

## INTERGOVERNMENTAL AGREEMENT

This Agreement is between the State of Oregon acting by and through its **Department of Land Conservation and Development (“DLCD”)** and **City of Roseburg (“Local Government”)**, each a “Party” and, together, the “Parties.”

### **I. AUTHORITY**

This Agreement is authorized by ORS 190.110.

### **II. EFFECTIVE DATE**

This Agreement is effective on the date of the last signature {"Effective Date"}, and terminates on **June 15, 2021**, unless terminated earlier.

### **III. BACKGROUND**

During the 2019 legislative session, the legislature appropriated funds to the Department of Land Conservation and Development (Agency) for the purpose of allowing Agency to assist Participating Cities and convening Counties (collectively, local governments) with implementing applicable requirements of House Bills 2001 and 2003. This assistance will be provided, in part, through the Housing Needs Technical Assistance and Housing Code Technical Assistance Projects (Projects), which are important elements of House Bill 2001 and House Bill 2003 (2019) (HB 2001, HB 2003).

DLCD will provide technical assistance (via a Consultant) to the City for the purpose of increasing the supply and affordability of housing within the boundaries of the Cities. Technical assistance will be provided to complete products needed to update comprehensive plans and land use regulations, or adopt other housing strategies, to help ensure that the Cities can satisfy their housing needs. DLCD will hire Consultants to also provide a code audit or code update to help ensure the zoning code allows, and does not include barriers to, development of needed housing.

DLCD has received a special appropriation of funds for the 2019-2021 biennium to assist cities in updating their comprehensive plans and land use regulations to promote housing availability and affordability. The Housing Needs Technical Assistance Project (Project) is financed with State of Oregon General Funds. State funds are paid under this Agreement by DLCD to **3J Consulting** (Contractor), who will assist the Cities as described in the Scope of Work below. No funds will be given to the Cities for tasks outlined in this IGA or any expenses incurred by the Cities as a result of this Project.

### **IV. PROJECT OBJECTIVE AND MAJOR DELIVERABLES**

#### **Code Update**

The primary objective of this Project is to assist a Participating City with a code update of the zoning and development code(s). The code update must ensure that the jurisdiction meets minimum standards to meet the allowance of Middle Housing in HB 2001.

- Non-Metro Cities with more than 10,000 residents update their comprehensive plans and development codes to allow duplexes on each lot or parcel zoned for residential use that allow for the development of detached single-family dwellings by June 30, 2021.
- Cities with more than 25,000 residents and cities and counties over 1,000 residents in the Portland Metropolitan area must update their comprehensive plans and development codes to allow all middle housing types in areas zoned for residential use that allow for the development of detached single-family dwellings and duplexes on each lot or parcel zoned for residential use that allow for the development of detached single-family dwellings by June 30, 2022

## **V. ROLES AND RESPONSIBILITIES**

**City:** Overall management of the Project will be the responsibility of the City. The city will appoint a Project Manager to be the principal contact person representing the city for DLCD's Contract Administrator and the Consultant on all matters dealing with the Project.

Specific project management duties of the Cities will include:

- a. Coordinating project schedule and deliverables with Consultant;
- b. Coordinating City staff and Consultant work;
- c. Ensuring the timely delivery of supporting data/information to Consultant;
- d. Reviewing and editing Consultant work;
- e. Appointing a project advisory committee with representation from the community;
- f. Noticing, scheduling, and managing advisory committee meetings and public official work sessions and public hearings, if any. Activities include preparing and distributing meeting notices, agendas, and summaries; and assisting the Consultant with meeting facilitation.

**DLCD:** DLCD will provide financial, administrative, and technical assistance to the Project. DLCD will participate in advisory committees. Additional technical assistance may be provided as requested by the City or Consultant. DLCD will review and approve Consultant's work, invoices, and progress reports. DLCD will review the Consultant's performance and deliverables with the City prior to paying invoices received by the Consultant. DLCD will assist in the mediation of Consultant/City conflicts, or issues with the project or deliverables.

## **VI. COMPENSATION AND COSTS**

Each Party shall assume its own costs of carrying out the tasks and responsibilities assigned to it under this Agreement. Under no circumstances is the Local Government responsible for payment of costs incurred under the contract between DLCD and the chosen Consultant.

## **VII. KEY CONTACTS**

### **City**

Stuart Cowie – Community Development Director  
 City of Roseburg  
 900 SE Douglas Avenue, Third Floor  
 Roseburg, Oregon 97470  
 (542) 492-6750  
 scowie@cityofroseburg.org

**Department of Land Conservation and Development**

*Project Manager*

Josh LeBombard  
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*Housing Team Technical Representative*

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**Consultant**

Steve Faust, AICP  
3J Consulting  
9600 SW Nimbus Ave, Suite 100  
Beaverton, OR 97008

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(503) 946-9365

A Party may designate a new authorized representative by written notice to the other Party.

**VIII. TERMINATION**

- a) This Agreement may be terminated at any time by mutual written agreement of the Parties.
- b) This Agreement may be terminated by DLCD upon 30 days advance written notice and by Local Government upon 45 days advance written notice.

**IX. NON-APPROPRIATION**

DLCD's obligation to perform its duties under this Agreement is conditioned upon DLCD receiving funding, appropriations, limitations, allotments, or other expenditure authority sufficient to allow DLCD, in the exercise of its reasonable administrative discretion, to meet its obligations under this Agreement. Nothing in this Agreement may be construed as permitting any violation of Article XI, Section 7 of the Oregon Constitution or any law limiting the activities, liabilities or monetary obligations of DLCD.

**X. SCOPE OF WORK**

**PROJECT SUMMARY**

The City of Roseburg is developing a hearings-ready development code to comply with House Bill 2001 and provide opportunities for middle housing options that are currently missing from the City's code or could be improved upon.

**PROJECT DESCRIPTION & WORK PROGRAM**

The primary objective of this project is to prepare hearings-ready comprehensive plan and development code amendments to comply with the provisions of HB 2001 regarding middle housing. Middle housing includes at a minimum duplexes, triplexes, quadplexes, cottage clusters and townhouses. Based on its current size, Roseburg is required to adopt provisions permitting duplexes on or before June 30, 2021 at

a minimum. The City is also committed to developing provisions to permit all types of middle housing through this project, which can then be adopted after June 30, 2021, on a separate timeline.

### **Task 1: Project Kick-Off**

The purpose of the project kick-off is for the City to meet with the DLCDC hired Consultant and help them become familiar with local conditions and with City's planning documents. This will also be a time for the parties to confirm the objectives of the project, refine the project schedule, and for the City to prepare for the Project. Upon receiving initial contact from the Consultant, City shall respond to all inquiries from the Consultant about establishing project expectations and share city-specific concerns with the Consultant. The Consultant will verify the action items identified through this initial call with the City staff and will develop and share a proposed schedule for the actions required for the completion of all tasks, building on the task timeline included in this scope. City staff and the Consultant will participate in biweekly phone calls to monitor progress on key tasks throughout the course of the project.

#### *Task 1 City Deliverables:*

- *Copy of relevant comprehensive plan and code sections, and other relevant City data or documents*

*Timeline: August 2020*

### **Task 2: Code Audit and Code Concepts**

The DLCDC hired Consultant will review Roseburg's comprehensive plan, zoning ordinance, housing plans or policies, and other land development documents and regulations to identify legal or policy issues related to residential development. This will include, but is not limited to, determining whether the comprehensive plan and zoning code contains:

- Standards permitting the development of middle housing in compliance with HB 2001 and adopted Administrative Rules (OAR-660-046 - currently in development)
- Middle housing standards that comply with all state housing requirements, including providing a clear and objective approval path (ORS 197.307)
- Internal consistency between adopted City documents relating to middle housing
- Other obstacles to middle housing development, such as review or permitting requirements

Consultant will then develop recommended code concepts to respond to findings from the assessment.

City will meet with Consultant to review current development review trends and more detailed code background, building upon issues raised at the kickoff meeting. City will identify and provide introductions to six (6) housing development interests, affordable housing providers, neighborhood representatives, or other relevant stakeholders. On behalf of the City, Consultant will schedule interviews with identified parties, conduct the interviews, and prepare written interview summaries. Interview findings will inform the draft audit findings and code concepts.

City staff will schedule and provide notice and agendas for up to two advisory committee meetings to present findings of the code audit and code concepts. Advisory committee meeting #2 will be scheduled on an as-needed basis. City will coordinate with Consultant on meeting arrangements. Consultant will facilitate the advisory committee meetings, including developing any additional materials to supplement the draft audit.

City staff will schedule one public meeting to present required middle housing elements based on statutes and administrative rules, code audit findings, and recommendations in the form of code concepts. City will coordinate with Consultant on meeting arrangements. Consultant will facilitate the

public meeting to solicit input from the public on proposed code concepts. The Consultant also will prepare an online survey on behalf of the City to allow participation from people who are unable to attend the meeting.

Following the public meeting, the Consultant, in consultation with City staff, will consider advisory committee, staff, and public input received and develop a final draft of the audit findings, and code concepts.

*Task 2 City Obligations:*

- *Participation in current planning meeting*
- *Identification and introductions to six housing stakeholders*

*Task 2 City Deliverables:*

- *Advisory committee appointments, meeting notices, and agendas*
- *Public meeting notice and logistics*
- *Written review comments on the draft code audit and code concepts*

*Timeline: August to November 2020*

### **Task 3: Draft Code Update**

Based upon the final audit findings and code concepts, the DLCDC hired Consultant will prepare draft updates to Roseburg's zoning ordinance and other development codes to address the issues identified in Task 2. City and Consultant will agree on other middle housing code updates to be prepared based on the City's areas of interest, a clear nexus to HB 2001, and as time and budget allow.

City will schedule and provide notice and an agenda for up to two advisory committee meetings to review the draft code updates. Advisory committee meeting #4 will be scheduled on an as-needed basis. City will coordinate with Consultant on meeting arrangements. Consultant will facilitate the advisory committee meetings to gather information to refine the proposed draft.

City will schedule one public meeting, which may be in-person or virtual, to present draft updates to the zoning ordinance and comprehensive plan for middle housing. If in person, the public meeting will be coordinated with advisory committee #3 or #4 so they can be held on the same Consultant trip. City will coordinate with Consultant on meeting arrangements. Consultant will facilitate the public meeting to solicit input from the public on draft updates. The Consultant also will prepare an online survey on behalf of the City to allow participation from people who are unable to attend the meeting.

*Task 3 City Deliverables:*

- *Advisory committee meeting notices and agendas*
- *Public meeting notice and logistics*
- *Written review comments on the draft updates to the zoning ordinance, other development codes, and comprehensive plan*

*Timeline: December 2020 to February 2021*

### **Task 4: Final Code Update**

After review of the code update with the advisory committee and City staff, the DLCDC hired Consultant will prepare final draft updates, related to duplex development, to City's zoning ordinance, and other development codes identified in Task 3. Development codes related to other middle housing types will be developed in a separate package and may remain in a conceptual or rough draft format. The final draft code documents will be delivered in up to two formats depending on the City's preferences to

support adoption: legislative formatting to indicate changes from existing code language, in a locally preferred format, and clean text.

City will schedule and provide notice and an agenda for one advisory committee meeting to review both packages of the final code update. City will coordinate with Consultant on meeting arrangements. Consultant will facilitate the advisory committee meeting.

*Task 4 City Deliverables:*

- *Advisory committee meeting notices and agendas*

*Timeline: February to March 2021*

**Task 5: Adoption**

City staff will schedule and provide notice and an agenda for two hearings to adopt duplex-related code updates in Roseburg's zoning ordinance, other development codes, and comprehensive plan. City will coordinate with Consultant on hearing arrangements for the Consultant to present updates to the Planning Commission and/or City Council.

*Task 5 City Deliverables:*

- *Hearings notices, agendas, and minutes*

*Timeline: April to May 2021*


**XI. OTHER CONSIDERATIONS**

This agreement will be effective as of the date of the last signature. The termination of this document may occur by mutual consent of the parties with 60 days written notice.

Except as provided herein, nothing in this agreement shall be construed as obligating the other party to expend funds or obligate future payment of money authorized by law and administratively available for this work.

**SIGNATURE BLOCK**

City Official

  
Authorized to sign on behalf of the City

8/26/2020  
Date

NICOLE MESSENGER  
Printed Name

Department of Land Conservation & Development

\_\_\_\_\_  
Jim Rue, Director

\_\_\_\_\_  
Date