CITY OF TUALATIN
Staff Report

TO:	Honorable Mayor and Members of the City Council
THROUGH:	Sherilyn Lombos, City Manager
	Steve Koper, AICP, Assistant Community Development Director
FROM:	Tabitha Boschetti, AICP, Assistant Planner
DATE:	May 24, 2021

SUBJECT:
Middle Housing Development Code Update (Tualatin 2040 Implementation)

EXECUTIVE SUMMARY:
This discussion continues review of the Middle Housing Code Update, part of the larger effort to incorporate Tualatin 2040 objectives around providing a mix of housing types in the Tualatin Development Code. Tonight specifically focuses on addressing topics raised by the Council at the April work session. The presentation will also introduce initial results from a public outreach survey conducted in May, and outline the next steps of this project.

At the April work session presentation introducing the Middle Housing Code Update, Councilors raised several topic areas that could be impacted by introducing new middle housing types into existing residential areas. These topics broadly included: parking; community character; housing maintenance; environment, infrastructure, and safety; housing types; certainty and encouraging housing opportunity. This Staff Report summarizes items staff heard under each topic area, and provides proposed strategies to mitigate impacts. Lastly, a brief summary around public engagement to-date is provided.

Parking
State guidance for middle housing generally limits the maximum number of off-street parking spaces that can be required for each unit of housing to 1 space per unit, regardless of configuration. For example, a townhome in Tualatin which currently is required to have at least 2 off-street parking spaces per unit cannot be required to have more than 1. A developer is still free to build more parking to meet the needs of the residents but it cannot be required.

Proposed strategies to mitigate impacts include:
- Require the maximum parking under state law and not less;
- Do not count parking spaces within garages as satisfying the maximum number of spaces (similar to requirements for single-family housing);
- Require minimum parking area dimensions to clarify what is acceptable;
- Do not count on-street parking availability toward maximum number of spaces; and
- Require minimum street frontage for development to help ensure that each new unit provides some on-street parking area

Infill Character
State guidance requires that clear and object design standards as applied to middle housing. For example, Tualatin currently requires that "the proposed use will not alter the character of the surrounding area in any manner that substantially limits, impairs, or precludes the use of surrounding properties." Going forward, this will not be allowed. Design standards will need to be objective design standards such as setbacks, height, and lot coverage, and cannot be more burdensome than those required of detached single-family development.

Proposed strategies include:

- Applying the same community design standards that apply to single-family homes to middle housing types, to help encourage an appearance similar to existing housing stock for new middle housing.
- Applying setback and lot coverage standards mirroring those required for detached single-family houses to preserve space between structures. These standards support buffers between properties and the creation of private open space.
- Introducing a new standard for floor-area-ratio (FAR) to housing development. FAR standards limit the overall bulk and size of a new structures relative to the size of the lot and help ensure that the appearance of new development does not significantly alter the character of the surrounding area.
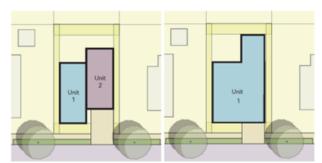

Figure 1: Duplex and Detached Single Family structures occupying similar footprints, setbacks, and massing.

Housing Maintenance

State guidance is silent as to whether the City could require middle housing to have a Home Owners Association (HOA) or other program to ensure housing maintenance. Looking first at the idea of requiring HOAs, staff identified the following pros and cons:

- Pros: centralizes maintenance and helps ensure it is not deferred; can be tailored to match specific development (e.g. duplex vs. townhome development)
- Cons: City doesn't typically specific what the HOA needs to do; City cannot enforce the private agreements (CC&Rs) that HOAs use; supporting an HOA requires time and monthly cost (professional property manager, attorneys, etc.)

In light of some of the cons to requiring an HOA (understanding that most developments like townhomes will create an HOA normally), staff has proposed:
- Continuing the City's existing Code Compliance program;

Some additional potential solutions for further study include:
- Examining the Rental Housing Maintenance standards in the Tualatin Municipal Code;
- Examining opportunities for proactive rental housing inspection;

Environment, Infrastructure, and Safety

Development standards such as tree regulations, stormwater management, and vision clearance standards at corners would remain unchanged by the proposed draft code and are for the most part based on the size of a structure not the number of units. Requirements applied to detached single-family homes, such as sidewalk construction, or avoiding environmentally sensitive areas would also apply to middle housing.

Infill development and gradual increases in density generally support many environmental and infrastructure goals, supporting the preservation of farmland and habitat beyond developed areas, and reducing the need for long commutes and extensive vehicle travel to commerce and services.

Housing Types

In general, the proposed code changes would support a more flexible range of housing types which in turn are more likely to address changing housing needs over a person's lifetime. Options like duplexes and

accessory dwelling units particularly support multiple households dwelling together on a single lot where there is also a desire for autonomy and personal space. Specific to Tualatin, the "cottage cluster" development style which is a development of several small, single-level detached dwelling units on a lot centered on a shared common area seems particularly well-suited to helping ensure that seniors and people with disabilities have options within the community as their housing needs change.

Creating Certainty and Encouraging Housing Opportunity
The proposed draft code would create a more predictable review process that maintains the integrity of existing community design standards, while helping to meet Tualatin's goals around providing a reasonable mix of housing types and contribute to the region's need for more housing. The proposed changes would reduce subjective review elements that introduce substantial time and uncertainty to a construction project. Given's Tualatin's relative lack of buildable lands, staff and the consultant have endeavored to balance Tualatin's specific needs for standards that address infill housing and help mitigate impacts, balanced with the community and Council priorities of increasing housing opportunity for all in Tualatin.

Public Engagement
Initial direction for the middle housing code changes has been shaped by earlier engagement through Tualatin 2040, and state-level direction concerning statewide middle housing changes. Staff have shared information with interested parties via email and online at https://www.tualatinoregon.gov/planning/middle-housing. Staff and MIG hosted a webinar on February 25, 2021 to additionally introduce the project concepts. Staff and consultants with MIG launched a public survey May 10, 2021 (https://migsurvey.limequery.com/865444?lang=en#) focused on the direction for draft code this month. Early results will be shared during the Council presentation.

ATTACHMENTS:
- Attachment 1: Presentation to City Council
- Attachment 2: Summary of Draft Proposed Middle Housing Code Changes