



Middle Housing Ordinance No. 885

THIRD HEARING – STREET
REQUIREMENTS, POSSIBLE
ORDINANCE CHANGES

Planning Commission March 16, 2022

Land Use & Transportation

www.co.washington.or.us



Recommendation and order of presentation

Staff recommendation – conduct public hearing and:

- Make recommendation on potential changes addressed in staff report/supplemental report;
- Deliberate, make recommendations on issues discussed tonight; and
- Continue hearing to March 30

Presentation:

- Draft sidewalk and right-of-way requirements
- Other street improvements: state allowances and apparent limitations
- Potential amendments to the filed ordinance
- Future Planning Commission hearing: date, suggested focus



Sidewalk and right-of-way

Background:

- Address lack of improvements along various lots and roadways; don't worsen the problem
- Gaps in existing sidewalk are a particular community concern
- State/County transportation policies aim to achieve a safe, comfortable pedestrian network convenient for all abilities

Of lots eligible for middle housing:

- Most created by subdivision already have frontage improvements
- Extent varies by age of lot, standards of the era
- As early as 1950s, County often required public streets, curbs, sidewalks, sometimes sewers and lighting
- Regardless of price point, some older lots/subdivisions lack improvements



Sidewalk and right-of-way

State limits local middle housing standards to:

- Those which do not discourage middle housing through unreasonable cost or delay. Limited to those:
 - Outlined in Rules or Model Code;
 - Applicable to a single detached dwelling; or
 - Less restrictive than the above
- Where no land division proposed, public improvements meeting state “Sufficient Infrastructure” definition:
 - Sewer, water, storm drainage
 - Access via streets meeting **emergency vehicle access standards** – these do not include amenities like sidewalks and curbs
- If middle housing land division, the state further:
 - Allows requirement of right-of-way dedication
 - Allows more extensive street improvements, but limits those to where a resulting lot or parcel abuts the street
 - Prohibits **requirement** of access or driveways



→ Sidewalk and right-of-way

Home Builders Association of Metropolitan Portland (HBA) and a Planning Commission member suggest proposed sidewalk and right-of-way requirements are:

- Counter to HB 2001 intent to improve housing affordability
- A community need, which should be paid for and constructed by community/County
- Particularly questionable in relation to impacts of a home expansion



Sidewalk and right-of-way

Draft standards:

- Require sidewalk and right-of-way for new/expanded single detached homes and for middle housing
- Allow exemptions under certain conditions
- Recognize Board decision on whether to require sidewalk and right-of-way must balance state and community goals:
 - HB 2001 intent: reduce barriers to home affordability
 - Established state/County policies: implement safe, convenient pedestrian system
 - State limits local standards for middle housing
 - Avoid disproportionate requirements for a single detached home in relation to impacts
 - Larger middle housing developments on one lot might create more impacts, but improvement requirements cannot be more extensive
 - Broad intent: Address community/Board member concerns through minimum requirements for all housing



Sidewalk and right-of-way



Figure A. Metzger: Some lots have sidewalk, some don't



Figure B. Cedar Hills: Most lots lack sidewalk

Chair Lockwood comments/questions (March 14)

- Examples of sidewalk gaps? How would sidewalks provided by new residential construction fix this?
- Requiring sidewalk for infill housing makes sense if there are sidewalks on adjacent properties. Short strips may not do much good, including aesthetically
- Exemptions such that sidewalk required only where it would connect?

Staff Response:

- Draft standards exempt development on lot created by prior subdivision that did not require sidewalks; allow exemptions for topographic constraints, lack of nearby sidewalk, little nearby development potential
- Figure A: Sidewalks being completed with infill
- Figure B: Exemptions likely, fee-in-lieu could help

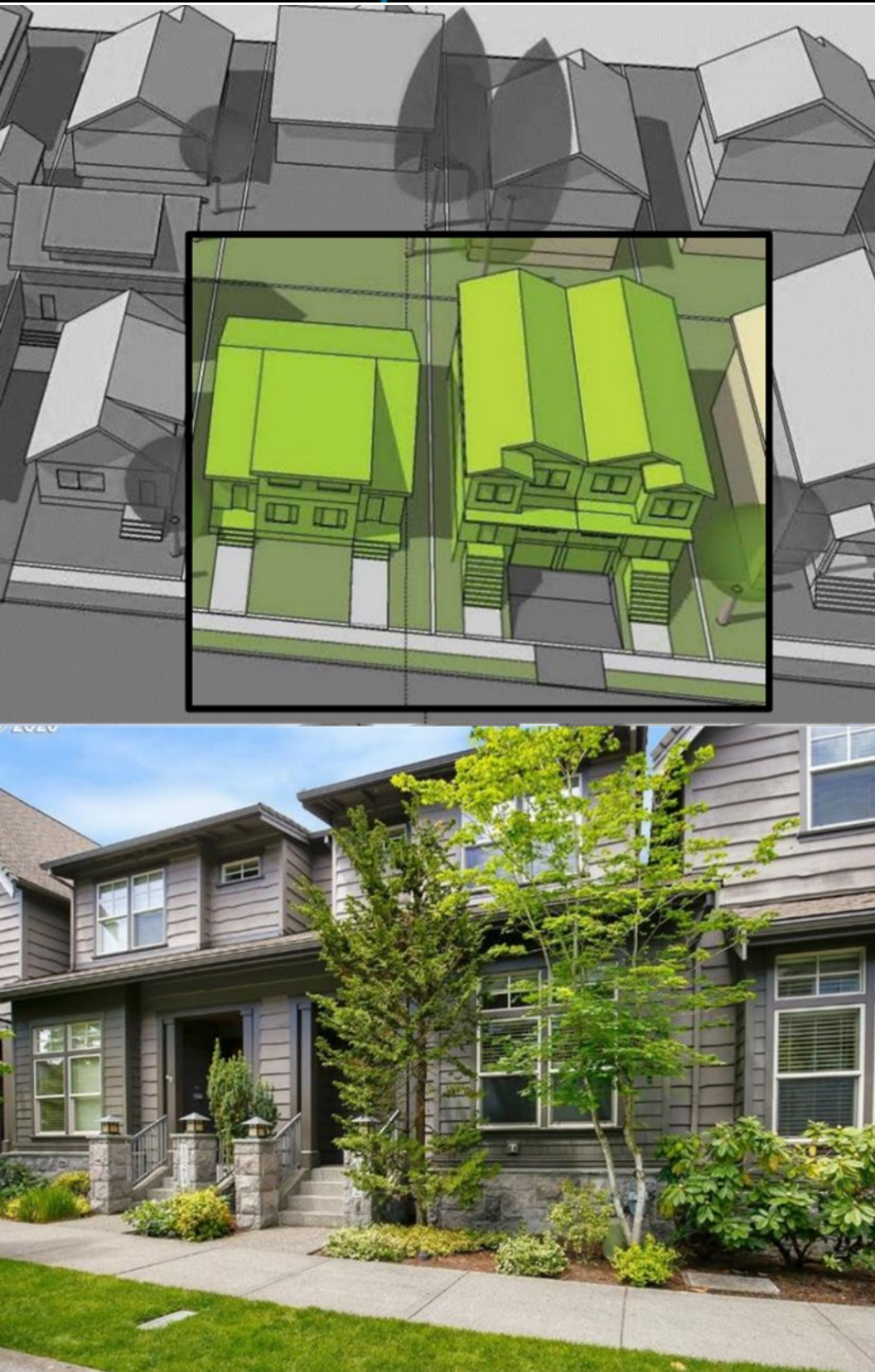


Sidewalk and right-of-way

Funding:

- Comprehensive Framework Plan (Policy 14, Managing Growth):
 - Considers sidewalks essential transportation improvements
 - Requires that applicant bear cost of required transportation improvements unless Board authorizes otherwise
- Typical County transportation improvement funding strategies:
 - Major system safety and capacity deficiencies – property taxes
 - System maintenance – gas tax and user fees
 - Keeping pace with growth – Transportation Development Tax (TDT), conditions of development approval
- Staff believes sidewalk and right-of-way requirements in draft code are consistent with above funding strategies
- Staff looking at potential future fee-in-lieu for sidewalks – PC could recommend to Board that program be developed

→ Other street improvements



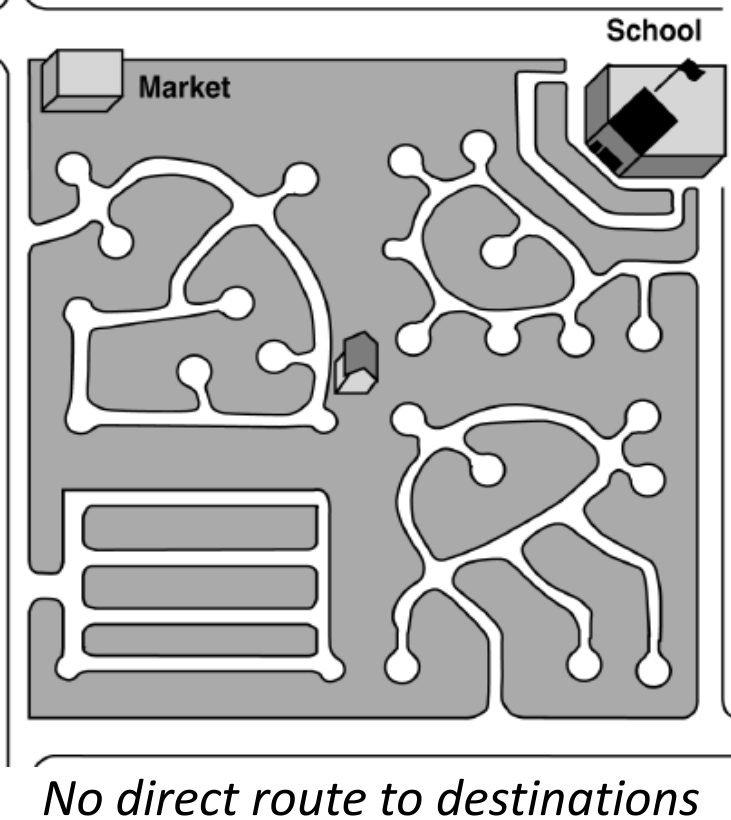
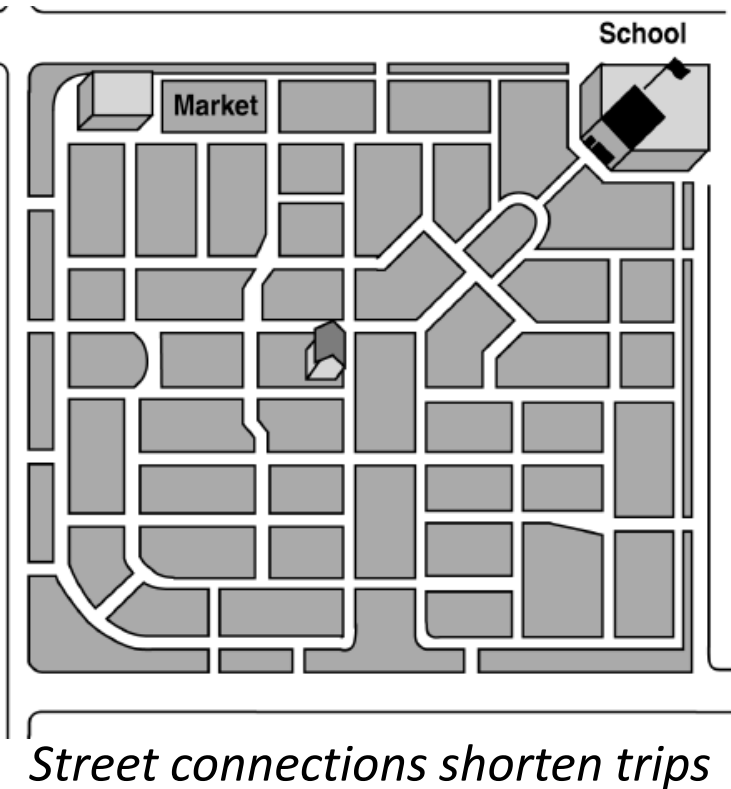
Apparent conflicts between state middle housing bills/rules and state Transportation Planning Rule (TPR) policies – particularly related to street connectivity, convenient access and circulation (which existing CDC implements)

When a middle housing land division is proposed:

- Sidewalk/right-of-way and state Sufficient Infrastructure requirements apply
- If/where internal streets proposed, state allows more improvement requirements (like half-streets), but:
 - Only along resulting lot frontages; and
 - Prohibits **requirement** of access or driveways
- If not proposed, state provisions appear to prevent requiring:
 - Through-streets/connections to off-site properties, pedestrian/bike connections
 - Off-site safety/capacity improvements where development impacts might warrant



Other street improvements



- Current CDC requirements consistent with TPR, Metro Urban Growth Management Functional Plan (CDC 408 and 501):
 - Connected public streets and pedestrian/bicycle accessways to create convenient circulation options for pedestrians, bicyclists, motorists, transit users
 - Cul-de-sacs/dead-end streets generally prohibited
 - Block lengths and block perimeters limited
 - Off-site safety/capacity improvements
- Main concern: Apparent inability to apply to large townhouse/cottage cluster development. Draft standards do not apply these requirements to middle housing
- If defensible alternative interpretation is determined, staff may recommend engrossment to apply them, however state law may need to change before local jurisdictions can do so



Potential changes to draft CDC

Staff supports the following changes, considered by PC March 2 (Table 1):

1. Change middle housing street side yard to 8 feet, all districts
2. Specify one space per middle housing unit
3. Change minimum townhouse lot frontage from 20 to 15 feet
4. Clarify window requirement for street-facing façade means entire street-facing façade, not per unit
5. Reduce 15% window requirements to 12.5% for front of one-story structure, 5% on street side for all
6. Add Type III process for plex garage wider than 50% of frontage
7. Clarify above 50% limit applies to each frontage on corner (not combined total)
8. Simplify accessory dwelling unit retention – staff suggests excluding ADU from unit cap



Other changes discussed

A. Detached plexes

- Can help retain existing buildings/trees, can provide similar alternative to single detached (potentially more affordable when of modest size)
- PC Member and ECONorthwest study suggested that, as a home type similar to single detached, would likely be dominant middle housing type if allowed
 - Allowance may encourage middle housing in numbers
 - Might limit potential for a housing mix diverse in form and cost
 - Other jurisdictions are mixed - of 12 local jurisdictions researched, roughly half are allowing and half are not allowing or not currently considering
 - Balanced housing mix could be lost opportunity – buildable unincorporated urban land is finite resource
 - Retracting allowance later could put County at financial risk



→ Other changes discussed

A. Detached plexes (continued)

- Planning Commission policy objectives/priorities for middle housing?
 - Numbers of middle housing (mix of housing types less important); or
 - Wide range of housing types, more diverse pricing
- Staff recommends waiting to see if jurisdictions allowing detached plexes see a reasonable housing mix. If so, staff would propose allowance through the next work program.



Other changes discussed

D. Could we require maximum lot size for detached plex?

- Staff does not support
- Risk: regulating detached differently not clearly allowable

B, C. Redefine common wall to specify 10-foot shared portion or just structural connection

- Staff does not support
- 25% in draft vetted by state in Model Code
- Ten feet: arbitrary, specifying in feet may challenge smaller units
- “Structural connection”
 - Not necessarily common wall, not clear and objective standard
 - Per Building staff, this and walls/elements it connects to are subject to fire rating – would not appear to reduce complexity or cost



→ Other changes discussed

- E. Delete triplex/quadplex combined garage and parking width limit (50% of frontage), or remove all related requirements
- Staff does not support
 - Limits preserve on-street parking potential, help create pedestrian-friendly public realm, minimize driveway interruptions on sidewalk to increase pedestrian safety
 - Staff suggests change to limit garage door width
- F. Don't count any garage space toward cottage size
- Staff does not support
 - State limits size partly to ensure alternative to larger single detached homes, prioritizes living space over parking
 - Draft standards allow several exclusions



Other changes discussed

- G. Change minimum lot size for townhouses to vary with District, like Beaverton
 - Staff supports lowering minimum townhouse lot size in Districts where current standard is less

- H. Change Accessory Dwelling Unit (ADU) definition, allow each plex and townhouse unit to have an ADU
 - Staff does not support as part of current ordinance
 - ADUs and single detached dwellings not middle housing under state law and regulated differently
 - Current ordinance addresses ADUs primarily to facilitate retention where middle housing proposed

- I. Review infill standards for other housing
 - Staff does not support as part of current ordinance, focused on middle housing
 - Could propose as future Work Program task

→ Future Planning Commission meeting



March 30 meeting:

- Public testimony
- Deliberate on remaining specific topics and preferred direction
- Vote on specific recommendations to the Board

Focus: Changes to draft standards

→ 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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