

(BCC letterhead)

Land Conservation and Development Commission (LCDC)
635 Capitol Street NE, Ste. 150
Salem, OR 97301

RE: House Bill 2001 [2019] Rulemaking and Draft Oregon Administrative Rules (OARs) for Requiring Middle Housing Types in Certain Urban Areas

Dear Members of the Commission:

The Clackamas County Board of Commissioners would first like to acknowledge DLCD staff and the Rules Advisory Committee for all their hard work in tackling the complex rulemaking necessary for successful implementation of the new middle housing requirements of HB 2001.

As you evaluate the proposed rules for adding middle housing to urban neighborhoods, we encourage you to consider the legislative intent of this important bill, as well as the importance of allowing needed flexibility for local jurisdictions. There is no “one size fits all” solution to increasing housing options in urban areas across our state. Each jurisdiction has unique communities and neighborhoods and should have the opportunity to consider local context and work with its residents to effectively and equitably increase the diversity of housing types in their urban areas.

In addition, we provide the following specific comments on the draft rules for your consideration.

Parking: As drafted, the rules allow jurisdictions to require no more than one parking space per dwelling unit for all middle housing types, which is a reduction from the county’s current code. This is concerning because many of the roads serving the county’s urban neighborhoods do not allow on-street parking due to substandard widths or other constraints. Further, we know there are other jurisdictions with greater needs for off-street parking, including those with limited transit options or a large number of college students in roommate situations. For these reasons, the current proposal is not preferred. However, we are aware that there has been consideration given to reducing the off-street parking allowance even further and are strongly opposed to any such reduction.

Sufficient urban services: HB 2001 does not apply to “*lands that are not incorporated and also lack sufficient urban services, as defined in ORS 195.065.*” However, the Bill does not define “sufficient” or provide a process to demonstrate that a particular area qualifies as exempt. Rather than addressing these gaps in the legislation, the proposed OARs simply delete the word “sufficient” in the definition of “large city.” This approach fundamentally conflicts with the Bill, which clearly contemplates that an area may have urban services, yet those services may not be sufficient. We urge the Commission to define “sufficient” and clarify the mechanism for a demonstration of insufficiency.

“In areas”: In passing HB 2001, the Legislature adopted a clear distinction between duplexes, required on *every lot or parcel* zoned for residential use, and triplexes, quadplexes, townhomes and cluster cottages, required instead “*in areas zoned for residential use.*” The discussion about “in areas” has been one of the most difficult of the rulemaking process, and the draft rules have gone through several iterations. The current draft appears to give jurisdictions some flexibility to establish their own minimum lot sizes or density standards beyond those identified elsewhere in the rules, provided there is

a demonstration of equitable distribution throughout the jurisdiction and compliance with other minimum standards. We encourage you to retain this provision, and any other reasonable flexibility for defining “areas,” that will allow local jurisdictions to carefully consider their individual circumstances and to conduct meaningful public outreach to ensure the new regulations meet the needs of the wide variety of communities that are affected by this legislation.

Thank you,

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