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EUGENE CITY COUNCIL AMENDED AGENDA

May 29, 2018

5:30 p.m. CITY COUNCIL WORK SESSION AND
MEETING OF THE URBAN RENEWAL AGENCY
Harris Hall, 125 East 8th Avenue
Eugene, Oregon 97401

Meeting of May 29, 2018;
Her Honor Mayor Lucy Vinis Presiding

Councilors

Mike Clark, President	Betty Taylor, Vice President
Greg Evans	Chris Pryor
Emily Semple	Claire Syrett
Jennifer Yeh	Alan Zelenka

5:30 p.m. CITY COUNCIL WORK SESSION AND
MEETING OF THE URBAN RENEWAL AGENCY
Harris Hall, 125 East 8th Avenue

1. **Committee Reports and Items of Interest**

2. **URBAN RENEWAL AGENCY EXECUTIVE SESSION: Pursuant to ORS 192.660(2)(e)**

3. **URBAN RENEWAL AGENCY WORK SESSION: Riverfront Update**

4. **WORK SESSION: Clear & Objective Housing: Approval Criteria Update—Draft Project Charter and Draft Public Involvement Plan**

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EUGENE CITY COUNCIL
AGENDA ITEM SUMMARY

Work Session: Clear & Objective Housing: Approval Criteria Update—
Draft Project Charter and Draft Public Involvement Plan

Meeting Date: May 29, 2018 | Agenda Item: 3
Department: Planning and Development | Staff Contact: Jenessa Dragovich
www.eugene-or.gov | Contact Telephone Number: 541-682-8385

ISSUE STATEMENT
The City Council will be provided with a project overview of the Clear & Objective Housing: Approval Criteria Update, including the Draft Project Charter and Draft Public Involvement Plan. No action is needed at this work session; however, feedback is requested.

BACKGROUND
As part of the Envision Eugene urban growth boundary process, in 2015, City Council provided direction on housing by initiating several projects. These included establishing a baseline UGB, establishing urban reserves, growth monitoring and updating the City's needed housing (clear and objective) regulations. The City Council Agenda Item Summary from the July 20, 2015, work session where this direction was provided is included in Attachment A, and a timeline for implementation of the project is provided in Attachment B. Related to the City's needed housing regulations, the council specifically directed the following action:

- *Update the City's procedures and approval criteria for needed housing applications (applications to develop housing in areas identified for housing in the City's Buildable Lands Inventory and Housing Needs Assessment).*
- *Target for City consideration of proposed updates: within 1 year of State acknowledgement of the baseline UGB.*

Why Update Our Needed Housing Approval Criteria?
There are multiple factors contributing to the need to update our existing land use application approval criteria and procedures for housing developments. As identified during the Envision Eugene process, we will need to accommodate approximately 15,000 new homes within our urban growth boundary by 2032. We will need to find a way to efficiently accommodate this growth while also balancing the community's values regarding livability, public health and safety, and natural resource protection.

Oregon's Statewide Planning Goal 10 (Housing) requires that local governments adopt and apply clear and objective standards, conditions and procedures regulating the development of "needed

housing." The intent of this requirement is to ensure that communities do not use discretionary or subjective criteria to deny needed housing projects. The clear and objective standards, conditions and procedures may not discourage needed housing through unreasonable cost or delay. This includes development standards such as setbacks and building height that apply to housing at the time of building permit, as well as land use application criteria that apply to partitions, subdivisions, site reviews, conditional use permits and planned unit developments that will provide housing.

For cities that have a clear and objective land use application approval path, they may also adopt alternative or "discretionary" approval criteria that developers may elect to follow, for example to allow greater flexibility in housing development proposals.

In Eugene, essentially all housing is needed housing. Eugene was one of the first communities in Oregon to adopt clear and objective land use application approval criteria in 2002. Our land use code provides two approval paths: a clear and objective path (called "needed housing" in our land use code) and a discretionary path (called "general"). Although market conditions, case law and other factors have changed significantly since 2002, our clear and objective land use application approval criteria have not been updated. As a result, our existing approval criteria are perceived by some as barriers to providing the housing our community needs, and others believe they do not do enough to address our community's values regarding livability, public health and safety, and natural resource protection

We have also experienced several legal challenges, through appeals of land use decisions, where the clear and objective nature of our approval criteria has been tested. For example, one of our approval criteria, addressing safe access to and from developments (the "19-lot rule"), was determined by the State's Land Use Board of Appeals in 2016 not to be clear and objective. Consequently, staff are no longer able to apply this criterion to "needed housing" applications. Another standard that allowed for Traffic Impact Analysis review was recently determined by the Eugene Hearings Official to require discretion and is also no longer applicable to "needed housing" applications.

This is a problem for several reasons. Addressing concerns about development criteria through appeals and serial litigation is costly for our community and creates uncertainty for everyone during the development process. If criteria are removed through the legal process, our community has no ability to address the underlying issues. Without this update to our housing approval criteria, continued legal challenges may further erode our ability to ensure future housing developments contribute to our community's vision.

In summary, our existing clear and objective approval criteria (the needed housing review track) need to be reevaluated and updated to meet these goals: accommodate growth on lands available within our current UGB, continue to provide a clear and objective path to land use approval as required by State law, and guide future development in a way that reflects our community's values.

The Clear & Objective Housing: Approval Criteria Update will be framed by the pillars of Envision Eugene. The project will identify land use approval criteria and procedures that need to be updated, added, or removed to mitigate barriers to housing while effectively addressing development impacts, as well as continuing to ensure compliance with State requirements for clear and objective regulations.

How Will We Get There?

The Clear & Objective Housing: Approval Criteria Update will be completed in four phases as described in the Draft Project Charter and Draft Public Involvement Plan. We are currently engaged in project initiation which involves development of these project planning tools and obtaining input from Planning Commission and City Council. The project timeline, which includes an overview of the project phases, the public engagement strategies for each phase and key products, is provided as Attachment C. Below is a summary of the four phases of the project:

Phase 1 – Issue Identification: The initial phase will include outreach to stakeholders, an external land use code audit, and an internal legal analysis that will help identify the range of issues to address within the scope of this land use code update. A Summary of Key Issues report will be produced at the end of the phase.

Phase 2 – Concepts and Evaluation: Using the Summary of Key Issues report generated in Phase 1, stakeholder working group meetings will be held to review and vet issues, generate concepts and evaluate potential clear and objective approaches to addressing the issues. A Preferred Concepts report will be produced once a preferred concept or concepts for each issue has been identified. Staff will check in with council to seek direction on preferred concepts before proceeding.

Phase 3 – Draft Proposed Land Use Code Changes: This phase will involve writing proposed land use code changes based on the Preferred Concepts report and soliciting stakeholder feedback. Once draft land use code changes are vetted, we will seek council action to move forward to formal adoption. Our target is to request City Council action on a proposal for updated approval criteria in January 2019 (one year from UGB acknowledgement by the State).

Phase 4 – Formal Adoption Process: Following council direction, the formal adoption process will commence. The process for a change to the City's land use code is a legislative land use process, which provides for multiple opportunities for public involvement, including public hearings before the Planning Commission and the City Council.

Project Charter

The Draft Project Charter (Attachment D) contains a wide range of guidance for the project, including details relevant to the roles of City Council and the Planning Commission. Each phase of the project will include council and Planning Commission check-ins. These will either be scheduled as work session items, or provided as a memo to keep council and the commission apprised of the project status.

Public Involvement Plan
The Draft Public Involvement Plan is provided as Attachment E. It includes the public involvement goals and a summarized work plan focusing on the public engagement strategies at each phase and milestone in project. The Public Involvement Plan:

- Describes meaningful opportunities and different ways people can engage in the planning process;
- Details how individuals and organizations can effectively participate, consistent with the City's Public Participation Guidelines and Statewide Planning Goal 1.

While the Project Charter outlines the work program and timeline for the planning process, the Public Involvement Plan describes the outreach strategies for each phase of the planning process. The project's timeline includes holding stakeholder listening sessions/ and interviews and working group meetings. The bulk of the engagement will occur during Phases 1 and 2, with follow up consultation in Phase 3, and then opportunity to provide testimony in Phase 4. We will also send out regular project updates through a variety of methods, including email, City newsletters and the project web page. A list of initial project stakeholders is included in the Public Involvement Plan; this list will evolve throughout the project.

Planning Commission Response
Planning Commission reviewed the Draft Project Charter and Draft Public Involvement Plan at a May 8, 2018, work session. Several commissioners expressed concern about the timeline, and questioned if it was too ambitious to complete within one year. Other commissioners voiced that the timeline is ambitious but doable.

Next Steps
Following council discussion, the Public Involvement Plan will be brought back to the Planning Commission, as the City's Citizen Involvement Committee, for approval. The Project Charter will then be approved and signed by the Planning Director and the project manager.

Given the council-directed timeline, staff will continue preparatory work as documented in Phase 1: Issue Identification in the Public Involvement Plan. We will continue to refine the project budget and timeline, and contract with consultants for initial work. We will also develop a communications plan, build our interested parties list, develop a project website, and reach out to stakeholders.

RELATED CITY POLICIES

Envision Eugene Pillars
The three most pertinent pillars from Envision Eugene are "Provide Housing Affordable to all Income Levels," "Protect, Repair and Enhance Neighborhood Livability" and "Provide for Adaptable, Flexible and Collaborative Implementation."

COUNCIL OPTIONS

None. The work session is informational and no action is requested.

CITY MANAGER'S RECOMMENDATION
None. The work session is informational and no action is requested.

SUGGESTED MOTION
None. The work session is informational and no action is requested.

ATTACHMENTS
A. City Council Agenda Item Summary from July 20, 2015
B. Envision Eugene Project Timeline
C. Project Timeline
D. Draft Project Charter
E. Draft Public Involvement Plan

FOR MORE INFORMATION
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Telephone: 541-682-8385
E-Mail: jenessa.l.dragovich@ci.eugene.or.us

Attachment A

EUGENE CITY COUNCIL AGENDA ITEM SUMMARY

Work Session: Envision Eugene Housing Update

Meeting Date: July 20, 2015
Department: Planning and Development
www.eugene-or.gov

Agenda Item Number: A
Staff Contact: Robin Hostick
Contact Telephone Number: 541-682-5507

ISSUE STATEMENT
Portland State University recently issued a new population forecast for cities in Lane County. The City Council is now asked to decide how to move forward with establishing the residential UGB.

BACKGROUND
On January 28, 2015, Council directed staff to proceed with a UGB expansion for jobs, parks and schools. At your last work section regarding the housing component of the Envision Eugene project (April 27, 2015), you discussed two options for using the new State population forecasts and directed staff to return for direction after the new forecasts were finalized. Those forecasts were finalized at the end of June.

"Option A," presented at your April 27 work session, was to simply finish the UGB work already underway using the 2009 population forecast. "Option B" was to extend the timeline for UGB adoption to update the data based on the new (2015) population forecast. Since your April 27 work session, city staff has continued to talk with interested parties. There now appears to be broad stake-holder support for a third hybrid option.

Hybrid Option

This hybrid option presents the most effective use of the new population forecast to address the community's need for a buildable land supply that is financially accessible to Eugene's workforce population as expeditiously as possible. For reasons rooted in Oregon's complicated land use laws, these community interests are best met by a hybrid option that includes all of the following components:

Establish a Baseline UGB
- Establish a "baseline" UGB for a 2012-2032 planning period to separate Eugene from Springfield. This baseline UGB will be based on the data and analysis gathered and vetted through the Envision Eugene project (including the population forecast adopted by Lane County in 2009).

- Target for City and County consideration of the proposed baseline UGB: 2016. This will require immediate, intense staff work on the residential land UGB analysis to put it back on the same time line as for employment, parks and schools.

Update Needed Housing Regulations

- Update the City's procedures and approval criteria for needed housing applications (applications to develop housing in areas identified for housing in the City's BLI and HNA).
- Target for City consideration of proposed updates: within 1 year of State acknowledgement of the baseline UGB.

Establish Urban Reserves

- Establish urban reserves that identify the land surrounding Eugene that can be used for UGB expansions as needed to meet the City's land needs based on growth from 2012-2062, based on the PSU population forecast finalized in 2015 (a forecasted 2062 population of 267,947).
- Target to initiate City work on urban reserve planning: immediately, beginning with identification of resources to make the establishment of urban reserves a highest priority.
- Target for City and County consideration of the proposed urban reserves: within 2 years of State acknowledgment of the baseline UGB.

Monitor / Report on Residential Growth

- Provide the City Council with a monitoring report that updates the supply of buildable residential land and the community's need based on the most recently finalized PSU population forecast.
- Target for delivery of report to City Council: three years after State acknowledgment of base-line UGB (instead of the five year monitoring interval indicated in the TRG's draft monitoring program).

Action to Address Results of Monitoring

- Expand the UGB to the extent indicated by the monitoring report, to add urban reserve land to the UGB as needed to meet the City's residential land needs for a new 20-year planning period, based on the PSU population forecast in place at the time this UGB work is initiated.
- Target for initiation of work on a proposal to expand the UGB onto urban reserve land (to the extent indicated by the monitoring report): immediately upon State acknowledgment of Eugene's urban reserves.
- Target for City and County consideration of the proposal to expand the UGB (to the extent indicated by the monitoring report): within 3 years of State acknowledgment of urban reserves.

Allocate Funds

- Allocate $750,000 to enable the City to hire consultants and/or staff to conduct the analysis required to create and implement a growth monitoring program and to establish urban reserves while ensuring that long-awaited neighborhood planning can still take place.

COUNCIL OPTIONS

A. Direct the city manager to finish the UGB work already underway using the 2009 population forecast (Option A).

B. Direct the city manager to use the new population numbers in new analysis in order to establish the UGB (Option B).

C. Direct the city manager to move forward with the "Hybrid Option" described in this AIS.

CITY MANAGER'S RECOMMENDATION

The City Manager recommends moving forward with the "Hybrid Option" described in this AIS.

SUGGESTED MOTION

Move to direct the city manager to prepare an urban growth boundary adoption package and to take the other actions that are part of the "Hybrid Option" as described in this AIS.

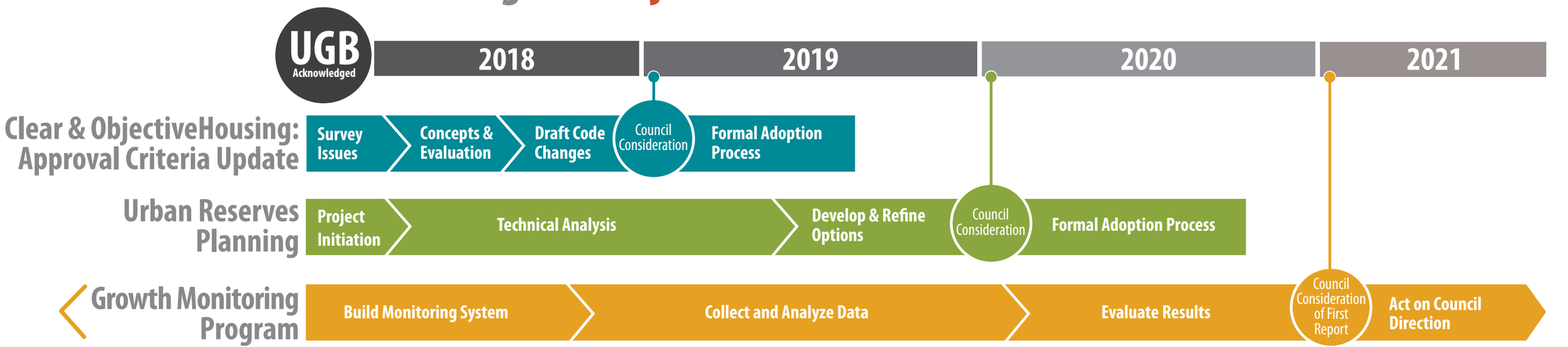
FOR MORE INFORMATION

Staff Contact: Robin Hostick
Telephone: 541-682-5507
Staff E-Mail: Robin.A.Hostick@ci.eugene.or.us

Attachment B

Envision Eugene Project Timelines

DRAFT



envision EUGENE

Eugene

Attachment C

Clear & Objective Housing Standards Project Timeline

March – June	June – September	September – January	January 2019...

Council Action → Initiate Formal Adoption

Phase 1	Phase 2	Phase 3	Phase 4
Survey Issues	Concepts & Evaluation	Draft Code	Formal Adoption

Public Engagement Strategies

Phase 1

- Stakeholder Listening Sessions & Interviews
- EE Newsletter
- Launch Project Page on Planning Website
- Planning Commission Check-in
- City Council Check-in

Phase 2

- Stakeholder Working Group Meetings
- EE Newsletter
- Website updates
- Email update to Interested Parties
- Planning Commission Check-in
- City Council Check-in

Phase 3

- Staff & Consultant Draft Language
- Working Group Consultations
- EE Newsletter
- Website Updates
- Planning Commission Check-in
- City Council Direction

Phase 4

- Planning Commission Public Hearing
- Planning Commission Recommendation
- City Council Public Hearing
- City Council Action
- EE Newsleter
- Website Updates

End of Phase Products

Summary of Key Issues	Preferred Concepts	Proposed Code Changes	Adopted Code Changes

Attachment D

Clear & Objective Housing: Approval Criteria

Project Charter

DRAFT 2018

May 29, 2018, Work Session - Item 3

Project Charter: Clear & Objective Housing: Approval Criteria Update

Project Title: Clear & Objective Housing: Approval Criteria Update
Project Charter Author: Jenessa Dragovich, Senior Planner
Creation Date: June 26, 2017
Last Revision Date: May 23, 2018
Project Origin: Council direction, Envision Eugene high-priority work plan item
Project Sponsor: Robin Hostick, Planning Director
Project Manager: Jenessa Dragovich
Project Team Members: Jenessa Dragovich, Alissa Hansen, Lauren Sommers
Project Charter Status: Draft/Pending
Proposed Project Start and End Date: Target for Council consideration: within 1 year of UGB acknowledgement (January 2019)

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May 29, 2018, Work Session - Item 3

Overview/Purpose

Project Description

In the spirit of Oregon's Statewide Planning Goal 10 (Housing) and commitments made as part of the Envision Eugene adoption process, the City expects to accommodate approximately 15,000 new homes in the next 20 years within our current Urban Growth Boundary (UGB). We anticipate that a mixture of housing types affordable to various levels of household income will help to meet our community's diverse and changing needs over this period. Our housing needs must be also be balanced with the community's values related to neighborhood livability, public health and safety, economic opportunities, and natural resource protections expressed through the Envision Eugene pillars.

Senate Bill 1051 amended the definition of "needed housing" to clarify that "needed housing" means **all** housing on land zoned for residential use or mixed residential and commercial use. Needed housing includes the following housing types: attached and detached single-family, multiple family, government assisted, mobile home or manufactured dwelling. Needed housing developments are entitled to a land use application process under clear and objective approval standards as required by State law.

In 2001-2002, as part of a major update to the City's land use code, the Eugene City Council adopted a two-track system for the following types of land use applications: partitions, subdivisions, site reviews, conditional use permits and planned unit developments. One track allows applicants to use "clear and objective" approval criteria required by state law for housing applications. In Eugene's land use code, this track is called the "Needed Housing" approval criteria. The approval criteria included in the Needed Housing tracks are intended to be clear and objective, and to offer a predictable path to approval for housing projects that meet the criteria. The City also offers land use applicants an alternative process that includes discretionary (i.e. subjective) approval criteria and is designed to allow more flexibility in how projects meet our community's adopted standards. In Eugene's land use code, this discretionary track is called the "General" track. Housing applicants are entitled to choose either track. An excerpt of the applicable State statutes is provided at the end of this charter for reference.

Several of the City's adopted clear and objective approval criteria are viewed by some as overly burdensome or as barriers to housing; not necessarily the best way to achieve the regulatory intent; and, in some instances increasing the cost or time required to obtain land use approvals and construct housing. The City's clear and objective approval criteria have been in place for over 15 years. Over this time period, a number of legal challenges have occurred through land use appeals where the applicant has asserted that our criteria violate State law because they are subjective, increase cost and uncertainty, or are otherwise difficult to meet on certain sites. In their view, these criteria are a barrier to housing and should be amended or repealed.

One of the City's individual clear and objective approval criteria (the "19-lot rule") has been determined by the Oregon Land Use Board of Appeals (LUBA) to violate the statutory requirement for being clear and objective, and can no longer be applied. This is a problem for our community because we do not have a clear and objective criterion in place that addresses concern about safe access to and from developments. Additionally, a recent decision by the Eugene Hearings Official determined that the Traffic Impact Analysis standards are not clear and objective. The purpose of the Traffic Impact Analysis review, when applicable, is to ensure that developments provide facilities to accommodate the traffic

generated by the proposed development. The loss of this regulatory tool for housing applications will have an effect on the community's transportation infrastructure. These are examples of why City staff and a variety of key stakeholders agree that our existing clear and objective criteria should be reviewed and possibly updated, as discussed in greater detail below.

The interest and expectation for an update to our land use code also gained the attention of the Planning Commission and City Council as part of the Envision Eugene adoption process. In recent months, neighborhood leaders concerned about how code updates could impact livability, as well as housing advocates interested in alleviating our community's housing shortage, have also addressed Council. These interests intersect with the **Clear & Objective Housing: Approval Criteria Update** and further demonstrate the need to create a more efficient and effective path for land use applications proposing housing. Additionally, the Home Builders Association of Lane County (HBA) has continued to express concerns about the City's clear and objective criteria and how they may impact our ability to meet the projected 20-year housing demand on existing land within the urban growth boundary (UGB). As a result, this update is considered a high priority task on the Planning Division's work plan as part of implementing Envision Eugene, with Council direction to bring proposed land use code changes back for consideration within 1 year of the State's acknowledgement of our newly adopted UGB—to occur by January 2019.

Geography
The scope of work will likely include amendments to the land use application approval criteria for partitions, subdivisions, site reviews, conditional use permits and planned unit developments and related procedures for housing that apply City-wide.

Failure to Reach Resolution
Failure to examine and revise our clear and objective approval criteria may affect Eugene's ability to:

- Accommodate our housing need inside our existing UGB
- Provide housing affordable to all income levels
- Use existing land wisely and efficiently
- Provide certainty for housing developers and neighbors
- Address concerns regarding safety and quality of life

In addition, the City will likely face continuing legal challenges and significant public expense in processing appeals on a project-by-project basis. Future appeals could result in unintended gaps or uncertainty in our clear and objective approval criteria, which may leave important community values unaddressed through the land use process, causing further erosion of trust and higher cost to the public.

If the **Clear & Objective Housing: Approval Criteria Update** is successful, our regulatory framework will reduce potential appeals and housing cost associated with the land use process; increase certainty and predictability for property owners and developers in their ability to provide housing; and reflect a balanced outcome with respect to other important community values.

Goals

The overarching goal of this effort is to align the City's clear and objective land use application criteria and procedures for housing with our community's current needs and values. The work fulfills an important Council directive intended to help our community prepare for future growth as expressed in Envision Eugene. The **Clear & Objective Housing: Approval Criteria Update** will involve land use code changes that result in a balanced outcome with respect to the policy goals as embodied in the pillars of Envision Eugene. More specifically, the intent is to mitigate potential barriers to meeting the City's projected housing needs within the existing UGB over the next 20-year planning period, while also protecting public health and safety, neighborhood livability, and natural resources in keeping with our community's vision and values.

The overarching goal of this effort is to align the City's clear and objective land use application criteria and procedures for housing with our community's current needs and values.

In summary, the project will strive to meet the following goals:

- Raise awareness of the role of clear and objective land use code approval criteria and procedures in shaping our community's future
- Engage the public in a discussion of objective alternatives that best meet and balance our values
- Reduce or mitigate existing land use code barriers to housing development
- Support reasonable and predictable development of buildable lands for housing
- Address public health and safety, natural resource protection, and neighborhood livability with clear and objective approval criteria for housing

Objectives

The following objectives help to articulate how the City intends to achieve the goal of updating our clear and objective criteria for land use applications for housing:

1) Gather public input on a range of known concerns, suggested solutions, and alternatives regarding clear and objective standards.
2) Maintain compliance with State law by ensuring the approval criteria for housing applications are clear and objective, and do not have the effect of discouraging needed housing through unreasonable cost and delay.
3) Respond to any changes in State law or recent case law which may further refine, dictate, or legally require certain amendments.
4) Present recommended land use code changes to Council for consideration, request action to move forward with formal adoption process—target January 2019 (within one year of the State's acknowledgement of Eugene's newly adopted UGB).

Scope

Eugene's clear and objective approval criteria apply City-wide, so this update will ultimately involve a legislative process to amend the land use code. Consistent with the goals and objectives stated above, the **Clear & Objective Housing: Approval Criteria Update** will require any proposed changes put forward by key stakeholders, the City Attorney's Office, City staff, or others to undergo thorough technical analysis and public review prior to beginning the formal adoption process. It will also require that all recommendations be responsive to changes in State law and other recent case law.

The project will take place in three main phases, with the future fourth and final phase encompassing the formal adoption process. The following list represents a sequence of tasks that reflect the intended scope and outline the parameters of the project:

1) **Issue Identification.** The initial phase will include project startup tasks like drafting the project charter and public involvement plan. It will also include outreach to stakeholders (listening sessions and stakeholder interviews), an external code audit, and an internal legal analysis that will help identify the issues to address within the scope of this land use code update. More specifically, Phase 1 will include:
   a. **Public Involvement.** Prepare and implement a public involvement plan (with implementation support from a qualified local consultant) appropriately customized for the scope of the proposed **Clear & Objective Housing: Approval Criteria Update**. This plan will help refine our public outreach efforts with key stakeholders to ensure a highly transparent, open, and balanced process.
   b. **Stakeholder Listening Sessions and Interviews.** Conduct early listening sessions with key stakeholders to identify barriers to housing in terms of existing criteria, expectations for best/worst outcomes, and general advice or concerns they wish to share. Hold further interviews, as needed, with the involvement of the consultant preparing the code audit.
   c. **Land Use Code Audit.** Determine the specific range of possible land use code amendments through a Code Audit that will identify the land use application criteria and related standards to be included in the clear and objective update. This Code Audit will be supported by an outside consultant to help provide a neutral and knowledgeable third-party perspective for the project.
   d. **Legal Analysis.** Identify what specific amendments are required in response to changes in State law, and recent case law.
   e. **Summary of Key Issues**. Using the information collected from items a.—d. above, compile a report that summarizes the key issues that surface.
2) **Concepts and Evaluation.** Using the Summary of Key Issues generated in Phase 1, hold stakeholder working group meetings to review and vet issues, generate concepts, and evaluate potential clear and objective approaches. Preferred concepts will be recommended by staff based on criteria and input. Produce a Preferred Concepts report once the preferred concept for each issue has been identified. A policy analysis and land supply review will also be included to ensure the removal or mitigation of potential barriers to housing are balanced with other key policy objectives and to evaluate the potential effects on our buildable land supply that would result from proposed regulatory changes.
3) **Draft Land Use Code.** The third phase will involve writing proposed code changes and soliciting stakeholder feedback.
   a. **Land Use Code Writing**. Draft preliminary land use code amendment language based on the Preferred Concept report. This work will be performed by the project management team with assistance from the outside consultant.
   b. **Working Group Consult**. Consult with stakeholders once draft code language is created to get feedback on the proposed changes.
   c. **Council Action.** Upon development of a draft set of proposed land use code changes that have been reviewed by the public and Planning Commission, schedule work session with City Council to present a set of proposed code updates and seek direction on what code changes to take

through the formal adoption process. ***Council action to move forward to formal adoption concludes the majority of the Clear & Objective Housing: Approval Criteria Update as outlined in this charter.***

4) **Formal Adoption**. From that point on, adoption of the proposed land use code changes will follow a legislative land use process. As such, a file record will be created and staff will commence with required notices and additional outreach as needed, draft required findings of compliance with applicable Statewide Planning Goals and other approval criteria, and prepare other supporting materials necessary for adoption of the proposed land use code amendments.

Scope Exclusions

The **Clear & Objective Housing: Approval Criteria Update** will encompass all housing types at various densities and price ranges throughout the entire City (where the zoning permits housing). The project is not intended to facilitate or incentivize any one particular housing type such as low-income or affordable housing, multi-family or single-family, secondary dwelling units or tiny homes. These discussions are outside the scope of this project except where they intersect with the stated goals and objectives. The project is only intended to broadly address the land use application criteria and related standards for all types of "needed housing" as defined in State law, which now encompasses all housing. The scope will be limited to clear and objective approval criteria pertaining to partitions, subdivisions, planned unit developments, site reviews, and conditional use permits. This may result in updating some general development standards applicable to housing to the extent such standards are referenced in the clear and objective land use application approval criteria.

While the scope includes refinement plan policies that are already included as clear and objective approval criteria, to the extent they are identified in Phase 1 (such as the South Hills Study policies), the scope does not include an exhaustive analysis of existing refinement plan policies or an attempt to establish clear and objective standards that would implement these various policies through a comprehensive set of design standards. Such an effort would greatly exceed the scope of available resources and is not the focus of Council's direction on the clear and objective update. Code changes that address area-specific policies would best be accomplished as part of future area plan and refinement plan updates.

Deliverables

DELIVERABLE	PURPOSE	STAFF LEAD/SUPPORT
PREPARATORY DELIVERABLES		
Project Charter	Clear articulation of project description, scope of work, and decision making process.	Project Manager /Principal Planner
Public Involvement Plan	Establish the best means to reach key stakeholders for early input and formal decision-making events.	Project Manager/City team members /Consultant
PHASE 1 DELIVERABLES		
Land Use Code Audit	Identify the specific range of land use application criteria and procedures to be included in the clear and objective update.	Project Manager/ City team members /Consultant
Legal Analysis	Identify changes required due to case law and statutory requirements.	Project Manager/City team members
Summary of Key Issues	Compile report of all issues identified through outreach, the code audit, and legal analysis to guide Phase 2 work.	Project Manager
PHASE 2 DELIVERABLES		
Preferred Concepts Report	Identify preferred concepts for addressing each of the key issues. Includes topic-specific evaluation such as policy analysis and land supply review.	Project Manager/City team members
PHASE 3 DELIVERABLES		
Draft Land Use Code Changes	Draft land use code changes will address the issues and preferred alternatives generated during Phase 1 and 2. Proposed changes will be drafted and analyzed for effectiveness and potential impacts, then brought back to the key stakeholders for final consultation to ensure consistency with the preferred concepts. Planning Commission feedback will be sought, and the end result will be vetted and ready for City Council action to proceed to formal adoption.	Project Manager/City team members/Consultant
PHASE 4 DELIVERABLES		
Proposed Ordinance	Draft ordinance will include all formal land use code amendments to relevant provisions; findings will demonstrate compliance with applicable Statewide Planning Goals and related approval criteria for proposed land use code amendments; and required public notices, outreach materials, agenda item summaries, and presentation tools will facilitate the recommendation and final decision-making at Planning Commission & City Council.	Project Manager/ City team members

Project Milestones/Timeline

This project will follow Council's direction to bring back a set of proposed land use code changes by January 2019 (within 1 year of the State's acknowledgement of our newly adopted UGB), including the following:

- development of preparatory deliverables including the public involvement plan (and related outreach efforts)
- Stakeholder listening sessions/interviews
- an external land use code audit
- an internal legal analysis
- a Summary of Key Issues report
- several stakeholder working group sessions
- a Preferred Concepts report
- draft proposed land use code changes and supporting materials
- a policy analysis and land supply review for proposed amendments
- draft proposal ready for City Council action to proceed to formal adoption

Following Council action to proceed with formal adoption, the formal adoption process would commence in January/February 2019 and will include additional work sessions, public hearings, and deliberations at Planning Commission and City Council. This process is expected to take an additional 6 months.

Public Involvement Plan/Key Stakeholders

A public involvement plan has been prepared and appropriately customized for the scope and timelines of the **Clear & Objective Housing: Approval Criteria Update**. The project will be completed in phases, with each phase building upon the work done in the previous phases. Consultant support for implementation will depend upon funding and availability. The project manager will seek guidance from designated Planning Commission resources throughout the project phases. This plan will help to refine our public outreach strategy to ensure an inclusive, transparent, and balanced process.

The following key stakeholders are initially identified as having an important role in the proposed need housing update:

- Home Builders Association of Lane County (HBA)
- Neighborhood associations and residents
- Housing developers (both single and multi-family)
- Housing Policy Board
- Chamber of Commerce
- 1000 Friends of Oregon
- Local land use consultants
- Design professionals (planners, architects, engineers, etc.)
- Sustainability Commission
- Subsidized housing providers (St. Vincent DePaul, NEDCO, Homes for Good, Cornerstone, etc.)
- Tree preservation & natural resource advocates

- Transportation advocates
- Eugene Realtors Association
- WE CAN (Walkable Eugene Citizens Advisory Network)
- Better Housing Together

Other technical resources will include:

- Eugene Water & Electric Board (EWEB)
- City of Eugene Public Works (Engineering, Transportation, Parks and Maintenance)
- City of Eugene Community Development
- Eugene/Springfield Fire/EMS
- 4J Safe Routes to School

Key stakeholder groups and the general public will be offered multiple opportunities to engage the planning process through varied means, both formal and informal. Those details, as well as the level of participation (e.g. inform, consult, involve, collaborate) are addressed in the public involvement plan.

Decision Making Process

Following the initial phases of public involvement with key stakeholders to identify key issues (Phase 1), help generate options (Phase 2), and review draft land use code language (Phase 3), a preliminary round of Planning Commission review and Council consideration and input will take place (End of Phase 3) before proceeding with the formal adoption process (Phase 4). While the main decision point will come at the end of Phase 3, when the project manager requests City Council action to move forward with formal adoption, check-ins with both Planning Commission and City Council will occur at key points in each phase. The times/items where staff will seek guidance and feedback or provide a project update will be:

- Project initiation —Draft Charter and Draft Public Involvement Plan reviews
- Phase 1—Summary of Key Issues report
- Phase 2—Preferred Concepts report
- Phase 3—Draft land use code changes (Council action)
- Phase 4 – Final land use code changes (Council adoption)

Following Council action to proceed with formal adoption, as a land use code amendment, the proposed code changes stemming from the **Clear & Objective Housing: Approval Criteria Update** are required to follow the City's codified process (Type V) for adoption of land use regulations. The Type V process requires public notice and hearings at both the Planning Commission and City Council levels. From start to completion, this will likely take approximately 6 months. Planning Commission's role will be to provide the City Council with a final recommendation, and City Council will be the final local decision-maker on the package of proposed land use code amendments.

Coordination Protocol

Project Management Team

The Project Management Team is the core staff team tasked with executing the project according to the project charter, including production of deliverables, communication, coordination, managing consulting contracts, and adjustments as needed.

Name	Title	Role
Jenessa Dragovich	Senior Planner	Project Manager/Lead Staff
Alissa Hansen	Principal Planner	Oversight/Support
Terri Harding	Principal Planner	Oversight/Support
Lauren Sommers	City Attorney	Legal Advice

Significant amendments to the scope will require review and approval by the Principal Planner and Planning Director, in consultation with PDD Management, the City Attorney and City Manager as needed.

Project Budget/Staff Resources

Public involvement and outreach beyond the typical public notice requirements for land use code amendments requires funding beyond the Planning Division's existing budget. Specific deliverables such as implementation of the public involvement plan and a land use code audit with support from an outside consultant also require funding. Funding of $100,000 for the project has been identified and incorporated into the proposed FY19 budget. If approved, these funds will be available on July 1, 2018 and will be used to cover consultant costs for implementing the public involvement plan, conducting the Land Use Code Audit, and performing as-needed technical analysis (e.g., for geotechnical, traffic, or tree issues).

The project is dependent on existing staff resources with competing demands for time including on-going State-mandated land use application processing and other high-priority Envision Eugene implementation tasks. Estimated staff time will include a Senior Planner as Project Manager (0.5 FTE) for the duration of the project, with additional support from the Principal Planner (0.05 FTE) and the City Attorney's Office (TBD).

Additional staff time will be used on an as-needed basis for particular events or tasks, depending on the methods of public involvement, outreach, and materials such as graphics, maps, or case study examples to be produced at key points in the process (administrative support, graphic design, GIS mapping/analysis, etc.). The following estimates the amount of staff time for in-house assistance from long-range planning staff:

- Outreach Materials/Graphics/GIS Mapping: 30-40 hours
- Public Involvement Assistance: 40 hours

In addition to staff resources, material costs yet to be determined will include noticing, advertisements, and meeting materials (posters, handouts, etc.).

Assumptions/Policy Background

Below are potential factors or parameters that affect the project, its validity, execution or acceptance including applicable policies, directives, prior decisions, and particularly relevant laws and regulations affecting the project:

- Council Direction:
  - July 20, 2015 Council Agenda Item Summary: https://ompnetwork.s3-us-west-2.amazonaws.com/sites/134/documents/agenda_packet_76.pdf
  - Council Minutes July 20, 2015: https://ompnetwork.s3-us-west-2.amazonaws.com/sites/134/documents/minutes_50.pdf
- Envision Eugene Pillars:
  - Envision Eugene, A Community Vision for 2032: https://www.eugene-or.gov/DocumentCenter/Home/Index/745
- Legal requirements and changes in needed housing statutes or related case law:
  - Needed Housing Statutes (See ORS 197.303-307): https://www.oregonlaws.org/ors/chapter/197
  - Senate Bill 1051 (2017): https://olis.leg.state.or.us/liz/2017R1/Downloads/MeasureDocument/SB1051/Enrolled
  - LUBA No. 2016-024 (Walter v. City of Eugene): http://www.oregon.gov/LUBA/docs/Opinions/2016/06-16/16024.pdf
  - Eugene Hearings Official's Decision on TIA for Delta Ridge (PDT 17-3) (See Page 5): http://cepdddocuments/PDDLFDocViewer/DocView.aspx?dbid=0&id=1988553

Constraints

Potential factors that may limit our ability to carry out the project or achieve goals or objectives could include:

- Adequate staffing, depending on volume of land use applications submitted, i.e. if land use application demand increase significantly, staffing may be temporarily diverted to cover those needs in order to meet State-mandated timelines for land use review
- Continued project prioritization in the face of competing demands such as additional Council directives
- Legal requirements and changes in needed housing statutes or related case law

Dependencies

The project will require Council input on the scope of the **Clear & Objective Housing: Approval Criteria Update** to ensure alignment with the project goals, objectives, and deliverables as stated herein. While the project has already been formally "initiated" based on Council direction, it will benefit greatly from an early check-in and guidance to confirm whether the project as proposed is aligned with Council expectations. Stakeholder availability, commitment to the issue, and ongoing participation will be key to a robust approach that can balance the varied interests.

Risks

Risk remains high for future appeals and legal challenges to our clear and objective criteria, both existing and proposed. Future phases of Envision Eugene implementation, including the adoption of Phase 2 of our new comprehensive plan and a parcel specific land use map, are also at the forefront of stakeholders' concerns while the **Clear & Objective Housing: Approval Criteria Update** remains either unfinished or unsatisfactory to their interests.

Neighborhood livability, public health and safety, and natural resource protections are firmly embedded in existing adopted policies, land use regulations, and the community vision expressed through the Envision Eugene pillars. These values will be at the forefront of public discussion of proposed changes to the clear and objective approval criteria for housing, especially for neighborhoods in the south hills and near farmlands and natural areas. There is a risk that the balance of community interests could lean toward changes to the clear and objective approval criteria that may not match the expectations of all stakeholders. Securing broad support among varied stakeholders will be the core challenge of this project.

To mitigate these risks, the project should be considered a high priority with adequate time, staff resources, and funding allocated as soon as possible among competing priorities. The project should also focus on the intersection of the need for housing and broader community interests. That will require time and attention to exploring a range of options and daylighting tradeoffs and impacts for diverse community values. It may also require research and analysis to help the community better understand how issues relate to one another, for example the interplay between regulations and housing availability and affordability.

Approvals

_____ _____

Robin Hostick, Project Sponsor — Date
Planning Director, City of Eugene Planning Division

_____ _____

Jenessa Dragovich, Project Manager — Date
Senior Planner, City of Eugene Planning Division

Relevant Needed Housing Excerpts from Oregon Revised Statutes (197.303-197.307)

Source: https://www.oregonlegislature.gov/bills_laws/ors/ors197.html **04/30/2018**

197.303 "Needed housing" defined. (1) As used in ORS 197.307, "needed housing" means all housing on land zoned for residential use or mixed residential and commercial use that is determined to meet the need shown for housing within an urban growth boundary at price ranges and rent levels that are affordable to households within the county with a variety of incomes, including but not limited to households with low incomes, very low incomes and extremely low incomes, as those terms are defined by the United States Department of Housing and Urban Development under 42 U.S.C. 1437a. "Needed housing" includes the following housing types:

(a) Attached and detached single-family housing and multiple family housing for both owner and renter occupancy;

(b) Government assisted housing;

(c) Mobile home or manufactured dwelling parks as provided in ORS 197.475 to 197.490;

(d) Manufactured homes on individual lots planned and zoned for single-family residential use that are in addition to lots within designated manufactured dwelling subdivisions; and

(e) Housing for farmworkers.

(2) Subsection (1)(a) and (d) of this section does not apply to:

(a) A city with a population of less than 2,500.

(b) A county with a population of less than 15,000.

(3) A local government may take an exception under ORS 197.732 to the definition of "needed housing" in subsection (1) of this section in the same manner that an exception may be taken under the goals. [1981 c.884 §6; 1983 c.795 §2; 1989 c.380 §1; 2011 c.354 §2; 2017 c.745 §4]

197.304 Lane County accommodation of needed housing. (1) Notwithstanding an intergovernmental agreement pursuant to ORS 190.003 to 190.130 or acknowledged comprehensive plan provisions to the contrary, a city within Lane County that has a population of 50,000 or more within its boundaries shall meet its obligation under ORS 197.295 to 197.314 separately from any other city within Lane County. The city shall, separately from any other city:

(a) Establish an urban growth boundary, consistent with the jurisdictional area of responsibility specified in the acknowledged comprehensive plan; and

(b) Demonstrate, as required by ORS 197.296, that its comprehensive plan provides sufficient buildable lands within an urban growth boundary established pursuant to statewide planning goals to accommodate estimated housing needs for 20 years.

(2) Except as provided in subsection (1) of this section, this section does not alter or affect an intergovernmental agreement pursuant to ORS 190.003 to 190.130 or acknowledged comprehensive plan provisions adopted by Lane County or local governments in Lane County. [2007 c.650 §2]

197.305 [1973 c.80 §52; 1977 c.664 §23; repealed by 1979 c.772 §26]

197.307 Effect of need for certain housing in urban growth areas; approval standards for residential development; placement standards for approval of manufactured dwellings. (1) The availability of affordable, decent, safe and sanitary housing opportunities for persons of lower, middle and fixed income, including housing for farmworkers, is a matter of statewide concern.

(2) Many persons of lower, middle and fixed income depend on government assisted housing as a source of affordable, decent, safe and sanitary housing.

(3) When a need has been shown for housing within an urban growth boundary at particular price ranges and rent levels, needed housing shall be permitted in one or more zoning districts or in zones described by some comprehensive plans as overlay zones with sufficient buildable land to satisfy that need.

(4) Except as provided in subsection (6) of this section, a local government may adopt and apply only clear and objective standards, conditions and procedures regulating the development of housing, including needed housing. The standards, conditions and procedures:

(a) May include, but are not limited to, one or more provisions regulating the density or height of a development.

(b) May not have the effect, either in themselves or cumulatively, of discouraging needed housing through unreasonable cost or delay.

(5) The provisions of subsection (4) of this section do not apply to:

(a) An application or permit for residential development in an area identified in a formally adopted central city plan, or a regional center as defined by Metro, in a city with a population of 500,000 or more.

(b) An application or permit for residential development in historic areas designated for protection under a land use planning goal protecting historic areas.

(6) In addition to an approval process for needed housing based on clear and objective standards, conditions and procedures as provided in subsection (4) of this section, a local government may adopt and apply an alternative approval process for applications and permits for residential development based on approval criteria regulating, in whole or in part, appearance or aesthetics that are not clear and objective if:

(a) The applicant retains the option of proceeding under the approval process that meets the requirements of subsection (4) of this section;

(b) The approval criteria for the alternative approval process comply with applicable statewide land use planning goals and rules; and

(c) The approval criteria for the alternative approval process authorize a density at or above the density level authorized in the zone under the approval process provided in subsection (4) of this section.

(7) Subject to subsection (4) of this section, this section does not infringe on a local government's prerogative to:

(a) Set approval standards under which a particular housing type is permitted outright;

(b) Impose special conditions upon approval of a specific development proposal; or

(c) Establish approval procedures.

(8) In accordance with subsection (4) of this section and ORS 197.314, a jurisdiction may adopt any or all of the following placement standards, or any less restrictive standard, for the approval of manufactured homes located outside mobile home parks:

(a) The manufactured home shall be multisectional and enclose a space of not less than 1,000 square feet.

(b) The manufactured home shall be placed on an excavated and back-filled foundation and enclosed at the perimeter such that the manufactured home is located not more than 12 inches above grade.

(c) The manufactured home shall have a pitched roof, except that no standard shall require a slope of greater than a nominal three feet in height for each 12 feet in width.

(d) The manufactured home shall have exterior siding and roofing which in color, material and appearance is similar to the exterior siding and roofing material commonly used on residential dwellings within the community or which is comparable to the predominant materials used on surrounding dwellings as determined by the local permit approval authority.

(e) The manufactured home shall be certified by the manufacturer to have an exterior thermal envelope meeting performance standards which reduce levels equivalent to the performance standards required of single-family dwellings constructed under the state building code as defined in ORS 455.010.

(f) The manufactured home shall have a garage or carport constructed of like materials. A jurisdiction may require an attached or detached garage in lieu of a carport where such is consistent with the predominant construction of immediately surrounding dwellings.

(g) In addition to the provisions in paragraphs (a) to (f) of this subsection, a city or county may subject a manufactured home and the lot upon which it is sited to any development standard, architectural requirement and minimum size requirement to which a conventional single-family residential dwelling on the same lot would be subject. [1981 c.884 §5; 1983 c.795 §3; 1989 c.380 §2; 1989 c.964 §6; 1993 c.184 §3; 1997 c.733 §2; 1999 c.357 §1; 2001 c.613 §2; 2011 c.354 §3; 2017 c.745 §5]

Attachment E

Clear & Objective Housing: Approval Criteria Update

Public Involvement Plan

DRAFT 2018

May 29, 2018, Work Session - Item 3

Clear & Objective Housing: Approval Criteria Update

Public Involvement Plan

Overview

Through the Envision Eugene adoption process, the need to accommodate approximately 15,000 new homes within our urban growth boundary (UGB) over the next 20 years was identified. A diverse mixture of housing types and affordability levels is anticipated as our community's needs will change over this period. A key objective as we accommodate this growth will be to balance the community's values regarding livability, public health and safety, and natural resource protection—as expressed through the Envision Eugene pillars—with the need to mitigate existing barriers to housing development.

Oregon's Statewide Planning Goal 10 (Housing) requires that local governments adopt and apply only clear and objective standards, conditions, and procedures regulating the development of housing. The standards, conditions, and procedures may not discourage needed housing through unreasonable cost or delay.

A number of legal challenges have occurred, through appeals of land use decisions, where applicants asserted that our approval criteria violated the State requirements to be clear and objective, increased cost and uncertainty, or were otherwise difficult to meet on specific sites. Several existing clear and objective housing approval criteria are perceived by some as barriers to providing the housing our community needs. Two approval criteria we previously relied on can no longer be applied after being determined that they were not clear and objective.

Given our need to accommodate growth, the state requirement to provide a clear and objective path to land use approval, and the clear mandate to ensure that future development reflects our community's values; it is a worthwhile exercise to reevaluate and possibly update the City's clear and objective approval criteria to meet these goals. The Eugene City Council directed an update to the City's procedures and approval criteria for housing applications, with a target for bringing proposed updates before them within 1 year of the State's acknowledgement of the baseline UGB—which occurred January 2018.

Goals of the Public Involvement Plan

The purpose of this plan is to guide stakeholder and public involvement in updating the clear and objective approval criteria for housing. The project will include reaching out to identify development barriers, potential legal vulnerabilities, and gaps in our criteria that might hinder achieving our community vision. The Project Management Team is committed to a public engagement process that is:

- **Meaningful:** We will use the input received to help draft clear and objective land use approval criteria for housing.
- **Accountable:** We will respond to ideas, critique, comments, and praise.
- **Inclusive:** We will strive to communicate with all stakeholders, including under-represented groups, in ways that people understand and can relate to.
- **Transparent:** We will make decisions public and share information in a variety of ways.
- **Realistic:** We will inform people about the project's constraints, scope, and timeline.
- **Outcome-oriented:** We will create community-supported clear and objective policies and procedures.

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The City of Eugene Values and Principles for Public Participation will guide the project from start to finish. The **core values for public engagement** include:

- Careful Planning and Preparation
- Inclusion and Demographic Diversity
- Collaboration and Shared Purpose
- Transparency and Trust
- Impact and Action
- Sustained Engagement and Participatory Culture

Public involvement goals specific to this project include, but are not limited to, the following:

- Identify needed changes or improvements to existing clear and objective criteria
- Provide early and ongoing opportunities for stakeholders to raise issues and concerns
- Ensure that stakeholder contributions are considered in drafting new standards and the subsequent decision making process
- Balance the needs of the development community with the values of the overall community as identified through Envision Eugene
- Simultaneously streamline the review process while improving the quality of development outcomes (as measured by consistency with community values)

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Public Involvement Process

The Clear & Objective Housing: Approval Criteria Update will culminate with a decision from the Eugene City Council, and there will be many opportunities along the way for stakeholders and the public to be involved.

The International Association of Public Participation (IAP2)'s spectrum of public participation, Figure 1, shows varying levels of engagement based on the level of public impact. Based on the moderate level of anticipated impact, the general applicability (vs. area or site-specific), the technical nature of the work, and the timeline given by the City Council, the public and stakeholders will primarily be engaged at the "consult" and "involve" levels. The Eugene Planning Commission, as at-large citizen volunteers appointed by elected representatives, will be engaged at the "collaborate" level to craft a recommendation for the Eugene City Council to consider. As the Eugene City Council is an elected body, the public will collectively be represented at the "empower" level. Throughout the process, we will keep the public informed about the status of the project and the outcomes.

INCREASING IMPACT ON THE DECISION

	INFORM	CONSULT	INVOLVE	COLLABORATE	EMPOWER
PUBLIC PARTICIPATION GOAL	To provide the public with balanced and objective information to assist them in understanding the problem, alternatives, opportunities and/or solutions.	To obtain public feedback on analysis, alternatives and/or decisions.	To work directly with the public throughout the process to ensure that public concerns and aspirations are consistently understood and considered.	To partner with the public in each aspect of the decision including the development of alternatives and the identification of the preferred solution.	To place final decision making in the hands of the public.
PROMISE TO THE PUBLIC	We will keep you informed.	We will keep you informed, listen to and acknowledge concerns and aspirations, and provide feedback on how public input influenced the decision.	We will work with you to ensure that your concerns and aspirations are directly reflected in the alternatives developed and provide feedback on how public input influenced the decision.	We will look to you for advice and innovation in formulating solutions and incorporate your advice and recommendations into the decisions to the maximum extent possible.	We will implement what you decide.

Figure 1. IAP2's Public Participation Spectrum (source: www.iap2.org)

Decision Making

The decision-making process is described in the Project Charter. In all public communications, it is important to be clear who is making decisions for the project and how public input will be considered and incorporated. Prior to each major decision point, the project team will communicate with stakeholders about:

- Who will make the decisions
- How stakeholders can influence decisions
- When there are opportunities to participate
- How input will be considered

Project Participation Levels:

Empower: Eugene City Council (elected to decide)

Collaborate: Eugene Planning Commission (recommendation)

Involve: Stakeholder Working Groups (selected to advise)

Consult: Stakeholders and Public (welcomed and encouraged to give opinion)

Communications

Throughout the project the Project Management Team will employ a variety of communication strategies to inform the public, key stakeholders, the planning commission and city council. Possible communication methods include:

Interested Parties List: The project manager will create and maintain an interested parties list for the project, including names, addresses, email addresses, phone numbers, and participation information.

Email Updates: The project will communicate periodically with key stakeholders (working groups) about upcoming events and project outcomes.

Newsletters: The project will use existing City E-Newsletters to provide regular project updates and add to the interested parties list, including: Envision Eugene, City Council Newsletter, Neighborly News and others.

Social Media: The project may use existing City accounts on Nextdoor.com, Facebook, Twitter and YouTube to get messages out and advertise engagement opportunities. We will evaluate the effectiveness of different methods and adapt as we proceed.

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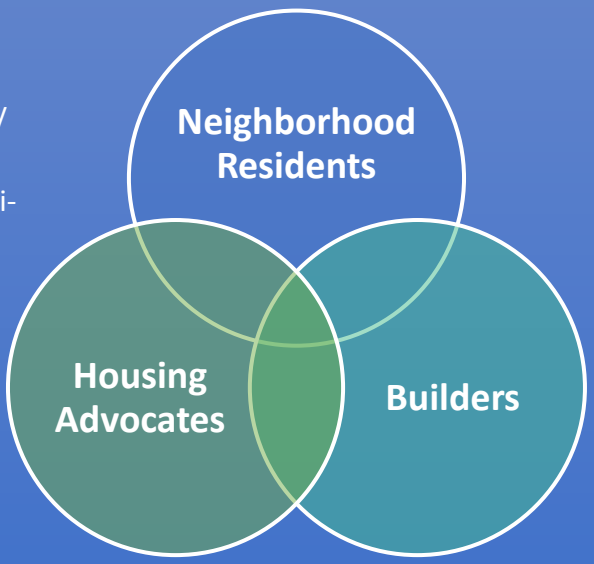
Stakeholders and Key Concerns

Key stakeholder groups and the general public will be offered multiple opportunities to engage the planning process through varied means, both formal and informal. While the list will evolve over time, the following key stakeholders are identified as having an important role in the proposed update:

Community Stakeholders:



- Home Builders Association of Lane County
- Neighborhood associations and residents
- Housing developers (both single and multi-family)
- Housing Policy Board
- Chamber of Commerce
- 1000 Friends of Oregon
- Local land use consultants
- Design professionals (planners, architects, engineers, etc.)
- Sustainability Commission
- Subsidized housing providers (St. Vincent DePaul, NEDCO, Homes for Good, Cornerstone, etc.)
- Tree preservation & natural resource advocates
- Transportation advocates
- Eugene Realtors Association
- WE CAN (Walkable Eugene Citizens Advisory Network)
- Better Housing Together

Technical Resources

- Eugene Water & Electric Board (EWEB)
- City of Eugene Public Works (Engineering, Transportation, Parks, and Maintenance)
- City of Eugene Community Development
- Eugene/Springfield Fire/EMS
- 4J Safe Routes to School

Project Phases

The project will be completed in four phases, with each phase using a variety of public engagement strategies and resulting in a deliverable product.

Phase 1: Survey Issues (March – June)

Phase 1 will involve information gathering. The project manager will conduct listening sessions with stakeholders to introduce the project, gain input on what the existing barriers to housing are in terms of criteria and process, what community values could be addressed better, and find out what diverse interests see as the best and worst outcomes from the project. In addition to the listening sessions, the project will also be announced by an EE Newsletter article and a new webpage on the Planning Division website. The project manager will schedule work session check-ins to review the Draft Charter and Draft Public Involvement Plan with Planning Commission and City Council.

As part of identifying key issues, a land use code audit, performed by an external consultant, will evaluate our existing land use code approval criteria and procedures related to housing. The code audit will help determine the specific range of potential land use code changes. The consultant may also conduct independent stakeholder interviews to get in-depth feedback on problematic code requirements. Finally, Phase 1 will also include a legal survey by the City Attorney's Office. The legal survey will identify what amendments are required in response to changes in State law and recent case law. Along with the code audit and stakeholder feedback, the legal survey will inform the Summary of Key Issues report that will guide Phase 2 work. At the end of this phase, the project manager will provide a memo update, along with a copy of the Summary of Key Issues report, to both Planning Commission and City Council, as well as interested parties. Feedback will be requested on corrections or additions to the key issues identified.

Phase 2: Concepts and Evaluation (June – September)

The Summary of Key Issues report produced during Phase 1 will direct our engagement with key stakeholders in working group meetings during Phase 2. The working groups will involve stakeholders in generating a range of practical ideas for addressing each of the identified key issues. Staff will request representatives from key stakeholder groups to make up the working groups. Subject to availability, the composition of the groups may vary over the course of multiple working group meetings. For each key issue identified in the report, multiple concepts for how to address the issue will be generated, including a review of approaches used in other communities. Each concept will then be evaluated through several lenses, or criteria, such as whether the concept is clear and objective, creates added cost or delay, protects livability, and is consistent with the City's Triple Bottom Line framework. Stakeholder groups and the general public will be invited to comment on draft concepts, suggest additional concepts, and to weigh in on which concepts best address various interests. Through this engagement process, staff will identify the solutions to be included in the Preferred Concepts Report produced at the end of Phase 2.

General updates will be provided using the EE Newsletter, website, and email(s) to Interested Parties. The Planning Commission will be asked to review and refine the draft Preferred Concepts Report. A City Council work session will be scheduled to present the report and request approval to proceed with drafting proposed code amendments will occur at the end of Phase 2.

Phase 3: Draft Code (September – January)

Phase 3 will culminate with proposed land use code language for consideration by Council to proceed with formal adoption. In this phase, the project management team will work with an outside consultant to draft code language consistent with the preferred concepts identified in the Preferred Concepts Report produced

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in Phase 2. Working groups will again be consulted upon completion of the first draft of code amendments. Project status updates will be communicated in the EE newsletter, on the website, and through direct email to Interested Parties.

The project manager will bring the proposed land use code changes before the Planning Commission for review, resulting in a preliminary recommendation to the City Council. Depending on the level of input, this may be an iterative process that may require multiple work sessions. Upon Planning Commission's recommendation, staff will proceed to a City Council work session where Council will have an opportunity to act on the Planning Commission recommendation, providing direction on the amendments that will proceed through the formal adoption process.

Phase 4: Formal Adoption: (January - Summer 2019)

The final phase of the project will be to bring the proposed land use code changes through the formal adoption process. The formal adoption process for a change to the City's land use code is a Type V (legislative) land use process, which provides for multiple opportunities for public involvement. This process requires notice to the Oregon Department of Land Conservation and Development, mailed notice of the public hearings to interested parties, and placement of a legal ad. We also plan for additional outreach, including webpage updates, EE Newsletter updates and emails to interested parties. As part of the formal adoption process, a public hearing before the Planning Commission will take place, giving an opportunity for interested parties to provide written or spoken testimony. Following the hearing, Planning Commission will provide a final recommendation to the City Council on the proposed code amendments. Next, a public hearing will be held before the City Council, providing for additional opportunities for written or spoken testimony. Following the public hearing, City Council will act on the proposed code amendments.

The diagram on the following page provides an estimated timeline and an overview of the project phases, and the public engagement strategies for each phase.

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Clear & Objective Housing Standards Project Timeline

March – June | June – September | September – January | January 2019...

Council Action → Initiate Formal Adoption

Phase 1 Survey Issues

Phase 2 Concepts & Evaluation

Phase 3 Draft Code

Phase 4 Formal Adoption

Public Engagement Strategies

Phase 1

- Stakeholder Listening Sessions & Interviews
- EE Newsletter
- Launch Project Page on Planning Website
- Planning Commission Check-in
- City Council Check-in

Phase 2

- Stakeholder Working Group Meetings
- EE Newsletter
- Website updates
- Email update to Interested Parties
- Planning Commission Check-in
- City Council Check-in

Phase 3

- Staff & Consultant Draft Language
- Working Group Consultations
- EE Newsletter
- Website Updates
- Planning Commission Check-in
- City Council Direction

Phase 4

- Planning Commission Public Hearing
- Planning Commission Recommendation
- City Council Public Hearing
- City Council Action
- EE Newsleter
- Website Updates

End of Phase Products

Summary of Key Issues | Preferred Concepts | Proposed Code Changes | Adopted Code Changes

Coordination with other Projects

The Project Team will coordinate with other projects underway for discussion of meeting coordination, workload overlap, and contact lists. Existing projects identified to date include:

- River Road Santa Clara Neighborhood Plan
- Climate and Energy Action Plan Update
- Comprehensive Plan Phase 2
- Urban Reserves Planning
- Growth Monitoring Program Development
- Cost Analysis of Serving Different Development Patterns/Economic Cartography
- Moving Ahead

DRAFT

Project Charter: Clear & Objective Housing: Approval Criteria Update

Project Title: Clear & Objective Housing: Approval Criteria Update
Project Charter Author: Jenessa Dragovich, Senior Planner
Creation Date: June 26, 2017
Last Revision Date: May 23, 2018
Project Origin: Council direction, Envision Eugene high-priority work plan item
Project Sponsor: Robin Hostick, Planning Director
Project Manager: Jenessa Dragovich
Project Team Members: Jenessa Dragovich, Alissa Hansen, Lauren Sommers
Project Charter Status: Draft/Pending
Proposed Project Start and End Date: Target for Council consideration: within 1 year of UGB acknowledgement (January 2019)

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Overview/Purpose

Project Description

In the spirit of Oregon's Statewide Planning Goal 10 (Housing) and commitments made as part of the Envision Eugene adoption process, the City expects to accommodate approximately 15,000 new homes in the next 20 years within our current Urban Growth Boundary (UGB). We anticipate that a mixture of housing types affordable to various levels of household income will help to meet our community's diverse and changing needs over this period. Our housing needs must be also be balanced with the community's values related to neighborhood livability, public health and safety, economic opportunities, and natural resource protections expressed through the Envision Eugene pillars.

Senate Bill 1051 amended the definition of "needed housing" to clarify that "needed housing" means **all** housing on land zoned for residential use or mixed residential and commercial use. Needed housing includes the following housing types: attached and detached single-family, multiple family, government assisted, mobile home or manufactured dwelling. Needed housing developments are entitled to a land use application process under clear and objective approval standards as required by State law.

In 2001-2002, as part of a major update to the City's land use code, the Eugene City Council adopted a two-track system for the following types of land use applications: partitions, subdivisions, site reviews, conditional use permits and planned unit developments. One track allows applicants to use "clear and objective" approval criteria required by state law for housing applications. In Eugene's land use code, this track is called the "Needed Housing" approval criteria. The approval criteria included in the Needed Housing tracks are intended to be clear and objective, and to offer a predictable path to approval for housing projects that meet the criteria. The City also offers land use applicants an alternative process that includes discretionary (i.e. subjective) approval criteria and is designed to allow more flexibility in how projects meet our community's adopted standards. In Eugene's land use code, this discretionary track is called the "General" track. Housing applicants are entitled to choose either track. An excerpt of the applicable State statutes is provided at the end of this charter for reference.

Several of the City's adopted clear and objective approval criteria are viewed by some as overly burdensome or as barriers to housing; not necessarily the best way to achieve the regulatory intent; and, in some instances increasing the cost or time required to obtain land use approvals and construct housing. The City's clear and objective approval criteria have been in place for over 15 years. Over this time period, a number of legal challenges have occurred through land use appeals where the applicant has asserted that our criteria violate State law because they are subjective, increase cost and uncertainty, or are otherwise difficult to meet on certain sites. In their view, these criteria are a barrier to housing and should be amended or repealed.

One of the City's individual clear and objective approval criteria (the "19-lot rule") has been determined by the Oregon Land Use Board of Appeals (LUBA) to violate the statutory requirement for being clear and objective, and can no longer be applied. This is a problem for our community because we do not have a clear and objective criterion in place that addresses concern about safe access to and from developments. Additionally, a recent decision by the Eugene Hearings Official determined that the Traffic Impact Analysis standards are not clear and objective. The purpose of the Traffic Impact Analysis review, when applicable, is to ensure that developments provide facilities to accommodate the traffic

generated by the proposed development. The loss of this regulatory tool for housing applications will have an effect on the community's transportation infrastructure. These are examples of why City staff and a variety of key stakeholders agree that our existing clear and objective criteria should be reviewed and possibly updated, as discussed in greater detail below.

The interest and expectation for an update to our land use code also gained the attention of the Planning Commission and City Council as part of the Envision Eugene adoption process. In recent months, neighborhood leaders concerned about how code updates could impact livability, as well as housing advocates interested in alleviating our community's housing shortage, have also addressed Council. These interests intersect with the **Clear & Objective Housing: Approval Criteria Update** and further demonstrate the need to create a more efficient and effective path for land use applications proposing housing. Additionally, the Home Builders Association of Lane County (HBA) has continued to express concerns about the City's clear and objective criteria and how they may impact our ability to meet the projected 20-year housing demand on existing land within the urban growth boundary (UGB). As a result, this update is considered a high priority task on the Planning Division's work plan as part of implementing Envision Eugene, with Council direction to bring proposed land use code changes back for consideration within 1 year of the State's acknowledgement of our newly adopted UGB—to occur by January 2019.

Geography
The scope of work will likely include amendments to the land use application approval criteria for partitions, subdivisions, site reviews, conditional use permits and planned unit developments and related procedures for housing that apply City-wide.

Failure to Reach Resolution
Failure to examine and revise our clear and objective approval criteria may affect Eugene's ability to:

- Accommodate our housing need inside our existing UGB
- Provide housing affordable to all income levels
- Use existing land wisely and efficiently
- Provide certainty for housing developers and neighbors
- Address concerns regarding safety and quality of life

In addition, the City will likely face continuing legal challenges and significant public expense in processing appeals on a project-by-project basis. Future appeals could result in unintended gaps or uncertainty in our clear and objective approval criteria, which may leave important community values unaddressed through the land use process, causing further erosion of trust and higher cost to the public.

If the **Clear & Objective Housing: Approval Criteria Update** is successful, our regulatory framework will reduce potential appeals and housing cost associated with the land use process; increase certainty and predictability for property owners and developers in their ability to provide housing; and reflect a balanced outcome with respect to other important community values.

Goals

The overarching goal of this effort is to align the City's clear and objective land use application criteria and procedures for housing with our community's current needs and values. The work fulfills an important Council directive intended to help our community prepare for future growth as expressed in Envision Eugene. The **Clear & Objective Housing: Approval Criteria Update** will involve land use code changes that result in a balanced outcome with respect to the policy goals as embodied in the pillars of Envision Eugene. More specifically, the intent is to mitigate potential barriers to meeting the City's projected housing needs within the existing UGB over the next 20-year planning period, while also protecting public health and safety, neighborhood livability, and natural resources in keeping with our community's vision and values.

The overarching goal of this effort is to align the City's clear and objective land use application criteria and procedures for housing with our community's current needs and values.

In summary, the project will strive to meet the following goals:

- Raise awareness of the role of clear and objective land use code approval criteria and procedures in shaping our community's future
- Engage the public in a discussion of objective alternatives that best meet and balance our values
- Reduce or mitigate existing land use code barriers to housing development
- Support reasonable and predictable development of buildable lands for housing
- Address public health and safety, natural resource protection, and neighborhood livability with clear and objective approval criteria for housing

Objectives

The following objectives help to articulate how the City intends to achieve the goal of updating our clear and objective criteria for land use applications for housing:

1) Gather public input on a range of known concerns, suggested solutions, and alternatives regarding clear and objective standards.
2) Maintain compliance with State law by ensuring the approval criteria for housing applications are clear and objective, and do not have the effect of discouraging needed housing through unreasonable cost and delay.
3) Respond to any changes in State law or recent case law which may further refine, dictate, or legally require certain amendments.
4) Present recommended land use code changes to Council for consideration, request action to move forward with formal adoption process—target January 2019 (within one year of the State's acknowledgement of Eugene's newly adopted UGB).

Scope

Eugene's clear and objective approval criteria apply City-wide, so this update will ultimately involve a legislative process to amend the land use code. Consistent with the goals and objectives stated above, the **Clear & Objective Housing: Approval Criteria Update** will require any proposed changes put forward by key stakeholders, the City Attorney's Office, City staff, or others to undergo thorough technical analysis and public review prior to beginning the formal adoption process. It will also require that all recommendations be responsive to changes in State law and other recent case law.

The project will take place in three main phases, with the future fourth and final phase encompassing the formal adoption process. The following list represents a sequence of tasks that reflect the intended scope and outline the parameters of the project:

1) **Issue Identification.** The initial phase will include project startup tasks like drafting the project charter and public involvement plan. It will also include outreach to stakeholders (listening sessions and stakeholder interviews), an external code audit, and an internal legal analysis that will help identify the issues to address within the scope of this land use code update. More specifically, Phase 1 will include:
    a. **Public Involvement.** Prepare and implement a public involvement plan (with implementation support from a qualified local consultant) appropriately customized for the scope of the proposed **Clear & Objective Housing: Approval Criteria Update**. This plan will help refine our public outreach efforts with key stakeholders to ensure a highly transparent, open, and balanced process.
    b. **Stakeholder Listening Sessions and Interviews.** Conduct early listening sessions with key stakeholders to identify barriers to housing in terms of existing criteria, expectations for best/worst outcomes, and general advice or concerns they wish to share. Hold further interviews, as needed, with the involvement of the consultant preparing the code audit.
    c. **Land Use Code Audit.** Determine the specific range of possible land use code amendments through a Code Audit that will identify the land use application criteria and related standards to be included in the clear and objective update. This Code Audit will be supported by an outside consultant to help provide a neutral and knowledgeable third-party perspective for the project.
    d. **Legal Analysis.** Identify what specific amendments are required in response to changes in State law, and recent case law.
    e. **Summary of Key Issues**. Using the information collected from items a.—d. above, compile a report that summarizes the key issues that surface.
2) **Concepts and Evaluation.** Using the Summary of Key Issues generated in Phase 1, hold stakeholder working group meetings to review and vet issues, generate concepts, and evaluate potential clear and objective approaches. Preferred concepts will be recommended by staff based on criteria and input. Produce a Preferred Concepts report once the preferred concept for each issue has been identified. A policy analysis and land supply review will also be included to ensure the removal or mitigation of potential barriers to housing are balanced with other key policy objectives and to evaluate the potential effects on our buildable land supply that would result from proposed regulatory changes.
3) **Draft Land Use Code.** The third phase will involve writing proposed code changes and soliciting stakeholder feedback.
    a. **Land Use Code Writing**. Draft preliminary land use code amendment language based on the Preferred Concept report. This work will be performed by the project management team with assistance from the outside consultant.
    b. **Working Group Consult**. Consult with stakeholders once draft code language is created to get feedback on the proposed changes.
    c. **Council Action.** Upon development of a draft set of proposed land use code changes that have been reviewed by the public and Planning Commission, schedule work session with City Council to present a set of proposed code updates and seek direction on what code changes to take

through the formal adoption process. ***Council action to move forward to formal adoption concludes the majority of the Clear & Objective Housing: Approval Criteria Update as outlined in this charter.***

4) **Formal Adoption**. From that point on, adoption of the proposed land use code changes will follow a legislative land use process. As such, a file record will be created and staff will commence with required notices and additional outreach as needed, draft required findings of compliance with applicable Statewide Planning Goals and other approval criteria, and prepare other supporting materials necessary for adoption of the proposed land use code amendments.

Scope Exclusions

The **Clear & Objective Housing: Approval Criteria Update** will encompass all housing types at various densities and price ranges throughout the entire City (where the zoning permits housing). The project is not intended to facilitate or incentivize any one particular housing type such as low-income or affordable housing, multi-family or single-family, secondary dwelling units or tiny homes. These discussions are outside the scope of this project except where they intersect with the stated goals and objectives. The project is only intended to broadly address the land use application criteria and related standards for all types of "needed housing" as defined in State law, which now encompasses all housing. The scope will be limited to clear and objective approval criteria pertaining to partitions, subdivisions, planned unit developments, site reviews, and conditional use permits. This may result in updating some general development standards applicable to housing to the extent such standards are referenced in the clear and objective land use application approval criteria.

While the scope includes refinement plan policies that are already included as clear and objective approval criteria, to the extent they are identified in Phase 1 (such as the South Hills Study policies), the scope does not include an exhaustive analysis of existing refinement plan policies or an attempt to establish clear and objective standards that would implement these various policies through a comprehensive set of design standards. Such an effort would greatly exceed the scope of available resources and is not the focus of Council's direction on the clear and objective update. Code changes that address area-specific policies would best be accomplished as part of future area plan and refinement plan updates.

Deliverables

DELIVERABLE	PURPOSE	STAFF LEAD/SUPPORT
PREPARATORY DELIVERABLES		
Project Charter	Clear articulation of project description, scope of work, and decision making process.	Project Manager /Principal Planner
Public Involvement Plan	Establish the best means to reach key stakeholders for early input and formal decision-making events.	Project Manager/City team members /Consultant
PHASE 1 DELIVERABLES		
Land Use Code Audit	Identify the specific range of land use application criteria and procedures to be included in the clear and objective update.	Project Manager/ City team members /Consultant
Legal Analysis	Identify changes required due to case law and statutory requirements.	Project Manager/City team members
Summary of Key Issues	Compile report of all issues identified through outreach, the code audit, and legal analysis to guide Phase 2 work.	Project Manager
PHASE 2 DELIVERABLES		
Preferred Concepts Report	Identify preferred concepts for addressing each of the key issues. Includes topic-specific evaluation such as policy analysis and land supply review.	Project Manager/City team members
PHASE 3 DELIVERABLES		
Draft Land Use Code Changes	Draft land use code changes will address the issues and preferred alternatives generated during Phase 1 and 2. Proposed changes will be drafted and analyzed for effectiveness and potential impacts, then brought back to the key stakeholders for final consultation to ensure consistency with the preferred concepts. Planning Commission feedback will be sought, and the end result will be vetted and ready for City Council action to proceed to formal adoption.	Project Manager/City team members/Consultant
PHASE 4 DELIVERABLES		
Proposed Ordinance	Draft ordinance will include all formal land use code amendments to relevant provisions; findings will demonstrate compliance with applicable Statewide Planning Goals and related approval criteria for proposed land use code amendments; and required public notices, outreach materials, agenda item summaries, and presentation tools will facilitate the recommendation and final decision-making at Planning Commission & City Council.	Project Manager/ City team members

Project Milestones/Timeline

This project will follow Council's direction to bring back a set of proposed land use code changes by January 2019 (within 1 year of the State's acknowledgement of our newly adopted UGB), including the following:

- development of preparatory deliverables including the public involvement plan (and related outreach efforts)
- Stakeholder listening sessions/interviews
- an external land use code audit
- an internal legal analysis
- a Summary of Key Issues report
- several stakeholder working group sessions
- a Preferred Concepts report
- draft proposed land use code changes and supporting materials
- a policy analysis and land supply review for proposed amendments
- draft proposal ready for City Council action to proceed to formal adoption

Following Council action to proceed with formal adoption, the formal adoption process would commence in January/February 2019 and will include additional work sessions, public hearings, and deliberations at Planning Commission and City Council. This process is expected to take an additional 6 months.

Public Involvement Plan/Key Stakeholders

A public involvement plan has been prepared and appropriately customized for the scope and timelines of the **Clear & Objective Housing: Approval Criteria Update**. The project will be completed in phases, with each phase building upon the work done in the previous phases. Consultant support for implementation will depend upon funding and availability. The project manager will seek guidance from designated Planning Commission resources throughout the project phases. This plan will help to refine our public outreach strategy to ensure an inclusive, transparent, and balanced process.

The following key stakeholders are initially identified as having an important role in the proposed need housing update:

- Home Builders Association of Lane County (HBA)
- Neighborhood associations and residents
- Housing developers (both single and multi-family)
- Housing Policy Board
- Chamber of Commerce
- 1000 Friends of Oregon
- Local land use consultants
- Design professionals (planners, architects, engineers, etc.)
- Sustainability Commission
- Subsidized housing providers (St. Vincent DePaul, NEDCO, Homes for Good, Cornerstone, etc.)
- Tree preservation & natural resource advocates

- Transportation advocates
- Eugene Realtors Association
- WE CAN (Walkable Eugene Citizens Advisory Network)
- Better Housing Together

Other technical resources will include:

- Eugene Water & Electric Board (EWEB)
- City of Eugene Public Works (Engineering, Transportation, Parks and Maintenance)
- City of Eugene Community Development
- Eugene/Springfield Fire/EMS
- 4J Safe Routes to School

Key stakeholder groups and the general public will be offered multiple opportunities to engage the planning process through varied means, both formal and informal. Those details, as well as the level of participation (e.g. inform, consult, involve, collaborate) are addressed in the public involvement plan.

Decision Making Process

Following the initial phases of public involvement with key stakeholders to identify key issues (Phase 1), help generate options (Phase 2), and review draft land use code language (Phase 3), a preliminary round of Planning Commission review and Council consideration and input will take place (End of Phase 3) before proceeding with the formal adoption process (Phase 4). While the main decision point will come at the end of Phase 3, when the project manager requests City Council action to move forward with formal adoption, check-ins with both Planning Commission and City Council will occur at key points in each phase. The times/items where staff will seek guidance and feedback or provide a project update will be:

- Project initiation —Draft Charter and Draft Public Involvement Plan reviews
- Phase 1—Summary of Key Issues report
- Phase 2—Preferred Concepts report
- Phase 3—Draft land use code changes (Council action)
- Phase 4 – Final land use code changes (Council adoption)

Following Council action to proceed with formal adoption, as a land use code amendment, the proposed code changes stemming from the **Clear & Objective Housing: Approval Criteria Update** are required to follow the City's codified process (Type V) for adoption of land use regulations. The Type V process requires public notice and hearings at both the Planning Commission and City Council levels. From start to completion, this will likely take approximately 6 months. Planning Commission's role will be to provide the City Council with a final recommendation, and City Council will be the final local decision-maker on the package of proposed land use code amendments.

Coordination Protocol

Project Management Team

The Project Management Team is the core staff team tasked with executing the project according to the project charter, including production of deliverables, communication, coordination, managing consulting contracts, and adjustments as needed.

Name	Title	Role
Jenessa Dragovich	Senior Planner	Project Manager/Lead Staff
Alissa Hansen	Principal Planner	Oversight/Support
Terri Harding	Principal Planner	Oversight/Support
Lauren Sommers	City Attorney	Legal Advice

Significant amendments to the scope will require review and approval by the Principal Planner and Planning Director, in consultation with PDD Management, the City Attorney and City Manager as needed.

Project Budget/Staff Resources

Public involvement and outreach beyond the typical public notice requirements for land use code amendments requires funding beyond the Planning Division's existing budget. Specific deliverables such as implementation of the public involvement plan and a land use code audit with support from an outside consultant also require funding. Funding of $100,000 for the project has been identified and incorporated into the proposed FY19 budget. If approved, these funds will be available on July 1, 2018 and will be used to cover consultant costs for implementing the public involvement plan, conducting the Land Use Code Audit, and performing as-needed technical analysis (e.g., for geotechnical, traffic, or tree issues).

The project is dependent on existing staff resources with competing demands for time including on-going State-mandated land use application processing and other high-priority Envision Eugene implementation tasks. Estimated staff time will include a Senior Planner as Project Manager (0.5 FTE) for the duration of the project, with additional support from the Principal Planner (0.05 FTE) and the City Attorney's Office (TBD).

Additional staff time will be used on an as-needed basis for particular events or tasks, depending on the methods of public involvement, outreach, and materials such as graphics, maps, or case study examples to be produced at key points in the process (administrative support, graphic design, GIS mapping/analysis, etc.). The following estimates the amount of staff time for in-house assistance from long-range planning staff:

- Outreach Materials/Graphics/GIS Mapping: 30-40 hours
- Public Involvement Assistance: 40 hours

In addition to staff resources, material costs yet to be determined will include noticing, advertisements, and meeting materials (posters, handouts, etc.).

Assumptions/Policy Background

Below are potential factors or parameters that affect the project, its validity, execution or acceptance including applicable policies, directives, prior decisions, and particularly relevant laws and regulations affecting the project:

- Council Direction:
  - July 20, 2015 Council Agenda Item Summary: https://ompnetwork.s3-us-west-2.amazonaws.com/sites/134/documents/agenda_packet_76.pdf
  - Council Minutes July 20, 2015: https://ompnetwork.s3-us-west-2.amazonaws.com/sites/134/documents/minutes_50.pdf
- Envision Eugene Pillars:
  - Envision Eugene, A Community Vision for 2032: https://www.eugene-or.gov/DocumentCenter/Home/Index/745
- Legal requirements and changes in needed housing statutes or related case law:
  - Needed Housing Statutes (See ORS 197.303-307): https://www.oregonlaws.org/ors/chapter/197
  - Senate Bill 1051 (2017): https://olis.leg.state.or.us/liz/2017R1/Downloads/MeasureDocument/SB1051/Enrolled
  - LUBA No. 2016-024 (Walter v. City of Eugene): http://www.oregon.gov/LUBA/docs/Opinions/2016/06-16/16024.pdf
  - Eugene Hearings Official's Decision on TIA for Delta Ridge (PDT 17-3) (See Page 5): http://cepdddocuments/PDDLFDocViewer/DocView.aspx?dbid=0&id=1988553

Constraints

Potential factors that may limit our ability to carry out the project or achieve goals or objectives could include:

- Adequate staffing, depending on volume of land use applications submitted, i.e. if land use application demand increase significantly, staffing may be temporarily diverted to cover those needs in order to meet State-mandated timelines for land use review
- Continued project prioritization in the face of competing demands such as additional Council directives
- Legal requirements and changes in needed housing statutes or related case law

Dependencies

The project will require Council input on the scope of the **Clear & Objective Housing: Approval Criteria Update** to ensure alignment with the project goals, objectives, and deliverables as stated herein. While the project has already been formally "initiated" based on Council direction, it will benefit greatly from an early check-in and guidance to confirm whether the project as proposed is aligned with Council expectations. Stakeholder availability, commitment to the issue, and ongoing participation will be key to a robust approach that can balance the varied interests.

Risks

Risk remains high for future appeals and legal challenges to our clear and objective criteria, both existing and proposed. Future phases of Envision Eugene implementation, including the adoption of Phase 2 of our new comprehensive plan and a parcel specific land use map, are also at the forefront of stakeholders' concerns while the **Clear & Objective Housing: Approval Criteria Update** remains either unfinished or unsatisfactory to their interests.

Neighborhood livability, public health and safety, and natural resource protections are firmly embedded in existing adopted policies, land use regulations, and the community vision expressed through the Envision Eugene pillars. These values will be at the forefront of public discussion of proposed changes to the clear and objective approval criteria for housing, especially for neighborhoods in the south hills and near farmlands and natural areas. There is a risk that the balance of community interests could lean toward changes to the clear and objective approval criteria that may not match the expectations of all stakeholders. Securing broad support among varied stakeholders will be the core challenge of this project.

To mitigate these risks, the project should be considered a high priority with adequate time, staff resources, and funding allocated as soon as possible among competing priorities. The project should also focus on the intersection of the need for housing and broader community interests. That will require time and attention to exploring a range of options and daylighting tradeoffs and impacts for diverse community values. It may also require research and analysis to help the community better understand how issues relate to one another, for example the interplay between regulations and housing availability and affordability.

Approvals

_____ _____

Robin Hostick, Project Sponsor — Date
Planning Director, City of Eugene Planning Division

_____ _____

Jenessa Dragovich, Project Manager — Date
Senior Planner, City of Eugene Planning Division

Relevant Needed Housing Excerpts from Oregon Revised Statutes (197.303-197.307)

Source: https://www.oregonlegislature.gov/bills_laws/ors/ors197.html **04/30/2018**

197.303 "Needed housing" defined. (1) As used in ORS 197.307, "needed housing" means all housing on land zoned for residential use or mixed residential and commercial use that is determined to meet the need shown for housing within an urban growth boundary at price ranges and rent levels that are affordable to households within the county with a variety of incomes, including but not limited to households with low incomes, very low incomes and extremely low incomes, as those terms are defined by the United States Department of Housing and Urban Development under 42 U.S.C. 1437a. "Needed housing" includes the following housing types:

(a) Attached and detached single-family housing and multiple family housing for both owner and renter occupancy;

(b) Government assisted housing;

(c) Mobile home or manufactured dwelling parks as provided in ORS 197.475 to 197.490;

(d) Manufactured homes on individual lots planned and zoned for single-family residential use that are in addition to lots within designated manufactured dwelling subdivisions; and

(e) Housing for farmworkers.

(2) Subsection (1)(a) and (d) of this section does not apply to:

(a) A city with a population of less than 2,500.

(b) A county with a population of less than 15,000.

(3) A local government may take an exception under ORS 197.732 to the definition of "needed housing" in subsection (1) of this section in the same manner that an exception may be taken under the goals. [1981 c.884 §6; 1983 c.795 §2; 1989 c.380 §1; 2011 c.354 §2; 2017 c.745 §4]

197.304 Lane County accommodation of needed housing. (1) Notwithstanding an intergovernmental agreement pursuant to ORS 190.003 to 190.130 or acknowledged comprehensive plan provisions to the contrary, a city within Lane County that has a population of 50,000 or more within its boundaries shall meet its obligation under ORS 197.295 to 197.314 separately from any other city within Lane County. The city shall, separately from any other city:

(a) Establish an urban growth boundary, consistent with the jurisdictional area of responsibility specified in the acknowledged comprehensive plan; and

(b) Demonstrate, as required by ORS 197.296, that its comprehensive plan provides sufficient buildable lands within an urban growth boundary established pursuant to statewide planning goals to accommodate estimated housing needs for 20 years.

(2) Except as provided in subsection (1) of this section, this section does not alter or affect an intergovernmental agreement pursuant to ORS 190.003 to 190.130 or acknowledged comprehensive plan provisions adopted by Lane County or local governments in Lane County. [2007 c.650 §2]

197.305 [1973 c.80 §52; 1977 c.664 §23; repealed by 1979 c.772 §26]

197.307 Effect of need for certain housing in urban growth areas; approval standards for residential development; placement standards for approval of manufactured dwellings. (1) The availability of affordable, decent, safe and sanitary housing opportunities for persons of lower, middle and fixed income, including housing for farmworkers, is a matter of statewide concern.

(2) Many persons of lower, middle and fixed income depend on government assisted housing as a source of affordable, decent, safe and sanitary housing.

(3) When a need has been shown for housing within an urban growth boundary at particular price ranges and rent levels, needed housing shall be permitted in one or more zoning districts or in zones described by some comprehensive plans as overlay zones with sufficient buildable land to satisfy that need.

(4) Except as provided in subsection (6) of this section, a local government may adopt and apply only clear and objective standards, conditions and procedures regulating the development of housing, including needed housing. The standards, conditions and procedures:

(a) May include, but are not limited to, one or more provisions regulating the density or height of a development.

(b) May not have the effect, either in themselves or cumulatively, of discouraging needed housing through unreasonable cost or delay.

(5) The provisions of subsection (4) of this section do not apply to:

(a) An application or permit for residential development in an area identified in a formally adopted central city plan, or a regional center as defined by Metro, in a city with a population of 500,000 or more.

(b) An application or permit for residential development in historic areas designated for protection under a land use planning goal protecting historic areas.

(6) In addition to an approval process for needed housing based on clear and objective standards, conditions and procedures as provided in subsection (4) of this section, a local government may adopt and apply an alternative approval process for applications and permits for residential development based on approval criteria regulating, in whole or in part, appearance or aesthetics that are not clear and objective if:

(a) The applicant retains the option of proceeding under the approval process that meets the requirements of subsection (4) of this section;

(b) The approval criteria for the alternative approval process comply with applicable statewide land use planning goals and rules; and

(c) The approval criteria for the alternative approval process authorize a density at or above the density level authorized in the zone under the approval process provided in subsection (4) of this section.

(7) Subject to subsection (4) of this section, this section does not infringe on a local government's prerogative to:

(a) Set approval standards under which a particular housing type is permitted outright;

(b) Impose special conditions upon approval of a specific development proposal; or

(c) Establish approval procedures.

(8) In accordance with subsection (4) of this section and ORS 197.314, a jurisdiction may adopt any or all of the following placement standards, or any less restrictive standard, for the approval of manufactured homes located outside mobile home parks:

(a) The manufactured home shall be multisectional and enclose a space of not less than 1,000 square feet.

(b) The manufactured home shall be placed on an excavated and back-filled foundation and enclosed at the perimeter such that the manufactured home is located not more than 12 inches above grade.

(c) The manufactured home shall have a pitched roof, except that no standard shall require a slope of greater than a nominal three feet in height for each 12 feet in width.

(d) The manufactured home shall have exterior siding and roofing which in color, material and appearance is similar to the exterior siding and roofing material commonly used on residential dwellings within the community or which is comparable to the predominant materials used on surrounding dwellings as determined by the local permit approval authority.

(e) The manufactured home shall be certified by the manufacturer to have an exterior thermal envelope meeting performance standards which reduce levels equivalent to the performance standards required of single-family dwellings constructed under the state building code as defined in ORS 455.010.

(f) The manufactured home shall have a garage or carport constructed of like materials. A jurisdiction may require an attached or detached garage in lieu of a carport where such is consistent with the predominant construction of immediately surrounding dwellings.

(g) In addition to the provisions in paragraphs (a) to (f) of this subsection, a city or county may subject a manufactured home and the lot upon which it is sited to any development standard, architectural requirement and minimum size requirement to which a conventional single-family residential dwelling on the same lot would be subject. [1981 c.884 §5; 1983 c.795 §3; 1989 c.380 §2; 1989 c.964 §6; 1993 c.184 §3; 1997 c.733 §2; 1999 c.357 §1; 2001 c.613 §2; 2011 c.354 §3; 2017 c.745 §5]