

MIDDLE HOUSING CITIZENS ADVISORY COMMITTEE

November 4, 2020 6:00 PM

Virtual Meeting <https://zoom.us/j/97717967646>

**Or join by phone: Dial (for higher quality, dial a number based on your current location):
US: +1 253 215 8782 or +1 346 248 7799 or +1 669 900 6833 or +1 301 715 8592 or +1
312 626 6799 or +1 929 205 6099
Webinar ID: 977 1796 7646**

- I. Call Meeting to Order
- II. Roll Call
- II. Approval of Minutes October 14, 2020
- III. 6:00 – 6:10 p.m. Welcome and Introductions Doug Rux
- IV. 6:10 – 6:20 p.m. Project Overview Steve Faust, 3J Consulting
 - Project purpose
 - Project objectives Preliminary
- V. 6:20 – 7:00 p.m. Draft Housing Code Audit and Code Concepts Elizabeth Decker, JET Planning
 - HB 2001 overview
 - Duplexes
 - Triplex and quadplex
 - Townhouses
 - Cottage clusters
- VI. 7:00 – 7:45 pm Discussion of Code Concepts All
- VII. 7:45 – 8 p.m. Next Steps: Steve Faust, 3J Consulting
 - CAC Meeting #2
 - Public Meeting #1
- VIII. Public Comment
- IX. Adjournment

QUESTIONS? COME TO THE COMMUNITY DEVELOPMENT DEPT. AT 414 E FIRST STREET, OR CALL 503-537-1240

ACCOMMODATION OF PHYSICAL IMPAIRMENTS: In order to accommodate persons with physical impairments, please notify the Office Assistant II of any special physical or language accommodations you may need as far in advance of the meeting as possible and no later than 48 business hours prior to the meeting. To request these arrangements, please contact the Office Assistant II at (503) 544-7788. For TTY services please dial 711.

AD HOC MIDDLE HOUSING CITIZENS ADVISORY COMMITTEE

Meeting Minutes

October 14, 2020 6:00 PM

NEWBERG CITY HALL

Meeting held electronically due to COVID-19 pandemic

(This is for historical purposes as meetings are permanent retention documents and this will mark this period in our collective history)

CDD Doug Rux called meeting to order at 6:00pm

ROLL CALL

Members Present: Melisa Dailey, Chair
Robert Bonner, Vice Chair
Gabriel Skulec
Dominic Seymour
Leslie Murray
Erma Vera

Members Absent: Shy Montoya, excused
Robert Moxley, excused

Staff Present: Doug Rux, Community Development Director
Patrick Davenport, Planning Manager

INTRODUCTIONS:

CDD Rux introduced himself and is managing this project.

Patrick Davenport, Planning Manager introduced himself.

Members Melissa Dailey, Planner for Housing Authority of Washington County, Robert Bonner, retired Professor from George Fox University, Gabriel Skulec, Newberg resident, Dominic Seymour, remodeling contractor, Leslie Murray, Lead Pastor North Valley Friends Church, and Irma Vera, Lead Pastor Foursquare church all gave a brief introduction.

PUBLIC COMMENTS:

None

ORIENTATION SESSION:

A. Purpose of Middle Housing Project (duplexes and Other Middle Housing)

CDD Rux walked through the agenda and the purpose of the middle housing project. He noted in the 2019 legislative session they passed House Bill 2001 by Speaker Kotek. This bill has basically two components one of which is duplex housing. We will show the graphic when we have our first official meeting with the consultant. We are talking about housing that includes duplexes, triplexes, quads, cottage cluster housing and townhomes. He noted the Department of Land conservation and Development has been working to adopt new administrative rules, which he included in the packet, Chapter 660 Division 46. The first one approved is called Infrastructure Based Time Extension Request, which is a program that communities can look at areas within their community that may have infrastructure deficiencies and if you add the additional middle housing it would be encumbered by water systems, storm drainage systems, wastewater systems, sanitary sewer and transportation systems. He noted we applied for grants and received a \$25,000 Grant from the Department of Land Conservation and Development. Two areas in town were identified that may have infrastructure concerns, the area north of downtown up to the railroad tracks, and the area south of downtown to the Bypass from Chehalem Creek on the west side to Hess Creek on the east side.

CDD Rux noted they have hired four different consulting firms to do the analysis for us. We shared the preliminary results with the Planning Commission and we'll be taking a final document to them in November. He noted what was found in the analysis is that there is some deficiencies in the water system to accommodate middle housing in those areas. The water lines that are ¾ inch to 5 inch are supposed to be standard 8 inch water lines so we can meet fire flow. After the November Planning Commission meeting it will go to City Council in December. Reports will be submitted to the State by the end of December 2020. They will evaluate and let us know if they agree with our analysis and if they do it could be that we get a time extension to figure out the infrastructure for those areas for the water system that would then preclude the ability to start with duplexes.

CDD Rux noted the second piece of this is duplex development. Noting that where you allow single-family zoning and single family homes is that you now have to allow duplexes in that same area. We applied for a grant to the DLCDC and received this grant and have to comply with the provisions by June 30, 2021.

CDD Rux noted Newberg is a community that falls in the range of between 10,000 and 25,000 in population. This means we have to comply with the duplex provisions by June 30, 2021, if we don't adopt regulations we have to follow the model code that LCDC has put together. The other part is triplexes, quads, cottage cluster housing, townhouses and those provisions apply to communities that are above 25,000 in population and in Newberg the population is 24,045. Staff had a conversation with the City Council and they said go ahead with all of the middle housing grants because we are so close to the 25,000 population and as soon as we get there we have to go through and address triplexes, quads, cottage cluster housing, townhouses. A part of our grant approval, includes those other missing housing components. He noted as we move forward we will start with duplexes and then move into the other middle housing component.

CDD Rux noted the committee will have a series of meetings and be working with consultants. The role of the Committee is advisory to our consultants and city staff as we move through these processes and the Committee will end up with a recommendation. The first recommendation will be addressing the duplex regulations that we will be developing. The Committee recommendation will go onto the Planning Commission and then be presented to the City Council.

CDD Rux shared that he was on a virtual conference which was a lot about housing, diversity, equity and inclusion in housing and other land use programs involved in statewide, locally and in the Newberg community. He noted State Law says wherever we zone for single-family we now have to allow duplex development. There are provisions in the OAR that you don't require parking for duplexes, but the administrative rule says you can require up to two parking spaces for that duplex. One parking space per unit puts pressure on the street parking and Planning Commission has dealt with street parking issues and has heard concerns from residents about the congestion on the street with no place to park.

CDD Rux noted we will have discussions about the design standards of duplexes, the lot size to accommodate a duplex, the structure height, setbacks and the provisions in the administrative rule addressing these standards. Right now the requirements for a single-family home is we look at lot size, building coverage, driveway coverage, setbacks and structure heights. To be able to release a building permit Patrick checks off in the permit system all of these requirements.

B. Role of the Committee

CDD Rux noted that for the Committee Chair and Vice Chair their responsibilities will be to call the meeting order, take roll call and call for an approval of meeting minutes. With no other comments the meeting will be turned over to the consultants who will walk you through the information. The consultants are currently in the process of doing a code audit and looking at our current regulations in the development code regarding duplexes and the model code in the administrative rule to determine where we need to make changes in order to comply with the new State Law and the administrative rules that apply.

C. Consultant

CDD Rux noted our consultant is a company called 3J Consulting. They are doing a variety of these types of projects right now around the State. We are working with their Planning Group, they are a multi-disciplinary firm and do engineering and planning. The project manager is Steve Faust 3J Consulting has worked for a number of years on different projects and the sub-consultant is Elizabeth Decker and she owns a private consulting firm called Jet Planning. Heather Austin of 3J Consulting is also participating with this project.

D. Public Meetings

CDD Rux said thank you for volunteering and that there are many different Ad Hoc Committees and standing committees and commissions within the city and we cannot get our work done without all of the members volunteering to help us get the work done. He noted "You are considered a public body". He noted this means that all of our meetings are public and because of the pandemic we are doing all our meetings over Zoom. These meetings are recorded and the audio gets posted up on the city website. Meeting minutes will be taken and posted on the city website. Meeting agenda/packet will be emailed one week in advance. He also noted the public can log into Zoom and when we get to the public comment portion they can be promoted up so they can speak to the Committee and share their views and opinions.

CDD Rux noted because you are a public body you also have to follow State ethics rules. What to remember is the public is out there and able to listen to all discussions. They can read the information from your discussions and they can participate in the meetings. Treat them respectfully. We also ask that our citizens treat our Committee members respectfully. He noted if things get heated, he will step in on behalf of the Chair and Vice Chair to get back on track so everything is appropriate.

E. Email Accounts

CDD Rux noted that city email accounts have been set up for the Committee. Sue has sent out instructions how to log in and set your password. He also informed the members to use only your city email account and all information including meeting packets will be sent to your email account. This is why we have a public record of all communications.

CDD Rux noted the city email account passwords expire after three months and that this project is going to last more than three months so passwords may have to be reset a couple times. If any of the members have issues getting access into your city email account contact Sue Ryan, City Recorder for assistance.

F. Virtual Meetings

CDD Rux noted all our meetings are going to be conducted using Zoom as you will see on the agendas which have a Zoom link and a phone number if you want to dial in and don't have video capability. He noted you will receive agenda/material email from staff and Sue Ryan will send out to you a panelist invite to Zoom.

NEXT STEPS:

CDD Rux noted the next meeting will be Wednesday, November 4th at 6:00 pm, followed by a meeting on Wednesday November 18th at 6:00 pm. We will do some form of a public open house virtually on Tuesday, December 15th. The following citizens committee meeting will be occurring on Wednesday January 20th, then a meeting on Wednesday February 3rd and then Wednesday March 10th. There will be another public community virtual open house sometime in February as well but the date has not been established yet.

CDD Rux noted that we anticipate the meetings will take approximately 2 hours, but he will try to have them done shorter but to schedule for 2 hours.

Chair Dailey asked if there might be resources to send to the members on either articles on middle housing or videos that you think would be helpful. CDD Rux said there are a few out there and he would get them out.

Member Seymour asked if there were any issues with reaching out to members of the community via social media.

CDD Rux noted we have a public involvement plan the consultants put together for this project. We will have a project website that we can direct people to. We will be using social media to get the word out through Facebook and Instagram. Our city has an in-house Community Engagement Specialist we will be using. We may be connecting with the platform called Next Door which is another way to get information out to the community members. When we get to our virtual open houses, we will have opportunities for people to look at the information and provide us written comments. We will be creating an email list so when we receive comments we have their email to send future agendas and community open houses and also direct them to the project website and social media platforms for information.

Patrick Davenport, Planning Manager asked the members if they thought it would be useful to provide a few examples of these housing types around the city so as a Committee members are driving around and can see what they look like in person. Member Dailey responded yes that would be useful. Member Seymour asked when you talk about duplexes with these different types of housing are you going to use examples, for example Habitat for Humanity has some duplexes as well as other duplexes within the city. Patrick responded that he could put together a report of the examples with a few statistics and if the members drive around to get addresses to send to him.

CDD Rux noted we have not had a lot of duplex development for quite a while. We don't have regulations for cottage cluster housing at all. Some communities that have done it and they have been successful. We do have a small amount of the townhouse development, and we try to address this issue about affordable housing. Newberg is classified as a rent burden community which means we have 28% of our renter's pay 50% or more of their income towards their housing costs and this number has gone up. He noted when Newberg was designated as one of those communities, he has a separate process he goes through every year. House Bill 4006 requires community meetings occur and part of this is we haven't been building much in the way of apartments because we have a deficiency of land that allow apartments. We went through the recession and development by large stopped, we went from 300 housing units a year and that dropped to 30 units a year. We just changed regulations on accessory dwelling units which was another State Law that came down. He noted now we are addressing Middle Housing. We also did a Housing Needs Analysis, which is available on the city's website, City Council accepted that document in 2019. He noted the city is in the process of updating the Housing Needs Analysis and the project will be finished in February 2021.

CDD Rux noted if we don't make some policy changes then we will continue to replicate what's been happening since the 60's, which is a lot of detached single-family homes and not a lot of other housing types.

CDD Rux noted they are working on the Economic Development side to create family wage jobs. People who work restaurant, fast food, and manufacturing facilities etc., are challenged with finding housing. For someone who makes less than \$25,000 a year they can afford about \$625.00 a month rent. In Newberg a two bedroom apartment is around \$1,400.00 range a month and it is challenging for people to find affordable housing in this city.

CDD Rux noted that Middle Housing is a way to try to provide a different housing types than what has been done traditionally. He noted in our Housing Needs Analysis where historically about 72% of our housing stock was detached single-family, over the next 20 years that document is identifying that only 60% of our housing between 2021 and 2041 would be detached single-family. The policy approach is to increase attached type housing units and multi-family units because they are more affordable and more cost-effective for households. He noted we are trying to find the right balance for the community overall.

CDD Rux noted they did a Community Visioning Program that the Council adopted in August 2019, housing affordability was something that came up from the community that needs to be addressed. There was a comment about transitional housing which is another piece and we are having conversations with different organizations on how to provide that housing type. Also brought up was the issue of tiny homes. He noted he is going to City Council on November 2nd and has a list of 42 work items addressing housing in Newberg.

CDD Rux noted there is a Housing Newberg group Mayor Roger's and others helped on before he became Mayor which they came up with the original 9 proposals. Middle Housing is one of the 42 work items addressing housing, but they don't all happen real quickly as it takes time to put regulations together.

CDD Rux noted in this community we've been working on affordable housing issues for over a decade and have done a number of things, but there's much more to do in the future.

Member **xx** noted we are likely to have an end product that's much different than the State Model Code. He asked about the options for incentivizing building these types of homes, like tax breaks and regulations.

CDD Rux noted you will have an option, to follow the Model Code or there will be some flexibility and the consultants will talk through what flexibility we have. When we get to the other Middle Housing items there is a little more flexibility. He noted we have two tracks that lead to compliance. One is follow the State Model Code and the other is to give you some flexibility, but then it requires all this additional reporting and matrix that you have to meet. He noted Middle

Housing does not require that we allow all housing types where we allow single family, we are going to have to work on what areas in Newberg we would like Middle Housing.

CDD Rux noted to do a duplex it requires a 10,000 square foot lot, so the developer says he has a piece of land of 10,000 square feet and wants to partition to create two lots and build two single family homes. He noted he shared with the consultant that if you have a 2,200 square foot detached single-family home its ok on a 5000 square foot lot. Then why can't you have a 2,200 square foot duplex divided into 1100 square feet on each side which would be the same scale as a single-family home and you're being more efficient with the land.

Member Bonner noted there could be some heated debates with residents if there are areas of town where multi family is allowed and others are not. CDD Rux responded we have had that. We took some low density residential and changed it to high density residential for an apartment project. There was a lot of community feedback, because it would change the character of their residential area, but multifamily is something needed in this community.

ADJOURNMENT:

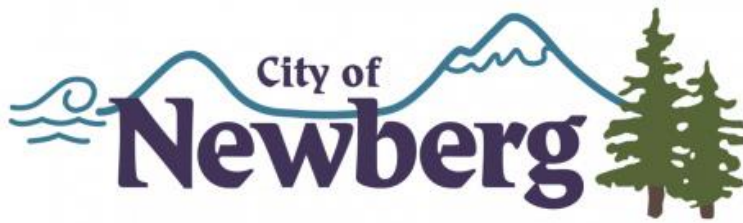
Chair Dailey adjourned meeting at 6:44 pm

**APPROVED BY THE AD HOC MIDDLE HOUSING CITIZENS ADVISORY COMMITTEE this
November 4, 2020**

Melisa Dailey, Middle Housing Chair

Doug Rux, Recording Secretary

OCTOBER 28, 2020



MIDDLE HOUSING CODE ASSESSMENT AND CONCEPTS



BACKGROUND

The City of Newberg is working to expand housing opportunities for its residents to comply with the spirit and specifics of recently passed state legislation directed at supporting “middle housing,” that provides alternatives to traditional single-family detached dwellings and multifamily dwellings to partially address statewide housing shortages. The Oregon Legislature passed House Bill 2001 (HB 2001) in 2019 to provide Oregonians with more housing choices, especially attainably priced housing choices. The “middle housing” addressed by HB 2001 includes duplexes, triplexes, quadplexes, townhouses and cottage clusters. The Legislature focused on these housing types as they can be more affordable, meet the housing needs of many younger people, older people, and low-income households who cannot afford or do not need a large single-family detached house, and reduce environmental impacts associated with large houses.

Under the bill, by June 30, 2021, Oregon’s medium-sized cities (those with 10,000 to 24,999 population) must allow development of duplexes on all lots zoned for residential use where single-family detached dwellings are permitted. By June 30, 2022, cities in the Portland Metro region and large cities across the State (those over 25,000 population) must allow construction of duplexes on all residential lots and construction of all other middle housing types in residential areas.

The PSU Population Research Center identifies the 2019 population of Newberg as 24,045. Under House Bill 2001, Newberg is a “Medium City”. However, Newberg is growing steadily and will be home to more than 25,000 residents in the near future with a future projected population of 36,709 by 2040.¹ Because of both this pending classification as a “Large City” and a desire to provide greater housing opportunities for Newberg residents as articulated by the Newberg City Council, this project will examine and develop concepts to support all middle housing types as required for Large Cities.

The Oregon Land Conservation and Development Commission (LCDC) is in the process of rulemaking to adopt minimum compliance standards in Oregon Administrative Rules (OARs) and a model code that local governments can use to meet the requirements of HB 2001. LCDC has adopted final OARs and model code for duplexes that apply in Medium and Large Cities. The draft OARs and Model Code for Large Cities are pending final revisions and adoption by LCDC, expected in mid-November, but are largely complete and provide general direction for the purposes of this code assessment.²

¹ The 2020 PSU population estimates are due out in December, and may reveal that Newberg has already reached 25,000 population. Whenever this happens, the City will have until two years from the date of the estimate to adopt the full range of middle housing types. (OAR 660-046-0050(2).)

² The final code assessment will incorporate any changes to the draft Model Code and OARs for Large Cities developed during the LCDC adoption process.

The City of Newberg recently completed a Housing Needs Analysis (HNA), dated June 2019, that identifies future housing needs for the growing and changing population. The report identified that the population of Newberg grew by 82% between 1990 and 2018 at an average annual growth rate of 2.2%. The current housing mix in Newberg includes 71% single-family detached, 23% multifamily and 6% single-family attached. The Newberg population is projected to grow another 51% over the next 20 years, at an annual average growth rate of 2.1% between 2017 and 2040. More single-family attached and multifamily housing development—including a range of middle housing types—will be needed to meet the demand for 4,035 new housing units over the next 20 years.

In addition, the HNA planning efforts recommended housing policies and actions to address housing affordability problems across the income spectrum. According to the HNA (page 107), “The most substantial ways the City can encourage development of housing is through ensuring enough land is zoned for residential development, eliminating barriers to residential development where possible and providing infrastructure in a cost-effective way.” This statement underscores the need for this code assessment and subsequent code concepts to expand middle housing development opportunities as part of Newberg’s efforts to address housing needs and affordability concerns.

The focus of this code assessment is to identify existing provisions that apply to duplexes and other missing middle housing in the Newberg code, to understand the opportunities and barriers to developing these housing types, and to develop concepts to update the code to better support development of middle housing that meet state requirements. The focus of this planning effort is on:

- Development standards for duplexes, triplexes, quadplexes, townhouses and cottage clusters
- Development within the four primarily residential zoning districts that permit single-family detached dwellings: R-1 (Low-Density Residential), R-2 (Medium-Density Residential), R-3 (High-Density Residential) and RP (Residential Professional)
 - Note: Single-family detached dwellings are permitted outright in the I (Institutional) district and with a conditional use permit in the C-2 (Community Commercial) and C-3 (Central Business) districts; however, these districts are not “zoned for residential use” and are therefore exempt from analysis under HB 2001
- Residential development within a variety of special purpose and master plan areas where single-family detached dwellings are permitted: Airport Residential (AR) District, Springbrook District (SD) and master plan, Riverfront Subdistrict (RD) and master plan, Northwest Specific Plan Subdistrict, and Springbrook Oaks Specific Plan Subdistrict
- Clear and objective standards and review processes for middle housing

- Ensuring duplexes are allowed **on all lots** where single-family detached dwellings are permitted
- Ensuring triplexes, quadplexes, townhouses and cottage clusters are allowed **in areas** where single-family detached dwellings are permitted.

The distinction between permitting duplexes **on all lots** and other middle housing **in areas** has been a key point of debate through the development of state regulations to implement HB 2001. For Newberg, this will mean looking at how the middle housing allowances should be modified or limited in sensitive areas, including:

- Stream Corridor Overlay (SC) Subdistrict;
- Historic Landmarks (H) Subdistrict;
- Areas of Special Flood Hazard Overlay (FHO); or
- Willamette River Greenway.

There are also further options to modify allowance of triplexes, quadplexes, townhouses and cottage clusters on land that is infrastructure-constrained or master planned to address the **in areas** distinction. Newberg has significant portions of its buildable land within master planned areas that are subject to alternative development standards detailed in area-specific master plans, rather than residential base zone standards. These include the Springbrook District, the Riverfront District, the Northwest Newberg Specific Plan, and the Springbrook Oaks Specific Plan. Within these previously approved master plan areas, the City may limit middle housing development provided that:

- Single-family and duplex development is permitted at a minimum net density of 8 units per acre in areas that have not yet been developed.
- All middle housing types are permitted following initial development of the master plan area to allow infill and conversion to middle housing. (OAR 660-046-0020(11) and 660-046-0205(2)(c)(B).)

Infrastructure-constrained land means “lots or parcels that are not currently served by water, sewer, storm drainage, or transportation services; and where the local government is not able to correct the infrastructure limitation with an Infrastructure Based Time Extension Request (IBTER) due to jurisdictional, cost or other limitations; and which cannot be remedied by future development of middle housing on the subject lot or parcel”. (OAR 660-046-0020(8).) The City of Newberg is in the process of completing an IBTER for certain areas at the same time as this code assessment. Those results will help to identify whether there are areas that meet the definition of “infrastructure-constrained” going forward, guiding the adjustment of middle housing allowances accordingly.

HB 2001 specifically exempts “lands that are not zoned for residential use, including lands zoned primarily for commercial, manufacturing, institutional or agricultural uses.” The RP (Residential Professional District) is a mixed-use district that permits single-family detached dwellings outright and implements a residential comprehensive plan designation, and is therefore included in this assessment, whereas the Institutional district permits single-family

dwelling but is not a residential designation, and is therefore excluded from the scope. Residential zones where single-family detached dwellings are not permitted are also exempted from compliance; the R-4 (Manufactured Dwelling) district does not permit single-family detached dwellings and therefore is not a focus of this assessment.

CODE ASSESSMENT & CONCEPTS

Key code findings and concepts for each middle housing type are highlighted here along with areas for consideration to further refine the code concepts. The code was analyzed for compliance with the draft minimum compliance standards and Model Code provisions to determine the scope of changes needed to meet state requirements. Additional analysis of existing code, state requirements, and improvements needed for duplexes is provided in the attached table.

Note: 'SFDD' is used throughout to abbreviate 'single-family detached dwelling.'

The following code concepts would update the Newberg Development Code to implement model code standards, or, in some cases, to meet minimum compliance with OAR 660.046. Because the existing code contains much more limited standards for triplexes, quadplexes, townhouses and cottage clusters, the code concepts center around creating new use categories and accompanying siting and design standards.

There are three categories of code concept recommendations:

- Required code concepts needed to meet specific requirements within OAR Division 660-046 are noted with imperatives such as "update", "reduce", "remove", "require" and "revise."
- Recommended code concepts that exceed minimum compliance by integrating model code provisions and/or enhancing development feasibility begin with "consider."
- Potential code concepts that are related to minimum compliance and/or model code, but are not within their immediate scope, are flagged with "explore."

These code concepts have been prepared for review by City staff, project stakeholders, the Advisory Committee and the public. The project team will then revise the concepts to ensure compliance with OAR 660-046 and Model Code, development feasibility, and applicability within the Newberg Development Code, and use the concepts to guide revisions to existing zoning code standards.

Existing Code

Duplexes are permitted in the same manner as single-family detached dwellings in the R-1, R-2, R-3 and RP zones.

Newberg's duplex standards are more restrictive than what is permitted under HB 2001. Minimum lot sizes based on number of units per lot, minimum parking standards, open space and landscaping requirements should be revised for parity with standards for single-family detached dwellings. In addition, the definition of "duplex" should be updated to relate to the number of dwelling units rather than the number of families residing within each unit, with consideration about whether to expand the definition to permit detached structures on a single parcel to be developed as a duplex.

A detailed item-by-item code assessment is included in the attached table.

Code Concepts

The state requirements for duplexes are the simplest and least flexible, essentially requiring that duplexes be regulated the same as SFDDs in nearly every regard. In order to meet state requirements, minimum lot sizes should be based on the underlying zone rather than per dwelling unit. The minimum parking requirements should be lowered to comply with allowed ratios in state regulations, to one space per unit and two total spaces per lot, or lower as promoted by the Model Code with opportunities to reduce the required ratio or offer. Further, the ability to convert an existing SFDD to a duplex exempt from any additional design or parking standards should be explicitly permitted. Requirements for outdoor recreation areas and landscaping associated with duplexes should be removed unless they are applied equally to SFDDs.

Duplexes



Duplex Implementation Concepts to Address:

- **Definitions (15.05.030)**

Update the definition of “duplex” to regulate dwelling units not families. Consider “two dwelling units on a lot or parcel in any configuration. In instances where a development can meet the definition of a duplex and also meets the definition of a primary dwelling unit with an accessory dwelling unit (ADU), the applicant shall specify at the time of application review whether the development is considered a duplex or a primary dwelling unit with an ADU.”

- **Minimum Lot Size (15.405.010)**

Duplexes must be permitted on the same lots as SFDDs, so duplexes must be exempted from the “minimum lot size per dwelling unit”. Explore revisions to minimum lot sizes, if current standards emerge as a development feasibility constraint.

- **Maximum Lot Coverage (15.405.040)**

Explore increasing maximum lot coverage and parking area coverage, or consolidating into a single maximum coverage standard, to allow greater development flexibility.

- **Off-Street Parking Requirements (15.440.030 and 15.440.060)**

Reduce the number of off-street parking spaces required per dwelling unit from 2 (four total for a duplex) to a maximum of 1 space per duplex unit (2 spaces per lot) to meet minimum compliance.

Explore further reductions to zero *required* spaces consistent with the Model Code. Consider allowing on-street parking credit and tandem parking for duplexes.

- **Landscaping, Open Space and Gated Access (15.20.010) (15.440.020.C)**

Remove requirement for usable outdoor recreation area, minimum percentage of lot area required to be landscaped and private access gate restrictions that are different from SFDD standards.

- **Conversions**

Conversions of SFDD units to duplexes are permitted but are not specifically identified in the Code. Consider adding clear standards to permit conversion from SFDD to duplex, provided conversion does not increase nonconformance with applicable clear and objective standards. Such conversions must be exempt from any duplex design standards or parking requirements.

Existing Code

Triplexes and quadplexes (“plexes”) are currently regulated as multifamily dwellings, which brings along significant restrictions relative to state requirements and barriers to development feasibility, given the small scale of such projects. Plexes are not defined; as multifamily dwellings, they are permitted outright in the R-2, R-3 and RP zones and permitted conditionally in the R-1 zone. Minimum lot sizes and dimensional standards are identical for all dwelling types and do not appear to need any revisions. Plexes are subject to multifamily design and open space requirements. Required minimum parking is 1-4 spaces per unit, based on bedrooms, and parking areas are required to meet parking lot improvement and design standards significantly different from SFDD parking standards.

Triplexes and Quadplexes



Code Concepts

Significant code changes are needed to create new use categories and development regulations for triplexes and quadplexes separately from the multifamily dwelling standards. Once new definitions are created, plexes should be allowed outright in the R-1 zone, as they are in the R-2, R-3 and RP zones. Minimum lot sizes specific for plexes should be created. The parking requirements should be revised to include reduced minimum parking spaces and improvement standards similar to SFDD parking standards. Further, the ability to convert an existing SFDD to a plex exempt from any design or parking standards should be explicitly permitted.³

³ Conversion of three or more attached units triggers compliance with the commercial building code, rather than the residential building code, which makes conversion to a triplex or quadplex significantly more costly, complex, and less likely, however, the option must be allowed under state requirements.

Triplex and Quadplex Concepts to Address:

- **Definitions (15.05.030)**

Update the definition of “multifamily dwelling” to “five or more dwelling units on a lot or parcel in any configuration”.

Add definitions for “triplex” and “quadplex”.

Define “triplex” as “three dwelling units on a lot or parcel in any configuration.”

Similarly, define “quadplex” as “four dwelling units on a lot or parcel in any configuration”.

Consider whether to allow plexes in any attached or detached configuration per Model Code or to restrict to attached buildings to comply with minimum compliance. (See pages 11-13 of the Model Code for examples of plex configurations.)

- **Setbacks (15.410.020)**

Consider updating all minimum required front setbacks for plexes to 10 feet. Minimum front garage setback of 20 feet is in compliance.

- **Building Height (15.415.020)**

Consider increasing maximum building height in R-1, R-2, RP and AR zones to 35 feet to allow construction of three full stories; or leaving at existing 30-foot height limit that applies to single-family detached dwellings.

Consider increasing maximum building height in R-3 within 50 feet of R-1 from 30 to 35 feet.

- **Minimum Lot Size (15.405.010)**

Consider removing “minimum lot size per dwelling unit”.

Consider revision of minimum lot sizes per lot.

- **Maximum Lot Coverage vs. Maximum Floor Area Ratio (FAR) (15.405.040)**

Existing maximum lot coverage and parking standards can be applied to plexes consistent with their applications to SFDDs.

Consider removing triplexes and quadplexes from maximum lot coverage and parking standards or increasing allowed lot coverage for expanded development feasibility.

Consider adding Maximum Floor Area Ratio (FAR) standards based on the minimum lot size for a SFDD in the same zone, as provided below:

Minimum Lot Size for Detached Single Family Dwellings	Maximum FAR
3,000 SF or less (R-2, R-3, RP)	1.4 to 1
More than 3,000 SF, up to and including 5,000 SF (R-1, AR)	1.1 to 1

Triplex and Quadplex Concepts to Address (continued):

- **Off-Street Parking Requirements (15.440.030)**

Reduce the total number of off-street parking spaces required and regulate per “plex” rather than per dwelling unit.

- Require 1 off-street parking space per development on lots of less than 3,000 SF
- Require 2 off-street parking spaces on lots of 3,000 SF to 5,000 SF
- Require 3 off-street parking spaces on lots of more than 5,000 square feet, except that 4 spaces for a quadplex can be required on lots greater than 7,000 square feet.

*Note that the parking minimums are tied to actual lot sizes, not the allowed minimum lots sizes in the zones.

Consider whether to reduce any of the above parking requirements consistent with Model Code provisions to reduce or eliminate minimum parking requirements for plexes.

Consider allowing on-street parking credit and tandem parking for triplexes and quadplexes.

Do not require additional parking spaces for conversion from single-family.

Consider changing parking “lot” design regulations to allow parking for plexes to be more like SFDDs and duplexes, including permitting backing directly onto the street for residential streets.

- **Conversions**

Conversions of SFDDs to triplexes or quadplexes are permitted but are not specifically identified in the Newberg Development Code. Consider adding clearer standards to permit conversion from SFDD to triplex or quadplex, provided conversion does not increase nonconformance with applicable clear and objective standards. Such conversions must be exempt from any design standards and parking requirements. Consider how to provide access to public utilities for each dwelling unit, given that separate utilities are preferable to City Engineering staff but add substantial cost to each dwelling unit.

- **Design Standards**

The Model Code establishes some basic, clear and objective design standards that can be applied to plexes; the City can apply the Model Code provisions or any variation on those standards that are “less restrictive” than the Model Code provisions and that are clear and objective. Consider whether to apply any or all of the following design standards for triplexes and quadplexes:

- **Entry Orientation:** Require specific standards main entrance or each individual entrance (see Model Code pages 17 through 20 for details and graphics).
- **Windows:** Require a minimum percentage of the area of street-facing façades to include windows or entrance doors (see Model Code page 20 for details and graphic).
- **Garages and Off-Street Parking Areas:** Regulate the location of garages and off-street parking areas (see Model Code page 21 for details and graphic)
- **Driveway Approach:** Regulate the width, location and/or number of driveway approach(es) to the plex development (see Model Code pages 22 through 25 for details and graphics).

Townhouses

Existing Code

Townhouses are currently permitted in residential areas in Newberg but are limited by code standards relative to state requirements to allow them similar to SFDDs.

Townhouses are permitted but require a special use review in the R-1, R-2, R-3 and RP zones.

Townhouses require a Type II site design review (SFDDs require a Type I review). Existing townhouse design standards are clear and objective, addressing entryways, building modulation, open space and landscaping. Two parking spaces per unit are required, with further standards addressing access and driveway spacing.



Code Concepts

Code updates are needed to allow townhouses more broadly in residential zones and with fewer development constraints. Townhouses should be permitted outright in R-1, R-2, R-3 and RP zones without a special use permit. Minimum lot sizes for townhouses should be reduced to 1,500 square feet across the board, consistent with state requirements and Housing Policy Recommendation 2.2b, with corresponding revisions to setbacks and lot coverage. The design standards should be reviewed and revised, as they are currently embedded in the multifamily residential design standards.

Townhouse Concepts to Address:

- **Definitions (15.05.030)**

Revise the “single-family attached dwelling” definition to “a dwelling unit constructed in a row of two or more attached units where each dwelling unit is located on an individual lot or parcel and shares at least one common wall with an adjacent unit, also commonly called a ‘townhouse,’ ‘rowhouse,’ or ‘common-wall house.’”

Allow a minimum of four attached units in any zone.

Consider allowing up to eight attached units in the R-3 zone.

- **Maximum Density**

Consider whether to introduce a maximum density, to supplement the minimum lot size standards. Maximum density can be capped at 4 times the density for SFDDs in the underlying zone or 25 units per acre, whichever is less. It is unclear how this would apply in Newberg because maximum density does not apply to SFDDs directly.

- **Minimum Lot Size (15.405.010)**

Allow a minimum lot size of 1,500 SF for townhouses in all residential zones.

Consider how minimum lot sizes interact with maximum density, if pursued.

- **Setbacks (15.410.020)**

Consider updating all minimum required front setbacks for townhouses to 10 feet (currently 15 ft in R-1 and R-2 and 12 ft in R-3 and RP). Minimum front garage setback of 20 feet is in compliance.

- **Building Height (15.415.020)**

Consider increasing maximum building height in R-1, R-2 and RP from 30 to 35 feet or 3 stories.

Consider increasing maximum building height in R-3 w/in 50 ft of R-1 from 30 to 35 feet or 3 stories.

- **Off-Street Parking (15.440)**

Require 1 off-street parking space per townhouse unit. Spaces may be provided on individual lots or in a shared parking area on a common tract.

Consider on-street parking credit for townhouses where on-street parking is physically feasible based on driveway and lot widths.

- **Areas Owned in Common**

Consider requiring homeowners association or other legal entity to maintain common areas. A homeowners association may also be responsible for exterior building maintenance. A copy of any applicable covenants, restrictions and conditions must be recorded and provided to the city prior to issuance of a building permit.

Townhouse Concepts to Address (continued):

- **Design Standards**

Exempt “attached single-family” (townhouses) from compliance with portions of multifamily residential standards in Section 15.220.060.

The Model Code establishes some basic, clear and objective design standards that can be applied to townhouses; the City can apply the model code provisions or any variation on those standards that are “less restrictive” than the model code provisions and that are clear and objective. Consider whether to apply any or all of the following design standards for townhouses, and whether to consolidate with the townhouse provisions of Section 15.415.050, identified previously in the assessment:

- **Entry Orientation:** Require specific standards for the main entrance of each unit (see Model Code page 28 for details and pages 18 and 20 for graphics).
- **Unit Definition:** Require defining details on individual townhouse units (see Model code page 28 for details and 29 for graphic).
- **Windows:** Require a minimum percentage of the area of street-facing façades to include windows or entrance doors (see Model Code page 29 for details and page 20 for graphic).
- **Driveway Access and Parking:** Require garages and driveway approaches to individual townhouse units to meet design and/or location standards (see Model Code pages 29 through 31 for details and graphic).

Code Considerations

The City of Newberg currently does not have cottage cluster standards, similar to most cities. The state Model Code provides an initial set of standards to help spur future development of this housing type. (See Model Code, beginning page 32.) Key implementation considerations for Newberg include:

- Cottage clusters must be permitted in all areas where SFDDs are permitted.
- Cottages must be permitted in clusters of 5-8 units, or greater.
- Traditionally, cottages are oriented around a common open space, however, the orientation requirements can negatively affect development feasibility and limit residents' access to parking areas.
- Cottage clusters must be permitted on a single lot under state code, which allows for rentals or condo ownership. Consider permitting cottage subdivisions to allow individual cottage lots and create fee-simple ownership opportunities.

Cottage Clusters



Master Planned Communities

Existing Code

Newberg has five master planned and special purpose areas that are governed by a mix of base zone standards and area-specific standards that implement the adopted master plans. These generally do not permit duplexes or other middle housing types, and include minimum lot size and density standards that may not support middle housing development in line with minimum compliance standards.

Springbrook (SD) Subdistrict (15.326): The Springbrook subdistrict implements an adopted master plan for the area in the northeast of the city, which is largely undeveloped. In the Springbrook District residential areas, all development must comply with standards adopted in the Master Plan. (NMC 15.326.050.) The City must review projects for compliance with the separately adopted design standards through a Type I administrative review. (ibid.) The development standards for the Low-Density and Mid-Rise Residential subdistricts include use and dimensional standards that include district-specific standards and cross-references to city standards in the R-1, R-2 and R-3 zones. (Springbrook Master Plan, pages 42-44.)

Airport Residential District (AR) (15.336): The AR district was established in 2006 as part of the Sportsman Airpark Land Use Master Plan. The AR District permits one residence per lot with a paved tiedown or hangar for an airplane (or permanent rights to a private hangar within a subdivision). The limit of one residence per lot does not comply with the provisions of HB 2001.

Northwest Newberg Specific Plan (15.346.070.A): This Specific Plan area includes residential areas with R-1 and R-2 base zoning; the residential use standards of the base zones apply within the Specific Plan area. Development standards within the area are generally the same for all structures, regardless of dwelling type. Specific standards within the area require minimum lot sizes of 5,000 square feet for single-family detached dwellings and 3,750 square feet for single-family attached dwellings, with 40% maximum lot coverage. The maximum density standards allow an average of 4.4 dwelling units per acre in the areas with R-1 base zoning, and maximum of 8.8 dwelling units per acre in the R-2 areas. Much of this area has already been built out consistent with these standards and is predominately single-family detached and attached dwellings.

Springbrook Oaks Specific Plan (15.346.070.B): This Specific Plan area includes residential areas with R-1, R-2, R-3 and RP base zoning; the residential use standards of the base zones apply within the Specific Plan area. Density standards within the area require minimum lot sizes and minimum lot area per dwelling in addition to maximum density standards allowing a range of 3.3 dwelling units per acre to 21.8 dwelling units per acre within the different plan areas; many of these standards differ from the base zones. Much of this area has also been built out consistent with these standards and is predominately single-family detached and attached dwellings.

Riverfront (RD) Subdistrict (15.352): Within this subdistrict located in the southwest of the city, residential uses are permitted consistent with the base R-2 zone and subject to R-2 development standards. In addition, the Subdistrict contains residential design standards for single-family detached (15.352.050.A) and single-family attached/multifamily (15.352.050.B) that generally support smaller-scale attached housing design compatible with SFDDs.

Code Concepts

Assuming that the Springbrook District, Northwest Newberg Specific Plan Subdistrict, Springbrook Oaks Specific Plan Subdistrict, Airport Residential Overlay Subdistrict and Riverfront District meet the definition of a “master planned community” in OAR 660-046-0020(11), middle housing standards can be modified within those areas, which would give Newberg more flexibility in regulating middle housing uses in those areas.⁴

Duplexes must be permitted on every lot where SFDDs are permitted, and subject only to clear and objective standards, conditions and procedures consistent with the minimum compliance or Model Code provisions. The subdistrict standards for these five areas should be evaluated and revised to permit duplexes under the same terms as SFDDs in each subdistrict, which could be accomplished through a cross-reference to the standards in the base residential zones or targeted amendments within each set of subdistrict standards.

For other middle housing, the first option is to permit those housing types similar to how they will be permitted in the base zones, consistent with minimum compliance or Model Code. This would require a mix of amendments to the standards for each of the subdistricts and/or cross-references to the amended base zone standards permitting middle housing.

Alternatively, middle housing can be limited in these subdistricts provided that:

- A minimum overall net density of 8 units per acre is authorized across each subdistrict area;
- Single-family detached dwellings and duplexes are permitted on all lots;
- Restrictions on middle housing only apply to portions that are undeveloped as of January 1, 2021; and
- There are no restrictions on middle housing after the initial development of the subdistrict.⁵ (Draft OAR 660-046-205(2)(c)(B).)

Further clarification from DLCD on OAR interpretation and City and stakeholder input is needed before developing recommendations that either permit middle housing as broadly within the subdistricts as within the residential base zones, or that refine middle housing permissions within these areas consistent with minimum compliance.

⁴ Further consultation is planned with DLCD staff to confirm interpretations of these draft OARs in advance of the CAC meeting on November 4, 2020.

⁵ While there cannot be any city zoning standards restricting middle housing, any existing private codes, covenants and restrictions (CC&Rs) that apply to those properties that include provisions limiting housing types would continue to apply. New CC&Rs recorded after HB 2001 implementation may not prohibit middle housing development, however, city and state standards would not override existing private legal agreements.

Other Considerations

Existing Code and Concepts

Site Design Review (15.220): The Site Design Review provisions require a Type I review for new single-family (detached) dwellings and duplexes but a Type II review for townhouses, triplexes, quadplexes.

- Revise site design review criteria to allow a Type I review of triplex, quadplex, townhouses and cottage clusters.

Density (15.302.032) and (15.302.040.A): The average overall densities in the R-zones are:

- R-1: 4.4 units per gross buildable acre;
- R-2: 9 units per gross buildable acre;
- R-3: 16.5 dwelling units per gross buildable acre; and
- RP: none listed.

The introduction of a variety of middle housing types will allow densities of individual sites of up to 4 times the underlying zone, with varying impacts on average gross densities depending on the mix of housing types.

In addition, Subsection A. of the Subdistricts section the code allows a maximum density (dwelling units permitted per gross acre) to be applied as a zoning map suffix. For example, the subdistrict of an R-1 district which permits a maximum of five dwelling units per gross acre is R-1-5/A. These density limits may affect the ability to construct middle housing when applied to the R-zones.

- Consider revising or removing average densities listed in Section 15.302.032 of the Development Code and exempting middle housing from the maximum density subdistricts of Section 15.302.040.A.
- Alternatively, consider exempting middle housing types from the density calculations of 15.302.032 and 15.302.040.A or counting each middle housing project as one dwelling unit (i.e. count a quadplex as a single unit) toward density calculations.

Stream Corridor Overlay Subdistrict (SC) (15.342): The SC subdistrict applies to the delineated stream corridor. The SC subdistrict allows the expansion of an existing SFDD or accessory structures in the SC overlay. The SC overlay also permits construction of new SFDDs on vacant lots created prior to December 4, 1996, that have at least 75% of the land area located within the SC subdistrict and have less than 5,000 SF of buildable land located outside the SC subdistrict. In these rare scenarios, no more than one SFDD and its expansion is permitted on the property, which is limited in size to 1,500 SF. The limit of SFDD does not comply with the provisions of HB 2001.

- Revise the SC to permit duplexes on vacant lots subject to the same standards as SFDD.
- Due to the limited circumstances for construction of new homes in the SC overlay, it is not recommended that the code be changed to permit new triplexes, quadplexes, townhouses and cottage clusters on vacant lots subject to the same standards as SFDD.

Public Improvement Standards (15.505): The Public Improvement standards are applied based on the type of land use review (Type I or Type II) rather than the structure type. The alley access and shared driveway provisions may be a barrier to middle housing in Newberg. Alley access is limited to no more than six dwellings and no more than six lots. In addition, where three lots or three dwellings share one driveway, one additional parking space over those otherwise required shall be provided for each dwelling. Where feasible, this shall be provided as a common use parking space adjacent to the driveway.

- Revise alley access provisions to be applicable to six lots and not six dwellings.
- Revise the shared driveway provision to require one additional parking space over those otherwise required per lot instead of per dwelling.

MIDDLE HOUSING PROJECT

EXAMPLES OF EXISTING DWELLINGS: DUPLEX (2-Family Dwellings)

1. Zone: R1; site address - 1407 Hadley Rd; constructed: - 2011



- + Detached units
- + Looks like SFD
- + Good for infill without a partition
- Wider lot width;
Unlikely to be used for new/larger developments



2. Zone R-2; site address - 109-111 E. Seventh St.; constructed - 1970



- + Older construction; should be more affordable
- Garages side by side
- Shared driveway
- Inferior access for entire subdivision



3. Zone R-2; site address - 913 W. Charles St.; constructed - 1978



+ Older construction;
should be more
affordable

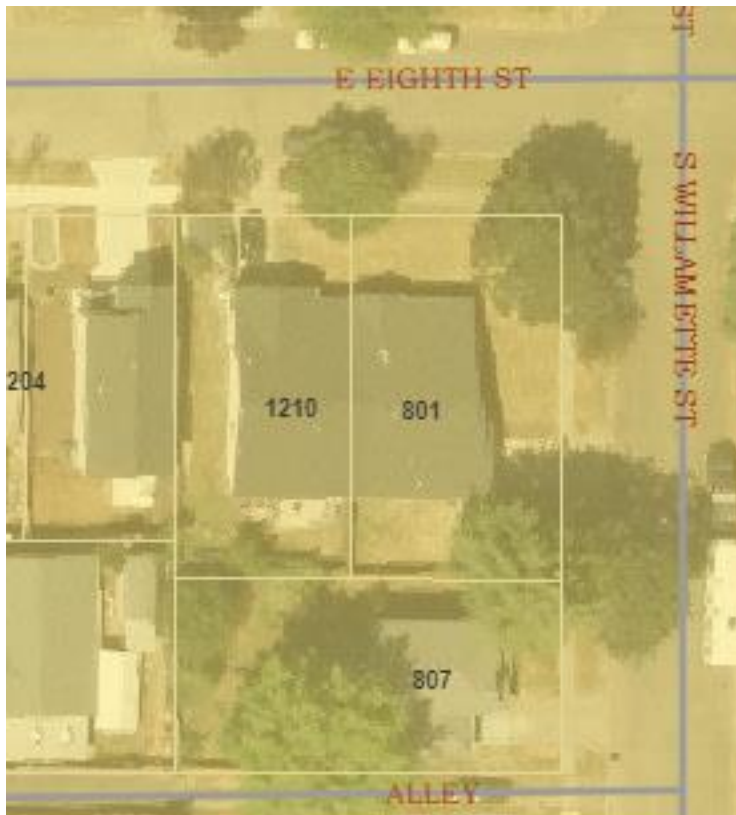
-Shared driveway

+ Good for infill
without a partition

-Wider lot width;
Unlikely to be used
for new/larger
developments



4. Zone R2; site address - 801 S. Willamette St; constructed - 1997



- + Excellent use for a corner lot
- + Good for infill without a partition
- Large lot and plentiful on street parking; Unlikely to be used for new/larger developments



5. Zone R3; 603/605 S. Blaine St; constructed - 1992



- +Older construction
- + May work for infill project
- No garages
- Unlikely to be used for new/larger developments



**6. Friendsview Retirement Community – Springbrook Meadows Cottages
Zone R-P/SP; 21 duplex units on one parcel; land use approved - 2007**

