



Hearing on Ordinance No. 886

CFP AMENDMENTS TO
ALIGN WITH HB 2001

Planning Commission Feb. 16, 2022

Land Use & Transportation

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Ordinance overview

Amends the Comprehensive Framework Plan for the Urban Area (CFP)

- Proposes changes to specific CFP Policies, Implementing Strategies, and Summary Findings and Conclusions

Amendments implement state law changes adopted in House Bill (HB) 2001, the Middle Housing bill

- Changes align County policy with new middle housing requirements, reflect current conditions and add references to middle housing



Background: HB 2001

In 2019, state adopted HB 2001 - the Middle Housing bill

- Middle housing: range of housing types between traditional single-detached houses and multi-unit residential buildings
- Includes duplexes, triplexes, quadplexes, townhouses and/or cottage clusters

Intent of HB 2001:

- Encourage more diverse mix of housing
- Increase housing options for those who cannot afford a detached home
- Provide owners with opportunities to redevelop property



Background: CFP

Ordinance No. 886 amends the Comprehensive Framework Plan for the Urban Area (CFP) to implement changes adopted in HB 2001

The CFP:

- Is the source document establishing policies on issues of countywide concern for the urban unincorporated area
- Contains 44 broad policies providing foundation for future growth and development in this urban area
- Includes implementing strategies that form basis for other comprehensive plan elements, including the Community Development Code (CDC)



Background: Ordinance No. 886

Ordinance No. 886 proposes to amend six CFP policies to:

- Implement state law changes adopted in HB 2001
- Better align County policies with new middle housing requirements
- Add references to middle housing
- Improve information accuracy
- Better reflect current conditions

Ordinance No. 886 is one of two ordinances filed to address HB 2001 requirements

- Ordinance No. 885, the other ordinance, proposes amendments to the CDC
- That ordinance will be addressed in a separate presentation



Proposed amendments

CFP Policy 18, Plan Designations and Locational Criteria for Development

- Requires County to prepare community plans and development regulations that correspond with plan designations and locational criteria
- Plan designation descriptions are amended to:
 - Add references to middle housing
 - Improve clarity and accuracy of descriptions



→ Proposed amendments

CFP Policy 19, Infill

- Addresses development of vacant or underdeveloped R-5 and R-6 lands of 2 acres or less
- Intent of policy was to buffer existing residences from adjacent development
- Amendments clarify that middle housing is not subject to development regulations associated with infill policy
 - HB 2001 allows only limited siting and design standards for middle housing
 - Infill provisions are not included in the limited siting and design standards allowed by HB 2001, so they may not be applied to middle housing



Proposed amendments

CFP Policy 21, Housing Affordability

- Encourages housing industry to provide housing affordable to range of households
- Amendments include:
 - Updating descriptions of housing affordability programs and the role of County Departments in housing affordability
 - Adding references to middle housing as a way to accommodate more variety in housing type and sale or rental price

→ Proposed amendments

CFP Policy 22, Housing Choice and Availability

- Encourages housing industry to provide variety of housing types in sufficient quantities. Amendments include:
 - Add reference to middle housing as strategy for providing housing variety
 - Update American household description to include more recent trends
 - Add description of HB 2001

CFP Policy 40, Regional Planning Implementation

- Describes how County locally implements Metro's regional growth management requirements. Amends:
 - "Neighborhoods" regional design type description to include middle housing and confirm middle housing is not subject to density requirements

→ Proposed amendments

CFP Policy 24, Housing Discrimination

- Confirms the County encourages and supports equal access to quality housing for all
 - Summary of Findings and Conclusions is very dated; contains inaccurate and somewhat offensive statements
 - Ordinance proposes to delete this existing information
 - Updating this policy is an important task that warrants more staff attention than is currently possible
 - Proposing to update the policy's Implementing Strategies and Summary of Findings and Conclusions as part of future Work Program task





Comment letter

Commissioner Wellner letter dated Feb. 7 included the following comments on this ordinance, followed by staff's response.

- Detached middle housing should be allowed. If middle housing limited to attached and/or cottage designs, its construction will be suppressed.
 - *CFP does not distinguish between detached or attached middle housing*
 - *This issue is about CDC changes in Ordinance No. 885, not CFP provisions of Ordinance No. 886*
 - *Further CFP changes not needed to cover possibility of detached middle housing products*
 - *Staff suggests this issue be addressed as part of Ordinance No. 885*



Comment letter

Wellner comments (continued)

- Question about minimum density and middle housing
 - *CFP does not contain detail or requirements about minimum density, that is in the CDC*
 - *This issue is about CDC changes in Ordinance No. 885, not CFP provisions of Ordinance No. 886*
 - *Per state Rules, middle housing is not subject to density requirements (minimum or maximum), however, OAR allows middle housing to be subject to other requirements that apply to single-detached dwellings*
 - *CDC amendments proposed in Ordinance No. 885 require middle housing that doesn't meet minimum density to show how the proposal doesn't preclude future development to minimum density*
 - *This same requirement applies to single-detached dwelling on lot of record*



Comment letter

Wellner comments (continued)

- Since middle housing is not subject to Policy 19 Infill provisions, why not replace these with other standards?
 - *Valid point, makes sense for future work*
 - *Modifying the Infill standards in Ordinance No. 820 was somewhat contentious; their removal likely to cause community concerns*
 - *Developing replacement standards may be possible as future stand-alone task if directed by Board of Commissioners, but is outside scope of middle housing ordinance*
- Suggests several specific changes to descriptions to better reflect current conditions
 - *If the ordinance is engrossed, these changes could be made*



Community member question

Question from Mary Manseau, Feb. 9:

- Addition to Policy 18 description of R-6 plan designation says middle housing is not subject to the public notice requirement. Is this correct?

Staff response:

- *This is an error; inconsistent with CDC amendments in Ordinance No. 885:*
 - *Middle housing identified as a Type I use for which no notice is required*
 - *When certain circumstances apply, middle housing identified as a Type II use, which requires public notice*
- *Recommend engrossment to clarify that middle housing not subject to notice when processed through a Type I review*

→ Staff recommendation

- Conduct the public hearing
- Recommend approval of Ordinance No. 886 to the Board of Commissioners, with engrossment to clarify that middle housing is not subject to notice when processed through a Type I review and to make text changes as described in Wellner response memo



STAFF CONTACT

Suzanne Savin, Senior Planner

suzanne_savin@co.washington.or.us



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Middle Housing Ordinance No. 885

FIRST HEARING – KEY CDC
CHANGES AND ANALYSIS

Planning Commission Feb. 16, 2022

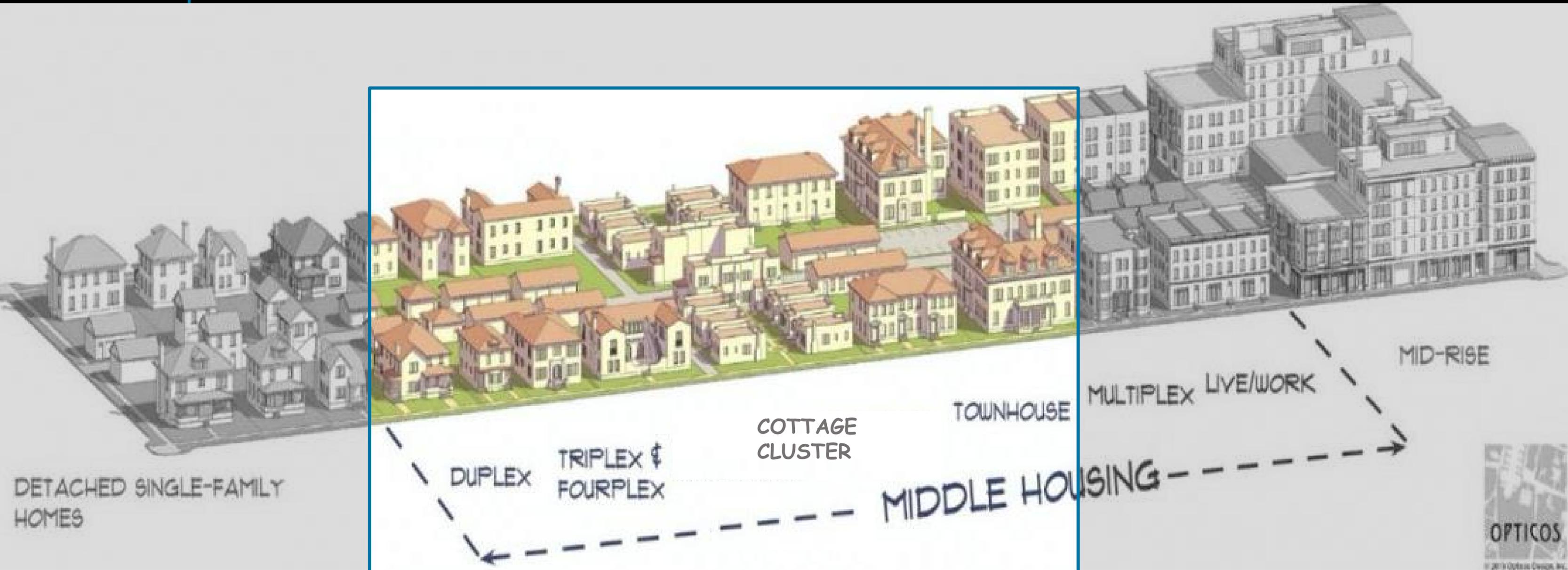
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→ Order of presentation

- Middle housing and House Bill (HB) 2001
- Bill's main effect on current County allowances
- Why not just Model Code?
- Ordinance approach, intent, key points
- Future Planning Commission hearings: dates, potential focus topics
- Key amendments
- Detached plexes (duplex, triplex, quadplex) – basics for now
- Ordinance outreach

→ What is middle housing?



- State law requires middle housing be allowed in neighborhoods of single detached housing



What is HB 2001?



- One tool intended to give Oregonians more housing choices in residential neighborhoods
- Adopted by Oregon Legislature in 2019; Rules in 2020
- Requires County to allow middle housing in all residential districts that allow a single detached house
- Existing local density controls do not apply. Rules specify other density or unit limits that can be adopted
- Local standards must not discourage middle housing through unreasonable cost or delay. Rules allow only those standards:
 - Outlined in Rules or Model Code;
 - That apply to a single detached house in the same zone; or
 - Less restrictive than any of the above
- Must adopt by June 2022 or Model Code applies directly



Middle housing history and benefits

- In older neighborhoods, detached homes and middle housing often coexist, serving people with a mix of incomes, life stages, wants and needs
- Subdivisions after 1940s brought whole developments of detached homes
- New detached homes *typically* cost more than middle housing. Without other home types, cost of housing in a neighborhood and historic restrictions have excluded many
- Middle housing can provide choices for low/mid-income, small, young adult, senior, extended households, people long affected by discrimination, to:
 - Rebuild economic and population diversity, boost household stability and success factors
 - Reduce commutes to schools, services, jobs, recreation, family
 - Bring property owners new income streams
- A good housing mix expands options in all price ranges, helping lower-wage earners to compete



→ Bill's main effect on County allowances

- Many jurisdictions in Oregon have zones that only allow single detached houses
- The County has no residential districts that only allow single detached housing - all County residential districts already allow duplexes, triplexes, quadplexes and townhouses
- Cottage clusters are currently allowed in the North Bethany (NB) districts
 - County districts where HB 2001 applies: R 5, R-6, R-9, R-15, R-24, R-25+, TO: R9-12, TO: R12-18, TO: R18-24 R6-NB, R-9 NB and R-15 NB
 - The state requirement to allow all middle housing types in affected districts does not represent a significant change for the County
 - The primary effect on County regulations is to allow more units





Why not just Model Code?

- Board directed staff to draft County-specific standards meeting minimum requirements of the bill, for adoption before the state's June 30 deadline
- Staff expects there will be further revisions over time to County standards as part of next year's Work Program
- Delaying adoption/defaulting to Model Code in the interim is not recommended
 - Would cause confusion for staff, builders and the public and potentially cause delays in time-sensitive permit processing
 - Model Code does not integrate local practices that guide County staff and partner agencies in review
 - Model Code is aspirational rather than minimum standards. It varies from the provisions in the State Rules and County proposed standards, sometimes substantially. Design standards are often more prescriptive than County has proposed.
 - Uncertainty about effect of interim Model Code on claims over property value/rights losses from eventual County adopted standards

→ Ordinance approach and intent

Proposed Community Development Code (CDC) changes consider context of existing CDC and review practices:

- Overall, proposed in CDC where staff/community users look for residential review standards now, with similar formatting
- Amendments affect many CDC sections and responsibilities of:
 - Current Planning Development Review, Development Assistance and potentially Enforcement
 - Building Services Intake, Plan Review, Grading Review and Inspection
 - Survey
 - Engineering/Operations Divisions
 - Environmental Health staff
 - Clean Water Services, Fire Districts, Parks
- Intent to help staff and partner agencies adjust to new criteria and review expectations at required pace



→ Future Planning Commission meetings



March meetings (March 2, 16, 30):

- Public testimony
- Follow up on topics of interest
- Deliberate on specific topics and preferred direction
- March 30 (special meeting, only if needed)

Possible topics for future meetings:

- Detail on detached plex potential
- Apparent conflicts between state middle housing law and Transportation Planning Rule
- Detail on difference between proposed standards and Model Code
- Public response, testimony, comments



Key amendments

Subject/CDC §	Key Changes	Analysis
DEFINITIONS § 106	<ul style="list-style-type: none">• Adds terms, definitions• Amends terms that currently use the word “family” to describe housing types	<ul style="list-style-type: none">• Basis for CDC middle housing standards• Borrows from state Rules, Model Code, adds County context• Proposed standards define plexes to include attached units only<ul style="list-style-type: none">○ State Rules allow, do not require, that local duplex, triplex, quadplex definitions can include detached units○ Addressed further later in presentation• Changes to existing housing terms recognize diversity of households
NEIGHBORHOOD MEETING § 203-3	Exempts middle housing, middle housing land divisions	<ul style="list-style-type: none">• State limits allowed standards: Must not individually or cumulatively, discourage middle housing development through unreasonable costs or delay• Current CDC does not require for one house• To apply to Type II middle housing, would need to require for Type II single detached



Key amendments

Subject/CDC §	Key Changes	Analysis
LAND USE DISTRICT STANDARDS § 302 § 303 § 304 § 305 § 306 § 307 § 375 § 390	<p>Makes Middle Housing allowed use in residential districts: R-5, R-6, R-9, R-15, R-24, R-25+, R-6 NB, R-9 NB, R-15 NB, TO: R9-12, TO: R12-18 and TO: R18-24</p> <p>Amends review types for single detached, home expansions, adds for middle housing:</p> <ul style="list-style-type: none"> • Type I if: <ul style="list-style-type: none"> ○ Sidewalk and right-of-way exist or are proposed ○ Meets current minimum density • Type II if: <ul style="list-style-type: none"> ○ Sidewalk/right-of-way absent and not proposed ○ Won't meet minimum density 	<ul style="list-style-type: none"> • Current CDC: All affected districts allow plexes, townhouses; three allow cottages • Duplex: Must allow on any lot where detached allowable (no minimum lot size) • Other middle housing: Can require certain minimum-lot sizes • Existing density controls can't apply <p>• Review types and requirements mostly same in all districts</p> <p>• Can only require sidewalk and right-of-way for middle housing if also required for single detached houses</p>

→ Key amendments

Subject/CDC §	Key Changes	Analysis
LAND USE DISTRICT STANDARDS § 302 § 303 § 304 § 305 § 306 § 307 § 375 § 390	Adds minimum dimensions for middle housing: <ul style="list-style-type: none"> ● Lot area in square feet (sf): <ul style="list-style-type: none"> ○ Duplex: None ○ Triplex: 5,000 sf (5,500 in R-5) ○ Quadplex: 7,000 sf ○ Cottage Cluster: 7,000 sf ○ Townhouse Site: 3,000 sf ○ Townhouse Lots: 1,500 sf ● Setbacks, heights mostly same as for single detached ● R-5, R-6: reduced side yard 	<ul style="list-style-type: none"> ● Rules don't require, but allow, local jurisdictions to adopt lot area minimums ● Rules require setbacks and height limits be no more than for single detached house in same district; further limit for cottage clusters (to 10 feet) ● Proposed minimum-lot sizes are the largest state allows local jurisdictions to require ● R-5, R-6 side yard reduction: <ul style="list-style-type: none"> ○ Allowed in other districts ○ Does not apply where abuts offsite land

→ Key amendments

Subject/CDC §	Key Changes	Analysis
NEIGHBORHOOD CIRCULATION § 408	<p>Exempts middle housing, middle housing land division</p> <p>Current CDC: Type II, III development or land division applicants must provide on-site through-streets or minimum pedestrian/bike accessways to reduce block sizes</p>	<ul style="list-style-type: none"> • Rules limit middle housing access/street requirements to emergency standards (not extensive as County road standards) • However, where middle housing all on one lot: <ul style="list-style-type: none"> ○ Proposals likely often Type I (exempt) ○ For Type II, other CDC amendments limit per Rule • SB 458 (middle housing land divisions) does allow more improvement requirements “where a resulting lot abuts the street;” prohibits requiring driveways/vehicle access • Apparent inconsistencies between above limits and state Transportation Planning Rule <ul style="list-style-type: none"> ○ Main concern: convenient circulation with large townhouse proposals ○ Future report/land division ordinance to address



Key amendments

Subject/CDC §	Key Changes	Analysis
PRIVATE STREETS: SIDEWALKS, SITE ACCESS § 409	On private street, adds required: <ul style="list-style-type: none"> • Sidewalk (single detached, middle housing) • Fire district confirmation of emergency access (middle housing besides duplex) 	<ul style="list-style-type: none"> • Consistent with requirements proposed when on public street(s) • Fire district confirmation based on state <i>Sufficient Infrastructure</i> requirement
GRADING/ DRAINAGE § 410	<ul style="list-style-type: none"> • All grading/drainage must still meet § 410, County and state Plumbing Codes, CWS <i>Design and Construction Standards</i> where in CWS boundary • Requires CWS confirmation of sufficient storm drainage or what’s needed (middle housing besides duplex) 	<ul style="list-style-type: none"> • Relates to <i>Sufficient Infrastructure</i> • Implements Goal 6: <p><i>“All waste and process discharges from future development... combined with [those]... from existing developments shall not threaten to violate, or violate... environmental quality statutes, rules and standards...[and] shall not:</i></p> <ol style="list-style-type: none"> <i>1. Exceed the carrying capacity of... [air, water, land] resources...;</i> <i>2. Degrade such resources; or</i> <i>3. Threaten... [their] availability</i>

→ Key amendments

Subject/CDC §	Key Changes	Analysis
PARKING § 413	<ul style="list-style-type: none"> ● For middle housing: <ul style="list-style-type: none"> ○ One off-street space/unit ○ Exempts from on on-street parking ● Makes off-street same for all attached 	Per state Rules: <ul style="list-style-type: none"> ● Proposed off-street = most local standard can require ● May allow swap (on-street for off) – Not proposed (community concerns)
FLOOD PLAIN/ SIGNIFICANT NATURAL RESOURCES § 421 § 422	Allows middle housing duplex consistent with existing Type II allowance for a single detached house	State Rules: <ul style="list-style-type: none"> ● Allow limits on Middle Housing, except duplex, in some Goal-protected areas. Goals 5 and 6 (<i>Natural Resources...; Air, Water, Land Resources Quality</i>) protect floodplain/ Significant Natural Resource areas ● Require duplex be allowed where single detached allowable
ACCESSORY DWELLING UNIT § 430-2	If meet definition of either <i>Duplex</i> or <i>Primary dwelling unit with ADU</i> , applicant must specify which to consider it	<ul style="list-style-type: none"> ● Based on Model Code ● Different criteria apply to each

→ Key amendments

Subject/CDC §	Key Changes	Analysis
DESIGN, PLAN § 430-37	<ul style="list-style-type: none"> • Single detached dwellings: updates design standards, Type II criteria for large lot where density not met • Applies same to middle housing duplex 	<ul style="list-style-type: none"> • Rules allow same standards for middle housing as for single detached • Proposed amendments do not require that proposal meet minimum density – just not preclude it in the future
INFILL § 430-72 <i>(Affects only R-5 and R-6 land divisions)</i>	<ul style="list-style-type: none"> • Exempts middle housing, middle housing land divisions • Some standards updated to be more clear and objective 	<ul style="list-style-type: none"> • Current CDC standards: <ul style="list-style-type: none"> ○ Are intended to buffer existing offsite residences from new development ○ Don't apply to a single detached house (where no land division) ○ Don't appear allowable for middle housing, per state Rules and SB 458 • State law requires clear and objective standards for housing



Key amendments

Subject/CDC §	Key Changes	Analysis
SPECIAL USE STANDARDS: MIDDLE HOUSING § 430-84	<p>Adds use, “Middle Housing”</p> <p>Middle housing siting, design:</p> <ul style="list-style-type: none">• Design standards by home type (except duplex, which are same as for single detached in § 430-37), exempts conversions• Design standards generally:<ul style="list-style-type: none">○ Entry/building orientation○ Window coverage○ Access, garage, parking• Additionally:<ul style="list-style-type: none">○ Townhouse articulation○ Cottage cluster orientation, courtyard, community building, pedestrian access	<p>Section 430 details requirements per use</p> <ul style="list-style-type: none">• Rules restrict local standards. Must not discourage middle housing through unreasonable cost or delay. Allow only:<ul style="list-style-type: none">○ Outlined in Rules/Model Code○ Applicable to single detached home○ Less restrictive than above• Design standards largely from Model Code, simplified/omitted for more design flexibility, Rules prohibit application to conversions (from single detached to middle housing)• Potential future meeting focus: Compare proposed vs Model Code design standards

→ Key amendments

Subject/CDC §	Key Changes	Analysis
SPECIAL USE STANDARDS: MIDDLE HOUSING § 430-84	<p>More on how ADU treated with middle housing:</p> <ul style="list-style-type: none"> ● Must specify as ADU or middle housing unit if it meets description of both ● Unit counts toward maximum units/density (like any onsite housing unit) ● ADU may remain as “nonconforming” in some cases, but not with: <ul style="list-style-type: none"> ○ Middle housing land division ○ Townhouses 	<ul style="list-style-type: none"> ● From Model Code duplex requirement ● ADU not middle housing per Rules, different standards ● Rules allow total unit limit per plex site ● Current CDC: <ul style="list-style-type: none"> ○ ADU secondary to single detached ○ Would not comply if remains after main dwelling converted ○ Can be lawful if no longer “conforms” to current standards, except: <ul style="list-style-type: none"> ▪ Not for townhouse ▪ Not for Middle housing land division (per SB 458 one unit per lot)



Key amendments

Subject/CDC §	Key Changes	Analysis
<p>PUBLIC FACILITIES AND SERVICES § 501</p> <p>SIDEWALK STANDARDS § 502</p>	<ul style="list-style-type: none"> ● Single detached/duplex <ul style="list-style-type: none"> ○ Requires right-of-way, sidewalk, adds Type II right-of-way exemption ○ Retains: Required TDT, SDCs, access/sight distance ● Expansion/replacement <ul style="list-style-type: none"> ○ As above (but no TDT) ● Middle housing <ul style="list-style-type: none"> ○ Same as single detached + ○ Except for duplexes, proof of <i>Sufficient Infrastructure</i> ● Middle housing land division <ul style="list-style-type: none"> ○ All above + ○ Others for lot frontages 	<ul style="list-style-type: none"> ● Rules limit middle housing <i>Sufficient Infrastructure</i> to sewer, water, storm drainage, emergency access; but may require other improvements if also required for single detached ● Right-of-way to offset future acquisition need; dimensions clear and objective, consistent with state law requirements for housing ● Seeking more may exceed “rough proportionality” between impacts of one house and conditioned improvements – so must limit ● Sidewalk = community concern ● Home additions can add occupant capacity, road impacts – new requirements apply where addition is over 2,000 sq. ft. ● Per SB 458 more can be required where divided lots abut street ● As noted, researching Transportation Planning Rule vs middle housing Rules/SB 458 limits for future discussion

→ Detached plexes – basics for now



- Proposed standards define plexes as **attached**, as in current CDC
- Draft regulations allow similar alternative to detached plex as cottage units
- State Rules allow, but don't require, local definitions to include detached. Jurisdictions are divided on this topic
- Building industry interested in allowing such units, particularly duplexes, to be considered as **detached**
- Board chair direction: Meet bill's minimum expectations within the state's deadline
- Bigger topic than can be addressed in detail today
- Staff suggests deeper discussion as focus topic March 2



Ordinance outreach

- Public notice of ordinance sent to General and Individual Notification Lists (community participation organizations, cities, special service districts, interested parties)
- Additional communications via social media, web content, online open house/survey and voluntary email membership list
- Assistance with outreach to underrepresented groups through consultant work, including listening sessions and focus groups
- Outreach ongoing:
 - Information in response to some comments received included in this presentation
 - Future meeting recommended for deeper discussion of any comment letters, testimony or other feedback

→ Discussion

Questions, comments or discussion about:

- Broad concepts?
- Specific amendments?
- Potential topics for focus at upcoming meetings?
- Other?





Staff

Theresa Cherniak, Principal Community Planner

theresa_cherniak@co.washington.or.us

Anne Kelly, Senior Planner

anne_kelly@co.washington.or.us

Suzanne Savin, Senior Planner

suzanne_savin@co.washington.or.us

Kim Armstrong, Senior Planner

kim_armstrong@co.washington.or.us

Todd Borkowitz, Associate Planner

todd_borkowitz@co.washington.or.us



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