

EXHIBIT LIST
IN THE MATTER OF ZDO-282: Land Use Housing Strategies Project – Phase 2

Ex. No.	Date Received	Author or Source	Subject & Date of Document (if different than date received)
Exhibits 1 through 16 are included in BCC Packet C (posted 4/14/22, updated 4/20/22, updated 4/27/22)			
Exhibits 17 through 25 were received between 4/27/22 and 05/09/22 (@4PM)			
17	04/30/22	Michelle D Da Rosa	Letter supporting proposed changes related to condominiums; requests additional changes for condominiums
18	05/01/22	Rich Nepon	Email supporting proposed changes; discusses lot coverage; tree protection and lot coverage
19	05/02/22	Suzie McHarness	Email expressing concerns about road, pedestrian, and neighborhood safety
20	05/02/22	Sue Conachan	Email expressing concerns about parking on neighborhood streets
21	05/03/22	Joseph Edge, Oak Grove Community Council CPO (OGCC)	Letting including OGCC testimony requesting changes to proposal to offer property owners more flexibility including: detached plexes; variances to setbacks; removing minimum lot sizes for certain middle housing; expanding FILO to all middle housing; and others
22	05/09/22	Tom Civiletti	Email supporting letter from OGCC
23	05/09/22	Jane Civiletti	Email supporting letter from OGCC
24	05/09/22	Valerie Chapman	Email supporting letter from OGCC
25	05/09/22	Nate Ember	Email supporting letter from OGCC

From: Michelle DaRosa <mdarosa@landandcondolaw.com>
Sent: Saturday, April 30, 2022 4:26 PM
To: Rogalin, Ellen
Cc: Fritzie, Martha
Subject: RE: Board public hearing on middle housing held this morning; testimony accepted until May 9
Attachments: HB 2001 ZDO Implementation Public Testimony Da Rosa 4860-6952-2974 v.1.pdf

Warning: External email. Be cautious opening attachments and links.

Please accept my public testimony on HB 2001 implementation changes to the ZDO, attached.

Michelle D. Da Rosa

Attorney at Law
205 SE Spokane Street, Suite 300
Portland, OR 97202
Office: (503) 220-2891
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mdarosa@landandcondolaw.com



From: Rogalin, Ellen <EllenRog@clackamas.us>
Sent: Wednesday, April 27, 2022 3:51 PM
To: Rogalin, Ellen <EllenRog@clackamas.us>
Cc: Fritzie, Martha <MFritzie@clackamas.us>
Subject: Board public hearing on middle housing held this morning; testimony accepted until May 9

Good afternoon,

Today the Clackamas County Board of Commissioners held a public hearing on the amendments related to middle housing proposed for the county code and comprehensive plan. Five people provided testimony. After discussion, the Board continued the hearing until 10 a.m., Wednesday, May 11, for deliberation only, and agreed to continue to accept written public testimony until **4 p.m., Monday, May 9**. Any comments should be sent to Martha Fritzie at mfritzie@clackamas.us before that time.

A video of today's hearing will be available at <https://www.clackamas.us/meetings/bcc/landuse> later this week. Background about the proposed amendments is available at that site and on the project website at <https://www.clackamas.us/planning/hb2001>.

Thank you for your continued interest.

Page 2 of 6
Patricia Regalín, Community Relations Specialist

Clackamas County Public & Government Affairs

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Office hours: 9 am – 6 pm, Monday-Friday



Michelle D. Da Rosa LLC
Attorney at Law

Clackamas County Board of Commissioners
Chair Tootie Smith
Comm. Sonya Fischer
Comm. Paul Savas
Comm. Mark Schull
Comm. Martha Schrader

Via Email: bcc@clackamas.us; and
mfritzie@clackamas.us

RE: Implementation of HB 2001
Via Email: bcc@clackamas.us; and
tracymor@clackamas.us

April 30, 2022

Dear County Commissioners,

This letter submits public testimony regarding the implementation of HB 2001 in revisions to the ZDO. I am a resident of Clackamas County residing at 10244 SE 43rd Avenue, Milwaukie.

I am pleased to see the changes that are being made to ZDO 315.05 that allow for ADUs to be established as condominium units. ADUs can be a great source of affordable housing with little impact on surrounding neighborhoods. And making ADUs possible sources of affordable homeownership is a great thing to do. Condominiums make that possible. However, my suggestion is that the County eliminate 315.05(A) altogether, the reasons for which I explain below.

I am pleased with the thoroughness and accuracy with which middle housing lot divisions are being incorporated into the ZDO. Good work! I worked closely with Legislative Counsel to draft the state law you are implementing with these thorough changes, which is gratifying to see.

I wish that there had been more adjustments made to Euclidean requirements for middle housing development, which I think will kill many middle housing projects needlessly. I hope that this is not an intentional reflection of what I perceived as lukewarm acceptance of the need to adopt the requirements of HB 2001, which I witnessed with disappointment in your February 22 meeting.

At that meeting, I was disappointed that the Board flippantly dismissed the suggestion of HB 2001 for jurisdictions to implement SDC breaks for middle housing and ADU development. I hope that the Board and the Planning Department will follow up on these two issues as implementation rolls out, to ensure that middle housing is actually a viable option where it is supposed to be, in all residential zones.

I am requesting additional changes to the ZDO regarding condominiums to reflect suggestions I have earlier made to the Board of Commissioners in 2019 and 2021. I am copying my letter from 2019 and the line by line changes I requested then to the ZDO, which I was assured would be taken under careful consideration in the process of implementing HB 2001.



Michelle D. Da Rosa LLC
Attorney at Law

Specifically, I request amendments to the requirement for design review for condominiums under ZDO 1102 together with a handful of amendments to address the ZDO'S treatment of condominiums as a discrete 'use' as per ZDO 315.05(A), and blanket incorporation requirements for even small HOAs in 1105. The only revision I requested in 2019 that seems to have incorporated into the middle housing work is the allowance of ADUs to be made into condominium units.

Why are such changes important to implement now? Condominiums are an essential tool to developing affordable housing, both rental housing and housing for homeownership. It is vastly underutilized in Clackamas County because of the heavy, and frankly illegal, ordinances that burden condominium development in unincorporated areas of the County, adding a third layer of governmental review and restrictions on top of the review by the Oregon Real Estate Agency of every condominium to be recorded in the State and the review the County Surveyor performs as delegated by the Condominium Act of condominium plats for the OREA.

In the fall of 2019, I made a public records request of all condominium plats recorded in Clackamas County from 2010 through 2019. I found that outside of incorporated cities in the County, most of which treat condominium development more liberally, only 11 different condominium projects had been recorded in unincorporated Clackamas County during that period. There were staged projects with multiple plats, but only 11 distinct projects. The primary home/ADU project my company built in 2019 and recorded as a condominium with county approval was only the 12th, I believe.

I believe this dearth of condominium projects in the County is at least partially a by-product of the ZDO's restrictive and overly onerous treatment of condominiums, in violation of the Oregon Condominium Act. If I have a client interested in establishing a condominium in unincorporated Clackamas County, I discourage them from doing so because of the additional 'red-tape' involved. Other than different treatment for ADUs in the proposed revisions, the ZDO Amendments under consideration presently do little to address the extra red-tape problem the County has.

In my practice as a real estate lawyer, I specialize in condominium development. In my practice I use condominium regimes in myriad ways to facilitate flexible financing, use of bonds, grants and tax credits that would not otherwise be usable in other ownership regimes. Condominiums provide for savings on utility connections and infrastructure and other exactions and therefore allow for denser, more affordable housing and development otherwise.

My projects include dividing mixed use buildings into large units that may contain retail, medical, or office space, rental apartments and for sale apartments so that Low Income Housing Tax Credits or New Market Tax Credits can be utilized in a project. Cottages in cottage cluster developments become homes for sale when submitted a condominium regime. I have condominium projects where the units are free standing offices, or high-rise hotel/restaurant/offices; where the units are marina slips, entire senior housing or apartment buildings, or aircraft hangars (some with home attached), any of which could be mixed with residential uses. Congregate and senior housing developments should also be allowed to be condominiums, wherever zoning allows them to be built. Nothing in the ZDO should prohibit such development or attach extra requirements to turning any project into a condominium.



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Preferably, the County would remove itself altogether from condominium restrictions and approval procedures, except as required by the county survey under the Condominium Act. The Oregon Real Estate Agency (“OREA”) has authority to review and approve (or reject) every condominium in the state and to interpret and enforce the Act. Certain authority is delegated to county surveyors to review condominium plats based on express and limited criteria, which are set forth in ORS 100.115 et seq. Otherwise, local jurisdictions do not govern or get involved in the condominium process or approval. In the Act at ORS 100.022(2) it expressly validates local zoning codes and their application, so long as such zoning codes and ordinances do not: 1) prohibit any certain kind of building (whether ADU, storage closet, multi-storied building, or otherwise) from being established as a condominium unit, or 2) impose any additional requirement upon a structure or development proposed to be submitted to the condominium form of ownership that would not be imposed if it weren’t going to be a condominium.

The County should, first, follow the law by which its ordinances are preempted. And second, it should follow the lead of other cities who have or are taking affordable housing seriously. Portland has no ordinances regarding condominium approvals but respects the preemption and sufficiency of the Condominium Act to regulate their establishment. The City of Milwaukie has told me no uncertain terms that they want nothing to do with regulating condominiums: “The State and county surveyor takes care of that.” The silence in their ordinances codify this right attitude. All but a handful of rogue cities follow suit. Clackamas County is an outlier, in other words.

The imposition of design review requirements on condominium projects violates ORS 100.022, because the statute does not allow any local code, law or ordinance to impose this burdensome requirement on a structure or development just because it will become a condominium.

Frequently, buildings are submitted to condominium ownership after they are constructed, even after they are occupied. In that scenario, how could the developer comply with Design Review requirements? For buildings with residential tenants, this is called a “Conversion Condominium” in the Condominium Act; otherwise, a building can be changed into a condominium any time---often long after it is built. A requirement for design review, which must occur before permits are issued and a building is constructed, runs afoul of these perfectly legal scenarios and cuts them off as ways to change the ownership of a building or buildings in a project.

In summary:

- Delete ZDO Section 315.05(A)
- Remove the additional proposed references to condominiums in Section 1102.01. No project should ever be subjected to Design Review because it *might* be platted as a condominium. A condominium plat is not allowed until the buildings have already been built. Even if developers anticipate submitting a project to condominium ownership, they may change their mind. Or they may want to convert a building to a condominium long after it is constructed. Are they supposed to go back to the Planning Department for a Design Review then that was never required for the project otherwise? Design Review requirements for projects only because they might become a condominium is in direct conflict with ORS 100.022.
- Section 1105(D)(3) should follow the requirements of the Planned Community Act and the Oregon Condominium Act that do not require incorporation for projects with fewer than



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five lots or units. Those associations are organized under the applicable state law, PCA or OCA.

Regards,

Michelle D. Da Rosa
Attorney at Law

From: Dick Nepon <dick@nepon.us>
Sent: Sunday, May 1, 2022 9:53 PM
To: Fritzie, Martha
Subject: Clackamas County Housing Strategies Phase 2 (HB2001) update

Warning: External email. Be cautious opening attachments and links.

- I am in favor of a change to the anticipated adoption of the **Clackamas County Housing Strategies Phase 2 (HB2001) update**

I wish to improve the baseline minimum compliance being proposed by the county to first protected the trees (detached plexes, on- street parking, fee-in-lieu-of sidewalks, site coverage max is 40% for R-7+ zones). The second favored maximum affordability (2 ADUs). With both options, the expected density increase is ~1%.

I believe that we need to protect the trees, especially in the Urban Growth areas. We can accomplish this by allowing for changes to the coverages being considered, retaining the same percentage covered, by allowing creative uses of the property that will allow for retention of trees in many circumstances. The 40% coverage in R-7+ zones will allow for more large and expensive homes while not encouraging the creation of middle housing as the HB2001 is aimed at. There are not that many large enough lots remaining that will qualify for middle housing. There needs to be incentive to encourage a development of affordable Housing.

Also, the the ability t create 2 ADU units without the need to subdivide on a lot will also encourage the addition of affordable housing.

Thanks for listening.

Rich Nepon

3463 SE McCartney Lane

Oak Grove, OR 97267

Fritzie, Martha

From: Suzie Q <suziemcharness@gmail.com>
Sent: Monday, May 2, 2022 9:57 AM
To: Fritzie, Martha; BCCMail
Subject: HB2001 safety issues

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Hi Martha, and my Board of Commissioners,

I was at the zoom hearing for HB2001.

I am not opposed to the new housing coming in, BUT, I am opposed to what happened on S.E. 72nd and Alberta.

AND if I can prevent this horror from happening all over North Clackamas I WILL!

They need to WATCH closely!!! Don't let the builders beg to build more than what is safe for the people who live here! The residence in this neighborhood already feel disenfranchised. I know because I walked the whole flat for the signatures required to get W.E.S. water service up here. Many of the families that live in this area have been here for generations! Years ago Johnson Concrete Products wanted to buy all the homes up here but not enough residence would sell. (there's tons of rock here) Many of those families are still here. I know I speak for them!

I have lived at this residence for 30 years. Only in the last three to four years has it been this bad! I have been walking my Precinct here for 18 years. I walk my dog everyday to help my osteoporosis, Dr. orders! What a DANGEROUS AREA! I got run off the road on Flavel drive (my cross street) on Saturday April 30th, walking my precinct for the upcoming election. I heard the truck coming, it sounded close, I turned around just in time to jump out of the way when the truck hit the recycle container just feet from me knocking it down! I've had several cars drive through my yard and missing my house by feet! (I Have pictures) I had to build a large berm out front and use huge rocks to help protect us from flying cars! Also, the people across the street had a car go through their house as well, and the people who live on Alberta at the top of Bell ave....four times for them!

I also have a bullet lodged in my bedroom door from that drive-by-shooting. Dec. 1st 2021

There is NO safe place to walk around here and pinching us off at 72nd is the last straw for me. There are MANY WALKERS around here and no sidewalks. We all HAVE TO walk in the streets. Drivers don't get it...honking at us and yelling at us to get out of the street.

Alex lives on Alberta (6367) with his wife and 8th grade son, Dima. The son speaks both english and spanish and serves as the interpreter for his parents. They have lost 5 cats, and 7-8 side view mirrors off his specialized van as he uses an electric wheelchair. It was so sad to hear Dima tell about his mom crying and crying over the last cat. The electric wheelchair can't move fast enough for those selfish speeders. We have three other wheelchair neighbors who have to use the streets. This is a special situation that needs attention! From what I learned Alberta isn't even a public road. ???

Please! Please! look at what the builders did on Alberta. Google it and you can see that there is about 10 inches between the rockwall/fence of the property at 8998 S.E. Alberta and the pavement! Also it is at a 90 degree corner with no stop sign. Drivers speed around the corner! I imagine it won't be long before they back out of their driveway only to get hit by a car speeding around the corner.

After the builders blocked off access to the bust stop at 67th and Alberta I talked to the building supervisor about cars all over the roadside on Alberta. No one was parking on Fern on the other side of the construction site. She agreed to tell them to stop parking at the bus stop and stay closer to the site.

She also mentioned (almost bragging) that they didn't have to put in sidewalks. I told her the codes for Clackamas were different from Portland. But with the length of those driveways, they could have made a space for people to walk! I swear the people who move here came from somewhere where NO ONE WALKS!

And I have to speak to little Jack Barrett who was run over and killed on Wichita street just across Johnson Creek. He was 2 years old. His Great Grandparents are in my precinct as well. His Great Grandma told me she sees him in a pool of blood every day!!! You can see a memorial road sign they put up across from their house to honor him.

One good thing is that the death of Jack did not tear up the family. Not always the case.

Also, you must know that the walk signal on Johnson Creek and Flavel Drive has been run over and knocked completely down FOUR times in less than year and the last time it was NOT REPLACED! I'm guessing they figure if the walk signal post gets run down it must be too dangerous to stand there so they didn't reinstall it! You can check that out with traffic maintenance.

These are just a FEW of the dangers in this area. There is MORE!!!

I was one happy women when I heard (I think) Commissioner Sonya Fischer, suggest a walk! Music to my ears and an answer to my prayers!!!

I hate to complain without at least a few suggestion. Safety awareness. Signs that say "share the road" so at least these people know we are within our rights. And it lets them know we are HERE. How about requiring the builders to leave a frontage space for pedestrians? If it means one less house so there is more space to walk, for safety sake PLEASE!!!

Thank you for listening and considering this letter
Suzie Mcharness PCP 420
6100 S.E. Clatsop street Portland, Or. 97206
503-407-2917

Fritzie, Martha

From: Sue Conachan <sconachan@centurylink.net>
Sent: Monday, May 2, 2022 6:06 PM
To: Fritzie, Martha
Subject: Housing Strategies Phase 2 (HB2001)

Warning: External email. Be cautious opening attachments and links.

For the records:

Housing Strategies Phase 2 (HB2001)

I do not want any laws passed that allows parking on our neighborhood streets with or without additional housing built.

Parking on most our neighborhood streets is already way out of control. Only a few neighborhoods are lucky enough not to have that problem. It is a safety issue. In fact, because it is a "me" world and people think no one should tell them what to do, and people seem to be lacking common sense because of this issue, neighborhood streets have become a parking lot. Streets were not made to be parking lots. They are for vehicles to drive on, short term parking (e.g. a party, or company over for a couple hours, etc.), pedestrians, bicycles, skateboards, scooters, elderly taking a short walk, wheelchairs, space for the postal truck, space for the garbage truck and garbage cans being picked up, space for delivery trucks, etc.

Streets have become permanent parking places in lieu of garages, driveways, and their personal property. It is unsafe, e.g. head-on crashes waiting to happen at the in and out intersection to the street, on a curve, or just down the road, or someone walking, running, biking, and going out around parked vehicles getting hit.

These are the things parking in the streets today with no regard to where mailboxes and fire hydrants are located. Vehicles of all kinds, jet skis on trailers, snowmobiles on trailers, boats on trailers, many kinds of RV's, utility trailers, vehicles that don't run anymore or beater vehicles, etc. You name it, it is parked on the street like it is their garage, driveway, or their personal property. And they also park the opposite way the traffic is going on that side the street. In other words, they just park any way they want to.

It has got to stop. There definitely needs to be laws for NO parking on the street as permanent parking. Clackamas County neighborhoods are not like old neighborhoods in Portland that have skinny little roads and some without driveways and garages because they are old neighborhoods when people didn't have all these vehicles and "toys". When you are looking for a place to move to or live, there are lots of things one needs to consider besides if you like the structure or not or if you can afford it or not, e.g. where is the bank, how is the commuting, where is the stores, where is the place of worship you like, do you have enough space in your garage, or driveway, or property to park all your vehicles or "toys", how are the schools for your children, etc. Short term parking should be allowed, and parking on the proper side the traffic is going.

Our leaders that make or don't make these laws, wouldn't allow this on their neighborhood street they live on. Well, we don't want it either.

Sue Conachan

From: Joseph Edge <joseph.edge@gmail.com>
Sent: Tuesday, May 3, 2022 11:08 AM
To: Fritzie, Martha; BCCMail
Cc: Renhard, Darcy; Valerie Chapman
Subject: Re: Notice of proposed legislative amendments: ZDO-282
Attachments: OGCC Comments RE_ ZDO-282 Housing Strategies Phase 2.pdf

Warning: External email. Be cautious opening attachments and links.

Hi Martha,

Please find attached the official comments from the Oak Grove Community Council CPO for the upcoming hearing for ZDO-282 Housing Strategies Phase 2. Please include these comments in the packet provided to the BCC in preparation of their deliberations on May 11.

Please let me know if you have any questions or additional instructions.

Thank you,

Joseph

On Tue, Feb 22, 2022 at 8:29 AM 'Renhard, Darcy' via OGCC General Contact List <ogcc-contact@googlegroups.com> wrote:

Your message is ready to be sent with the following file or link attachments:

ZDO-282 CPO Interested Parties Notice _021722Final.docx

Note: To protect against computer viruses, e-mail programs may prevent sending or receiving certain types of file attachments. Check your e-mail security settings to determine how attachments are handled.

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You received this message because you are subscribed to the Google Groups "OGCC General Contact List" group.

To unsubscribe from this group and stop receiving emails from it, send an email to ogcc-contact+unsubscribe@googlegroups.com.

To view this discussion on the web visit <https://groups.google.com/d/msgid/ogcc-contact/706562b7d7624b7abf2aac28f875fbb6%40clackamas.us>.



May 3, 2022

Chair Tootie Smith
Commissioner Sonya Fischer
Commissioner Paul Savas
Commissioner Martha Schrader
Commissioner Mark Shull
Clackamas County Board of Commissioners
2051 Kaen Road
Oregon City, OR 97045

RE: ZDO-282 Housing Strategies Phase 2

Dear Board of County Commissioners,

The Oak Grove Community Council (OGCC) is a Community Planning Organization (CPO) officially recognized by Clackamas County as part of its program to comply with State Land Use Planning Goal 1, requiring community involvement in land use planning and development. We are writing today to express our support for the county's Housing Strategies work and to request a small set of amendments to the staff proposal that are within your discretion pursuant to Oregon Administrative Rules Division 46.

We received notice of this package of proposed amendments on Tuesday, February 22nd. At our regularly scheduled meeting on Wednesday, February 23rd, we were able to preview the package of amendments for our members. At our regularly scheduled meeting on Wednesday, March 23rd, a presentation detailed the package of proposed amendments and provided in-depth analysis to our members. At our regularly scheduled meeting on Wednesday, April 27th, the OGCC overwhelmingly voted to approve sending these comments to request adjustments to specific elements of the staff proposal. All of these meetings can be watched in their entirety on the OGCC YouTube channel¹.

We acknowledge that much of what is proposed is required by state law. However, we support the policy objective to create more opportunities for reasonably priced housing options for people of all life stages and economic strata. In fact, the McLoughlin Area Plan includes a guiding principle that addresses housing affordability²:

Ensure that any improvements, development or zoning changes continue to support and maintain a reasonable cost of living.

¹ <https://www.youtube.com/channel/UCygFxGi3yGw2w6BomFIGWQw>

² <https://dochub.clackamas.us/documents/drupal/267d675b-1371-48b9-b22c-8f03c462dd8b> (pg 6)

Objectively, the current *Zoning and Development Ordinance* is not "*continuing to support and maintain a reasonable cost of living*," as evidenced by new detached dwellings in the R-10 district (far from the river) selling for over \$700,000 each. The amendments before you today will create opportunities for more reasonably priced housing to be developed in our community. We also recognize that this is a 30-50 year plan that will be good for our kids, our grandkids, and their kids, as they will have an increasingly challenging time finding reasonably priced housing in this community over their lifetimes.

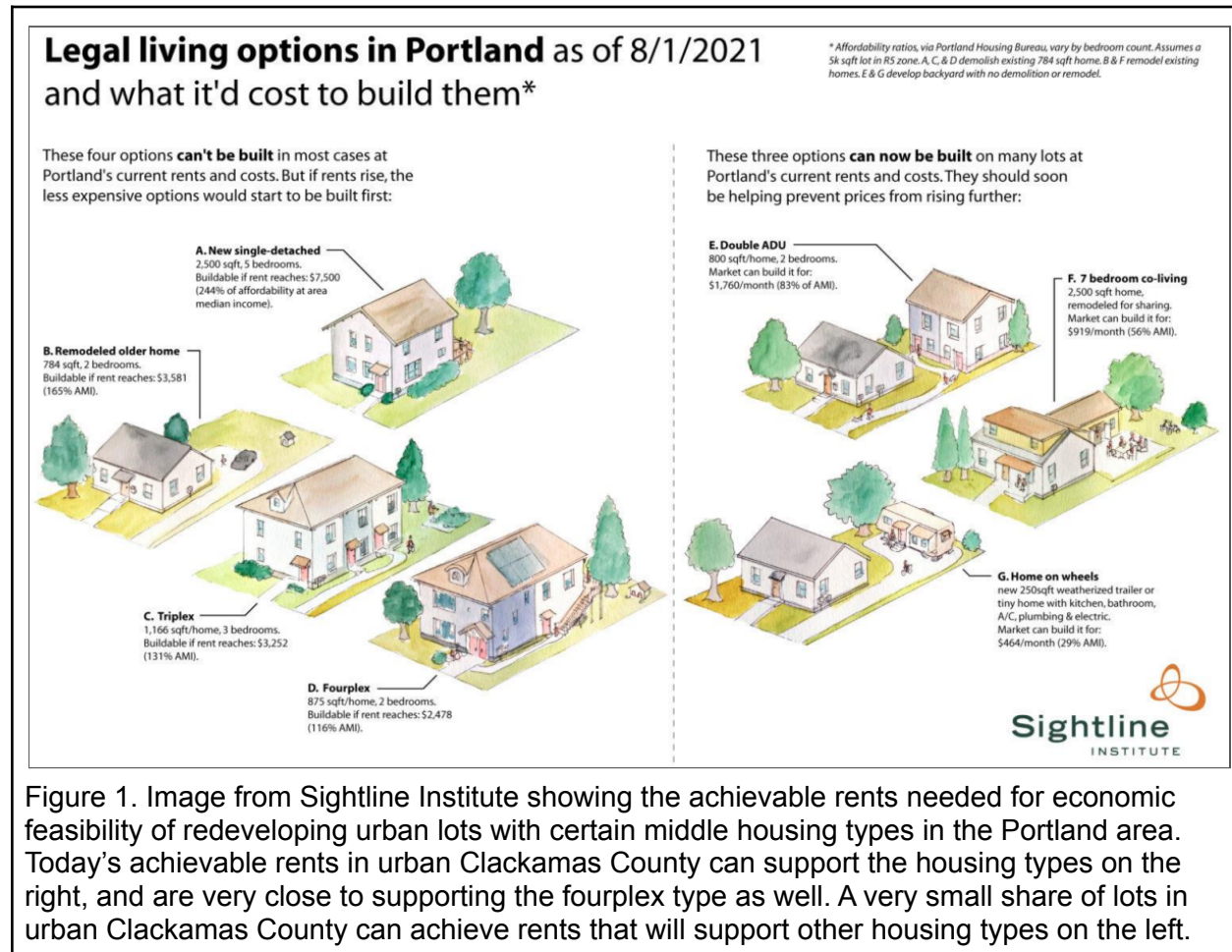
In addition, the proposed amendments will legalize a variety of investment opportunities for property owners that don't exist today, but that *were* available in our area before 1960. Many property owners will be able to consider investment options that won't require land divisions to create new lots for detached dwellings, but that may involve additional dwellings on a lot without needing to divide and clear the land. This will create more opportunities for property owners to leverage their property as an investment while also adding a more diverse collection of dwellings to the local housing supply.

There are elements of the staff proposal that we believe could be improved, and we will focus on those elements that are within your authority and discretion to amend as part of this process. Please note that we are not requesting any new restrictions or requirements for property owners; all of our requests are focused on offering property owners more flexibility than what has been proposed.

The staff proposal includes rigid design standards that will result in larger scale, bulkier middle housing structures located near the front property line. Much of our area developed before 1980 - in an era when structures were more often smaller and many were located further from the front lot line - and already includes a mix of attached *and* detached housing types on a variety of lot sizes. Permitting detached plexes would offer results more consistent with this diverse development pattern, and would offer property owners even greater flexibility to convert an existing dwelling into a plex by adding a new separate structure to their property. The flexibility to develop a detached plex or locate required parking in the public right of way will create opportunities for property owners to integrate existing trees and vegetation into their middle housing development, and to build smaller scale structures that blend into the existing fabric of their neighborhoods.

As acknowledged by Chair Smith, the best available data indicate that we will see only a 1% increase in housing supply over baseline projections in our area by legalizing middle housing. If possible, reference the number of new detached dwellings for which building permits were issued in the urban area over the last 10 years and multiply by 1%. Given such low yield, impacts from middle housing are likely to be *de minimis*, and we should make every effort to broadly legalize the middle housing types that are economically feasible to develop in the current market. A recent analysis by the Sightline Institute (Fig. 1) indicates that, given achievable rents, the only middle housing types that are likely to be economically feasible to build in northern Clackamas County over the next decade are quadplexes, conversions of existing detached structures to plexes, and building two accessory dwelling units on a site with

an existing single detached dwelling. The ZDO amendments adopted as part of this process should consider this economic reality, and broadly permit these middle housing types across the urban low density residential districts.



As stated above, much of our area was developed prior to the modern zoning and development ordinance, and accordingly, many lots are nonconforming, undersized lots for their zoning district and these property owners will not have access to the same development rights as their neighbors. This reduces the number of lots that can develop middle housing projects that are economically feasible. One isn't able to look at the zoning map and presume that all lots in the R-7 and larger zoning districts are large enough to develop all middle housing types. Also, keep in mind that a quadplex can fit on a 3,000 sf rectilinear lot and meet all dimensional standards, so this request is not without merit. To ensure equitable distribution of property rights, create more opportunities for economically feasible middle housing developments in the near term, and to better counteract the effects of investor speculation³, all middle housing types should be allowed outright on every lot in the urban low-density residential districts outside of natural hazard areas.

³ <https://www.strongtowns.org/journal/2022/1/18/what-would-mass-upzoning-actually-do-to-property-values>

The staff proposal to increase the maximum site coverage standard in the R-7 through R-30 districts is counterintuitive to the purpose and intent of the Housing Strategies work. This amendment will allow for larger and more expensive detached dwellings to be developed in the same areas we're trying to encourage middle housing for improved affordability. This standard should only be increased for middle housing development, and retained at 40% for single detached dwellings.

Lastly, the staff proposal retains the requirement for developments of four or more dwellings to build sidewalks and other frontage improvements along their property line, rather than offer the option to pay into the Fee In Lieu Of account. This applies even when there are no other sidewalks nearby, or on streets where it's unlikely other sidewalks may ever get built. A more logical approach is to link this requirement to the number of lots being created by a land division. As proposed, a property could be divided into three lots, each for a new triplex, for a total of nine new dwellings, and have the option to pay into the FILO. The same property, if developed with one quadplex, for a total of four new dwellings, would not have the FILO option and would be required to construct sidewalks and other frontage improvements. A more rational approach would focus on the number of lots being created or whether a property is located on the Essential Pedestrian Network.

Our specific recommendations for the amendments before you today:

- When developing middle housing, particularly when it creates opportunities to integrate existing trees or vegetation into the development, allow property owners broad flexibility to:
 - build detached plexes,
 - vary from dimensional standards including minimum and maximum yard setbacks, and
 - propose creative parking solutions.
- Permit triplexes and quadplexes outright on any lot where single detached dwellings or duplexes are allowed, except for Goal Protected (natural hazard) lands as allowed by OAR Division 46.
 - Eliminate minimum lot size of 5,000 sf for triplexes
 - Eliminate minimum lot size of 7,000 sf for quadplexes and cottage clusters
- Permit up to two accessory dwelling units outright on any lot developed with a single detached dwelling.
- Retain existing maximum site coverage standard of 40% for the R-7 through R-30 districts for single detached dwellings; increase to 50% for middle housing.
- Extend FILO option to middle housing developments; in the urban low-density residential districts, require frontage improvements when a site is located on the Essential Pedestrian Network or when a land division creates four or more new lots.

In closing, we are requesting some adjustments to the proposed amendments before you today. These adjustments are within your authority and discretion to implement, and will result in opportunities for more property owners to invest in middle housing options that are economically feasible today and that are a better fit for their respective neighborhoods. We know that much of your public outreach indicates a lack of support for some of this flexibility, but we also understand that the concepts of detached plexes, alternative parking scenarios, and flexibility for middle housing design standards were never communicated to the public as opportunities to protect mature trees or reduce the bulk and scale of new buildings.

We know it is late in the process, and we are very grateful that you continued the hearing so that more voices could be heard. We believe the adjustments we're requesting will result in a better middle housing code for urban Clackamas County. We respectfully ask you to adopt the amendments with our requested adjustments because it is the right thing to do for our community and for your constituents.

Very respectfully,

Joseph P. Edge
Chair, Oak Grove Community Council

From: Tom Civiletti <civiletti@comcast.net>
Sent: Monday, May 9, 2022 11:40 AM
To: Fritzie, Martha
Subject: Housing Strategies Phase 2

Warning: External email. Be cautious opening attachments and links.

Commissioners,

I am writing in support of the Oak Grove Community Council letter calling for more flexibility in rules allowing more density in urban areas.

Tom Civiletti
Oak Grove

From: Jane Civiletti <jciviletti@comcast.net>
Sent: Monday, May 9, 2022 1:30 PM
To: Fritzie, Martha
Subject: Housing Strategies Phase 2

Warning: External email. Be cautious opening attachments and links.

For the County Commission Hearing of May 11th.

In regard to your consideration of the strategies for future housing units, I strongly urge the commission to consider a variety of options.

Allowing dethatched structures could save mature trees and allow more permeable surfaces.

Allowing development payments to go into a fund which will provide sidewalks and curbs to be sited where they would make most sense and are of more, use would be more fiscally responsible than insisting the same rules fits all scenario for all building sites.

Please consider the letter sent by the Oak Grove Community Council, the only government sanctioned voice the people of my area have.

Thank You, Jane Civiletti

From: Valerie Chapman <valerie.ozario@comcast.net>
Sent: Monday, May 9, 2022 2:13 PM
To: Fritzie, Martha
Subject: Housing

Warning: External email. Be cautious opening attachments and links.

Dear Martha,

I am writing to encourage Clackamas County to include as many possibilities for more housing as possible. The crisis in housing affects everyone.

The Oak Grove Community Council had several ideas for more housing opportunities including modifying the way that parking spots can be configured by using some street parking, permitting triplexes and quads on any lot that permits single family dwellings, allowing for 50% lot coverage for multiple units, allowing for two ADU's to be built on a single lot, and decreasing the size of lot needed for triplexes and quads. I also agree with allowing triplexes and quads to be 'disconnected' if trees could be saved that way. In addition, I believe that some neighborhoods have very large lot sizes built in. This discourages the kind of affordable housing that we need to build. Large lots should permit larger numbers of housing units.

I also believe that wherever large housing complexes are built, the county should zone for community friendly, walkable, safe environments. Housing is needed – but so are livable communities. That was the goal of the Park Avenue Project.

Valerie Chapman

Valerie E Chapman,
Oak Grove resident

“The entire universe is about connection and relationship—from the smallest atom to the galaxies and everything in between.”

Richard Rohr

From: Nate Ember <nate@inkbuiltdesign.com>
Sent: Monday, May 9, 2022 3:58 PM
To: Fritzie, Martha
Subject: middle housing testimony

Warning: External email. Be cautious opening attachments and links.

Martha, staff, and commissioners, I want to express my strong desire to see further expansion of development rights for middle housing both for property owners as a means to optimize what is financially feasible in the current market (more units = more feasible), and also to increase housing affordability overall by increasing supply on infill lots where infrastructure and access already exist.

I support the proposals put forward by the OGCC in this regard.

1. No difference
2. Triplexes allowed on every lot single detached (and duplexes) is allowed
3. Quadplexes allowed on every lot single detached (and duplexes) is allowed
4. Duplex, triplex, and quadplex dwellings may be detached from each other on a site and may deviate from min/max setback standards
5. Two ADUs allowed per lot with single detached dwelling
6. Parking required at one off- or on-street space per dwelling
7. Maximum site coverage for large lots (> 7,000 sq ft) increased from existing 40% to 50% for middle housing dwelling types only, retained at 40% for single detached dwellings

Although I realize it's outside the scope of this discussion, I would also like to say that a robust tree protection ordinance should accompany these policies in a way that thoughtfully preserves or restores tree canopy alongside increased development potentials.

Thank you,

--

Nate Ember, AIA (he/him)

Architect, Principal

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Ink:built Architecture

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inkbuiltdesign.com