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MEMORANDUM

TO: Board of County Commissioners
Gary Schmidt, County Administrator

FROM: Dan Johnson; Director, Transportation and Development

DATE: November 9, 2021

RE: Update and Direction on Land Use Housing Strategies Phase 2: Middle Housing

Phase 2 of the Land Use Housing Strategies Project (LUHSP) involves work to implement House Bill 2001 (HB2001). HB2001, passed by the 2019 Oregon legislature, mandates that jurisdictions, including Clackamas County, allow people to build what is called “middle housing” -- duplexes, triplexes, quadplexes, cottage clusters, and townhomes -- in urban areas where they might now only be allowed to build single-family detached housing. In unincorporated Clackamas County, these requirements will apply to properties in urban zoning districts R5, R7, R8.5, R10, R15, R20, R30, VR5/7, and VR4/5 (*Attachment A – Map*).

While the county has some choice on the specific regulations that will apply to middle housing, the county does *not* have a choice on whether to implement HB2001.

- The county is *required* to adopt standards that are consistent with HB2001 by June 30, 2022.
- If the county does not adopt its own code changes to comply with HB2001 by that date, the state’s Middle Housing Model Code will automatically apply.

In developing these middle housing codes, the county must comply with the minimum standards established by the state. While the standards are very prescriptive, staff has identified some areas where there is some flexibility and discussed three of them with the Planning Commission at an October 25 work session.

1. Whether to implement a ***minimum lot size*** for middle housing other than duplexes (triplexes, quadplexes, cottage clusters and townhomes);
2. Whether to allow ***on-street parking*** to count toward minimum parking requirements or instead require the maximum amount of off-street parking allowed under the middle housing rules; and
3. Whether to apply the same ***siting and design standards*** to middle housing as are applied to single-family dwellings or to instead consider different (less restrictive) standards to create more opportunities for the development of middle housing. (Some

examples include allowing smaller setbacks or more of the lot to be covered with middle housing than is allowed for a single-family dwelling.)

The Planning Commission recommended the following:

1. Set a minimum lot size for non-duplex middle housing because it will allow Clackamas County to maximize off-street parking requirements. The allowed minimums under state rules are:
 - a. Triplex: 5,000 sq. ft.;
 - b. Quadplex: 7,000 sq. ft.;
 - c. Cottage cluster: 7,000 sq. ft.;
 - d. Townhouse: 1,500 sq. ft. per unit (average).
2. Do not allow on-street parking to count toward minimum parking requirements because the maximum amount of off-street parking allowed under the middle housing rules is already limited to one space per dwelling unit.
3. Require the same siting and design standards for middle housing types as those currently applied to single-family dwellings:
 - a. based on feedback received during the initial public engagement work earlier this year, and
 - b. because the existing rules are needed to keep the current form of existing neighborhoods.

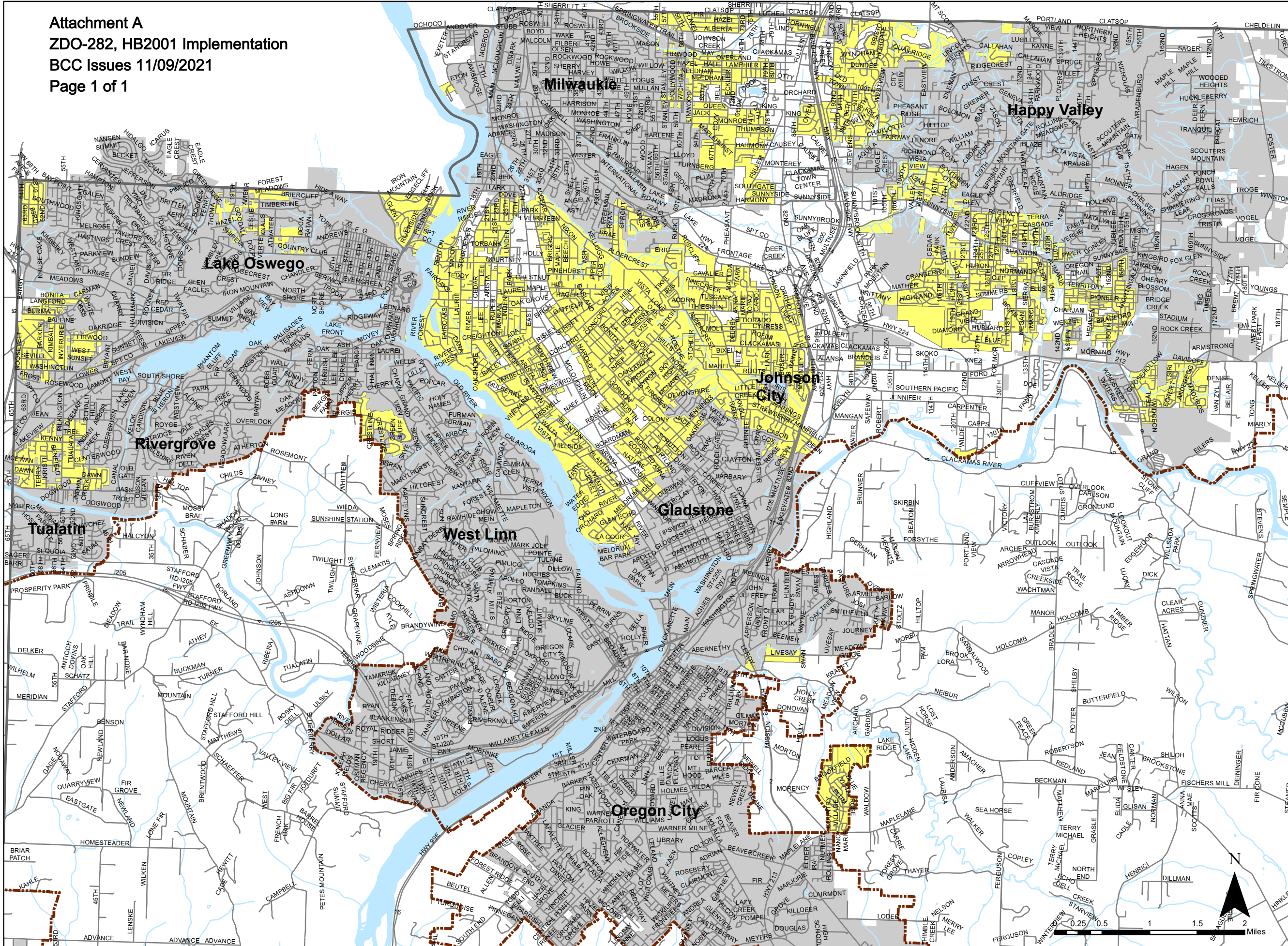
In addition, the Planning Commission asked staff to gather information on the history and implications of removing the county's current 3,000 sq. ft. minimum lot size for residential development and including it in the code amendment package. Materials provided to the Planning Commission and an audio recording of the Planning Commission meeting can be found here: www.clackamas.us/planning/planning-commission.






Over the next few months, staff will move forward with public outreach on the code changes required to implement HB 2001. In order to have the code amendments adopted by June 30, 2022, the first Planning Commission public hearing should be scheduled in early spring 2022. With that in mind, staff would like to know if and when the Board would like to schedule policy session(s) to discuss HB2001 implementation.

Options for the Board to provide input into this project include one or more of the following:

1. December 2021 Policy Session: Discuss these policies and provide staff with direction before staff drafts code language and presents proposals to the public and Community Planning Organizations (CPOs) for feedback;
2. January/February 2022 Policy Session: Accept the initial direction from the Planning Commission and have a policy session after the public and the CPOs have had a chance to provide input, but before any public hearings; or
3. No Policy Sessions: Do not have any policy sessions before the public hearings to consider proposals to implement HB2001.

Areas Affected by House Bill 2001 (HB2001) Middle Housing Requirements



-  County line
-  Urban growth boundary (UGB)
-  Taxlots
-  Cities
-  Urban properties zoned for single-family homes



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