of duplexes, triplexes, fourplexes, cottage clusters, and townhouses in previously single family zoned neighborhoods. While the bill allows the city to regulate design and siting, failure to develop and implement city specific standards would result in the city being subject to state model code rather than tailored city policy. While Eugene did not have a similar policy like Portland in their pipeline, Eugene residents were subject to decades of housing insecurity which made the city open to policy change. In 2022, the home price to income ratio in Eugene was 7:4, having increased from the historical average of 4:2 (National Association of Realtors 2022). In addition, point in time counts revealed that levels of individuals who were unhoused rose to 3,628, situating Eugene as a city with the highest per capita rate of homelessness in the country (Nelson and Reeves 2023). Therefore, the city of Eugene had a strong incentive to partner with the state. Cities are more willing to engage in collaboration to improve economic competitiveness (Docherty, Gulliver, and Drake 2004). And more willing when there are high powered political incentives to do so (Hawkins 2017). According to state legislators Tina Kotek, HB 2001 was about "allowing for different opportunities in neighborhoods that are currently extremely limited" (Wamsley 2019). The point being that instead of letting small markets squeeze their consumers in extremely limited cities, the state would make it easier to increase supply and decrease demand. More homes would then decrease the price to income ratio by decreasing home costs and would make available more non-traditional types of housing that could benefit the growing low income and homeless community. To save the community from itself, the city would have to overcome the type of

collective action problems that had blocked any meaningful zoning change in the city in the prior decades. To do this, the city planning division implemented an early Public Involvement plan.

Getting the Bill Off the Ground

While Portland had the blueprint for missing middle housing, other cities that had spent decades rejecting density were now on a timeline to produce and implement policies that they had actively worked against. Eugene for example, had a history of blocking missing middle housing as well as the widespread use of urban renewal to demolish unpopular housing types for shopping centers and single-family housing. As a result, single family zoning was instantiated as the norm, and as such, housing policy remained largely unchanged for decades. Policies that would create more density came and went through Eugene without making significant change, beside attracting resident pushback. Traditional NIMBYism helped kill the majority of policies as residents pushed back against higher density in the growing city, “We don’t need a high rise apartment right in the middle of our neighborhood” (Eugene zoning changes cause consternation – Oregon Business 2015). And “I have a stake in maintaining the area’s residential character and not becoming more crowded and dense [sic]. Congestion [...] is already a problem” (Letters to the Editor 2015). Four years before HB 2001 was passed, Eugene like Portland was in the throes of rezoning neighborhoods to allow more density. While Portland sat on their rezoning bill for years, not approving it, but also not letting residents kill it, the policy process took a different turn in Eugene. Specifically, residents were able to destroy the bill which resulted in an apology from the city.

“Sometimes, we make mistakes. The South Willamette Special Area zone is one of those times. There are numerous lessons we have learned and are still learning as the process unfolds. One thing we are so sorry to have done poorly was to communicate

from the beginning of the project what problem we are trying to solve and the consequences of doing nothing. We failed to articulate the process in a way that led to clear understanding on the part of interested community members. And, we failed to consistently highlight the impacts of different solutions suggested to solve the problem. These are serious mistakes that need to be fixed, and I personally and the Planning Team as a whole, are committed to fixing them” (FAN presentation: South Willamette 2016).

While the city offered unprecedented transparency to its residents with this statement, the hard shift of the policy narrative left residents feeling confused and as a result more mistrustful of the city’s planning department. In fact, one neighborhood blog that serves as an outlet of planning information for residents implies that the city planning department was attempting subterfuge with links like “Demystifying Refinement Plan.” Other links suggest that “Staff have been duplicitous in trying to convince residents and City Council that there won’t be any increases in the proposed ‘Single Family Options’ zone.” And “‘We know best’ zealots push for unwanted and poorly planned densification” (SW-SAZ Zone Change 2015). This breakdown of the official narrative intertwined with opposition groups that believed the city was trying to pull one over on them created an environment of mistrust that was then pushed out by resident groups. After the SWV zone attempt, one member of a resident opposition group proudly implied that they got the policy knocked out and that they had alternative development spots, but the city was no longer willing to work with them. The implication that the local government had become unresponsive served as a sign to the opposition group that with enough resistance they could effectively shape the city in their image.

It was this breakdown of the policy narrative that changed the way the city navigated the policy process. And when faced with the HB 2001 zoning mandate, the city implemented many of the changes they promised citizens after the failure of the South Willamette plan. One of these changes was increased community engagement. Given that the construction of citizenship leads to more successful democratic governance (Gaventa and Barrett 2010), the city set out to engage citizens like never before. Incidentally, they also had to engage like never before, primarily because the state was squeezing them to pass their own middle housing amendment or lose agency entirely to the state's model code.

Given that Eugene planners anticipated this major pushback from residents, they applied for the DLCDC grants available to cities to help in the process of amending codes and conducting a housing needs analysis. While HB 2001 money was directed to help any city, 2003 money was intended for small cities only. Unlike Portland, Eugene only applied for HB 2001 funding and received \$150,000 of direct grant assistance, the most of any city that applied. With the money awarded, the planning commission decided to take an approach one staff member described as a "Camry vs. a Maserati" in terms of quality. This approach was to contract with the Healthy Democracy project over the next 1.5 years to garner the most accurate and most thorough feedback assembled for a policy change. Healthy Democracy, a Portland based non-profit, that helps cities reach more inclusive voices, partnered with the city to assemble a review panel of 29 residents that were chosen by lottery and representative of Eugene's demographics. Once assembled, residents were paid by the city to attend learning sessions and offer feedback. The goal of the planning commission was to include voices that don't usually show up and determine what the average citizen wants rather than the citizen who shows up religiously at public hearings.

The Healthy Democracy project was the first of many creative outreach programs and panels that the city designed with the intention of increasing outreach and engagement. This panel met for 35 hours and with 20 different experts to produce both general guiding and code recommendations to the city. It was through these panels that code amendments that would later be voted on were developed. But Eugene didn't stop there, the Middle Housing Survey was opened to the public in February 2021 in both English and Spanish and received 741 responses, the most in city history. Staff patrolled social media, interacting with residents through Facebook, Instagram, and Reddit. A section of the city website called EngageEugene debuted included polls, Q&As, and project updates. The city partnered with UO students to conduct focus groups among young residents which results in 137 survey responses. Staff created materials that could be used outside of traditional meetings, this included printable materials for neighborhood associations and middle housing walking tours. This was in addition to public hearings and information sessions that were held over zoom to increase the ability of residents participate despite covid.

The point of all of this outreach was to give “legs to the findings” as one staff member said. Knowing that there would be pushback, they believed that stakeholder groups would validate findings, especially so in the cases in which these groups helped craft the very recommendations that were being voted on by the city council. In all, it was the most the city had ever engaged citizens, and far beyond traditional channels. This is important as the literature shows that engagement through social media increases trust, democracy, and good government practices (Bertot, Jaeger, and Hansen 2012). Therefore, the increase in outreach should have created an environment in which residents felt heard by the city staff. And this feeling of trust and experience of good government practice should have increased perceptions of democracy.

Furthermore, perceptions of increased democracy felt by residents should have been matched by the local government that was engaging in this collaborative association with the state and residents. Not only did funding from the state help the city be more willing and collaborative in the planning stage of the policy process. It also created a solution to a wicked problem (Head and Alford 2015) the city was experiencing. By forcing a zoning change, the state could take the blame for unwanted land use changes, while the city could implement changes and take credit for benefits. Unlike the breakdown in the approval process of the last zoning change policy, the city had the resources to leave no stone unturned and decided to take the route of engagement to reduce uncertainty and distrust from residents.

Stakeholder Perceptions: City Staff

Before the citizen engagement process even began, the planning department and city council were faced with the reality that Eugene was forced to contend with a hard and fast deadline. Unlike in Portland where the city was ready to take a leadership role to get their long planned policy passed, staff in Eugene were more resistant. This resistance was not rooted in the feeling that the policy was too Portland specific, but in the feeling that planning staff were losing agency in their work. One planning staff member said when "... we found out about it, people started freaking out, but once they explained what it was... that the same rules applied then it was okay." They described it as a process of "learning, fearing, understanding, and accepting." A process they hoped that the city council and residents would also experience as they learned that middle housing was coming to Eugene whether they wanted it or not. While the planning staff quickly accepted the challenge, they explained that local politicians were not as ready to get to work. "They felt disheartened by being told what to do... they were 50/50 on it." Local politicians felt as if their agency was being taken away. And despite all agreeing that more

housing was necessary, something felt wrong about the state interfering with the local process. This discouraged feeling may have contributed to the ways in which the city council publicly engaged with HB 2001.

Whereas Portland city council members attempted to center themselves as the creators of the policy to reap the rewards, Eugene city council members distanced themselves from the policy to avoid the backlash. Practicing a type of blame obfuscation (Lind 2014) and democracy deference (Lind 2014), city council members agreed with backlash as a way to reckon with their inability to act. By leaning into dissent, council members were able to absolve themselves of harm in the political process. This type of blame avoidance is expected as local officials are more sensitive to negative bias and risk credit claiming opportunities for that of a political free pass (Weaver 1986). One planning staffer said that in talks with the council, council members had all agreed more housing was necessary, and yet the city leaned into dissent. Despite the council attempting to absolve themselves of political harm by saying they were forced by the state, they were still responsible for implementing the code amendments. And the attempt to avoid blame while still making the changes resulted in further confusion and anger by the general public.

During the final public meeting that would approve the middle housing amendments, high tensions exacerbated both the council and the public. Almost immediately Councilor Syrett, “expressed concern over Council ignoring the work staff has done to plan a thoughtful code; [...] and said it is important for Council not to completely dismiss the work that has been done and public input received” (City Council Special Meeting: May 24, 2022 2022). At this point in the policy process, captured by citizen dissent, councilors were not discussing the need for housing, but had relegated the housing aspect below that of the environment. Specifically, steered by public opposition, councilors were concerned over the exclusion of mandated trees in new

developments. Torn by competing arguments, planning staff suggested the council was caught in a straw man argument. “We need dense urban cores to protect the environment [...] it’s more housing, but it’s also more sustainable.” The lack of policy integration (Geerlings and Stead 2003) and overreliance on hierarchy runs to the risk of unstable policy and unintended policy outcomes. While Thompson notes that in “practice we can hardly escape the notion of hierarchy as organizational technique” (Thompson 2003). In this case, the hierarchical ascendance of trees and the environment may contribute to eventual citizen appeal attempts. In addition to concerns over the environment, councilors debated the prevalence of infrastructure to support the changes.

Contrary to Portland, many in Eugene feared that without subsidy from the government, increased infrastructure to support missing middle housing would not be possible. This was a common concern among many medium sized cities that had previously been planning their cities to the urban growth boundary that protected many areas from increased density. And while a few councilors sympathized with strain the city would be faced with to provide more infrastructure, Councilor Syrett, reframed the narrative and shut down the conversation with one comment, “Springfield has passed their middle housing code, the City of Eugene is late to the game [...] if infrastructure is a serious concern, a work session should be scheduled for a future date” (City Council Special Meeting: May 24, 2022 2022). Competition amongst states is well documented in the federalism literature, but this comment that helped get the amendment passed, shows that in devolved systems of power, cities also face pressure to compete. Rather than compete for scarce resources (Kenyon and Kincaid 1991), the city is competing for cultural capital. To not be seen as a laggard of progressive policy in comparison to their neighbors, the city council unanimously passes the amendments. The practices of blame avoidance and city competition suggest that Eugene councilors are highly sensitive to reelection pressures, whether real or

perceived, and will act in ways to protect their position. Staff reaffirmed this sentiment by stating while local politics is the missing component of state policy, preemption is necessary because the city council is so beholden to voters. “They walk this line of being afraid to lose their job, and to make big moves [...] if they were able to dedicate time and resources it would be different but they don’t get paid anything [...] they’re [city council] basically volunteers, and there’s not enough space to learn what they’re working on.” The lack of council support and resources further compounds their inability to interface with citizens in a way that prioritizes both good faith in policy making and reelection pressure. As a result, they either have to side with the planning staff who is beholden to the state or side with the citizens who they are beholden to. This cyclical strategy of avoidance and credit is why staff say that preemption is necessary, without it, “no change would be made.”

In all, slight changes were made to the originally recommended amendments including modifying parking reduction incentives to lots within a quarter mile walking distance to transit, removing the parking reduction incentive for small middle units, and reducing the maximum building height for duplexes, triplexes, and quadplexes. The city felt that these changes were more representative of the community character and gave the residents who had so tirelessly testified, some agency. But then, the city decided to delay the vote and garner more public feedback. After that feedback, the city decided to also reduce the maximum lot coverage and return to infrastructure concerns at a later date.

At the same time as this delayed approval process planning staff were trying to strengthen support which was difficult with a city council that was not on board with changes. So, while the council and planning department made attempts at controlling the narrative that they were in charge, they waffled. For example, in FAQ documents released to the public, the city clearly lays

out that HB 2001 was passed by the state legislature and requires cities like Eugene to amend their land use regulations. However, later in the document, they state that the city of Eugene is the decision maker in the process before reiterating that the city must comply with the state changes or the state model will take effect. While the city does have control over how the changes are implemented, the back and forth of this FAQ sheet is confusing and adds to the issues the city encounters over who is to blame for the changes. A lot of this back and forth messaging was due to the fact that cities were given flexibility in adopting location specific changes. However, given the lack of time and resources, many cities accepted the state's model code with some changes as their baseline policy, despite the fact that staff implied it was clear the state drafters of the code had never actually seen development code. While they had to comply with the minimum requirements, they also had to make sensible edits and changes to the code, that by the end, exasperated staff with additional work and muddled the process of who was actually in charge. Eugene attempts to control the narrative but is also very clear on the fact that they are being forced by the state to make changes. This puts them in a no win situation, contentious with the state and uncertain with residents. As a result, much of the pushback they receive from residents is focused on the role the city plays despite trying to obfuscate blame.

Stakeholder Perceptions: Residents

With the high levels of citizen engagement mechanisms, the city expected large volumes of public testimony and anticipated shaping the amendments in response to citizen feedback . “Citizen engagement does not occur because people are fully knowledgeable and aware, but rather involves such initial steps towards participation which can serve to create deeper awareness” (Gaventa and Barrett 2010; Merrifield 2001). In terms of increasing citizen engagement through participation, the city managed to create the greatest turnout ever seen in

city history, however engagement did not result in residents being more accepting of the outcome. Of the 1,679 submitted pieces of public testimony submitted, planning staff estimated that 50% was copy and paste testimony circulated by resident groups, and that 80% of all testimony was negative. Positive feedback mostly came from advocacy groups, while the majority of individual resident testimony was negative. Staff believed that the negative resident testimony was spurred by a small but powerful opposition group that had also led the opposing faction in the South Willamette zoning project. In fact, part of the reasoning behind the Healthy Democracy project as well as the less traditional means of public engagement like Reddit for example, was the anticipated reach of these opposition groups. Through a variety of op eds for local papers, mailers, and blog posts, a small group sowed fear in citizen's minds. At best using fear mongering like "The year 2020 may well go down as the 'Year Truth Died' to describe housing advocates supporting middle housing and at worst settling for personal attacks of council candidates. What the opposition didn't focus on however was the actual process of preemption. Staff concluded that only 10% or less dove deeper to understand that preemption was a mandate from the state. And while some mentioned that they did not want to lose agency to the state, the main focus of much of the opposition was specific issues with the way city would implement those mandates. In fact, the negativity campaigns didn't focus on preemption at all but on other issues like the environment, quality of life, and citizen engagement.

One of the most interesting aspects of opposition however was the focus on quality of life that ranged from residents making traditional NIMBY statements to residents actually opposing the policy for not being progressive enough. Three common themes emerged: the hierarchical concern for the environment or trees over housing, fear of greed and the cities lack of protections for renters and homeowners against landlords and developers, and the city not being inclusive

enough to resident concerns. While a common concern during the first approval process, the idea that the environment was being degraded as a direct result of the middle housing amendments became a pervasive rallying cry of opposition as the policy process developed. Staff, aware that environmental concerns would be more of a concern in the liberal pacific northwest than in other states that had approved statewide zoning changes, considered the environmental opposition to be something of a straw man argument. “Liberal based cities always want sustainability, but more housing is more sustainable” (Eugene City Staff). Regardless of the messaging and the wants of the city, the state model code allowed for driveways without trees, which was inconsistent with previous Eugene zoning.

Despite these inconsistencies, staff believed that more dense housing with fewer trees could protect more expansive open space which should be perceived as beneficial to residents. However, residents did not express similar sentiments, “It is heart breaking to see big healthy trees removed in hours after living beautifully in place for decades because they don’t fit into some off-site generated design plans.” While urban trees are incredibly valuable for social, psychological, and cultural needs (Dwyer, Schroeder, and Gobster 1991), the newly unspecified change did not necessarily preclude trees, it just did not require them like the previous code had. With no set plan by the planning commission to remedy the lack of trees, it grew into a much larger issue around the questions of livability. “As plans are made to make denser housing, green spaces become more valuable. Trees will be removed; plants that attract beneficial life will be destroyed. We do not want Eugene to become an urban desert! Please be sure to save many green spaces for people’s mental and physical well-being.” And “Building more houses on lots decreases the ability to grow trees on those lots and increases the amount of storm water runoff from roofs and hard-scapes [...] having more buildings and less trees causes a drop in the quality

of Eugene’s livability” (Eugene City Staff). This focus on the environment in place of housing was pervasive, as many city councilors picked up on this issue and argued for additional review to better preserve the urban environment. What makes this issue even more important, is that the lack of environment preservation was not a main concern of the leading opposition group, which means that opposition wasn’t stirred up or invoked like some of the other concerns, it was truly a grassroots fear of residents. As these concerns of livability grew, other concerns grew along-side and expanded to the point that residents began attacking the city for not doing enough outreach.

Despite the extreme engagement measures conducted by the city including specific outreach to lesser heard groups, many residents who were not involved in focus groups suggested that the city had not actually involved citizens enough to move forward with the approval process. “I’m urging you to SLOW DOWN on plans to implement the drastic zoning changes proposed code related to HB 2001. There has NOT been adequate time for citizen input and I have many concerns.” Despite the ability for all residents to participate in some way, some residents that were not involved in focus groups viewed their lack of participation as an indicator that the policy lacked legitimacy to move forward (Fung 2015). Additionally, many viewed participation as trivial, in the sense that the city was going to make certain changes with or without public input. This is in a sense correct; the city was mandated to make certain changes regardless of pushback. However, the triviality aspect furthered this idea that both the public input received and the subsequent the policy amendments were illegitimate (Fung 2015). “I have also read newspaper articles touting how many people have been on board with the housing changes, determined by the results from several unidentified ‘opinion polls.’ I have never been asked an opinion, and that makes me wonder from whom and how pollings [sic] were gathered.” The fear of illegitimacy further erodes trust among citizens and decreases their willingness to

cede trust to local government (Cooper, Knotts, and Brennan 2008). Further, the erosion of trust amplifies another fear among residents: that the city's policy is only beneficial to landlords and developers, which will displace current residents and destroy the character and livability of the community.

The fear of developers and landlords running roughshod over residents is rooted in the idea that the city actively chose to ignore residents and instead align themselves with groups that could make them the most money. "The 'public process' the city employed, while minimal and manipulated, revealed affordable housing to be people's top priority. Yet aside from aspirational wording, this public input went effectively unheeded [...] planners chose to throw all the bargaining chips into the open (higher cost) market." Research suggests that developers are reactive to demand rather than proactive in cities that have experienced gentrification (Zapatka and Beck 2021). However, developers are often characterized as "greedy or rapacious" (Monkkonen and Manville 2019; J. Ratcliffe, Stubbs, and Keeping 2021). This characterization suggests that resident's opposition is rooted in NIMBYism and norms of fairness as they try to reduce developer's profit (Monkkonen and Manville 2019). However, given the high price to income ratio in Eugene, and the fact that 31% of the population is rent-burdened (whole community), resident's fears are less rooted in NIMBYism and more in actual fear of housing without regulation and displacement.

Public comment overwhelmingly reflects understanding that more housing is necessary, and yet, that HB 2001 is not the way to do it. "Thank you for taking steps toward embracing HB 2001 here in Eugene [...] However, HB 2001 looks to me like a document that greedy landlords who allow themselves to rent more units and profit off of a basic necessity, housing, rather than a document meant to create affordable housing that is not profit-driven." Comments like: "Without

explicit safeguards, the extreme deregulation of current zoning that city planners are recommending will inevitably leave middle housing projects to be defined only by profit, once again leaving low income people at risk.” And “I have received two ‘we have interest in buying your property’ notices this week. I have refrained from replying with an expletive laced letter, but it was hard. To me HB 2001 is a neighborhood destruction bill.” Show that residents see HB 2001 as a way for developers to buy up property in an attempt to build large buildings with high rent. “The only ones to benefit are the realtors and builders who only see dollar signs.” And “This will do nothing to increase homeownership. This bill will ruin neighborhoods that people have worked hard to make [...] Do your job!! HB 2001 benefits the city with more permits and enriches landlord and investors while deteriorating the quality of life people moved here for.” Are indicative of the fact the residents do not trust the city to protect them during zoning changes. This type of opposition, while existent in Portland, was not as prevalent or pervasive in public testimony. This suggests that there is something unique about Eugene, that is separate from its urban designation. Despite being an urban, liberal city, the opposition from both residents and city officials is extremely different than its urban liberal counterpart of Portland.

Where Eugene differs from Portland, is its size. Eugene, while characterized as a large city in terms of HB 2001, is a medium sized city with nearly 500,000 less people than Portland. It is clear that being urban and liberal have very little impact on levels of support and opposition. Rather, in the case of Eugene, city size is the determinant of opposition. City officials are less willing to partner with the state as they feel like their agency is being eroded. This is because they are a city large enough to employ resources necessary to enforce this change on their own, and yet it was not a policy the city had ever tried to implement. Further residents are not used to increased density in their medium sized city and are fearful of policies that could displace them

and change what they consider their “charm.” This is interesting because with such a high price to income ratio, more housing in theory would decrease rent and home prices, but residents do not trust the city to implement changes despite many residents believing a change is necessary. In a larger city like Portland, residents had years of debate over middle housing and had already implemented policies like duplexes on corners and ADUs with success. Therefore, perceptions of the erosion of trust and democracy by residents heavily impact city officials who feel greater contention with the state.

Post Implementation

While the city unanimously approved the middle housing amendments in May 2022, parity was short lived. Middle housing amendments would be implemented in July of that year, however, post approval, opposition groups got to work and an appeal was quickly drafted. This appeal managed to garner around 1600 signatures, although planning staff estimate that only 800 were unique names. And in July of 2022, after implementation, the amendments were officially appealed to the Land Use Board of Appeals (LUBA) by two petitioners who stated that the city was had “misconstrued applicable law” and that the city was not actually in compliance with the state’s mandatory goals. The first goal that was petitioned would require the city to assess the necessary infrastructure capacity to reasonably increase density. This is the same issue that had delayed the city council during the approval process that they had decided to circle back on. Planning staff believes that the opposition group that appealed the decision focused on things that could “tank the local process” whether their concerns were real or not. LUBA believed these concerns were not real enough and determined that the city was not required to make any changes to infrastructure capacity while adopting the amendments. The second goal that was petitioned stated that developments “be directed away from the river to the greatest possible

degree. And again, LUBA sided with the city's findings that the changes "do not contain any substantive changes to the City's Willamette River Greenway regulations." Finally, the petition stated that objectives were unclear with confusing language. And again, LUBA upheld the changes. This seemed like a resounding win for the city, however in a last ditch effort, LUBA's decision was appealed to the Oregon Court of Appeals.

The Oregon Court of Appeals upheld LUBA's findings that the amendments were unrelated to the Willamette Greenway and that middle housing criteria was clear, however, the Court did not agree with LUBA's finding that the city did not have to assess infrastructure capacity during the approval process, and remanded this part of the ordinance back to LUBA. And based on the Court's findings, LUBA determined that the middle housing amendments as approved by the city of Eugene were invalid as of October 2023. This meant that the city would be subject to the state's model code and that any middle housing development not approved prior to this time would not fall under the Eugene specific amendments. As a result, the amendments had to go back to the city council, who now adept at this process did not feel as forced to go along with the state. During this process, around 90 residents submitted testimony, most of which reiterated the Court decision that infrastructure must be addressed. After another approval process, two councilors voted against the middle housing amendments although it was once again was approved. The first Councilor Groves, believed that the amendments still lacked the specificity needed to get past the Court of Appeals and as such voted against the amendments. Councilor Groves, up for re-election in 2025, is running uncontested. Councilor Clark, also voted against the amendment, stating that they city didn't actually know for certain if the infrastructure could handle the load. He said by putting the onus on the people to find out if the land was at carrying capacity was the wrong way to go about planning and that he also believed it would be

remanded at the state level again. Councilor Clark was recently elected and is on the city council through January 2027. In July 2024, LUBA remanded the code again stating that city did not adequately address if there was sufficient infrastructure, therefore, state model code was once again applied to the city.

After years of using the state model code, Eugene finally approved their middle housing amendments in November of 2024. Residents state on unofficial channels that they are disappointed with the lack of housing, and planning staff argue that residents were okay with the majority of housing that was implemented under the Eugene ordinance and the state ordinance. In their disappointment, residents who were incredibly critical of the city, often blame the leader of the opposition group for NIMBYism rather than the city itself despite much of the testimony being focused on the incompetence of the city. Councilors are not threatened with removal and blame appears to have shifted. For example, Ted Coopman, the lawyer who petitioned the ordinance, who himself was a strong, vocal member of the opposition group, campaigned for a spot on the city council and was promptly outvoted in favor of a candidate who promised more housing. Additionally, councilors who voted in favor of approval who sought reelection have been re-elected, which suggests that residents while threatened by what they perceive to be a lack of democracy at the local level, do not become polarized by issues of housing and as such, do not change who they vote for in any significant way related to housing.

Looking to the future, planning staff believe that the goal of the appeals is to knock out Eugene's code entirely, and then take issue with the state's code in an attempt to invalidate HB 2001 entirely. The long approval and now appeals process has frustrated the residents who want housing albeit, in their image, and the city, who forced by the state to make changes, is now embroiled in conflict over those changes. Rising from this conflict is a very clear narrative

around the unwillingness of a medium sized city to partner with the state, and the resulting backlash that has made collaboration between the people, the city, and the state nearly impossible. The perceived erosion of trust and democracy at the local level rises through levels of government (Schragger 2021) which erodes potential collaboration with the state in the future.

Conclusion

Therefore, despite both cities falling along under the urban designation, their reaction to preemption is startlingly different. When looking at just the final outcome in both cities, it starts to become obvious that these differences must be attributed to something other than the urban/rural divide. Despite the initial struggle of passing inclusionary zoning, Portland not only passes the amendments, but they pass RIP2, which fulfills all parts of the HB 2001 mandate as well as additional Portland specific zoning amendments. The city frames the mandate not as a state requirement, but as a continuation of their inclusionary attempts. By framing the bill in this way, they are able to take a leadership role which is better received by residents. Alternatively, Eugene city staff are initially wary of the changes but hop on board when they understand the impact more development could make on the high rates of housing instability in the city. While staff are accepting of changes and try to partner with the state for resources, city officials openly decry the bill of stripping away local agency, however, most vote for the bill anyway. This discordant framing is mirrored in the citizens who overwhelmingly reject the bill both because they don't want the character of their neighborhoods to change and because they're afraid of unchecked development raising prices. Although the amendments are passed, a repeal process is immediately initiated that forces Eugene to be subject to state law rather than the local changes they made.

The difference between these two cities can be summed up as city size discrepancies. Portland is a large city that is used to having to make changes initiated by the state. Additionally, they position themselves to be leaders of housing policy, so they frame the bill as their own policy rather than give the state any credit or blame. Eugene on the other hand, is a medium sized city that is not used to state intervention. City stakeholders make their discomfort with this clear and this allows an opportunity for opposition groups to gain prominence. Both cities are urban, but their size differs which suggests that preemption support and opposition does not map onto any type of urban/rural divide, but instead can be correlated to city size.

Chapter IV: Rural Cities and their Response to HB 2001

Introduction

The literature suggests that preemption creates extreme opposition and increased polarization in cities ideologically different than their state (Barber and Dynes 2023; Briffault 2018; Schragger 2021). However, most of this literature focuses on conservative states preempting socially progressive cities. This is also bolstered by the theory that rural conservative places often avoid state mandates, decrying metropolitanization, even if it is to their detriment to avoid changes (Eisenberg 2022; Schragger 2021; Swan 2021). Based on this, I expect to see greater opposition to HB 2001 in rural cities compared to that of urban cities. And yet, as shown in Chapter III, opposition is not attributed to regional divide, but to something else.

In this chapter, I present two more case studies, Lebanon and Baker City. Lebanon, a growing former lumber town, still considers their city to be rural despite major population changes. As a small to medium sized city of 20,000 that has grown nearly 2% every year for the past decade, Lebanon not only struggles with city acceptance of the bill, but also with civic engagement which makes implementation difficult. Alternatively, Baker City, a rural city of just over 10,000 in Eastern Oregon that has voted to be included in Greater Idaho, passes the necessary amendments with enthusiasm. This chapter will include an in depth analysis of both cities, looking at preparation for the bill, stakeholder perception, and implementation and aftermath. My analysis confirms my theoretical observation from Chapter III that rather than support and opposition aligning along the urban/rural divide, city size plays a greater role; suggesting that the divide should be categorized instead as a continuum, especially when looking at rural perceptions and civic engagement.

Lebanon, Oregon

Located in the eastern Willamette Valley in Northwest Oregon, Lebanon prides itself on its rural community while still being near centers of employment. Situated along the I-5 freeway, just south of the state capital, Lebanon was once an essential stop along the Santiam Wagon Trail in the 19th century. Later in its history, it became known for its agriculture and timber mills, today, Lebanon relies on the Lowe's Regional Distribution Center and the Samaritan Community Hospital for most of its employment and economic gains. Known for its small town charm, Lebanon has experienced immense growth in the 21st century, growing at a rate of 2.03% annually (Lebanon, Oregon Population 2024 n.d.), its current population is just over 20,000. Despite the growth which has necessitated more development, the city still considers themselves to hold rural values for a larger yet rural community. Therefore, while they far exceed the capacity to be considered rural, Lebanon serves a rural community and for the purposes of this project, be considered a medium sized city with a rural constituency. Because of these beliefs, Lebanon has been slow to increase density and build beyond single family designation. In fact, prior to the passage of HB 2001, the largest development in the city was built in the late 90's right before the lumber industry imploded.

Prior to this period Lebanon was a successful lumber and milling town of 5,000 people; while jobs dried up, people did not and by the early 2000's, the population had doubled from previous estimates. The population grew, but the city council rejected the necessary infrastructure and development to keep up the changes. Despite the lack of development to accommodate more, less expensive housing throughout the early aughts, planning commission members were honest with their intentions, "the plan was not reflective of Lebanon" (Brown 2022). Maintaining the small, rural character of Lebanon was a top priority of the city council

and the residents, so despite the growing population displacing life-long, lower-income residents, density was not prioritized. Often seen in communities serving rural groups Leaning conservative, residents tended to appreciate a more hands off government that allowed the people agency in maintaining their preferred way of life. However, these preferences preserved sprawled single family zoning and a lack of infrastructure development in new potential development sites. As a result, Lebanon allowed for its neighboring cities along the I-5 highway to develop at higher rates and with greater resources for residents. Lebanon is fairly representative of a small to medium sized community, rejecting modernization for a bygone rural way of life.

Getting the Bill Off the Ground

Because of Lebanon’s nuanced interests, planning staff knew they would have to be sensitive in the ways in which they planned and implemented the middle housing amendments. Communities that consider themselves to be rural often eschew the notion of affordable housing because housing precarity is not as visible as it is in urban areas (Edwards, Torgerson, and Sattem 2009; Waagemakers Schiff, Schiff, and Turner 2016). Lebanon does not currently have a homeless shelter and data from the last point in time count suggest there are only 52 unhoused persons within the city limits. This count does not include those who are housing insecure, which includes those who couch surf, those who sleep in vehicles, or those staying with friends or family temporarily. So, while residents usually recognize the need for development of low income housing, there is also this sentiment that enough housing exists. “Low-income people are living here now and they’re living in some place, what tells us we need more low-income housing and how does that quantify” (Brown 2022). Statements like this from planning commissioner Workman are representative of Commission discourse leading up to the passing of

the middle housing amendments. In addition to the belief that enough housing already existed for current residents, there was also a fear of losing rural interests by inviting more people to the city through affordable housing. “[...] the strategies you’re reviewing are intended to incentivize more single-family housing for ownership. And for the growth that’s anticipated; it’s not to attract additional people” (Brown 2022). A consistent pattern in how Lebanon stakeholders regard housing, is the idea that benefits of development should only be for current residents and not to grow the city any larger. Despite rapid growth across the late 20th and early 21st centuries, the idea that the city was rural was persistent regardless of population size.

Prior to the middle housing amendments, the city overwhelmingly approved of sprawled single family housing instead of more dense affordable housing. “To me, I think we’re setting ourselves up for slums. When you start packing people into a small area like cattle, you develop all kinds of social problems” (Brown 2022). Therefore, the historical lack of different housing types in Lebanon is very much tied to the fear of changing lifestyle and the idea that this will bring social problems that don’t currently exist. Those who identify with rural identities tend to be more place protective and are more likely to resist development (van der Horst 2007; O’Grady 2020), but in this case, place protectionism extends to social behavior. The reactionary fear of potential decrease in quality of life is the driver of anti-housing discourse in Lebanon. One potential cause for this is the political differences between many of the urban and rural or previously rural communities in Oregon and the perception of safety and crime in more dense cities. The perception that density brings social woes is crucial to arguments of NIMBYism and a central barrier to housing production (Barriers to Housing Production in Oregon: Summary Report 2021; McNee and Pojani 2022). The idea that Lebanon is a rural community that does not have social problems like other, more dense cities do, may also be driven by political

polarization. Polarization in Oregon has become more extreme (Denning 2019) which could explain both increased migration into cities like Lebanon and fear of increased social problems. Given that Lebanon's industries have declined, the increase in population growth is a testament to interdependence along the urban/rural continuum (Cattaneo et al. 2022; Lichter and Brown 2011). As rural migration increases, the city itself becomes less rural in geographic characterization, but more rural in interests. In Oregon, less dense cities are more politically conservative and hold more rural interests. Therefore, when the middle housing amendments were approved, Lebanon had already experienced a long history of anti-growth sentiment. And because other, more populous, medium-sized cities had these years of city debate over increasing density, Lebanon was starting from ground zero.

Planning staff contended with NIMBYism disguised as rural interests and a staunch city council that had no real interest in taking the lead on more development. As a result, Lebanon needed more support; support that they found lacking at the state level. "Oregon has a great planning system on paper, other places look at Oregon as the place we all should strive for [...] but here, we're struggling with how to implement and maintain." When staff were informed that the middle housing amendments would be required, they anticipated greater state support as built into the intervention. Having not received a DLCD grant, the city had to complete code changes on their own, which was difficult given they do not have a standard planning department. Code changes would typically go to a planning staff, however since the city does not have a planning department it instead became the purview of two staff members, the community development director and community development assistant. It is worth noting that during interviews, staff mentioned that the city did not receive a DLCD grant. It was not elaborated whether they had applied and not received a grant, or had not applied at all. Despite the state prioritizing cities

with limited planning staff, there was no effort by the state to identify cities that needed additional support. It was however mentioned by the city that all changes required by the city were unfunded mandates which with a small staff meant prioritizing certain things over others. The implication in this conversation was that staff did not have the time or resources to apply for the grant while also trying to edit code, inform citizens, and determine the feasibility of changes with consultants. “DLCD can help with code updates, but engineering street standards and infrastructure analysis is what we need.” Therefore, despite the funding being available, the city actively chose to prioritize other requirements, adding to a somewhat contentious relationship with the state.

This was an addition to strife the city felt because after the approval of HB 2001, the state allowed cities to comment on changes they would like to make to the amendments. Lebanon, like many other small, rural communities were concerned about the lack of flexibility built into the bill, specifically the fact that every city was forced to conform under the same standards. During the final city council approval, staff noted that they, and a variety of other rural cities pushed back on the lack of parking requirements during the initial state approval process. “This is what happens when a bill is uniformly applied to non-uniform cities. So when it's across the board its including Portland metro area that has lots of transportation opportunities but is also including rural communities that do not have that robust system, and so even with the pushback, this was what is required” (Lebanon Oregon City Council Meeting 5-12-2021 2021). So, going into the city level amendment and approval process, there was already a feeling of betrayal that the state was forcing the city to comply with certain laws that were not currently feasible in the city. And while city staff felt discouraged about the amount of work they needed to do without support

from the state, they wanted to engage citizens in the amendment process. However, citizens were not as willing to engage.

Going into the community engagement process, staff knew that the Covid-19 pandemic would be a barrier to participation. Lebanon was still holding council meetings and hearings online which made in person testimony difficult but allowed for staff to try something new and use social media to access the masses. The Housing Needs Assessment, mandated through HB 2003 as a secondary response to HB 2001, required a state approved survey, but for the middle housing amendments, staff decided social media was their best option for reaching citizens. Posting on social media sites like Facebook and Instagram, the city's attempt to engage residents fell short as few were interested in the changes. Staff were disheartened by the timeline required by the city noting that "rural cities already have a hard time getting citizens engagement, especially with concept policies." Without actual tangible changes, residents were not participating as they city would have liked. And with the pandemic still requiring masks and lock downs, staff felt as though the state was putting them in a situation that required citizen involvement but made the actual practice of involvement impossible.

To make up for the lack of participation, city staff turned inward. Staff began asking themselves, other city employees, and the planning commission what they would like to see in terms of change. While suffering from sampling bias and arguably un-democratic, the erosion of local norms by using this method of engagement was the best the city believed they could do. Staff said the little engagement they did have was a "small bite" into what they hoped, however, they were able to think deeper about what was actually required of the mandate and what type of duplexes they wanted to allow. While early engagement was low, staff assumed the public hearing would bring out more people, however, not a single residents attended or submitted

testimony during the public hearing. Additionally, during the public approval, five residents signed up to speak, however, none spoke about the approval of the middle housing amendments. Research suggests that rural communities require different strategies to engage citizens, like: a common vision, purposive communication, diverse leadership, and community forums (Wilson and Sanyal 2022). While Lebanon had community forums, the lack of support to leadership, the lack of vision, and lack of purposive communication contributed to the inability to engage residents. Staff looked to the state and consultants for a more deliberate vision and better communication but found both to be unsympathetic and unwilling to see Lebanon as an individual city with specific needs rather than a typical medium sized city that was subject to sweeping change. Because of this, feelings of strife grew among city staff as they felt isolated and ignored by a patriarchal state.

Stakeholder Perceptions: City Staff

Given these feelings of being left behind by the state, city stakeholders were overwhelmingly unhappy with the implementation process. In addition to being frustrated by the state telling the city what to do, there was also frustration with the idea that all cities needed the same intervention. Similar to other medium large cities, Lebanon felt as though HB 2001 was a response to Portland's inability to pass more comprehensive housing policy and therefore should not impact them in the same way. And this sentiment was not necessarily unfounded, Representative Kotek explicitly stated in her reasoning for the bill that this was necessary to prevent urban sprawl in cities like Portland and that since Portland was unable to pass their infill bill, the state would intervene. Despite the lack of affordable housing in Lebanon, urban sprawl was not an issue and the packaging of the bill as such rubbed many the wrong way. To help implement both the policy itself as well as perform the Housing Needs Assessment (HNA), the

mandated component of HB 2003 that would supplement how HB 2001 was planned, the city of Lebanon hired consultants. However, their first consultant group focused entirely on Portland and how implementation worked there and could work in Lebanon. Not only then did stakeholders feel as if the state was forcing them to do something they didn't want to do, but they felt forced into a Portland style policy that was not relevant to their city. Staff reported feeling very negative and annoyed as consultants presented a cut and dry case of implementation without space for dialogue about the changes that would be necessary. By only giving examples from Portland, responses were automatically tilted to be more negative. Additionally, the engagement they did have during the Housing Needs Assessment remained low and uncooperative they residents also felt as though the consulting team made little effort to include their cultural interests.

Staff recognized that the politics of local economic development must always include cultural politics of meaning and place making (McCann 2002). As such, they switched consultants and began working with a team who took a very different approach. Instead of using Portland for every example, the new team focused on other rural cities throughout the state which changed the dialogue. In fact, this approach increased engagement with the HNA by recognizing the audience and making these economic changes just as much about culture. While more residents engaged with the process, stakeholder perceptions remained the same. Staff agreed that more affordable housing was necessary but by wanting that, they had become the antagonists in the process. They noted that without proper education from the state, the blame fell to the city. The city believed that the state didn't understand that "single family is the rural American dream, but there is messaging needed to allow people to understand that if you want your children to stay here, we need more types of housing." But by the state packaging the bill as

the end of only single family zones, the city had to deal with the fallout of residents and the task of educating them. “We have enough land and space to provide opportunities for all [...] We can accommodate all; once we got that message out, it started to resonate.” However, the impact of taking on all of these roles including, amending codes, performing surveys, public outreach and education, wore on the city.

This is evident in the final city council meeting to approve the code amendments as staff lamented the fact that they have tried to reason with the state to have more flexibility among parking standards and infrastructure. Yet, the state has continued in what the city called a sweeping manifest destiny style policy. Whereas more recent preemption has been used by conservative state legislatures to weaken liberal cities (Diller 2019; Fowler and Witt 2019; Sellers and Scharff 2020), Lebanon stakeholders perceived this preemption bill as unjustly weakening their city. Not because of the contents of the bill, but the way in which it was forced in a sweeping manner on the city. In this case, partisanship fell to the wayside, and city size, specifically the weakening of the city under a regulation heavy state is what most irked Lebanon. And while it may appear that this dislike of regulation was dependent on partisanship, it follows a very similar path of resistance to that of Eugene, a larger median city, with local politics that align with the state.

Unlike other preemption bills where the content of the bill is the issue, the issue here is the implementation schedule. “The DLCDC needs to learn that every community is different, growth needs to happen, but there are tiers.” Staff believed that while there was existing friction due to the changing identity of the city, that stakeholders, including residents, would have been more willing to accommodate a bill that was not so Portland focused but that allowed them to increase housing types and maintain their cultural preferences. “Tensions are already built in,

and there's a dichotomy, residents want a small town, but they want job growth and an Olive Garden!" Despite being a medium sized city, stakeholders felt as though the state was impacting their rural preferences and while they were open to increasing growth and gaining more urban opportunities, they didn't like how the state went about it.

Therefore, interest in partnering with the state was low; both from city staff and residents. At the end of the day, staff said they were just not given enough time to be responsible. "How can we be good stewards when we're not provided with tools or time [...] but ... there is a crisis." Staff wanted time to make changes that better reflected their goals which included providing developers with more tools. In fact, the city had discussed ways in which to make development easier in areas that weren't currently built out for additional housing. For example, the city had discussed property tax abatement with a term limit to reduce builder's overhead costs as well as changes to how it collects fees for building infrastructure, requiring payment upon occupancy rather than construction. This would not only encourage more development; it would also encourage more secure partnerships between the city and developers as growth continued.

Stakeholder Perceptions: Residents

Resident's perceptions of the necessary changes were more difficult to parse out, this is because, as mentioned, very few people engaged with the city during the civic outreach period. In fact, no one came to the designated public hearing or the final amendment approval process. The city guessed that the covid-19 pandemic was to blame, however, they also acknowledged that typical engagement is low. The idea that decisions passed at the local level will "likely to be flawed in its representation of local will" is intimately connected to the idea that the absence of local autonomy is coupled with the growing role of the state in local politics (Eisenberg 2022).

Therefore, especially under the force of the state, rural residents are less likely to participate in politics and as such, the city is limited in understanding resident interests (Eisenberg 2022; Kaufman 2019). While it is possible that residents felt as if their local power was being diminished by state intervention, it is more likely that the inability to connect with citizens by the city is a cyclical process that further validates citizens disconnect. Despite this, staff was able to engage the public during the subsequent Housing Needs Assessment which would inform future planning decisions at the local level. 209 residents responded to the survey which found the three most pressing issues to be lack of affordable housing, lack of rental options, and lack of options for first time homebuyers (City of Lebanon Housing Production Strategy 2023). Additionally, despite the total lack of engagement during the HB 2001 implementation phase, 55% of respondents cited being very concerned about the city being able to meet housing needs. This makes sense as Lebanon determined that 36% of residents are cost burdened, higher than many other Oregon cities of similar sizes (City of Lebanon Housing Needs Analysis 2019).

It is evident through the survey that residents are concerned about meeting housing needs in their city. Whether these results come from sampling bias or are more representative of Lebanon residents, it is clear that increased housing is not the locus of ire for residents. In fact, half of the respondents sampled said the city could encourage smaller more affordable options like cottage cluster, duplexes, and townhouses to meet housing needs. As well as continuing to fund construction of infrastructure for projects. The impacts they were most worried about were increased traffic and lack of parking as well as housing developers being granted incentives without providing enough of a public benefit to residents (City of Lebanon Housing Production Strategy 2023). Staff mentioned that they of the voices they heard, housing was wanted by residents, but single family homes only. Pushback was centered around the fear of unfettered

development of multi-family housing, a fear that is certainly rooted in the tension of the changing character. Hence, the perception of residents was that the city was going to allow development that would bring in big city issues to their small rural lifestyles. Of those who voiced their discomfort, none mentioned the mandate by the state. One interesting aspect of this lack of connection to the state though is the rhetoric on display at the city council meeting where the middle housing amendments were approved. Despite no comments being made about the amendments themselves, there were a few residents who submitted public testimony lamenting the covid-19 regulations passed down by the state. These residents, blamed the city for not disobeying the state and re-opening indoor spaces, rather than finding fault with the state for passing these regulations in the first place. This anger at the city for a state mandate is indicative of resident perceptions in medium sized cities and can explain the pushback the city felt despite aligning with the state changes.

Within the survey, no questions or answer options included an unhappiness with either the state or local current decisions regarding housing. Additionally, there were no open ended questions to better gauge resident's feelings. This lack of engagement was identified by the state in a review of the HNA which pointed out the lack of a targeted approach to engage marginalized and underrepresented populations (Stuckmayer 2020). Additional issues were identified including lack of clarity and lack of partnership with both the state and other agencies; as well as a recommendation for improved engagement in the future. While the report is normative rather than punitive, given the prior perception of the city that the state was expecting vast changes without adequate resources, this report adds to the tenuous relationship between the city and state. Despite the non-exhaustive feedback provided through the HNA and public hearings, staff mentioned that they did expect feedback once the city started approving

developments made possible through HB 2001. As one staff member noted, “The process of public input takes energy, anger does that. They are more willing to demonstrate rage, but how many people just don’t care compared to the angry people?”

Post Implementation

Hence, while the idea of changes did not necessarily mobilize residents, the actual changes themselves have created discontent in the city. In serendipitous fashion for the city, a private owner of 25 acres of farmland decided to sell the land to the city for development in 2024. This land will set the stage for the largest development in Lebanon since the 1990’s and will implement many of the updates now made possible by HB 2001. Planned over eight years of development, this land might include “townhouses or duplexes, but [also] free standing homes, some on smaller lots to appeal to first time buyers” (Powers 2024). The smaller lot development diverges from past planning in the city and engages with the same rhetoric staff used when trying to convince residents of the benefits of middle housing. As staff had mentioned, “we need the type of messaging that allows people to understand that if you want your adult children and their children to stay, we need more types of housing. We can accommodate all...that’s what started to resonate.” Because there aren’t that many rentals in Lebanon, these smaller homes which can be built thanks to the reduced regulations of HB 2001, allow the people who want to stay in the city to stay and to afford starter homes. “Support is demand. If tools were not being utilized that would be one thing. But they are. So, we need to go beyond public hearings, into metrics of use. There is an increased interest in townhomes, and the community wants that, so we need to go beyond the local outrage” (Lebanon Staff). Using evaluative metrics rather than the low amount of public hearing data, the city has been able to produce housing that is in demand. Further, the changes from the middle housing amendments have required modernization from the city which

will open up additional land for development in the future. “The city spent more than \$21 million extending pipes in a long overdue project to support home construction” (Brown 2022).

Therefore, while the city was unhappy with having to make these changes without resources from the state, there has been demand for the types of development taking place.

In a city like Lebanon however, economic demand does not always match cultural want. The tensions of a growing rural town that existed prior to HB 2001 have only increased with the actual development. And rather than residents be unhappy with the process at the state level, most focus on the city’s approach. One unsatisfied resident mentioned of the large development that “They stated a traffic study, but they didn’t do a traffic study on it. And I think that was the wrong approach.” Another agreed, saying, “If they’re going to put that in that’s okay, but do it in the right way” (Vacca 2024). Similar to the staff, residents lament the lack of resources to complete planning studies in an exhaustive manner. While the city staff sees this as the fault of the state for creating unfunded mandates, residents focus on the city as unable to complete necessary aspects of development that is already being forced upon them. Therefore, there is a disconnect between residents and the city which creates greater strife which each additional development. This disconnect is evident in the outcome of the 2024 local election in Lebanon. Prior Planning Commissioner, David McClain, who had suggested that development would turn Lebanon into a slum environment was voted in as city councilor of Ward 2. In fact, McClain even used HB 2002 as a scapegoat in his election materials stating,

“I have been on the Planning Commission since 2015. Many people like to blame the Planning Commission and City Council for out-of-control growth in Lebanon, but as explained below much of our problems arise from state level policies related to the

zoning takeover of small municipalities throughout rural Oregon. [...] Lebanon is experiencing growing pains and I am right there with you on these issues” (News 2024). As a member of the Planning Commission, McClain knows that residents blame the city for state changes, and with his election correspondence is attempting to shift blame to uncaring state that is forcing their agenda on small rural Oregon. This narrative aligns with the city staff in that these changes were forced, however there is a greater narrative here around the role of a punitive state forcing cities to make changes. Similar to the research on new preemption (Briffault 2018; Schragger 2021), that suggests punitive conservative states will punish liberal cities, McClain is pushing the narrative that the liberal state is punishing their city. Using the rhetoric of big government, McClain uses neo-conservative language to encompass his entire campaign whether he’s talking about immigration, or taxes, or land use. While his language appealed to voters, it is worth noting that rather than fearing Lebanon would become a slum, many residents and staff accepted necessary growth, but wanted it done differently. Hence, it wasn’t necessarily conservative culture that drove Lebanon to make the choices it did, but the difficulty of accepting that Lebanon is a medium sized city with medium sized problems, regardless of their rural culture. The inability to garner resources from the state as well as a lack of civic engagement wore down city staff and eventually residents who resisted changes that they didn’t feel fit their community exactly. While no appeals have been filed by Lebanon, it should be expected that under the new city council, that adherence to state preemption will lag.

Baker City, Oregon

Located in the far eastern section of Oregon, Baker City sits less than 100 miles from the Oregon/Idaho border. Located along the Oregon Wagon trail in between the Elkhorn and Wallowas mountain ranges, the city served as a way point for travelers deciding to continue west

into Oregon, Washington, or California. By the early 1900's and thanks to the Oregon Short line Railroad, it was once the largest city in between Portland, Oregon and Salt Lake City, Utah and was a center of commerce. Today, Baker City relies on tourism, ranching, healthcare, and timber as its main industries. At just over 7 square miles, Baker City hosts a population of just over 10,000 people. While both Lebanon and Baker City are considered "medium" or "a population between 10,000 and 25,000) under HB 2001, Baker City is a low-growth city compared to Lebanon and it is the smallest city mandated to comply with the changes brought upon by HB 2001. Like Lebanon, Baker City, though designated as urban by its population and number of housing units, considers itself a rural city with rural interests. Additionally, the state of Oregon designates the service area as rural, therefore for the purposes of this project, I will consider Baker City to be a rural, small city.

Baker City is the county seat of Baker County, a county of 17,000 that still considers itself rural and that has hit back against their perception of unnecessary and archaic preemptions from the state. For example, during the height of covid-19 pandemic, Baker County only had one confirmed case, yet was forced to uphold state restrictions (Siegler 2020). As a result, the chair of the Baker County Commission signed on to a lawsuit (that already included Baker County churches among others throughout the state) that requires consultation with the legislature prior to any restriction extensions. This frustration with restrictions was intrinsically tied to the feeling that the state was mandating cities with different interests to comply with laws that were focused entirely on Portland. "You can't judge or control our atmosphere based on what you think the Portland area should be" (Siegler 2020). And frustration with the legislature taking the lead from Portland was nothing new for the Baker area. In 2021, Baker County voters passed a measure

with 56% that requires county commissioners meet at least three times a year to discuss the proposed Greater Idaho plan (Herald 2024).

As an example of the frustrations associated with an ideologically state, consider the Great Idaho Movement that started in 2019. This group, first known as, “Move Oregon’s Border for a Greater Idaho” suggested that for greater city state ideological parity, eastern Oregon succeed into Idaho. Similar to the State of Jefferson movement that started in the 1930’s and suggested disaffected residents from south Oregon and northern California create their own state, the Greater Idaho movement is also rooted in strife caused by the urban/rural divide. Criticized as a far-right movement focused on spreading Christianity and rejecting diversity (Sottile 2023), the Greater Idaho movement brands themselves as a group that wants to reclaim their rights and interests that have previously been ignored by a liberal state. While this movement sounds far-fetched, it had been described as “Modern America’s Most Successful Secessionist Movement”(Hitchens 2021). So regardless of the fact that neither counties nor cities can make border changes, residents and elected officials in eastern Oregon have been resilient, pushing for the state legislature to take up their cause. As one resident said about elected officials in Salem, “They don’t care about us, they never have. Let’s do this. Let’s get this done” (Herald 2024). It’s this feeling of rural anger and subsequent need to locally address problems (Cramer 2016; Wuthnow 2018) that entrenches a lot of the politics in eastern Oregon, including Baker City. And it’s not just state politics that have left residents feeling resentment. Local politics in Baker City have been tumultuous in recent years, including a period of time in 2023 when three city councilors resigned, triggering a state law that gave the county power of council appointments (Sierra 2023). An event that some described on online message boards as “chaos” that has “eroded who once were” (Reddit 2023). Far beyond the already tenuous relationship between

rural cities and large government, these events have significantly eroded political trust in the small town of Baker City.

Getting the Bill Off the Ground

Given this lack of political stability in the city, it's entirely within the realm of possibility that residents would bemoan changes to zoning, regardless of if these changes came from the state or the local government. In fact, housing prior to HB 2001 was fairly stagnant, as Baker City, like many other smaller cities suffered from lack of infrastructure development (Hathaway 2023). With a disconnect between demand and buildable land, Baker City has lagged behind necessary housing production, increasing prices of existing homes. While increasing value might be seen as beneficial to those who already live in Baker City, there is a real fear among residents that as tourism in the city increases, so will displacement. While not a current tourist destination, residents have questioned online, whether their small town will become the next go to recreation spot in Oregon. And as one resident put it, "Don't Bend Baker' is the town's unofficial motto" (Reddit 2023) and recalls the transition of the city of Bend, from small mountain town to urban recreation destination. The increase in population size as well as the increase of Airbnb's, and other similar short term rentals have left renters squeezed in terms of finding affordable units. In fact, vacancy rates are less than 4% and 35% of households are considered extremely low or very low income, earning less than 50% of the average median income (Baker City Housing Production Strategy 2023). So, while an increase in housing types has been fairly typical for the city, it was possible that a decrease in housing regulation paired with an increased oversight by state government would cause strife among housing stakeholders. However, city staff were prepared for the challenge.

Since Baker City has a population of just over 10,000, they were subject to less regulation under HB 2001 compared to larger cities. While cities like Portland and Eugene had to allow the development of a variety of housing types including triplexes, quadplexes, and townhouses, Baker City only had to allow duplexes on lots or parcels zoned for single family residential. However, Baker City was already relatively progressive in regard to their zoning. As one staff member mentioned, “I don’t know of a time when Baker City had a zoning for single-family areas.” Baker City permitted single family, duplexes, and cottage clusters, ADUs, group homes (23% of residents identify as having a disability), and multi-family in most cases, subject to standards and development review. When asked, staff could only find code changes dating back to 2016, but suggested they had been in place far longer than that. Despite the allowance of these housing types, 72% of units are single family detached, which has created a mismatch between demand and existing housing. Therefore, the changes required by HB 2001 were minimal. Staff characterized the amendments instead as a “tune up” with changes including “removing some regulations for developing duplexes in order to make the standards similar to those for single family dwellings” as well as modifying setbacks for storage sheds among others (Baker City Council Meeting Minutes 07-27-2021 2021). Staff noted that they thought the biggest change was lessened restrictions on owner requirements of rental properties. In fact, staff noted that the required changes were not even as complicated as the reporting requirements mandated by the state. Therefore, these tune up amendments allowed the city to really work with residents to engage in an in-depth housing needs strategy rather than be preoccupied with an influx of mandated changes.

Because the code changes would not require significant work, Baker City did not need funding from the state to amend the code for middle housing. However, the city did apply for

and receive subsequent HB 2003 grant funding of \$80,000 to help support the creation of the Housing Productions Strategy. City staff said that prior to the approval of HB 2001, they were already planning on conducting a type of housing needs analysis, therefore, with the funding from the state, they were able to conduct their ideal assessment with high levels of public engagement. The first step of their assessment included creating a Housing Advisory Committee made up of twelve regional and state groups that they considered imperative to the housing production process including: the DLCD, the Fair Housing Council, the Oregon Trail Electric Co-op, the Northeast Oregon Housing Authority, and the Oregon Department of Human Services. This group met four times across the implementation timeline to review the process and share feedback (Baker City Housing Production Strategy 2023).

The city then conducted interviews with a small group stakeholders including representatives from the school district, veteran's services, the independent living council, and the Bureau of Land Management, among others to discuss how the current housing stock was impacting those groups and what could be done to better serve their clients. The city then created a community survey to determine if the issues identified by the Housing Committee and stakeholders were aligned with the issues the residents experienced. The survey was available in both English and Spanish, and online as well as on paper. The survey was advertised on social media, on the local radio, at community events and local businesses, and in the city's newsletter. 766 responses were collected. Finally, Baker City created an updated webpage explaining the changes and updates and held three open house community work sessions to explain the necessity of the Housing Productions Strategy. Despite the Housing Needs Strategy being required by the state, city staff took control of the project by claiming it as part of their plan even before required by the state. Furthermore, by centering resident invention and feedback as key to

the housing strategy process (Summers 1986) the city positions itself to produce real change despite the difficulty of rural community development.

Whereas other cities struggled to find their role within the preemption process, Baker City seamlessly partnered with the state for resources and made the project their own. In fact, their documents circulated to the public explaining the production strategy do not once mention the role the state is playing in the process, but instead center the residents' need as the reason behind the work, "This is just the first step in a long-term process to help people in Baker City find adequate, safe, and affordable housing" (Baker City Housing Production Strategy 2023). Additionally, city staff testified in front of the Oregon Senate Housing and Development Committee to emphasize the specific struggles cities like Baker City face, both pre and post preemption bill. Rather than struggle against preemption (like they certainly have for other policy topics), this highlights the willingness to work with the state with the intention of shaping future rural legislation together. Because their zoning code already allowed greater density, there was no pushback against the idea that overly urban values were being forced upon the city. When asked if there was any anger toward the legislature for preempting the whole state over a Portland-specific issue, staff said, "No, more options didn't sound like a bad idea." In addition to staff being unconcerned, residents were equally nonchalant with the issue. The open work sessions drew little pushback, with more interest in the advantages different housing types might offer residents. The final approval of the middle housing amendments drew no public participation. For Baker City, the plan to increase density across the city, just made sense.

Stakeholder Perceptions: City Staff

Despite the turmoil that had enveloped the city council, and by proxy, those who worked for the city, there was little drama surrounding the completion of zoning changes and the housing

production strategy. Additionally, despite struggles against the state, including by city staff, specifically in regard to covid preemptions, there was little pushback surrounding the preemption of housing. As stated, staff had planned to conduct a housing needs analysis in response to the growing population, and by the state mandating an analysis, the city was able to leverage resources to fund the initial outreach and survey. And since the city already allowed a variety of housing types like duplexes and ADU's, the code changes were minimal and not controversial. By leveraging funding from the state, the city was able to position themselves as the leader of the process which included outreach beyond the survey like educating residents. Education about housing types was a success, according to some staff. "The statewide conversation has increased knowledge already, but residents have been learning about new ways to use property [...] and the conversation has changed, it's made people more creative." Housing policy does not happen in a vacuum and using the rhetoric around state wide debates over housing but tweaking it to better align with city values proved a great success as both residents and city staff could brainstorm more innovative developments. In contrast to Lebanon who originally struggled with consultants to create education and outreach that was specific to a rurally minded city, Baker City relied heavily upon their city created Housing Advisory Committee to parse out what issues were most important to residents and businesses. This is important because it shaped the way the city understood the changes and how the changes were explained to residents. By using the state money to bolster their own city led initiative, Baker City was able to take a leadership position that made them more willing to work with the state, as well more engaged with their citizens who in turn responded well to the plan.

While it could be argued that Baker City had less opposition due to their already existing laws, HB 2001 did mandate cities to produce more middle housing as well as plan for it. Which

means that while Baker City didn't have to convince residents to change zoning laws, they did have to convince residents of the benefits of building more middle housing. However, staff was prepared for conversations that had halted the process in other cities. When asked if environmental concerns were brought up like they had been in other cities, staff said, "No, there was no environmental, no virtue signaling [...] there are low density patterns here, but we have enough space. It could have happened, but no one felt that way." Staff focused on the role of the city and how they were pleased with more housing options, they believed it was this neutral stance that was reflected back by their residents. Despite the unrest that had accompanied prior preemptions and state mandates, the city used this preemption to their advantage to stimulate more housing regardless of their prior rural commitments to leaving the state.

Baker City is an example of how small cities regardless of urban/rural divide or partisan politics can partner with the state and leverage state resources to produce beneficial outcomes for all parties involved. However, while staff were pleased with the short term unifying nature of the preemption bill, there are questions of long term sustainability. Like Lebanon, to an extent, Baker City was concerned about the impact of meeting requirements over time given their small staff. Staff described the process akin to a treadmill of eight year cycles with increasing requirements and regulatory burdens. There is a fear that as new planning mandates arise, resources will decrease and the work will fall off. "Eventually everything in planning is trending, but there's only so many resources. There's always going to be a crisis of the moment and resources will be appropriated as they see fit. It's an expensive and important undertaking... but it's also the least resourced." It's not that preemption has changed zoning in some way, but that increased preemption creates a cycle of work that the city cannot do without adequate funding. Planning staff noted that they have no objection to the strategy of the state and that it makes

sense, but “no regulatory change is going to tip the scale.” So, while DLCD funded most of the work necessary under HB 2001 and its subsequent HB 2003, staff is aware that funding is limited both for the regulatory work the city has to do and the physical changes of making land buildable. In fact, one staff suggested that they have no real code barriers, especially after HB 2001, the challenge is the infrastructure needs.

Given that Baker City was the small city subject to HB 2001, and despite the size of population, considers itself to be a rural community, the ability to provide infrastructure in this sprawled mountain town has been limited. And this is not just an issue brought up by planning staff. During the city council meeting that approved the middle housing amendments, Commissioner Rockwell stated, “We are community of many that need infrastructure help, but if we’re prepared with projects, we need implementation funds rather than analysis funds. It is not a lack of awareness or will, but struggling with the means” (Baker City Council Meeting Minutes 07-27-2021 2021). Therefore, while city staff and officials are willing to work with the state, there is still an issue of under-resourced infrastructure. However, while this rural issue impacted Baker City, their response was different than other rural cities like Lebanon that given its size and location were in a better position to partner with the state. The city response shows that urban and rural divide aside, the size and cohesiveness of the city actually allowed it to partner with the state despite against all odds. There are no misgivings about the state in any of the documents shared by the city with the public, including a complete lack of state responsibility in the mandate process. By taking the lead in the policy process regardless of impetus, the city mirrored to the public that this was a Baker City issue that could involve that state, rather than a state issue that roped in the city.

Stakeholder Perceptions: Residents

Because of the messaging of the city and minor necessitated changes, residents were unconcerned with the HB 2001 process and only once became involved when the housing needs analysis survey began. Of the nearly 800 responses, the large majority report that they struggle to find housing to buy or rent within their price range or when they do, the housing is of low quality.

What is interesting about the public perception is that while many of the other residents of other cities immediately blame their local government for the housing changes, residents of Baker City equally lament big government as well as their local council. Comments like, “The city should NOT interfere in neighborhood housing mix. There are already too many trashy houses mixed in with those trying to maintain their homes to a higher standard.” And “Stop asking and getting funds for this every year when nothing changes... start building... stop lying stop pretending to care” (Baker City Housing Production Strategy 2023) are par for the course in any housing survey. However, even these comments reflect a different tone than do resident comments in other cities. Rather than be entirely resistant to development, residents actually want to see more housing, albeit housing that fits a certain image. Residents of Baker City are not immune to the thrusts of NIMBYism and many of the comments received are indicative of the types of issues small, under-resourced cities feel, including addition, homelessness, and lack of secure jobs. “City should stay out of it. Why should I have to pay more taxes to fund ‘affordable housing’ to a bunch of outsiders that do not work or contribute to the city as workers?” (Baker City Housing Production Strategy 2023). Much like Lebanon, the residents express an interest in keeping the city small and rural, without government intervention. Some residents focus on voluntarism and free markets as a form of housing provision rather than

government partnership, “I would like to see Baker City move in [sic] direction toward more Private Enterprise and project and give Ownership and Town Pride Back to The citizens, less dependent on Government Bureaucracy, and more Looking out for each other” (Baker City Housing Production Strategy 2023).

These comments while much expected in a rural city that is averse to the state legislature are not that common. Instead, like Lebanon, there exists a similar pattern of fear that more development will turn their community into either a slum or a recreational destination, both equally as bad. Specific to Baker City and due to an increase in short term vacation rentals, the city specifically included questions about vacation rentals including “Would you support limitations on the number of vacation rentals in Baker City.” The majority responded yes, with just as many leaving comments like “We don’t need a Bend repeat” and “Outsiders are moving in and gobbling up the property screwing the residents. Inflating the markets and raising taxes. I refuse to let you turn this into Bend. No more zoning changes to allow this to continue” (Baker City Housing Production Strategy 2023). Unaware that few zoning changes were actually made, residents see the growing population and increase in development as a threat to their small community through displacement. And the focus on not wanting to turn into or be like other more urban cities would suggest the residents perceive zoning changes as negative and the institution heavy handed. However, for each comment debasing zoning changes and begging for less intrusion, there are an equal number of comments that are not only asking for the local government to do more, but also to partner with higher levels of government. A summary of a comment from the original HB 2001 approval notes that one resident would, “[...] like to see Baker City pursue potential for partnerships, state and federal funding. He hopes Council will look seriously at that. He recognizes a need to initiate discussion about ways to facilitate

infrastructure development in Baker City” (Baker City Council Meeting Minutes 07-27-2021 2021).

In addition to suggesting that the city make greater strides toward partnering with the state, other residents question the very grounds of their community character. Comments like, “So my question for the County Planning Department is: Is Baker wanting to change its identity?” and “Rural areas need to be allowed to build additional housing” as well as “make zoning changes easier” (Baker City Housing Production Strategy 2023) suggest a push for more HB 2001 style interventions. Additionally, when asked what the city should do to help meet housing needs, over a quarter of residents responded with the option, “incentivize smaller and more affordable housing options such as duplexes, cottage clusters, and townhomes.” And when asked what is most important in terms of housing availability, three-quarters responded with, “affordability with differing sizes and housing types” (Baker City Housing Production Strategy 2023).

These responses reflect a continuity between city messaging and resident perception, namely that the city was able to partner with the state to inform their residents the way they wanted to. Of course, there is minor pushback about intervention, especially given the local government disarray the city had recently experienced. But the fact that in a rural city, that is so anti-state government that there are plans to secede to another state, that they managed to work with their residents in a way that actually increased city state unity is remarkable. In none of the comments did residents perceive the changes nor the process as anti-democratic or accuse the city of not being engaged enough with their citizens. Using a strategy more like the city of Portland rather than of similar city, Lebanon, staff took agency of the project resulting in the

majority of residents perceiving the project as a beneficial rather than a whittling away of power by the state.

Post Implementation

Since the implementation of the middle housing amendments, staff note that overall, not too much has changed. The planning department guessed that within a year of the implementation, they had approved twenty-six new ADU permits. They described this as a big increase, but also as the result of education and innovation by residents who became better informed of housing options through the HB 2001 and 2003 process. While staff noted that there will always be some resistance to change in terms of new development, that any minor pushback has not delayed the development process. And even though many of the developments have been planned by “Bend developers,” residents on online message boards have a sense that growth is not the harbinger they once thought it was. “I’ve always wondered why Oregon doesn’t have a large metropolitan area on the state’s east side like Washington does with Spokane. Baker City *could* be that perhaps?” (It looks like a lot of people are right Baker City is the next hotspot in Oregon 2024). As a small rural town, residents may be picking up on the need for a more robust economy through development. But in any case, instead of causing the ire that medium sized cities felt like Eugene and Lebanon, HB 2001 energized Baker City, allowing them to expand in a way that was palatable to stakeholders across the community. By educating and advocating for more housing types, Baker City was able to start implementing many of the different housing varieties that had previously been minimally developed. In fact, in the last year, two lots, totaling over 75 acres of land have been re-zoned from industrial to low and medium density, respectively.

This shows that while zoning wasn't overhauled in the code, the real impact of the middle amendments was the ability to engage residents in greater participation and as a result, greater creativity in the development process. Since the passage of HB 2001, much needed workforce housing has been developed, SDCs have been reduced or waived, and necessary infrastructure has been built to increase density. Unlike many of the other smaller rural towns in Oregon, Baker City has not appealed any of the HB 2001 mandates, and their compliance with HB 2001 and 2003 has been approved by the state with minimal recommendations. Specifically, that Baker City not restrict ADUs on the basis of short term rentals, which more than anything reflects a deep understanding of resident concern and demand while also staying in compliance with state requirements (Review of City of Baker City Housing Production Strategy 2024). While city staff were concerned about their ability to periodically monitor and report to the state, DLCD, the reviewing agency, did offer suggestions and timelines for the city to follow. Finally, DLCD thanked Baker City for their partnership toward their shared goal, which is indicative of the work the city had accomplished in leading the process despite prior misgivings with the state.

Finally, the success of implementation as well as the lack of political pushback shows that residents did not perceive this preemption to be eroding their agency or democratic process at the local level. Not only did residents not bring these issues up (which were so prevalent in other cities) but the topic of housing preemption was also not used for political gains in the 2024 local election. In None of the incumbents (all who ran and were reelected) used housing preemption as a political motive. Given that these were the councilors that were appointed or resumed work post council implosion in 2023, their stated original goal was to continue bringing stability and community to Baker City. By working with the planning department to implement

and approve HB 2001, they were able to do just that with little to no pushback from the community.

Baker City as a case study shows that despite the community historically holding very rural, anti-state government beliefs, that this did not impact the implementation of HB 2001. While Baker City felt similar pressures to that of other rural case, Lebanon, the way the city responded to and worked with the state was very different. Suggesting that the urban/rural divide is not the driving factor behind support and opposition, but instead the size of the city. Because Baker City was the smallest city mandated to comply with HB 2001, they were able to leverage necessary resources from the state while also using a very similar strategy to Portland, in which they took complete ownership over any changes. Alternatively, more medium sized cities like Lebanon and Eugene, struggled to claim ownership over the changes which was reflected in the way the city approached the bill and mirrored back in the way residents responded, perceiving that their agency and democratic rights were under threat by state preemption. Finally, despite previous calls for Baker City to secede into Idaho, the city was able to successfully partner with the state, suggesting that partnership and resource allocation under preemption is beneficial to building state unity.

Conclusion

Therefore, mirroring the urban cases, these rural cases also diverge along city size. Lebanon city staff are resistant to make changes and as such choose to not partner with the state for resources. This uncooperative choice makes implementation more difficult which contributes to the lack of civic engagement in the policy process. Additionally, consultants used by the city choose to use Portland based examples to show how the amendments would work, which increases ire with the state and with the idea of metropolitanization. Due to lack of engagement,

the amendments are passed but developments proposed under the new zoning changes create mass opposition and in 2024 a city councilor was elected who campaigned on the idea of getting the state out of local housing decisions and local decisions in general. Alternatively in Baker City, staff, while worried about the amount of work future preemptions could create, still partner with the state for resources and pass the amendments without real consequence. Framing the narrative that increasing density is best for residents who face housing insecurity, Baker City takes a leadership role and focuses entirely on the rural character of the city rather than state intervention.

Therefore, even within rural serving communities, discrepancies arise which suggests that in terms of preemption, the urban divide should be considered a continuum in which medium sized cities may lean right and oppose state intervention. What is most interesting about these cases is that Baker City, despite being the smallest city of my case studies, more closely mirrored Portland in terms of resource partnership and leadership, than its comparison rural city of Lebanon. This suggests that there is great opportunity for states to partner with traditionally uncooperative cities to create unity which is an imperative in a state that is facing secession threats. Preemption, while unfriendly to medium sized cities, could be the unifying factor for fractured states.

Table 6. Support and Opposition across City Policy Actors

City Policy Actors	Partnership				Opposition								
	Funding	Education	Perceived Inclusiveness	Perceived Leadership Role	Lack of Funding	Lack of Infrastructure	Lack of Agency	Lack of Engagement	Fear of Change	Fear of Developer	Fear of Density	Fear of Environmental Degradation	Lack of Democracy
Portland	X	X	X	X									
Eugene	X						X		X	X		X	X
Lebanon					X	X	X	X	X		X		
Baker City	X	X		X					X				

Chapter V: Conclusions

Both scholars and the public typically hold the view that preemption is a tool the state uses to re-seize power from cities and towns, which can therefore be expected to increase political polarization. The common wisdom is that preemption and polarization become cyclical, with increases polarization leading to increases in state preemptions which prompts further increases in polarization. In the case of HB 2001, however, preemption has not catalyzed polarization, and does not fit the model of “new preemption.” Instead, HB 2001 has shown that preemption can be used in ways that unify previously unstable cities and states.

The rise of preemption in the last few decades has typically involved “new preemption” that aggressively usurps local control, at times as a showing of power by a state legislature in disagreement with local policies. Preemption is considered as a tactic of political control in response to political disagreement leading to increased polarization (Briffault 2018; Schragger 2021). This process becomes self-reinforcing because new preemption, while an inherently apolitical tactic, is used more in states with greater ideological differences between city and state (Melton-Fant 2020). It has also been used more by Republican legislatures trying to tamp down on progressive cities that pass policies that conflict with state policies (Briffault 2018). Although new preemption started as a tactic of the right, it is increasingly used by both parties. Furthermore, given the growing cleavages of the urban/rural divide, regional bias that creates city to city tension will ratchet up to the state level if a city feels that the state is taking the side of a certain region (Schragger 2021). Rural communities will feel as if urban expansion is threatening their way of life and blame state policies for intrusion. While urban metros will bemoan rural biases for having an oversized role in state politics. In addition to stoking general

polarization that already falls along the urban/rural divide, preemption can create tension that leads to uncooperative cities that are democratically disempowered.

We might expect the state of Oregon to neatly fit within this context as most rural communities identify as majority conservative in a state with a strongly liberal state legislature. Indeed, these tensions have led to two different secessionist movements in the state, with the “Greater Idaho” movement calling for parts of eastern Oregon to be absorbed by Idaho and the “State of Jefferson” movement calling for parts of southern Oregon to unify with the cities in northern California. Given this background, I expected preemption in the state of Oregon would create uncooperative cities along the urban/rural divide. Specifically, I analyzed House Bill 2001, passed in 2019, which created preemptive zoning rules for cities over 10,000. Creating a mandate for multi-family housing, it removed single family only designation, encouraging the development of duplexes and additional dwelling units in medium and small cities as well as triplexes, quadplexes, cottage clusters, and townhouses in Oregon’s medium and large cities. Cities were required to amend their code to reflect these mandatory changes but were given agency to determine siting and design requirements of these new allowable units. Subsequently, Oregon also passed House Bill 2003 which required those cities impacted by HB 2001 to produce a Housing Production Strategy that would detail actual plans for development and production of new housing including the housing approved by HB 2001. The intention of these bills was to create multi-unit or cluster style middle housing that had previously been prevented by archaic zoning laws which had limited development and raised home prices. Spawned out of Portland’s inability to pass a law that would approve variable housing types, the state required all cities over 10,000, to undertake these changes within two years or be subject to the state imposing model code and conducting oversight. While housing as shelter is inherently non-

ideological, the forceful approval of multi-family housing in previously single-family zones was considered by many stakeholders to be an attack on local autonomy. But things did not develop as predicted.

Medium Sized Cities, Large Outrage

While all the cities impacted by this preemption experienced some form of opposition, usually in the form of resident dissatisfaction, medium sized cities were the most uncooperative and practiced the greatest resistance to the changes. The two medium sized cities of this research Eugene and Lebanon, differed in a number of ways despite both experiencing similar forms of opposition to middle housing. Eugene is an urban college town while Lebanon is a fast-growing town that considers itself to be rural and serve rural interests. Both opposed preemption by the state more than Portland and Baker City, albeit in different and surprising ways. The city of Eugene anticipated pushback and focused on democratic inclusion in the amendment process as a way to circumvent resident anger. This included partnering with The Healthy Democracy Project, a Portland based non-profit, to reach residents who do not often participate in civic engagement, as well as numerous outreach events, and an intense and intentional education campaign. However, Eugene's opposition was born out of a well-funded, well-organized grassroots group that worked to undercut the city's attempt to unify residents. Not only was this group able to intensify fear among residents that developers would raze existing homes for uncharacteristic multi-unit projects (a fear repeated among all Oregon residents). They created tension around the idea that this type of policy was not one for a city like Eugene. This city to city tension that (Schragger 2021) calls "anti-metropolitanization" often found along the urban/rural divide, was obvious not along lines of region or party, but along city size. The idea that the state was forcing a policy not meant for a medium sized city was pervasive throughout

the approval process in many of the medium sized cities. For example, while the Healthy Democracy project is not inherently Portland city specific it is based in Portland, and it does position Eugene as a city that is aspiring to be like Portland. Perhaps no non-profits existed in Eugene that did similar work? Regardless of the reasoning for choosing this company, the message is clear, Portland is the leader. This is a sentiment echoed by other cities that struggled with the implementation of this bill. How can the state or one city speak for us all? A similar issue appeared in Lebanon where although there was little resident pushback, city staff struggled with the idea of state intervention. And when working with state consultants to package the amendments to the city, there was animosity around the fact that Portland was the example, when as Lebanon stakeholders noted, “Portland has nothing to do with us.”

Therefore, medium sized cities that oppose preemption are those that usually have the agency and enough resources to pass their own policy. What they don't have is a clear identity that emboldens them to pursue opportunities like preemption in a leadership role. Small-medium cities like Lebanon are rapidly becoming more urban, causing a crisis of identity in which they only see themselves as a small community that serves rural interests rather than a city that must change to accommodate growth. Large medium cities like Eugene already have robust policymaking and are used to solving their own issues. They resist being compared to Portland even if the comparison would better frame their identity as one leading housing policy. As a result, these cities struggle to frame preemption, and lose support of stakeholders through their lack of leadership and identity. Alternatively, cities that feel like they have agency, are able to garner resources, and can frame their actions as city led are more likely to support preemption regardless of political ideology or the urban/rural divide.

Expanding beyond the two cases of this research, many other medium sized cities regardless of partisanship and region expressed a discomfort with state preemption. In July of 2020, The League of Oregon Cities (LOC) published a letter on behalf nine cities suggesting necessary changes to HB 2001. The cities: Albany, Beaverton, Eugene, Hillsboro, McMinnville, Salem, Springfield, West Linn, and Wilsonville, are all medium to medium-large cities between approximately 25,000 and 177,000 residents. While this is a large range, these cities operate more or less as urban hubs with sufficient existing or adjacent employment and infrastructure. The LOC stated that HB 2001 “does not expressly allow cities to define different areas within their jurisdiction in which middle housing can be regulated in different ways, except for excluding specific geographic areas through the ‘whittle away’ approach” (Stuckmayer 2020). Additionally, it suggests that it fails to provide a path for cities with current working middle housing policies and it prevents cities from responding to community goals (Stuckmayer 2020). Further, LOC offered its own amendments to create a more equitable HB 2001 including creating area definitions to identify geographics areas to produce middle housing as well as prioritizing desegregation by ensuring fair share middle housing. They suggest the changes they offer will allow cities more flexibility in how they implement middle housing while still requiring the mandate and creating more actionable goals like cutting away at the very real segregation that still exists due to exclusionary zoning and redlining. While not offering specifics into how these changes will actually benefit racial minorities living in these cities (which does discredit the suggestion slightly) the end goal remains to allow cities more flexibility in where to place middle housing and how to implement it within the current confines and character of the city. Other medium sized cities took different routes to oppose the bill. For example, West Linn city council publicly decried and debated whether the amendments were worth a legal battle with

the state, while Lake Oswego attempted to circumvent any major changes by inflating the cost to demolish a home (Jaquiss 2019). Reflective of many of the cities, the city of Troutdale passed a resolution of opposition to the bill, before deleting the document and passing their amendments in 2022 (Brody n.d.). West Linn, Lake Oswego, Troutdale, and Lebanon are small to medium cities around 20,000 residents and are growing. Like Lebanon, these cities struggle to accommodate policy changes in response to growth and therefore their interests align more with other medium sized cities than they do with small cities like Baker City. The majority of medium sized cities when faced with actual implementation begrudgingly did so. As one Lebanon stakeholder expressed, even though they were not given the resources or time by the state they didn't have an option. Only the city of Eugene took legal action, after a call for appeal by the coordinated opposition group, the Land Use Appeals Board twice remanded Eugene's amendments before finally approving the changes made in late 2024. Eugene staff noted that this was not an obstacle for the opposition group that now having failed at the city level, would be making attempts to launch an appeal of the state code itself, invalidating all HB 2001 requirements.

Hence regardless of regional bias along the urban/rural divide, medium sized cities were more likely than both large cities and small towns to oppose the amendments and be uncooperative with the state. The source of opposition can be attributed to the perception of reduced agency, the feeling that the state had forced the whittling away approach that was Portland specific, and the fear of developers ruining cities with unfettered ability to build multi-family. These are not issues that were exclusive to medium sized cities and certainly impacted all cities in the state, but they were enough to create tension among these cities. But why in medium cities and not others? Through conversations with residents and city staff it became clear that

medium sized cities occupy a liminal space where they expect a generally hands off approach from the state while still receiving ample resources. Large enough to make decisions on their own and supply the majority of their funding, when laws are forced on these cities, their opposition to the state grows. And they take an almost conservative approach to state intervention in which even the larger medium cities, like Eugene, noted how different they were from Portland and how these types of laws were for big cities but not them. Similar to Swan's constitutional offloading in which small cities are able to push unwanted uses to larger metros, medium cities believe they can skirt mandates by proxy of being average (Swan 2021). And given that Oregon is a home rule state, these cities reject any kind of intervention that oversteps their traditional power sharing experience. Therefore, growing preemption has the ability to decrease city cooperation with the state which when coupled with arguments that preemption is undemocratic, may increase polarization over time.

Big City Little Problem, Little City Little Problem?

The issues medium sized cities faced were not exclusive to their size, so why didn't large and small cities experience similar rates of opposition? Using large city, Portland, and small city, Baker City, as my cases, I find that these two cities despite large and obvious differences are both able to reframe preemption to situate themselves as leaders of policy, opening the door for partnership with the state. In addition to being the largest and most metropolitan city in Oregon, Portland was the catalyst of HB 2001 in that its creation was a response to the inability of the Portland city council to rezone parts of the city. The city administration had been working fruitlessly for a number of years to pass a local inclusionary zoning bill that would increase density in an attempt to reduce home prices and urban sprawl. It was this inability that spurred Representative Tina Kotek to introduce HB 2001 at the state level. The move from local decision

to state mandate created immense opposition from residents, but it allowed city stakeholders an opportunity to push the policy through without political retribution. Despite the original pushback, when Portland approved its missing middle housing amendments, there was very little resident opposition. One of the reasons for this, is that the city did not frame the policy as a state mandate, but as a Portland specific policy that was just finally being passed. Not taking agency away from the residents, city stakeholders both verbally and through documented education efforts framed the policy in a way that did not mention state invention. For example, on the city's website, the impetus for change is described as, "[...] the City of Portland is taking a fresh look at the rules that govern the types of housing permitted in our neighborhoods" (About the Residential Infill Project | Portland.gov 2021). Using grant funding from the DLCDC, Portland increased community engagement efforts to field more than 15,000 comments before passing the amendments 3-1. Additionally, when RIP2 was passed a year later in 2022 to fulfill outstanding requirements of HB 2001, it was passed unanimously with little pushback from residents. The majority of opposition was expressed at the state level during the approval of HB 2001, but when the city itself was making changes, opposition regarding state invention was minimal. The reaction from the city of Portland makes sense, they were the originators of the policy and as such went through a very normal process of resident push and pull before approval. Portland had also already allowed duplexes on corner lots prior to HB 2001, which may have primed residents for additional zoning changes.

Baker City, though incredibly different from Portland had a similar experience to these types of changes. Like Portland, Baker City had more progressive housing policy in place, already allowing duplexes and ADUs to be built anywhere in the city. This existing policy led the city to feel like they had agency and like they could take a leadership role in the

implementation of HB 2001. They had already passed similar policy which allowed them to frame any changes as their own. While these housing types were allowed in Baker City, their use was rare, however residents may have also been primed to alternative housing types. As a result, Baker City residents expressed very little opposition to these changes.

This was a surprising result given Baker City's previous opposition to state invention. Simultaneous to the middle housing amendments being passed, Baker City was rejecting state invention and mandates resulting from the Covid-19 pandemic. However, both residents and city stakeholders readily accepted HB 2001. While stakeholders reported minor opposition to the developments that sprang up in the wake of HB 2001, the amendments themselves were not controversial. And staff reported that there were no issues in terms of feeling like the state was forcing a Portland policy on a small town. "We do have a housing shortage.... More options didn't sound like a bad idea." It was this idea, coupled with the city framing the policy as both neutral and "Baker City specific" that allowed adoption of the changes without any pushback. Rather than framing more housing as a liberal or metropolitan issue, the idea that housing is ideologically neutral was key to the city taking a leadership role and partnering with the state. While city stakeholders were worried about the sustainability of future policy work in a small city with few staff, they welcomed the ability to potentially create more housing as well as the ability to garner more resources from the state to produce this housing. Therefore, the issues faced by Baker City were not political or necessarily tied to their rural community, but rather one of resources; an issue every city felt. In the aftermath of the middle housing amendments, business as usual continued to Baker City without causing any greater opposition of the state. This shows that preemption does not necessarily increase polarization and can in fact encourage

partnership with the state which is imperative for states that face city state tension similar to the secession movements Oregon experiences.

Not only can preemption increase partnership opportunities for uncooperative cities, but less ideological preemption can also soften some of the hard boundaries of the urban/rural divide. When HB 2001 was passed at the state level, the urban/rural divide was at its strongest and still had bipartisan support despite strong levels of polarization along other party specific policy lines. For example, in the same legislative session that HB 2001 was approved, Republicans had staged walkouts for three consecutive floor sessions in response to policies approving a carbon tax to combat climate change. While support was low among Republicans, opposition in the legislature was almost evenly split, which shows that rather than this bill falling neatly along partisan lines, it is less ideologically divisive. Housing is a crisis, and though political, with support and education to more conservatively leaning cities, progressive preemption can be considered a uniting policy. This is why in terms of urban policy, viewing the urban/rural separation as a divide is not useful, a continuum (Nigel 2019) is a better model to understand land use policy and urban politics. It is clear that among less ideological urban policies, city size plays a larger role in predicting opposition than regional preference like the urban/rural continuum. This is in contrast to the research on preemption and metropolitanization (Schragger 2021) that suggests that new preemption is inherently political and will advance partisan tension locally. Instead, I suggest that some types of preemption do not increase polarization. Specifically, when preemption can be divorced from partisanship, it can be used as a tool of unity to help cities advance goals that are difficult to pass at the local level. While other liberal preemption has been shown to increase strife among rural communities (Diller 2019) the

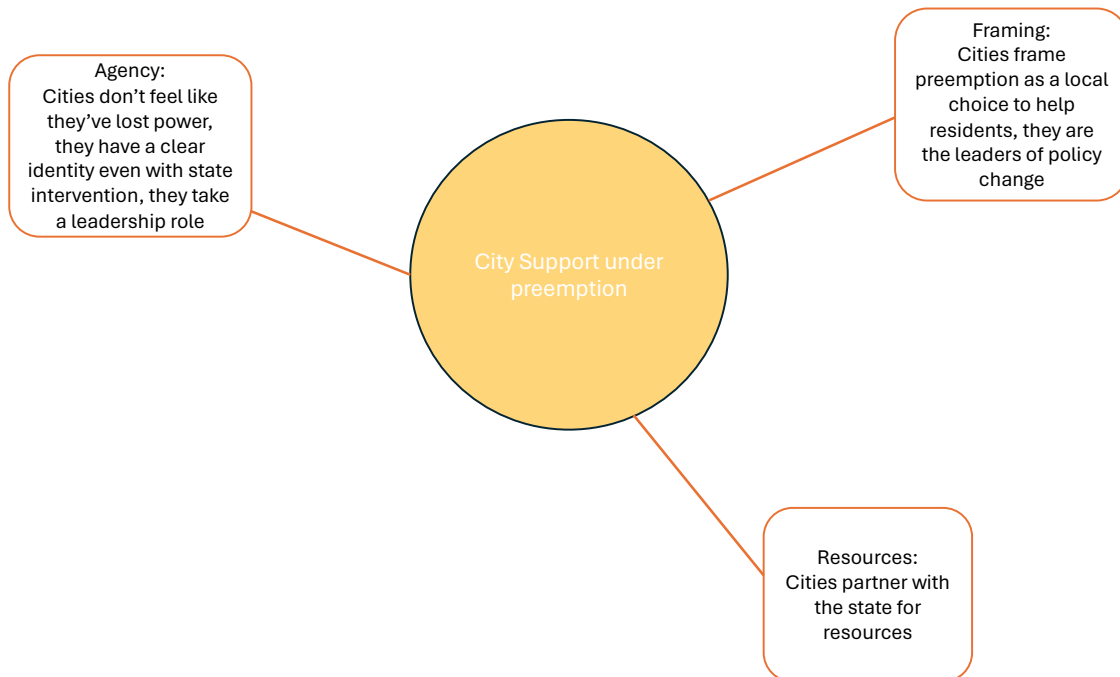
framing of a policy as politically neutral and city specific can be a useful tool for rural cities to create better partnership with greater funding and opportunities for more resources.

Hence, in terms of polarization, regardless of partisan preference, residents in medium cities stated that they felt as if their democratic preferences were not being considered. However, these feelings did not persist post implementation of HB 2001. In fact, most discontent expressed post implementation was from city staff who were still being pressed by state mandates without resource funding. Only in Lebanon did focusing on the housing preemption bill as a campaign policy result in a candidate's election to city office and it is likely that preemption was not the leading factor resulting in election, but rather a promise to restore small town values. Therefore, perceptions of democratic erosion are fleeting in regard to housing preemption. While polarization is increasing across the state, it cannot be attributed to land use preemption.

There are a few different reasons this might be the case, first, residents of Oregon are subject to the Urban Growth Boundary. Passed in 1973, the UGB protects natural space by only allowing infrastructure inside of the boundary, thereby protecting farms and forest from sprawl. While this is less impactful in rural communities, it is still a statewide law that could prompt residents to be less anxious when it comes to statewide planning. Another reason could be that Oregon's housing crisis transcends political strife. Oregon is short over 100,000 rental units across the state, many of which are more likely to be built with lessened zoning restrictions (Oregon | National Low Income Housing Coalition n.d.). While residents lamented the changing character of their communities, almost none went as far as to say the housing wasn't needed. And a common sentiment among all city staff was that when framed in a way that HB 2001 would allow more young professionals and families to afford to live in the city, residents softened their stance against the policy. A final reiterative theory of why this type of preemption

has little to no effect on polarization is that housing policy is not overly ideological. While there are differences in beliefs of deservingness especially around affordable and transitional housing, housing itself is relatively amoral. And partisan differences, especially in terms of polarization are observed more in moral issues (Heltzel and Laurin 2020). Therefore, partisanship around types of housing and housing policies in the state are less likely to produce extreme polarization and instead create opportunity structures for cities to develop innovative policies within and beyond the boundaries of HB 2001.

Figure 4. Factors of City Support



However, despite these opportunity structures and regardless of the urban/rural continuum, medium sized cities feel the most pressure from preemption and produce the most opposition. Medium sized cities view themselves neither as leaders of policy like Portland, nor do they see themselves as partners, needing state intervention to reach their goals, like Baker City. As shown in Figure 4, city support requires city agency, framing the policy as local, and

resources from the state. Without these factors, city stakeholders, residents, or both, will bemoan preemption. Resident opposition is focused on the city, as the city itself often fails to find their footing in terms of who is responsible for the changes. While, polarization doesn't increase, the increased tension among residents and the city may create a city that is uncooperative with the state in the future. City opposition is focused on "the whittling away approach" (RE: HB 2001 Rulemaking and Middle Housing Minimum Compliance Standards 2020) where cities perceive the state as removing agency and flexibility in their previously local choices. This reaction may also increase the rate at which cities are willing to be cooperative in the future.

While this research offers an additional explanation as to why cities might support or oppose state preemption, it is not an exhaustive or complete account of factors that impact city reaction. Future research should look at a variety of factors including growth rate, past experience with state government, proximity to state government, internal local government structure, temporal proximity to an election, and resident culture among other explanations. These explanations may offer additional insight into variables outside of the traditional urban rural divide discourse that currently dominates preemption literature. Furthermore, it is likely that a combination of these factors including city size, will provide predictive value to the field as the rate of preemption increases.

Preemption provides a space in which laggard cities can be mandated to produce socially progressive policies. Despite increases in new preemption, preemption that is neither punitive nor regressive can open opportunity structures for cities to build on state policy as a way of taking back power. Disrupting the trend of devolution, states can use preemption to partner with cities as local laboratories of democracy to offer more housing options to residents. In the short term, residents unable to locate the locus of authority blame cities for the lack of democratic

participation, however once the policy is implemented, opposition is significantly reduced. In the long term however, resident discontent may create local polarization and un-cooperation that can impact future state partnerships. Un-cooperation does not fall neatly along the urban/rural divide, but instead can be seen as a continuum in which the average city feels most aggrieved. Medium sized cities with established policies have the greatest risk of un-cooperation due to the perception of stripped bargaining power. States should therefore focus on tools of partnership with these cities to reduce to the appeals process in the long run. Like localism, at its best, preemption protects rights in resistant cities, at its worst, preemption reifies discriminatory practices through institutionalization. As polarization increases, it is important to look toward inclusive preemption policies as resources rather than impediments to state unity. In the realm of housing policy, preemption may be the state and federal government's greatest tool of federalism as nationwide housing crises expand.

APPENDIX

Table 7. Interviewee Data

City	Number of Interviews	Occupation of interviewees	Additional Information
Portland	3	<ul style="list-style-type: none"> • Developer • City Council member's chief of staff • Oregon Metro Regional Housing Policy Director 	I also spoke with a wide variety of residents who offered input after hearing about my project. This input was unstructured and not part of the formal interview process.
Eugene	3	<ul style="list-style-type: none"> • City of Eugene Principal Planner • Opposition Group Leader • Resident 	I also spoke with a wide variety of residents who offered input after hearing about my project. This input was unstructured and not part of the formal interview process.
Lebanon	1	<ul style="list-style-type: none"> • Community Development Director 	I also spoke to someone lived in Lebanon for 2 decades to better understand the culture of the city.
Baker City	1	<ul style="list-style-type: none"> • County and City Planning Director 	

REFERENCES

- “About Rural and Frontier Data | OHSU.” <https://www.ohsu.edu/oregon-office-of-rural-health/about-rural-and-frontier-data> (June 2, 2024).
- “About the Residential Infill Project | Portland.Gov.” 2021. <https://www.portland.gov/bps/planning/rip/about-project> (October 21, 2024).
- Abramowitz, Alan I. 2018. *The Great Alignment: Race, Party Transformation, and the Rise of Donald Trump*. Yale University Press. (December 21, 2024).
- Andersen, Michael. 2019. “Oregon Just Voted to Legalize Duplexes on Almost Every City Lot.” *Sightline Institute*. <https://www.sightline.org/2019/06/30/oregon-just-voted-to-legalize-duplexes-on-almost-every-city-lot/> (January 17, 2025).
- Andersen, Michael. 2019. “This Is What a Street Looks like 39 Years after Legalizing Fourplexes.” *Sightline Institute*. <https://www.sightline.org/2019/06/21/this-is-what-a-street-looks-like-39-years-after-legalizing-fourplexes/> (August 15, 2024).
- Andersen, Michael. 2021. “Eight Ingredients for a State-Level Zoning Reform - Sightline Institute.” <https://www.sightline.org/2021/08/13/eight-ingredients-for-a-state-level-zoning-reform/> (October 20, 2024).
- Anderson, Lawrence M. 2004. “The Institutional Basis of Secessionist Politics: Federalism and Secession in the United States.” *Publius: The Journal of Federalism* 34(2): 1–18. doi:10.1093/oxfordjournals.pubjof.a005025.
- Ansell, Chris, and Alison Gash. 2008. “Collaborative Governance in Theory and Practice.” *Journal of Public Administration Research and Theory* 18(4): 543–71. doi:10.1093/jopart/mum032.
- Ashwood, Loka. 2018. “Rural Conservatism or Anarchism? The Pro-State, Stateless, and Anti-State Positions.” *Rural Sociology* 83(4): 717–48. doi:10.1111/ruso.12226.
- Babcock, Richard F. 1966. *THE ZONING GAME’MUNICIPAL PRACTICES AND POLICIES*.
- “Baker City Council Meeting Minutes 07-27-2021.” 2021. chrome-extension://efaidnbmninnibpcajpcgiclfndmkaj/<https://www.bakercity.com/Archive/ViewFile/Item/2619>.
- Baker City Housing Production Strategy*. 2023. Baker City.
- Barber, Michael, and Adam M. Dynes. 2023. “City-State Ideological Incongruence and Municipal Preemption.” *American Journal of Political Science* 67(1): 119–36. doi:10.1111/ajps.12655.
- Barriers to Housing Production in Oregon: Summary Report*. 2021. University of Oregon IPRE.

- Bednar, Jenna, William Eskridge, and John Ferejohn. 2001. "A Political Theory of Federalism." *Constitutional culture and democratic rule* 223: 224.
- Ben Metcalf, David Garcia, Ian Carlton, and Kate Macfarlane. 2022. "Will Allowing Duplexes and Lot Splits on Parcels Zoned for Single-Family Create New Homes?" *Terner Center*. <https://ternercenter.berkeley.edu/research-and-policy/duplexes-lot-split-sb-9/> (January 18, 2022).
- Bennett, Kevin J., Tyrone F. Borders, George M. Holmes, Katy Backes Kozhimannil, and Erika Ziller. 2019. "What Is Rural? Challenges And Implications of Definitions That Inadequately Encompass Rural People And Places." *Health Affairs* 38(12): 1985–92. doi:10.1377/hlthaff.2019.00910.
- Berlant, Lauren. 2011. *Cruel Optimism*. Duke University Press. doi:10.1515/9780822394716.
- Bertot, John Carlo, Paul T. Jaeger, and Derek Hansen. 2012. "The Impact of Polices on Government Social Media Usage: Issues, Challenges, and Recommendations." *Government Information Quarterly* 29(1): 30–40. doi:10.1016/j.giq.2011.04.004.
- Boswell, Brad. 2018. "How State Legislative Preemption in Indiana Bars Local Governments from Building a Positive Economic Future." *Ind. L. Rev.* 51: 471.
- Briffault, Richard. 1990. "Our Localism: Part I--The Structure of Local Government Law." *Columbia Law Review* 90(1): 1–115. doi:10.2307/1122837.
- Briffault, Richard. 1991. "Home Rule, Majority Rule, and Dillon's Rule University of Virginia Law School of Law John M. Olin Foundation: Symposium on Law and Economics of Local Government." *Chicago-Kent Law Review* 67(3): 1011–24.
- Briffault, Richard. 2018. "The Challenge of the New Preemption Essay." *Stanford Law Review* 70(6): 1995–2028.
- Brody, Jeff. "Middle Housing and Updates on HB 2001."
- Brown, Sarah. 2022. "Planning Commission Discusses City Housing Issue." *Lebanon Local*. <https://www.lebanonlocalnews.com/planning-commission-discusses-city-housing-issue/> (October 28, 2024).
- Brown, Trevor E., and Suzanne Mettler. 2024. "Sequential Polarization: The Development of the Rural-Urban Political Divide, 1976–2020." *Perspectives on Politics* 22(3): 630–58.
- Brown, Trevor, Suzanne Mettler, and Samantha Puzzi. 2021. "When Rural and Urban Become 'Us' versus 'Them': How a Growing Divide Is Reshaping American Politics." *The Forum* 19(3): 365–93. doi:10.1515/for-2021-2029.
- Bryson, John M., Barbara C. Crosby, and Laura Bloomberg. 2014. "Public Value Governance: Moving Beyond Traditional Public Administration and the New Public Management." *Public Administration Review* 74(4): 445–56. doi:10.1111/puar.12238.

- Bulman-Pozen, Jessica, and Heather K. Gerken. 2008. "Uncooperative Federalism." *Yale LJ* 118: 1256.
- Cattaneo, Andrea, Anjali Adukia, David L. Brown, Luc Christiaensen, David K. Evans, Annie Haakenstad, Theresa McMenemy, et al. 2022. "Economic and Social Development along the Urban–Rural Continuum: New Opportunities to Inform Policy." *World Development* 157: 105941. doi:10.1016/j.worlddev.2022.105941.
- "Cities and Counties Affected by HB 2001." 2021.
- "City Council Special Meeting: May 24, 2022." 2022.
<https://eugene.omponetwork.org/embed/sessions/246941/city-council-special-meeting-may-24-2022> (October 21, 2024).
- City of Lebanon Housing Needs Analysis*. 2019. FCS Group.
- City of Lebanon Housing Production Strategy*. 2023. City of Lebanon.
- "City of Portland, Oregon Official Minutes." 2016.
- "City of Portland, Oregon Official Minutes." 2020.
- Coleman, Andre. 2022. "Attorney General's SB 9 Letter Draws Mixed Reaction From Pasadena Residents – Pasadena Now." <https://pasadenanow.com/main/attorney-generals-sb-9-letter-draws-mixed-reaction-from-pasadena-residents> (February 27, 2025).
- Cooper, Christopher A., H. Gibbs Knotts, and Kathleen M. Brennan. 2008. "The Importance of Trust in Government for Public Administration: The Case of Zoning." *Public Administration Review* 68(3): 459–68. doi:10.1111/j.1540-6210.2008.00882.x.
- Covert, Bryce. 2019. "The Republicans' 50-State Strategy." <https://www.thenation.com/article/archive/alexander-hertel-fernandez-state-capture-book-review/> (January 30, 2025).
- Cramer, Katherine J. 2016. *The Politics of Resentment: Rural Consciousness in Wisconsin and the Rise of Scott Walker*. University of Chicago Press.
- Danielson, Michael N. 1976. "The Politics of Exclusion." (*No Title*).
- Davoudi, Simin, and Ali Madanipour. 2015. *Reconsidering Localism*. Routledge.
- Denning, Max. 2019. "The Urban-Rural Political Divide in Oregon Has Become More Pronounced." <https://www.registerguard.com/story/news/2019/02/12/the-urban-rural-political-divide/984864007/> (November 4, 2024).
- "Department of Land Conservation and Development : History of Land Use Planning : Oregon Planning : State of Oregon." <https://www.oregon.gov/lcd/op/pages/history.aspx> (January 30, 2025).

- “Department of Land Conservation and Development : Housing Capacity and Production : Housing Program : State of Oregon.” <https://www.oregon.gov/lcd/housing/pages/capacity-production.aspx> (December 21, 2024).
- “Department of Land Conservation and Development : Rural Planning and Development : Rural Planning : State of Oregon.” <https://www.oregon.gov/lcd/RP/Pages/index.aspx> (January 14, 2025).
- Derickson, Elizabeth, David N. VE Kinsey, Len Albright, and Rebecca Casciano. 2013. *Climbing Mount Laurel: The Struggle for Affordable Housing and Social Mobility in an American Suburb*. Princeton University Press.
- Diller, Paul A. 2019. “The Political Process of Preemption.” *University of Richmond Law Review* 54(2): 343–404.
- Doberstein, Carey. 2016. “Designing Collaborative Governance Decision-Making in Search of a ‘Collaborative Advantage.’” *Public Management Review* 18(6): 819–41. doi:10.1080/14719037.2015.1045019.
- Docherty, Iain, Stuart Gulliver, and Philip Drake. 2004. “Exploring the Potential Benefits of City Collaboration.” *Regional Studies* 38(4): 445–56. doi:10.1080/03434002000213950.
- Drake, Lauren. 2024. “Oregon’s First Statewide Housing Report Paints Grim Portrait of Affordability.” *opb*. <https://www.opb.org/article/2024/11/22/oregon-state-of-housing-report/> (January 30, 2025).
- Dryzek, John S. 2002. *Deliberative Democracy and beyond: Liberals, Critics, Contestations*. Oxford University Press on Demand.
- Dwyer, John F., Herbert W. Schroeder, and Paul H. Gobster. 1991. “The Significance of Urban Trees and Forests: Toward a Deeper Understanding of Values.” *Journal of Arboriculture* 17(10): 276–84.
- Edwards, Mark, Melissa Torgerson, and Jennifer Sattem. 2009. “Paradoxes of Providing Rural Social Services: The Case of Homeless Youth - Edwards - 2009 - Rural Sociology - Wiley Online Library.” <https://onlinelibrary.wiley.com/doi/abs/10.1526/003601109789037204> (November 4, 2024).
- Effinger, Anthony. 2023. “A Low Income Housing Developer Swears off Any More Portland Construction.” *Willamette Week*.
- Einstein, Katherine Levine, Maxwell Palmer, and David M. Glick. 2019. “Who Participates in Local Government? Evidence from Meeting Minutes.” *Perspectives on Politics* 17(1): 28–46. doi:10.1017/S153759271800213X.

- Eisenberg, Ann. 2022. “Power and Powerlessness in Local Government: A Response to Professor Swan.” *Harvard Law Review*. <https://harvardlawreview.org/forum/vol-135/power-and-powerlessness-in-local-government-a-response-to-professor-swan/> (November 22, 2024).
- Ellis, Rebecca. 2020. “Portland Overhauls Zoning Code to Allow for Duplexes, Triplexes, Fourplexes.” *opb*. <https://www.opb.org/article/2020/08/12/residential-infill-project-portland/> (October 20, 2024).
- Ellis, Rebecca. 2021. “Portland City Council Votes to Change Urban Renewal Zone, Tapping into \$67 Million for Affordable Housing, Anti-Displacement Efforts.” *opb*. <https://www.opb.org/article/2021/01/07/portland-city-council-urban-renewal-zone-emanuel-displaced-persons-association-2/> (April 2, 2022).
- Ercan, Selen A., and Carolyn M. Hendriks. 2013. “The Democratic Challenges and Potential of Localism: Insights from Deliberative Democracy.” *Policy Studies* 34(4): 422–40. doi:10.1080/01442872.2013.822701.
- “Eugene Zoning Changes Cause Consternation – Oregon Business.” 2015. <https://oregonbusiness.com/15175-eugene-zoning-changes-cause-consternation/> (October 21, 2024).
- Evans, Mark, David Marsh, and Gerry Stoker. 2013. “Understanding Localism.” *Policy studies* 34(4): 401–7.
- “Exploring the Double-Edged Sword of Housing Preemption.” 2023. *Local Solutions Support Center*. <https://www.supportdemocracy.org/the-latest/exploring-tensions-between-state-and-local-governments-in-housing-issues> (January 30, 2025).
- Fainstein, Susan S. 2014. “The Just City.” *International journal of urban Sciences* 18(1): 1–18.
- “FAN Presentation: South Willamette.” 2016.
- Fenna, Alan, and Johanna Schnabel. 2024. “What Is Federalism? Some Definitional Clarification.” *Publius: The Journal of Federalism* 54(2): 179–200. doi:10.1093/publius/pjad034.
- Flavin, Patrick, and Gregory Shufeldt. 2020. “Explaining State Preemption of Local Laws: Political, Institutional, and Demographic Factors.” *Publius: The Journal of Federalism* 50(2): 280–309.
- Florida, Richard. 2003. “Cities and the Creative Class.” *City & Community* 2(1): 3–19. doi:10.1111/1540-6040.00034.
- Fonsegrives, Romain. 2024. “Portland: America’s Liberal Utopia Loses Its Shine.” *barrons*. <https://www.barrons.com/articles/portland-america-s-liberal-utopia-loses-its-shine-1ad5e744> (February 11, 2025).

- Fowler, Eric. 2018. "Yipster Gentrification of Weird, White Portlandia."
- Fowler, Luke, and Stephanie L Witt. 2019. "State Preemption of Local Authority: Explaining Patterns of State Adoption of Preemption Measures." *Publius: The Journal of Federalism* 49(3): 540–59. doi:10.1093/publius/pjz011.
- Frank, Thomas. 2014. "What's the Matter with Kansas?" In *Social Stratification*, Routledge.
- Frug, Gerald E., and David J. Barron. 2011. *City Bound: How States Stifle Urban Innovation*. Cornell University Press. (January 15, 2025).
- Fung, Archon. 2006. "Varieties of Participation in Complex Governance." *Public administration review* 66: 66–75.
- Fung, Archon. 2015. "Putting the Public Back into Governance: The Challenges of Citizen Participation and Its Future." *Public Administration Review* 75(4): 513–22. doi:10.1111/puar.12361.
- Fung, Archon, and Erik Olin Wright. 2001. "Deepening Democracy: Innovations in Empowered Participatory Governance." *Politics & society* 29(1): 5–41.
- Garcia, David, Muhammad Alameldin, Ben Metcalf, and William Fulton. 2022. "Unlocking the Potential of Missing Middle Housing." *Terner Center for Housing Innovation, UC Berkeley*. Retrieved from: <https://ternercenter.berkeley.edu/research-and-policy/unlocking-missing-middle>. (February 26, 2025).
- Gardner, James A. 2020. "Illiberalism and Authoritarianism in the American States." *American University Law Review* 70(3): 829–912.
- Gaventa, John, and Gregory Barrett. 2010. "So What Difference Does It Make? Mapping the Outcomes of Citizen Engagement." *IDS Working Papers* 2010(347): 01–72. doi:10.1111/j.2040-0209.2010.00347_2.x.
- Geerlings, Harry, and Dominic Stead. 2003. "The Integration of Land Use Planning, Transport and Environment in European Policy and Research." *Transport Policy* 10(3): 187–96. doi:10.1016/S0967-070X(03)00020-9.
- Gerken, Heather K. 2016. "Distinguished Scholar in Residence Lecture: A User's Guide to Progressive Federalism." *Hofstra Law Review* 45(4): 1087–96.
- Ghose, Rina. 2005. "The Complexities of Citizen Participation through Collaborative Governance." *Space and Polity* 9(1): 61–75. doi:10.1080/13562570500078733.
- Gimpel, James G., and Kimberly A. Karnes. 2006. "The Rural Side of the Urban-Rural Gap." *PS: Political Science & Politics* 39(3): 467–72.

- Goodling, Erin, Jamaal Green, and Nathan McClintock. 2015. "Uneven Development of the Sustainable City: Shifting Capital in Portland, Oregon." *Urban Geography* 36(4): 504–27.
- Goodman, Christopher B., and Megan E. Hatch. 2023. "State Preemption and Affordable Housing Policy." *Urban Studies* 60(6): 1048–65.
- Goodman, Christopher B, Megan E Hatch, and Bruce D McDonald III. 2021. "State Preemption of Local Laws: Origins and Modern Trends." *Perspectives on Public Management and Governance* 4(2): 146–58. doi:10.1093/ppmgov/gvaa018.
- Grossman, Matt. 2013. "The Variable Politics of the Policy Process: Issue-Area Differences and Comparative Networks." *The Journal of Politics*, 75(1): 65–79.
- Hannah, Kyung Lah, Jack. 2023. "Partisan Rancor in Oregon Spills over into Idaho Effort to Absorb Its Rural Neighbors | CNN Politics." *CNN*.
<https://www.cnn.com/2023/03/15/politics/oregon-secession-idaho-partisan-divides/index.html> (January 9, 2025).
- Hansson, Sten. 2015. "Discursive Strategies of Blame Avoidance in Government: A Framework for Analysis." *Discourse & Society* 26(3): 297–322. doi:10.1177/0957926514564736.
- Harsell, Dana Michael, David T. Flynn, and Mark S. Jendrysik. 2023. "Park Free or Die: Rural Consciousness, Preemption, and the Perennial North Dakota Parking-Meter Debate." *PS: Political Science & Politics* 56(1): 3–9.
- Harvard Law Review. 2022. "State Preemption of Local Zoning Laws as Intersectional Climate Policy." *Harvard Law Review*. <https://harvardlawreview.org/print/vol-135/state-preemption-of-local-zoning-laws-as-intersectional-climate-policy/> (January 30, 2025).
- Hathaway, Joe. 2023. "Baker County Official Testifies to Lawmakers on Local Housing Crisis." *Elkhorn Media Group*. <https://elkhornmediagroup.com/baker-county-official-testifies-to-lawmakers-on-local-housing-crisis/> (December 9, 2024).
- Hawkins, Christopher V. 2017. "Political Incentives and Transaction Costs of Collaboration among US Cities for Economic Development." *Local Government Studies* 43(5): 752–75. doi:10.1080/03003930.2017.1337568.
- Head, Brian W. and John Alford. 2015. "Wicked Problems: Implications for Public Policy and Management." *Administration & Society* 47(6): 711–39.
- Heinkelmann-Wild, Tim, Bernhard Zangl, Berthold Rittberger, and Lisa Kriegmair. 2023. "Blame Shifting and Blame Obfuscation: The Blame Avoidance Effects of Delegation in the European Union." *European Journal of Political Research* 62(1): 221–38. doi:10.1111/1475-6765.12503.
- Heltzel, Gordon, and Kristin Laurin. 2020. "Polarization in America: Two Possible Futures." *Current Opinion in Behavioral Sciences* 34: 179–84. doi:10.1016/j.cobeha.2020.03.008.

- Hertel-Fernandez, Alexander. 2019. "Asymmetric Partisan Polarization, Labor Policy, and Cross-State Political Power-Building." *The ANNALS of the American Academy of Political and Social Science* 685(1): 64–79. doi:10.1177/0002716219862524.
- Hirschl, Ran. 2022. "Constitutional Design and the Urban/Rural Divide." *The Law & Ethics of Human Rights* 16(1): 1–39. doi:10.1515/lehr-2022-2002.
- Hirschman, Albert O. 1970. *25 Exit, Voice, and Loyalty: Responses to Decline in Firms, Organizations, and States*. Harvard university press.
- Hitchens, Antonia. 2021. "Modern America's Most Successful Secessionist Movement." *The Atlantic*. <https://www.theatlantic.com/politics/archive/2021/12/oregon-secession-idaho-move-border/621087/> (December 5, 2024).
- Hooghe, Liesbet, and Gary Marks. 2009. "Does Efficiency Shape the Territorial Structure of Government?" *Annual Review of Political Science* 12(1): 225–41. doi:10.1146/annurev.polisci.12.041107.102315.
- Hoornebeek, John, Tegan Beechey, and Thomas Pascarella. 2016. "Fostering Local Government Collaboration: An Empirical Analysis of Case Studies in Ohio." *Journal of Urban Affairs* 38(2): 252–79. doi:10.1111/juaf.12204.
- van der Horst, Dan. 2007. "NIMBY or Not? Exploring the Relevance of Location and the Politics of Voiced Opinions in Renewable Energy Siting Controversies." *Energy Policy* 35(5): 2705–14. doi:10.1016/j.enpol.2006.12.012.
- "Housing Choices (House Bill 2001)." *Urban Planning: DLCD*. <https://www.oregon.gov/lcd/up/pages/housing-choices.aspx>.
- Hoyle, Brian. 2024. "Opinion: What Killed the California HOME Act?" *M-A Chronicle*. <https://machronicle.com/opinion-what-killed-the-california-home-act/> (February 27, 2025).
- "It Looks like a Lot of People Are Right Baker City Is the next Hotspot in Oregon." 2024. *r/oregon*. www.reddit.com/r/oregon/comments/1di2rag/it_looks_like_a_lot_of_people_are_right_baker/ (December 12, 2024).
- Jacoby, Jayson. 2024. "Baker County Commissioners Discuss Greater Idaho Movement." *Baker City Herald*. https://www.bakercityherald.com/news/local/baker-county-commissioners-discuss-greater-idaho-movement/article_b87de158-a1f7-11ef-81dd-136577018e60.html (December 3, 2024).
- Jansa, Joshua M., Eric R. Hansen, and Virginia H. Gray. 2019. "Copy and Paste Lawmaking: Legislative Professionalism and Policy Reinvention in the States." *American Politics Research* 47(4): 739–67. doi:10.1177/1532673X18776628.

- Jaquiss, Nigel. 2019. "Oregon House Bill 2001 Ended Single-Family Zoning Across the State. That's Causing Some Pushback." <https://www.wweek.com/news/2019/11/06/oregon-house-bill-2001-ended-single-family-zoning-across-the-state-thats-causing-some-pushback/> (January 3, 2025).
- "June 1-2, 2022, Council Agenda." 2022. <https://efiles.portlandoregon.gov/Record/15798532/>.
- Kaufman, Chelsea N. 2019. "Rural Political Participation in the United States: Alienation or Action?" *Rural Society* 28(2): 127–43. doi:10.1080/10371656.2019.1645429.
- Kenyon, Daphne A., and John Kincaid. 1991. *Competition among States and Local Governments: Efficiency and Equity in American Federalism*. The Urban Institute. (October 10, 2024).
- Kincaid, John. 1998. "The Devolution Tortoise and the Centralization Hare." *New England economic review*: 13–40.
- Layman, Geoffrey C., Thomas M. Carsey, and Juliana Menasce Horowitz. 2006. "Party Polarization in American Politics: Characteristics, Causes, and Consequences." *Annu. Rev. Polit. Sci.* 9: 83–110.
- "Lebanon Oregon City Council Meeting 5-12-2021." 2021. <https://www.youtube.com/watch?v=qyQylsjwjsw>.
- "Lebanon, Oregon Population 2024." <https://worldpopulationreview.com/us-cities/oregon/lebanon> (October 28, 2024).
- "Letters to the Editor: 9-3-2015." 2015. *Eugene Weekly*. <https://eugeneweekly.com/2015/09/03/letters-to-the-editor-9-3-2015/> (October 3, 2024).
- Lichter, Daniel T., and David L. Brown. 2011. "Rural America in an Urban Society: Changing Spatial and Social Boundaries." *Annual Review of Sociology* 37(Volume 37, 2011): 565–92. doi:10.1146/annurev-soc-081309-150208.
- Lincoln, Yvonna S. 2005. *The Sage Handbook of Qualitative Research*. Sage. (March 4, 2025).
- Lind, Colene J. 2014. "Democratic Deference in a Republican Primary." In *Communication and Language Analysis in the Public Sphere*, IGI Global, 99–119. doi:10.4018/978-1-4666-5003-9.ch006.
- Livingstone, and Blayney. 1975. "Arastra Limited Partnership v. City of Palo Alto." *F. Supp.* 401(No. C-72-2305 RHS): 962.
- LOC. 2023. *Legal Guide to Oregon's Statutory Preemptions of Home Rule*. LOC. chrome-extension://efaidnbmnnnibpcajpcgclefindmkaj/https://www.orcities.org/application/files/1817/1694/0175/Guide-OregonsStatutoryPreemptionsOfHome_Rule-Updated8-18-23.pdf.

- “Local Solutions Support Center.” 2025. *Local Solutions Support Center*.
<https://www.supportdemocracy.org> (January 28, 2025).
- Love, Hanna, and Mike Powe. 2020. “Rural Small Businesses Need Local Solutions to Survive.” *Brookings*. <https://www.brookings.edu/articles/rural-small-businesses-need-local-solutions-to-survive/> (December 21, 2024).
- Madden, David, and Peter Marcuse. 2016. “In Defense of Housing.” *The politics of crisis*.
- Madison, James. 2016. “6. The Federalist Papers.” In 6. *The Federalist Papers*, Columbia University Press, 52–57. doi:10.7312/blau17412-010.
- Marsh, Benjamin Clarke. 1909. *An Introduction to City Planning: Democracy’s Challenge to the American City*. Benjamin Clarke Marsh. (May 14, 2025).
- Marshall, Julian D., and Michael W. Toffel. 2005. “Framing the Elusive Concept of Sustainability: A Sustainability Hierarchy.” *Environmental Science & Technology* 39(3): 673–82. doi:10.1021/es040394k.
- Mason, Lilliana. 2018. *Uncivil Agreement: How Politics Became Our Identity*. University of Chicago Press. (December 21, 2024).
- Massey, Douglas S. 2015. “The Legacy of the 1968 Fair Housing Act.” In *Sociological Forum*, Wiley Online Library, 571–88.
- McCann, Eugene J. 2002. “The Cultural Politics of Local Economic Development: Meaning-Making, Place-Making, and the Urban Policy Process.” *Geoforum* 33(3): 385–98. doi:10.1016/S0016-7185(02)00007-6.
- McCoy, Jennifer, and Murat Somer. 2019. “Toward a Theory of Pernicious Polarization and How It Harms Democracies: Comparative Evidence and Possible Remedies.” *The ANNALS of the American Academy of Political and Social Science* 681(1): 234–71. doi:10.1177/0002716218818782.
- McGrath, Robert J. 2020. “Uncooperative Federalism as Innovation.” *Journal of Public Administration Research and Theory* 30(2): 339–41. doi:10.1093/jopart/muz039.
- McNee, Georgina, and Dorina Pojani. 2022. “NIMBYism as a Barrier to Housing and Social Mix in San Francisco.” *Journal of Housing and the Built Environment* 37(1): 553–73. doi:10.1007/s10901-021-09857-6.
- Melton-Fant, Courtney. 2020. “Relationship Between State Preemption of Inclusionary Zoning Policies and Health Outcomes: Is There Disparate Impact Among People of Color?” *Housing Policy Debate* 30(6): 1056–65. doi:10.1080/10511482.2020.1798488.
- Merrifield, Juliet. 2001. “Learning Citizenship.” *Learning from Experience Trust*. https://www.activateleadership.co.za/wp-content/uploads/2021/03/learning-citizenship_merrifield.pdf (October 3, 2024).

- Mesh, Aaron. 2019. “Sen. Brian Boquist Must Give 12 Hours’ Notice Before Entering the Capitol, So Oregon State Troopers Can Prepare.” *Willamette Week*. <https://www.wweek.com/news/state/2019/07/08/sen-brian-boquist-must-give-12-hours-notice-before-entering-the-capitol-so-oregon-state-troopers-can-prepare/> (January 16, 2025).
- Mettler, Suzanne, and Trevor Brown. 2022. “The Growing Rural-Urban Political Divide and Democratic Vulnerability.” *The ANNALS of the American Academy of Political and Social Science* 699(1): 130–42. doi:10.1177/00027162211070061.
- Meyer, William B. 1995. “NIMBY Then and Now: Land-Use Conflict in Worcester, Massachusetts, 1876–1900.” *The Professional Geographer* 47(3): 298–308.
- Meyerson, Harold. 2024. “Pre-Preemption.” *The American Prospect*. <https://prospect.org/api/content/8fa0ef82-c2d2-11ee-be22-12163087a831/> (January 28, 2025).
- Mikva, Abner J., and Eric Lane. 1997. *An Introduction to Statutory Interpretation and the Legislative Process*. Aspen Law & Business.
- Mock, Rozalyn. 2023. “Secession Is Not the Solution for Rural Oregon • Oregon Capital Chronicle.” *Oregon Capital Chronicle*. <https://oregoncapitalchronicle.com/2023/05/15/secession-is-not-the-solution-for-rural-oregon/> (January 14, 2025).
- Monkkonen, Paavo, and Michael Manville. 2019. “Opposition to Development or Opposition to Developers? Experimental Evidence on Attitudes toward New Housing.” *Journal of Urban Affairs* 41(8): 1123–41. doi:10.1080/07352166.2019.1623684.
- National Association of Realtors. 2022. *Eugene Area Local Market Report, Third Quarter 2022*.
- Nelson, Ethan, and Zack Reeves. 2023. “Unhoused Crisis Supporting Eugene’s Response.” “New Report Shows Housing Costs Strain Owners and Renters Alike; Millions Priced Out of Homeownership | Joint Center for Housing Studies.” 2024. <https://www.jchs.harvard.edu/press-releases/new-report-shows-housing-costs-strain-owners-and-renters-alike-millions-priced-out> (October 20, 2024).
- News, Lebanon Local. 2024. “City Council Candidate: David McClain, Ward 2.” *Lebanon Local*. <https://www.lebanonlocalnews.com/city-council-candidate-david-mcclain-ward-2/> (December 2, 2024).
- Norwood, Kellen. 2019. “Federal Preemption of State and Local Law.” https://www.americanbar.org/groups/state_local_government/publications/state_local_la_w_news/2018-19/spring/federal-preemption-state-and-local-law/ (February 25, 2025).
- NW, 1615 L. St, Suite 800 Washington, and DC 20036 USA202-419-4300 | Main202-857-8562 | Fax202-419-4372 | Media Inquiries. “Religious Landscape Study.” *Pew Research*

- Center's Religion & Public Life Project*. <https://www.pewresearch.org/religious-landscape-study/database/> (June 2, 2024).
- O'Grady, Tom. 2020. "NIMBYism as Place-Protective Action: The Politics of Housebuilding."
- "Opportunity Housing Comments | City of San José." 2020. <https://www.sanjoseca.gov/your-government/departments-offices/planning-building-code-enforcement/planning-division/citywide-planning/opportunity-housing/meetings-input/opportunity-housing-comments> (February 27, 2025).
- "Oregon | National Low Income Housing Coalition." <https://nlihc.org/housing-needs-by-state/oregon> (June 2, 2024).
- "Oregon's State Health Assessment: Oregon's Population."
- Orejel, Keith. 2024. "The Political Economy of the Urban-Rural Divide." *LPE Project*. <https://lpeproject.org/blog/the-political-economy-of-the-urban-rural-divide/> (January 14, 2025).
- Orren, Karen, and Skowronek. 2018. *The Policy State: An American Predicament*. Harvard University Press. doi:10.4159/9780674982659.
- Orth, Taylor. 2024. "The States Whose Residents Are Most Likely to Support Secession: Alaska, Texas, and California | YouGov." <https://today.yougov.com/politics/articles/48669-state-support-secession-alaska-texas-california-poll> (January 9, 2025).
- Panettieri, Angelina. 2017. *City Rights in an Era of Preemption: A State-by-State Analysis*. National League of Cities.
- Parlow, Matthew J. 2007. "Progressive Policy-Making on the Local Level: Rethinking Traditional Notions of Federalism Symposium: States as Laboratories for Social Change." *Temple Political & Civil Rights Law Review* 17(2): 371–86.
- Pendall, Rolf. 1999. "Opposition to Housing: NIMBY and Beyond." *Urban affairs review* 35(1): 112–36.
- Plotkin, Sidney. 1987. *Keep out: The Struggle for Land Use Control*. Univ of California Press.
- Pomeranz, Jennifer L. 2019. "Local Policymakers' New Role: Preventing Preemption." *American Journal of Public Health* 109(8): 1069–70. doi:10.2105/AJPH.2019.305223.
- Pomeranz, Jennifer L., and Mark Pertschuk. 2017. "State Preemption: A Significant and Quiet Threat to Public Health in the United States." *American Journal of Public Health* 107(6): 900–902. doi:10.2105/AJPH.2017.303756.
- Powers, Alex. 2024. "Lebanon Sets Stage for Largest Development since '90s." *Albany Democrat-Herald*. <https://democratherald.com/news/local/business/development/lebanon-plans-largest->

- development-since-90s/article_97d17152-2a62-11ef-b5d8-17f3be212c57.html
(November 1, 2024).
- “Project - Portland Residential Infill Policy (RIP) Analysis.” *Cascadia Partners*.
<https://www.cascadia-partners.com/portland-residential-infill-policy-analysis> (October 20, 2024).
- Rahman, K. S., and Gilman, H. R. 2019. *Civic Power : Rebuilding American Democracy in an Era of Crisis*. Cambridge University Press.
- Raifford, Teresa, Tracy Prince, and Janeq Cease. 2017. “Affordable Housing Bill Was Hijacked (Guest Opinion) - Oregonlive.Com.”
https://www.oregonlive.com/opinion/2017/06/affordable_housing_bill_was_hi.html
(October 21, 2024).
- Ramakrishnan, Jayati. 2024. “Portland City Council Looks to Boost Affordable Housing under ‘Inclusionary Zoning’ Mandate, Spars over Environmental Policies.” *oregonlive*.
<https://www.oregonlive.com/business/2024/01/portland-city-council-looks-to-boost-affordable-housing-under-inclusionary-zoning-mandate-spars-over-environmental-policies.html> (March 27, 2024).
- Ratcliffe, John, Michael Stubbs, and Miles Keeping. 2021. *Urban Planning and Real Estate Development*. Routledge.
<https://www.taylorfrancis.com/books/mono/10.4324/9780429398926/urban-planning-real-estate-development-john-ratcliffe-michael-stubbs-miles-keeping> (October 19, 2024).
- Ratcliffe, Michael. 2022. “Redefining Urban Areas Following the 2020 Census.” *Census.gov*.
<https://www.census.gov/newsroom/blogs/random-samplings/2022/12/redefining-urban-areas-following-2020-census.html> (January 14, 2025).
- “RE: HB 2001 Rulemaking and Middle Housing Minimum Compliance Standards.” 2020.
https://westlinnoregon.gov/sites/default/files/fileattachments/planning/meeting/48761/pc_hb2001-2003_memo_08.05.2020.pdf.
- Reddit. 2023. “As a Former Oregon Resident I Hear About Baker City Being Talked about as the next “Bend “ What Makes People Say This Genuinely Curious ??” *r/oregon*.
www.reddit.com/r/oregon/comments/16peqkm/as_a_former_oregon_resident_i_hear_about_baker/ (December 9, 2024).
- Reddit. 2023. “Two More Councilors Resign in Baker City.” *r/oregon*.
www.reddit.com/r/oregon/comments/16cewfh/two_more_councilors_resign_in_baker_city/ (December 9, 2024).
- “Residential Infill Project Passed Today.” 2020. *Portland: Neighbors Welcome*.
<https://portlandneighborswelcome.org/residential-infill-project-passed-today> (August 6, 2024).

- Review of City of Baker City Housing Production Strategy*. 2024. DLCD. chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://www.oregon.gov/lcd/Housing/Documents/2024_01_DLCD_Decision_Letter_Baker_City_With_Attachment_A.pdf.
- Rice, Jennifer L., Daniel Aldana Cohen, Joshua Long, and Jason R. Jurjevich. 2020. “Contradictions of the Climate-friendly City: New Perspectives on Eco-gentrification and Housing Justice.” *International journal of urban and regional research* 44(1): 145–65.
- Richardson, Jesse J., Jr. 2011. “Dillon’s Rule Is From Mars, Home Rule Is From Venus: Local Government Autonomy and the Rules of Statutory Construction.” *Publius: The Journal of Federalism* 41(4): 662–85. doi:10.1093/publius/pjr030.
- Richardson Jr, Jesse J. 2011. “Dillon’s Rule Is from Mars, Home Rule Is from Venus: Local Government Autonomy and the Rules of Statutory Construction.” *Publius: The Journal of Federalism* 41(4): 662–85.
- Riverstone-Newell, Lori. 2017. “The Rise of State Preemption Laws in Response to Local Policy Innovation.” *Publius: The Journal of Federalism* 47(3): 403–25.
- Rodríguez-Pose, Andrés, and Michael Storper. 2020. “Housing, Urban Growth and Inequalities: The Limits to Deregulation and Upzoning in Reducing Economic and Spatial Inequality.” *Urban Studies* 57(2): 223–48. doi:10.1177/0042098019859458.
- Sabel, Charles F., and Jonathan Zeitlin. 2012. “Experimentalist Governance.” In *The Oxford Handbook of Governance*, ed. David Levi-Faur. Oxford University Press, 0. doi:10.1093/oxfordhb/9780199560530.013.0012.
- “SB 9 & 10 Poll Results.” *Housing Is A Human Right*. <https://www.housingisahumanright.org/sb-9-10-poll-results/> (February 27, 2025).
- Scala, Dante J., and Kenneth M. Johnson. 2017. “Political Polarization along the Rural-Urban Continuum? The Geography of the Presidential Vote, 2000–2016.” *The ANNALS of the American Academy of Political and Social Science* 672(1): 162–84. doi:10.1177/0002716217712696.
- Scally, Corianne Payton. 2013. “The Nuances of NIMBY: Context and Perceptions of Affordable Rental Housing Development.” *Urban Affairs Review* 49(5): 718–47. doi:10.1177/1078087412469341.
- Scharff, Erin Adele. 2017. “Hyper Preemption: A Reordering of the State-Local Relationship.” *Georgetown Law Journal* 106(5): 1469–1522.
- Schattschneider, Elmer Eric. 1975. *The Semisovereign People: A Realist’s View of Democracy in America*. Wadsworth Publishing Company.
- Schneider, S. K., W. G. Jacoby, and D. C. Lewis. 2011. “Public Opinion Toward Intergovernmental Policy Responsibilities.” *Publius: The Journal of Federalism* 41(1): 1–30. doi:10.1093/publius/pjq036.

- Schneider, Sandra K., William G. Jacoby, and Daniel C. Lewis. 2011. "Public Opinion toward Intergovernmental Policy Responsibilities." *Publius: The Journal of Federalism* 41(1): 1–30.
- Schragger, Richard C. 2021. "Localism All the Way up: Federalism, State-City Conflict, and the Urban-Rural Divide." *Wis. L. Rev.*: 1283.
- Scott, Mel. 1969. *American City Planning since 1890: A History Commemorating the Fiftieth Anniversary of the American Institute of Planners*. Univ of California Press.
- Sellers, Joshua S., and Erin A. Scharff. 2020. "Preempting Politics: State Power and Local Democracy." *Stanford Law Review* 72(5): 1361–1420.
- Serkin, Christopher. 2020. "A Case for Zoning." *Notre Dame Law Review* 96(2): 749–98.
- Siegler, Kirk. 2020. "Why Parts Of Rural America Are Pushing Back On Coronavirus Restrictions." *NPR*. <https://www.npr.org/2020/05/27/862831144/why-parts-of-rural-america-are-pushing-back-on-coronavirus-restrictions> (December 3, 2024).
- Sierra, Antonio. 2023. "Baker City Council Starts over This Week after September Collapse." *opb*. <https://www.opb.org/article/2023/10/17/baker-city-oregon-city-council-politics-government-councilors/> (December 9, 2024).
- Sonenshein, Raphael J., and Tom Hogen-Esch. 2006. "Bringing the State (Government) Back In: Home Rule and the Politics of Secession in Los Angeles and New York City." *Urban Affairs Review* 41(4): 467–91. doi:10.1177/1078087405283793.
- Sottile, Leah. 2023. "Oregon's Greater Idaho Movement Echoes a Long History of Racism in the Region." *High Country News*. <http://www.hcn.org/issues/55-8/north-extremism-oregons-greater-idaho-movement-echoes-a-long-history-of-racism-in-the-region/> (December 5, 2024).
- Spitzer, Hugh. 2014. "Home Rule v. Dillon's Rule for Washington Cities." *Seattle University Law Review* 38(3): 809–60.
- Stahl, Kenneth A. 2017. "Preemption, Federalism, and Local Democracy Symposium: Home Rule in an Era of Municipal Innovation." *Fordham Urban Law Journal* 44(1): 133–80.
- Stuckmayer, Ethan. 2020. *RE: Review of City of Lebanon Housing Production Strategy*. Department of Land Conservation and Development.
- Su, Rick. 2019. "Democracy in Rural America." *NCL Rev.* 98: 837.
- Summers, Gene F. 1986. "Rural Community Development." *Annual Review of Sociology* 12(1): 347–71. doi:10.1146/annurev.so.12.080186.002023.
- Swan, Sarah L. 2021. "Constitutional Off-Loading at the City Limits." *Harv. L. Rev.* 135: 831.

- Swanson, Jeffrey, and Barrilleaux, Charles. 2020. "State Government Preemption of Local Government Decisions Through the State Courts." <https://journals.sagepub.com/doi/full/10.1177/1078087418783273> (June 2, 2024).
- "SW-SAZ Zone Change." 2015. *Trust the Neighbors*. <https://trusttheneighbors.org/sw-saz-zone-change/> (October 9, 2024).
- Tannenwald, Robert. 1998. "Devolution: The New Federalism-An Overview." *New England Economic Review* 1.
- Tariq, Muhammad, Arif Khan, and Muhammad Rizwan. 2018. "An Analysis of the Major Theories of Federalism." *Global Social Sciences Review* III: 400–412. doi:10.31703/gssr.2018(III-IV).27.
- Taylor, Stanley D. 2019. "The Decline of Local News and Its Effect on Polarization." *Governance: The Political Science Journal at UNLV* 6(2): 2.
- "The Role of States in Shaping Local Housing Strategies." *Local Housing Solutions*. <https://localhousingsolutions.org/plan/the-role-of-states-in-shaping-local-housing-strategies/> (January 30, 2025).
- Theiss-Morse, Elizabeth, and John R. Hibbing. 2005. "CITIZENSHIP AND CIVIC ENGAGEMENT." *Annual Review of Political Science* 8(Volume 8, 2005): 227–49. doi:10.1146/annurev.polisci.8.082103.104829.
- Thompson, G. 2003. *Between Hierarchies and Markets: The Logic and Limits of Network Forms of Organization*. Oxford University Press.
- Tighe, J. Rosie. 2010. "Public Opinion and Affordable Housing: A Review of the Literature." *Journal of Planning Literature* 25(1): 3–17. doi:10.1177/0885412210379974.
- Vacca, Joey. 2024. "Neighbors Raise Concerns over New Housing Development in Lebanon." *KEZI 9 News*. https://www.kezi.com/news/neighbors-raise-concerns-over-new-housing-development-in-lebanon/article_e94ad9f6-2e9f-11ef-8815-a344660d462e.html (December 2, 2024).
- Waegemakers Schiff, Jeannette, Rebecca Schiff, and Alina Turner. 2016. "Rural Homelessness in Western Canada: Lessons Learned from Diverse Communities." *Social Inclusion* 4(4): 73–85. doi:<https://doi.org/10.17645/si.v4i4.633>.
- Wagner, Spencer, Lindsay K Cloud, JD McFarland, and Christina K McFarland. 2021. *Tracking State Preemption 2019: The Pre-Pandemic Landscape*. NLC.
- Wamsley, Laurel. 2019. "Oregon Legislature Votes To Essentially Ban Single-Family Zoning." *NPR*. <https://www.npr.org/2019/07/01/737798440/oregon-legislature-votes-to-essentially-ban-single-family-zoning> (October 21, 2024).

- Weaver, R. Kent. 1986. "The Politics of Blame Avoidance." *Journal of public policy* 6(4): 371–98.
- Weinstock, Daniel. 2001. "Towards a Normative Theory of Federalism." *International Social Science Journal* 53(167): 75–83.
- Whittemore, Andrew H. 2021. "Exclusionary Zoning: Origins, Open Suburbs, and Contemporary Debates." *Journal of the American Planning Association* 87(2): 167–80. doi:10.1080/01944363.2020.1828146.
- Wilson, Liza Pulsipher, and Nick R. Sanyal. 2022. "The Best of Times, The Worst of Times: Antecedents for and Effectiveness of Community Engagement in Two Small Rural Towns." *Journal of Community Engagement and Scholarship* 6(2). doi:10.54656/IOYX3334.
- Wolfe, Eli. 2022. "San Jose Sees Zero SB 9 Housing Project Applications." *San José Spotlight*. <https://sanjosespotlight.com/new-state-law-yields-no-housing-projects-in-san-jose-yet/> (February 27, 2025).
- Woodruff, Judy, and Sarah Clune Hartman. 2024. "Division in Oregon Highlights Growing Political Rift between Rural and Urban Areas." *PBS News*. <https://www.pbs.org/newshour/show/division-in-oregon-highlights-growing-political-rift-between-rural-and-urban-areas> (January 14, 2025).
- Wuthnow, Robert. 2018. *The Left Behind: Decline and Rage in Rural America*. Princeton University Press. doi:10.23943/9781400889501.
- Zapatka, Kasey, and Brenden Beck. 2021. "Does Demand Lead Supply? Gentrifiers and Developers in the Sequence of Gentrification, New York City 2009–2016." *Urban Studies* 58(11): 2348–68. doi:10.1177/0042098020940596.
- Zimmerman, Joseph F. 2012. *State-Local Governmental Interactions*. State University of New York Press.