



Eugene City Council

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AMENDED AGENDA EUGENE CITY COUNCIL

July 22, 2020

12:00 p.m. CITY COUNCIL WORK SESSION

Due to Governor Kate Brown's Stay Home, Save Lives Executive Order to combat the spread of Covid-19, this meeting will be held remotely using virtual meeting technology. Information about online or other options for access and participation will be available at <https://www.eugene-or.gov/3360/Webcasts-and-Meeting-Materials>

**Meeting of July 22, 2020;
Her Honor Mayor Lucy Vinis Presiding**

Councilors

Emily Semple, President
Mike Clark
Chris Pryor
Betty Taylor

Jennifer Yeh, Vice President
Greg Evans
Claire Syrett
Alan Zelenka

Note: This amended agenda reflects the removal of Item 2.

12:00 p.m. CITY COUNCIL WORK SESSION

1. WORK SESSION: Middle Housing Code Amendments (Implementation of HB 2001)

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El consejo de la Ciudad de Eugene agradece su interés en estos asuntos de la agenda. El lugar de la reunión tiene acceso para sillas de ruedas. Se puede proveer a un intérprete para las personas con discapacidad auditiva si avisa con 48 horas de anticipación. También se puede proveer interpretación para español si avisa con 48 horas de anticipación. Para reservar estos servicios llame al 541-682-5010. Las reuniones del consejo de la ciudad se transmiten en vivo por Metro Television, Canal 21 de Comcast y son retransmitidas durante la semana.

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EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



Work Session: Middle Housing Code Amendments (Implementation of HB 2001)

Meeting Date: July 22, 2020
Department: Planning and Development
www.eugene-or.gov

Agenda Item Number: 1
Staff Contact: Terri Harding
Contact Telephone Number: 541-682-5635

ISSUE STATEMENT

The City Council will be provided with a project overview of the Middle Housing Code Amendments project, including the Draft Public Involvement Plan. No action is needed at this work session; however, feedback is requested on the Draft Public Involvement Plan.

BACKGROUND

The City of Eugene is experiencing a housing crisis and is identified as a severely rent-burdened community. Low vacancy rates, rising housing prices and lower than state average wages are creating a dynamic that leaves both existing and new community members struggling to find local housing that meets their basic needs. A lack of housing affordability and availability is a statewide problem not unique to Eugene. In recognition of this statewide issue, the Oregon legislature passed House Bill (HB) 2001 in 2019, with the goal of increasing housing choice in residential neighborhoods. Implementation of HB 2001 is an important component in the City's ongoing work related to housing.

HB 2001 requires all cities with a population of more than 10,000 to allow duplexes on all residentially zoned lots or parcels where detached single-family dwellings are allowed. The bill further requires cities with populations over 25,000 (including Eugene) and cities located within the boundaries of Metro to allow triplexes, fourplexes, cottage clusters and townhouses in areas zoned for residential use where detached single-family dwellings are allowed. HB 2001 allows cities to regulate siting and design of the various middle housing types as long as the regulations related to siting and design for middle housing do not discourage the development of these housing types through unreasonable costs or delay. A summary of the requirements of HB 2001 is provided as Attachment A and the complete bill is provided as Attachment B.

Envision Eugene developed a community vision and identified "provide housing affordable to all income levels" as one of its seven pillars. In support of this pillar and in recognition of growing housing needs in our community, City Council directed staff to implement a process that would tie together the overlapping initiatives that address housing affordability, availability, and diversity.

The Housing Tools and Strategies (HTS) initiative was launched in 2018 to meet this Council directive. Staff assembled a Working Group of community members who identified over 80

recommendations. Staff consolidated these recommendations into the HTS Action Inventory, a document that is intended to serve as a working list of actions the City can take to increase housing affordability, availability, and diversity. Completed and on-going projects led by the Planning team include the 2019 Land Use Code Audit, finishing the housing chapter of the Comprehensive Plan, code amendments for Clear & Objective housing approval criteria, code amendments for accessory dwelling units, River Road – Santa Clara neighborhood planning, and urban reserves planning.

The HTS Action Inventory also recommended identifying code amendments that would enable middle housing types in more places. HB 2001 gives us an opportunity to improve our land use code so that it better aligns with our community vision and leads to more Eugene residents living in homes that meet our needs. These middle housing types can be more affordable and can help meet the housing needs of many younger people, older people, and people who do not want or cannot afford a large, detached house.

Implementing HB 2001

To implement HB 2001, the City will need to amend Eugene's land use code standards for residentially zoned areas as well as any adopted plans that conflict with the requirements of the House Bill. The City must adopt the required land use code and plan amendments by June 30, 2022 or the City will be required to implement the State's adopted model code for middle housing.

Since the passage of House Bill 2001, we have found ourselves in the midst of an unprecedented global pandemic. Given the uncertainties around the local, state, national and international economy as the pandemic unfolds, it is critical that the City continues to move forward on addressing our housing crisis to prepare our community for this evolving situation. The economic ramifications of COVID-19 are already exacerbating the existing housing crisis, intensifying the need for more housing options and availability. In response to COVID-19, the City has identified "housing recovery" as a key priority for the City's Long-Term Community Recovery.

The Middle Housing Code Amendments project anticipates using a variety of methods to gather public input, with a focus on broadly accessible, representative, and equitable engagement to create a Eugene-specific land use code. In addition to addressing equity and need, the code will be required to implement minimum standards currently being drafted at the state level. Although not complete, the draft minimum standards limit how much cities can create local design standards. For example, duplexes are likely to be required to be allowed under the same standards as single detached dwellings. Within the bounds of the eventually adopted state parameters, Eugene will seek to optimize the harmonious incorporation of middle housing into existing and future neighborhoods. The project will consider Eugene's context and neighborhood patterns to inform the successful inclusion of middle housing in our neighborhoods while complying with HB 2001's requirement that the City's siting and design regulations do not discourage development.

The Middle Housing Code Amendments project will promote development of middle housing in Eugene by addressing land use code and process barriers identified in the 2019 Land Use Code Audit. The Code Audit, funded through the Department of Land Conservation and Development

(DLCD), provides a detailed assessment of the barriers to development for middle housing types and will serve as a key foundation for this project.

City staff applied for and received a grant from DLCD to supplement the project budget. The grant is \$150,000 with \$100,000 matching funds from the City, which can be provided in staff time. The grant funds will be used to pay for code writing, public involvement, and economic analysis. The City Council has already allocated \$75,000 for the project and staff will request the remainder through the City budget process.

The Land Conservation and Development Commission (LCDC) is responsible for developing a model middle housing code. Simultaneously, the state is also developing minimum standards for compliance with the requirements of HB 2001 for those cities who choose to adopt their own codes instead of using the model code. The model code and minimum standards are currently being drafted by DLCD staff and consultants, with guidance from the DLCD Rulemaking Advisory Committee (RAC) and various Technical Advisory Committees (TACs). Councilor Chris Pryor serves on the RAC. The model code must be finalized by December 2020, and it is anticipated that the minimum standards will be finalized at the same time.

The City plans to hire consultants to develop draft design and code concepts to integrate middle housing types across Eugene's residential zones. By working with the community to create a Eugene-specific code (rather than adopt the State's model code for middle housing into Eugene's land use code) the project will provide a process to identify opportunities and challenges unique to Eugene. The Middle Housing Code Amendments project will develop land use code changes that will better align with our local needs and vision than defaulting to the State's model code, which would provide less local flexibility. The City's land use code amendments will be required to meet the minimum standards to be adopted by LCDC later this year.

In addition to the land use code amendments and any needed plan amendments, the project will also include the development and adoption of the Housing chapter for the Envision Eugene Comprehensive Plan, our local comprehensive land use plan. Work was previously started on this chapter as part of the urban growth boundary adoption process but was paused as only those chapters necessary to adopt the UGB were moved forward and adopted. Currently, Eugene's housing policies are located in the Metro Plan, our regional comprehensive plan, and were developed in collaboration with City of Springfield and Lane County to apply to the entire Metro Plan area. Adoption of the Envision Eugene Housing chapter will enable the enactment of housing policies specific to Eugene.

A summary of Project Phases, Deliverables, and Timeline may be found in Attachment C. The project approach follows a four-phase process used for similar code amendments such as Clear and Objective housing criteria: Public Involvement Plan and Approach, Design and Code Concepts, Code Writing, and Adoption. Staff will walk through the process during the work session.

Public Outreach

The Draft Public Involvement Plan (Attachment D) outlines the outreach process from concept development through adoption of code amendments. The plan includes opportunities for the community to engage in the planning process as well as information on how individuals and

organizations can effectively participate and is consistent with the City's Public Participation Guidelines and Statewide Planning Goal 1.

Given the COVID-19 pandemic, an emphasis will be placed on online methods that comply with current health guidelines and engage a broad spectrum of the community to gather feedback on the design and code concepts, code framework, and draft land use code language.

Planning projects can affect the entire community, but traditional engagement efforts face challenges in reaching certain parts of the community, including lower income people, renters, and Black, Indigenous, and people of color. This structure has created disproportionate representation in the planning process and has resulted in exclusion of some people and groups that are directly impacted by plans and policies.

In support of inclusive and equitable public engagement, staff intends to collaborate with local equity-based organizations to host an Equity RoundTable. The City's Office of Human Rights and Neighborhood Involvement will advise and support this effort, which builds on the work of the Equity Panel for the Climate Action Plan.

In addition, we intend to partner with the Portland-based group Healthy Democracy to form a community review panel designed to reflect the whole community. Healthy Democracy is a nonpartisan nonprofit that designs and coordinates innovative deliberative democracy programs. Their purpose is to involve community members that are representative of the community and compensate them for their time engaging in public policy issues.

As the City's committee for citizen involvement as described in Statewide Planning Goal 1, the Planning Commission is responsible for assisting the City Council with the development of a program that promotes and enhances citizen involvement in land use planning, assisting in the implementation of the citizen involvement program, and evaluating the process being used for citizen involvement. For this project, the Planning Commission discussed and provided feedback on the draft Public Involvement Plan at their June 22, 2020 meeting.

The Commission suggested elevating the input from local equity-based groups, which became the Equity RoundTable idea described above. Commissioners were originally introduced to Healthy Democracy at a December 2019 meeting, and expressed excitement about working with this organization to broaden participation in local land use issues, as long as more traditional methods are also used.

Finally, a wide range of community partners including City Boards and Commissions, Neighborhood Organizations, partner agencies, local stakeholder groups and interested community members will be involved throughout the project as outlined in the Public Involvement Plan. After City Council has had an opportunity to provide input, staff will take the Public Involvement Plan back to Planning Commission for approval, and then kick off the public outreach.

PREVIOUS COUNCIL DIRECTION

[March 6, 2019](#)

Move to oppose HB 2001 (Passed)

[September 9, 2019](#)

Move to direct the City Manager to work to obtain a legislative repeal of HB 2001 during the 2020 legislative session. (Passed)

ATTACHMENTS

- A. Summary of House Bill 2001
- B. House Bill 2001 - Enrolled
- C. Project Phases and Timeline
- D. Draft Public Involvement Plan
- E. Missing Middle Handbook – <https://www.eugene-or.gov/3652/Missing-Middle-Handbook>
- F. Middle Housing Website - <https://eugene-or.gov/4244/Middle-Housing>

FOR MORE INFORMATION

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Summary of HB 2001 Middle Housing Requirements

Local Land Use Code/Comprehensive Plan Amendments

No later than June 30, 2022, the City of Eugene must amend its land use regulations to allow the development of middle housing types as follows:

- A duplex on each lot or parcel in residential zones within the City that allow detached single-family dwellings.
- Triplexes, quadplexes, cottage clusters, and townhouses in residential zones within the City that allow detached single-family dwellings (but not necessarily on every lot or parcel within those zones).
- Eugene may regulate siting and design of middle housing if the regulations do not, individually or cumulatively, discourage development through unreasonable costs or delay
- Eugene may regulate middle housing to comply with protective measures adopted pursuant to statewide planning goals

HB 2001 does not apply to:

- Lands not zoned for residential use, including lands zoned for commercial, industrial, agricultural, or public use;
- Unincorporated lands zoned under an interim zoning designation that maintains the land's potential for planned urban development (i.e., the area outside of city limits but within the urban growth boundary)
- Unincorporated lands that lack sufficient urban services
- Lands outside urban growth boundaries

Local Consequences of Not Meeting Statutory Deadline

If Eugene's land use regulations are not amended to allow middle housing types consistent with HB 2001 by June 30, 2022, the City will be required to directly apply the State's adopted model middle housing code (see State Implementation below).

Local Housing Affordability

In addition to adopting land use code regulations to allow middle housing, Eugene must consider ways to increase affordability of middle housing, including but not limited to:

- Waiving or deferring System Development Charges
- Adopting or amending criteria for property tax exemptions or freezes under various statutory provisions
- Assessing a construction excise tax

State Implementation

- **Model Code:** By December 31, 2020, DLCD must adopt a model middle housing code.
- **Uniform Building Code Standards:** Department of Consumer and Business Services must establish uniform standards to allow alternate approval of construction for conversion of single-family dwellings into no more than four units
 - applies to units built to Low-Rise Residential Dwelling Code that received occupancy approval prior to January 1, 2020
 - must include standards describing requirements for complete application
- **Extension to Deadlines:** DLCD may grant an extension of the time allowed to adopt land use regulations to allow middle housing types, if the request is filed by June 30, 2021:
 - for specific areas identified by city where water, sewer, storm drainage, or transportation services are significantly deficient or are expected to be significantly deficient before December 31, 2023, and
 - for which the local government has established a plan to remedy the deficiency that DLCD approves, and
 - extension may not extend beyond the plan date by which the local government intends to correct the deficiency.
- **Technical Assistance:** \$3.5 million will be appropriated to DLCD to provide technical assistance to local governments to implement HB 2001.

Deed Restrictions/Covenants, Conditions and Restrictions (CC&Rs)

- Prohibits Homeowners Associations from adopting provisions on or after August 8, 2019 (the effective date of HB 2001), that prohibit or unreasonably restrict housing development otherwise allowed under the maximum density of the zoning for the land.
- Renders provisions in recorded instruments affecting real property (i.e., deed restrictions) executed after August 8, 2019, unenforceable if the provisions would prohibit middle housing or accessory dwellings but allow development of detached single-family homes.

80th OREGON LEGISLATIVE ASSEMBLY--2019 Regular Session

Enrolled House Bill 2001

Sponsored by Representative KOTEK; Representatives FAHEY, HERNANDEZ, MARSH,
MITCHELL, POWER, STARK, WILLIAMS, ZIKA (Presession filed.)

CHAPTER

AN ACT

Relating to housing; creating new provisions; amending ORS 197.296, 197.303, 197.312 and 455.610 and section 1, chapter 47, Oregon Laws 2018; and declaring an emergency.

Be It Enacted by the People of the State of Oregon:

SECTION 1. Section 2 of this 2019 Act is added to and made a part of ORS chapter 197.

SECTION 2. (1) As used in this section:

(a) "Cottage clusters" means groupings of no fewer than four detached housing units per acre with a footprint of less than 900 square feet each and that include a common courtyard.

(b) "Middle housing" means:

(A) Duplexes;

(B) Triplexes;

(C) Quadplexes;

(D) Cottage clusters; and

(E) Townhouses.

(c) "Townhouses" means a dwelling unit constructed in a row of two or more attached units, where each dwelling unit is located on an individual lot or parcel and shares at least one common wall with an adjacent unit.

(2) Except as provided in subsection (4) of this section, each city with a population of 25,000 or more and each county or city within a metropolitan service district shall allow the development of:

(a) All middle housing types in areas zoned for residential use that allow for the development of detached single-family dwellings; and

(b) A duplex on each lot or parcel zoned for residential use that allows for the development of detached single-family dwellings.

(3) Except as provided in subsection (4) of this section, each city not within a metropolitan service district with a population of more than 10,000 and less than 25,000 shall allow the development of a duplex on each lot or parcel zoned for residential use that allows for the development of detached single-family dwellings. Nothing in this subsection prohibits a local government from allowing middle housing types in addition to duplexes.

(4) This section does not apply to:

(a) Cities with a population of 1,000 or fewer;

(b) Lands not within an urban growth boundary;

(c) Lands that are not incorporated and also lack sufficient urban services, as defined in ORS 195.065;

(d) Lands that are not zoned for residential use, including lands zoned primarily for commercial, industrial, agricultural or public uses; or

(e) Lands that are not incorporated and are zoned under an interim zoning designation that maintains the land's potential for planned urban development.

(5) Local governments may regulate siting and design of middle housing required to be permitted under this section, provided that the regulations do not, individually or cumulatively, discourage the development of all middle housing types permitted in the area through unreasonable costs or delay. Local governments may regulate middle housing to comply with protective measures adopted pursuant to statewide land use planning goals.

(6) This section does not prohibit local governments from permitting:

(a) Single-family dwellings in areas zoned to allow for single-family dwellings; or

(b) Middle housing in areas not required under this section.

SECTION 3. (1) Notwithstanding ORS 197.646, a local government shall adopt land use regulations or amend its comprehensive plan to implement section 2 of this 2019 Act no later than:

(a) June 30, 2021, for each city subject to section 2 (3) of this 2019 Act; or

(b) June 30, 2022, for each local government subject to section 2 (2) of this 2019 Act.

(2) The Land Conservation and Development Commission, with the assistance of the Building Codes Division of the Department of Consumer and Business Services, shall develop a model middle housing ordinance no later than December 31, 2020.

(3) A local government that has not acted within the time provided under subsection (1) of this section shall directly apply the model ordinance developed by the commission under subsection (2) of this section under ORS 197.646 (3) until the local government acts as described in subsection (1) of this section.

(4) In adopting regulations or amending a comprehensive plan under this section, a local government shall consider ways to increase the affordability of middle housing by considering ordinances and policies that include but are not limited to:

(a) Waiving or deferring system development charges;

(b) Adopting or amending criteria for property tax exemptions under ORS 307.515 to 307.523, 307.540 to 307.548 or 307.651 to 307.687 or property tax freezes under ORS 308.450 to 308.481; and

(c) Assessing a construction tax under ORS 320.192 and 320.195.

(5) When a local government makes a legislative decision to amend its comprehensive plan or land use regulations to allow middle housing in areas zoned for residential use that allow for detached single-family dwellings, the local government is not required to consider whether the amendments significantly affect an existing or planned transportation facility.

SECTION 4. (1) Notwithstanding section 3 (1) or (3) of this 2019 Act, the Department of Land Conservation and Development may grant to a local government that is subject to section 2 of this 2019 Act an extension of the time allowed to adopt land use regulations or amend its comprehensive plan under section 3 of this 2019 Act.

(2) An extension under this section may be applied only to specific areas where the local government has identified water, sewer, storm drainage or transportation services that are either significantly deficient or are expected to be significantly deficient before December 31, 2023, and for which the local government has established a plan of actions that will remedy the deficiency in those services that is approved by the department. The extension may not extend beyond the date that the local government intends to correct the deficiency under the plan.

(3) In areas where the extension under this section does not apply, the local government shall apply its own land use regulations consistent with section 3 (1) of this 2019 Act or the model ordinance developed under section 3 (2) of this 2019 Act.

(4) A request for an extension by a local government must be filed with the department no later than:

- (a) December 31, 2020, for a city subject to section 2 (3) of this 2019 Act.
- (b) June 30, 2021, for a local government subject to section 2 (2) of this 2019 Act.
- (5) The department shall grant or deny a request for an extension under this section:
 - (a) Within 90 days of receipt of a complete request from a city subject to section 2 (3) of this 2019 Act.
 - (b) Within 120 days of receipt of a complete request from a local government subject to section 2 (2) of this 2019 Act.
- (6) The department shall adopt rules regarding the form and substance of a local government's application for an extension under this section. The department may include rules regarding:
 - (a) Defining the affected areas;
 - (b) Calculating deficiencies of water, sewer, storm drainage or transportation services;
 - (c) Service deficiency levels required to qualify for the extension;
 - (d) The components and timing of a remediation plan necessary to qualify for an extension;
 - (e) Standards for evaluating applications; and
 - (f) Establishing deadlines and components for the approval of a plan of action.

SECTION 5. ORS 197.296 is amended to read:

197.296. (1)(a) The provisions of subsections (2) to (9) of this section apply to metropolitan service district regional framework plans and local government comprehensive plans for lands within the urban growth boundary of a city that is located outside of a metropolitan service district and has a population of 25,000 or more.

(b) The Land Conservation and Development Commission may establish a set of factors under which additional cities are subject to the provisions of this section. In establishing the set of factors required under this paragraph, the commission shall consider the size of the city, the rate of population growth of the city or the proximity of the city to another city with a population of 25,000 or more or to a metropolitan service district.

(2) At periodic review pursuant to ORS 197.628 to 197.651 or at any other legislative review of the comprehensive plan or regional framework plan that concerns the urban growth boundary and requires the application of a statewide planning goal relating to buildable lands for residential use, a local government shall demonstrate that its comprehensive plan or regional framework plan provides sufficient buildable lands within the urban growth boundary established pursuant to statewide planning goals to accommodate estimated housing needs for 20 years. The 20-year period shall commence on the date initially scheduled for completion of the periodic or legislative review.

(3) In performing the duties under subsection (2) of this section, a local government shall:

(a) Inventory the supply of buildable lands within the urban growth boundary and determine the housing capacity of the buildable lands; and

(b) Conduct an analysis of **existing and projected** housing need by type and density range, in accordance with **all factors under** ORS 197.303 and statewide planning goals and rules relating to housing, to determine the number of units and amount of land needed for each needed housing type for the next 20 years.

(4)(a) For the purpose of the inventory described in subsection (3)(a) of this section, "buildable lands" includes:

- (A) Vacant lands planned or zoned for residential use;
- (B) Partially vacant lands planned or zoned for residential use;
- (C) Lands that may be used for a mix of residential and employment uses under the existing planning or zoning; and
- (D) Lands that may be used for residential infill or redevelopment.

(b) For the purpose of the inventory and determination of housing capacity described in subsection (3)(a) of this section, the local government must demonstrate consideration of:

(A) The extent that residential development is prohibited or restricted by local regulation and ordinance, state law and rule or federal statute and regulation;

(B) A written long term contract or easement for radio, telecommunications or electrical facilities, if the written contract or easement is provided to the local government; and

(C) The presence of a single family dwelling or other structure on a lot or parcel.

(c) Except for land that may be used for residential infill or redevelopment, a local government shall create a map or document that may be used to verify and identify specific lots or parcels that have been determined to be buildable lands.

(5)(a) Except as provided in paragraphs (b) and (c) of this subsection, the determination of housing capacity *[and need]* pursuant to subsection [(3)] **(3)(a)** of this section must be based on data relating to land within the urban growth boundary that has been collected since the last *[periodic]* review or *[five]* **six** years, whichever is greater. The data shall include:

(A) The number, density and average mix of housing types of urban residential development that have actually occurred;

(B) Trends in density and average mix of housing types of urban residential development;

(C) **Market factors that may substantially impact future urban residential development; and**

[(C) Demographic and population trends;]

[(D) Economic trends and cycles; and]

[(E)] **(D)** The number, density and average mix of housing types that have occurred on the buildable lands described in subsection (4)(a) of this section.

(b) A local government shall make the determination described in paragraph (a) of this subsection using a shorter time period than the time period described in paragraph (a) of this subsection if the local government finds that the shorter time period will provide more accurate and reliable data related to housing capacity *[and need]*. The shorter time period may not be less than three years.

(c) A local government shall use data from a wider geographic area or use a time period *[for economic cycles and trends]* longer than the time period described in paragraph (a) of this subsection if the analysis of a wider geographic area or the use of a longer time period will provide more accurate, complete and reliable data relating to trends affecting housing need than an analysis performed pursuant to paragraph (a) of this subsection. The local government must clearly describe the geographic area, time frame and source of data used in a determination performed under this paragraph.

(6) If the housing need determined pursuant to subsection (3)(b) of this section is greater than the housing capacity determined pursuant to subsection (3)(a) of this section, the local government shall take one or *[more]* **both** of the following actions to accommodate the additional housing need:

(a) Amend its urban growth boundary to include sufficient buildable lands to accommodate housing needs for the next 20 years. As part of this process, the local government shall consider the effects of measures taken pursuant to paragraph (b) of this subsection. The amendment shall include sufficient land reasonably necessary to accommodate the siting of new public school facilities. The need and inclusion of lands for new public school facilities shall be a coordinated process between the affected public school districts and the local government that has the authority to approve the urban growth boundary[;].

(b) Amend its comprehensive plan, regional framework plan, functional plan or land use regulations to include new measures that demonstrably increase the likelihood that residential development will occur at densities sufficient to accommodate housing needs for the next 20 years without expansion of the urban growth boundary. A local government or metropolitan service district that takes this action shall *[monitor and record the level of development activity and development density by housing type following the date of the adoption of the new measures; or]* **adopt findings regarding the density expectations assumed to result from measures adopted under this paragraph based upon the factors listed in ORS 197.303 (2) and data in subsection (5)(a) of this section. The density expectations may not project an increase in residential capacity above achieved density by more than three percent without quantifiable validation of such departures. For a local government located outside of a metropolitan service district, a quantifiable vali-**

ation must demonstrate that the assumed housing capacity has been achieved in areas that are zoned to allow no greater than the same authorized density level within the local jurisdiction or a jurisdiction in the same region. For a metropolitan service district, a quantifiable validation must demonstrate that the assumed housing capacity has been achieved in areas that are zoned to allow no greater than the same authorized density level within the metropolitan service district.

[(c) Adopt a combination of the actions described in paragraphs (a) and (b) of this subsection.]

(c) As used in this subsection, “authorized density level” has the meaning given that term in ORS 227.175.

(7) Using the **housing need** analysis conducted under subsection (3)(b) of this section, the local government shall determine the overall average density and overall mix of housing types at which residential development of needed housing types must occur in order to meet housing needs over the next 20 years. If that density is greater than the actual density of development determined under subsection (5)(a)(A) of this section, or if that mix is different from the actual mix of housing types determined under subsection (5)(a)(A) of this section, the local government, as part of its periodic review, shall adopt measures that demonstrably increase the likelihood that residential development will occur at the housing types and density and at the mix of housing types required to meet housing needs over the next 20 years.

(8)(a) A local government outside a metropolitan service district that takes any actions under subsection (6) or (7) of this section shall demonstrate that the comprehensive plan and land use regulations comply with goals and rules adopted by the commission and implement ORS 197.295 to 197.314.

(b) *[The]* A local government shall determine the density and mix of housing types anticipated as a result of actions taken under subsections (6) and (7) of this section and monitor and record the actual density and mix of housing types achieved **following the adoption of these actions**. The local government shall compare actual and anticipated density and mix. The local government shall submit its comparison to the commission at the next periodic review or at the next legislative review of its urban growth boundary, whichever comes first.

(9) In establishing that actions and measures adopted under subsections (6) and (7) of this section demonstrably increase the likelihood of higher density residential development, the local government shall at a minimum ensure that land zoned for needed housing is in locations appropriate for the housing types identified under subsection (3) of this section, *[and]* is zoned at density ranges that are likely to be achieved by the housing market using the analysis in subsection (3) of this section **and is in areas where sufficient urban services are planned to enable the higher density development to occur over the 20-year period**. Actions or measures, or both, may include but are not limited to:

- (a) Increases in the permitted density on existing residential land;
- (b) Financial incentives for higher density housing;
- (c) Provisions permitting additional density beyond that generally allowed in the zoning district in exchange for amenities and features provided by the developer;
- (d) Removal or easing of approval standards or procedures;
- (e) Minimum density ranges;
- (f) Redevelopment and infill strategies;
- (g) Authorization of housing types not previously allowed by the plan or regulations;
- (h) Adoption of an average residential density standard; and
- (i) Rezoning or redesignation of nonresidential land.

(10)(a) The provisions of this subsection apply to local government comprehensive plans for lands within the urban growth boundary of a city that is located outside of a metropolitan service district and has a population of less than 25,000.

(b) At periodic review pursuant to ORS 197.628 to 197.651 or at any other legislative review of the comprehensive plan that requires the application of a statewide planning goal relating to buildable lands for residential use, a city shall, according to rules of the commission:

- (A) Determine the estimated housing needs within the jurisdiction for the next 20 years;
- (B) Inventory the supply of buildable lands available within the urban growth boundary to accommodate the estimated housing needs determined under this subsection; and
- (C) Adopt measures necessary to accommodate the estimated housing needs determined under this subsection.

(c) For the purpose of the inventory described in this subsection, "buildable lands" includes those lands described in subsection (4)(a) of this section.

SECTION 6. ORS 197.303 is amended to read:

197.303. (1) As used in ORS [197.307] **197.295 to 197.314**, "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) For the purpose of estimating housing needs, as described in ORS 197.296 (3)(b), a local government shall use the population projections prescribed by ORS 195.033 or 195.036 and shall consider and adopt findings related to changes in each of the following factors since the last periodic or legislative review or six years, whichever is greater, and the projected future changes in these factors over a 20-year planning period:

(a) Household sizes;

(b) Household demographics in terms of age, gender, race or other established demographic category;

(c) Household incomes;

(d) Vacancy rates; and

(e) Housing costs.

(3) A local government shall make the estimate described in subsection (2) of this section using a shorter time period than since the last periodic or legislative review or six years, whichever is greater, if the local government finds that the shorter time period will provide more accurate and reliable data related to housing need. The shorter time period may not be less than three years.

(4) A local government shall use data from a wider geographic area or use a time period longer than the time period described in subsection (2) of this section if the analysis of a wider geographic area or the use of a longer time period will provide more accurate, complete and reliable data relating to trends affecting housing need than an analysis performed pursuant to subsection (2) of this section. The local government must clearly describe the geographic area, time frame and source of data used in an estimate performed under this subsection.

[2)] **(5) 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)] **(6) 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.**

SECTION 7. ORS 197.312, as amended by section 7, chapter 15, Oregon Laws 2018, is amended to read:

197.312. (1) A city or county may not by charter prohibit from all residential zones attached or detached single-family housing, multifamily housing for both owner and renter occupancy or manufactured homes. A city or county may not by charter prohibit government assisted housing or impose additional approval standards on government assisted housing that are not applied to similar but unassisted housing.

(2)(a) A single-family dwelling for a farmworker and the farmworker's immediate family is a permitted use in any residential or commercial zone that allows single-family dwellings as a permitted use.

(b) A city or county may not impose a zoning requirement on the establishment and maintenance of a single-family dwelling for a farmworker and the farmworker's immediate family in a residential or commercial zone described in paragraph (a) of this subsection that is more restrictive than a zoning requirement imposed on other single-family dwellings in the same zone.

(3)(a) Multifamily housing for farmworkers and farmworkers' immediate families is a permitted use in any residential or commercial zone that allows multifamily housing generally as a permitted use.

(b) A city or county may not impose a zoning requirement on the establishment and maintenance of multifamily housing for farmworkers and farmworkers' immediate families in a residential or commercial zone described in paragraph (a) of this subsection that is more restrictive than a zoning requirement imposed on other multifamily housing in the same zone.

(4) A city or county may not prohibit a property owner or developer from maintaining a real estate sales office in a subdivision or planned community containing more than 50 lots or dwelling units for the sale of lots or dwelling units that remain available for sale to the public.

(5)(a) A city with a population greater than 2,500 or a county with a population greater than 15,000 shall allow in areas within the urban growth boundary that are zoned for detached single-family dwellings the development of at least one accessory dwelling unit for each detached single-family dwelling, subject to reasonable local regulations relating to siting and design.

(b) As used in this subsection[,]:

(A) "Accessory dwelling unit" means an interior, attached or detached residential structure that is used in connection with or that is accessory to a single-family dwelling.

(B) **"Reasonable local regulations relating to siting and design" does not include owner-occupancy requirements of either the primary or accessory structure or requirements to construct additional off-street parking.**

(6) Subsection (5) of this section does not prohibit local governments from regulating vacation occupancies, as defined in ORS 90.100, to require owner-occupancy or off-street parking.

SECTION 8. Section 1, chapter 47, Oregon Laws 2018, is amended to read:

Sec. 1. (1) For purposes of this section:

(a) A household is severely rent burdened if the household spends more than 50 percent of the income of the household on gross rent for housing.

(b) A regulated affordable unit is a residential unit subject to a regulatory agreement that runs with the land and that requires affordability for an established income level for a defined period of time.

[(c) A single-family unit may be rented or owned by a household and includes single-family homes, duplexes, townhomes, row homes and mobile homes.]

(2)(a) The Housing and Community Services Department shall annually provide to the governing body of each city in this state with a population greater than 10,000 the most current data available from the United States Census Bureau, or any other source the department considers at least as reliable, showing the percentage of renter households in the city that are severely rent burdened.

(b) The Housing and Community Services Department, in collaboration with the Department of Land Conservation and Development, shall develop a survey form on which the governing body of

a city may provide specific information related to the affordability of housing within the city, including, but not limited to:

(A) The actions relating to land use and other related matters that the governing body has taken to increase the affordability of housing and reduce rent burdens for severely rent burdened households; and

(B) The additional actions the governing body intends to take to reduce rent burdens for severely rent burdened households.

(c) If the Housing and Community Services Department determines that at least 25 percent of the renter households in a city are severely rent burdened, the department shall provide the governing body of the city with the survey form developed pursuant to paragraph (b) of this subsection.

(d) The governing body of the city shall return the completed survey form to the Housing and Community Services Department and the Department of Land Conservation and Development within 60 days of receipt.

(3)(a) In any year in which the governing body of a city is informed under this section that at least 25 percent of the renter households in the city are severely rent burdened, the governing body shall hold at least one public meeting to discuss the causes and consequences of severe rent burdens within the city, the barriers to reducing rent burdens and possible solutions.

(b) The Housing and Community Services Department may adopt rules governing the conduct of the public meeting required under this subsection.

(4) No later than February 1 of each year, the governing body of each city in this state with a population greater than 10,000 shall submit to the Department of Land Conservation and Development a report for the immediately preceding calendar year setting forth separately for each of the following categories the total number of units that were permitted and the total number that were produced:

(a) Residential units.

(b) Regulated affordable residential units.

(c) Multifamily residential units.

(d) Regulated affordable multifamily residential units.

(e) Single-family *[units]* **homes**.

(f) Regulated affordable single-family *[units]* **homes**.

(g) Accessory dwelling units.

(h) Regulated affordable accessory dwelling units.

(i) Units of middle housing, as defined in section 2 of this 2019 Act.

(j) Regulated affordable units of middle housing.

SECTION 9. ORS 455.610 is amended to read:

455.610. (1) The Director of the Department of Consumer and Business Services shall adopt, and amend as necessary, a Low-Rise Residential Dwelling Code that contains all requirements, including structural design provisions, related to the construction of residential dwellings three stories or less above grade. The code provisions for plumbing and electrical requirements must be compatible with other specialty codes adopted by the director. The Electrical and Elevator Board, the Mechanical Board and the State Plumbing Board shall review, respectively, amendments to the electrical, mechanical or plumbing provisions of the code.

(2) Changes or amendments to the code adopted under subsection (1) of this section may be made when:

(a) Required by geographic or climatic conditions unique to Oregon;

(b) Necessary to be compatible with other statutory provisions;

(c) Changes to the national codes are adopted in Oregon; or

(d) Necessary to authorize the use of building materials and techniques that are consistent with nationally recognized standards and building practices.

(3) Notwithstanding ORS 455.030, 455.035, 455.110 and 455.112, the director may, at any time following appropriate consultation with the Mechanical Board or Building Codes Structures Board,

amend the mechanical specialty code or structural specialty code to ensure compatibility with the Low-Rise Residential Dwelling Code.

(4) The water conservation provisions for toilets, urinals, shower heads and interior faucets adopted in the Low-Rise Residential Dwelling Code shall be the same as those adopted under ORS 447.020 to meet the requirements of ORS 447.145.

(5) The Low-Rise Residential Dwelling Code shall be adopted and amended as provided by ORS 455.030 and 455.110.

(6) The director, by rule, shall establish uniform standards for a municipality to allow an alternate method of construction to the requirements for one and two family dwellings built to the Low-Rise Residential Dwelling Code in areas where the local jurisdiction determines that the fire apparatus means of approach to a property or water supply serving a property does not meet applicable fire code or state building code requirements. The alternate method of construction, which may include but is not limited to the installation of automatic fire sprinkler systems, must be approved in conjunction with the approval of an application under ORS 197.522.

(7) For lots of record existing before July 2, 2001, or property that receives any approval for partition, subdivision or construction under ORS 197.522 before July 2, 2001, a municipality allowing an alternate method of construction to the requirements for one and two family dwellings built to the Low-Rise Residential Dwelling Code may apply the uniform standards established by the director pursuant to subsection (6) of this section. For property that receives all approvals for partition, subdivision or construction under ORS 197.522 on or after July 2, 2001, a municipality allowing an alternate method of construction to the requirements for one and two family dwellings built to the Low-Rise Residential Dwelling Code must apply the uniform standards established by the director pursuant to subsection (6) of this section.

(8) The director, by rule, shall establish uniform standards for a municipality to allow alternate approval of construction related to conversions of single-family dwellings into no more than four residential dwelling units built to the Low-Rise Residential Dwelling Code that received occupancy approval prior to January 1, 2020. The standards established under this subsection must include standards describing the information that must be submitted before an application for alternate approval will be deemed complete.

(9)(a) A building official described in ORS 455.148 or 455.150 must approve or deny an application for alternate approval under subsection (8) of this section no later than 15 business days after receiving a complete application.

(b) A building official who denies an application for alternate approval under this subsection shall provide to the applicant:

(A) A written explanation of the basis for the denial; and

(B) A statement that describes the applicant's appeal rights under subsection (10) of this section.

(10)(a) An appeal from a denial under subsection (9) of this section must be made through a municipal administrative process. A municipality shall provide an administrative process that:

(A) Is other than a judicial proceeding in a court of law; and

(B) Affords the party an opportunity to appeal the denial before an individual, department or body that is other than a plan reviewer, inspector or building official for the municipality.

(b) A decision in an administrative process under this subsection must be completed no later than 30 business days after the building official receives notice of the appeal.

(c) Notwithstanding ORS 455.690, a municipal administrative process required under this subsection is the exclusive means for appealing a denial under subsection (9) of this section.

(11) The costs incurred by a municipality under subsections (9) and (10) of this section are building inspection program administration and enforcement costs for the purpose of fee adoption under ORS 455.210.

SECTION 10. (1) It is the policy of the State of Oregon to reduce to the extent practicable administrative and permitting costs and barriers to the construction of middle housing, as defined in section 2 of this 2019 Act, while maintaining safety, public health and the general welfare with respect to construction and occupancy.

(2) The Department of Consumer and Business Services shall submit a report describing rules and standards relating to low-rise residential dwellings proposed under ORS 455.610, as amended by section 9 of this 2019 Act, in the manner provided in ORS 192.245, to an interim committee of the Legislative Assembly related to housing no later than January 1, 2020.

SECTION 11. Section 12 of this 2019 Act is added to and made a part of ORS 94.550 to 94.783.

SECTION 12. A provision in a governing document that is adopted or amended on or after the effective date of this 2019 Act, is void and unenforceable to the extent that the provision would prohibit or have the effect of unreasonably restricting the development of housing that is otherwise allowable under the maximum density of the zoning for the land.

SECTION 13. A provision in a recorded instrument affecting real property is not enforceable if:

(1) The provision would allow the development of a single-family dwelling on the real property but would prohibit the development of:

- (a) Middle housing, as defined in section 2 of this 2019 Act; or
- (b) An accessory dwelling unit allowed under ORS 197.312 (5); and

(2) The instrument was executed on or after the effective date of this 2019 Act.

SECTION 14. (1) Sections 2, 12 and 13 of this 2019 Act and the amendments to ORS 197.296, 197.303, 197.312 and 455.610 and section 1, chapter 47, Oregon Laws 2018, by sections 5 to 9 of this 2019 Act become operative on January 1, 2020.

(2) The Land Conservation and Development Commission, the Department of Consumer and Business Services and the Residential and Manufactured Structures Board may take any actions before the operative date specified in subsection (1) of this section necessary to enable the commission, department or board to exercise, on or after the operative date specified in subsection (1) of this section, the duties required under sections 2, 3 and 10 of this 2019 Act and the amendments to ORS 455.610 by section 9 of this 2019 Act.

SECTION 15. In addition to and not in lieu of any other appropriation, there is appropriated to the Department of Land Conservation and Development, for the biennium beginning July 1, 2019, out of the General Fund, the amount of \$3,500,000 for the purpose of providing technical assistance to local governments in implementing section 3 (1) of this 2019 Act and to develop plans to improve water, sewer, storm drainage and transportation services as described in section 4 (2) of this 2019 Act. The department shall prioritize technical assistance to cities or counties with limited planning staff or that commit to implementation earlier than the date required under section 3 (1) of this 2019 Act.

SECTION 16. This 2019 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2019 Act takes effect on its passage.

Passed by House June 20, 2019

.....
Timothy G. Sekerak, Chief Clerk of House

.....
Tina Kotek, Speaker of House

Passed by Senate June 30, 2019

.....
Peter Courtney, President of Senate

Received by Governor:

.....M.,....., 2019

Approved:

.....M.,....., 2019

.....
Kate Brown, Governor

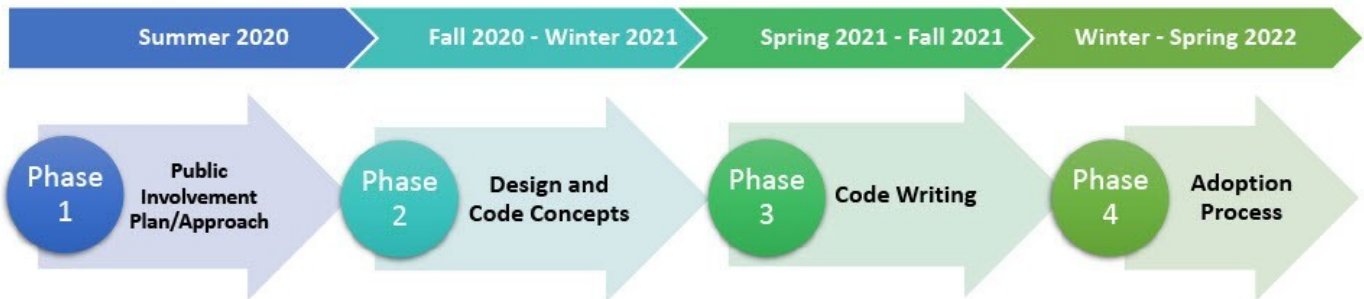
Filed in Office of Secretary of State:

.....M.,....., 2019

.....
Bev Clarno, Secretary of State



Middle Housing Implementation Project Timeline



Public Engagement Strategies

Phase 1	Phase 2	Phase 3	Phase 4
<ul style="list-style-type: none"> •Envision Eugene Newsletter Kick-off •Develop public outreach materials in various formats •Educational Public Outreach •Update Project Webpage •Launch the project Engage Eugene Page •Finalize the Public Involvement Plan/PC & Council Check ins 	<ul style="list-style-type: none"> •Workshop(s) with Boards, Commissions, and local partners •Public Open House(s) and online engagement opportunities •Healthy Democracy Panel •Updates to general public and key stakeholders •Develop and distribute additional public outreach materials in various formats 	<ul style="list-style-type: none"> •Update Planning Commission and City Council on status of public engagement, draft policies and code amendments •Notify public of upcoming adoption process •Update project webpage and Engage Eugene page •Healthy Democracy Panel 	<ul style="list-style-type: none"> •Formal adoption/public hearing process begins •Online engagement opportunities continue •In person engagement as appropriate per public health guidelines



End of Phase Products



Middle Housing Code Amendments

Implementation of House Bill 2001

DRAFT Public Involvement Plan – Revised July 8, 2020

I. Overview

We all need a place to live that we can afford, but in Eugene, almost half of us pay more than we can afford for housing. That makes it hard for many of our residents to pay for other needs like food, clothing, health care, transportation, and education. This is why we need to take steps so that more Eugeneans are living in housing we can afford. Encouraging more housing types within residentially zoned areas can improve housing affordability in Eugene, in addition to improving housing availability and diversity. *Provide Housing Affordable to All Income Levels* is one of the Envision Eugene pillars, and our local plans and codes implement the Statewide Planning Goal 10, Housing, aimed at providing for the housing needs of people across the state.

In 2019, the Oregon Legislature passed House Bill 2001, intended to help provide Oregonians with more housing choices, especially housing choices more people can afford. The Bill requires the City to amend our Land Use Code to allow duplexes to be allowed “on each lot or parcel zoned for residential use that allows for the development of detached single-family dwellings” and triplexes, quadplexes, cottage clusters, and townhouses “in areas zoned for residential use that allow for the development of single-family dwellings.”

The Eugene Land Use Code is our agreement about what, where, and how we build in Eugene. One thing we can do together as a community is set regulations that are fair and protect our quality of life, but are also not overly expensive, risky, or time consuming for people who build housing. Updating our regulations to reduce barriers can allow our community to build new housing more quickly, in more places, and with less cost.

The City of Eugene “may regulate siting and design of middle housing.” The Department of Land Conservation and Development will develop minimum standards for compliance with the bill as well as a model code by December 31, 2020. The City of Eugene is required to adopt the model code or our own alternative by June 30, 2022. If the City does not meet the project deadline, the model code will automatically apply.

Traditional public outreach methods have excluded many community members and perspectives. Additionally, we are now living in a pandemic and moving to mostly virtual engagement – an opportunity for the City to expand who we can hear from. The project will use a broad array of equitable outreach and engagement strategies such as meetings with subject matter experts, a Healthy Democracy Community Jury, a roundtable of representatives from boards, commissions, neighborhood associations and local partners, as well as on-line and in person opportunities with the general public.

Revising our Land Use Code to comply with House Bill 2001 will shape how our community develops and expand opportunities for where people can choose to live and what type of home they can live in. We have the opportunity to use Land Use Code changes to make our neighborhoods more inclusive and more equitable for everyone to enjoy.

I. Goals of the Public Involvement Plan

This plan is meant to serve as a guide through the process of developing and adopting amendments to Eugene's Land Use Code to comply with House Bill (HB) 2001 to allow for middle housing types throughout Eugene residential neighborhoods. This plan outlines the approach to public involvement for the life of the project and contains goals and a plan for project communications, which addresses when and how city staff will communicate with key stakeholders and the general public. The Public Involvement Plan:

- Describes opportunities and different ways people can engage in the planning process;
- Details how individuals and organizations with a stake in the outcome of the Land Use Code can effectively participate; and
- Is consistent with the City's Public Participation Guidelines and Statewide Planning Goal 1.

The Project Team is committed to a public engagement process that is:

- **Meaningful:** We will use the input received to help draft amendments to Eugene's Land Use Code, within the requirements of HB 2001 and related state laws.
- **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, including the requirements of HB 2001 and related state laws.
- **Outcome-oriented:** We will create a community-supported and City adopted land use code amendments.

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

Specifically, the activities of the public involvement plan will include:

- Building on previous engagement and visioning from the Envision Eugene process, Housing Tools and Strategies, the Climate Action Plan Equity Panel, and ongoing housing work
- Early input and involvement from agency subject matter experts
- Engagement with representatives from boards, commissions and local partners, including neighborhood associations
- Input and guidance from the Eugene Planning Commission project resource group
- Outreach materials and online opportunities for the general public to provide input through a variety of events and formats
- Balancing differing community input with the seven pillars of Envision Eugene and the requirements of Oregon's Statewide Planning Goals and House Bill 2001 and related state requirements.
- A public hearing and adoption process with City of Eugene Planning Commission and City Council.

II. Public Involvement Process

Implementation of House Bill 2001 to allow for middle housing types will result in changes to Eugene's Land Use Code (Chapter 9) and potentially to adopted land use plans. The land use code/plan amendment process will begin with the approval of a public involvement plan by the Planning Commission, who serves as the City's Citizen Involvement Committee. From there, city staff will lead public engagement activities throughout summer and fall of 2020, as outlined below. In the fall of 2020, consultants and city staff will create land use code concepts that comply with HB 2001 minimum standards and will then be presented to the public and decision makers for feedback. Using this feedback, the concepts will be translated into draft land use code language, which will undergo review and revision to meet the community's needs and state law. The adoption process will then consist of a public hearing before the Planning Commission, who will provide a recommendation to City Council, followed by a City Council public hearing and action.

The following is a summary of Project Phases, Deliverables, and Timeline:

Phase	Deliverables	Timeline
Phase 1 – Public Involvement Plan/Approach	<ul style="list-style-type: none">• Consultant Scope and Schedule• Approved Public Involvement Plan	<ul style="list-style-type: none">• Summer 2020• Summer 2020
Phase 2 – Design and Code Concepts	<ul style="list-style-type: none">• Context study• Design Concepts & outreach materials• Code Concepts & outreach materials	<ul style="list-style-type: none">• Fall 2020• Fall 2020• Winter 2021
Phase 3 – Code Writing	<ul style="list-style-type: none">• Code Framework & presentation materials• Draft code language	<ul style="list-style-type: none">• Spring 2021• Summer –Fall 2021
Phase 4 – Adoption Process	<ul style="list-style-type: none">• Adoption package and informational materials	<ul style="list-style-type: none">• Winter-Spring 2022

Decision-Making

After the project team assembles draft code from analysis and feedback as outlined above, the draft code language will go through an adoption process which will culminate with a decision from the Eugene City Council. The figure below is the International Association of Public Participation (IAP2)'s spectrum of public participation, which shows varying levels of engagement based on the level of public impact. The Project Participation Levels below show how this relates to the general public and key stakeholders for this process.

IAP2 Spectrum of Public Participation



IAP2's Spectrum of Public Participation was designed to assist with the selection of the level of participation that defines the public's role in any public participation process. The Spectrum is used internationally, and it is found in public participation plans around the world.

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.

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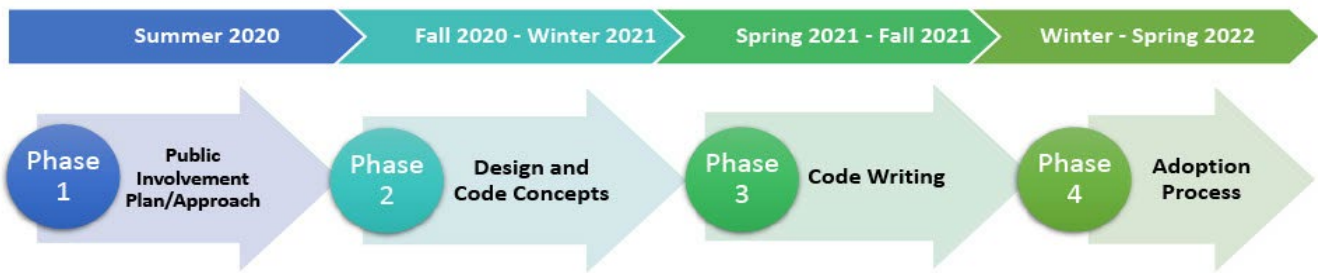
IAP2 Spectrum of Public Participation (source: www.iap2.org)

Project Participation Levels

Empower	Eugene City Council (elected to decide)
Collaborate	Eugene Planning Commission (appointed by elected officials to review and recommend)
Involve	Other Boards and Commissions and Local Partners; Eugene Planning Commission project resource group, Agency Subject Matter Experts, Healthy Democracy Community Jury (selected to advise)
Consult and Inform	Stakeholders and General Public (welcomed and encourage to give opinion)



Middle Housing Implementation Project Timeline



Public Engagement Strategies

Phase 1	Phase 2	Phase 3	Phase 4
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End of Phase Products



Coordination with Other Projects

The project team will coordinate with other local and regional projects and initiatives to increase efficiencies and collaboration.

- Envision Eugene Comprehensive Plan Housing Chapter
- Envision Eugene Comprehensive Plan Parcel-Specific Plan Diagram
- Growth Monitoring Program
- Urban Reserves Planning
- Clear and Objective Housing Approval Criteria Update
- Climate Action Plan 2.0
- River Road-Santa Clara Neighborhood Plan and River Road Corridor Study
- Housing Tools and Strategies process
- Eugene-Springfield 2020 Consolidated Plan
- Eugene-Springfield Fair Housing Plan (Assessment of the Impediments to Fair Housing and Fair Housing Plan Strategies)

Communications and Public Engagement Activities

This section outlines various communication methods along with an estimated timeline of when certain project milestones will occur. Given the COVID-19 pandemic, an emphasis will be placed on online methods that comply with current health guidelines and engage a broad spectrum of the community to gather feedback on the design and code concepts, code framework, and draft land use code language. As guidelines change, the methods will be reevaluated for safety, inclusivity and effectiveness.

The majority of these engagement activities focus on developing and receiving input on the draft land use code language to be developed. Staff will evaluate the effectiveness of different methods and adapt as we proceed. Planned communications and public engagement activities include:

- **Website** – provide project information and documents (fact sheets, general process timeline, videos, summaries of outreach efforts, etc.)
 - Including posting information about the context and exclusionary history of residential zoning.
- **Engage Eugene** – house public engagement elements of the process (surveys, Q&A, videos, open forum, etc.)
- **City Newsletters** – use existing City E-Newsletters to provide regular project updates including: Envision Eugene, City Council Newsletter, Neighborly News and others.
- **Social Media** – use existing City accounts on Instagram, Facebook, and Twitter to get messages out, post videos, and advertise engagement opportunities.
 - Pilot “online office hours” on Twitter and/or Facebook.
 - Engage with community members on NextDoor and Reddit
 - Host Facebook Live community conversations about the relationship between zoning and race, sustainability, transit, and more.
- **Healthy Democracy** – pilot a curated group of Eugene community members who are representative of the general population and will be compensated for their time at two points in the process. This component is intended to produce a more equitable decision-making process for the Middle Housing Implementation project.
- **Meeting in a Box** – create printable/digital meeting materials for local organizations, neighborhood associations, and other interested parties to provide feedback on the project without having staff present or having to attend a public meeting.
- **Local Media** – Marketing for the project in The Register Guard, Eugene Weekly, local news affiliates
- **Roundtable Workshops** –
 - Equity RoundTable: The equity roundtable will build on work from the Equity Panel used for the Climate Action Plan 2.0 and foster future partnerships pertinent to housing with the City and among panel members. This roundtable will be facilitated and representatives will be compensated for their participation.
 - Boards and Commissions RoundTable: Representatives from Boards such as the Housing Policy Board, Commissions such as Planning Commission and Sustainability Commission and local partners will provide input on the draft code language before final concepts go to Council for decision making.
- **Public Open House(s)** –The community will have opportunities to review and give input on all new modified Land Use Code sections from the roundtable workshop(s). Staff will consider meeting times and locations, including online opportunities, to provide equitable access to all community members, and to comply with current health guidelines.

- **Community and Stakeholder Presentations** – Open invitation for informational presentations at existing community and neighborhood meetings or events.

Other possible activities, depending on staff capacity, include:

- **Student Outreach** – Virtual staff visits to relevant classes at Lane Community College, and the University of Oregon to conduct outreach.
- **Middle Housing Art Show** – Display materials made by community members that depict their visions of middle housing types.

Equity and Inclusivity

Residential Zoning has a complex history that resulted in exclusion of low-income, black, indigenous, and people of color from certain neighborhoods. In Oregon this history was especially harmful with direct exclusion of non-white people from the state from 1844 until 1926. Although those exclusions are illegal today, their negative impacts are still affecting our community through the legacy of exclusionary zoning. Housing policy and code changes are an opportunity to mitigate those. A component of the Public Involvement Plan will be to educate the public about this history and the connection between housing policy, zoning, and equity.

Additionally, the ongoing COVID-19 pandemic presents challenges and opportunities to conducting an equitable and inclusive public engagement process. Current health recommendations prohibit large, in-person gatherings. This means that our engagement will shift to include mostly virtual opportunities to engage. Efforts such as the Healthy Democracy panel, online forums, use of social media, mobile-friendly webpage design, and new creative tactics will be used. The project team is committed to an inclusive approach that removes barriers and results in community-wide participation.

Public Engagement Activities

Timeline Estimate	Activity
Summer 2020	Envision Eugene newsletter for project kick-off.
	Develop public outreach materials (fact sheets, summaries, etc.)
	Educational Public Outreach
	Updated Project Webpage
	Launch the project Engage Eugene page
	Present Public Involvement Plan to Planning Commission and City Council
Fall 2020	Extend request for 2-3 representatives from boards, commissions, and local partners to participate in roundtable workshop(s)
	Equity Roundtable workshop(s)
	Public Open House(s) and online public comment opportunity

	Healthy Democracy Panel #1
Winter 2021	Workshop(s) with Boards, Commissions and local partners Roundtable
	Updates to general public and key stakeholders (representatives from boards, commissions and local partners, and agency subject matters) on project status and next steps, and notices about upcoming Public Open House(s) & online public comment opportunity (website, E-newsletters, social media, etc.)
Winter 2021	Develop additional public outreach materials (fact sheets, summaries, etc.)
	Distribute outreach materials
	Public Open House(s) and online public comment opportunity
	Create an outreach summary from Public Open House(s) and online public comment results and notification of next steps (website, E-newsletters, social media, etc.)
	Review outreach summary and proposed code amendments with Planning Commission project resource group
Spring 2021	Update on status of draft code amendments and notification of upcoming adoption process to general public and key stakeholders
	Healthy Democracy Panel #2
Summer – Fall 2021	Continue public information opportunities around the code amendments and overall adoption package
Winter 2022	Formal adoption/public hearing process begins with legal notices for Planning Commission public hearing
Spring 2022	Adoption deadline is June 30, 2022

*Meetings or other outreach and engagement activities will be added to the above list as needed.

Project Stakeholders

Agency Subject Matter Experts

The project will involve agency subject matter experts to provide technical input on draft code language, in addition to coordination with other plans, partners, and projects. Agency experts will include staff from the following:

- City of Eugene Urban Design
- City of Eugene Community Development (Housing)
- City of Eugene Public Works (Transportation and Engineering)
- City of Eugene Human Rights and Neighborhood Involvement
- City of Eugene Emergency Management staff
- City of Eugene Sustainability
- City of Eugene Police
- Eugene/Springfield Fire
- Eugene Water and Electric Board

- School Districts (4J and Bethel)
- Lane County Public Health
- Homes for Good (Lane County)
- Oregon Department of Land Conservation and Development

Equity RoundTable

The Equity RoundTable will be formed from key stakeholders and will provide an equity lens to help staff to develop and refine policy and code language. Staff will invite representatives from:

- Leaders in the community from Black, Indigenous, and People of Color identified groups
- LatinX Alliance
- NAACP (National Association for the Advancement of Colored People)
- Eugene Springfield Renters Alliance
- GLAAD (formerly the Gay and Lesbian Alliance Against Defamation)
- Lane Independent Living Alliance
- LILA (Lane Independent Living Alliance)
- Lane Transit District Accessibility Committee

Boards, Commissions and Local Partners RoundTable

The Boards, Commissions, and local partners roundtable will serve as stakeholders and will help staff to develop and refine policy and code language. Staff will invite representatives from:

Boards and Commissions:

- City of Eugene Planning Commission
- City of Eugene Sustainability Commission
- City of Eugene Human Rights Commission
- City of Eugene Budget Committee
- City of Eugene Historic Review Board
- City of Eugene Active Transportation Committee
- Housing Policy Board

Local partners:

- Better Housing Together
- Eugene Chamber of Commerce
- Eugene Association of Realtors
- Human Services Network
- Equity and Community Consortium
- 350 Eugene
- Better Eugene-Springfield Transportation
- 1000 Friends of Oregon
- League of Women Voters of Lane County
- Walkable Eugene Citizens Advisory Network (WE CAN)

- Homebuilders Association of Lane County
- Neighborhood Leaders Council/ Neighborhood Representatives
- University of Oregon Staff
- Lane Community College Staff

General Public

Members of the general public will have multiple opportunities to provide input and stay informed through the website, Engage Eugene, newsletters and an open house, in addition to participating in the formal adoption process. In addition, community members have provided input through the extensive visioning process of Envision Eugene, ongoing housing planning and housing related land use code projects, which has shaped Eugene's vision to promote more housing affordability, availability and diversity.