



City of Tualatin

## CITY OF TUALATIN Staff Report

**TO:** Honorable Mayor and Members of the City Council  
**THROUGH:** Sherilyn Lombos, City Manager  
**FROM:** Steve Koper, AICP, Assistant Community Development Director  
**DATE:** December 13, 2021

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### **SUBJECT:**

Middle Housing Development Code Adoption (Tualatin 2040 Implementation)

### **RECOMMENDATION:**

It is recommendation, by the Planning Commission and staff, that the Council approve the proposed amendments to the Tualatin Development Code (PTA 21-0002) and adopt Ordinance No. 1463-21.

### **EXECUTIVE SUMMARY:**

The City Council is asked to consider the Planning Commission's recommendation that the Council approve proposed amendments to the Tualatin Development Code addressing Tualatin's compliance with state Middle Housing Code requirements (HB 2001) as well as compliance with state Accessory Dwelling Unit (ADU) requirements and other "clear and objective" code requirements for housing regulations. The proposed amendments are part of the larger effort to incorporate Tualatin 2040 objectives into the Development Code, which include providing a mix of housing types.

### **HB 2001 – "Missing Middle" – Legislation Background.**

House Bill 2001 was passed in 2019 by the Oregon Legislature and was intended to provide Oregonians with more housing choices, especially housing choices more people can afford. The law expands the ability of property owners to build certain traditional housing types, like duplexes, in residential zones. These housing types already exist in most cities, but were outlawed for decades in many neighborhoods. These limitations contribute to increased housing costs and fewer choices.

Additionally, by June 30, 2022, cities (with population over 25,000) like Tualatin and cities in the Portland Metro region, must allow duplexes, triplexes, quadplexes, cottage clusters, and townhouses in residential areas. The State of Oregon through its Department of Land Conversation and Development (DLDC) has adopted a model code which would apply on July 1, 2022, if the local jurisdiction does not have its own HB 2001 compliant code changes adopted by that time.

### **Public Feedback – Concerns and Strategies**

Below is a summary of issues and concerns we heard from the public, the Planning Commission and the City Council, along with strategies – both part of the code amendments and otherwise – to help mitigate any potential impacts.

- **Parking:** We heard parking scarcity as a concern from multiple parties. Although HB 2001 has limited flexibility in how the City can require parking for middle housing, the proposed code was drafted to keep on-street parking separate rather than allowing a developer to use it to satisfy their off-street parking minimums.
- **Housing infill:** We heard about the need to maintain the character of existing neighborhoods as new and different development types are introduced. Although HB 2001 limits certain "subjective" requirements for middle housing (for example, "being consistent with neighborhood character" are

not allowed), existing single-family design standards, which have been used to build the existing neighborhoods, are proposed.

- **Maintenance:** We heard concerns that particular types of housing styles might have different, and in some cases, greater maintenance needs, than other housing types. Because the City has a municipal code that regulates these types of nuisances and two dedicated code compliance professionals to help enforce these requirements, it was felt by Council that no further action was needed.
- **Environment, infrastructure and safety:** We heard concerns about how new development might adversely impact the environment, traffic, and safety. While it is true that growth will add people to our community, it is also true middle housing helps encourage redevelopment and density which help us meet our goals of preserving environmental resources, and overall reducing impacts, compared to other housing types.
- **Housing choices and certainty:** We heard from some in the community, including developer stakeholders, that there is a need to increase the variety of housing choices while also providing certainty. The proposed code amendments, consistent with state law requirements, represent a major shift towards “clear and objective” requirements and Type I (nondiscretionary) review procedures which both contributed to increased certainty which in the long run can help increase housing supply and opportunity for community members to have safe, affordable housing.

### **Summary of Proposed Changes**

A summary of proposed code changes is included as Attachment 2. The proposed changes are largely focused on adding Townhomes, Duplexes, Triplexes, Quadplexes, and “Cottage Cluster” Developments as Permitted uses consistent with the requirements of HB 2001, subject to “Type I” review for compliance with clear and objective (nondiscretionary) design and siting standards. Additional amendments designed to comply with state Accessory Dwelling Unit (ADU) requirements and other “clear and objective” code requirements for housing regulations are included. The full proposed changes are included within Ordinance 1463-21 and are supported by the Findings and Analysis that are included as an Exhibit.

### **ALTERNATIVES TO THE RECOMMENDATION:**

The Council may alternatively:

- Continue the discussion to a later date certain
- Approve the amendments and adopt the Ordinance with additional changes
- Deny the amendments and decline to adopt the Ordinance

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### **ATTACHMENTS:**

- Attachment 1: Presentation
- Attachment 2: Summary of Draft Proposed Middle Housing Code Changes