



Land Use Housing Strategies Project Overview & HB2001 Rulemaking Update

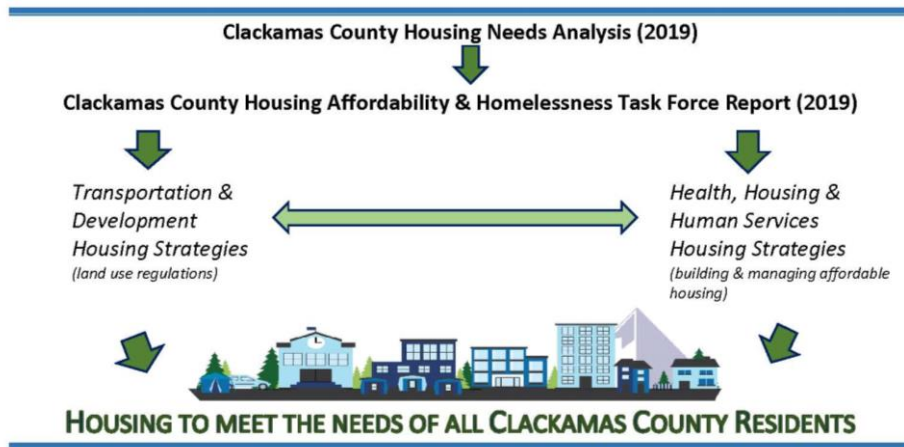
Planning Commission Work Session

Monday, November 9, 2020



Background - Housing Strategies Project

Purpose: Support the development of a more affordable variety of housing in the urban unincorporated areas of the county through changes to the land use zoning code.



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Strategy Development

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► Identified 12 potential strategies

1. State mandates
 - House Bill 2001 (2019)
 - Senate Bill 1051 (2017)
2. Housing Affordability and Homelessness Task Force recommendations
3. 2019-2021 Long-Range Planning Work Program

► Recommended phasing assessment of the strategies

- Equity
- Production of new units
- Regulatory context

► Issue Paper: Housing Strategies Related to Comprehensive Plan and Zoning & Development Ordinance Updates



Housing Strategies

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Items listed with an "R" are required by state legislation

Items listed with an "O" are optional

R-1	Modify the zoning code to have clear and objective criteria for all housing (per SB 1051[2017])
R-2	Allow duplexes, triplexes, quadplexes, cluster cottages and townhouses in urban single-family zones (per HB 2001[2019])
O-1	Identify appropriate areas and processes to allow "shelter off the streets"
O-2	Review potential to add housing to schools, places of worship and church-owned property
O-3	Consider permanent regulations to allow transitional shelter communities
O-4	(a) Consider providing a tiered density bonus for inclusion of affordable housing, and (b) Consider creating a transferrable development rights bonus system
O-5	Consider increasing or removing maximum density requirements for multifamily developments in commercial zoning districts
O-6	Consider creating a hierarchy of minimum parking standards based on proximity to transit and/or dwelling unit affordability
O-7	Consider rezoning land to preserve manufactured dwelling parks
O-8	Explore opportunities for permitting additional housing types, such as micro-units, co-housing, live/work units, and mixed use development
O-9	Clarify Comprehensive Plan policies for rezoning in low density residential districts
O-10	Restrict Temporary Dwellings for Care



Project Phasing and Approach

1. Focus on equitable housing options
2. Update the Comprehensive Plan
3. Leverage existing projects (e.g., Park Ave)

	Winter/Spring 2020	Summer/Fall 2020	Winter /Spring 2021	Summer/Fall 2021
Public Engagement		*		
Phase 1 –Strategy review and recommendation		*		
Phase 2 –Strategy review and recommendation				
Phase 3 – Reassess approach for Ph. 3 strategies				



Phase 1 - Underway



Phase 1 Strategies

- 1) *Consider* increasing or removing maximum density requirements for multifamily developments in certain commercial zoning districts (C-3, CC, OC, RTL)
- 2) *Consider* changing minimum parking standards for multifamily developments based on proximity to transit and/or dwelling unit affordability
- 3) *Consider* providing a tiered density bonus to developers for including affordable housing in their developments

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Phase 1

- ▶ **Who is affected?**
 - ▶ Primarily affects only areas inside the Metro Urban Growth Boundary (UGB) where multi-family housing is currently allowed
 - ▶ Parking standards and affordable housing bonuses may affect “urban” zones on Mt. Hood (MRR, RTC)
- ▶ **Working Group**
 - ▶ 16 members, 6 staff support
 - ▶ 2 meetings to discuss Phase 1 strategies in urban area
 - ▶ 2 future meetings (late 2020 - early 2021) to discuss code amendments, once drafted

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1. Maximum Allowed Density (units/acre) in Commercial Zones

▶ The issue

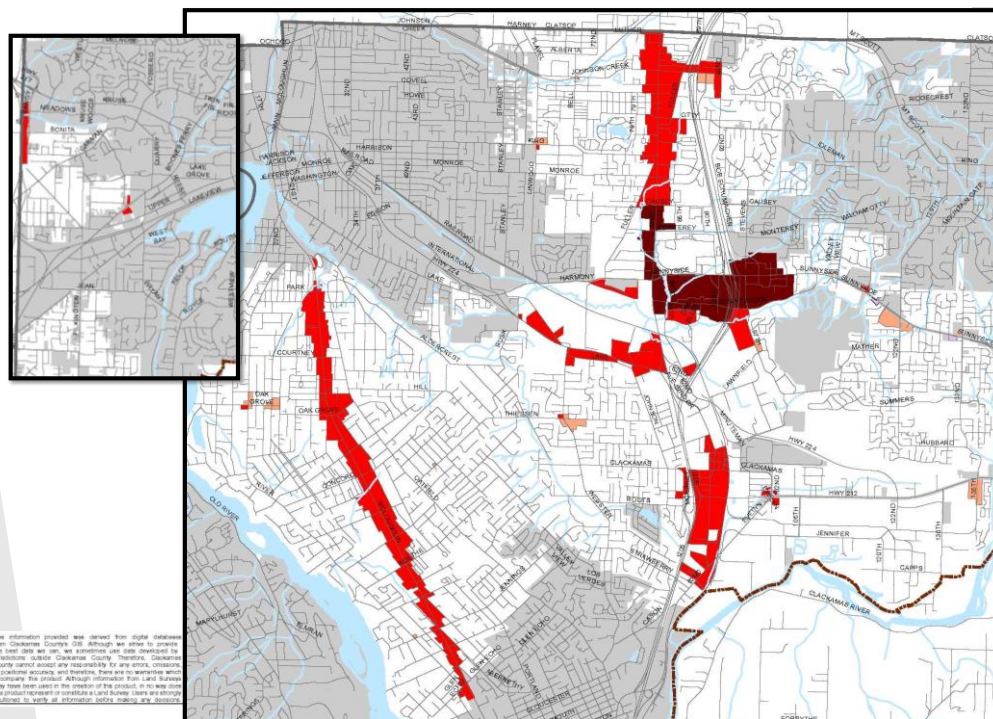
- ▶ In county code, most commercial zones have no height limitations, maximum floor area ratios or maximum density for commercial developments, but do have restrictions for multifamily housing developments because of maximum residential densities (dwelling units per acre)

▶ County codes

- ▶ Multifamily dwellings are limited to 25 units/acre in commercial districts most commonly found in urban areas, particularly along major transportation corridors
- ▶ Other commercial districts either do not allow MF dwellings or (in/near Clackamas Regional Center) have no maximum for MF dwellings

▶ What we have learned

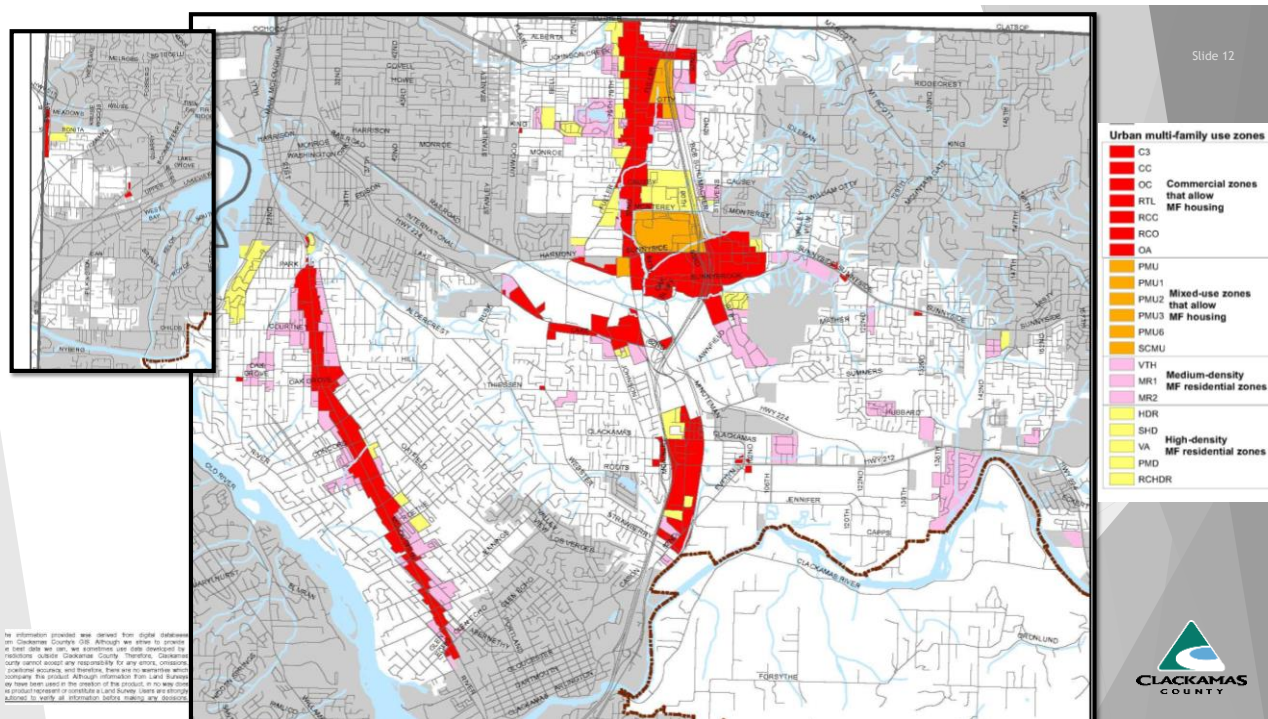
- ▶ Need 50-60 units/acre to make development financially feasible
- ▶ Developers are building at increased densities where allowed, e.g., near Fuller Road MAX Station is 40-48 units/acre



2. Parking Requirements

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- ▶ **The issue**
 - ▶ The county has just one parking ratio (spaces/unit) for all multi-family developments
 - ▶ The only way to change the ratio is by request to the Board of County Commissioners
- ▶ **County code**
 - ▶ Multifamily units require 1.25-1.75 parking spaces per unit, depending on number of bedrooms
 - ▶ There is no established parking ratio for studio (no bedroom) units
- ▶ **What we have learned**
 - ▶ There is a relationship between household income level and vehicle ownership/use
 - ▶ Proximity to light rail reduces, but does not eliminate, the need for parking



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3. Affordable Housing Bonuses

When a developer can build more units or a larger building in exchange for ensuring some units are affordable for lower income households

- ▶ The issue
 - ▶ County's affordable housing bonus is not effective
- ▶ County code -- Very minimal bonus (rarely used)
 - ▶ 1 additional unit allowed for each affordable unit, up to 8% of base density
 - ▶ Example: If allowed density is 100 units and a project proposes to make 8 or more units affordable, they may add 8 units to the project, for a total of 108
- ▶ What we have learned
 - ▶ Other jurisdictions have more effective tools/bonuses for affordable housing
 - ▶ Up to 50% increase in density or number of units for including affordable units
 - ▶ Added flexibility with other development standards (parking, setbacks, landscaping, height, etc.)



Potential Options - Considerations

- ▶ Equity lens - how do the options impact different groups?
- ▶ A lot of factors affect the actual number of multifamily units that could be developed on a site
 - ▶ Maximum densities and required parking are closely tied
 - ▶ Other development standards (setbacks, required landscaping, etc.)
 - ▶ Added construction costs for mid- to high-rise construction
- ▶ Some implications of eliminating a maximum density or making it very high
 - ▶ Could increase land costs, making affordable housing development difficult
 - ▶ Would make an affordable housing bonus meaningless in some zones, but we need to keep in mind that an affordable housing bonus is allowed across a broader range of urban residential zones





Test case/opportunity site near Park Ave. light rail station
 ≈ 100 units/acre



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Rosewood Station Apts.
 Under construction
 ≈ 40 units/acre



Potential Options

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Maximum Density (MF in Commercial Zones)	MF Parking Ratios	Affordable Housing Bonus
No maximum <ul style="list-style-type: none"> all MF development only for affordable units developed 	Create detailed hierarchy of parking ratios that vary by: <ul style="list-style-type: none"> unit affordability level proximity to transit population served (seniors, disabled) 	Simply increase maximum number of units in bonus (cap higher than 8%)
Higher maximum than 25 DU/acre. What should it be increased to?	Maintain single parking ratio (may be lower than existing) but allow for reductions of up to: <ul style="list-style-type: none"> x% for units at certain affordability levels x% for units within some distance from light rail station x% based on other identified factors 	Increase bonus only for certain affordability levels (<50 MFI, for example)
No maximum or higher maximum only in certain locations: near transit, parks, other amenities	Identify surface lots that could accommodate more housing if not needed for parking (adjust on a case by case basis)	Vary bonus by zoning district or location (near transit, parks, other amenities)
Increase allowance for housing in other commercial districts	Identify surface lots that could accommodate more housing if not needed for parking (adjust on a case by case basis)	Options for flexibility with other development standards if affordable units provided

Phase 2 - Coming Soon



Phase 2 Strategies

- 1) Allow duplexes, triplexes, quadplexes, cluster cottages and townhouses in urban single-family zones (**HB 2001[2019]**)
- 2) Modify the zoning code to have clear and objective criteria for all housing (**SB 1051[2017]**)
- 3) Clarify Comprehensive Plan policies for rezoning in low density residential districts



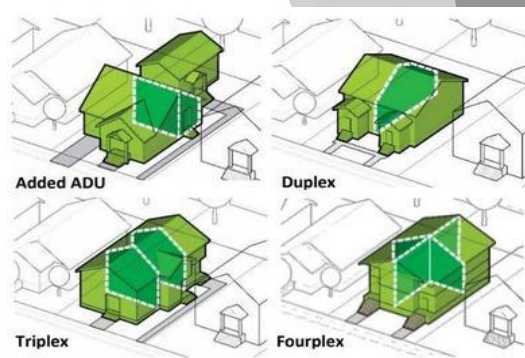
House Bill 2001 (2019)

- ▶ Requires urban unincorporated area of Clackamas County to allow:
 - ▶ A duplex on every lot zoned to allow a detached, single-family home (R-5; R-7; R-8.5; R-10; R-15; R-20; R-30; VR-4/5; VR-5/7)
 - ▶ All other middle housing types “in areas” zoned to allow detached single-family homes
- ▶ Does not “outlaw” single-family dwellings or change allowances for accessory dwelling units (ADUs)
 - ▶ Detached single-family homes are still an allowed use on affected lots
 - ▶ ADUs are still an allowed use on affected lots
- ▶ Deadline for county to comply: **June 30, 2022**



Middle housing

- ▶ HB 2001 defines “middle housing” as
 - ▶ duplexes
 - ▶ triplexes
 - ▶ quadplexes (fourplexes)
 - ▶ townhomes
 - ▶ cottage clusters



HB 2001 Rulemaking Process

- ▶ State Dept. of Land Conservation & Development (DLCD) initiated rulemaking in 2019
- ▶ Three areas of focus
 - ▶ Model code/minimum compliance rules
 - ▶ Infrastructure Based Time Extension Requests (IBTERs)
 - ▶ HB 2003 Housing Production Strategies (only required in cities)
- ▶ Rules Advisory Committee (RAC) and Technical Advisory Committee (TAC) meetings
 - ▶ 9 RAC meetings to date; Chris Storey (Asst. Dir. of WES), member & Martha Fritzie (Planner), alternate
 - ▶ 7 IBTER TAC meetings to date; Chris Storey, member
 - ▶ 8 Model Code TAC meetings to date; Martha Fritzie, member



HB 2001 Rulemaking - Main Issues/Themes

- ▶ Flexibility for local jurisdictions
- ▶ Parking
 - ▶ Push to reduce the number of required off-street parking spaces
 - ▶ Current rules (generally) state that a jurisdiction can not require, but could allow, more than 1 space per unit
- ▶ “In areas”
 - ▶ Duplexes must be allowed on every lot in the specified zones
 - ▶ For middle housing other than duplexes, need to determine in which areas a jurisdiction could prohibit or limit certain types
 - ▶ “Whittle away” and “performance standards”



Important dates

State Rulemaking Process

- ▶ **Adopted July/August 2020** - rules for “medium cities”; IBTER rules
- ▶ **September 25, 2020** - first reading/public hearing for rules for large/Metro cities/counties
- ▶ **November 12, 2020** - final reading/public hearing for rules for large/Metro cities/counties

County Process to Comply with HB2001

- ▶ **November 2020** -Hiring consultant(s) to assist in community outreach for HB2001 and other Phase 2 Comp Plan and zoning code amendments
- ▶ **Early 2021** - Begin community outreach and initial code work for HB2001
- ▶ **June 2021** - IBTER requests due
- ▶ **Late 2021/Early 2022** - County hearings to consider and adopt code amendments to comply with HB2001



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Questions?

For more information:

<https://www.clackamas.us/planning/land-use-housing-strategies>

