

CLEAR & OBJECTIVE Housing Approval Criteria Update

FACT SHEET

WHY ARE WE UPDATING THE CLEAR & OBJECTIVE HOUSING APPROVAL CRITERIA?

The State mandates that cities “adopt and apply only clear and objective standards, conditions and procedures regulating the development of housing...” These standards, conditions and procedures also can not discourage housing through “unreasonable cost or delay.”

As part of Envision Eugene, in 2015 City Council initiated several projects related to Eugene’s housing needs. One of the projects was to update the City’s existing procedures and approval criteria for needed housing applications (applications to develop housing). Council set a target to consider proposed code amendments within one year of State acknowledgement of our new urban growth boundary (UGB), which falls in January of 2019.

Some reasons **why** Council directed the update include:

- Our existing criteria were first adopted in 2002 and have never been updated
- Eugene is expected to add about 15,000 new homes by 2032
- Our process and procedures for new land use applications proposing housing need to be efficient and effective
- Our approval criteria must align with our community values around livability, public health and safety, and natural resource protection
- Some feel our existing criteria and process are barriers to providing housing
- Some feel our existing criteria do not go far enough to address community values



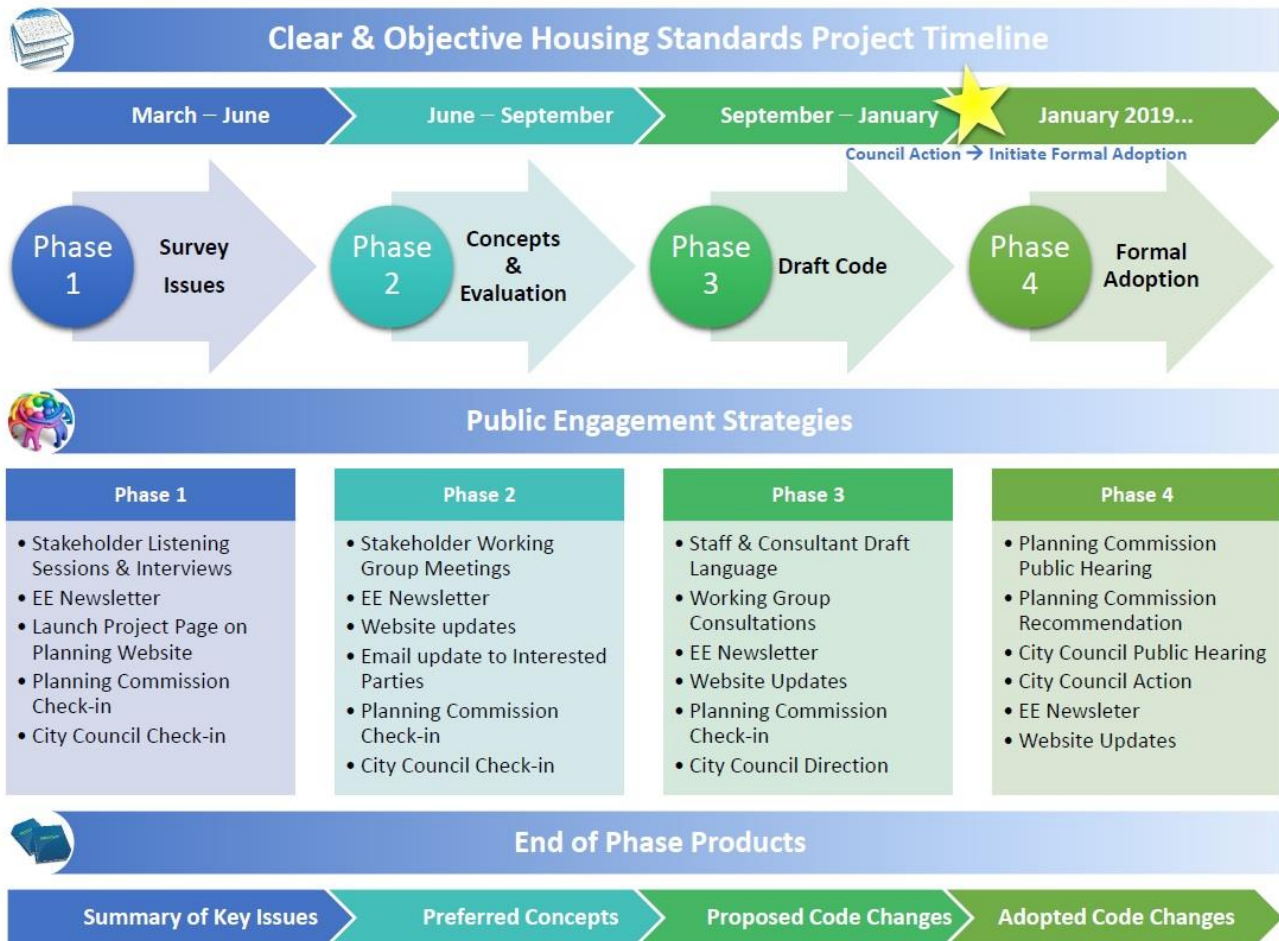
WHAT WILL BE AFFECTED BY THE UPDATE?

The project has a fairly narrow scope. We are primarily looking at the **approval criteria and processes** for the five land use application types that have a housing-specific review track:

Conditional Use Permits ▪ Partitions ▪ Planned Unit Developments ▪ Site Reviews ▪ Subdivisions

HOW WILL THE UPDATE HAPPEN?

The project will be completed in four phases. We are currently nearing the end of Phase 1 and will be moving into Phase 2 this summer. Stakeholders are helping identify key issues within the scope of the update and will also help generate ideas on how to address them. Throughout the project staff will be checking in with Planning Commission and City Council. The chart below gives a general overview of the project timeline, engagement strategies and products.



WHAT ARE APPROVAL CRITERIA?

City Council directed that the Clear & Objective Update look at land use application approval criteria and processes. Approval criteria are the locally adopted standards or regulations that the city decision maker (the Planning Director, Hearings Official or Planning Commission depending on application type) must use to determine whether or not to approve or deny a land use application. The approval criteria are adopted by City Council into Eugene’s land use code, and can only be changed through a public process. Each type of land use application requires compliance with a specific set of approval criteria. For instance, there are specific approval criteria that an applicant must show compliance with to gain City approval of a subdivision.

WHAT DOES CLEAR AND OBJECTIVE MEAN?

The term ‘clear and objective’ means that something is measurable and does not require discretion or subjectivity to interpret the meaning. For instance, we need to address neighborhood compatibility, but the

use of the term “compatible” in an approval criterion is subjective and vague. However, something like requiring a measurable setback is a clear and objective way to address some compatibility impacts.



WHY DO WE HAVE A CLEAR AND OBJECTIVE PATH?

We are required by State law to “adopt and apply only clear and objective standards, conditions and procedures regulating *the development of housing*, including needed housing.” (Emphasis added.) While previously the requirement for a clear and objective path applied only to “needed housing,” recent changes now mean that the requirement applies to **all housing**.

Under Oregon law (ORS 197.307), cities cannot use vague standards such as “compatibility with the neighborhood” to deny an application for housing in an appropriate zone. Having clear and objective standards protects developers and permit applicants from arbitrary and inconsistent decisions and enhances predictability in the land use approval process for all.

WHAT IS NEEDED HOUSING?

As defined by the State, “‘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.” “Needed housing” includes attached and detached single-family housing and multiple family housing for both owner and renter occupancy; government assisted housing; mobile home or manufactured dwelling parks; manufactured homes on individual lots; and housing for farmworkers.

In Eugene, *essentially* all housing is needed housing. As mentioned above, however, this distinction is no longer as necessary as our requirement to have a clear and objective path to approval now applies to all housing (previously, only “needed housing” was entitled to a clear and objective path, so the distinction was more important). This is also why we are calling this project the ‘Clear & Objective’ update rather than the ‘Needed Housing’ update— to help add clarity that it’s not just for needed housing anymore.

HOW DO I FIND OUT MORE OR GET INVOLVED?

We encourage your involvement! To learn more detail about the project, including resources such as links to the approval criteria being evaluated, check out the project website:

<https://www.eugene-or.gov/3947/Clear-Objective>

You can also subscribe to the [Envision Eugene newsletter](#) for periodic project updates.

If you are interested in getting involved, contact the project manager!

Jenessa Dragovich | Senior Planner
Eugene Planning Division | Land Use Planning
99 West 10th Avenue | Eugene Oregon 97401
Phone 541.682.8385 | Fax 541.682.5572
Email jenessa.l.dragovich@ci.eugene.or.us