



PUBLIC MEETING NOTICE
FOR THE
WASHINGTON COUNTY PLANNING COMMISSION
ZOOM VIRTUAL MEETING

WEDNESDAY, OCT. 20, 2021

PUBLIC MEETING 6:30 PM

NOTE: Planning Commission meetings are being held virtually, until further notice, via Zoom.

Join online: <https://us02web.zoom.us/j/84682842345>

Online participants will be able to see and hear the proceedings. Online participants' microphones will be muted, unless they are called upon to speak/testify. Participants' cameras will not be activated at any time.

Join by phone: +1-346-248-7799 or +1-669-900-6833; Webinar ID: 846 8284 2345

Participants on phones will be able to hear the proceedings. Phone participants' microphones will be muted, unless they are called upon to speak/testify.

Prior to scheduled public hearing items, the Planning Commission conducts a Work Session to receive briefings from County staff. No public testimony is taken on Work Session items.

Following the Work Session, the Planning Commission considers agenda items, including scheduled public hearing items and consideration of minutes. The public is welcome to speak during the public hearings and time is limited to 3 minutes. The public may also speak on any item **not** on the agenda during Oral Communications. Time is generally limited to 5 minutes for individuals and 10 minutes for an authorized representative of a Citizen Participation Organization (CPO). The Chair may adjust time limits.

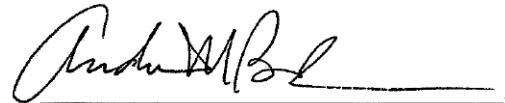
To provide testimony on agenda items or provide oral communication, please complete and submit the sign up form at www.co.washington.or.us/PlanningCommissionTestimony at least 24 hours before the start of a meeting.

To testify, either phone in or log in to Zoom (see instructions above): When your name is called, your microphone or phone will be unmuted. You will have five seconds to begin speaking.

If you do not speak, the next topic/speaker may be called. Please follow these guidelines:

- When your name is called, state your name and home/business address for the record.
- Groups or organizations making a presentation must designate one spokesperson in the interest of time and to avoid repetition.
- When there is more than one speaker on any topic, please avoid repetition.

If you need a sign or spoken language interpreter, please call 503-846-3519 (or 7-1-1 for Telecommunications Relay Service) at least 48 hours prior to this event.



Andy Back

Planning and Development Services Division Manager

PUBLIC MEETING DATES	
BOARD OF COMMISSIONERS WORK SESSIONS	PLANNING COMMISSION MEETINGS
8:30 a.m. 1st and 3rd Tuesdays	1:30 p.m. 1st Wednesday
2 p.m. 4th Tuesday	6:30 p.m. 3rd Wednesday
BOARD OF COMMISSIONERS MEETINGS	<i>Note: Occasionally it may be necessary to cancel or add a meeting date.</i>
10 a.m. 1st and 3rd Tuesdays	
6:30 p.m. 4th Tuesday	



PUBLIC MEETINGS BEFORE THE PLANNING COMMISSION

WEDNESDAY OCT. 20, 2021 6:30 PM

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AGENDA

CHAIR: DEBORAH LOCKWOOD
VICE-CHAIR: BLAKE DYE
COMMISSIONERS: RACHEL MORI BIDOU, MARK HAVENER, STACY MILLIMAN,
JEFF PETRILLO, SUSHMITA PODDAR, AND MATT WELLNER

PUBLIC MEETING

1. CALL TO ORDER
2. ROLL CALL
3. DIRECTOR'S REPORT
4. ORAL COMMUNICATIONS (limited to items not on the Agenda)
5. WORK SESSION
 - a. House Bill (HB) 2001 (middle housing) implementation update
 - Middle housing types slide show
 - Parking
 - Design requirements
6. CONSIDERATION OF MINUTES
 - a. Sept. 15, 2021
7. PLANNING COMMISSION COMMUNICATIONS
8. ADJOURN

Department of Land Use & Transportation · Planning and Development Services

Long Range Planning

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Oct. 13, 2021

To: Washington County Planning Commission

From: Andy Back, Manager
Planning and Development Services

Subject: **MIDDLE HOUSING (HB 2001) WORK SESSION: PARKING CONSIDERATIONS**

BRIEFING MEMO #5

For the Oct. 20, 2021 Planning Commission Meeting

I. BRIEFING TOPICS

This is the fifth in a series of briefing memos for Planning Commission (PC) Work Sessions on implementation of House Bill (HB) 2001 to provide education and the opportunity to discuss key points in advance of future hearings. This memo covers the HB 2001 rules about off-street parking for middle housing and current Community Development Code (CDC) requirements.

II. HB 2001 RULES AND PARKING

Parking is a consideration of most land use applications because vehicle storage is often expected to be accommodated on-site (or nearby) through development. Several years ago, as part of a Transportation and Growth Management (TGM) grant, the County comprehensively reviewed its parking requirements. That work resulted in a number of changes to the CDC through Ordinance No. 827 in 2017. Those amendments:

- Reduced minimum parking ratios to better reflect current thinking.
- Expanded reductions in off-street parking in areas where transit service and a pedestrian-supportive environment may result in reduced automobile trips.
- Reduced parking required of regulated affordable housing developments, helping to reduce costs and increase the affordability of these units.

The discussion around parking requirements continues to evolve. Off-street parking regulations can prove onerous for affordable and middle housing due to factors such as the cost of land and the limited space available for the required parking. HB 2001 directs local jurisdictions to

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review and amend their regulations to require a “maximum number of spaces” approach versus a “minimum number of spaces approach,” as detailed in this memo. In addition, ongoing rulemaking at the state level is exploring reducing parking requirements even further to promote climate friendly policies and encourage alternative modes of transportation.

Off-Street Parking

Current CDC: CDC Section 413, Parking and Loading, contains the County’s requirements for parking for all uses. Section 413-6 includes a table that establishes the *minimum* number of off-street parking spaces required. No maximums are set for residential uses, and more parking can be provided if the developer chooses. Off-street parking includes a garage or carport as well as a driveway as long as it meets minimum size standards.

HB 2001 Rules: The Oregon Administrative Rules (OARs or Rules) for HB 2001 place limits on the amount of parking that can be required of middle housing. The Rules establish a *maximum* number of spaces *that can be required* of new middle housing development. Basically, the Rules limit required parking to one off-street space per middle housing unit. In some cases, the requirement may be lower, but in no case are jurisdictions allowed to require more than one space per dwelling unit for any of the middle housing types. As is currently the case, more parking can be provided if the developer chooses.

Comparison: The following table compares the HB 2001 Rules and the current CDC:

Table 1: Off-Street Parking Provisions

Housing type	Current CDC requirements* (Minimums required now)	HB 2001 numerical requirement (Maximums that can be required; No minimums)
Single detached dwelling	One space per dwelling unit	--
Duplex	Depends on number of bedrooms: <ul style="list-style-type: none"> One space per dwelling unit with one bedroom or studio 1.5 spaces per dwelling unit if two or more bedrooms Therefore, a duplex where each unit has two bedrooms would provide a total of <i>at least</i> three off-street parking spaces. A triplex where each unit has two bedrooms would provide a total of <i>at least</i> five off-street parking spaces (4.5 is rounded up to five).	Maximum of one space <i>per unit</i> , for a total of two (OAR 660-046-0120(5))
Triplex		Maximum of one space <i>per unit</i> , for a total of three. If smaller lots are allowed, maximum is reduced: <ul style="list-style-type: none"> Lots < 3,000 square feet (sf), one space total Lots ≥ 3,000 sf to < 5,000 sf, two spaces total (OAR 660-046-0220(2)(e)(A)-(F))
Quadplex		Maximum of one space <i>per unit</i> , for a total of four. If smaller lots are allowed, maximum is reduced: <ul style="list-style-type: none"> Same as above for lots < 3,000 to < 5,000 sf Lots ≥ 5,000 sf to < 7,000 sf, three spaces total (OAR 660-046-0220(2)(e)(A)-(F))
Townhouse		Maximum of one space per unit (OAR 660-046-0220(3)(f))
Cottage cluster	<ul style="list-style-type: none"> Units < 700 sf – one space/unit Units > 700 sf and up to 1,000 sf – 1.5 spaces/unit Unit > 1,000 sf and up to 1,500 sf – two spaces/unit 	Maximum of one space per unit (OAR 660-046-0220(4)(f))

* Regulated affordable housing, regardless of housing type, must provide 0.75 space per unit.

Staff Recommendation: *To meet the Rules, off-street parking requirements for all middle housing types will be set at one space per unit. If smaller minimum lot sizes are allowed, the smaller parking maximums will be established. The regulated affordable housing requirement of 0.75 space per unit will be maintained.*

On-Street Parking

The County also currently requires *on-street* parking for single detached dwelling units and single attached dwelling units with individual on-site parking and individual vehicular access to a local or Neighborhood Route public or private street (Section 413-5.1). The number of spaces required varies based on the number of off-street spaces provided. On-street parking requirements as they apply to other development have been identified for future review outside HB 2001 work. HB 2001 limits parking requirements to one off-street space per unit, except as further limited above. It does not allow additional parking requirements, whether on- or off-street.

Staff Recommendation: *Given the limitation in the Rules as provided above, the current CDC on-street parking requirements will not be applied to middle housing.*

Parking Reductions

- a. If on-street parking available. HB 2001 Rules allow jurisdictions to consider *on-street* parking credits to satisfy *off-street* requirements. Though not required by the Rules, the Model Code includes this credit for middle housing types other than duplexes. The County may want to consider whether to allow an on-street parking credit.

Providing a parking space can be a significant cost for housing. Balanced with that are often-heard concerns about insufficient parking from urban unincorporated communities. The County may not want to allow further reductions through an on-street credit since:

- On-street parking is required for other housing but cannot be required for middle housing.
 - The maximum allowed parking is less than current standards for some housing types.
- b. If close to transit. The County's parking regulations currently allow up to a 30% reduction in the off-street parking requirement for residential uses if the property is within one-half mile of a major transit stop or one-quarter mile of a regular or frequent bus service route (Section 413-8.1 B.). The other way for a residential use to reduce the parking requirement is through a parking analysis (Section 413-8.6). Other parking reductions in Section 413-8 do not apply to single detached dwellings or middle housing types.

Preliminary Recommendation: *Based on the discussion above, at this time staff recommends:*

- *Do not provide an on-street parking credit to satisfy the one space per unit off-street requirement for middle housing.*

- *Allow middle housing to use the current parking reduction for proximity to transit and the possibility of a reduction through a parking analysis.*

Standards

For off-street parking, the Rules require jurisdictions to apply the same surfacing, dimensional, landscaping, access and circulation standards that apply to single detached dwellings in the same district to duplexes, triplexes, quadplexes and townhouses. Cottage cluster regulations do not include this requirement.

The CDC currently requires all off-street parking surfacing in the urban area to be concrete or asphaltic material meeting certain standards, except where pervious materials are certified by the applicant's engineer as equal or superior to these (Section 413-4.1). This is applied to all development.

Staff Recommendation: *Apply standards to middle housing, the same as for other housing development.*



Oct. 13, 2021

To: Washington County Planning Commission

From: Andy Back, Manager 
Planning and Development Services

Subject: **MIDDLE HOUSING (HB 2001) WORK SESSION: DESIGN STANDARDS**

BRIEFING MEMO #6

For the Oct. 20, 2021 Planning Commission Meeting

I. BRIEFING TOPICS

This is the sixth in a series of briefing memos for Planning Commission (PC) Work Sessions on implementation of House Bill (HB) 2001 to provide education and the opportunity to discuss key points in advance of future hearings. This briefing memo and attached Analysis Paper cover considerations related to HB 2001 and design standards for new middle housing development.

II. DESIGN STANDARDS OVERVIEW

The Oregon Administrative Rules (OARs or Rules) for HB 2001, including the Model Code, allow design standards to apply to middle housing. They define the type of design standards that can be considered and certain limits. The attached HB 2001 Analysis Paper 2021-07: *HB 2001 and Design Standards* (Attachment A) provides background, analysis and options for how to address this topic.

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Oct. 13, 2021

LONG RANGE PLANNING
HB 2001 ANALYSIS PAPER 2021-07***HB 2001 and Design Standards***

Problem Statement: House Bill (HB) 2001 requires the County to allow middle housing types – duplexes, triplexes, quadplexes, townhouses and cottage clusters – within neighborhoods where single detached dwellings are typically the only housing type built. Although the County has long-allowed many of these housing types in its residential districts, the bill requires that we allow more such units per lot and make it easier for them to be built. Expansion of opportunities for middle housing provides housing variety and options for more people. Site and building design can affect the sense of community and interaction among people in a neighborhood. It also has the potential to raise community compatibility concerns.

The purpose of this memo is to:

- Provide background for context.
- Explore current County design standards and where they apply.
- Review design standards that HB 2001 allows for middle housing.
- Consider whether future middle housing regulations can or should include design standards.

OAR Reference(s)

Middle Housing Design Standards in Large Cities **OAR 660-046-0225**

Model Code Design Standards for Large Cities **OAR 660-046-0010(4)(b)**

Alternative Siting or Design Standards **OAR 660-046-0235**

Recommendation: Discuss the analysis in this paper and consider next steps and possible recommendations, including the following early thoughts:

- a. Do not apply design standards currently applicable to all single detached homes, and those contingent on garage widths, to middle housing.
- b. Consider select design standards from the Model Code that are straightforward, practical, and offer ease of review through the Type I land use review process for middle housing.
- c. As a future ordinance, consider revised design standards for single detached dwellings that offer builders additional, updated, and more flexible options, including choices more consistent with those for middle housing.

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Organization of Paper

- I. BACKGROUND
 - A. Infill development and HB 2001.
 - B. Past community input on infill development related to design.
 - C. County design standards that currently apply to single detached dwellings.
- II. ANALYSIS
 - A. HB 2001: Middle Housing Design Standards.
 - B. Analysis of Options.
 - C. Comparison between North Bethany and HB 2001 (Model Code) Design Standards.
 - D. Focus on setbacks and building height.
- III. SUMMARY AND CONCLUSIONS

I. BACKGROUND

A. Infill development and HB 2001

Infill development is not specifically defined in the Community Development Code (CDC). The only reference in the CDC to infill development is in Section 430-72 (Infill), which applies to “vacant or underdeveloped, bypassed lands of two acres or less in areas designated R-5 or R-6...” Essentially the same references are included in the Comprehensive Framework Plan for the Urban Area (CFP), Policy 19 (Infill). This is a narrow view of infill, and not the full range of what people typically think when they hear the term “infill development.”

The focus of HB 2001 and middle housing is primarily on providing more housing within existing urban areas – on existing lots. As such, this housing will mostly be infill in the generic sense of new (or converted) houses constructed on vacant, underused lots interspersed among older, existing properties in established urban neighborhoods. Infill development is important in accommodating growth and designing urban areas to be environmentally and socially sustainable.

The Metro 2040 Regional Growth Strategy and Metro housing forecasts assume all development happens within the regional Urban Growth Boundary (UGB) through infill development. County and regional policies support infill housing as a way to encourage the development of homes in areas with existing infrastructure (like roads, sewer, water and parks) and using land more efficiently so that the UGB does not need to be expanded. This helps preserve farms and forests outside the UGB by allowing more homes inside the boundary.

B. Past community input on infill development related to design

Infill development, since it can be different from existing development patterns, can cause concerns with how it fits within a neighborhood. Staff recognized this during hearings to amend Section 430-72 through A-Engrossed Ordinance No. 820. In 2017, the narrow provisions of Section 430-72 were the subject of A-Engrossed Ordinance No. 820 (Infill). The ordinance amended this section to modify existing subjective standards related to privacy with new clear and objective standards.

Ordinance testimony included community concerns about potential negative impacts of infill development, particularly when existing homes are smaller or are fewer stories than the infill development. These concerns reflect more widely-held beliefs of some community members and are not limited to the County's narrow definition of infill, and similar concerns may be raised during community outreach for the future middle housing ordinance.

Concerns¹ expressed by some included that the proposed standards would not address the following perceived problems with infill housing:

- Loss of privacy due to orientation of new infill construction² – windows of infill homes may provide views into the side or rear yards or windows of adjacent homes.
- New infill homes shading the yards and gardens of existing homes.
- Tree removal on infill lots that sometimes causes remaining trees on adjacent lots to become unstable and fall in severe weather.
- Drainage problems that come with added hardscape (roads, roofs, etc.).
- The need for existing neighbors to provide screening to protect their privacy and the inadequacy of the proposed fence/vegetative screen standard to provide privacy.

Testimony on the ordinance also included requests for CDC changes to address the identified concerns. Specific requests included requiring infill development to provide the following at shared property lines with existing homes:

- Wider minimum side and rear yard setbacks.

¹ Written testimony was submitted by the Committee for Community Involvement (CCI) Code Subcommittee; CCI; Community Participation Organization (CPO) 7 and a [change.org petition](#) signed by 325 people.

² Staff believes this refers to the scenario where the side of an infill dwelling and its 5-foot side yard setback faces the rear of an existing dwelling and its 15-foot rear yard setback. In a non-infill scenario, it is more typical for rear yards of two homes to back up to one another, so that rear walls and rear yards ("private areas") of both dwellings have a larger separation distance.

- Retention of trees adjacent to existing mature trees³ as practical.
- A minimal number of windows or high-window placement on infill home façades that overlook existing homes.
- Limits on retaining wall height between existing lots and infill development to a maximum of 4 feet, and individual lot grading to preserve trees.
- On-site and downstream drainage systems that can handle additional storm runoff.

In summary, a primary concern about infill development was the potential for negative privacy impacts to adjacent existing homes. Specific design-related solutions were offered. However, staff concluded the requested changes could not be made into clear and objective standards, and/or were not warranted for infill as defined in CDC Section 430-72. Staff also believed such changes would discourage infill development from occurring, which is contrary to the County and regional policy objectives discussed above.

The County did recognize, however, that infill development was a larger topic that warranted more discussion and included a review of the topic in Tier 2 of the Long Range Planning Work Program. This past year, consideration of infill concerns as they relate to middle housing was moved to Tier 1 as part of the HB 2001 task.

C. County design standards that currently apply to single detached dwellings

The County currently has some design standards that apply to single detached dwellings in various land use districts. A certain set of standards apply in all districts and others apply in more limited circumstances, including:

- Additional Standards for R-9 through R-25+.
- Additional Standards for Transit Oriented Districts.
- Standards for North Bethany.
- Standards for Neighborhood Mixed-Use District (NMU).

The various standards and applicability are shown in Table 1 below.

³ Staff believes this refers to the retention of trees on an infill site that are adjacent to mature trees off-site (on an existing home site).

Table 1: Existing Design Requirements in the CDC and North Bethany Subarea Plan

	All Districts	Additional Standards for R-9 through R-25+	Additional Standards for Transit Oriented Districts	Standards for North Bethany	Standards for Neighborhood Mixed-Use District (NMU)
CDC Sections	430-37 (Special Use Standards for Detached Dwelling Unit)	304-8, 305-8, 306-8, 307-8 (Building Façade Requirements – Garage Frontage)	431 (Transit Oriented Design Principles, Standards and Guidelines)	390-20 (Building Design and Variety Standards)	392-9 (Development Standards)
CDC Applicability to Dwelling Units	Single detached dwellings in all land use districts in which they are allowed	<i>Detached</i> dwelling units, and single <i>attached</i> dwelling units with individual vehicular access to a street, that are located within 1,320 feet of an existing or planned Regular Bus Service Route, Frequent Bus Service Route or an Existing High Capacity Transit Station as designated on the Transportation System Plan within the R-9 through R-25+ Districts.	Development of allowed uses in the Transit Oriented (TO) districts, including a detached dwelling (which is only allowed "...on an existing lot or parcel that was approved through a subdivision or partition plat for the construction of a detached dwelling, provided that the lot or parcel does not exceed 10,000 square feet in area.")	Single detached and attached dwellings in North Bethany. Development in the R-6 NB District is exempt from these standards. The standards <i>do</i> apply to single detached and attached dwellings <i>in all other NB residential districts</i> .	All allowed uses in this district, including <i>attached</i> and <i>detached</i> dwellings.
CDC Requirements	<p>Detached dwelling units are required to have at least five of 18 clear and objective design features. The listed design features are quite basic and generally fall into four broad categories:</p> <ul style="list-style-type: none"> • Roof features (pitch, style, surface materials) • Window features (quantity, type, presence of shutters) • Exterior siding features (types) • Entry features (orientation, presence of porch) 	<p>The standards limit the percentage of a dwelling's ground floor width that can be comprised of an attached garage; and require increased garage setbacks as width increases:</p> <ul style="list-style-type: none"> • The maximum percentage of ground floor width that can be comprised of attached garage varies from 40% to 60%, depending on specific circumstances outlined in the standards 	<p>Design standards are divided into eight categories:</p> <ul style="list-style-type: none"> • Circulation system design, 431-4.2 • Streetscapes for pedestrians (includes building entrance and street-facing building façade standards), 431-5.2 • Parking areas, garages and parking structures, 431-6.2 • Common open space, 431-7.2 • Transitions in density, 431-8.2 • Landscaping, 431-9.2 • Water quantity/quality facilities, 431-10.2 • Signs, 431-11.2 <p>Standards are primarily geared toward multifamily, mixed-use or commercial development. Practically speaking, none directly apply to a detached dwelling unit on an existing lot or parcel that was approved through a subdivision.</p>	<p>Street-facing Building Façades <i>(Façades subject to the NB Subarea Plan Special Frontages summarized below are exempt from these standards):</i></p> <ul style="list-style-type: none"> • Street-facing <i>front</i> façades must have windows and/or pedestrian doors that comprise at least 10% of the façade area and must have at least two of these additional features: <ul style="list-style-type: none"> ○ Covered stoop or covered porch meeting specified dimensional standards ○ Minimum two types of siding materials/styles ○ Minimum 2-foot horizontal offset in structural exterior wall that requires a break in the roofline • Street-facing <i>side or rear</i> façades must have at least two of these features: <ul style="list-style-type: none"> ○ Windows and/or pedestrian doors that comprise at least 10% of the façade area ○ Minimum two types of siding materials/styles ○ Minimum 2-foot horizontal offset in structural exterior wall that requires a break in the roofline 	<p>Street-facing Building Façades</p> <ul style="list-style-type: none"> • Building entrances: <ul style="list-style-type: none"> ○ At least one primary entrance must face public sidewalk • Transparency: <ul style="list-style-type: none"> ○ Minimum required percentage of window area on the ground and upper floors • Weather protection: <ul style="list-style-type: none"> ○ Required over all building entries • Prominent corners: <ul style="list-style-type: none"> ○ Specific highly visible corner sites designated in community plan shall feature at least two of five options – increased building height, break in horizontal massing, distinct cornice treatment, chamfered or curved corner, plaza space with landscape or hardscape design • Building articulation: <ul style="list-style-type: none"> ○ Minimum required number of façade variation standards (such as building projections and recesses) ○ Roofline variation standards requiring roofline or roof form elements (such as gables and dormers) every 30 feet

	All Districts	Additional Standards for R-9 through R-25+	Additional Standards for Transit Oriented Districts	Standards for North Bethany	Standards for Neighborhood Mixed-Use District (NMU)
				<p><u>Garage Frontage</u></p> <ul style="list-style-type: none"> Standards limit the percentage of a dwelling's ground floor width that can be comprised of an attached garage; and Require increased garage setbacks as width increases Maximum percentage of ground floor width that can be comprised of attached garage varies from 40% to 60%, depending on specific circumstances outlined in the standards 	
Community Plan Sections and Applicability				"Special Frontages" standards that apply to properties designated as Special Frontages in the North Bethany Subarea Plan	
Community Plan Requirements				<p>Special Frontages Standards – North Bethany Subarea Plan</p> <ul style="list-style-type: none"> Dwelling façades that face highly visible and/or specified pedestrian-oriented public spaces must provide at least three of the articulation features below on those façades. The North Bethany Special Frontages Map shows which properties are subject to the Special Frontages façade articulation requirements. <ul style="list-style-type: none"> Minimum three fully trimmed windows and doors Patio, balcony or covered porch Bay window with its own roof Minimum two types of siding treatment At least one break in the roofline or addition of a dormer <p>A minimum 2-foot-long jog in the façade that requires a break in the roof</p>	

II. ANALYSIS

A. HB 2001: Middle Housing Design Standards

The Rules define a **Design Standard** as:

a standard related to the arrangement, orientation, materials, appearance, articulation, or aesthetic of features on a dwelling unit or accessory elements on a site. Design standards include, but are not limited to, standards that regulate entry and dwelling orientation, façade materials and appearance, window coverage, driveways, parking configuration, pedestrian access, screening, landscaping, and private, open, shared, community or courtyard spaces. (OAR 660-046-0020(4))

A **Siting Standard**, on the other hand, includes those:

related to the position, bulk, scale, or form of a structure or a standard that makes land suitable for development. Siting standards include, but are not limited to, standards that regulate perimeter setbacks, dimensions, bulk, scale, coverage, minimum and maximum parking requirements, utilities, and public facilities. (OAR 660-046-0020(15))

Washington County (a “Large City” per HB 2001) is not *required* to apply design standards to middle housing but may choose to do so in one of several ways discussed below. On the other hand, the siting standards are specifically established in the Rules, including any variation allowed. If the County chooses to apply design standards to middle housing, the Rules state the County may only apply the following:

1. The Model Code design standards in OAR 660-046-0010(4)(b).
2. Design standards that are *less* restrictive than those in the Model Code.
3. The same clear and objective design standards that the County applies to single detached dwellings *in the same district*; or
4. Alternative design standards as provided in OAR 660-046-0235.

These options are described in detail in Table 2 on the following pages. The County can use these Options exclusively, or “mix and match” the approaches – for example, by using some of the Model Code design standards (Option 1) in combination with some of the same clear and objective design standards, the County applies to single detached dwellings in the same district (Option 3).

Table 2: Design Standards (OAR 660-046-0125 (duplex) and -0225 (other middle housing))

	Current CDC Single Detached Dwelling (SDD)	New Requirements in OARs				
		Duplex	Triplex	Quadplex	Townhouse	Cottage cluster
Design Standards	See Table 1 for design standards currently applied to SDDs in different districts	Not required. If do, may only apply the same clear and objective design standards applied to SDDs in same district. May not apply to conversions.	Not required. If do, no more restrictive than SDDs in same district except as provided in the rules or Model Code (differs by housing type), as detailed below. May not apply to conversions.			

If the County chooses to adopt Design Standards, options are limited to the following:

Option	Duplex	Triplex and Quadplex	Townhouse	Cottage cluster
Option 1: Model Code Design Standards (660-046-0010(4)(b))	Focused on dwelling unit appearance as viewed from the public realm (street)			Focused on relationship between cottages and their common courtyard
	A. Meet all clear and objective design standards that apply to SDDs in same district unless they conflict with the Model Code B. Dwelling façades separated from the street property line by another dwelling are exempt from building design standards	A. Entry orientation (relative to street) B. Windows (min. 15% window area on street-facing façades) C. Garages and off-street parking areas D. Driveway approach Note: Design standards cannot apply to conversions	A. Entry orientation (relative to street) B. Unit definition (related to street-facing façades) C. Windows (min. 15% window area on street-facing façades) D. Driveway access and parking	A. Cottage orientation B. Common courtyard design standards C. Community buildings D. Pedestrian access E. Windows F. Parking design 1. Clustered parking 2. Parking location, access 3. Screening 4. Garages and carports G. Accessory structures H. Existing structures

Option	All Middle Housing Types
<p>Option 2: Standards that are less restrictive than the Model Code (660-046-0010(4)(b))</p>	<p>Can address some but not all of the standards listed above or require less than what the Model Code standards require.</p>
<p>Option 3: The same standards applied to SDDs in same district</p>	<p>May apply the same clear and objective design standards as apply to SDDs <i>in the same district</i>. Standards <i>may</i> scale with form-based attributes such as floor area, street-facing façade, height, bulk, scale but <i>may not</i> scale by number of dwelling units or other features that scale with the number of units.</p> <p>Within this option is the possibility of increasing or changing the existing SDD requirements and applying those to SDDs and middle housing.</p>
<p>Option 4: Alternative design standards (660-046-0235)</p>	<p>May apply alternative design standards as provided in OARs. Process requires jurisdiction to demonstrate that it meets the applicable criteria in OAR 660-046-0235 requiring analysis and findings related to time and cost (restrictive requirement).</p>

B. Analysis of Options

As noted, design standards are not required as part of HB 2001 implementation. Given the community concerns about privacy discussed in Section B. above, staff anticipates some community members will desire some level of design standards for middle housing. Additionally, given the likelihood middle housing units may be larger than current units, some level of design standards may be warranted from an urban design perspective to help with community compatibility. Options for addressing the scale differences between middle housing and existing single detached dwellings are limited, however. This section assesses the design options.

Option 1: The Model Code, and

Option 2: Standards that are less restrictive than the Model Code

The Model Code design standards of Option 1 are focused on the appearance of middle housing from the public realm (street) and would ensure that middle housing has a pedestrian-oriented appearance when viewed from the street. While this would not address the community concerns about privacy discussed in Section B. above, it may address other aspects of urban design important for an interactive neighborhood.

The County may want to incorporate *some* of the Model Code design standards into the CDC, for instance those related to entry orientation for triplexes, quadplexes and townhouses and the percentage of street frontage that can be taken up by a garage. Several of these are similar to design requirements already in place in North Bethany, where the County has established substantive design requirements. Should the County want to institute design standards, staff would likely recommend only some of the Model Code standards.

Option 3: The same standards applied to single detached dwellings in the same district

The clear and objective design standards the County currently applies to single detached dwellings are outlined in Table 1 and assessed below as they relate to middle housing:

- **CDC Section 430-37 (Detached Dwelling Unit)** – These standards are very minimal, and most home designs exceed them. While minimal, they are also dated and could pose some problems for housing development. Staff suggests they be reviewed as part of this work and potentially reduced or modified.
- **CDC Sections 304-8, 305-8, 306-8, 307-8 (Building Façade Requirements – Garage Frontage)** – These standards address the appearance of housing from the public realm (street) with regard to residential garages that face the street. If these standards were applied to all single detached dwellings, they could also be applied to all middle housing in the same district.

Concerns have been raised by some developers about these requirements. Further, where middle housing such as a triplex or quadplex will be situated on a lot that would normally support just one house, space constraints alone may often limit garage widths – and whether garages are provided at all. Design standards dictated by garage width therefore may not be effective tools for achieving pedestrian-oriented design goals in middle housing. Staff is considering these as part of the middle housing analysis and is developing options for other ways to meet the standard and the pedestrian-oriented intent. Porches that extend forward from the front building line, window placement, and variety in street-facing façade materials are some examples of alternate ways to address this intent.

- **Section 431 (Transit Oriented Design Principles, Standards and Guidelines)** – These design standards apply to development of allowed uses in the Transit Oriented districts. The standards are primarily geared toward multifamily, mixed-use or commercial development, and practically speaking, none of the standards would directly apply to development of one detached dwelling.
- **CDC Section 390-20 (North Bethany Building Design and Variety Standards)** – These standards address the appearance of housing from the public realm (street), including requirements such as window area percentages for all street facing facades (front/side/rear). If applied to all single detached dwellings, they could also be applied to all middle housing in the same district. This could address potential concerns about the pedestrian-oriented appearance of middle housing when viewed from the street but would not address the private realm or privacy impacts to side and rear yards of adjacent homes. Similar to façade standards of the R-9 through R-25+ districts (see discussion above), North Bethany design standards contingent on garage width may not best address pedestrian-oriented design goals for middle housing.

See Section C below for further review of North Bethany design standards.

- **Special Frontages Standards of the North Bethany Subarea Plan** – These standards are very minimal, and most home designs exceed them.
- **CDC Section 392-9 (Neighborhood Mixed Use Development Standards)** – These standards are intended to encourage development that is pedestrian-oriented and transit-supportive. They currently apply in a very small areas and resulted from an intensive community engagement process. Staff suggests these requirements continue to be applied to all new development within the District, including middle housing.

While the density allowed in this land use district (20 units/acre minimum) is such that new single detached dwellings were not anticipated, they *are* allowed,

and would be subject to the same design requirements as any other development in the district.

Option 4: Alternative design standards

This is likely not a desirable choice because it would require submittal of detailed findings and analysis to DLCD demonstrating that as compared to what is otherwise required by the bill, proposed standards will not disproportionately affect cumulative time and cost imposed by the proposed standard(s) in relationship to the public need or interest the standard(s) fulfill. Analysis toward preparation of these findings would require specialized knowledge and assistance by outside experts. It is unclear what alternative design standards might be desirable.

C. Comparison between North Bethany and HB 2001 (Model Code) Design Standards

Unlike some other local jurisdictions, the County does not have a long history of requiring stringent design standards of new development. The North Bethany Subarea design standards of CDC Section 390-20, adopted about a decade ago and outlined in Table 1, are the County's most substantive design standards for single detached dwellings.

The intent of the standards is to prevent monotony, excessive repetition and a lack of architectural features on North Bethany street-facing building façades. The standards represent a minimum threshold for design, and as such, they constitute a "floor" rather than a "ceiling." North Bethany's residential communities are being created by several different developers, and each has applied the design standards to their homes in different ways. Some developers' homes meet the bare minimum design standards, while others greatly exceed the standards.

When compared to the Model Code (outlined in Table 2), the North Bethany design standards that apply to middle housing are less stringent in some respects and more stringent in others. Staff has started a comparison of the two sets of design standards as they apply to middle housing (see Appendix A). Since North Bethany standards are currently the County's most stringent standards for single dwelling appearance from the public realm, staff believed this was an interesting comparison. The two, however, are not directly comparable and it is difficult to come to any conclusions from the information.

Currently single detached dwellings in the R-6 NB District are exempt from the design standards of CDC 390-20, so if no changes were made, middle housing *in that district* would also be exempt from those standards. Single detached dwellings in R-9 NB and R-15 NB, however, are subject to the requirements and therefore they would apply to middle housing in those districts.

D. Focus on Setbacks and Building Height (OAR 660-046-0220)

As noted in the Background section, testimony for A-Engrossed Ordinance 820 (Infill) included requests that infill development in the R-5 and R-6 districts be subject to larger side and rear setbacks than is normally required in those districts. Concerns were also expressed about the height differences between newer, typically taller infill homes and older, typically smaller existing homes, and how this could contribute to privacy impacts by allowing views from infill homes down into the side and rear yards of existing homes.

Under HB 2001 Rules, setback and height limits are considered siting, rather than design, standards. The allowable requirements for middle housing **setbacks** and **height** are addressed in OAR 660-046-0220, Middle Housing Siting Standards in Large Cities.

Siting Standard	HB 2001 Rules				Model Code
	Duplex	Tri and Quadplex	Townhouse	Cottage cluster	
Setbacks	Setbacks can be no greater than those applicable to SDDs in the same district			Perimeter setbacks no greater than for SDD in same district, and may not be greater than 10 feet	Minimum front, street side and rear setbacks no greater than 10 feet
Height	Height standards can be no less than those applicable to SDD in the same district	Same limitation as duplexes, plus maximum height may not be less than 25 feet or two stories	Same limitation as tri/quadplexes, plus height standards must allow at least three stories if covered or structured parking required	Siting standards do not include a standard for maximum height	Duplex height no less than SDD in the same district; tri/quad/townhouse establishes 35 feet or three stories; cottage clusters height capped at 25 feet or two stories

Therefore, even if County residents express concerns about middle housing setbacks and heights, OAR 660-046-0220 limits any restrictions on these siting standards beyond what is allowed for single detached dwellings in the same district. Setbacks establish the buildable area on a lot, and they were noted by EcoNorthwest during the feasibility study work as being an important factor in the feasibility of middle housing on existing lots. Staff does not recommend changing current setback or height limits and cautions against consideration of such an idea. The bill states that jurisdictions cannot impose siting standards that limit middle housing. Requiring middle housing to have greater setbacks or lesser heights than single detached dwellings in the same district **would** limit middle housing and such limitation is not allowed by HB 2001.

III. SUMMARY AND CONCLUSIONS

The testimony submitted for A-Engrossed Ordinance 820 (Infill) expressed concerns about privacy impacts to the private realm of adjacent existing homes. Other reasons to consider design standards for middle housing relate to the appearance of the housing from the public realm (the street) and how it might enhance a sense of community and neighborhood interaction.

The County is not required to apply design standards to middle housing. If it chooses to, it may only apply the options listed below. These options focus on dwelling appearance from the public realm (street), and do not include standards to address potential privacy impacts or scale differences between Middle Housing and existing homes:

1. The Model Code design standards in OAR 660-046-0010(4)(b).
2. Design standards that are less restrictive than the Model Code design standards.
3. The same clear and objective design standards that the County applies to single detached dwellings in the same district; or
4. Alternative design standards as provided in OAR 660-046-0235.

Options 1, 2 and 3 (or a combination) are being evaluated by staff and the input of the Planning Commission is invited. As noted, Option 4, alternative design standards, is not recommended. Option 4 would require submittal of detailed findings to DLCD, demonstrating that proposed standards will not disproportionately affect cumulative time and cost imposed by the proposed standard(s) in relationship to the public need or interest the standard(s) fulfill. Analysis toward preparation of these findings would require specialized knowledge and assistance by outside experts.

Based on the discussion in this paper, staff suggests the following early thoughts for consideration:

- a. Do not apply design standards currently applicable to all single detached homes, and those contingent on garage widths, to middle housing.
- b. Consider select design standards from the Model Code that are straightforward, practical, and offer ease of review through the Type I land use review process for middle housing.
- c. As a future ordinance, consider revised design standards for single detached dwellings that offer builders additional, updated, and more flexible options, including choices more consistent with those for middle housing.

List of Attachments

Appendix A: Draft Comparison between North Bethany and the Model Code

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APPENDIX A

Comparison between North Bethany and the Model Code

Duplexes: The Model Code states that duplex development must meet all of the clear and objective design standards that apply to single detached dwellings in the same district. Under the Model Code provisions, the development of proposed middle housing (duplexes) in North Bethany would be required to comply with the CDC 390-20 design standards that apply to single detached dwellings. Note that these design standards do not apply to single detached dwellings in the R-6 NB district, therefore they wouldn't apply to duplexes in R-6 NB.

Triplex and Quadplex

Requirement	Model Code	North Bethany design standards for single detached dwellings
Window and entrance door façade percentage	Model Code is more stringent. Requires 15%, and applies to all street facing facades	Requires 10%. Allows side and rear street-facing facades the option to substitute other design elements for the minimum window and entrance door façade percentage.
Dwelling entrance requirement	Model Code is more stringent. Has specific locational requirements for dwelling entrances.	No specific locational requirements for dwelling entrances.
Driveway approach standards	Model Code is more stringent. Contains limits on the total width and access location of a driveway approach.	No requirements for driveway approaches.
Off-street parking width requirement	Model Code limits off-street parking width to 50% of the street frontage.	No requirements for off-street parking width.
Garage façade percentage requirement	Model Code and North Bethany standards are similar. Both limit the dwelling width that can be comprised of garage (Model Code = 50%, North Bethany = 40-60%)	
Additional elements on the front street-facing façade	None required.	North Bethany design standards are more stringent. They require at least two of the following: a covered stoop or porch meeting specific dimensional standards; a minimum of two types of siding; a minimum 2-foot horizontal offset in the structural exterior wall that requires a break in the roofline.
Additional elements on the side or rear street-facing facades	None required.	North Bethany design standards are more stringent. They require at least two of the following: windows and/or pedestrian doors comprising at least 10% of the façade area; a minimum of two types of siding; a minimum 2-foot horizontal offset in the structural exterior wall that requires a break in the roofline.

Townhouses

Requirement	Model Code	North Bethany design standards for single detached dwellings
Unit definition for the street-facing facades of each townhouse	The Model Code is more stringent	No requirements.
Window and entrance door façade percentage	Model Code is more stringent. Requires 15%, and applies to all street facing facades	Requires 10%. Allows side and rear street-facing facades the option to substitute other design elements for the minimum window and entrance door façade percentage.
Dwelling entrance requirement	Model Code is more stringent. Has specific locational requirements for dwelling entrances.	No specific locational requirements for dwelling entrances.
Garage façade percentage requirement	Model Code and North Bethany standards are similar only with regard to the dwelling width that can be comprised of garage. Both limit the dwelling width that can be comprised of garage (Model Code = 50%, North Bethany = 40-60%)	
Other garage/parking requirements	The Model Code is more stringent in that it allows garages on the front façade, off-street parking in the front yard, and driveways in front of a townhouse only if certain limitations are met. These include the number of driveway approaches, the width of the off-street parking area, and the width of the garage.	No related requirements.
Additional elements on the front street-facing façade	None required.	North Bethany design standards are more stringent. They require at least two of the following: a covered stoop or porch meeting specific dimensional standards; a minimum of two types of siding; a minimum 2-foot horizontal offset in the structural exterior wall that requires a break in the roofline.
Additional elements on the side or rear street-facing facades	None required.	North Bethany design standards are more stringent. They require at least two of the following: windows and/or pedestrian doors comprising at least 10% of the façade area; a minimum of two types of siding; a minimum 2-foot horizontal offset in the structural exterior wall that requires a break in the roofline.



WASHINGTON COUNTY PLANNING COMMISSION (PC) MINUTES OF WED., SEPT. 15, 2021

ALL PUBLIC MEETINGS ARE RECORDED

1. **CALL TO ORDER** - 6:30 p.m. Zoom virtual meeting
The meeting was called to order by Chair Lockwood.

2. **ROLL CALL**

PC Members Present: Rachel Mori Bidou, Blake Dye, Mark Havener, Deborah Lockwood, Jeff Petrillo (joined at 6:33 p.m.), Sushmita Poddar (joined at 6:34 p.m.), and Matt Wellner; Absent: Stacy Milliman

Staff Present: Andy Back, Planning and Development Services (PDS); Theresa Cherniak, Anne Kelly, Todd Borkowitz, and Kurt Walter, Long Range Planning (LRP); Jacquilyn Saito-Moore, County Counsel

3. **DIRECTOR'S REPORT** - Andy Back, Manager of PDS

Updates

- The PC District 4 vacancy will be advertised in the County's recruitment Sept. 21 thru Nov. 2.
- The PC will have its next virtual training on communication norms on Oct. 18.
- On Oct. 26 the Board is anticipated to consider a policy on indigenous land acknowledgement. The County is planning events in recognition of Indigenous Peoples Day on Oct. 11 and National Native American Heritage Month in November.
- The Board continued Ord. No. 865 – establishing urban land use designations for the 2018 Metro Urban Growth Boundary expansions – to January 2022, pending resolution of appeals at the Oregon Supreme Court.
- On Sept. 29, Metro and the Home Builders Association of Metro Portland will host a webinar on incentives for middle housing construction. A recording of the event will be available online afterwards. The same day, there will also be a planning commissioner training sponsored by Oregon Chapter of the American Planning Association. PC members are encouraged to attend these events and the County has funds to cover some PC training fees.

Jacquilyn Saito-Moore communicated that a quorum of a governing body, including the PC, cannot meet in private for the purpose of deciding on or deliberating toward a decision on any matter, except as otherwise provided by Oregon Revised Statutes (ORS) 192-610-196.90. She advised that PC members only view or participate in live webinars when less than a quorum of PC members is present and that all notes taken must be preserved and retained as public record.

4. **ORAL COMMUNICATIONS** - (none)

5. WORK SESSION

a. House Bill (HB) 2001 (middle housing) implementation

Andy Back provided context on HB 2001 and how staff aim to engage the PC through 2021. Theresa Cherniak, Principal Community Planner and Anne Kelly, Senior Planner with the LRP Community Planning group, gave a PowerPoint presentation on HB 2001 implementation, including a summary of the County's land use districts and paths for HB 2001 compliance.

PC Discussion and Comments

- A request that staff regularly informs the PC of incentives for lower cost housing and equity.
- A comment that HB 2001 is tied to Statewide Planning Goal 10 (Housing) and seeks to ensure that housing prices and rents are affordable for a broad spectrum of Oregon households.
- Questions on:
 - Whether it is possible to utilize the performance approach in part to exclude master planned communities like North Bethany.
 - Incentivizing internal conversions of existing houses towards creating more opportunity for multi-generational housing.
 - Whether state mandates are set numbers or are minimums or maximums that local governments could choose to go beyond to encourage more housing.

6. CONSIDERATION OF MINUTES

a. Aug. 18, 2021

Chair Lockwood moved to adopt the Aug. 18, 2021 PC minutes. **Vote: 7-0. Motion passed without objection.**

Yes: Bidou, Dye, Havener, Lockwood, Petrillo, Poddar, and Wellner

7. PC COMMUNICATION

- Chair Lockwood is looking forward to the next facilitated PC training on communication norms.
- A question about the status of the County's indigenous land acknowledgement.
- A suggestion that the PC host a land celebration acknowledging of Indigenous Peoples Day.
 - Concerns about adopting an action that is not yet fully defined or listed as an agenda item for public input, and that such action would precede potential board actions.

PC member Poddar moved that the PC consider honoring native, indigenous people in acknowledgement of Indigenous Peoples Day on Oct. 11 and National Native American Heritage Month in November, with details put forth in two weeks. PC member Bidou seconded motion.

Vote: 2-5. Motion failed.

Yes: Bidou and Poddar; **No:** Dye, Havener, Lockwood, Petrillo, and Wellner

8. ADJOURN - 8:08 p.m.

Deborah Lockwood, Chair
Washington County Planning Commission

Andy Back, Secretary
Washington County Planning Commission

Minutes approved this _____ day of _____, 2021
Submitted by LRP Staff