

Middle Housing Code Amendments

City File: CA 21-1 & MA 21-1

Testimony Batch 9

Batch Information		Date Range		
Batch Number	Page Count	Start	End	Submissions
9	142	11/1/2021	11/8/2021	43

From	To	Date	Time	Attachments
Sandy Sanders	Testimony	11/8/2021	22:05	
Larry Dann	Mayor and City Council	11/8/2021	20:14	
Carolyn Jacobs	Mayor and City Council	11/8/2021	16:54	
Marsha Shankman	Mayor and City Council	11/8/2021	15:34	
Marlitt Dellabough	Mayor and City Council	11/8/2021	15:20	
Gail Baker	Testimony	11/8/2021	11:34	Yes
Stephanie Wood	Mayor and City Council	11/8/2021	10:47	
Clayton Gautier	Testimony	11/8/2021	10:28	
Robert Haskett	Mayor and City Council	11/8/2021	10:27	
Bill Aspegren	Mayor and City Council	11/8/2021	10:13	
Liz Dickey	Mayor and City Council	11/8/2021	10:09	
Daniel Isaacson, Planning Commission	Planning Commission	11/8/2021	1:03	
Peter O'Day	Mayor and City Council	11/8/2021	0:56	
Sandy Sanders	Cindy Allen	11/7/2021	13:24	
Kari Parsons	Mayor and City Council	11/7/2021	4:51	
Cindy Allen	Testimony	11/6/2021	22:58	
Allen Meyer	Mayor and City Council	11/6/2021	19:48	
Nancy Meyer	Testimony	11/6/2021	19:12	
Todd Reed	Mayor and City Council	11/6/2021	7:16	
Paul Conte	Jeff Gepper, Staff	11/5/2021	14:19	
Paul Conte	Jeff Gepper, Staff	11/5/2021	14:08	
Jeff Gepper, Staff	Paul Conte	11/5/2021	12:27	Yes
Jeff Gepper, Staff	Paul Conte	11/5/2021	11:13	
Mike Russo	Mayor and City Council	11/5/2021	9:56	
Paul Conte	Jeff Gepper, Staff	11/5/2021	8:03	
Jeff Gepper, Staff	Paul Conte	11/5/2021	7:59	
Bill Aspegren	Mayor and City Council	11/4/2021	15:48	Yes
Karen James	Mayor and City Council	11/4/2021	15:39	
Sara Van Dyck	Testimony	11/4/2021	14:11	

Eliza Kashinsky	Testimony	11/4/2021	13:03	Yes
Susan Brenner	Testimony	11/4/2021	12:54	
Bev Holman	Mayor and City Council	11/4/2021	12:21	
Carolyn Jacobs	Testimony	11/4/2021	12:16	
Carolyn Jacobs	Testimony	11/4/2021	12:15	
Eliza Kashinsky	Mayor and City Council	11/4/2021	12:06	
Rebecca Hammons	Mayor and City Council	11/4/2021	9:41	
Alissa Hansen, Staff	John Fischer	11/4/2021	8:59	
Carolyn Jacobs	Mayor and City Council	11/3/2021	17:06	
Michael James Long	Testimony	11/3/2021	14:45	
Martha Moultry	Mayor and City Council	11/3/2021	12:06	
Tiffany Edwards, Planning Commissioner	Planning Commission	11/2/2021	14:52	
Jeff Gepper, Staff	Janna Alley	11/2/2021	9:34	
Tiffany Edwards, Planning Commissioner	Planning Commission	11/1/2021	8:53	

Notes:

For reference, submissions are organized in reverse chronological order.

If viewing the digital PDF file, please note that bookmarks are included for navigating between each submission.

From: [Sandy Sanders](#)
To: [Cindy Allen](#); [CEMIDDLEHOUSINGTESTIMONY](#); [*Eugene Mayor, City Council, and City Manager](#); [southeastneighborsboard](#); [South Willamette Neighbors](#); [kathy ging](#); [Jane Katra](#); [Maurya Kaarhus](#); [Lisa Marie DiVencent](#); [Jackdresser Dresser](#); [Maryann Francis](#); [Sandra Bishop](#); [Alan Stein](#); [Mindy Stone](#); [Paul Conte](#); [Tsunami Books](#); [victor odlivak](#); [Susan Klein](#); [Eugenewestonaprice Info](#); [Alison Price](#); [A. Likwornik](#); [artie Gilad-Meters](#); [David Monk](#); [Pamela Driscoll](#); [Dale O'Brien](#); [Paul Dart MD FCA](#); [FODOR Eben \(SMTP\)](#); [Bekki Bruckner](#); [Katieg3131](#); [camilla@eugeneweekly.com](#); [BETTMAN Bonny \(SMTP\)](#); [BLOOMGARDEN Robin \(SMTP\)](#); [Loretta Huston](#); [TAYLOR Betty L](#); [RUSSO Ed \(SMTP\)](#); [Krista Rojas](#); [Ron-Janet Bevirt](#); [Bob Becker](#); [Eugene Neighborhoods United](#); [Krista Morien](#); [Jerry - hubby of Eve](#); [karinalmqvist@yahoo.com](#); [lafleur113@gmail.com](#); [Ralph McDonald](#)
Subject: Re: Middle Housing Misnomer.....Developer Housing (Actually)
Date: Monday, November 8, 2021 10:05:43 PM

[EXTERNAL]

Last night around 8:30pm Planning Commissioner Daniel Issacson called me on the phone to ask my input on the R-1 Zoning Issue. He tried to sell me for about 10 minutes without blinking through my numerous NOs and statement that higher density is not a forgone conclusion. I insisted that the pPeople's will be assessed and voted if necessary. He was incredulous at my suggestion that the Planning Commission or even the City could have an email list of all constituents to notify them of meetings. He said people have to go to the site to find out the schedule. He said it was just too expensive to have the City get email addresses and send emails. HELLO! What nonsense. He said that never more than 5 people show up to speak. I said people don't like Zoom meetings and we will have these after mandates are turned off. If y'all want to bum rush a Zoom Meeting and demand repeal of this R-1 rule at the State i think you should get as many as possible to show. I can't imagine why the storm of emails doesn't affect them. He told me that of all his personal anecdotes everyone likes the new rules. I was incredulous.

Maybe we should organize a hand signed petition to repeal this turkey and send it to the Planning Commission and our State reps and senators? Organize a State Initiative to Repeal? I just know homeowners in EUG should contact the Planning Commission enmasse to stop this before it goes ahead and CC/visit State reps offices. This issue is a time bomb they have no appreciation for. It is the urban provincialism of Eugene and wakey, wakey time folks, the 1% developer slime is descending.

Cheers!

-sandy

On 11/7/2021 1:24 PM, Sandy Sanders wrote:

I totally concur. It's time we take away the decision making authority of politicians and government agencies and require, at minimum, ratification of ALL policy by over 50% of eligible voters. With extended and inclusive debate in public, in real live space, human beings, not alienating and useless Zoom. This should transition next to outright direct democracy vote on all policy and budget by the People. Government staff will be given the task to implement, not decide.

We've had enough bad-parent-rule protecting the wealth of the 1% class.

For a Better World,

Sandy Sanders
800 Maxwell Rd.
Eugene, OR 97404

On 11/6/2021 10:57 PM, Cindy Allen wrote:

I know longtime Eugene people who left when the Oregon Legislature voted to be the first to do away with the protections of R1 zoning.

They talked to others about what was going to happen and reluctantly left Eugene and re-located to other parts of our country where the property rights of homeowners are protected.

Many still email them and send pictures and videos of how much Eugene has changed in a very short time and not for the better. Unfortunately, they were right about the developers.

The high price of housing and apartments....not unique to Eugene; this is a worldwide situation. One wonders how hedge funds like Black Rock, only started in 1986, were able to accumulate so much housing so quickly. (One also wonders about the problem....solution narrative that we have seen far too many times.)

Many Eugene homeowners are aware that their homes, their land and the surrounding areas are very valuable.

They are in a very unique situation-valuable property-close to the Knight Campus (500 million initial investment, followed by another 500 million pledge and money from other groups) with recruiting being done from many places.

There is also a very large amount of highly subsidized housing.

Eugene has one of the largest homeless populations/ capita in the country. I recently was talking to a young man. He had been living in Hawaii and had been given an airplane ticket to the place of his choice and he selected Eugene.

Because of the internet, we learned about the Panama, Paradise and Pandora Papers and ways that the very wealthy get around paying taxes. The day may soon be coming when the average tax payer in the rest of the country may not want to pay for this expensive, highly-subsidized housing.

We read on the internet about Bill Gates and other members of the billion dollar club are buying up farmland at a record pace.

If the residential areas are compromised with ""stack and packs"" Robert Kennedy Jr.'s description.....who do you think will also try to own the outer lands?

The farmers and homeowners of Seavay Loop mounted a huge effort to stave off the developers-only a few years ago. They called it a ""land grab."" Is what is being proposed for Eugene any different?

The plan is called middle housing but what I see going up everywhere in Eugene (even without the zoning changes) is expensive developer housing.

Oppressive looking hi-rises, built right to the edge of the sidewalk that seem strangely out of place in this beautiful valley. So many of the large, beautiful trees needed for air purification and cooling taken down-even before the proposed, sweeping zoning changes.

What about needed solar access and family gardens? What happened to the real Eugene?

I see an already overburdened infrastructure that does not even seem to be even considered with the zoning changes and population projections.

I am also concerned about water availability for the projected population plan.

It was obvious that the former development of Eugene happened organically and matched the topography. It was resident and neighborhood led and not ""top down"" decisions that don't seem logical.

In the light of what we usually see-to assume that these sweeping changes are being done to somehow help the average person or the environment seems unrealistic.

A certain amount of growth is completely understandable but what is happening in Eugene is something completely different.

An elder Native American described it as ""Reservation Housing.""

That new Eugene look is touted as being ""progressive and green"" but all science experiments show that too many rats in too small of an area.... not a good outcome.

Over-building and over-population in a valley is especially unhealthy. The developers may want to pretend that Eugene is not a valley but it is. Boulder has 1% growth and it is not even in a valley; Colorado has ""slow growth.""

I am very concerned that few homeowners are aware of the sweeping

zoning changes that will forever change their neighborhoods and perhaps, greatly compromise the value of their homes and the livability of the city for everyone.

That this is being discussed and possibly voted on while the state is in covid restriction on ZOOM calls is very disturbing. I have never done a ZOOM call nor have many people that I know.

I did call in the number given for the Public Forum part of one the council meetings. I waited to speak but was never acknowledged. I watched on the internet and noticed that there very few people participating.

In my opinion, the only reason you may not be deluged with comments is because people are not yet aware of the broad scope of the changes.

If 3 and 4 story complexes start going up right next to single-story homes, near the property line on small parcels of land and quiet, navigable neighborhoods are suddenly changed, etc., I think there will be some very upset residents who at the least are going to want their property taxes back and possibly, more.

In my opinion....this is going to be a ""hornet's nest"" of problems and they are only beginning if these proposals are passed.

This should have been very obvious and anticipated by the Oregon Legislature, the Eugene Planning Department and the Council with the unprecedented taking away of R1 zoning.

People bought their homes in good faith in R1 areas with the guarantee of protections from developers. How can R1 suddenly be taken away from so many people? I don't see how this is even constitutional?

Cindy Allen, Eugene

From: [Larry Dann](#)
To: [*Eugene Mayor, City Council, and City Manager](#); [*Eugene Mayor, City Council, and City Manager](#)
Subject: FW: Beyond HB2001
Date: Monday, November 8, 2021 8:14:05 PM

[EXTERNAL]

To the Eugene City Mayor and Council,

I have written in the past about HB2001. Its passage may have addressed conditions in Portland (although it is too soon to evaluate its effect), but was not well-suited to Eugene. The proposal by the City of Eugene goes even further than HB2001. I urge the City to wait and watch this housing experiment that is HB2001. Learn from the experience of Portland, to whose conditions the bill was tailored.

I support efforts that will make housing more affordable for low-income households. But those efforts should be fashioned along the lines of efforts that have been successful elsewhere. The unintended consequences of the City Planning staff's proposal I believe are likely to greatly outweigh the proposal's intent, and the result is that matters will be worse after implementation than before.

Larry Dann
ldann@uoregon.edu

From: Larry Dann
Sent: Monday, November 8, 2021 8:07 PM
To: middlehousingtestimony@eugene-or.gov
Subject: Beyond HB2001

To the Eugene City Mayor and Council,

I have written in the past about HB2001. Its passage may have addressed conditions in Portland (although it is too soon to evaluate its effect), but was not well-suited to Eugene. The proposal by the City of Eugene goes even further than HB2001. I urge the City to wait and watch this housing experiment that is HB2001. Learn from the experience of Portland, to whose conditions the bill was tailored.

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Larry Dann
ldann@uoregon.edu

From: [JACOBS Carolyn \(SMTP\)](#)
To: [*Eugene Mayor, City Council, and City Manager](#); [Eugene Planning Commission](#); [CEMIDDLEHOUSINGTESTIMONY](#)
Subject: Testimony for HB2001 Public Hearing Nov. 16
Date: Monday, November 8, 2021 4:54:26 PM

[EXTERNAL]

Several years ago as a member of the Housing Tools and Strategy task team I was shocked to realize that when we were directed to discuss barriers to housing what was meant was simply barriers for developers – barriers to building housing. - not barriers to living in or affording housing.

And, I guess, not surprisingly, nothing has changed. Staff's proposed code changes initiated by HB2001 reveal thinking that is upside down and backwards. And that is absolutely not acceptable. What we should be doing is removing the obstacles to housing that people in this community are facing. The idea that we might "incentivize" deregulation to such an extreme that developers/investors will build whatever they want wherever they want and in the end we'll just shrug and say "oops, sorry you can't afford to live there...we must have made a mistake" is simply wrong.

Just increasing density isn't enough. If we want to integrate our city and our neighborhoods specifically then we must be intentionally writing code that removes the obstacles to housing that we know are there. Developers/investors should be held responsible for the damaging impacts their housing will cause whether it's displacement due to demolition, rent increases or gentrification.

Having been told repeatedly that we have a housing affordability crisis in this city shouldn't we be demanding that what's built matches the income levels of the underserved population?? If we don't want displacement then we should write code that directs developers to build what we need.

Needless to say, staff's proposed code is inherently exclusionary. Allowing lower valued properties with less valuable houses to be gobbled up to make room for new market rate buildings will absolutely guarantee that residents on the lower end of the income spectrum will be forced out of Eugene. Ignoring the fact that the economic disparity we're experiencing is at the root of our housing situation will prove disastrous. Rather than economically integrating our neighborhoods we will be increasing their exclusivity.

Protecting and improving inclusivity has to be intentional and therefore in the forefront of code writers' minds. If we only deregulate with the goal of allowing as much density as possible in any form and in any place, as the current proposal does, we will never see housing that's affordable, designs that meet our climate action

goals and neighborhoods that are economically diverse.

The only reasonable thing we should do now is adopt the most minimum standards to comply with the requirements of HB2001. Proceeding from there we should turn our collective heads around and work towards the kind of housing we want to meet the needs of people who live here.

Carolyn Jacobs
Ward 3

From: [MARSHA SHANKMAN](#)
To: [*Eugene Mayor, City Council, and City Manager](#)
Cc: [CEMIDDLEHOUSINGTESTIMONY](#)
Subject: Re: Not in support of Planning Commission proposals for HB2001
Date: Monday, November 8, 2021 3:34:29 PM

[EXTERNAL]

Dear Mayor Vinis, City Councilors, and City Manager,

I am writing to urge you to shelve the proposals made by the Planning Commission and to return to the minimum code amendments necessary to comply with HB2001. The Planning Commission proposals change both minimum lot sizes and increase height limits.

With no constraints on developers and no incentives in place to promote the construction of affordable housing, the Planning Commission proposals risk **undermining the original objectives of HB2001**, while endangering the stock of affordable smaller homes and threatening the quality of life in all neighborhoods. By allowing such a free-for-all for developers, the important goal of addressing the current housing crisis is thwarted.

Thank you for your serious attention to this matter.

Sincerely,
Marsha Wells Shankman

From: [marlitt dellabough](#)
To: [CEMIDDLEHOUSINGTESTIMONY; *Eugene Mayor, City Council, and City Manager](#)
Subject: Testimony on CA 21-1 Middle Housing code amendments
Date: Monday, November 8, 2021 3:19:43 PM

[EXTERNAL]

To the Planning Commission Members, City Council and Mayor Luci Vinis,

It has come to our attention that a developer is proposing a “cottage cluster” of six 2-story houses on the lot 396 East 32nd Ave, Eugene. Each new house will be bigger than the house that is currently on the lot, resulting in 8 times the density (16 bdrs instead of 2 bdrs). Understanding the need for infill in Eugene and the recent activity on middle housing code adjustments, we can see why the developer is interested in developing his project. However, we have serious concerns about the viability of such a large-scale development on this particular street.

The structures are to be 2-3 bdrm rentals with potential of 20-30 residents. These may be subdivided into six lots. The plans show seven parking spots suitable for small vehicles. Considering the average car ownership in Oregon is almost one vehicle per person and that residents will have visitors, the congestion on the street will be even more dangerous than it is now. Our street is one of the narrower streets, 26’ wide. In comparison, other adjacent streets, such as 33rd Avenue, is 34’ wide. Currently, cars park on both sides of the road and only one car can pass through the narrowed space.

In addition to the fact the street currently is not wide enough to accommodate 2-way traffic at this time, the street itself is crumbling. It has not been paved in at least 45 years. We have brought this to the city’s attention on multiple occasions and the response was that there are no current plans to repave the street in the future.

There are other considerations for this area that need closer study such as the water table. This area has a high-water table, having been a wetland before development and many homes currently struggle with sump pumps and water mitigation during the winter.

As you make revisions to our zoning code, please consider impacts to neighbors, neighborhoods and city infrastructure resulting from such a large increase in density.

Marlitt Dellabough
398 East 32nd Ave

From: [Gail Baker](#)
To: [CEMIDDLEHOUSINGTESTIMONY](#)
CC: [*Eugene Mayor, City Council, and City Manager](#); [marlitt dellabough](#); [FODOR Eben \(SMTP\)](#); [Kaci Rencher](#); [Clayton Gautier](#); [Koalani Roberts](#); [Don Kahle](#)
Subject: Testimony on CA 21-1 Middle Housing code amendments
Date: Monday, November 8, 2021 11:36:19 AM
Attachments: [2021-11-16 Middle Housing Testimony Eugene Planning Commission.pdf](#)

[EXTERNAL]

Subject: **“Testimony on CA 21-1 Middle Housing code amendments.”**

TO: middlehousingtestimony@eugene-or.gov mhtestimony@eugene-or.gov
CC: mayorcouncilandcitymanager@ci.eugene.or.us AND 12 32nd Ave Neighbors

Statement from Gail A. Baker, 350 E 32nd Ave Eugene Oregon, 541 344 8377

Middle Housing Testimony to be included in the Planning Commission’s packet for 11/16/2021 public hearing regarding Middle Housing Code Plans

Dear Planning Commission Members, City Councilors and Mayor Lucy Vinis,

The City Housing Code, specifically Code Changes/HB2001: Middle Housing, should be planned with a holistic view across the city urban landscape and guided by the far-sighted goals of affordability, livability, value and appeal that will retain home owners and maintain livability. The consequences of removing density restrictions across the board for all current R-1 zoning will result in slap-dash development that will not serve livability or affordable housing goals.

I support taking actions that will improve housing affordability for lower-income households and ensure that demolition and gentrification (raising rents) won’t force low-income renters out of their current houses or apartments. It is vital that the Planning Commission works to reduce the housing cost burden on Eugene’s lower-income households and to protect vulnerable renters from displacement.

Do not eliminate the special area zone’s development standards that were created to fit specific situations in Eugene’s different residential areas.

Neighborhood limitations should be taken into consideration and development designed according to available parking, road condition and width, water table height, permeable surfaces, green space, urban forest canopy cover, owners in residence

and walkability [Walkability — WE CAN- Walkable Eugene Citizens Advisory Network \(wecaneugene.org\)](http://wecaneugene.org)

As an example of development that MUST fit **specific situations in Eugene's different residential areas**, I will use the recent proposed middle-housing development for a neighborhood lot at 396 East 32nd Ave: A group of cottage-clusters that include SIX 2-story houses on a lot that originally had a 2-bedroom, single story home.

The neighborhood is an eclectic street with a mix of rentals and owner-occupied residential housing. An older neighborhood without CCR's or HOA restrictions.

The specific situation on E 32nd Ave. includes water table height, parking availability, street condition and width and scale of the existing houses.

Our neighborhood is built on the **Amazon Creek floodplain** and has a very high water-table, often with standing water during the rainy season. Many houses use sump pumps. In the winter the pumped water collects on & floods the flatter parts of the street and freezes. This results in an "ice-rink" extending into the street making it hazardous for walking, bicycles and driving and further degradation of the street surface.

If residents of the new units have more cars than on-site parking provides **overflow parking to both sides of 32nd increases the narrowness of street and its hazards as well as limitations to emergency vehicle access, and garbage collection.** The road bed itself is crumbling and there is no plan by the city to improve it. Increased use will exacerbate its decline and contribute to dangerous situations.

Buildings also need to be reasonably of the same scale as the existing houses (typically one, one-and-a-half, or two story). Unregulated developers could build giant 3-story quadplexes and significantly reduce permeable surface of the lot, remove any possibility of tree and shrub cover or gardens, increasing the heat-island effect and decreasing general health and livability of residents and the neighborhood.

Increased housing density, affordable housing, opportunity for first time home owners and a healthy living environment can all be attained with insightful and reasonable regulations that DO NOT leave all decisions to investors and developers about what gets built and how much it will cost to buy or rent. The Planning Commission must really show that Eugene and its neighborhoods are important to them.

If new, high-density housing is built as “infill” in existing neighborhoods, the units need to really be *affordable*. The housing can be duplexes, triplexes that **are attached** dwellings, do not change the original intent.

The City should limit the first phase of code amendments to the minimum changes to comply with the statutory requirements of House Bill 2001 and include protective regulations against demolitions of affordable rentals and evictions of low-income households.

Sincerely, Gail A. Baker

350 E 32nd Ave, Eugene Oregon 97405

gailannebaker@gmail.com

541 344 8377

Copies sent to:

Marlitt Dellabough | 398 East 32nd Avenue
Eben Fodor | 394 East 32nd Avenue
Kaci and Titus Rencher | 397 East 32nd Avenue
Trish and Rick Rencher | 397 East 32nd Avenue
Clayton Gautier | 350 East 32nd Avenue
Christine Lorenz | 420 East 32nd Avenue
Koa Roberts | 180 East 32nd Avenue
Paul Spragens | 410 East 32nd Avenue
And circulated to additional neighbors

References

Eugene Housing Facts Evidence-based information to promote housing affordability
<https://housing-facts.org/testifyepc/>

Subject: **“Testimony on CA 21-1 Middle Housing code amendments.”**

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Do not eliminate the special area zone’s development standards that were created to fit specific situations in Eugene’s different residential areas. Neighborhood limitations should be taken into consideration and development designed according to available parking, road condition and width, water table height, permeable surfaces, green space, urban forest canopy cover, owners in residence and walkability [Walkability — WE CAN- Walkable Eugene Citizens Advisory Network \(wecaneugene.org\)](http://wecaneugene.org)

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Sincerely, Gail A. Baker

350 E 32nd Ave, Eugene Oregon 97405
gailannebaker@gmail.com
541 344 8377

Copies sent to:

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References

Eugene Housing Facts Evidence-based information to promote housing affordability
<https://housing-facts.org/testifyepc/>

From: [Stephanie Wood](#)
To: [*Eugene Mayor, City Council, and City Manager](#)
Cc: [CEMIDDLEHOUSINGTESTIMONY](#)
Subject: please mediate the impact of HB2001
Date: Monday, November 8, 2021 10:46:54 AM

[EXTERNAL]

Dear Mayor, City Manager, and Town Council,

I WRITE TO URGE YOU TO MEDIATE THE IMPACT OF HB2001 by adding teeth that will ensure the protection of the livability of our fair city. Judging by recent apartment projects under construction, developers and real estate professionals need to have some real restrictions on their approach to new housing, or they will go **ALL-IN FOR PROFIT** and show little or **no regard to ensure A SPECIFIED PERCENTAGE OF LOW-INCOME UNITS**. They will pay practically no attention to maintaining **GREENSPACES** between these buildings and the sidewalks or even ensure somewhat attractive designs. Big-box high rises will be popping up just about anywhere there is space, ruining neighborhoods that still have some charm despite diversity (including quite a few small affordable houses to rent). High rises will not necessarily be **BUILT NEAR SERVICES AND PUBLIC TRANSPORT** unless such requirements are mandated.

Do we really wish to give huge tax breaks on these monstrosities that we have been seeing going up lately? Do we really wish to give developers a free hand to make their millions without truly ensuring more affordable housing?

Thank you!
Stephanie Wood

From: cgautier@comcast.net
To: [CEMIDDLEHOUSINGTESTIMONY](#)
Cc: [*Eugene Mayor, City Council, and City Manager](#)
Subject: Testimony on CA 21-1 Middle Housing code amendments
Date: Monday, November 8, 2021 10:28:24 AM

[EXTERNAL]

I'm writing to provide comments for the Eugene Planning Commission Public Hearing on proposed Middle Housing code amendments scheduled to take place on Nov 16.

I'll begin by stating that I fully support the laudable goal of improving housing affordability in Eugene by increasing the inventory of middle housing. It's essential however that changes to city code currently being contemplated avoid incentivizing replacement of the city's current stock of affordable housing with less affordable new construction. Also, proposed code changes must avoid encouraging the unnecessary degradation of Eugene's highly livable neighborhoods. I understand that HB 2001 requires that Eugene allow for infill in existing residential (R-1) neighborhoods with higher density construction up to and including quadplexes, townhouses and cottage clusters, and this is fine as long as some sensible and reasonable limits are set so these buildings are appropriately sized for the neighborhoods they are built in. For example, new middle housing being built in a neighborhood currently limited to one and two story homes should continue to abide by the height (two story) and lot coverage limitations (50% preferred but no more than 75%) of that neighborhood. Maintaining these limits is crucial to keeping existing neighborhoods attractive and livable, especially with climate change rapidly heating the planet. Building large quadplexes (up to 42' tall with minimal lot setbacks), which Eugene City Planning staff's "encourage and incentivize" recommendations would allow anywhere in existing residential neighborhoods, makes no sense. Such unrestrained construction would decrease urban forest canopy cover exacerbating heat island affects, reduce solar access, decrease parking availability, and increase traffic congestion. Large multiplex housing does make sense on lots adjacent to or near tier 1 transportation corridors where essential services are readily available by bike, foot or mass transit. We can solve the housing crisis in Eugene by adding more low-income middle housing, but we need to do it in a smart, discriminating way so we don't ruin the good things we already have.

Thank you for your attention.

Sincerely,
Clayton Gautier
350 E 32nd Ave, Eugene 97405
541-344-8377
cgautier@comcast.net

From: [Robert Haskett](#)
To: [*Eugene Mayor, City Council, and City Manager](#)
Cc: [CEMIDDLEHOUSINGTESTIMONY](#)
Subject: Poorly Thought Out Housing and Land-Use Proposal
Date: Monday, November 8, 2021 10:27:26 AM

[EXTERNAL]

HB2001 institutes sweeping change to zoning and land use that aims to address affordable housing shortages but does so in a way that is very likely to exacerbate rather than solve that problem. There is a troubling absence of any clear and convincing evidence that the assertion made by proponents of that bill--increased density will automatically lead to more middle and affordable housing--actually will become a reality. In fact, opening a Pandora's box of laxity when it comes to regulating profit-oriented developers and real estate interests most likely will fail to achieve the laudable goal of this highly flawed legislation.

Given this, I am strenuously opposed to our city planners' efforts to push further and allow substantial upzoning. Once again, I have seen no substantial evidence that this sort of thing will achieve the desired goal. As a research academic, I am appalled that no one has apparently demanded such proof from anyone about this civic plan, which pushes well beyond even the sweeping changes embodied in HB2001.

The crux of the matter is this: it is all well and good to provide incentives and guidelines for various kinds of development, but HB2001 and even more so the Eugene proposal provide plenty of incentives, but no meaningful guidelines. Particularly glaring is the lack of any mention of rent control attached to these plans, the only really proven method to keep rents low and affordable in profit-driven housing and rental markets. Stringent quotas on the percentage of new developments that must be affordable housing also seem to be lacking. If what has happened in this area connected with recent housing developments is any indication, affordable housing seems to represent a relatively small rather than substantial element. What is more, are there any regulations geared to preserve green space, replanting of trees, and the like being considered? Developers of at least two massive apartment complexes designed for student occupation along Broadway have been allowed to build right up to the sidewalk without any setback, with no room for trees or other "breathing" foliage; the huge development bisected by Olive is not quite so bad, but not a model of environmentally-sound design, either. This is all certainly going in the wrong direction in a time of global climate change.

Please reconsider the city's ill-conceived proposal, which in its worst features a gift to developers, who will unwrap the ability to engage in nearly unregulated construction without those who live in affected areas able to exercise little, if any, say in the matter.

Robert Haskett
Professor Emeritus
University of Oregon

From: aspegren@comcast.net
To: *Eugene Mayor, City Council, and City Manager; Eugene Planning Commission
Cc: [CEMIDDLEHOUSINGTESTIMONY](#); [HANSEN Alissa H](#); [HARDING Terri L](#); [GEPPER Jeffrey A](#)
Subject: Testimony for the November 16, 2021 planning Commission Public Hearing on the Draft Middle Housing Code Amendments
Date: Monday, November 8, 2021 10:13:53 AM

[EXTERNAL]

HB 2001 established high minimum standards for middle housing in Oregon. According to 1000 Friends of Oregon, “[n]o other state in the nation has yet achieved such progressive residential zoning reform.” <https://friends.org/news/2019/8/hb-2001-signed-law> Yet such standards are not good enough for Eugene city staff planners. They want to engage in a grand but very risky experiment in Eugene, proposing standards which would be experimental and not the product of deliberation by the legislature. The minimum standards in HB 2001 are strict enough, and a substantial change for Eugene. The city should not risk its livability and character by adopting untested middle housing standards beyond those required by HB 2001.

But what if Eugene goes beyond HB 2001 minimum standards, then finds the standards are not working, can we just roll them back? Consider allowing detached plexes on 1,688 square foot lots, and then finding the resulting buildings create problems not just for adjacent neighbors but for nearby blocks due to parking, congestion, and infrastructure problems. Can Eugene just roll back the lot size requirements without opening the city to potential measure 49 claims? It is conceivable every lot in the city might have a valid claim. The cost of such claims may be substantial, and unaffordable to the city such that the extreme experimental standards cannot be rolled back and would be permanent.

There is a definite risk to engaging in this grand experiment. The probability of unplanned consequences resulting from the current draft middle housing code amendments is almost certainly 100%. A better approach is adopting the minimum standards and later cautiously evaluating them for changes.

This problem needs a written legal statement.

From: [Liz Dickey](#)
To: [*Eugene Mayor, City Council, and City Manager](#)
Cc: [CEMIDDLEHOUSINGTESTIMONY](#)
Subject: HB 2001 Zoning Proposals
Date: Monday, November 8, 2021 10:09:24 AM

[EXTERNAL]

Hello Mayor Vinis and City Councilors,

Please do not accept the city planning department's proposals about implementation of HB 2001. There are some major issues with what is being proposed:

- The proposals do not clearly address the issue of affordability. Instead, they incentivize destruction of lower-priced older homes and replacement with newer construction that is not regulated to insure affordability. Please make sure any changes made will actually insure affordability and not leave the door wide open for gentrification and displacement of the financially-vulnerable.
- Changes to zoning with potential for enormous impact on the livability of our city should be made gradually, to determine the impact on affordability and livability.
- 741 survey responses and 108 group participants is not a large enough sample to represent what the community wants. No one I talk to even knows about the proposals being made, let alone how to voice their concerns. I took the survey, but the survey summary does not capture the concerns I voiced, except for one, which was only minimally-addressed.
- People who have invested in homeownership in what they expected would continue to be R-1 zoning should not be subject to such extreme changes that are being proposed. Would you want multi-story buildings next door and the attendant loss of privacy, sunlight, trees, access to parking, and quiet enjoyment of your homes?

Thank you.

Liz Dickey

GEPPER Jeffrey A

From: Dan Isaacson <danpisaacson@gmail.com>
Sent: Monday, November 8, 2021 1:03 AM
To: EDWARDS Tiffany (SMTP)
Cc: HARDING Terri L; FLOCK Gabriel; GEPPER Jeffrey A; MCGINLEY Sophie E
Subject: Re: Middle Housing email to Council & Planning Commission

Follow Up Flag: Follow up
Flag Status: Flagged

[EXTERNAL 

Commissioner Edwards, I echo each of your comments below and want to thank you for making them. I have spent the weekend reviewing every email, letter, note, text message and document submitted for consideration ahead of our public hearing on the 16th. I am confident that our efforts to engage the public about the proposed changes resulting from the implementation of HB2001 have been thorough and exhaustive.

A review of the public record showcases a disturbing pattern of abusive behavior by Mr. Conte toward the planning staff, city councilors and our fellow volunteer planning commissioners.

I have had the pleasure of speaking to many of the folks who wrote to us, and whose letters reside in the public record, to better understand their thinking and how they arrived at it. Once a connection was made and they were given the mandate we are charged with by the state, the level of hostility toward the idea diminished and, with many, common ground is achievable. But a common theme was present.

The distorted and fear-driven rhetoric disseminated by a vocal minority who's sole focus appears to be preserving their own interests rather than advocating for their neighbor as well has ultimately scared many people into thinking the worst about our commission, our city staff, and our processes. It truly is unfortunate that many have been deceived in this way, as our community has such a wonderful opportunity to build neighborhoods that exposes everyone equally to the same benefits of homeownership and affordable housing that detractors enjoyed and benefited from.

It is my hope that our work will transcend the self-serving efforts of the few and challenge us all to design a Eugene that generations will live in and enjoy.

Respectfully,

-Daniel

On Nov 2, 2021, at 2:52 PM, Tiffany Edwards <tiffanyedwardspsc@gmail.com> wrote:

Thanks Alissa,

Colleagues, the efforts stated in this email to turn out JWN neighbors to engage in the public process AFTER the Planning Commission has deliberated and provided a recommendation to Council, is disheartening and outright disrespectful of all of the work the Planning staff has put into the public engagement process. Never before have I witnessed such a robust process to ensure that under-represented voices are at the table, in addition to those we hear from regularly.

I would like to request that we spend some time in our public deliberations, discussing how we might acknowledge the various perspectives in our process and relay to Council, all that was considered, so they don't feel compelled to start from scratch or that "Citizen Involvement" was insufficient during the Planning Commission's process.

In researching the public engagement that occurred when this bill was before the legislature in 2019, I found significant evidence that Mr. Conte engaged in ample opportunities to weigh in with legislators and share his perspective. All of that testimony can be found here: <https://olis.oregonlegislature.gov/liz/2019R1/Measures/Analysis/HB2001>.

I've also sorted and copied Mr. Conte's testimony here for easy reference.

Paul Conte (article - Blanket Upzoning: A Blunt Instrument Won't Solve the Affordable Housing Crisis)
Paul Conte (article - Leave Single-Family Housing Alone)
Paul Conte (presentation)
Paul Conte (testimony)
Paul Conte (testimony 2)
Paul Conte (testimony 3)
Paul Conte (testimony 4)
Paul Conte (testimony 5)
Paul Conte (testimony 6)
Paul Conte (testimony 7)
Paul Conte (testimony 8)
Paul Conte (testimony (1 of 3))
Paul Conte (testimony (2 of 3))
Paul Conte (testimony (3 of 3))
Paul Conte (study: "The Missing Middle Housing Study" by Montgomery County Planning Department)
Paul Conte (study: "The State of the Nation's Housing 2018" by Joint Center for Housing Studies...)
Paul Conte (ruling: "Zorn, Inc., and Zorn Farms, Inc., Oregon corporations, and Catherine Zorn...")
Paul Conte (report: "MUD subgroup report" by Envision Eugene Community Resource Group Mixed-Use...)
Paul Conte (study: "Measuring Housing Affordability: Assessing the 30 Percent of Income Standard")
Paul Conte (The Register-Guard opinion article: "Conte: Legislature threatens single-family...")
HB 2001 - Testimony - Paul Conte

I see no evidence of a flawed citizen involvement process or lack of opportunity taken to engage in this public process.

Tiffany

From: HANSEN Alissa H <AHansen@eugene-or.gov>
Sent: Friday, October 29, 2021 11:44 AM
To: BEESON Ken (SMTP) <kenbeeson200@gmail.com>; ISAACSON Dan (SMTP) <danpisaacson@gmail.com>; TAYLOR Kristen (SMTP3) <tkctaylor111@gmail.com>; FRAGALA Lisa (SMTP) <fragalacoeplanning@gmail.com>; EDWARDS Tiffany (SMTP) <tiffanyedwardspc@gmail.com>; RAMEY Chris (SMTP) <EPCRamey@comcast.net>

Cc: HARDING Terri L <THarding@eugene-or.gov>; FLOCK Gabriel <GFlock@eugene-or.gov>; GEPPER Jeffrey A <jgepper@eugene-or.gov>

Subject: Middle Housing email to Council & Planning Commission

Here's the most recent email sent to the commission and the council.

Alissa Hansen (she/her) | Planning Director

City of Eugene Planning Division

99 West 10th Avenue | Eugene Oregon 97401

Phone 541.682.5508

City of Eugene Planning & Development Department offices are operating. To protect the health and wellbeing of our community I may be working remotely or working non-traditional hours. We appreciate your patience as our reply to email and voicemail may be slightly more delayed than normal.

Messages to and from this e-mail address may be available to the public under Oregon Public Records Law

From: [Peter O'Day](#)
To: [*Eugene Mayor, City Council, and City Manager](#)
Cc: [CEMIDDLEHOUSINGTESTIMONY](#)
Subject: Housing Proposals: Neighborhood Livability, Health, Safety, and Diversity:
Date: Monday, November 8, 2021 12:55:56 AM

[EXTERNAL]

Neighborhood Livability, Health, Safety, and Diversity:

As I have read the literature provided by the City about ADUs, I have not noticed attempts to address resulting health and safety problems that our future residents will face as population density increases. There are several concerns that should be addressed as plans proceed:

Air quality:

As density of residents increases, would residents be subject to greater intensity of harmful exhaust as gas-powered motor vehicles park closer to residents' yards and building air intakes?

Would more alleys gain right-of-way status, permitting garbage and delivery trucks to spew toxic particulate matter into residents' yards and within feet of their building air intakes, endangering resident children's and seniors' lungs and breathing passages?

Climate change:

Would we lower CO2 absorption and accelerate climate change by incentivizing tree removal to afford ADU-related parking?

Health and Safety:

If alleys become right-of-way venues, motor traffic will more closely approach our yards and living spaces, and beside the toxification of our air, pedestrian safety will be compromised.

Has the city considered options to preserve future residents' health, safety, and comfort and to limit the increased carbon footprint associated with this initiative?

Possibilities include:

Limiting right-of-way access to alleys.

Prohibiting alley access to gas-powered garbage, recycling, and delivery trucks.

Prohibiting gas-powered yard maintenance equipment and enforcing decibel limits.

Discouraging use of gas-powered vehicles by expanding bicycle routes and developing electric powered mass transportation.

Discouraging tree removal and incentivizing planting.

Neighborhood diversity and future residents' comfort and livability:

Even in the unlikely event that the proposed ADU rule changes would enhance neighborhood diversity by introducing more

affordable rental housing, it would do nothing to enhance diversity of future resident homeowners, and it would most likely contravene this far more important societal goal. As ADUs proliferate and property values increase over the upcoming few decades, our neighborhoods would be dominated by rental property as resident homeowners are edged out of housing markets. Neighborhood livability for renters and resident homeowners will suffer because non-resident property owners' have comparatively little stake in neighborhood livability.

Has the City considered long-range strategies to develop and maintain diverse owner-occupied neighborhoods?

Possibility: Rethink this ADU idea to favor diversity at all socioeconomic levels.

Peter O'Day

South University Neighbor

pmoday@gmail.com

From: [Sandy Sanders](#)
To: [Cindy Allen](#); [CEMIDDLEHOUSINGTESTIMONY](#); [*Eugene Mayor, City Council, and City Manager](#); [southeastneighborsboard](#); [South Willamette Neighbors](#); [kathy ging](#); [Jane Katra](#); [Maurya Kaarhus](#); [Lisa Marie DiVencent](#); [Jackdresser Dresser](#); [Maryann Francis](#); [Sandra Bishop](#); [Alan Stein](#); [Mindy Stone](#); [Paul Conte](#); [Tsunami Books](#); [victor odlivak](#); [Susan Klein](#); [Eugenewestonaprice Info](#); [Alison Price](#); [A. Likwornik](#); [artie Gilad-Meters](#); [David Monk](#); [Pamela Driscoll](#); [Dale O'Brien](#); [Paul Dart MD FCA](#); [FODOR Eben \(SMTP\)](#); [Bekki Bruckner](#); [Katieg3131](#); [camilla@eugeneweekly.com](#); [BETTMAN Bonny \(SMTP\)](#); [BLOOMGARDEN Robin \(SMTP\)](#); [Loretta Huston](#); [TAYLOR Betty L](#); [RUSSO Ed \(SMTP\)](#); [Krista Rojas](#); [Ron-Janet Bevirt](#); [Bob Becker](#); [Eugene Neighborhoods United](#); [Krista Morien](#); [Jerry - hubby of Eve](#); [karinalmquist@yahoo.com](#); [lafleur113@gmail.com](#); [Ralph McDonald](#)
Subject: Re: Middle Housing Misnomer.....Developer Housing (Actually)
Date: Sunday, November 7, 2021 1:24:22 PM

[EXTERNAL]

I totally concur. It's time we take away the decision making authority of politicians and government agencies and require, at minimum, ratification of ALL policy by over 50% of eligible voters. With extended and inclusive debate in public, in real live space, human beings, not alienating and useless Zoom. This should transition next to outright direct democracy vote on all policy and budget by the People. Government staff will be given the task to implement, not decide. We've had enough bad-parent-rule protecting the wealth of the 1% class.

For a Better World,

Sandy Sanders
800 Maxwell Rd.
Eugene, OR 97404

On 11/6/2021 10:57 PM, Cindy Allen wrote:

I know longtime Eugene people who left when the Oregon Legislature voted to be the first to do away with the protections of R1 zoning.

They talked to others about what was going to happen and reluctantly left Eugene and re-located to other parts of our country where the property rights of homeowners are protected.

Many still email them and send pictures and videos of how much Eugene has changed in a very short time and not for the better. Unfortunately, they were right about the developers.

The high price of housing and apartments....not unique to Eugene; this is a worldwide situation. One wonders how hedge funds like Black Rock, only started in 1986, were able to accumulate so much housing so quickly. (One also wonders about the problem....solution narrative that we have seen far too many times.)

Many Eugene homeowners are aware that their homes, their land and the surrounding areas are very valuable.

They are in a very unique situation-valuable property-close to the Knight

Campus (500 million initial investment, followed by another 500 million pledge and money from other groups) with recruiting being done from many places.

There is also a very large amount of highly subsidized housing. Eugene has one of the largest homeless populations/ capita in the country. I recently was talking to a young man. He had been living in Hawaii and had been given an airplane ticket to the place of his choice and he selected Eugene.

Because of the internet, we learned about the Panama, Paradise and Pandora Papers and ways that the very wealthy get around paying taxes. The day may soon be coming when the average tax payer in the rest of the country may not want to pay for this expensive, highly-subsidized housing.

We read on the internet about Bill Gates and other members of the billion dollar club are buying up farmland at a record pace.

If the residential areas are compromised with ""stack and packs"" Robert Kennedy Jr.'s description.....who do you think will also try to own the outer lands?

The farmers and homeowners of Seavay Loop mounted a huge effort to stave off the developers-only a few years ago. They called it a ""land grab."" Is what is being proposed for Eugene any different?

The plan is called middle housing but what I see going up everywhere in Eugene (even without the zoning changes) is expensive developer housing.

Oppressive looking hi-rises, built right to the edge of the sidewalk that seem strangely out of place in this beautiful valley. So many of the large, beautiful trees needed for air purification and cooling taken down-even before the proposed, sweeping zoning changes.

What about needed solar access and family gardens? What happened to the real Eugene?

I see an already overburdened infrastructure that does not even seem to be even considered with the zoning changes and population projections.

I am also concerned about water availability for the projected population plan.

It was obvious that the former development of Eugene happened organically and matched the topography. It was resident and neighborhood led and

not
""top down"" decisions that don't seem logical.

In the light of what we usually see-to assume that these sweeping changes are being done to somehow help the average person or the environment seems unrealistic.

A certain amount of growth is completely understandable but what is happening in Eugene is something completely different.

An elder Native American described it as ""Reservation Housing."""

That new Eugene look is touted as being ""progressive and green"" but all science experiments show that too many rats in too small of an area.... not a good outcome.

Over-building and over-population in a valley is especially unhealthy. The developers may want to pretend that Eugene is not a valley but it is. Boulder has 1% growth and it is not even in a valley; Colorado has ""slow growth."""

I am very concerned that few homeowners are aware of the sweeping zoning changes that will forever change their neighborhoods and perhaps, greatly compromise the value of their homes and the livability of the city for everyone.

That this is being discussed and possibly voted on while the state is in covid restriction on ZOOM calls is very disturbing. I have never done a ZOOM call nor have many people that I know.

I did call in the number given for the Public Forum part of one the council meetings. I waited to speak but was never acknowledged. I watched on the internet and noticed that there very few people participating.

In my opinion, the only reason you may not be deluged with comments is because people are not yet aware of the broad scope of the changes.

If 3 and 4 story complexes start going up right next to single- story homes, near the property line on small parcels of land and quiet, navigable neighborhoods are suddenly changed, etc., I think there will be some very upset residents who at the least are going to want their property taxes back and possibly, more.

In my opinion....this is going to be a ""hornet's nest"" of problems and they are only beginning if these proposals are passed.

This should have been very obvious and anticipated by the Oregon Legislature, the Eugene Planning Department and the Council with the unprecedented taking away of R1 zoning.

People bought their homes in good faith in R1 areas with the guarantee of protections from developers. How can R1 suddenly be taken away from so many people? I don't see how this is even constitutional?

Cindy Allen, Eugene

From: [Kari Parsons](#)
To: [*Eugene Mayor, City Council, and City Manager;](#) [CEMIDDLEHOUSINGTESTIMONY](#)
Subject: Middle Housing Testimony
Date: Sunday, November 7, 2021 4:51:37 AM

[EXTERNAL]

Dear City leaders,

I am submitting this testimony to encourage the City to adopt the minimum code amendments required by HB 2001 and not the further deregulation currently being proposed by City staff. The key reasons for this position are as follows:

1. **As critical as it is to solve our housing crisis, a law as broad and deregulatory as HB 2001 is likely to produce a variety of effects, including some unintended and undesirable ones.** HB 2001 proponents and city staff who seek to further deregulate housing codes in excess of HB 2001 minimum standards have laudable goals: increase housing affordability and advance equity. I firmly support these goals, as well. However, there is a legitimate possibility that HB 2001, which has few built-in protections and relies wholly on the private market, is unlikely to deliver on these goals and may in fact exacerbate some of the issues we are experiencing. For example, HB 2001 incentivizes the demolition of affordable homes in favor of the development of market-rate rental housing. While the rents on these new units will not be affordable, the notion of supply and demand suggests that more rental units in the market may reduce rents for rental units elsewhere. However, also according to the laws of supply and demand, the lower supply of single-family homes (demolished in favor of multiplexes) is likely to contribute to ever higher SFH prices, whether for ownership or rental. These likely consequences of HB 2001 may further equity gaps due to displacement, gentrification, and placing the dream of homeownership further out of reach for many who seek this key to wealth generation. Our history of urban planning should be a cautionary tale: many well-intended big planning policies of the past (e.g., urban renewal, public housing towers) only served to exacerbate inequities. Further, the fact that HB 2001 does not apply to neighborhoods with CC&Rs should also call into question the ability of the law to truly address inequity. Therefore, with a law as unconstrained and potentially flawed as HB 2001, it is wise to proceed cautiously by approving the minimum code requirements and only further deregulating when (or if) evidence supports doing so.
2. **The minimum code amendments required by HB 2001 are already the most dramatic change to residential zoning in the history of this city and state.** As it stands, adopting the minimum codes required by law will already be a vast experiment in city planning, the results of which are unknown; to further deregulate at this stage as proposed by staff and without mitigation of potential negative impacts is unnecessarily risky. The story of Ya Po Ah Terrace should be a lesson to us all that once codes allow a building to be built, we are stuck with it for our lifetimes (changes to the codes after the fact notwithstanding).
3. **The staff proposal conflicts with the city's goals to reduce greenhouse gas emissions and maintain livability.** Building allowances provide no space for on site trees and no requirement for electric vehicle charging stations. The staff proposal has no considerations for the issues of displacement, transitions to short-term rentals, loss of solar access, loss of privacy, loss of parking, and loss of historic buildings. A specific

example of unconsidered impacts is the new Edison School. The new Edison, which will have higher capacity than the old Edison, was granted a variance that eliminated the onsite parking requirement based on existing neighborhood street parking conditions. As the more modest and affordable homes surrounding Edison are demolished and turned into multiplexes without onsite parking, the future parking conflict is predictable.

In sum, for these key reasons, I encourage the Planning Commission and City Council to approve the codes required by state law and not more until evidence supports doing differently. In the meantime, it is absolutely essential that Oregon invests in evidence-based strategies that increase housing affordability, including subsidized housing development, rental assistance, and support for homeownership, particularly in marginalized communities.

Thank you for your service to the community and for the opportunity to comment.

Sincerely,

Kari Parsons
2215 University Street
Ward 3

From: [Cindy Allen](#)
To: [CEMIDDLEHOUSINGTESTIMONY](#); *[Eugene Mayor, City Council, and City Manager](#); [southeastneighborsboard](#); [South Willamette Neighbors](#); [kathy ging](#); [Jane Katra](#); [Maurya Kaarhus](#); [Lisa Marie DiVencent](#); [Jackdresser Dresser](#); [Maryann Francis](#); [Sandra Bishop](#); [Alan Stein](#); [Mindy Stone](#); [Sandy Sanders](#); [Paul Conte](#); [Tsunami Books](#); [victor odlivak](#); [Susan Klein](#); [Eugenewestonaprice Info](#); [Alison Price](#); [A. Likwornik](#); [artie Gilad-Meters](#); [David Monk](#); [Pamela Driscoll](#); [Dale O'Brien](#); [Paul Dart MD FCA](#); [FODOR Eben \(SMTP\)](#); [Bekki Bruckner](#); [Katieg3131](#); [camilla@eugeneweekly.com](#); [BETTMAN Bonny \(SMTP\)](#); [BLOOMGARDEN Robin \(SMTP\)](#); [Loretta Huston](#); [TAYLOR Betty L](#); [RUSSO Ed \(SMTP\)](#); [Krista Rojas](#); [Ron-Janet Bevirt](#); [Bob Becker](#); [Eugene Neighborhoods United](#); [Krista Morien](#); [Jerry - hubby of Eve](#); [karinalmquist@yahoo.com](#); [lafleur113@gmail.com](#); [Ralph McDonald](#)
Subject: Middle Housing Misnomer.....Developer Housing (Actually)
Date: Saturday, November 6, 2021 10:57:54 PM

[EXTERNAL]

I know longtime Eugene people who left when the Oregon Legislature voted to be the first to do away with the protections of R1 zoning.

They talked to others about what was going to happen and reluctantly left Eugene and re-located to other parts of our country where the property rights of homeowners are protected.

Many still email them and send pictures and videos of how much Eugene has changed in a very short time and not for the better. Unfortunately, they were right about the developers.

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They are in a very unique situation-valuable property-close to the Knight Campus (500 million initial investment, followed by another 500 million pledge and money from other groups) with recruiting being done from many places.

There is also a very large amount of highly subsidized housing. Eugene has one of the largest homeless populations/ capita in the country. I recently was talking to a young man. He had been living in Hawaii and had been given an airplane ticket to the place of his choice and he selected Eugene.

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In my opinion, the only reason you may not be deluged with comments is because people are not yet aware of the broad scope of the changes.

If 3 and 4 story complexes start going up right next to single- story homes, near the property line on small parcels of land and quiet, navigable neighborhoods are suddenly changed, etc., I think there will be some very upset residents who at the least are going to want their property taxes back and possibly, more.

In my opinion....this is going to be a ""hornet's nest"" of problems and they are only beginning if these proposals are passed.

This should have been very obvious and anticipated by the Oregon Legislature, the Eugene Planning Department and the Council with the unprecedented taking away of R1 zoning.

People bought their homes in good faith in R1 areas with the guarantee of protections from developers. How can R1 suddenly be taken away from so many people? I don't see how this is even constitutional?

Cindy Allen, Eugene

From: [Alan Meyer](#)
To: [*Eugene Mayor, City Council, and City Manager](#)
Cc: [CEMIDDLEHOUSINGTESTIMONY](#)
Subject: Ill-conceived land use proposals
Date: Saturday, November 6, 2021 7:47:49 PM

[EXTERNAL]

HB2001 institutes radical change that portends unintended consequences. I am *profoundly* opposed to our city planners' efforts to push further and allow substantial upzoning. Doing so would invite unfettered moves by real estate developers to maximize their own financial returns via the gentrification of our neighborhoods and the actual reduction in our stock of affordable housing. Implementing this crummy plan would benefit investors at the expense of livable neighborhoods and low-cost housing.

Alan Meyer, Professor Emeritus
Charles H. Lundquist College of Business
University of Oregon
Eugene, OR 97403-1208
email: ameyer@uoregon.edu
mobile: 541.206.2138

From: [Nancy Meyer](#)
To: [CEMIDDLEHOUSINGTESTIMONY](#)
Subject: HB2001
Date: Saturday, November 6, 2021 7:12:10 PM

[EXTERNAL]

To the Eugene City Mayor and Council,

I am in support of reducing the housing costs for low-income households, however I feel that the current land use proposals will give developers a free hand that will lead to upzoning neighborhoods and actually reducing some of the currently affordable smaller homes and apartments.

In areas near downtown and campus, developers will clearly be interested in charging the market rate for rental unless limits are set to encourage lower rates and protect against demotion and displacement.

As Eugene moves to comply with HB2001, the Planning Commission's proposals should be put on hold until the real impact of the house bill becomes evident in terms of impact on housing, parking, and the environment.

Thank you,

Nancy Meyer

From: [JACOBS Carolyn \(SMTP\)](#)
To: [*Eugene Mayor, City Council, and City Manager;](#) [Eugene Planning Commission](#)
Subject: Testimony for Planning Commission Public Hearing on HB2001 Nov. 16
Date: Wednesday, November 3, 2021 5:06:18 PM

[EXTERNAL]

It's appalling to realize the extent to which land use planning in Eugene has devolved into a dangerous game of semantics under the guise of meeting the challenges of HB2001. The most egregious example is the elimination of the long accepted definition of "**plex**" which is defined both in Webster's dictionary and the EC Code as "**A** building" with varying numbers of units.

Proposed code standards reveal that "plex" now means **detached** units (as well as the generally understood attached units). Note: HB2001 does NOT require a city to include detached units with regard to duplexes, triplexes and fourplexes.

Is there truly any difference between a single family house and a **detached** single unit "middle" house??? The irony of course lies in the fact that the latter can be built on a postage size lot and be three stories tall.

"Middle housing" which was originally sold to us as small multi-unit buildings able to mitigate an affordability crisis has come full circle to mean large individual houses on tiny lots with thanks of course to SB458 which allows the newly imagined "**detached** plexes" on "middle lots" – until recently an unknown thing – to be split into individual houses on individual lots).

The weaponization of language is nothing new but the current level of unchecked language manipulation engaged in by planning staff and lobbyists is truly alarming. By adding the one word "middle" to a single family house (to be called a single unit middle house) that stand-alone house on a unique legal lot will no longer need to meet the standards of a house without the word "middle" in front of it!!! (EC9.8199(2)).

Finally, we're expected to accept the idea that a stand alone house on a separate legal lot isn't really a house at all, as we've always understood the term, simply because a developer need only label his original lot a "middle" housing lot and single family code regulations disappear. (Note: this applies to ALL residential lots in the city not protected by CC&Rs).

Based first and foremost on the intentionally deceptive use of language (most notably "**plex**"), City Council should at this time make only the minimum changes to the code required for HB2001 compliance. These should include the following:
Do not allow plexes to be **detached**.

Maintain minimum lot sizes that are the greatest allowed by HB2001.
In addition, do not in this first phase increase maximum heights or increase lot coverage, and do not reduce onsite parking requirements.
Lastly, it should go without saying, measures must be taken to minimize the demolition of today's less valuable but most affordable housing and the displacement of their lower income renters and owners.

Carolyn Jacobs
Ward 3

From: [Todd Reed](#)
To: [*Eugene Mayor, City Council, and City Manager](#)
Subject: Zoning Code Changes in Eugene
Date: Saturday, November 6, 2021 7:16:43 AM

[EXTERNAL]

Dear Mayor and Eugene City Council,

I believe “middle housing” in Eugene is appropriate only if explicit safeguards are included that require its implementation to address equity in housing opportunities across all income ranges. Without explicit safeguards, deregulation of current zoning will inevitably leave middle housing projects to be defined only by profit, once again leaving low income people at risk.

I (we) urge the City Council to ensure that the implementation of “Middle Housing” does not allow or encourage housing development that would displace low-income households because of demolitions or significant increases in monthly rents in their neighborhoods.

Respectfully yours,

Todd Reed
River Rd. Neighborhood

--

tlxreed@gmail.com

GEPPER Jeffrey A

From: Paul Conte <paul.t.conte@gmail.com>
Sent: Friday, November 5, 2021 2:19 PM
To: GEPPER Jeffrey A
Cc: HANSEN Alissa H; MEDARY Sarah J; SEMPLE Emily
Subject: Re: Please explain conflicting dates and missing notary re updated notices for CA 21-1

[EXTERNAL 

Please place this in the record for CA 21-1

Although it may or may not have any legal importance in a likely future LUBA appeal, this would make the third zoning amendment ordinance (clear and objective, ADU, and HB 2001) for which staff's process and notification have been improper.

Of course, neither you nor any other staff accepts any real accountability. Instead, as Lauren Sommers attempted in the City response to the C&O appeal, you dismiss the sloppy work as "simple error, ... easily corrected with a signed new affidavit."

That kind of behavior reflects the unprofessional culture that exists in the current Planning Division.

Paul conte

Earth Advantage Accreditations:
* Sustainable Homes Professional
* Accessory Dwelling Unit (ADU) Specialist

On Fri, Nov 5, 2021 at 12:27 PM GEPPER Jeffrey A <jgepper@eugene-or.gov> wrote:

Hi Paul,

I appreciate you pointing out a necessary correction and I assure you that there is nothing more to this issue than human error and a pandemic. Here is the situation.

For the DLCD affidavit, our notary, Linda, mistakenly wrote down October 12, instead of October 25, which is the date I actually signed it. Thankfully, you caught the simple error, and it is easily corrected with a signed new affidavit. Thanks for catching that and see attached new affidavit.

Regarding the mailed notice affidavits, Linda Baker is the person who most often is doing the mailing of notices and she is also our primary notary for the Planning Division. She mailed both of the notices that went out for these code amendments. As you know, typically Amy Janisch, our other Planning notary, will notarize Linda's signature for mailed affidavits. Unfortunately, Amy has been out of the since September, hopefully returning to us soon. With Amy out, Linda has to coordinate with staff who are currently not working in the office to come and notarize documents. The incomplete affidavits that were uploaded were

unable to be fully executed that day because the notary ended up not being available. I had Linda upload the incomplete affidavits anyways to demonstrate to you that they existed (per your request). Each of those documents is titled as incomplete and includes a sticky note stating that they are not complete. So, with that said, Linda has to sign new affidavits once the notary is available again. That hasn't happened yet, and I will post the executed and notarized mailing affidavits once they are available.

That's probably a little more behind the scenes that maybe necessary, but I hope that provides some clarity to our situation around the affidavits and I can verify that noticing has been done in accordance with Eugene's land use code and state requirements.

Thanks,

Jeff Gepper

Senior Planner (he/him)

City of Eugene | Planning & Development

jgepper@eugene-or.gov

541.682.5282

Messages to and from this e-mail address may be available to the public under Oregon Public Records Law.

From: Paul Conte <paul.t.conte@gmail.com>
Sent: Thursday, November 4, 2021 11:18 AM
To: GEPPER Jeffrey A <jgepper@eugene-or.gov>
Cc: JEROME Emily N <EJerome@eugene-or.gov>; MEDARY Sarah J <SMedary@eugene-or.gov>; SEMPLE Emily <ESemple@eugene-or.gov>
Subject: Re: Please explain conflicting dates and missing notary re updated notices for CA 21-1

[EXTERNAL ⚠]

Jeff,

Because the documents below suggest potential perjury or other unlawful or unethical actions by you or other parties.

I'm repeating my request to provide you an opportunity to explain the apparent conflicts before filing a formal complaint.

Would you also please provide me a copy of the latest version of the Affidavit, if it is not the one posted on the City's land use application site with the following meta data:

Last modified

10/29/2021 4:01:43 PM

Creation date

10/27/2021 8:55:48 AM

Thank you for your prompt response.

Paul Conte

Earth Advantage Accreditations:

*** Sustainable Homes Professional**

*** Accessory Dwelling Unit (ADU) Specialist**

On Thu, Oct 28, 2021 at 2:42 PM Paul Conte <paul.t.conte@gmail.com> wrote:

FOR THE RECORD IN CA 21-1

Jeff,

I reviewed the following two documents posted on the City's website

MIDDLE HOUSING CODE AMENDMENTS	DLCD Notice 2021.
MIDDLE HOUSING CODE AMENDMENTS	Mailed Notice - Mis

I have some concern about the dates. For the "DLCD Notice":

- Displayed "Document Date": 10/12/2021
- "Meta property -- Date created": 10/27/2021
- Date you swore you electronically submitted the DLCD Notice with "Attachment A": October 12, 2021 -- but there is no "Attachment A" in this document.
- Your signature is dated: "25th day of October, 2021"
- The Notary swears that you "Signed and affirmed before me on October 12, 2021"

These dates don't jibe. How could the Notary swear you signed on October 12th, but you stated you signed on October 25th, and the document appears to have been posted shortly after you signed?

For the "Mailed Notice:"

- That document includes an "EXHIBIT A," which staff swore was mailed on October 15, 2021. However, the signature and attestation in the affidavit do not appear to have been notarized at all. (And, of course, this is after you swore you provided DLCD an "EXHIBIT A."

Now, I have no doubt the City's legal gymnasts will be able to provide an explanation.

However, my admittedly limited legal understanding is that a legal affidavit must be signed *in the presence of* a witness who is an "authorised person," who then attests to the affiant's signature (and the affiant's assurance of truthfulness).

I wonder if either affidavit is actually legally valid. Could you please explain?

Thank you,

Paul Conte

Earth Advantage Accreditations:

*** Sustainable Homes Professional**

*** Accessory Dwelling Unit (ADU) Specialist**

From: [Paul Conte](#)
To: [GEPPER Jeffrey A](#)
Cc: [SEMPLE Emily](#); [MEDARY Sarah J](#); [HANSEN Alissa H](#); [Eugene Planning Commission](#)
Subject: Re: * Time_Sensitive * Critical * Middle Housing: Question 5 (allowable dwellings) follow up
Date: Friday, November 5, 2021 2:08:27 PM

[EXTERNAL]

Jeff,

I hope you can understand how uncooperative and unhelpful your non-response is (but probably not).

The deadline for citizens to submit testimony to be included in the EPC packet is less than a week away, and yet you're blowing off the clarification of critical issues. It's pretty obvious why -- staff has royally screwed up the code, and you don't want anyone to be able to get you to acknowledge the serious errors before the EPC hearing closes. Then you can paper over it under staff's control of EPC agendas.

OK, in response to your unprofessional "gaming," here are the issues that staff needs to clarify, *posed as questions*:

Regarding my initial Question 5a:

Q1: Does staff acknowledge that the staff repeatedly and mistakenly used the *unhyphenated* version of "Single Dwelling" in their prior comments and in the latest version of the code, and will staff advise the EPC and citizens of the error and assurance of corrections prior to the public hearing?

Q2: Does staff acknowledge the ambiguity in the code definitions by which, if there are four detached dwellings on a lot, then that situation would meet all the following definitions:

- 4 Single, Detached Dwellings
- 2 Duplexes
- A Duplex and 2 Single, Detached Dwellings
- A Triplex and 1 Single, Detached Dwelling
- A Fourplex;

and will staff advise the EPC and citizens of the ambiguities and assurance these (and comparable ambiguities) will be resolved prior to the public hearing?

Q3: Does staff acknowledge the error in the code definition of "Dwelling, Single-Detached" because the excluded housing forms fail to include "Dwelling, Accessory" when that is a "single detached dwelling," and will staff advise the EPC and citizens of the error and assurance of it will be corrected prior to the public hearing?

Q4. Does staff acknowledge the ambiguity in the code definitions by which, a "Dwelling, Accessory" can nonetheless be a "one detached" dwelling. Consequently, when added to a lot, the existing "one detached dwelling" is no longer the only one, which makes the definition of "Dwelling, Single-Detached" ambiguous"; and will staff advise the EPC and citizens of the ambiguities and assurance these will be resolved prior to the public hearing?

Regarding my initial Question 5d:

Q5. What other than some unidentified staff person(s) "feeling" is the legal basis for ***not defining*** the various middle housing "lots," which would make the code conflict with the statutory requirements for "clear and objective" standards; and will staff advise the EPC and citizens of that legal basis or provide assurance these definitions will be added prior to the public hearing?

Regarding my initial Question 5e:

Q6. Does staff acknowledge that there is/are ***no*** code criterion(ia) that state(s) the number and/or mix of plexes on a 4,500 s.f. lot (and similarly on other lot sizes), and will staff advise the EPC and citizens of the omission(s) and provide assurance the necessary criterion(ia) will be added prior to the public hearing?

Thank you for a prompt response without further evasiveness.

Thank you,

Paul Conte

Earth Advantage Accreditations:

* Sustainable Homes Professional

* Accessory Dwelling Unit (ADU) Specialist

On Fri, Nov 5, 2021 at 11:13 AM GEPPER Jeffrey A <jgepper@eugene-or.gov> wrote:

Good Morning Paul,

Correct me if I am wrong, but I only saw one direct question of staff, which is highlighted below. My response to the highlighted question is: Staff is taking your comments into consideration as we continue to look at the draft code and identify areas for potential improvements or discussion with the Planning Commission. At the time we were actively drafting this code, we did not feel it was necessary to define the various middle housing "lots". As I mentioned though, this is something staff is continuing to look at to see if a change should be made. Additionally, the Planning Commission will be provided this email thread as part of the record materials and it will be posted for review as record materials for the public to view. If Planning Commission, or eventually the City Council, does not feel staff has adequately addressed these topics, they can request staff provide further clarification or amendments.

Beyond that question, please let me know what other topics you would like me to respond to regarding this message. Upon reading your comments last month, they appear to be comments, critique, and suggestions for how staff and the planning commission should look at the code and consider changes based on your comments. Just like any other public comment, Staff has reviewed your comments and they are being considered as we look into potential changes we may put forward for the Planning Commission's consideration during the public hearing process and then for discussion during deliberations.

Thanks for your comments and suggestions,

Jeff Gepper

Senior Planner (he/him)

City of Eugene | Planning & Development

jgepper@eugene-or.gov

541.682.5282

Messages to and from this e-mail address may be available to the public under Oregon Public Records Law.

From: SEMPLE Emily <ESemple@eugene-or.gov>

Sent: Thursday, November 4, 2021 1:37 PM

To: Paul Conte <paul.t.conte@gmail.com>; GEPPER Jeffrey A <jgepper@eugene-or.gov>

Cc: MEDARY Sarah J <SMedary@eugene-or.gov>; HANSEN Alissa H <AHansen@eugene-or.gov>

Subject: RE: * Time_Sensitive * Critical * Middle Housing: Question 5 (allowable dwellings) follow up

I would appreciate a quick response to Paul Conte's inquiries. Thanks.

Emily

Emily Semple

Eugene City Council, Ward 1

From: Paul Conte <paul.t.conte@gmail.com>
Sent: Monday, November 1, 2021 10:38 AM
To: GEPPER Jeffrey A <jgepper@eugene-or.gov>
Cc: SEMPLE Emily <ESemple@eugene-or.gov>; MEDARY Sarah J <SMedary@eugene-or.gov>; HANSEN Alissa H <AHansen@eugene-or.gov>
Subject: * Time_Sensitive * Critical * Middle Housing: Question 5 (allowable dwellings) follow up

[EXTERNAL]

Jeff,

Would you please respond to my follow-up from over a *month* ago?

This issue is absolutely critical to having a clear and objective interpretation of the staff recommended code.

I've had discussions with several neighborhood leaders and there are widely differing opinions of what the code would actually allow. Expressing staff's "intent" to me is (obviously) not legally sufficient.

Thank you,

Paul Conte

Earth Advantage Accreditations:

- * Sustainable Homes Professional**
- * Accessory Dwelling Unit (ADU) Specialist**

On Thu, Sep 30, 2021 at 9:07 PM Paul Conte <paul.t.conte@gmail.com> wrote:

FOR THE RECORD IN CA 21-1 & MA 21-1

Jeff,

The following comments reflect the version of the proposed amendments downloaded from the City website on September 28, 2021

-- Paul Conte

Earth Advantage Accreditations:

*** Sustainable Homes Professional**

*** Accessory Dwelling Unit (ADU) Specialist**

The original question:

Here are relevant definitions:

Dwelling. A building, or portion thereof, designed and used as a residence for occupancy by 1 household. [the HB 2001 amendments merely replaces "1 family" in the current code]

- **Dwelling.** A building, or portion thereof, designed and used as a residence for occupancy by 1 household. [the HB 2001 amendments merely replaces "1 family" in the current code]

The latest version is:

Dwelling. A building, or portion thereof, designed and used as a residence for occupancy by a person or persons.

- **Dwelling, Accessory.** An interior, attached or detached residential structure that is used in connection with or that is accessory to a single-family dwelling. [Current Code, not amended; note: "Dwelling, Single-Family" is not defined.]

- **Dwelling, Duplex.** Two dwellings on a single lot or parcel in any configuration. [HB 2001 amendment]

The latest version is:

Dwelling, Duplex. Two dwellings on a single lot or parcel in any configuration.

If one of the dwellings on the lot or parcel is an accessory dwelling, the two dwellings on that lot or parcel are not considered a duplex.

- **Dwelling, Tri-Pplex.** Three dwellings on a lot or parcel in any configuration. [HB 2001 amendment]

- **Dwelling, Fourplex-Plex.** Four dwellings on a single lot or parcel in any configuration. [HB 2001 amendment]
- **Dwelling, Multiple-Unit.** One or more buildings on a single lot or parcel containing 5 or more dwellings. ... Cottage clusters and other middle housing are not multiple-unit dwellings. [HB 2001 amendment]

The latest version is:

Dwelling, Multiple-Unit. One or more buildings on a single lot or parcel containing 5 or more dwellings. ... Cottage clusters are not multiple-unit dwellings.

- **Dwelling, Single Detached.** One [Note this does not say “the only”] detached dwelling on a single lot or parcel. [HB 2001, amendment to the current “Dwelling, One-Family” definition]

The latest version is:

Dwelling, Single-Detached. [Note the term is now hyphenated.] One detached dwelling on a single lot or parcel. A single detached [*not hyphenated or defined*] dwelling that is one dwelling in a duplex, triplex, quadplex, or cottage cluster is not a single-detached dwelling.

The first, and glaringly obvious ambiguity is that if there are four detached dwellings on a lot, then that meets all the following definitions:

- 4 Single, Detached Dwellings
 - 2 Duplexes
 - A Duplex and 2 Single, Detached Dwellings
 - A Triplex and 1 Single, Detached Dwelling
 - A Fourplex
- **Question #5a (08/25/2021).** Where in the code that would result from the recommended amendments would these alternatives be disambiguated so that it would be clear which standards would apply?
 - *Staff Comment: (Please refer to the email correspondence “Question #5” for context). Generally, this question is seeking confirmation that the definition of Single Detached Dwelling only applies to single detached dwelling on a single lot, and in the event of a duplex (i.e. two attached or detached dwellings on a lot), each dwelling within a duplex cannot be construed as a “Single Detached Dwelling.” In the draft code amendments submitted to DLCD, a Single Detached Dwelling is clearly defined in EC 9.0500 as, “One detached dwelling on a single lot or parcel. A single detached dwelling that is one dwelling in a duplex, triplex, quadplex, or cottage cluster is not a single-detached dwelling. Based on this definition in the code amendment package, which has been updated from the previous draft code, there is no ambiguity in the definitions of the various dwelling types. See also the definitions for Duplex, Triplex, Fourplex, Multi-Unit Dwelling in draft code submitted to DLCD (Pages 7-8).*

PC Follow up: The definition of “Dwelling, Single Detached” has been revised since the question was presented. It is now a specifically *hyphenated* term

"Single-Dwelling" and the new definition attempts to exclude elements of "middle housing" that might be "detached dwellings."

Note that staff repeatedly and mistakenly uses the unhyphenated version in their comments. This misuse also occurs many times in the latest version of the code. Any competent code writer would know not to use terms with distinctive meanings that are different only by a hyphen.

The exclusion also fails to include "Dwelling, Accessory" when that is a "single detached dwelling."

The staff comments for Question #5b state:

"two single detached dwellings (not including ADUs) on a lot would be considered a duplex, three on a lot would be a triplex, etc."

That statement expresses a certain intent, but it is not what the code actually says. The plex definitions define what a (e.g.) "Triplex" is, but the code doesn't say that exactly four detached dwellings on a lot can be considered *only* as a Fourplex. The code would allow four detached dwellings to be considered as two duplexes. Note also that because the definition for "Dwelling, Single-Detached" says "One", but it doesn't say "One, and only ...," all the alternatives that I enumerated would still be legal. Staff may intend differently, but the code would allow these alternatives.

Another problem is that, while a "Dwelling, Accessory" may not be a "Dwelling, Single-Detached," it can nonetheless be a "one detached" dwelling. Consequently, when added to a lot, the existing "one detached dwelling" is no longer the only one. Again, staff may have a specific intent in mind, but the code would now treat those as two dwellings, neither of which is a "Dwelling, Single-Detached," and therefore comprise a Duplex.

This code is frankly a mess which would not in anyone's imagination be considered "clear."

The original question:

Under Table 9.2740 Residential Zone Land Uses and Permit Requirements

Under the "Residential" category, under the "Dwellings" subcategory is the

following requirement:

"(All dwellings, including accessory dwellings, shall meet minimum and maximum density requirements in accordance with Table 9.2750 Residential Zone Development Standards unless specifically exempted elsewhere in this land use code. ...)

And yet, under **EC 9.2751 Special Development Standards for Table 9.2750**

Under (1) **Density** section, under (b) subsection, this is "undone" by the following statement:

"The maximum residential density requirements do not apply to duplexes, triplexes, fourplexes, or cottage clusters."

It's confusing, if not misleading, to have such a broad statement under the "Uses," which is then negated under the "Development Standards." Bad form. In any case, this creates substantial ambiguity later, as I cover below.

Also in **Table 9.2740**, there is the following recommended code:

Single Detached Dwelling, except as provided at EC 9.2741(7) for Churches, Synagogues and Temples)

The markup in the document from APG is:

Markup: "~~One-Family~~**Single Detached Dwelling** (~~1 Per Lot in R-1~~), except as provided at EC 9.2741(7)(1) for Churches, Synagogues and Temples)

- **Question #5b (08/25/2021). Is the markup in error? There is an unmatched ")" and the limit of 1 per lot in R-1 has been struck. Is it the intent to remove the limit on number of Single Detached Dwellings per lot (other than a PUD)?**
 - *Staff Comment: (Please refer to the email correspondence "Question #5" for context). Generally, this question is asking whether staff intended to get rid of a parenthetical reference in EC Table 9.2740 for the use Single Detached Dwelling. Under the draft code provided to DLCD on 9/21/2021, the parenthetical reference "(1 per lot in R-1)" in EC Table 9.2740 is identified for removal. A Single Detached Dwelling is defined in 9.0500 as, "One detached dwelling on a single lot or parcel. A single detached dwelling that is one dwelling in a duplex, triplex, quadplex, or*

cottage cluster is not a single-detached dwelling.” Based on this definition, the parenthetical provision “(1 per lot in R-1)” is no longer necessary. For example, two single detached dwellings (not including ADUs) on a lot would be considered a duplex, three on a lot would be a triplex, etc. See answer to Question #5a and definitions for Duplex, Triplex, Fourplex, Multi-Unit Dwelling in draft code submitted to DLCD (Pages 7-8).

PC Follow up: Staff’s comments may be their intent, but the code does not say “only one.” That needs to be explicit in one place or the other.

The original question:

In the same table is the following

Accessory Dwelling (1 Per Single Detached Dwelling on Same Lot)

This limit does not match the definition of “Accessory Dwelling,” and it should by all means match.

- **Question #5c (08/25/2021).** Is the mismatch between the definition and the implicit use of the definition under Table 9.2740 going to be resolved so they are consistent?
 - *Staff Comment: (Again, please refer to the email correspondence “Question #5” for context) Generally, the question concerns the limitation for 1 Accessory Dwelling Unit per Single Detached dwelling on same lot. It is unclear whether this question is still relevant based on the responses to Questions #5a and #5b above. Regardless, it is important to note that the draft code provided to DLCD was prepared prior to the City Council’s adoption of Ordinance No. 20659 for amending code for Accessory Dwelling Units. For example, the draft code amendments include references to “Secondary Dwellings”, as opposed to “Accessory Dwelling Units.” The draft code will need to be updated to match the currently effective code, which includes those changes implemented through Ordinance No. 20659. As seen on Page 2 of Ordinance No. 20659, under EC 9.2741(2) it states, “One accessory dwelling is allowed for each detached one-family dwelling on the same lot.” Corresponding with the changes to the word “family”, page 6 of the draft amendments, one accessory dwelling is allowed for each detached one-family dwelling on the same lot. As currently proposed, if two dwellings are located on the same lot, they are a duplex and not a single detached dwelling, and therefore not able to have an ADU. Given these facts, I believe the issue you raise in your question has been resolved. A copy of*

Ordinance No. 20659 is available here: <https://www.eugene-or.gov/DocumentCenter/View/63361/Ord-20659-ADU?bidId=>

PC Follow up: I have to say I got a good belly laugh out of how staff has tied itself in knots with their obstinance and incompetence with respect to accessory dwellings in the S-JW Zone. I will leave it as a "puzzle" for staff to figure out how allowing two "detached one family [not hyphenated] dwelling[s] and one accessory dwelling for each.

The original question:

Under Table 9.2760 Residential Zone Lot Standards

Under **Lot Area Minimum** [in R-1], there are the following entries:

Lots, except Rowhouse Lots, Small Lots, Duplex Lots, Triplex Lots, Fourplex Lots, Cottage Cluster Lots, Residential Flag Lots, Duplex Division Lots: 4,500 s.f.

Small Lots Requires PUD or Cluster Subdivision

Duplex Lots 2,250 s.f.

Duplex Division Lots 2,250 s.f.

Triplex Lots 3,500 s.f.

Fouplex Lots 4,500 s.f.

Cottage Cluster Lots (Single Lot Development) 4,500 s.f

- **Question #5d (08/25/2021).** Where are "Duplex Lot," "Duplex Division Lot," "Triplex Lot," "Fourplex Lot," and "Cottage Cluster Lots (Single Lot Development)" defined?

- *Staff Comment: There are no definitions for "Duplex Lot," "Duplex Division Lot," "Triplex Lot," "Fourplex Lot," and "Cottage Cluster Lots (Single Lot Development)" in the draft code.*

PC Follow up: Does staff intend to correct this omission? There are significant ambiguities that arise from the lack of definitions.

- **Question #5e [Overarching Question #5] (08/25/2021).** What is the staff's intent for what would be allowed on, for example, a 9,000 s.f. lot?:
 - *Staff Comment: A 9,000 square foot lot would allow any*

permitted use that meets the development standards for that zone. For example, a 9,000 square foot lot in the R-1 zone could allow a single detached dwelling, a single detached dwelling with an accessory dwelling unit, a duplex, a triplex, a fourplex, or a cottage cluster. A 9,000 square foot lot could also be divided to create rowhouse lots if those subsequent lots met the rowhouse development standards.

PC Follow up: The proposed code would allow (e.g.) TWO (or more) Fourplexes. There is no density limit, and I could find nowhere in the code that would limit the number or mix of plexes on a 4,500 s.f. lot. The only criterion I could find in this regard was the "Minimum Lot Area." Although "Lot Area" is not defined, it is used in Chapter 9 as the entire area of a lot. Consequently, the requirement for a Fourplex to be placed on a lot is simply that the lot be at least 4,500 s.f. in size. That would mean that a second Fourplex would still meet that criterion and have to be allowed. Alternately, if the context means "Lot Area" for each Fourplex, then TWO would be allowed.

This may not be the intent, but it is what the code allows.

Thank you for a prompt response to this follow up.

Paul Conte

GEPPER Jeffrey A

From: GEPPER Jeffrey A
Sent: Friday, November 5, 2021 12:27 PM
To: Paul Conte
Cc: HANSEN Alissa H; MEDARY Sarah J; SEMPLE Emily
Subject: RE: Please explain conflicting dates and missing notary re updated notices for CA 21-1
Attachments: DOC110521-11052021082013.pdf

Hi Paul,

I appreciate you pointing out a necessary correction and I assure you that there is nothing more to this issue than human error and a pandemic. Here is the situation.

For the DLCD affidavit, our notary, Linda, mistakenly wrote down October 12, instead of October 25, which is the date I actually signed it. Thankfully, you caught the simple error, and it is easily corrected with a signed new affidavit. Thanks for catching that and see attached new affidavit.

Regarding the mailed notice affidavits, Linda Baker is the person who most often is doing the mailing of notices and she is also our primary notary for the Planning Division. She mailed both of the notices that went out for these code amendments. As you know, typically Amy Janisch, our other Planning notary, will notarize Linda's signature for mailed affidavits. Unfortunately, Amy has been out of the since September, hopefully returning to us soon. With Amy out, Linda has to coordinate with staff who are currently not working in the office to come and notarize documents. The incomplete affidavits that were uploaded were unable to be fully executed that day because the notary ended up not being available. I had Linda upload the incomplete affidavits anyways to demonstrate to you that they existed (per your request). Each of those documents is titled as incomplete and includes a sticky note stating that they are not complete. So, with that said, Linda has to sign new affidavits once the notary is available again. That hasn't happened yet, and I will post the executed and notarized mailing affidavits once they are available.

That's probably a little more behind the scenes that maybe necessary, but I hope that provides some clarity to our situation around the affidavits and I can verify that noticing has been done in accordance with Eugene's land use code and state requirements.

Thanks,

Jeff Gepper

Senior Planner (he/him)

City of Eugene | Planning & Development

jgepper@eugene-or.gov

541.682.5282

Messages to and from this e-mail address may be available to the public under Oregon Public Records Law.

From: Paul Conte <paul.t.conte@gmail.com>
Sent: Thursday, November 4, 2021 11:18 AM
To: GEPPER Jeffrey A <jgepper@eugene-or.gov>
Cc: JEROME Emily N <EJerome@eugene-or.gov>; MEDARY Sarah J <SMedary@eugene-or.gov>; SEMPLE Emily <ESemple@eugene-or.gov>
Subject: Re: Please explain conflicting dates and missing notary re updated notices for CA 21-1

Jeff,

Because the documents below suggest potential perjury or other unlawful or unethical actions by you or other parties.

I'm repeating my request to provide you an opportunity to explain the apparent conflicts before filing a formal complaint.

Would you also please provide me a copy of the latest version of the Affidavit, if it is not the one posted on the City's land use application site with the following meta data:

Last modified

10/29/2021 4:01:43 PM

Creation date

10/27/2021 8:55:48 AM

Thank you for your prompt response.

Paul Conte

Earth Advantage Accreditations:

* Sustainable Homes Professional

* Accessory Dwelling Unit (ADU) Specialist

On Thu, Oct 28, 2021 at 2:42 PM Paul Conte <paul.t.conte@gmail.com> wrote:

FOR THE RECORD IN CA 21-1

Jeff,

I reviewed the following two documents posted on the City's website

MIDDLE HOUSING CODE AMENDMENTS	DLCD Notice 2021.1
MIDDLE HOUSING CODE AMENDMENTS	Mailed Notice - Miss

I have some concern about the dates. For the "DLCD Notice":

- Displayed "Document Date": 10/12/2021
- "Meta property -- Date created": 10/27/2021
- Date you swore you electronically submitted the DLCD Notice with "Attachment A": October 12, 2021 -- but there is no "Attachment A" in this document.
- Your signature is dated: "25th day of October, 2021"
- The Notary swears that you "Signed and affirmed before me on October 12, 2021"

These dates don't jibe. How could the Notary swear you signed on October 12th, but you stated you signed on October 25th, and the document appears to have been posted shortly after you signed?

For the "Mailed Notice:"

- That document includes an "EXHIBIT A," which staff swore was mailed on October 15, 2021. However, the signature and attestation in the affidavit do not appear to have been notarized at all. (And, of course, this is after you swore you provided DLCD an "EXHIBIT A."

Now, I have no doubt the City's legal gymnasts will be able to provide an explanation.

However, my admittedly limited legal understanding is that a legal affidavit must be signed ***in the presence of*** a witness who is an "authorised person," who then attests to the affiant's signature (and the affiant's assurance of truthfulness).

I wonder if either affidavit is actually legally valid. Could you please explain?

Thank you,

Paul Conte

Earth Advantage Accreditations:

* Sustainable Homes Professional

* Accessory Dwelling Unit (ADU) Specialist

AFFIDAVIT OF ELECTRONIC SUBMISSION OF NOTICE TO DLCD

I, JEFF GERPER, hereby certify that I am an employee of the City of Eugene. I further certify that on October 12th, 2021, I electronically submitted the notice of post-acknowledgment plan amendment indicated below, as well as the documentation attached as Exhibit A, to the Department of Land Conservation and Development (DLCD) using DLCD's "PAPA Online" electronic submission tool.

☐ New Proposal

☒ Revision updated public hearing notice - New Date

☐ Adoption

☐ Withdrawal/Denial

Dated this 5th day of November, 2021.

[Employee Signature]

State of Oregon)
) ss.
County of Lane)

Signed and affirmed before me on November 5, 2021, by

Jeff Gerper.

Notary Public for Oregon

My Commission Expires: 10.14.2024





NOTICE OF PUBLIC HEARING*

Tuesday, November 16, 2021, 5:30 p.m.

Virtual Meeting (See attendance information on last page)

The Eugene Planning Commission will hold a rescheduled virtual public hearing to consider:

File Name (#): Middle Housing Code Amendments (CA 21-1 / MA 21-1)

Request: Planning Commission to hear the proposal and make a recommendation to the City Council for a series of land use applications associated with the Middle Housing Code Amendments, which include a Land Use Code Amendment and Metro Plan Amendment.

*This public hearing has been rescheduled from the previous date to be held on November 16, 2021.

Middle Housing Code Amendment Project

The Eugene Middle Housing Code Amendments project is intended to implement Oregon House Bill 2001 (2019), codified as ORS 197.758, which requires Oregon's large cities, including Eugene, to allow duplexes, triplexes, quadplexes, townhouses and cottage clusters (collectively referred to as middle housing) in more places across the City, in order to increase housing choice and supply. This project includes a proposed Land Use Code Amendment, and a proposed Metro Plan Amendment, which are further discussed below.

- **Land Use Code Amendment (CA 21-1):** Changes to the City's land use code are being proposed to: comply with state law; create more opportunities for middle housing in Eugene's residential zones; and create development standards for middle housing. The land use code amendments also incorporate new rules and procedures for Middle Housing Land Divisions as required by Senate Bill 458, 2021. This new form of land division will allow the creation of small lots that each contain an individual unit of middle housing and are intended to promote home ownership opportunities. Lastly, these code amendments include changes to the definition and use of the term "family" that are required by state law.
- **Metro Plan Amendment (MA 21-1):** A text amendment to the density ranges in residential element of the Eugene-Springfield Metropolitan General Plan is being proposed to comply with the requirements of HB 2001. No changes to the land use designations shown on the Metro Plan's land use diagram are proposed as part of these amendments.

Eugene has until June 30, 2022 to update its land use code to comply with state law. If the City misses that deadline, beginning July 1, 2022, a model code created by the Department of Land Conservation and Development will apply to all middle housing development in the city. More information regarding the Middle Housing Code Amendment project can be found here: <https://www.eugene-or.gov/4244/Middle-Housing>

Procedures & Approval Criteria

Following this initial public hearing, the Planning Commission will deliberate and make a recommendation to the City Council. The City Council will hold a second public hearing, then deliberate and make the final decision on the requested action. The Metro Plan Amendment, and Land Use Code Amendment are being processed concurrently. The Land Use Code Amendment will be processed using the Type V land use application procedures in EC 9.7500-9.7560. The Metro Plan Amendment will be processed according to the Type I Metro Plan amendment procedures in EC 9.7700-9.7735. The City Council will be the final local decision-maker on both applications. Separate notice of the City Council public hearing will be provided. In making a recommendation on the request to City Council, the Planning Commission will address the relevant approval criteria from the Eugene Code (EC), at EC 9.7735 and 9.8065. Testimony and evidence submitted should be directed toward the applicable approval criteria from the Eugene Code noted above, or other criteria in the City's adopted plans or land use regulations that the person testifying believes to apply to the decision.

How to Submit Testimony to the Planning Commission

- Send a written statement to the Planning Commission, c/o Jeff Gepper, Planning Division, 99 W. 10th Avenue, Eugene, Oregon 97401 or by e-mail mhtestimony@eugene-or.gov. To be included in the Planning Commission's packet for the November 16th public hearing, your statement must be received by staff no later than 5pm on November 8, 2021.
- Submit a written statement to the address or email above after November 8, 2021, but before the Planning Commission closes the public hearing. The Planning Commission will have less of an opportunity to read the written material prior to taking action on the request and forwarding their recommendation to the City Council.
- Attend the public hearing on November 16, 2021 and provide spoken testimony. Your spoken testimony will be recorded. Instructions for providing testimony during the virtual public hearing will be provided during the hearing. The Planning Commission may limit the time for each speaker to a few minutes. You are encouraged to submit written testimony prior to the close of the public hearing if you have detailed comments you wish to make.

All public testimony received by the Planning Commission will be forwarded to the City Council. As noted above, the City Council will hold a subsequent public hearing following the Planning Commission's recommendation before any final action is taken on the request.

Additional Information and Staff Report

The application materials, including all documents and evidence, and the applicable criteria are available for free inspection at the Eugene Planning and Development Department, 99 West 10th Avenue, Eugene, Oregon 97401 between 9:00 a.m. and 5:00 p.m. Monday-Friday. ***IMPORTANT NOTE:** To take preventative measures for community members and staff safety against the spread of COVID-19, please contact the listed staff representative about alternatives for reviewing materials. As a courtesy, the documents related to these applications will be made available online at the following:

<https://pdd.eugene-or.gov/LandUse/ApplicationSearch>

The agenda, meeting materials, and staff report for the Planning Commission's November 16th public hearing will be available for viewing by **5:30 p.m. on Tuesday, November 9, 2021**, on the Planning Commission's webpage at: www.eugene-or.gov/pc. Copies of all documents may also be obtained at cost.

You may also wish to discuss this proposal with your neighborhood organization. To obtain contact information for your neighborhood group, call the City's Neighborhood Involvement Office at 541-682-5177 or www.eugene-or.gov/neighborhoods

For more information, contact Jeff Gepper, Planning Division, at 541-682-5282 or by e-mail at JGepper@eugene-or.gov.

VIRTUAL PLANNING COMMISSION PUBLIC HEARING

Description: Middle Housing Code Amendments (CA 21-1/ MA 21-1)
November 16, 2021 at 5:30 pm

Watch the Public Hearing live: This option is for viewing only, and does not allow participation
Please visit this URL to watch: <https://www.eugene-or.gov/2109/Planning-Commission-Webcasts>

To participate in the Public Hearing join using one of the two following options:

- **Join from a computer, tablet, or smart phone:**
Please click this URL to join: <https://eugene-or-gov.zoom.us/j/98939251956>
Webinar ID: 989 3925 1956
Sign up to speak by clicking once on the "raise hand" icon
- **Join by phone:** Dial one of numbers below and enter the Webinar ID: 989 3925 1956
+1 833-548-0276 (Toll Free); or +1 833-548-0282 (Toll Free); or
+1 877-853-5257 (Toll Free); or +1 888-475-4499 (Toll Free);
For higher quality, dial a number based on your current location.
International numbers available: <https://eugene-or-gov.zoom.us/j/98939251956>
Sign up to speak by dialing *9 (Star-9)

Please contact the staff referenced above with questions about attending the virtual hearing.

From: [GEPPER Jeffrey A](#)
To: [SEMPLE Emily](#); [Paul Conte](#)
Cc: [MEDARY Sarah J](#); [HANSEN Alissa H](#)
Subject: RE: * Time_Sensitive * Critical * Middle Housing: Question 5 (allowable dwellings) follow up
Date: Friday, November 5, 2021 11:13:00 AM

Good Morning Paul,

Correct me if I am wrong, but I only saw one direct question of staff, which is highlighted below. My response to the highlighted question is: Staff is taking your comments into consideration as we continue to look at the draft code and identify areas for potential improvements or discussion with the Planning Commission. At the time we were actively drafting this code, we did not feel it was necessary to define the various middle housing "lots". As I mentioned though, this is something staff is continuing to look at to see if a change should be made. Additionally, the Planning Commission will be provided this email thread as part of the record materials and it will be posted for review as record materials for the public to view. If Planning Commission, or eventually the City Council, does not feel staff has adequately addressed these topics, they can request staff provide further clarification or amendments.

Beyond that question, please let me know what other topics you would like me to respond to regarding this message. Upon reading your comments last month, they appear to be comments, critique, and suggestions for how staff and the planning commission should look at the code and consider changes based on your comments. Just like any other public comment, Staff has reviewed your comments and they are being considered as we look into potential changes we may put forward for the Planning Commission's consideration during the public hearing process and then for discussion during deliberations.

Thanks for your comments and suggestions,

Jeff Gepper

Senior Planner (he/him)

City of Eugene | Planning & Development

jgepper@eugene-or.gov

541.682.5282

Messages to and from this e-mail address may be available to the public under Oregon Public Records Law.

From: SEMPLE Emily <ESemple@eugene-or.gov>
Sent: Thursday, November 4, 2021 1:37 PM
To: Paul Conte <paul.t.conte@gmail.com>; GEPPER Jeffrey A <jgepper@eugene-or.gov>
Cc: MEDARY Sarah J <SMedary@eugene-or.gov>; HANSEN Alissa H <AHansen@eugene-or.gov>
Subject: RE: * Time_Sensitive * Critical * Middle Housing: Question 5 (allowable dwellings) follow up

I would appreciate a quick response to Paul Conte's inquiries. Thanks.

Emily

Emily Semple
Eugene City Council, Ward 1

From: Paul Conte <paul.t.conte@gmail.com>
Sent: Monday, November 1, 2021 10:38 AM
To: GEPPER Jeffrey A <jgepper@eugene-or.gov>
Cc: SEMPLE Emily <ESemple@eugene-or.gov>; MEDARY Sarah J <SMedary@eugene-or.gov>;
HANSEN Alissa H <AHansen@eugene-or.gov>
Subject: * Time_Sensitive * Critical * Middle Housing: Question 5 (allowable dwellings) follow up

[EXTERNAL 

Jeff,

Would you please respond to my follow-up from over a *month* ago?

This issue is absolutely critical to having a clear and objective interpretation of the staff recommended code.

I've had discussions with several neighborhood leaders and there are widely differing opinions of what the code would actually allow. Expressing staff's "intent" to me is (obviously) not legally sufficient.

Thank you,

Paul Conte

Earth Advantage Accreditations:
* Sustainable Homes Professional
* Accessory Dwelling Unit (ADU) Specialist

On Thu, Sep 30, 2021 at 9:07 PM Paul Conte <paul.t.conte@gmail.com> wrote:

FOR THE RECORD IN CA 21-1 & MA 21-1

Jeff,

The following comments reflect the version of the proposed amendments downloaded from the City website on September 28, 2021

-- Paul Conte

Earth Advantage Accreditations:
* Sustainable Homes Professional
* Accessory Dwelling Unit (ADU) Specialist

The original question:

Here are relevant definitions:

Dwelling. A building, or portion thereof, designed and used as a residence for occupancy by 1 household. [the HB 2001 amendments merely replaces “1 family” in the current code]

- **Dwelling.** A building, or portion thereof, designed and used as a residence for occupancy by 1 household. [the HB 2001 amendments merely replaces “1 family” in the current code]

The latest version is:

Dwelling. A building, or portion thereof, designed and used as a residence for occupancy by a person or persons.

- **Dwelling, Accessory.** An interior, attached or detached residential structure that is used in connection with or that is accessory to a single-family dwelling. [Current Code, not amended; note: “Dwelling, Single-Family” is not defined.]
- **Dwelling, Duplex.** Two dwellings on a single lot or parcel in any configuration. [HB 2001 amendment]

The latest version is:

Dwelling, Duplex. Two dwellings on a single lot or parcel in any configuration.

If one of the dwellings on the lot or parcel is an accessory dwelling, the two dwellings on that lot or parcel are not considered a duplex.

- **Dwelling, Tri-Plex.** Three dwellings on a lot or parcel in any configuration. [HB 2001 amendment]
- **Dwelling, Fourplex-Plex.** Four dwellings on a single lot or parcel in any configuration. [HB 2001 amendment]
- **Dwelling, Multiple-Unit.** One or more buildings on a single lot or parcel containing 5 or more dwellings. ... Cottage clusters and other middle housing are not multiple-unit dwellings. [HB 2001 amendment]

The latest version is:

Dwelling, Multiple-Unit. One or more buildings on a single lot or parcel containing 5 or more dwellings. ... Cottage clusters are not multiple-unit dwellings.

- **Dwelling, Single Detached.** One [Note this does not say “the only”] detached dwelling on a single lot or parcel. [HB 2001, amendment to the current “Dwelling, One-Family” definition]

The latest version is:

Dwelling, Single-Detached. [Note the term is now hyphenated.] One detached dwelling on a single lot or parcel. A single detached [*not hyphenated or defined*] dwelling that is one dwelling in a duplex, triplex, quadplex, or cottage cluster is not a single-detached dwelling.

The first, and glaringly obvious ambiguity is that if there are four detached dwellings on a lot, then that meets all the following definitions:

- 4 Single, Detached Dwellings
- 2 Duplexes
- A Duplex and 2 Single, Detached Dwellings

- A Triplex and 1 Single, Detached Dwelling
- A Fourplex
- **Question #5a (08/25/2021).** Where in the code that would result from the recommended amendments would these alternatives be disambiguated so that it would be clear which standards would apply?
 - *Staff Comment: (Please refer to the email correspondence “Question #5” for context). Generally, this question is seeking confirmation that the definition of Single Detached Dwelling only applies to single detached dwelling on a single lot, and in the event of a duplex (i.e. two attached or detached dwellings on a lot), each dwelling within a duplex cannot be construed as a “Single Detached Dwelling.” In the draft code amendments submitted to DLCD, a Single Detached Dwelling is clearly defined in EC 9.0500 as, “One detached dwelling on a single lot or parcel. A single detached dwelling that is one dwelling in a duplex, triplex, quadplex, or cottage cluster is not a single-detached dwelling. Based on this definition in the code amendment package, which has been updated from the previous draft code, there is no ambiguity in the definitions of the various dwelling types. See also the definitions for Duplex, Triplex, Fourplex, Multi-Unit Dwelling in draft code submitted to DLCD (Pages 7-8).*

PC Follow up: The definition of "Dwelling, Single Detached" has been revised since the question was presented. It is now a specifically **hyphenated** term "Single-Dwelling" and the new definition attempts to exclude elements of "middle housing" that might be "detached dwellings."

Note that staff repeatedly and mistakenly uses the unhyphenated version in their comments. This misuse also occurs many times in the latest version of the code. Any competent code writer would know not to use terms with distinctive meanings that are different only by a hyphen.

The exclusion also fails to include "Dwelling, Accessory" when that is a "single detached dwelling."

The staff comments for Question #5b state:

"two single detached dwellings (not including ADUs) on a lot would be considered a duplex, three on a lot would be a triplex, etc.

That statement expresses a certain intent, but it is not what the code actually says. The plex definitions define what a (e.g.) "Triplex" is, but the code doesn't say that exactly four detached dwellings on a lot can be considered **only** as a Fourplex. The code would allow four detached dwellings to be considered as two duplexes. Note also that because the definition for "Dwelling, Single-Detached" says "One", but it doesn't say "One, and only ...," all the alternatives that I enumerated would still be legal. Staff may intend differently, but the code would allow these alternatives.

Another problem is that, while a "Dwelling, Accessory" may not be a "Dwelling, Single-Detached," it can nonetheless be a "one detached" dwelling. Consequently, when added to a lot, the existing "one detached dwelling" is no longer the only one. Again, staff

may have a specific intent in mind, but the code would now treat those as two dwellings, neither of which is a "Dwelling, Single-Detached," and therefore comprise a Duplex.

This code is frankly a mess which would not in anyone's imagination be considered "clear."

The original question:

Under Table 9.2740 Residential Zone Land Uses and Permit Requirements

Under the "Residential" category, under the "Dwellings" subcategory is the following requirement:

"(All dwellings, including accessory dwellings, shall meet minimum and maximum density requirements in accordance with Table 9.2750 Residential Zone Development Standards unless specifically exempted elsewhere in this land use code. ...)

And yet, under EC 9.2751 Special Development Standards for Table 9.2750

Under (1) Density section, under (b) subsection, this is "undone" by the following statement:

"The maximum residential density requirements do not apply to duplexes, triplexes, fourplexes, or cottage clusters."

It's confusing, if not misleading, to have such a broad statement under the "Uses," which is then negated under the "Development Standards." Bad form. In any case, this creates substantial ambiguity later, as I cover below.

Also in Table 9.2740, there is the following recommended code:

Single Detached Dwelling, except as provided at EC 9.2741(7) for Churches, Synagogues and Temples)

The markup in the document from APG is:

Markup: "~~One-Family~~Single Detached Dwelling (~~1 Per Lot in R-1~~), except as provided at EC 9.2741(740) for Churches, Synagogues and Temples)

- **Question #5b (08/25/2021). Is the markup in error? There is an unmatched ")" and the limit of 1 per lot in R-1 has been struck. Is it the intent to remove the limit on number of Single Detached Dwellings per lot (other than a PUD)?**
 - *Staff Comment: (Please refer to the email correspondence "Question #5" for context). Generally, this question is asking whether staff intended to get rid of a parenthetical reference in EC Table 9.2740 for the use Single Detached Dwelling. Under the draft code provided to DLCD on 9/21/2021, the parenthetical reference "(1 per lot in R-1)" in EC Table 9.2740 is identified for removal. A Single Detached Dwelling is defined in 9.0500 as, "One detached dwelling on a single lot or parcel. A single detached dwelling that is one dwelling in a duplex, triplex,*

quadplex, or cottage cluster is not a single-detached dwelling.” Based on this definition, the parenthetical provision “(1 per lot in R-1)” is no longer necessary. For example, two single detached dwellings (not including ADUs) on a lot would be considered a duplex, three on a lot would be a triplex, etc. See answer to Question #5a and definitions for Duplex, Triplex, Fourplex, Multi-Unit Dwelling in draft code submitted to DLCD (Pages 7-8).

PC Follow up: Staff's comments may be their intent, but the code does not say "only one." That needs to be explicit in one place or the other.

The original question:

In the same table is the following

Accessory Dwelling (1 Per Single Detached Dwelling on Same Lot)

This limit does not match the definition of "Accessory Dwelling," and it should by all means match.

- **Question #5c (08/25/2021).** Is the mismatch between the definition and the implicit use of the definition under Table 9.2740 going to be resolved so they are consistent?
 - *Staff Comment: (Again, please refer to the email correspondence “Question #5” for context) Generally, the question concerns the limitation for 1 Accessory Dwelling Unit per Single Detached dwelling on same lot. It is unclear whether this question is still relevant based on the responses to Questions #5a and #5b above. Regardless, it is important to note that the draft code provided to DLCD was prepared prior to the City Council’s adoption of Ordinance No. 20659 for amending code for Accessory Dwelling Units. For example, the draft code amendments include references to “Secondary Dwellings”, as opposed to “Accessory Dwelling Units.” The draft code will need to be updated to match the currently effective code, which includes those changes implemented through Ordinance No. 20659. As seen on Page 2 of Ordinance No. 20659, under EC 9.2741(2) it states, “One accessory dwelling is allowed for each detached one-family dwelling on the same lot.” Corresponding with the changes to the word “family”, page 6 of the draft amendments, one accessory dwelling is allowed for each detached one-family dwelling on the same lot. As currently proposed, if two dwellings are located on the same lot, they are a duplex and not a single detached dwelling, and therefore not able to have an ADU. Given these facts, I believe the issue you raise in your question has been resolved. A copy of Ordinance No. 20659 is available here: <https://www.eugene-or.gov/DocumentCenter/View/63361/Ord-20659-ADU?bidId=>*

PC Follow up: I have to say I got a good belly laugh out of how staff has tied itself in

knots with their obstinance and incompetence with respect to accessory dwellings in the S-JW Zone. I will leave it as a "puzzle" for staff to figure out how allowing two "detached one family [not hyphenated] dwelling[s] and one accessory dwelling for each.

The original question:

Under Table 9.2760 Residential Zone Lot Standards

Under Lot Area Minimum [in R-1], there are the following entries:

Lots, except Rowhouse Lots, Small Lots, Duplex Lots, Triplex Lots, Fourplex Lots, Cottage Cluster Lots, Residential Flag Lots, Duplex Division Lots: 4,500 s.f.

Small Lots Requires PUD or Cluster Subdivision

Duplex Lots 2,250 s.f.

Duplex Division Lots 2,250 s.f.

Triplex Lots 3,500 s.f.

Fouplex Lots 4,500 s.f.

Cottage Cluster Lots (Single Lot Development) 4,500 s.f

- **Question #5d (08/25/2021). Where are "Duplex Lot," "Duplex Division Lot," "Triplex Lot," "Fourplex Lot," and "Cottage Cluster Lots (Single Lot Development)" defined?**

- *Staff Comment: There are no definitions for "Duplex Lot," "Duplex Division Lot," "Triplex Lot," "Fourplex Lot," and "Cottage Cluster Lots (Single Lot Development)" in the draft code.*

PC Follow up: Does staff intend to correct this omission? There are significant ambiguities that arise from the lack of definitions.

- **Question #5e [Overarching Question #5] (08/25/2021). What is the staff's intent for what would be allowed on, for example, a 9,000 s.f. lot?:**
 - *Staff Comment: A 9,000 square foot lot would allow any permitted use that meets the development standards for that zone. For example, a 9,000 square foot lot in the R-1 zone could allow a single detached dwelling, a single detached dwelling with an accessory dwelling unit, a duplex, a triplex, a fourplex, or a cottage cluster. A 9,000 square foot lot could also be divided to create rowhouse lots if those subsequent lots met the rowhouse development standards.*

PC Follow up: The proposed code would allow (e.g.) TWO (or more) Pourplexes. There is no density limit, and I could find nowhere in the code that would limit the number or mix of plexes on a 4,500 s.f. lot. The only criterion I could find in this regard was the "Minimum Lot Area." Although "Lot Area" is not defined, it is used in Chapter 9 as the entire area of a lot. Consequently, the requirement for a Fourplex to be placed on a lot is simply that the lot be at least 4,500 s.f. in size. That would mean that a second Fourplex would still meet that criterion and have to be allowed. Alternately, if the context means "Lot Area" for each Fourplex, then TWO would be allowed.

This may not be the intent, but it is what the code allows.

Thank you for a prompt response to this follow up.

Paul Conte

From: [Mike Russo](#)
To: [*Eugene Mayor, City Council, and City Manager](#); [CEMIDDLEHOUSINGTESTIMONY](#)
Subject: Testimony on HB 2001 Implementation
Date: Friday, November 5, 2021 9:55:50 AM

[EXTERNAL]

November 5, 2021

Dear Mayor Vinis and City Councilors:

I am writing to you today in the hope that you will take a careful approach to implementing HB 2001. Before I go on, let me state that we own a small rental property in the Fairmount area, so if anything, I should be in favor of broad rights for development. But I'm not, and I hope you will understand why after reading my thoughts.

I appreciate that we are under a state mandate to implement HB 2001, but I am urging you to comply with the law in the least impactful way. There is much we don't know about how the statutes will create change, and there is a substantial risk that for some time the new statutes will lead to a loss in affordable housing. As we all gain an understanding of how development is unfolding, there will be time to make adjustments which can address challenges and opportunities. Please take a measured approach!

In addition to implementing HB 2001 cautiously, I would urge you all to take action in other ways that, unlike HB 2001, are likely to have predictable outcomes. For example:

- Upzoning property along Franklin Boulevard. It is at least as close to the University as delicate residential neighborhoods to its south and east. These properties also are on major transportation lines that can move residents efficiently.
- Addressing widespread conversion of housing to AirBnb units and other short-term housing. I was recently contacted by the person that bought the house next to the one we own on 15th Street, who intends to convert it to an AirBnb property. They wanted to buy our house also for the same purpose. I do not know why the Council has done nothing about short-term rentals, even as other impacted cities in Oregon and elsewhere provide templates for action. Collectively, the removal of these units from the housing market is having a considerable effect on housing costs.

I am well aware that we are facing a housing crisis in this city. However, the changes being contemplated by the Planning staff, well-intended as they may, will overwhelm neighborhoods in Eugene with enormous unintended effects. Please take a cautious approach!

Mike Russo
1975 Potter Street
Eugene, OR

From: [Paul Conte](#)
To: [GEPPER Jeffrey A](#)
Cc: [SEMPLE Emily](#); [MEDARY Sarah J](#); [HANSEN Alissa H](#)
Subject: Re: Middle Housing: Question 7 (Middle Housing Code boundaries) follow up.
Date: Friday, November 5, 2021 8:03:25 AM

[EXTERNAL]

Thank you Jeff for what I hope we can expect more of as the HB 2001 code amendments adoption process proceeds -- that is, clear, complete information based on actual legal provisions and evidence.

-- Paul

Earth Advantage Accreditations:
* Sustainable Homes Professional
* Accessory Dwelling Unit (ADU) Specialist

On Fri, Nov 5, 2021 at 7:58 AM GEPPER Jeffrey A <jgepper@eugene-or.gov> wrote:

Good Morning,

To be clear, although the City of Eugene has the authority to administer the land use code that applies to unincorporated lands within Eugene's urban growth boundary, any amendments to that particular code require Lane County approval through a public hearings process that includes Lane County Planning Commission hearing and recommendation, followed by a Lane County Board hearing and action. Eugene City Council cannot adopt amendments to the UTA code.

Per ORS 197.758(4)(e), the middle housing requirements do not apply to "Lands that are not incorporated and are zoned under an interim zoning designation that maintains the land's potential for planned urban development." Within Eugene's UGB, lands that are not incorporated are zoned with the [/UL Urbanizable Land overlay zone](#) (which is automatically removed upon annexation - See [EC 9.7820\(3\)](#)). Consistent with ORS 197.758(4)(e), this interim zoning designation is intended to ensure that development activities in unincorporated areas will not inhibit future development at planned urban levels or the provision of services in an orderly, efficient, and timely manner (See [EC 9.4600](#)).

With a few exceptions, development of a new dwelling (or dwellings) in the /UL triggers the need for annexation.

Thanks,

Jeff Gepper

Senior Planner (he/him)

City of Eugene | Planning & Development

jgepper@eugene-or.gov

541.682.5282

Messages to and from this e-mail address may be available to the public under Oregon Public Records Law.

From: SEMPLE Emily <ESemple@eugene-or.gov>
Sent: Thursday, November 4, 2021 1:36 PM
To: Paul Conte <paul.t.conte@gmail.com>; GEPPER Jeffrey A <jgepper@eugene-or.gov>
Cc: MEDARY Sarah J <SMedary@eugene-or.gov>; HANSEN Alissa H <AHansen@eugene-or.gov>
Subject: RE: Middle Housing: Question 7 (Middle Housing Code boundaries) follow up.

I would appreciate a quick response to Paul Conte's inquiries. Thanks.

Emily

Emily Semple

Eugene City Council, Ward 1

From: Paul Conte <paul.t.conte@gmail.com>
Sent: Monday, November 1, 2021 10:30 AM
To: GEPPER Jeffrey A <jgepper@eugene-or.gov>
Cc: SEMPLE Emily <ESemple@eugene-or.gov>; MEDARY Sarah J <SMedary@eugene-or.gov>; HANSEN Alissa H <AHansen@eugene-or.gov>
Subject: Re: Middle Housing: Question 7 (Middle Housing Code boundaries) follow up.

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Jeff,

Would you please provide a response to my follow-up from over 3 weeks ago?

Thank you

Earth Advantage Accreditations:

* Sustainable Homes Professional

* Accessory Dwelling Unit (ADU) Specialist

On Wed, Oct 6, 2021 at 3:26 PM Paul Conte <paul.t.conte@gmail.com> wrote:

Jeff,

The UL Code appears to be largely the 2002 version of Chapter 9.

HB 2001 refers to "each city ...", but also seems to include areas within a City's UGB:

"SECTION 2. (4) This section does not apply to: (b) Lands not within an urban growth boundary;"

Could you please provide the statutory foundation for excluding the areas in the UGB, not annexed, but over which Eugene has "responsibility for land use, zoning."

With the City's current approach two adjacent lots on one of the roads in the River Road Community Organization city-chartered neighborhood might have a "Duplex" defined as one building on one lot, and as one or two buildings on the adjacent lot. Correct?

Thank you for the follow-up.

-- Paul

Earth Advantage Accreditations:

- * Sustainable Homes Professional
- * Accessory Dwelling Unit (ADU) Specialist

On Wed, Oct 6, 2021 at 12:22 PM GEPPER Jeffrey A <jgepper@eugene-or.gov> wrote:

Hi Paul,

The IGA that exists between the City of Eugene and Lane County does delegate responsibility for land use, zoning, and building permitting. However, the proposed land use code amendments for the Middle Housing Code Amendment project are for the land use code that is applicable to those lands annexed into the City of Eugene. Those areas that are within the Urban Growth Boundary, but not annexed into the City (often referred to as "Urbanizable Lands") are subject to a specific code known as the Urbanizable Lands Land Use Code (UL Code) or Urban Transition Area Land Use Code (UTA Code). The code amendments proposed as part of the Middle Housing Code Amendment project do not include amendments to the /UL Code. More information and the UL code is available here: <https://www.eugene-or.gov/2128/Land-Use-Code>

Please let me know if you know if you need further clarification. Thank you,

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Sent: Thursday, September 30, 2021 6:45 PM
To: GEPPER Jeffrey A <jgepper@eugene-or.gov>
Cc: SEMPLE Emily <ESemple@eugene-or.gov>; MEDARY Sarah J <SMedary@eugene-or.gov>; HANSEN Alissa H <AHansen@eugene-or.gov>
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FOR THE RECORD IN CA 21-1 & MA 21-1

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From the City website:

"There is an Intergovernmental Agreement (IGA) between the City of Eugene and Lane County that delegates to the City all responsibilities for land use, zoning, and building permitting authority inside the urban growth boundary."

[Frequently Asked Questions • Eugene, OR • CivicEngage \(eugene-or.gov\)](#)

Could explain the basis of your response, which appears to be inconsistent with this City statement.

Thank you,

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- * Sustainable Homes Professional**
- * Accessory Dwelling Unit (ADU) Specialist**

- **Question #7[6] (09/26/2021).** If the City Council adopts code amendments, such as the draft version, will the code that results apply in any areas outside the City Limits?
 - *Staff Comment: If the City Council adopts the Middle Housing Code Amendments, the amendments will only apply inside the Eugene City Limits.*

GEPPER Jeffrey A

From: GEPPER Jeffrey A
Sent: Friday, November 5, 2021 7:59 AM
To: SEMPLE Emily; Paul Conte
Cc: MEDARY Sarah J; HANSEN Alissa H
Subject: RE: Middle Housing: Question 7 (Middle Housing Code boundaries) follow up.

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[EXTERNAL ⚠]

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From: [ASPEGREN Bill \(SMTP\)](#)
To: [*Eugene Mayor, City Council, and City Manager](#); [*Eugene Planning Commissioners](#)
Cc: [CEMIDDLEHOUSINGTESTIMONY](#); [HANSEN Alissa H](#); [HARDING Terri L](#); [GEPPER Jeffrey A](#)
Subject: Testimony for November 16, 2021, Planning Commission Public Hearing on Middle Housing Code Amendments
Date: Thursday, November 4, 2021 3:48:23 PM
Attachments: [MH Planning Commission Public Hearing Testimony.pdf](#)
[March 6, 2018 memo from Alissa Hansen on SDU lots.docx](#)
[Frequent Transit Route Maps.pdf](#)
[Attach D ECO CodeImpactsMemo 20210419.pdf](#)

[EXTERNAL]

Attached is testimony for the November 16, 2021, planning commission public hearing on the draft middle housing code amendments, including supporting documentation. This email is a cover letter to my testimony and should be included in the record.

Middle housing will primarily be infill and therefore should be compatible with Eugene's built out neighborhoods. The draft code amendments do not encourage or incentivize compatibility. Instead, the code changes will make it easier to develop large three-story buildings on small lots with no on-site parking. This will not be compatible infill and will only pad the developer's bottom line.

I have been watching this project since its inception and am upset by staff's lack of outreach to neighborhoods. To quote an October 14, 2021, Guest View in the Register-Guard by Eben Fodor "Eugene city planners have taken a bad bill and are making it worse". The current draft code amendments are unacceptable and reflect the lack of neighborhood outreach.

There are only seven- and one-half months left before changes must be effective. All Eugene residents need to be informed of the impact of the proposed changes through mailings and meetings and allowed an opportunity to provide input for changes.

I am disappointed in the planning commission's oversight of this project and staff's disregard for involving neighbors in the process. The poor product reflects these shortcomings.

The City Council needs to immediately take steps that will moderate the current proposal so the code will produce compatible infill.

Thank you for your consideration

Bill Aspegren
Ward 3

DATE: April 19, 2021
TO: Matt Hastie, Angelo Planning Group
CC: Terri Harding, City of Eugene
FROM: Becky Hewitt and Tyler Bump, ECONorthwest
SUBJECT: Impacts of Code Scenarios (Allow/Encourage/Incentivize) on Small Rental Units

Introduction

The City of Eugene is in the process of preparing Middle Housing Code Amendments to comply with Oregon House Bill 2001 (HB 2001). In brief, as required by HB 2001, these code amendments will allow middle housing—duplexes, triplexes, fourplexes, cottage clusters, and townhomes—in all residential zones that allow single-family detached housing, at densities higher than those for single-family housing and without restrictions that would create “unreasonable” cost or delay for middle housing development. The City is currently considering options for the specific standards that will apply to middle housing. **This analysis considers the impacts of varying development regulations on small, rental units that tend to be lower cost. The purpose is to determine how the City’s code choices can increase the affordability of middle housing development.**

ECONorthwest’s prior analysis showed that:

- New middle housing is comparatively less expensive than new single-family housing, because sales prices and rents tend to be lower for attached housing than for comparable detached housing, and new single-family detached housing tends to be larger and sometimes more luxury-oriented than even high-end middle housing.
- While many types of middle housing development are potentially feasible as rental or as ownership, typically building new ownership housing is more financially feasible.
- The smallest middle housing units will offer the lowest prices/rents overall; however, they are also likely to be higher priced on a per-square-foot basis, and may be less financially feasible to develop than larger units.

Based on these findings, the City asked ECONorthwest to look at whether the code options under consideration could help encourage middle housing at lower costs that would be attainable by people earning 80% to 120% of area median income (AMI), such as smaller rental housing units.

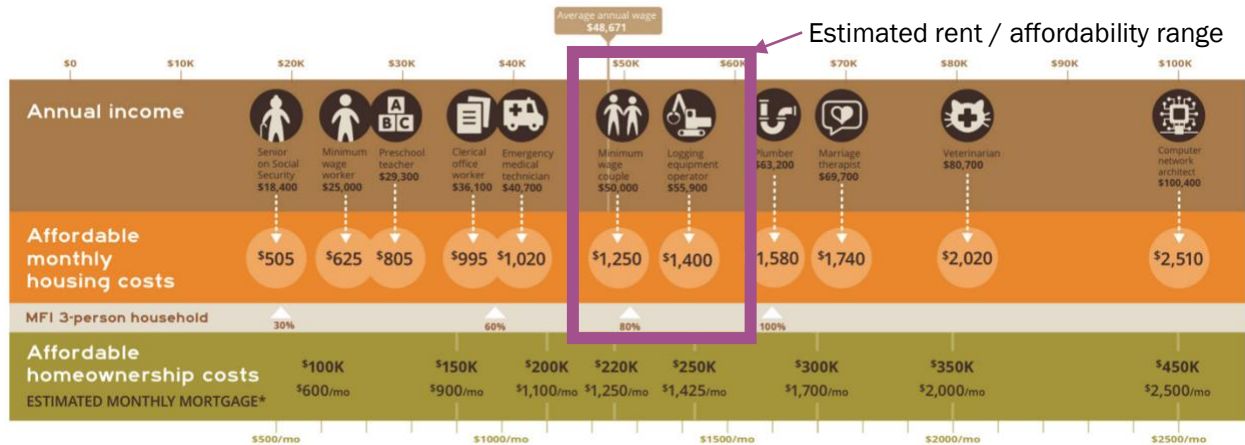
Approach

Unit Type and Affordability Level

We evaluated the financial feasibility of developing small rental duplex, triplex, fourplex examples, with two-bedroom units that would be roughly affordable to a three-person household with two minimum wage earners, or a three-person, single-income household with a job paying under \$60,000 per year, as shown in Exhibit 1.

Exhibit 1: Housing Affordability by Income, 2-Bedroom Middle Housing Rental Units

Source: Lane County Affordable Housing Action Plan



Code Options

We compared financial feasibility of development with different standards based on three code options—Allow, Encourage, and Incentivize packages. In particular, we tested how variations in lot size and parking affected feasibility. (The other code standards had less impact for this type of development.) The standards tested with each package are summarized in brief below. These standards reflect draft code packages as of early April 2021; however, the specific recommendations may continue to change through community and planning commission discussion.

Exhibit 2: Minimum Lot Size (square feet) by Code Package

	Allow	Encourage	Incentivize
Duplex	4,500	3,000	2,250
Triplex	5,000	4,500	3,500
Fourplex	7,000	6,000	4,500

Exhibit 3: Parking Requirements per Unit by Code Package

	Allow	Encourage	Incentivize
Duplex	1	1	0
Triplex	1	0.67	0
Fourplex	1	0.5	0

We kept unit size (810 square feet, two bedrooms) the same across the duplex, triplex, and fourplex development examples, and across the different code options, in order to isolate the impacts of density and parking on smaller rental units.

Feasibility Measures

Our analysis used residual land value (RLV) per square foot of land as an indicator of relative financial feasibility. RLV is a measure of what a developer is able to pay for land, given expected construction, operating costs, and revenue. In other words, it is the budget that developers have remaining for land after all the other development constraints have been accounted for. It is a useful metric for assessing how code changes and potential development incentives interact to impact development feasibility. A development with a higher RLV can spend more on land, which expands the options for where the development can occur (all else equal). When two types of development are both possible on a given site, the one with the higher RLV may be more likely, because the developer can spend more to acquire the site. Higher RLV does not itself indicate greater affordability, but if a more affordable housing type has an RLV comparable to that of a more expensive housing type, it makes it more likely that the lower-cost housing type will get built at least some of the time.

We compared the RLV of the small, rental plexes to two example development types evaluated in earlier testing—single-family detached homes and townhouses. To the extent that the code options increase the RLV of the small, rental plexes, this increases the chances that this type of development will be built rather than single-family detached homes and townhouses.

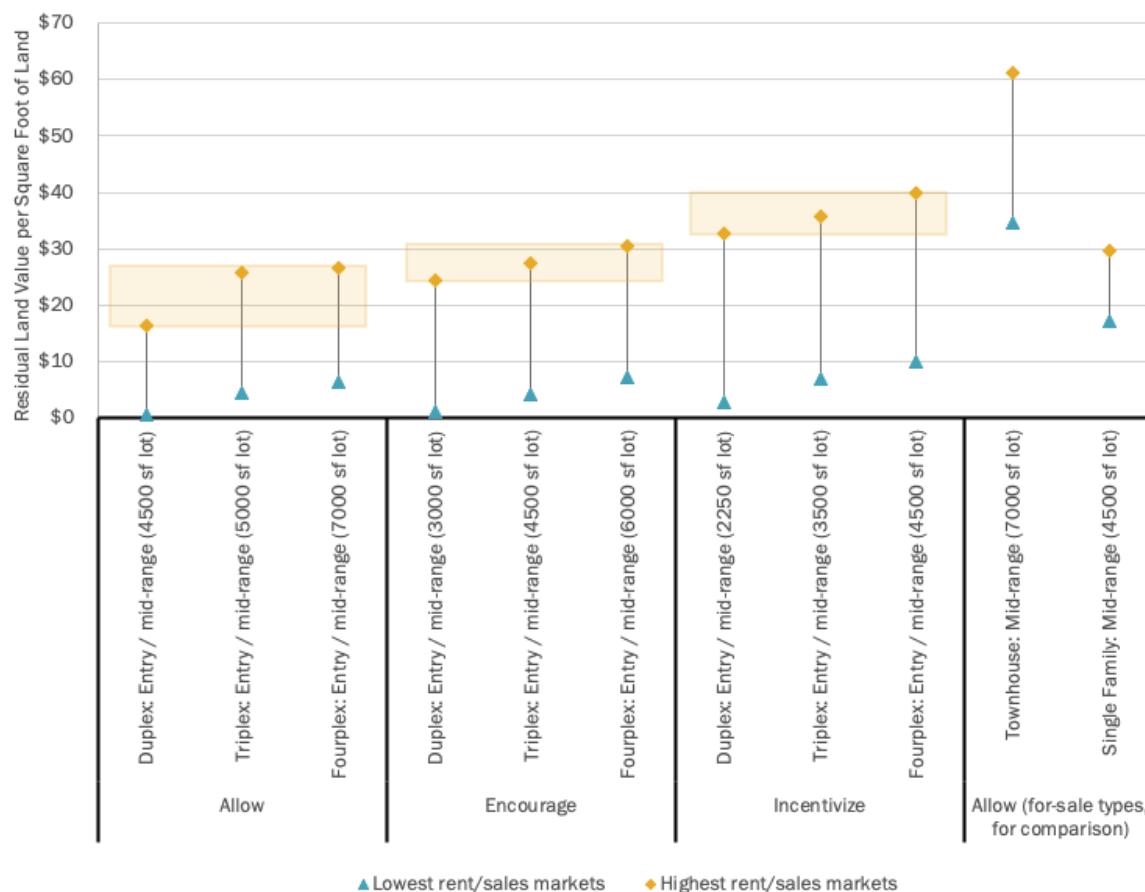
Findings

Impact on Feasibility

Exhibit 4 shows how RLV varies for each prototype across the different code packages. It shows that:

- The Encourage package improves feasibility somewhat relative to Allow, but Incentivize helps noticeably more in making plexes with smaller rental units feasible. The RLV per square foot for the smaller rental housing development examples is roughly double with Incentivize compared to Allow, meaning that they could afford substantially higher land costs and still be financially feasible to develop.
- With Encourage, smaller rental units are roughly comparable in terms of financial feasibility with single-family detached development. With Incentivize smaller rental housing is more feasible than single-family detached development.
- Even with the Incentivize package, smaller rental plexes still don't compete very well with townhouses. However, they are more comparable. This is true despite not applying any code incentives for townhouses.
- Fourplexes have the highest RLV among the small rental plexes, making these more likely to be financially feasible than the other small plexes if each is developed at the lot sizes assumed here.

Exhibit 4: Residual Land Value Range by Housing Type and Code Package



Most of the impact on feasibility is a result of needing less land. Not building off-street parking reduces construction cost somewhat, but its primary impact is to allow the development to fit on a smaller lot.

One other consideration is that by allowing units on smaller lots, there is a greater chance that someone could split their existing lot and sell part of it for middle housing development without needing to redevelop the whole lot, though this depends on the layout of the site.

Impact on Affordability

The rent is anticipated to be lower for the options that provide less or no off-street parking. This reduces construction cost slightly, as noted above, but the main reason for the difference is market-driven: people generally will pay a bit less for unit without parking. However, as noted above, the smaller lot size makes this option more financially feasible on a per square foot basis, despite the lower rents.

The rents for this type of development are likely to vary more based on variations in market conditions around the City. Assuming a three-person family (which is the standard that HUD uses for setting rent limits for a two-bedroom unit), these smaller rental plexes would be affordable at roughly the percentages of AMI listed below.

- Allow: 75-94% of AMI
- Encourage: 74-93% of AMI
- Incentivize: 71%-89% of AMI

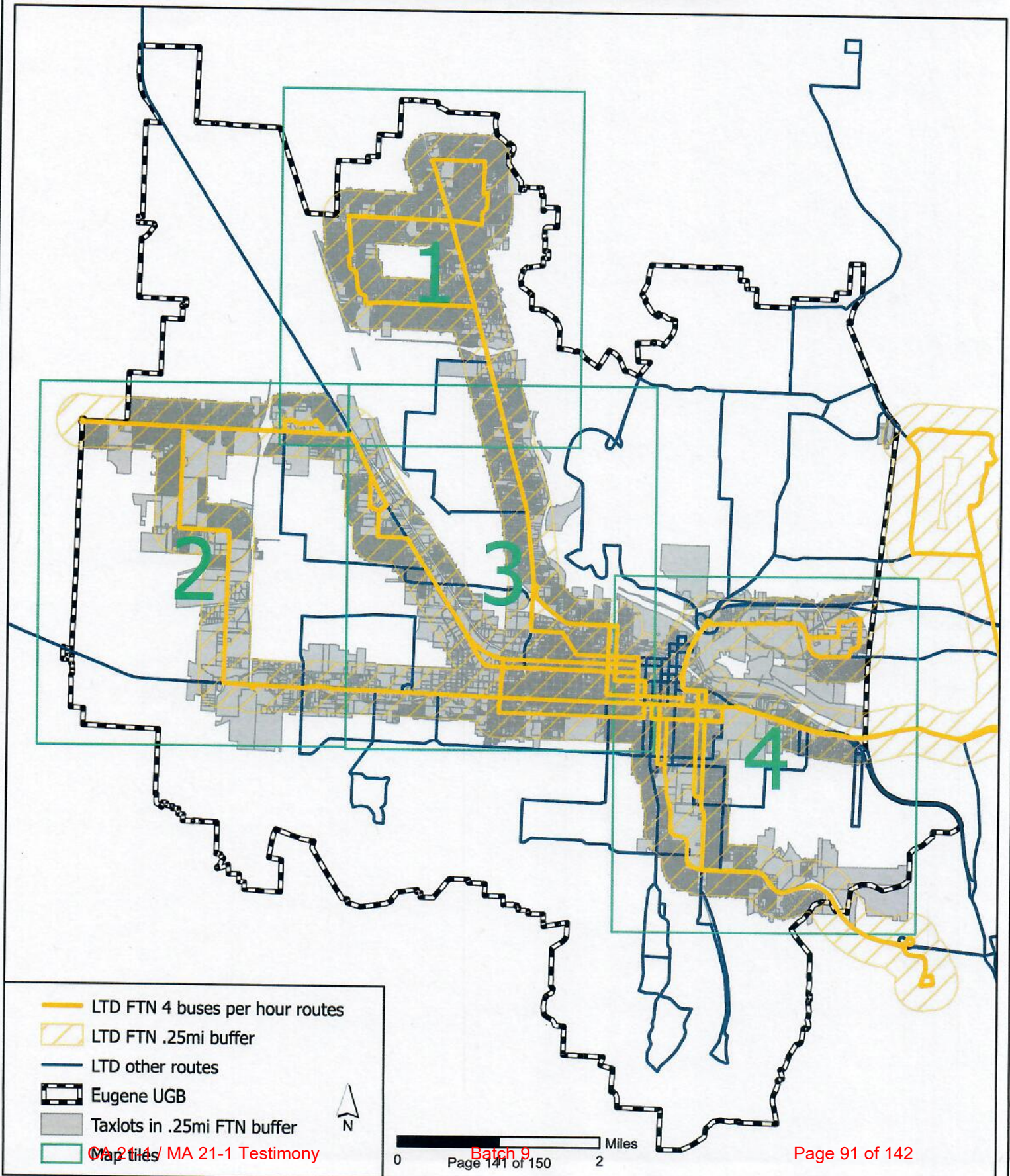
This affects development feasibility as well as affordability. At the low end of the rent range, development has a lower RLV (shown with the blue markers on Exhibit 4) and is less likely to be financially feasible, particularly in a redevelopment situation.

Conclusions

The Encourage and Incentivize code provisions related to reducing minimum lot size and minimum parking requirements for middle housing positively impact the feasibility and affordability of smaller rental units. These units would be affordable to households between 71% and 94% of AMI, generally earning less than \$60,000 per year. While they will continue to face challenges competing with townhomes, with the Incentivize code provisions they may be more feasible than single-family development. This suggests that these code options support the City's affordability goals and expand development potential for middle housing.

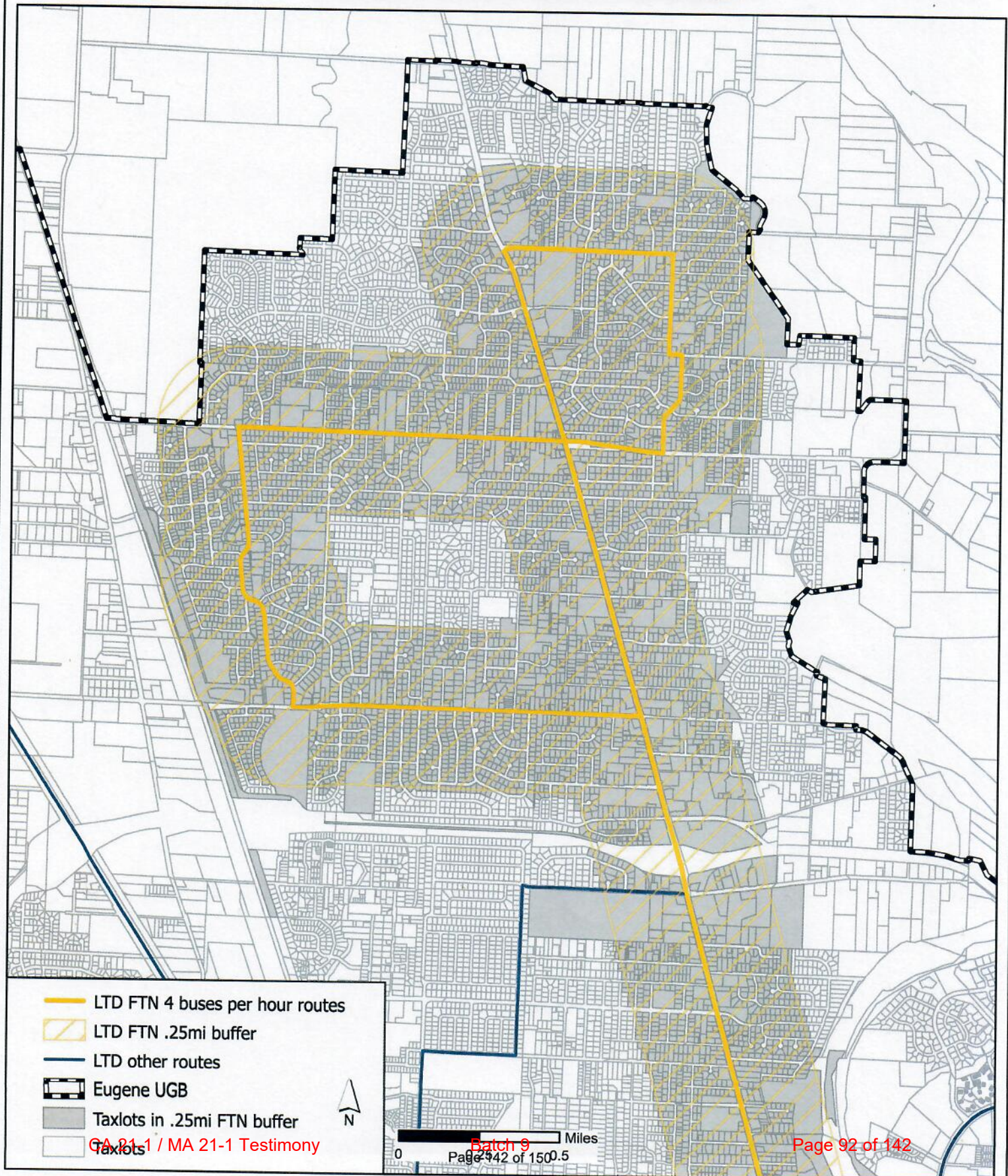
Frequent Transit Routes

Overview Map



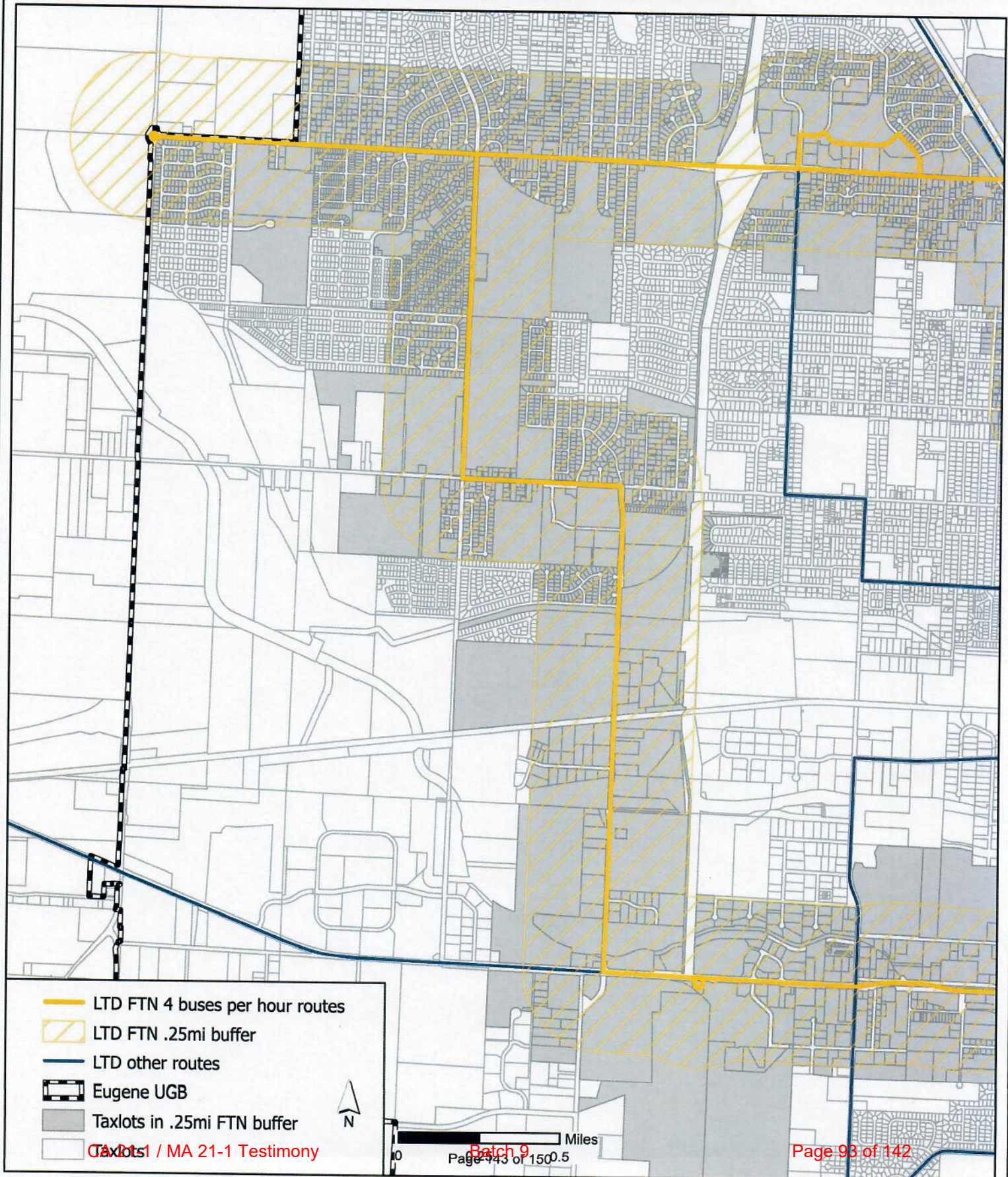
Frequent Transit Routes

Map Tile #1



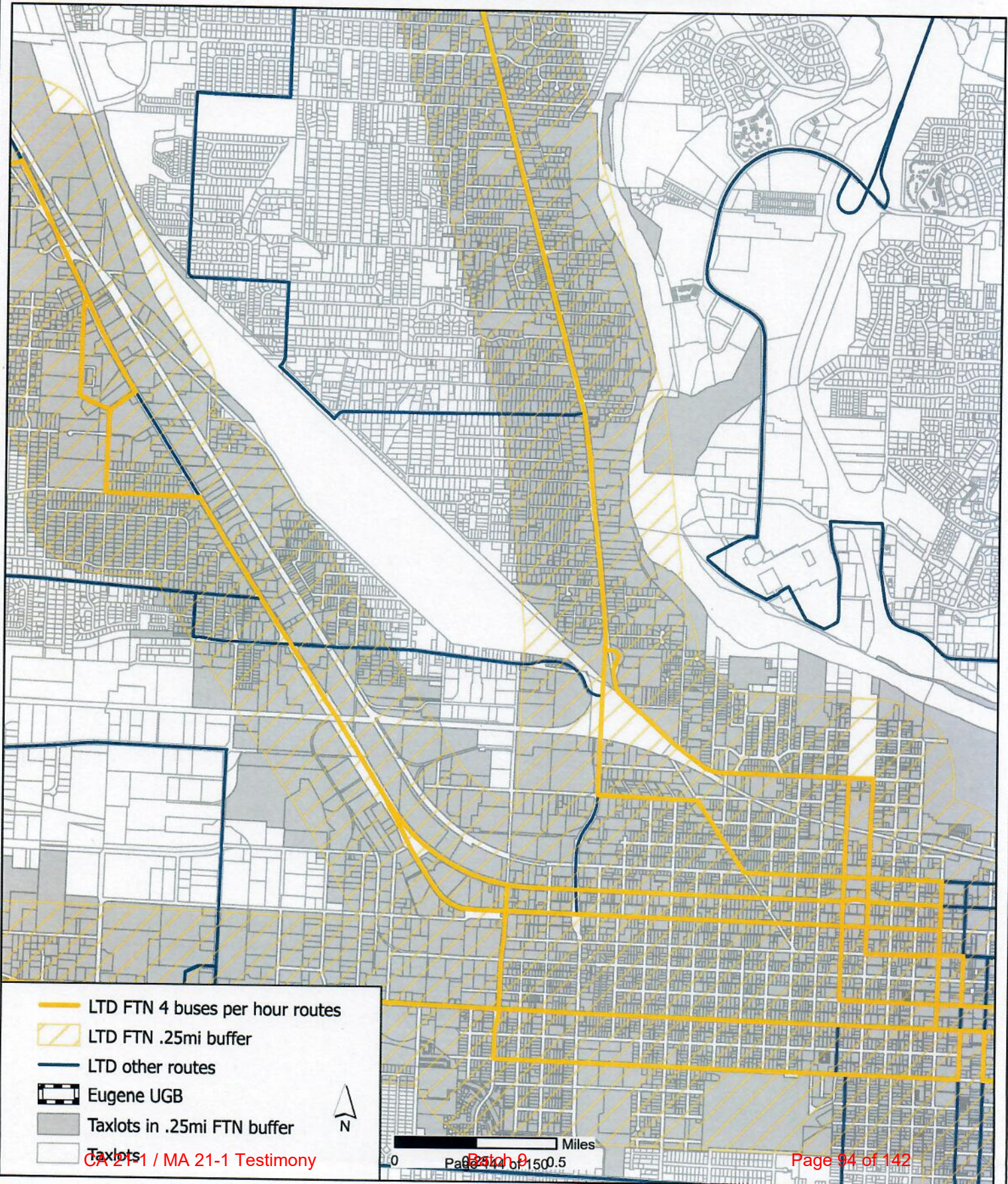
Frequent Transit Routes

Map Tile #2



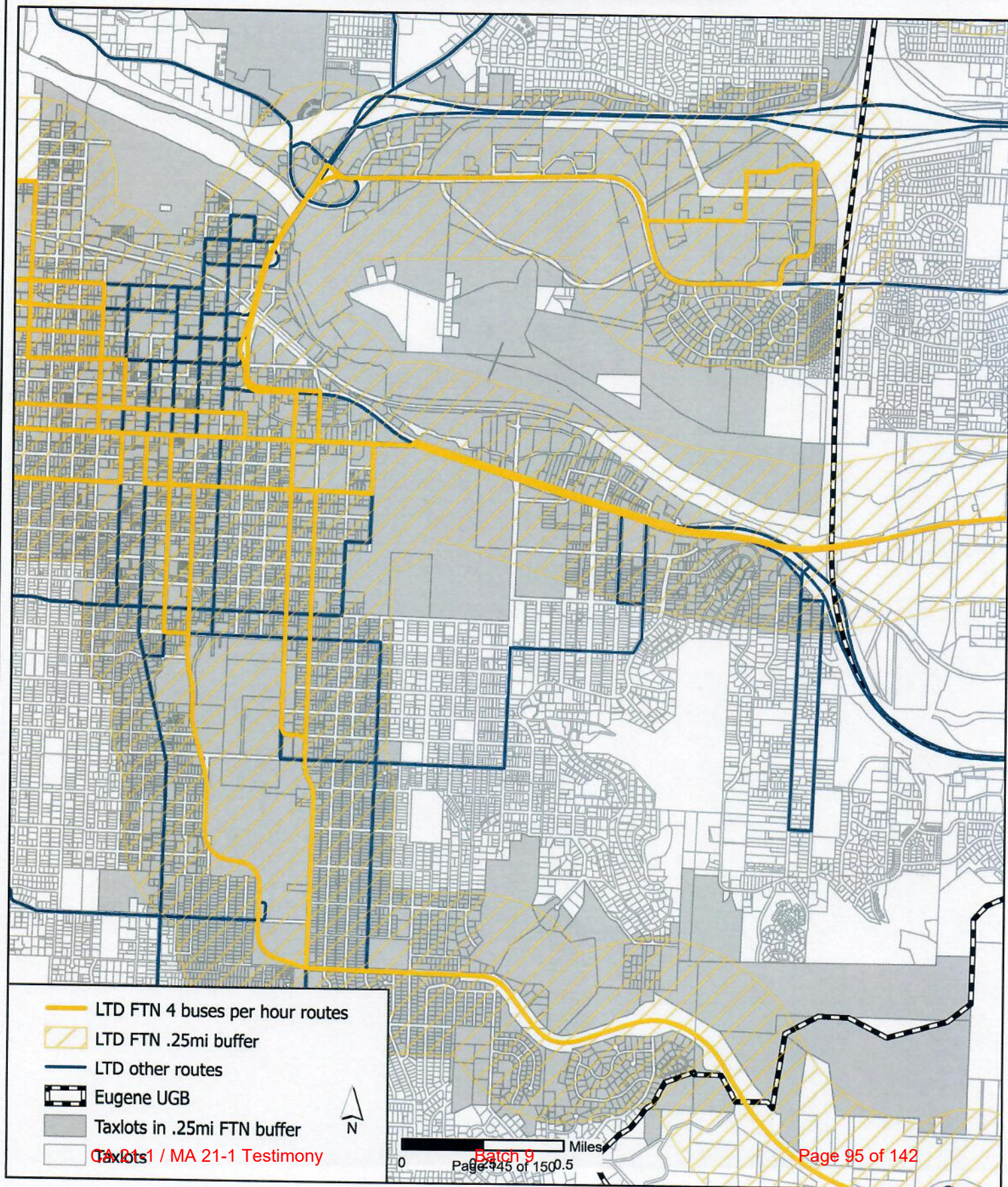
Frequent Transit Routes

Map Tile #3



Frequent Transit Routes

Map Tile #4





Memorandum

Date: March 6, 2018
To: Eugene Planning Commission
From: Alissa Hansen, Eugene Planning Division
Subject: R-1 Low Density Residential Lots/Lot Area

At the February 26, 2018 Planning Commission meeting, during a discussion about the upcoming public hearing on Secondary Dwellings, Commissioner Baker requested the following information:

Zoned R-1 Low Density Residential and within the boundaries of the Amazon, Fairmount and South University Neighborhood Associations	Total
7,500 square feet or greater in lot area	1,220
Between 4,500 and 7,499.99 square feet in lot area	996
Less than 4,500 square feet in lot area	290

Zoned R-1 Low Density Residential and within the boundaries of all other neighborhood associations (all neighborhood associations EXCEPT Amazon, Fairmount and South University)	Within City Limits
6,100 square feet or greater in lot area	32,264
Between 4,500 and 6,099.99 square feet in lot area	4,807
Less than 4,500 square feet in lot area	4,513

Please note that these values were extracted from City of Eugene GIS/tax lot data, subject to change and are for general reference only.

Planning Commission Public Hearing Testimony
on
HB 2001 Middle Housing Draft Code Amendments
November 16, 2021

Introduction

House Bill 2001 requires major and significant changes to Eugene's code. These consequential changes will increase density in the single-family areas and potentially alter the character of neighborhoods more than any changes in recent Eugene history.

Staff's extreme proposal goes far beyond what is required by HB 2001. Why does it go beyond the requirements of HB 2001? Why does staff believe it is more experienced and knowledgeable than the legislature and others that worked on the bill? There has been no discussion of negative impacts or community benefits. The impacts and benefits have not been researched, documented, or communicated to residents and this is a disservice to the community and a violation of Oregon's Goal 1.¹

Changes to support HB 2001 should be limited to the minimum requirements of the legislation. This will provide significant opportunities to build additional middle housing, increasing dwelling units and developing diverse housing types.

The current proposal needs the following six changes to insure middle housing infill is compatible with the built-out neighborhoods.

- Only allow the minimum lot size required by HB 2001
- Do not allow detached plexes
- Maintain the same building height as single-family dwellings, 30 feet
- Require one on-site parking place per dwelling unit
- Delete all the middle housing parking incentives 9.6410 (6)
- Maintain the same lot coverage as single-family dwellings, 50%

Further explanation follows.

¹ Oregon Goal 1: Citizen Involvement OAR 660-015-0000(1)

"The citizen involvement program shall involve a cross- section of affected citizens in all phases of the planning process"

There has been little to no effort to involve neighborhood people or neighborhood associations in the HB 2001 project. Rather than notify all residents of the sweeping proposed changes, based on a records request, only 105 "interested parties" were notified of the planning commission public hearing. This miniscule public notification was sent out after almost two years of work on the project, when the final proposal was virtually a done deal.

Lot Size

House Bill 2001 states:

“[E]ach city with a population of 25,000 or more ... 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.”

Based on the March 6, 2018, memo from Alissa Hansen, subject: R-1 Low density Residential Lots/Lot Area (attached), there are 39,387 R-1 lots of 4,500 square feet or more in Eugene, plus 4,803 additional lots less than 4,500 square feet for a total of 44,090 R-1 lots in Eugene.

Many of the R-1 lots have restrictions (CC&Rs) that limit the number of dwellings on a lot and, will prevent middle housing from being built on those lots. HB 2001 and city code implementing HB 2001 cannot violate current CC&Rs as to the number of dwellings on a lot. This creates a substantial inequity that will force middle housing into areas without restrictions, **which inequity has been ignored by staff.**

Current and Proposed Lot sizes				
Use	Current Minimum Square Feet	Minimum Required by HB 2001 Square Feet	Staff's Proposal Square Feet	Staff's 25% Reduction for Small Units Square Feet
Duplex	8,000	4,500	2,250	1,688
Triplex	12,000	5,000	3,500	2,625
Quadplex	16,000	7,000	4,500	3,375
Townhouse	1,600	1,500	1,125	n/a
Cottage Cluster	PUD	7,000	4,500 with 4 units	3,375

The minimum lot sizes required by the legislation are taken from the “Rules as adopted by the Land Conservation and Development Commission December 9, 2020” ORS 660-46-0220 1., 2., 3. And 4.

When HB 2001 goes into effect July 1, 2022, duplexes will be allowed on all Eugene lots that are zoned for single-family detached dwellings, not just corner lots as the current code requires.

By only implementing the minimum lot sizes required by the legislation there will be a tremendous opportunity to increase housing diversity and density within the city. It will provide flexibility to solve parking issues, lot coverage and open space issues, which are problems created by the draft proposal.

HB 2001 is a mandate the city must implement. There is no need to decrease lot size beyond the minimum required, **especially with no required benefits**². The smaller lots will only cause problems and conflict with parking, solar access, EV charging, and privacy. There will be no place for pets or children to play, for gardens or landscaping, and the living spaces may not be desirable. No examples have been presented that middle housing units can be built on these small lots.

Failure to eliminate staff's proposal for tiny lots will have far reaching impacts to parking and lot coverage as well as livability for nearby neighbors.

ACTION - Drop staff's proposal for small middle housing lots and only allow the minimum lot size standards designated as part of the HB 2001 rules.

² The incentives proposed by staff do not require any public benefits, such as requiring some number of units being rented to income qualified people with incomes at 60% Area Median Income (AMI) or less. The current incentives are only a gift to developers' bottom line.

Attached or Detached Multiplexes

Staff has proposed that plexes (duplexes, triplexes and quadplexes) can be either attached or detached. Allowing plexes to be detached is nonsensical and is not required by HB 2001. Obviously, detaching plexes makes them single-family housing on small, gerrymandered lots, so they are more salable. This is only possible because of SB 458, the middle housing land division legislation. These detached plexes may not be desirable or inexpensive.

ACTION – Do not allow detached plexes.³

Height Expansion

The draft code allows the height of middle housing to increase to 35 feet as opposed to 30 feet for single-family houses. In both cases there is a seven-foot allowance for a pitched roof. The purpose of this extra five feet (up to 42 feet including roof) is to make it easier to build three story middle housing buildings.

Middle housing will be targeted primarily at the R-1 zone. How many three-story houses have you seen in the R-1 zone, especially in the flat core areas of the city? All buildings in R-1 should have the same height restrictions. Why not strive for middle housing to be compatible with the built out single-family environment and use the same height standard for both, 30 feet?

By allowing three story middle housing units in single-family neighborhoods adjacent neighbor's will lose their privacy, solar access, as well as light to their garden and house. This will completely change the look of existing neighborhoods.

ACTION - Keep the height limit for both middle housing and single-family houses at 30 feet plus seven feet for a pitched roof.

³ If middle housing dwelling units must be sold there are the options of building cottage clusters, townhouses or selling the units as a condominium. Condominiums are expensive to build in Oregon due to various state regulations. Condominiums make sense for middle housing, and this may be an opportunity to change state regulations.

Parking

The draft middle housing code amendments that cover parking are out of touch with reality and completely inadequate, including for areas near the university. The proposed parking standards will allow developers to build units with little or no off-street parking, which will increase profits, and force the community to deal with parking problems and the resulting congestion.

Parking problems:

- Tiny lots require less or no on-site parking.
 - Do not allow small middle housing lots. Use the minimum HB 2001 standards, see lot size recommendations.
- Off-site parking credits should not be available in permit parking areas.
 - Parking in the permit areas is already a problem.
 - On-street spaces are for the public and not property of the development.
 - It is questionable if off-site parking credits should be available anywhere.
- Dropping the requirement for on-site parking near transit has not been thought out. This should not be done without further research.⁴
 - Review of the frequent transit maps (attached) show that the areas where middle housing would be exempt from on-site parking are the densest parts of the city and most parked up.
 - For example, Hilyard/Patterson, West University, South University, East of campus into Fairmont, all these areas should require on-site parking.
- The lack of on-site parking prohibits the charging of electric cars or plug-in hybrids.
 - There is no requirement for electric charging infrastructure, where electric vehicles will be the predominant vehicle in the not-too-distant future and where electric charging capability is absolutely essential.
- There is no provision for secure ground floor storage and charging of electric bicycles, mopeds, scooters, skateboards, etc.

It is naive to think cars are going to disappear because of middle housing. It is more likely residents will feel the need for cars due to the lack of adequate public transportation. The draft proposal directly and unfairly places the burden of parking and congestion on the community so developers can make more money.

ACTION – Eliminate the entire section 9.6410 (6), and reconsidered parking standards with input from community members. Require a minimum of one on-site parking place for each middle housing dwelling unit.

⁴ In a recent question and answer session staff was asked why middle housing should be exempt from providing parking along frequent transit corridors. The answer was that Envision Eugene's goal is to build housing near transit and eliminating parking would incentivize this type of development. First, this is an aspirational goal that has not been analyzed to prove it is practical. Second, reviewing the transit maps attached to this testimony show huge parts of the city would exempt middle housing from providing parking. Many of these areas already have problems with parking. Making decisions without proper analysis is a poor precedent.

Lot Coverage Expansion

Staff's proposal has expanded lot coverage from 50% to 75% for duplexes, triplexes and fourplexes. This will only encourage larger more expensive buildings, which will impact adjacent neighbors. Small lots will be completely covered, less required setbacks, if 75% lot coverage is allowed.

ACTION – Keep lot coverage in the R-1 zone at a maximum of 50% for all housing types. No middle housing lots below the minimum standards should be allowed.

General Comments

The following issues need to be dealt with prior to the July 1, 2022, implementation.

- Climate impact
 - Standards for low carbon footprint development
 - Reduce reliance on fossil fuels
 - Reduce carbon emissions
 - Tree preservation/landscape standards
 - Standards to minimize vehicle miles traveled
- Failure of the code to be clear and objective.
 - Both basic code and adjustments need to be clear and objective.
 - Many areas are difficult to interpret and will only breed confusion.
 - Elements of the code that should be together have been spread out making it difficult to know what applies to middle housing, for example lot size incentives.
- Equity
 - The promise of middle housing being more equitable is a myth.
 - Many areas with CC&Rs will not allow middle housing in their neighborhoods.
 - Middle housing will be market rate housing, selling, and renting for high prices. (Eugene's housing needs are at the 60% Area Median Income (AMI) or less. Middle housing will not satisfy this need.)⁵
- Middle housing lot divisions
 - This is a nightmare. There are no standards for middle housing land divisions. The public needs to understand the impact of SB458 in detail.
- Cottage Clusters
 - Dwelling units in a cottage cluster development can have a footprint no larger than 900 square feet. Staff has decided the size of a cottage cluster dwelling unit can be no larger than 1,400 square feet. What is the 1,400 based on?
 - **Only allow 900 square foot cottages in a cottage cluster development.**
- Use of middle housing for short term rentals
 - Staff has not proposed any standards to restrict the use of middle housing for short term rentals (STRs).
 - **Using middle housing for short term rentals should not be allowed.**
- Emergency access
 - By putting multiple units on small lots are there implications for emergency access, especially for fire vehicles and the spread of fire?
 - Will sprinkler systems be required?

⁵ ECONorthwest did an analysis of small rental middle housing units, April 19, 2021. They concluded "These units [810 sf, two bedrooms] would be affordable to households between 71% and 94% of AMI, generally earning less than \$60,000 per year." It assumed smaller lots and no on-site parking. Without proformas, market analysis, and other relevant data to back up the conclusion's their validity must be taken on faith.

This analysis was presented to the planning commission April 26, 2021, and the city council May 24, 2021. Neither group questioned the conclusion.

Conclusion

The changes recommended here will provide significant opportunities to build middle housing, increasing dwelling units and developing diverse housing types. The changes will help assure compatibility with existing neighborhoods. **No justification has been presented to go beyond the minimum HB 2001 standards.**

Attachments:

Memorandum with number of R-1 lots

Maps of Frequent Transit Routes

ECONorthwest's April 19, 2021, memo on Impacts of Code Scenarios on Small Rental Units

From: [Karen James](#)
To: [*Eugene Mayor, City Council, and City Manager](#)
Subject: Housing changes
Date: Thursday, November 4, 2021 3:39:04 PM

[EXTERNAL]

As a senior citizen and my disabled wife on a fixed income we are concerned about the possible changes to housing costs if developers are encouraged to build housing that we will not be able to afford. We have been renters our whole adult lives and now that we are old we are tired of constantly having to worry about where we will be able to afford to live. This is a constant source of stress. I don't understand why you all think that the solution that you've come up with is going to help us or anyone one else that is low income. Please reassess your planning decisions. Real lives are at stake.

Thank you.

K. and J. James

From: [Sara van Dyck](#)
To: [CEMIDDLEHOUSINGTESTIMONY](#)
Cc: [*Eugene Mayor, City Council, and City Manager](#)
Subject: Middle Housing
Date: Thursday, November 4, 2021 2:11:13 PM

[EXTERNAL]

To the Planning Commission and other city officials:

I urge you to REJECT the current proposals for changes in the city's housing regulations.

I am an elderly renter in the Jefferson-Westside Neighborhood. These proposals would incentivize tearing down present affordable rental housing units, replacing them with new and more expensive units, which I surely could not afford. In addition, it threatens many trees that offer so much to the city.

These proposals need considerable re-working to provide equity. There is need for more middle housing in this city, but it needs to be done so that it has advantages for all the citizens, not just developers and investors.

Sara van Dyck Chesluk
1160 W. 15th Ave. #301
Eugene OR 97402

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Sara van Dyck

Author of:

Bumblebees (Early Bird Nature Books, Lerner Publications)

Electric Eels (Early Bird Nature Books. Lerner Publications)

Insect Wars (Franklin Watts)

The Boy Who Loved Ants: Edward O Wilson (Smashwords or Amazon, e-book)

From: eliza@tastypie.org
To: [CEMIDDLEHOUSINGTESTIMONY](#)
Subject: Public Comments for Middle Housing Code Amendments
Date: Thursday, November 4, 2021 1:04:17 PM
Attachments: [EKEPCHB2001MainComment.docx](#)
[EKEPCLotDivisions.docx](#)
[EKEPC2001MinorSuggestions.docx](#)
[HB2001SJW \(June2021\).docx](#)

[EXTERNAL]

Dear Eugene Planning Commission,

Overall, I strongly support the suggested code amendments to make Middle Housing a more viable option in Eugene, and to comply with HB 2001. I have several in-the-weeds type comments; in order to avoid sending an extremely long unreadable email, I've attached four documents to this email with my feedback/suggestions on:

1. Overall thoughts, particularly surrounding code readability/complexity
2. Middle Housing Lot Divisions
3. Minor suggestions and potential errors/typos
4. Special Area Zones (resubmitting memo from the summer on this topic, now that the official process has started.)

Thank you all for all your thoughtful work on this topic.

Eliza Kashinsky
eliza@tastypie.org
541-799-7102

To: Eugene Planning Commission
From: Eliza Kashinsky
Date: November 4th, 2021
Re: Typos, Terminology, and Minor Suggestions

Please below see some minor suggestions related terminology, potential typos, and other miscellaneous feedback on the draft code for Eugene's implementation of HB 2001.

Minor Suggestions:

- ***Include some sort of incentive for smaller townhouses.*** Townhouse lot size is regulated differently than other middle housing types, so the methodology contained in the *Lot Area Reductions for Small Dwelling Units* doesn't quite fit. However, perhaps a density bonus could be included for small townhouses (i.e. townhouses that are less than 900 square feet can develop at a maximum net density 30 units per acre in R-1, as opposed to 25 units per net acre.)
- ***Purpose of R-1- move new clause:*** Relocate the addition of the clause "and middle housing" to occur earlier in the sentence, in order to reflect the now-broad allowance for middle housing in R-1: "The R-1 zone is designed for single detached dwellings and middle housing, with some allowance for other types of dwellings."
- ***Remove "all dwellings shall meet minimum and maximum density... unless specifically exempted elsewhere" language from Table 9.2740.*** With the only dwellings that are not specifically exempted elsewhere in the code from the minimum and maximum density standards in Table 9.2750 being detached single dwellings and multi-unit dwellings, this comment is likely to cause significant confusion.
- ***Cross-reference R-1 Main Building height, as opposed listing a specific number.*** At this point, our height limit for main buildings in R-1 is so complex that cross-reference as opposed to a specific number would be more appropriate—the height is 30 feet unless it has a sloped roof, in which case it is 37 feet, unless it is middle housing with a flat roof in which case it is 35 feet, unless the middle housing has sloped roof... A "See (3)" might be more clear in this cell of table 9.2750. This would require adding language into (3)(e) such as "For other buildings, the maximum building height is 30 feet." (My main comment indicates a preference for moving these types of standards to a separate "single detached dwelling" special standard, but if that doesn't happen, this would help make it more clear.)
- ***Move Accessory Dwelling/Building Standards.*** In order to group like-things in the same place, I would recommend moving the Accessory Dwelling Standards and Accessory Building Standards, currently contained in Section 9.2751, to the 9.5000 area of the code—that would allow all our special development standards for certain uses to be grouped together, as opposed to some being in the "Residential" section and some being in the "Special Development Standards" section, and make our code easier to navigate.
- ***Exempt other types of conversions from Middle Housing standards.*** Currently, middle housing created through the addition to or conversion of an existing single detached dwelling are exempt from the housing Middle Housing Standards in section 9.5550. I would recommend changing "an existing single detached dwelling" to "an existing, legally-permitted structure" or something similar. This would allow for someone to convert an existing duplex into a triplex, or convert a defunct business of some type (for example, an assisted living facility or a bed and breakfast) into middle housing in a way that wouldn't require changing the structure or façade.

Errata:

- **Missing Townhouses:** There are several places where there are lists of middle housing types that omit townhouses. Examples include Section 9.2161(6)(b).
- **Missing Standards:** In several of the tables, the standards for some of the housing types are blank. It is unclear to me if this is an error, or is because there is no relevant standard. If there isn't a relevant standard, an "N/A" might be useful, or else a cross-reference of some sort. Examples include maximum lot coverage for Cottage Clusters in Table 9.2750, Lot Area Minimums for Townhouses and Lot Frontage Minimums for Townhouses in Table 9.2760
- **Typo: Section 9.6410(6)(c).** "Dwelling size means the total square footage of a dwellings unit in a duplex."
- **Ordinance 20659 reconciliation:** In some places in the draft code, the term "Accessory Dwelling Unit" is used; in other places "Secondary Dwelling Unit" is used, and standards that were removed/modified as part of Ordinance 20659 appear in the draft code. There may not have been an effort to do that reconciliation yet, but there has already been, another pass through might be necessary.

Terminology Suggestions:

- **"Dwelling" and "Duplex" vs "Dwelling, Duplex"**

The fact that the singular word "dwelling" is used to refer both to a single unit of housing (as defined- "a building, or portion thereof, designed and used as a residence for occupancy by a person or persons.") and as well for a particular type of housing that may contain several separate dwellings (a "multiple-unit dwelling") is ripe for confusion. Does the phrase, "Two duplex dwellings" refer to two portions of a building used as a residence for a person or persons on a single lot, which together make up a singular "duplex dwelling," or does it refer to two duplexes, each of which contains two units of housing, for a total of four "dwellings?" In section 9.2751(18)(a), which limits each dwelling on an alley access lot to 3 bedrooms, does the singular "dwelling" there refer to the "dwelling, duplex" and limit the entire lot to three bedrooms, or does it refer to each of the two dwellings that make up the duplex dwelling?

A simple method to clarifying this would be to remove the word "Dwelling" from in front the different housing types. Instead of "Dwelling, Duplex" the term would just be "Duplex." This would increase clarity that the term "Duplex Dwelling" refers to the individual unit of housing within the duplex, and not the whole building or project. The downside of this is that all the different housing types would no longer be alphabetically adjacent in the definitions list.

Alternately, a different word could be substituted for "Dwelling" to refer to either the individual units of housing (i.e.: "Housing Unit" instead of "Dwelling" and "Dwelling, Duplex" would be two housing units on a single lot) or the type of housing (i.e.: "Housing, Duplex" or "Duplex Housing" would refer to two dwellings on a single lot.)

If this terminology remains, the term "unit" should be constantly used when referring to an individual dwelling unit within a larger dwelling type (i.e. section 9.6410(6)(c) is specific that "dwelling size means the total square footage of a dwelling unit in a duplex"; likewise, section 9.2751(18)(7) should specify that "Each dwelling unit shall contain no more than 3 bedrooms."

- ***“Low Density” vs. “Low Intensity”***

At a recent meeting, Commissioner Beason made comments about if it was still appropriate to refer to the “R-1” zone as “low density” post-middle housing code amendments. If I may suggest that substituting another word for “Density” in our descriptions of residential zones might be appropriate.

Minimum and maximum density in terms of units per acre, are just one of many factors that distinguish between our different residential zoning designations. R-1 has a lower height limit than the R-2 zone, which is lower than that in the R-3 and R-4 zones. R-1 also has lower lot coverage requires, allowing less of the land on a property to covered with buildings. Buildings in R-1, regardless of the number of units within them, generally need to be smaller and more spaced out than those in other residential zoning designations.

A straight-forward adjustment might be to swap out the word “density” in the zoning designation for a word that more accurately captures the different factors that distinguished these zones. For example, the zones could be referred to as “R-1: Low-Intensity Residential” or “R-4: High-Intensity Residential.” While ultimately an insignificant change, this would more accurately reflect the factors beyond density that distinguishes R-1 zoning from other zoning designations and would be more logically consistent with our post-middle-house code designations.

As always, thank you for your time and attention to this important project.

Eliza Kashinsky
541-799-7102

To: Eugene Planning Commission
From: Eliza Kashinsky
Date: November 4th, 2021
Re: Overall Comments on proposed HB 2001 implementation draft

Dear Eugene Planning Commission,

I am writing to indicate my strong support for the bulk of the code amendments proposed in order to bring Eugene into compliance with HB 2001. In addition, I am extremely heartened to see the responsiveness in the draft proposal to the strong support from the community to do more than the bare minimum to achieve compliance, and to encourage and incentivize Middle Housing in our community.

As you continue to work on this proposal, there is always room for improvement. I have included separate memos that outline potential minor adjustments or corrections that I spotted while reading the code, as well as some additional suggestions on Middle Housing Lot Divisions.

While I strongly support the intent and outcomes of these changes, I will note here that it does enhance my concerns over the “readability” of our zoning code. As a lay-reader who spends more time than is probably healthy looking at our code, I am increasingly concerned about the barriers to individual property owners and small builders created by the complexity and contradictions to our code, which comes out of piecemeal revision over nearly 100 years. You can almost trace different historical planning philosophies and fads through our code. This empowers larger-scale developers, who have the resources for lawyers and experts, and disempowers the exact type of builder we are hoping will create Middle Housing, such as local, individual property owners who want to add additional homes to our community through small-scale housing developments.

The overall methodology for including Middle Housing in our code has been to cross-reference to special standards or to exempt Middle Housing from standards contained elsewhere in the code. First off, this creates code that is difficult to read. When plainly reading language in the “Residential” section of our code or some of the Special Area Zones, it would look like particular projects or designs wouldn’t be allowed. It is only by noticing the cross-reference or exemption and flipping a few hundred pages forward that it becomes clear that the particular project would, in fact, be allowed. For someone who is in the early phases of figuring out, “can I do this?” and not yet at the phase of investing in architects, lawyers, etc., this can cause new homes to be abandoned before it gets past the idea stage. In addition, now that the only housing type that isn’t subject to special development standards for certain uses is single detached dwellings (and perhaps single room occupancy) it continues the mindset and undercurrent in our code that detached single dwellings are the “default” and all other housing are some sort of special or atypical use that requires special regulation.

Ultimately, this problem can’t be fixed without a major rewrite of the code, which is beyond the scope of this project. However, there are some modifications that would help ensure that the Middle Housing project doesn’t compound this:

- Create separate development standards for detached single dwellings, and remove any standards that apply only or primarily to detached single dwellings from the residential section of the code (for example, remove height, lot standards, or density standards that, post-HB 2001, only apply to detached single or multi-unit dwellings, and place in the special standards for detached single or multiunit dwellings.

- Where code is fundamentally incompatible with Middle Housing standards or existing restrictions are only relevant to Middle Housing, instead of simply exempting Middle Housing, revise or remove that code as opposed to leaving directly conflicting code in place (see separate memo regarding the S-JW zone.)
- If separate standards aren't created for detached single dwellings (see above), where standards only apply to some housing types and not others, or in some situations and not others, increase use of cross-reference or footnotes in charts, as opposed to including a single standard in the chart that only applies in limited situations. (i.e. height limit in R-1 being cross-referenced, as opposed to listing a 30 foot standard that only applies to detached single dwellings with flat roofs.)

Thank you again for your all your work and attention to this matter.

Eliza Kashinsky

To: Eugene Planning Commission
From: Eliza Kashinsky
Date: 11-4-2021
Re: Middle Housing Land Division Standards

I am strongly supportive of the inclusion of Middle Housing Land Divisions in our code, and in general feel that the code as proposed meets the requirements of the law. However, I also think that this is a place where we could “go further” than the minimum required by state law in order to enhance ownership options for Middle Housing. In particular, as someone who owns a single Middle Housing unit as part of a condominium agreement, and thus has personal experience with the difference between fee-simple home ownership options and purchasing Middle Housing that has been “condo-ed,” the ability to do Land Divisions for Middle Housing will have a significant impact on the viability of Middle Housing to provide ownership options for Eugene residents.

As relates to Middle Housing Land Divisions, I would like to make three suggestions, that I believe would make this a more useful tool to promote homeownership.

- Allow Middle Housing Land Divisions That Result in More Than One Dwelling On A Lot
- Increase Term Clarity Regarding Middle Housing Land Divisions
- Allow ADUs on Middle Housing Division Lots

Allow Middle Housing Land Divisions That Result in More Than One Dwelling On A Lot:

I would like to suggest that, in order to increase ownership opportunities for middle housing, middle housing land divisions be allowed that result in more than one unit on one or more of the resulting lots. By allowing only one unit on each lot after the division, it limits the types of middle housing that can engage in land divisions to detached or side-by-side middle housing, and prevents “stacked” middle housing from engaging in land divisions. If multiple dwellings are allowed on lots after a middle housing land division, it would allow a fourplex that consists of two ground floor dwellings and two second-story dwellings to divide into two separate “duplexes,” easing separate ownership for each half of the building. It would also allow additional configurations of middle housing to divide (for example, triplex consisting of a one detached dwelling and two attached dwellings could divide off the detached dwelling... something that may be impossible if the attached dwellings were “stacked” rather than side-by-side and only one dwelling was allowed per lot created in a division.)

In addition, this would allow for “staggered” divisions—for example, a resident in a side-by-side fourplex could propose dividing off for separate ownership just their dwelling and the land underneath it, leaving the remaining three dwellings on the same lot with the same owner (who could, if they so desired, later divide off additional dwellings.) This kind of flexibility could help facilitate creative programs to support homeownership, such as rent-to-own programs where a portion of the rent is applied to an eventual purchase price, but not all tenants might be prepared to convert to owners at the same time. To allow for “staggered” divisions, requirements that Middle Housing Lots not be further subdivided should also be removed or modified to permit this.

Throughout this project, we are looking at both what we must do to comply with the law, and as well what we can do to increase flexibility and facilitate middle housing. I believe this is one of the areas where we can “go beyond” the minimum requirements of the law. SB 458 says that cities “shall” approve a plan for a middle housing land division if the application includes one dwelling unit on each resulting lot or parcel. I don’t see in the bill language that implies that we *can’t* approve plans for middle housing land divisions that result in more than one dwelling unit on a parcel.

Term Clarifications for Middle Housing Lots:

It took me several read-throughs of the code and flipping back and forth between different sections to wrap my head around the concept of “middle housing lots.” There is likely room for additional clarity/readability here.

A different term that more clearly distinguishes between a lot that has middle housing on it and a lot that has been created through a middle housing lot division might help—since “middle housing” is a collective term for duplexes, triplexes, fourplexes, cottage clusters, and townhouses, on first reading a “middle housing lot” would appear to be a collective term for duplex lots, triplex lots, etc.

The definitions of duplex, triplex, fourplex, etc. should also include both scenarios where two-plus dwellings share a lot, and scenarios where they are a dwelling on a lot that was created via a middle housing lot division. This may help clarify that one dwelling on a lot created via a middle housing lot division would still be considered a “duplex” or “fourplex,” and not a detached single home or a townhouse. For example, “Four dwellings on a single lot or parcel in any configuration, or on separate lots created via a middle housing land division process.”

In addition, avoiding using the collective term “middle housing” when referring to dwellings on a middle housing lot division, but rather referencing the specific type of housing, might help reduce confusion. Section 9.8194(8)(b), for example, could read something like “The dwelling developed on the middle housing lot is considered a unit of a duplex, triplex, fourplex, etc. and is not a single attached or detached dwelling, or any other housing type.”) This prevents confusion as to if side-by-side duplex after a lot division could be considered a townhouse; as both a duplex and a townhouse are middle housing, this would help clarify that the specific type of housing carries through, not just the general classification as “middle housing.”

Allow ADUs on Middle Housing Land Division Lots

During a recent meeting, Commissioner Taylor mentioned thinking about scenarios in which it would make sense to allow ADUs on properties that had subdivided using a middle housing lot division. I believe I can provide a concrete example of a scenario in which allowing ADUs in middle housing that had been subdivided into its own lot would provide more allowance for more affordable housing. As you discuss this, I would encourage you to recall that in some cases, when we speak about ADUs, we aren’t necessarily talking about “building” ADUs, but rather “creating” ADUs, frequently using existing structures or portions of existing structures (garages, back rooms, etc.)

I own half of a duplex. Constructed in 1992, it was immediately set up as a condominium, with separate ownership for each half of the duplex. As a two-unit condo association is a little clunky (there aren’t enough unique owners to fill out a standard “board” setup, for example), and the condo setup creates complexity surrounding mortgages and homeowners insurance, my home is a prime candidate for a middle housing land division.

My home has a downstairs bedroom at the back of the house. This room has an attached full bathroom as well as a separate entrance to the outside. Currently, my younger brother, who is a sailor and lives on a boat in the middle of the ocean about 9 months out of the year, stays in this room the majority of the 3 months out of the year when he is on land. He assisted us with the down payment on our first home, basically pre-paying his rent for a decade or two. We are all happy with this arrangement, enjoy

sharing cooking and eating facilities with him when he is on land, and have no desire to convert this space into an independent home in the foreseeable future.

However, doing so would be relatively straight-forward. It would involve, primarily, the addition of compact cooking facilities and the removal of a door that connects the room to the remainder of the house. This would create a small studio apartment, similar to the ones I and many of my friends had as their first home-of-their-own. While I have not fully scoped out the cost of such a conversion, such a home would be comparatively inexpensive to create, and thus would be able to be rented out at a rate is affordable to low-income Eugene residents. My back of the envelope math indicates that the associated permit fees and SDCs might in fact be greater than any construction costs.

Currently, this home would not be legal to create under our code, or the proposed code amendments. And while home similar to this may end up existing “under the table,” when a home is not legally permitted and not able to be legally permitted, the residents of “under the table” apartments are placed at increased risk in many ways (it becomes much more difficult or risky for them to avail themselves of tenant protections, there is a lack of inspections to ensure the safety of the home, they are subject to eviction in the event of a complaint of non-compliance, etc.)

In addition, allowing ADUs for attached housing types opens up the possibility of the “downstairs apartment” in townhouse units. This is a common housing conversion in older cities where townhouses with basements are a prevalent housing type. While townhouse with basements are rare (and possibly non-existent) in Eugene, many of our existing townhouses do have attached garages, many of which are used for the storage of Stuff Other Than Cars, and would be potential conversions to ADUs.

While I understand, given the controversy surrounding ADU code, a reluctance to touch that section of the code again, I believe it could be accomplished by relatively minor adjustments. It could likely be accomplished via a slight change to the definition of “Dwelling, Accessory,” and section 9.2741(2) of the code. I’ll leave it to the professionals to come up with the exact wording, but something along the lines of “Dwelling, Accessory. An interior, attached or detached residential structure that is used in connection with or that is accessory to a dwelling” for the definition, and “9.2741(2) Accessory Dwellings. One accessory dwelling is allowed per lot that contains only other one dwelling on that lot.” This would allow ADUs to be created not just for detached single homes, but also townhouses or lot-divided middle housing, without expanding the allowance to all types of middle housing.

Previously, there was some debate as to if a lot that contained two detached single homes would be allowed two ADUs; this was a rare situation to start with. However, with the revision to the definition of “duplex” to include two homes on a lot regardless of if they are attached or detached, I would presume that going forward the configuration of two detached homes on the same lot would be considered a “duplex” and would not be entitled to an ADU. This would not be removing an allowance for an ADU on those properties.

Conclusion:

I am excited by the new flexibility that Middle Housing Land Divisions create, and believe that the bulk of the code as proposed by staff will go a long way to help improve housing options, particularly ownership options, in our community. Thank you very much for your time and attention to this matter.

Eliza Kashinsky
541-799-7102

To: Eugene Planning Commission, City Staff
From: Eliza Kashinsky
Re: HB 2001, Special Area Zone Standards
Date: 6-29-2021

Dear Eugene Planning Commission and Staff,

Having reviewed the most recent set of draft code recommendations relating to special area zones and other topics, I have very few comments—in general, these recommended changes seem to bring these areas into compliance with HB 2001. I do have some additional feedback regarding the S-JW zone, which also applies to similar provisions in the S-C zone.

Additional Change Needed for Clarity/Compliance—Bedroom Limitations:

While I think simply exempting middle housing from the standards in the S-JW code is not the most rational solution (see below), it is a solution that, for the most part, brings the code into compliance with HB 2001. However, in addition to exempting middle housing from the standards, additional changes should be made in order to ensure it is clear what counts as middle housing. **In particular, section 9.3626(1) which defines dwellings based on the number of bedrooms within the building, should be struck in order to ensure that there is clarity as to what counts as a dwelling and middle housing.**

The definition of a “dwelling” indicates a building designed for the residency of one family/household. While there is no definition of “household” in the code, a “family” is designated as a person or group of people “living together as a single nonprofit housekeeping unit and sharing common living, sleeping, cooking and eating facilities.” If there is only one kitchen in a dwelling, then it is likely that everyone in that dwelling is part of the same household/family, as they are sharing common cooking facilities. The definitions of all the middle housing types grow from this definition of “dwelling”—a duplex is made up of two dwellings (and presumably, in order to avoid sharing cooking facilities, two kitchens), a triplex is three dwellings, etc.

The S-JW zone defines “dwelling” differently. In particular, section 9.3626(1) determines what constitutes a “dwelling” based on the number of bedrooms within the dwelling. This creates a lack of clarity as to if particular building is in fact a detached single dwelling, subject to the S-JW standards, or if it is a duplex or triplex, subject to the Middle Housing standards.

For example, 9.3626(1)(c)(2) states *“The total dwelling count for all dwellings with four or more bedrooms shall be the total number of bedrooms in these dwellings divided by three. Fractional dwelling counts resulting from this calculation shall be rounded up to the next whole number, e.g. a total of seven bedrooms counts as three dwellings.”*

This language conflicts with the definition of dwellings and households used to determine what is Middle Housing. Under the general definition, a seven-bedroom home with one kitchen and one dining room, perhaps resided in by a large, multi-generational or blended family who live together as a single household sharing common cooking facilities and eating meals together regularly, would be considered a “single dwelling” and subject to the S-JW standards if located in the S-JW area. Under the S-JW definitions, this building would be considered a “triplex” and subject to the Middle Housing standards.

While this language in the S-JW code currently has the impact of making it more difficult to build larger single dwellings in the neighborhood (and limiting the number of dwellings that would be suitable for larger multigenerational/blended families/households in the neighborhood,) after the implementation of the Middle Housing code, this may create an incentive to build *larger* detached single homes in the neighborhood. Any builder who wanted to build a larger detached single home and not comply with the restrictive and somewhat convoluted design standards in the code (for example—building height is limited to 18 feet except for portions of buildings that are within 60 feet of the lot line abutting the street and has at least 6:12 pitch, where the limit is 30 feet) would simply have to add an additional bedroom or two, call it a duplex, and have the more straightforward height limit of 35 feet in R-2 apply. Unlike the additional costs and logistics of adding kitchens and the other items necessary to truly accommodate two households, the loose definition of “bedroom” contained in the code means adding a bedroom or two is fairly straightforward, creating larger homes without adding additional housing.

All portions of the S-JW and S-C zones where dwellings are defined based on the number of bedrooms, or where particular standards are applied based on the number of bedrooms should be removed.

S-JW and S-C Overall

With the exemption of middle housing from the standards of S-JW and S-C, which is absolutely required to ensure these zones are in compliance with state law and the model code doesn’t apply to them, the standards contained in the S-JW/S-C zones now only apply to detached single homes. A more straightforward solution to the question of HB 2001 compliance, which is also more in line with the overall City of Eugene goals as well as the Metro Plan, would be simply to remove the S-JW and S-C zones entirely, and allow the R-2 (or, in the case of parts of S-C, R-1) base zones to apply to those areas. There are three primary reasons for this- first, the zones serve little purpose once middle housing is exempt, second the zones are incompatible with the current goals and Metro Plan Designations of the City, and third, to help ensure more equitable zoning in the City.

Purpose of Zone:

The S-JW zone was designed to prevent “incompatible infill.” It did that through two primary methods. First, was to place tight restrictions on the number of dwellings that could be on a lot based on lot size. Where prior to the implementation of the zone, middle housing as well as smaller multiunit buildings, were widely allowed in the zone, after the implementation of the zone, less than 20% of lots in the S-JW zone were large enough to accommodate anything more than a duplex. With the HB 2001 mandated allowance for middle housing, these dwellings-per-lot-square footage restrictions that form much of the code are no longer enforceable. The second methodology was to incorporate a large number of very specific design standards, including additional height limits and roof slope requirements, entryway requirements, setbacks, etc. While some of these specific design standards are similar to that contained in the Middle Housing code (such as the requirement that main entrances address the street) others are unique to the S-JW zone. After HB 2001, these standards would only apply to detached single homes.

The “incompatible infill” the designers of the S-JW zone were worried about was not detached single McMansions. The examples of “incompatible infill” used in the presentations and discussions while designing the code were almost exclusively middle housing that had been created in the neighborhood. The primary individuals involved in creating and advocating for the S-JW code continue to refer to the neighborhood as a “single family” neighborhood and express a desire to preserve that as the character of the neighborhood. (I’ll note here that I believe that this is a mischaracterization of the neighborhood—it has been zoned as “R-2” at least since the 1940s, separate from the “R-1” single family designation, and one of the main aspects of its character is a greater pre-existing diversity in

housing type than most areas in Eugene.) While the application of these design standards to detached single homes may protect the neighborhood against incompatible McMansions, never the primary concern, they no longer serve the purpose of “protecting” the neighborhood from middle housing. As mentioned above, these design standards may, in combination with the bedrooms-per-dwellings standard above, may in the future perversely encourage McMansion style development.

One of the goals of the S-JW zone, as stated in its purpose, was to “maintaining a balanced mix of single-dwelling, duplex, and multi-dwelling residential development.” In the attempt to make it harder to build middle housing in the neighborhood, the designers of the S-JW code also made it harder to build anything in the neighborhood, including detached single dwellings. HB 2001 was not intended to make building detached single dwellings harder than building middle housing, but rather to make building middle housing as easy as building detached single housing. If we end up in a situation where building middle housing is easier in the neighborhood than building single housing, that would also upset the balance of housing types within the neighborhood.

Supporters of the S-JW will say that this means that the code should remain in place as is—this is not a viable solution. The S-JW zone is not compatible with HB 2001. Staff has been very upfront about this, and I’ve attached a memo to City Council I wrote this past winter that outlines the incompliance with HB 2001. If the S-JW code isn’t substantially revised or removed, the Model Code will end up applying to the neighborhood.

Metro Plan Designations and Zoning Differences

The S-JW (and portions of the S-C) zone are Metro-Plan designated as “Medium Density.” They have been so since the earliest Metro Plans in the city, and have been designated as “R-2” since an “R-2” designation existed in Eugene, in the 1940s. The areas zoned S-JW are all within half a mile of not just major transit corridors, but existing infrastructure for bus rapid transit. They are within walking distance of Downtown Eugene. These are exactly the areas that our residents are indicating that we should not just be allowing, but be incentivizing more housing. Instead, leaving the S-JW zone in place and simply exempting middle housing from the standards, will result in these urban, transit accessible areas having less allowance for housing in the code than our more car-dependent R-1 areas.

Logically, there should be some difference between areas that are Metro Plan designated as “Low Density” and those designated at “Medium Density.” While, personally, I have never felt that the S-JW zone met the requirements for “Medium Density” due to the extremely atypical way the density was calculated and the lack of finding for compliance with Metro Plan Policy A16, it did provide some more allowance for housing than R-1 areas, by allowing duplexes on the majority of lots instead limiting them to larger corner lots. Post-HB 2001, duplexes are allowed on all lots that allow detached single homes, and other middle housing is allowed in all zones. When looking at what types of housing are allowed, where that housing is allowed, and how much of that housing is allowed (i.e. effective housing densities) there will be no difference between the low-density R-1 zones and the medium density S-JW zone.

In fact, the S-JW zone will become more restrictive than the R-1 zone when it comes to housing. Detached single homes in R-1 will be subject to less restrictive standards than those in S-JW (for example, the height limit in R-1 is 30 feet throughout the lot; in S-JW it is 30 feet in some places for some types of roofs, and 18 feet otherwise.) While the S-JW zone technically permits multiunit housing where as it is only allowed as part of a PUD in R-1, the nonadjustable lot standards (which buildings with more than 5 dwellings would still be subject to, because they are not middle housing) mean that it is functionally impossible to build a multiunit dwelling in S-JW. Even the “multi lot development

standards” which might appear to allow a multiunit dwelling to be built, would require a site that is over 22,500 square feet for a 5-unit building, well above the 16,000 square feet that would be required to build a 5 unit building under the density standards in R-1.

With identical standards for middle housing, more restrictive standards for detached single housing, and less allowance for multiunit housing in medium-density designated S-JW as compared to low-density R-1 zones, the argument that the S-JW zoning is a legitimate implementation of the Metro Plan Medium Density Designation becomes very weak indeed.

In addition, one of the purposes of the S-JW zone is to “Support the encompassed areas as transition areas between higher intensity residential and commercial land uses adjacent to the S-JW areas (e.g., along W. 13th Avenue and Willamette Streets to the north and east of the Jefferson neighborhood portion of the S-JW area) and lower intensity residential areas adjacent to S-JW areas (e.g., the R-1 zoned areas to the east¹ and south of the Jefferson portion of the S-JW area), in terms of density; building mass, scale, setbacks and facades; open space; and other elements.” It is hard to understand how the S-JW zone would be able to serve this purpose if it allows less intensity of development than the R-1 areas to the west and south.

Equity

One of the reasons why HB 2001 applies to all areas where detached single dwellings are allowed is to combat historic inequities. Not just in Eugene or Oregon, but across our country, neighborhoods where politically empowered people live have been very successful at putting in place restrictions that keep what is seen as “undesirable” uses out of their neighborhood. This has included noxious uses (industrial polluters), but also low-income housing or other housing that would increase access to and the diversity of the neighborhood. In the S-JW zone, this “undesirable” use was middle and multi-unit housing, or as it was termed at the time, “incompatible infill.” As a result, these uses end up in neighborhoods where the residents are less politically powerful and less able to push through neighborhood-based restrictions to inhibit those uses they may see as undesirable.

The S-JW and S-C’s goals of prohibiting “incompatible” infill in the neighborhood is an example of this. While neighborhood planning processes can be extremely useful when focused on empowering neighbors to identify what they do want in their neighborhood and routes to get there, the S-JW and S-C was focused on how to exclude what was defined as incompatible homes from the neighborhood. The code that resulted from this “protected” by prohibiting and excluding. The homes that would have been created in the neighborhood were either pushed to other neighborhoods that were not politically powerful enough to have special zoning implemented for their neighborhood, or were never created at all (contributing to the overall housing shortage we are facing in Eugene.)

HB 2001, and Eugene’s focus in its implementation of HB 2001, absolutely has a significant goal of undoing historical inequities and injustices that have been built into our zoning. The public feedback that has been gathered as relates to this project shows that there is a strong desire throughout Eugene for a broad dispersal of middle housing to avoid disproportionate impacts. If you believe, as some do and I absolutely do not, that the impacts of allowing more middle housing in our neighborhoods is going to be more negative than positive, equity and fairness demands that those impacts be born equally by

¹ This text was directly cut-and-paste from the existing code. I’m assuming this is an error of some kind that was never corrected, and intends to refer to the R-1 areas to the west of the S-JW area, since that is where the R-1 zones are geographically located.)

all neighborhoods. Exempting middle housing from the S-JW standards makes the situation more equal, but maintaining the other standards still creates a situation where S-JW has “protections” in place that are not comparable to those in other R-1 zones, much less other R-2 areas. These protections are in place because politically powerful individuals advocated for them and were able to get resources and restrictions that have not been available to other, less empowered areas of Eugene. If they remain in place it will be because politically powerful individuals marshal their resources in order to retain as much as they can of their unique protections. In order to accomplish the goal of creating more equitable zoning code that provides comparable protections from impacts for all residents, not just those who have City Councilor phone numbers on speed-dial, the S-JW and S-C zones should be removed entirely from our code.

Conclusion

The S-JW and S-C special area zones should be removed entirely from our code. With the implementation of HB 2001, they no longer serve a purpose, their purpose was questionable from an equity perspective to start with, and they no longer effectively implement a “medium density” land use designation.

If they are not removed entirely, then at a minimum the bedroom-based dwelling definitions and standards should be removed to prevent conflicts and confusions between the overall code and the S-JW/S-C code.

Thank you for your time and thoughtfulness on this issue.

Eliza Kashinsky
eliza@tastypie.org
541-799-7102

From: [Susan Brenner](#)
To: [CEMIDDLEHOUSINGTESTIMONY](#)
Cc: [SEMPLE Emily](#)
Subject: Comments
Date: Thursday, November 4, 2021 12:54:13 PM

[EXTERNAL]

Dishonest to say the creation of this middle housing will be affordable and not just another inner city gentrification at the expense of existing populations. Where's your proof?

With the elimination of mandates for set backs, the planting of shade trees, and heat absorbing vegetation, how will the creation of all this inner city concrete and asphalt avoid becoming:

"Urban heat islands" occur **when cities replace natural land cover with dense concentrations of pavement, buildings, and other surfaces that absorb and retain heat.** This effect increases energy costs (e.g., for air conditioning), air pollution levels, and heat-related illness and mortality.

Susan Brenner
732 W. Broadway
Eugene, Or, 97402

From: [Bev Holman](#)
To: [*Eugene Mayor, City Council, and City Manager](#)
Subject: HB 2001
Date: Thursday, November 4, 2021 12:21:11 PM

[EXTERNAL]

I am in favor of making only the minimal changes required to meet the requirements of HB 2001 at this time.

I am very concerned about demolition and displacement.

Bev Holman

From: [Carolyn Jacobs](#)
To: [CEMIDDLEHOUSINGTESTIMONY](#)
Subject: Testimony for Planning Commission Public Hearing on HB2001 Nov. 16
Date: Thursday, November 4, 2021 12:16:45 PM

[EXTERNAL]

It's appalling to realize the extent to which land use planning in Eugene has devolved into a dangerous game of semantics under the guise of meeting the challenges of HB2001. The most egregious example is the elimination of the long accepted definition of "**plex**" which is defined both in Webster's dictionary and the EC Code as "**A** building" with varying numbers of units.

Proposed code standards reveal that "plex" now means **detached** units (as well as the generally understood attached units). Note: HB2001 does NOT require a city to include detached units with regard to duplexes, triplexes and fourplexes.

Is there truly any difference between a single family house and a **detached** single unit "middle" house??? The irony of course lies in the fact that the latter can be built on a postage size lot and be three stories tall.

"Middle housing" which was originally sold to us as small multi-unit buildings able to mitigate an affordability crisis has come full circle to mean large individual houses on tiny lots with thanks of course to SB458 which allows the newly imagined "**detached** plexes" on "middle lots" – until recently an unknown thing – to be split into individual houses on individual lots).

The weaponization of language is nothing new but the current level of unchecked language manipulation engaged in by planning staff and lobbyists is truly alarming. By adding the one word "middle" to a single family house (to be called a single unit middle house) that stand-alone house on a unique legal lot will no longer need to meet the standards of a house without the word "middle" in front of it!!! (EC9.8199(2)).

Finally, we're expected to accept the idea that a stand alone house on a separate legal lot isn't really a house at all, as we've always understood the term, simply because a developer need only label his original lot a "middle" housing lot and single family code regulations disappear. (Note: this applies to ALL residential lots in the city not protected by CC&Rs).

Based first and foremost on the intentionally deceptive use of language (most notably "**plex**"), City Council should at this time make only the minimum changes to the code required for HB2001 compliance. These should include the following:

Do not allow plexes to be **detached**.

Maintain minimum lot sizes that are the greatest allowed by HB2001.

In addition, do not in this first phase increase maximum heights or increase lot coverage, and do not reduce onsite parking requirements.

Lastly, it should go without saying, measures must be taken to minimize the demolition of today's less valuable but most affordable housing and the displacement of their lower income renters and owners.

Carolyn Jacobs

Ward 3

From: [JACOBS Carolyn \(SMTP\)](#)
To: [CEMIDDLEHOUSINGTESTIMONY](#)
Cc: [*Eugene Mayor, City Council, and City Manager; Eugene Planning Commission](#)
Subject: Testimony for the Public Hearing on HB2001 Nov 16
Date: Thursday, November 4, 2021 12:15:25 PM

[EXTERNAL]

If you are committed to addressing the challenges of climate change you will read the proposed residential code standards and weep. Planning staff have clearly built a wall around themselves ignoring the conversations going on throughout Eugene.

One only needs to read the front page article in the Oct 11th Register Guard to understand how great the interest is for moving toward a future of **electric vehicles**.

In stark contrast, however, staff and hired code writers (under pressure from special interest groups) are pushing in exactly the opposite direction ignoring all public sentiment in the process. The current proposals reveal two significant measures that block the move to electric vehicles – **dropping lot size** to 1/5 of the state mandate minimum for HB2001 thereby reducing lot size to minimums so small while simultaneously **increasing lot coverage** to 70% so that a single house will cover the entire lot (within the setbacks).

And, if lack of space weren't enough proposed code standards eliminate the requirement for on-site parking. The result of course will eliminate the ownership of electric vehicles as there will **no option for charging one's vehicle** without on-site parking. Not yet convinced?? So-called middle housing lots are not even required to have street or alley frontage!!

Incentivizing the profits of investors/developers in the face of a looming climate disaster is nothing less than suicidal. It is not possible to support such an agenda.

If ruling out the possibility of electric vehicles for much of Eugene doesn't move you consider the feature article in the recent New Yorker magazine regarding the heat dome that the northwest experienced last June and specifically how poorly Portland fared. Eugene of course is no different.

Surface and air temperature readings consistently showed significantly higher temperatures in poorer neighborhoods – **neighborhoods with less tree canopy and other vegetation accompanied by a greater expanse of impermeable surfaces**.

The data is absolutely clear here. Cities need to be **increasing** their urban forests, especially in denser neighborhoods. While sparse vegetation and crowded buildings repeatedly align with higher temperatures Eugene planning staff (and their special

interest partners) have refused to respond. Current proposed middle housing code standards allow for no tree protection.

And yet, as noted above, the result of dropping minimum lot sizes to 1/5 of the current standard and increasing maximum lot coverage to 70% is a house or multi unit building that will cover the entire lot within the setbacks. The vegetation will be gone. Just do the math – it's simple!

So, either you stop pretending to support climate change initiatives with your concerned constituents or you refuse the proposed code package and direct the City Manager to have staff bring back responsible forward looking standards that residents of Eugene will actually be able to *live* with.

Given the language and intent of the proposed code changes the only responsible action for Council is to support minimal implementation of HB2001.

Carolyn Jacobs
Ward 3

From: eliza@tastypie.org
To: [*Eugene Mayor, City Council, and City Manager](#)
Cc: [CEMIDDLEHOUSINGTESTIMONY](#)
Subject: Misinformation re: S-JW and HB 2001
Date: Thursday, November 4, 2021 12:06:37 PM

[EXTERNAL]

Good afternoon, Councilors, Mayor, and City Manager:

This morning, I received the most recent E-News from the Jefferson Westside Neighborhood Association. In it, it contained factual inaccuracies regarding the staff proposal for HB 2001 implementation. Most notably, it falsely claimed that staff had proposed repealing the S-JW zone, and reverting the area back to R-2 zoning. This is incorrect. Staff have proposed exempting Middle Housing from the standards of the S-JW zone, but leaving those standards in place otherwise, which is probably the simplest way to achieve compliance. As this E-News encouraged neighbors to write to Council directly in addition to submitting public comment, I can only assume you are receiving at least a couple of emails on this topic, and thought the context might be useful.

I personally believe, as a resident of the Jefferson-Westside Neighborhood whose home is zoned S-JW, that the S-JW code should be repealed. I have submitted comments to that effect to the Planning Commission. However, as you are likely aware, I am not employed by the City of Eugene, and this recommendation was not included in the staff proposal that is currently before Planning Commission.

In case someone forwards you the full email, the images contained in it depict a newly constructed fourplex/single-room-occupancy building. These homes are at 15th and Olive, one block from Willamette Street and a 6 minute walk to the Downtown Bus Station. It is on property that is zoned R-4 (high-density residential) and consists of four four-bedroom/four-bath units that are being rented separately in a “single-room occupancy” style, creating housing for 16+ people. It provides homes for about a dozen more people in my neighborhood than what was there before.

I believe it is primarily targeted towards students, and is more affordable than comparable accommodations provided in the dorms by the University of Oregon (a room in this project is renting for about \$825 a month; the least expensive comparable room in the UofO dorms would be about \$1,714 per month (that includes limited meals, but \$900 a month would be a lot to spend on groceries for one person.)) It is also less expensive than other similarly sized accommodations in the immediate area—down the block, there is a “duplex cluster” consisting of one-bedroom/one-bath apartments built in the 1930s and 40s as post-war student housing. The most recent rental listings for units in this cluster show rents of \$895 (June 2020), \$950 (June 2021) and \$1,050 (June 2021.)

Eye-balling the new building, it is roughly the same height as the building on the opposite corner, and much shorter than residential buildings located further north and south on the street. As best I can tell, it was developed by a local developer. The picture included in the E-News is from before construction was completed. Construction has since been completed, and in my opinion it looks quite nice and I have no concerns with it as addition to our neighborhood (I can see this building from my bedroom window.)

Thank you very much, and I hope you have a lovely day.

Eliza Kashinsky
Resident, Jefferson Westside Neighborhood
541-799-7102

From: [REBECCA HAMMONS](#)
To: [*Eugene Mayor, City Council, and City Manager; CEMIDDLEHOUSINGTESTIMONY](#)
Subject: Deregulation of R-1 zoning
Date: Thursday, November 4, 2021 9:41:05 AM

[EXTERNAL]

I have owned a home and lived in the Jefferson Westside neighborhood for 18 years. The enactment of proposed changes to HB2001 will adversely affect my neighborhood, severely and permanently. And without solving the housing crisis for low income families.

Here's why I say this:

The lot size reductions are draconian (**much** lower than required by HB2100), **without requirement for off street parking and no protection for our existing trees.**

Short term rentals are allowed without restriction! (My street already has 3 Airbnbs that are not owner occupied. Talk about suppressing housing availability...)

No provision is made to protect tenants in current low income rentals that will be inevitably demolished and rebuilt with increased rental costs.

The height allowance (3 stories) is completely out of character with this neighborhood.

How would **you** like to live in a neighborhood where fewer and fewer homes have off-street parking? Where established trees have been cut down without even requiring that they be replanted? Where short term rentals crowd in and three story triplexes (with no off street parking, I say again) tower over small bungalows?

Developers love this plan! For them, it's a money machine. For my low income neighbors, it's a nightmare. For me, it's an incentive to move away from the JNW I have loved.

Rebecca Hammons

1012 Adams Street

Eugene, OR 97402

From: [HANSEN Alissa H](#)
To: [GEPPER Jeffrey A](#); [John Fischer](#)
Cc: [HARDING Terri L](#); [MCGINLEY Sophie E](#)
Subject: RE: HB 2001 Eben Fodor Question
Date: Thursday, November 4, 2021 8:59:24 AM

Hi John-

Regarding the vote count for the passage of HB 2001 in 2019, you are correct that the final vote to pass the bill was not by one vote. The House passed it 43-16, and it passed in the Senate 17-9. He may be referring to an earlier vote of the Senate where the bill failed 14-13, but shortly thereafter one of the senators changed their vote, and the senate passed to a motion to reconsider the vote.

To see the vote, check out

<https://olis.oregonlegislature.gov/liz/2019R1/Measures/Overview/HB2001> and click on Measure History.

Alissa Hansen (she/her) | Planning Director

City of Eugene Planning Division

99 West 10th Avenue | Eugene Oregon 97401

Phone 541.682.5508

City of Eugene Planning & Development Department offices are operating. To protect the health and wellbeing of our community I may be working remotely or working non-traditional hours. We appreciate your patience as our reply to email and voicemail may be slightly more delayed than normal.

Messages to and from this e-mail address may be available to the public under Oregon Public Records Law

From: GEPPER Jeffrey A <jgepper@eugene-or.gov>
Sent: Tuesday, November 2, 2021 11:19 AM
To: John Fischer <jfischer51@gmail.com>
Cc: HANSEN Alissa H <AHansen@eugene-or.gov>; HARDING Terri L <THarding@eugene-or.gov>; MCGINLEY Sophie E <SMcGinley@eugene-or.gov>
Subject: RE: HB 2001 Eben Fodor Question

Hi John, thanks for reaching out. See my answers to your questions below.

1. Does HB 2001 allow removal of all trees and lot coverage of 100% - less a 5 ft setback? I read code as 50% lot coverage.

Response. The development of Middle Housing is proposed to be treated the same as a

single detached dwelling for the Tree Preservation standards (EC 9. in Chapter 9 of the Eugene Code (the Land Use Chapter) – [EC 9.6800-9.6855](#). That said, there are still rules governing tree removal in Eugene Code Chapter 6, which are summarized on the tree removal permit: <https://www.eugene-or.gov/DocumentCenter/View/9051/Tree-Removal-Permits>. Regarding Lot Coverage, lot coverage is proposed to change from 50% to 75% for Duplexes, Triplexes, and Fourplexes in R-1 Low Density Zone. Townhomes will remain the same. See the guide linked below for a summary of those types of changes. <https://www.eugene-or.gov/DocumentCenter/View/63646/Middle-Housing-Guide-to-the-Adoption-Process>

2. Can 4500 sq ft lots be split into 4 separate parcels after 4 dwellings have been built on the original parcel (if 4 can even be built)? I read 4500 ft as minimum R-1 lot size.

Response: What you're referring to is a new type of land division, known as Middle Housing Land division. In a nutshell, the idea is to allow individual units in Middle Housing (e.g. 1 unit in a fourplex) to be sold on its own land to help promote home ownership and wealth building. This is in response to the fact that it is currently difficult and expensive to sell off one unit in a duplex, triplex, etc. So your statement/question above is correct. You can look at it as, you start with a parent lot (must meet all the regular lot size standards, frontage, building setbacks, etc.) and then create child lots within the parent lot that can be any shape or size, as long as they only contain one unit. In your example, you can have a fourplex on a lot (so long as it meets all the standards), then go through the middle housing land division process to put each unit on its own land, which would allow them to be sold off individually. Important caveat, there are a lot of rules related to the middle housing land division, which are included in the [draft code](#), but most importantly is that, each unit remains a part of a fourplex and no additional development rights are granted because it is now on its own child lot. The guide linked in question 1 has more information on this and more!

3. Can any structure, or the ADUs be 42 feet high (3 stories) I read code as 25 feet for ADUs. I could not find maximum height restrictions for "primary" home.

Response: First, a single family dwelling height limit is 30 feet. As it pertains to ADUs and Middle Housing, this is an area of much confusion. So, to start, ADUs and Middle Housing are two separate things with separate rules. ADUs recently received an update to their code separate from the middle housing process, which increased their allowed height to 25-feet. This process, middle housing, has proposed to allow specific Middle Housing types (duplexes, triplexes, fourplexes, and townhomes) to increase from 30 feet to 35 feet. The additional 7-foot bonus (allowing duplexes, triplexes, fourplexes, and townhomes to be 42 feet) already exists within code, but is only allowed with a roof pitch of 6:12.

4. This may not be your area, but Mr Fodor says HB 2001 passed by one vote, but I see it as passing Senate 20 to 8 and House 51 to 9. There was a 3-2 committee vote - maybe that is his reference.

Response: I apologize, without looking into this further, I don't have an answer to this one.

5. I own property in the Chambers Special Area. How can I find the differences referred to in the adopted (but under appeal) council passed zoning changes that apply to Chambers Special. Alley Access is one of my questions.

Response: The new ADU rules in the Chambers Special Area can be seen here: [https://eugene.municipal.codes/EC/9.3065\(2\)\(b\)](https://eugene.municipal.codes/EC/9.3065(2)(b)). As it related to middle housing, changes to the Chambers Special Area Zone begin on Page 36 of the [draft code](#). Generally speaking, the guidance from the Planning Commission has been to treat all Middle Housing the same. So the changes to the Chambers zone generally include statements that say Middle Housing is not subject to the specific rules of the Chamber Special Area Zone, but rather to the applicable standards for the specific Middle Housing type. This is a nuanced area, so I don't think I can necessarily cover everything in this email, but staff would be happy to discuss specific property questions.

Thanks,

Jeff Gepper

Senior Planner (he/him)

City of Eugene | Planning & Development

jgepper@eugene-or.gov

541.682.5282

Messages to and from this e-mail address may be available to the public under Oregon Public Records Law.

From: John Fischer <jfischer51@gmail.com>

Sent: Sunday, October 31, 2021 7:53 AM

To: HANSEN Alissa H <AHansen@eugene-or.gov>

Subject: HB 2001 Eben Fodor Question

[EXTERNAL 

Hi Alissa,

If you have no time to answer, I understand. Maybe you can direct me to a less senior and busy source.

Eben Fodor wrote an R.G. opinion piece that made assertions that seem false. I imagine you have read it.

His intimation is that the assertions he makes refer to R-1 zoning. Perhaps he is referring to more dense zoning areas.

1. Does HB 2001 allow removal of all trees and lot coverage of 100% - less a 5 ft setback? I read code as 50% lot coverage.
2. Can 4500 sq ft lots be split into 4 separate parcels after 4 dwellings have been built on the original parcel (if 4 can even be built)? I read 4500 ft as minimum R-1 lot size.
3. Can any structure, or the ADUs be 42 feet high (3 stories) I read code as 25 feet for ADUs. I could not find maximum height restrictions for "primary" home.

4. This may not be your area, but Mr Fodor says HB 2001 passed by one vote, but I see it as passing Senate 20 to 8 and House 51 to 9. There was a 3-2 committee vote - maybe that is his reference.

Thanks,
John Fischer

P.S. I own property in the Chambers Special Area. How can I find the differences referred to in the adopted (but under appeal) council passed zoning changes that apply to Chambers Special. Alley Access is one of my questions.

From: mike@jamesgangpublishing.com
To: [*Eugene Mayor, City Council, and City Manager](#)
Subject: Editorial by Eben Foder
Date: Wednesday, November 3, 2021 2:45:54 PM

[EXTERNAL]

Dear City Council:

On October 15, 2021, Eben Foder published an editorial in the Eugene Register-Guard that deserves some attention and consideration.

As a long time (30 years) owner and resident of Eugene, Oregon, I agree that city planners should be accountable to the public and that the public deserve input about the future of our neighborhoods. I am not familiar with the details of House Bill 2001, but for a bill that passed with a one vote margin it deserves special attention before being implemented.

Eugene has traditionally made a concerted effort to include diverse opinion where development in our neighborhoods and city is concerned. At times, tax breaks under the association with *urban renewal* have seemed excessive.

Mr. Foder raises some specific concerns that would affect the livability of us all and the national reputation that the City of Eugene enjoys. I urge you to re-read his "Guest View!"

Sincerely,

James Gang Publishing, Ltd
Michael JamesLong, President
P.O. Box 41086
Eugene, OR, 97404
541-688-6635
mike@jamesgangpublishing.com
<http://www.jamesgangpublishing.com/>

From: [Moultry Martha](#)
To: [*Eugene Mayor, City Council, and City Manager](#)
Subject: Housing Proposals
Date: Wednesday, November 3, 2021 12:05:59 PM
Attachments: [PastedGraphic-3.tiff](#)

[EXTERNAL]

Dear Members of the City Council,

Eugene, much like the rest of the country, has a shortage of affordable housing. It is extremely important that this is addressed and soon. Eugene has a number of tall buildings going up, especially in the University area, but the price tag for renting these apartments is too steep for the people who really need housing. I want everyone to have housing but if the building “boom” Eugene is currently experiencing simply provides additional housing for those who can already afford it, this will do nothing to solve our current housing problem.

Why does the city not provide incentives for the construction of 1 - 3 bedroom homes, in the 800 - 1200 sq ft range? These “starter” homes could be affordable and allow low income individuals to purchase their first home at a price they can afford. It is ridiculous to keep building luxury homes that those most needing accommodation cannot afford! So many of the apartments going up in the University area where I live are displacing small, affordable homes, many rentals, with units that are out of the price range of the previous tenants.

I urge the City Council to ensure that the implementation of “Middle Housing” does not allow or encourage housing development that would displace low-income households because of demolitions or significant increases in monthly rents in their neighborhoods. I also urge the City Council to look for ways to build homes that are affordable for young and low income families in Eugene. This will take money, but it is needed to make our community livable for everyone.

Sincerely,

Martha Moultry

Martha Moultry
2355 Emerald St.
Eugene, OR 97403-1531
541-345-6297

“The power of one, if fearless and focused, is formidable, but the power of many working together is better.” Gloria M. Arroyo



GEPPER Jeffrey A

From: Tiffany Edwards <tiffanyedwardspc@gmail.com>
Sent: Tuesday, November 2, 2021 2:52 PM
To: HANSEN Alissa H; BEESON Ken (SMTP); ISAACSON Dan (SMTP); TAYLOR Kristen (SMTP3); FRAGALA Lisa (SMTP); RAMEY Chris (SMTP)
Cc: HARDING Terri L; FLOCK Gabriel; GEPPER Jeffrey A
Subject: RE: Middle Housing email to Council & Planning Commission

[EXTERNAL 

Thanks Alissa,

Colleagues, the efforts stated in this email to turn out JWN neighbors to engage in the public process AFTER the Planning Commission has deliberated and provided a recommendation to Council, is disheartening and outright disrespectful of all of the work the Planning staff has put into the public engagement process. Never before have I witnessed such a robust process to ensure that under-represented voices are at the table, in addition to those we hear from regularly.

I would like to request that we spend some time in our public deliberations, discussing how we might acknowledge the various perspectives in our process and relay to Council, all that was considered, so they don't feel compelled to start from scratch or that "Citizen Involvement" was insufficient during the Planning Commission's process.

In researching the public engagement that occurred when this bill was before the legislature in 2019, I found significant evidence that Mr. Conte engaged in ample opportunities to weigh in with legislators and share his perspective. All of that testimony can be found here: <https://olis.oregonlegislature.gov/liz/2019R1/Measures/Analysis/HB2001>.

I've also sorted and copied Mr. Conte's testimony here for easy reference.

[Paul Conte \(article - Blanket Upzoning: A Blunt Instrument Won't Solve the Affordable Housing Crisis\)](#)

[Paul Conte \(article - Leave Single-Family Housing Alone\)](#)

[Paul Conte \(presentation\)](#)

[Paul Conte \(testimony\)](#)

[Paul Conte \(testimony 2\)](#)

[Paul Conte \(testimony 3\)](#)

[Paul Conte \(testimony 4\)](#)

[Paul Conte \(testimony 5\)](#)

[Paul Conte \(testimony 6\)](#)

[Paul Conte \(testimony 7\)](#)

[Paul Conte \(testimony 8\)](#)

[Paul Conte \(testimony \(1 of 3\)\)](#)

[Paul Conte \(testimony \(2 of 3\)\)](#)

[Paul Conte \(testimony \(3 of 3\)\)](#)

[Paul Conte \(study: "The Missing Middle Housing Study" by Montgomery County Planning Department\)](#)

[Paul Conte \(study: "The State of the Nation's Housing 2018" by Joint Center for Housing Studies...\)](#)

[Paul Conte \(ruling: "Zorn, Inc., and Zorn Farms, Inc., Oregon corporations, and Catherine Zorn..."\)](#)

[Paul Conte \(report: "MUD subgroup report" by Envision Eugene Community Resource Group Mixed-Use...\)](#)

[Paul Conte \(study: "Measuring Housing Affordability: Assessing the 30 Percent of Income Standard"\)](#)

I see no evidence of a flawed citizen involvement process or lack of opportunity taken to engage in this public process.

Tiffany

From: HANSEN Alissa H <AHansen@eugene-or.gov>

Sent: Friday, October 29, 2021 11:44 AM

To: BEESON Ken (SMTP) <kenbeeson200@gmail.com>; ISAACSON Dan (SMTP) <danpisaacson@gmail.com>; TAYLOR Kristen (SMTP3) <tkctaylor111@gmail.com>; FRAGALA Lisa (SMTP) <fragalacoeplanning@gmail.com>; EDWARDS Tiffany (SMTP) <tiffanyedwardspc@gmail.com>; RAMEY Chris (SMTP) <EPCRamey@comcast.net>

Cc: HARDING Terri L <THarding@eugene-or.gov>; FLOCK Gabriel <GFlock@eugene-or.gov>; GEPPER Jeffrey A <jgepper@eugene-or.gov>

Subject: Middle Housing email to Council & Planning Commission

Here's the most recent email sent to the commission and the council.

Alissa Hansen (she/her) | Planning Director

City of Eugene Planning Division

99 West 10th Avenue | Eugene Oregon 97401

Phone 541.682.5508

City of Eugene Planning & Development Department offices are operating. To protect the health and wellbeing of our community I may be working remotely or working non-traditional hours. We appreciate your patience as our reply to email and voicemail may be slightly more delayed than normal.

Messages to and from this e-mail address may be available to the public under Oregon Public Records Law

GEPPER Jeffrey A

From: GEPPER Jeffrey A
Sent: Tuesday, November 2, 2021 9:34 AM
To: Janna Alley; CEMIDDLEHOUSINGTESTIMONY
Cc: MCGINLEY Sophie E
Subject: RE: I have a question.

Hi Janna,

Open space is regulated in three primary ways in Eugene, with (1) Lot Coverage, (2) Open Space requirements, and (3) Setbacks.

- (1) Lot Coverage is defined as, "That portion of a lot which, when viewed directly from above, would be covered by a building or structure, or any part thereof, except that the following structures or parts of structures shall themselves not be included in calculating lot coverage: (A) Any part of a structure without a roof. (B) Roof eaves. (C) Carports, porches, and balconies that are open at least 50 percent of their respective perimeter. The percentage calculation for adjacent carports, porches, and balconies that are separated by a common wall shall be determined individually for each carport, porch, or balcony.

Lot coverage is proposed to change from 50% to 75% for Duplexes, Triplexes, and Fourplexes in R-1 Low Density Zone. Townhomes will remain the same. See the guide linked below for a summary of those types of changes.

- (2) Open Space is defined as, "Unless otherwise specified in this land use code, the portion of a development site not devoted to buildings, parking, or driveways."

Open space requirements only apply in R-2, R-3, and R-4 zones, so it typically affects larger residential developments. If Middle housing is developed in one of these zones, the Open Space for Middle Housing is proposed to be 10%, a reduction of 10% from the current standard. Other developments (e.g. apartments) are still subject to the 20% Open Space requirement.

- (3) Setbacks (currently 10 feet from a front property line and 5 feet from interior property lines for most developments in R-1) are not proposed to be changed.

I recommend taking a look at this linked guide, which has a summary of the proposed changes and more information:

<https://www.eugene-or.gov/DocumentCenter/View/63646/Middle-Housing-Guide-to-the-Adoption-Process>

As always you can also find more information at our Middle Housing website: <https://www.eugene-or.gov/4244/Middle-Housing>

Thank you,

Jeff Gepper

Senior Planner (he/him)

City of Eugene | Planning & Development

jgepper@eugene-or.gov

541.682.5282

Messages to and from this e-mail address may be available to the public under Oregon Public Records Law.

From: Janna Alley <janna.alley@gmail.com>
Sent: Tuesday, October 26, 2021 3:18 PM
To: CEMIDDLEHOUSINGTESTIMONY <MHTestimony@eugene-or.gov>
Subject: I have a question.

[EXTERNAL 

Will zones with percentages required for open lot area still be required after the Middle Housing Code is implemented?

a retired architect,

Janna Alley

From: [SELSEY Lindsay R](#)
To: [CEMIDDLEHOUSINGTESTIMONY](#)
Subject: FW: FW: [External Sender] Re: Committed to Community: Solving Our Housing Crisis | Zoom Link
Date: Tuesday, November 2, 2021 1:37:15 PM

From: Tiffany Edwards <tiffanyedwardspc@gmail.com>
Sent: Monday, November 01, 2021 8:53 AM
To: Eugene Planning Commission <epc@ci.eugene.or.us>; *Eugene Mayor, City Council, and City Manager <MayorCouncilandCityManager@eugene-or.gov>; HANSEN Alissa H <AHansen@eugene-or.gov>; HARDING Terri L <THarding@eugene-or.gov>
Subject: Fwd: FW: [External Sender] Re: Committed to Community: Solving Our Housing Crisis | Zoom Link

[EXTERNAL 

Hello,
This past Friday I attended an excellent webinar that the Eugene Chamber hosted with Kaarin Knudson with Better Housing Together. It was on middle housing and the work that the City of Eugene is doing, but it also provided some really insightful context as to how we got where we are and how middle housing types can be an effective tool. Kaarin also addresses much of the misinformation and inaccurate claims being made about this process and the outcomes. It's only an hour, but it's well worth it! Hope you can take a look: <https://youtu.be/kdqztPZtnO4>

Kind regards,
Tiffany

----- Forwarded message -----

From: **Tiffany Edwards** <Tiffany.Edwards@ltd.org>
Date: Mon, Nov 1, 2021 at 8:35 AM
Subject: FW: [External Sender] Re: Committed to Community: Solving Our Housing Crisis | Zoom Link
To: tiffanyedwardspc@gmail.com <tiffanyedwardspc@gmail.com>

From: Amanda Riley [mailto:amandar@eugenechamber.com]
Sent: Friday, October 29, 2021 3:51 PM
To: Amanda Riley <amandar@eugenechamber.com>
Cc: Brittany Quick-Warner <brittanyw@eugenechamber.com>
Subject: [External Sender] Re: Committed to Community: Solving Our Housing Crisis | Zoom Link

Good Afternoon,

Thank you all for attending today's Committed to Community Webinar.

Below is the link where you can find the recording from today's presentation.

<https://youtu.be/kdqztPZtnO4>

If you have any further questions, please reach out to Brittany Quick-Warner who is Cc'd above.

Thank you so much and have a wonderful afternoon!

Amanda Riley
Marketing and Communications Manager
Eugene Area Chamber of Commerce
O: 541-484-1314
C: 805-714-3322
www.eugenechamber.com

From: Amanda Riley
Sent: Friday, October 29, 2021 10:45 AM
Subject: Committed to Community: Solving Our Housing Crisis | Zoom Link

Good Morning,

We are looking forward to seeing you in today's Committed to Community Webinar at 12:30 PM, where we will be discussing ways we can improve our Housing Crisis!

Below is the link to join the webinar.

<https://us02web.zoom.us/j/82501066944?pwd=Q0M4dEtCRUR3dUFBR3h5L3VhTVVhZz09>

Thank you and we will see you all there!

Amanda Riley
Marketing and Communications Manager
Eugene Area Chamber of Commerce
O: 541-484-1314
C: 805-714-3322
www.eugenechamber.com