



MEMORANDUM

Springfield Development Code Update Project Governance Committee

Date: January 14, 2021

To: Governance Committee Members

From: Mark Rust, City of Springfield

CC: Sandy Belson, City of Springfield
Kristina Kraaz, City of Springfield
Brenda Jones, City of Springfield

Question for the Governance Committee:

1. How should staff address inconsistencies with the Comprehensive Plan in adopting new Middle Housing code language?

Discussion

The City of Springfield Comprehensive Plan, Residential Land Use & Housing Element, bases the number of housing units per acre of land (residential density) on the findings from the Springfield Residential Land and Housing Needs Analysis (RLHNA). These densities translate into the Springfield Development Code (SDC) to regulate how much housing is allowed per acre in specific locations determined through the zoning.

The new state Middle Housing rules no longer allow cities to regulate residential development by density for the following housing types: duplexes, triplexes, fourplexes, townhomes, and cottage cluster housing. Additionally, accessory dwelling units (ADU's) are not allowed to be counted toward density. In adopting new code language to implement the Middle Housing requirements, it will be necessary to regulate by housing type rather than by housing density. This situation will create inconsistencies between the Development Code and the Springfield Comprehensive Plan because the Plan includes policies based on established density ranges.

Staff has reached out to the Oregon Department of Land Conservation and Development (DLCD) to seek input on our concerns about how best to address the issue of adopting new Development Code language that will not be consistent with Springfield's adopted Comprehensive Plan for Housing. The response from DLCD was to adopt "bridge language" into the Comprehensive Plan to transition from regulating by density to regulating by housing type.

DLCD recommended bridge language:

For purposes of housing (or middle housing, or HB 2001 implementation or...?), state statutes override comprehensive plan provisions. The statutes compelled the city to amend its development code to comply with the new housing legislation thus the code provisions, demanded by statute, override any conflicting comprehensive plan policy or provision.

It is not within the scope of the Springfield Development Code Update Project to include an in-depth update of the Springfield Comprehensive Plan Housing Element to create consistency with the required Middle Housing code language.

Staff has evaluated options to ultimately re-establish Plan/Code consistency. Some options would expand the scope of or delay the Code Update Project. Included as Attachment 1 is a flow chart, *Options for Implementing HB 2001 – Comprehensive Plan Update*, with four potential options to consider. These four options include:

1. Do nothing (let the state model code be implemented, have state-mandated code alongside the city code)
2. Add bridge language to the Comprehensive Plan now and leave the inconsistent policies in place to be addressed at some point in the future
3. Adjust/Modify Comprehensive Plan policy language now (could further delay code project)
4. Pursue Comprehensive Plan Updates for Housing (delay code project, let state model code be implemented for the time being)

Ultimately the Comprehensive Plan must also be updated as required by HB 2003 (companion legislation to HB 2001). This legislation requires the City to update its Housing Needs Analysis (HNA) by December 31, 2025 (3½ years after the required deadline to adopt the Middle Housing changes into code under HB 2001). The new HNA will update and replace the current RLHNA that was done in 2011.

Staff is recommending option 2, adding bridge language to the comprehensive plan. One potential issue with “opening up” our comp plan as part of the code update process is that it could challenge the fact that we aren’t otherwise updating the comprehensive plan or housing needs analysis/buildable land inventory. This could bring potential delay to a comprehensive plan amendment that could sideline the code update process.

One approach to a limited amendment of the comprehensive plan uses a specific provision of state law that allows the amendment without a public hearing. This approach to adopting the bridge language would require limited staff time and no public hearing. DLCD has indicated that they would support this approach. Additionally, staff discussed these options with the Community Technical Advisory Committee for the project and after discussion of the multiple options the majority of TAC members support option 2 as recommended by staff.

Staff is seeking the Governance Committees input and recommendation on the policy approach for how to proceed.