



Community Development Department / Planning Division
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MEMORANDUM

TO: City Council
 FROM: Rob Zoeller, Associate Planner
 DATE: June 14, 2022
 SUBJECT: Housing Options Project TA 2022-0002 – Supplemental Memo 1

The Planning Commission recommended amendments in CPA2022-0004, TA2022-0002 and ZMA2022-0004 include changes to the Beaverton Development Code and Comprehensive Plan that are described in the April 29, 2022, Staff Report. At the May 11, 2022, Planning Commission public hearing, the Commissioners voted to recommend approval of the proposed changes and asked staff to consider three potential changes prior to the June 21, 2022, City Council hearing.

This supplemental memo describes changes the City Council could make to the Planning Commission recommendation regarding TA2022-0002 related to the Housing Options Project.

Potential revisions could be needed because:

- Staff identified some omissions and errors in the Planning Commission recommended amendments. (Revisions 1-6)
- As mentioned above, Planning Commission asked staff to consider three changes to the Planning Commission's recommendation prior to the Council hearing.
 - Ensure that single detached homes that are destroyed by an accident or calamity can be rebuilt. (Revision 7)
 - Consider whether there are additional protections that are appropriate for properties that are annexed to the city and become nonconforming when city zoning is different than the zoning in the county. (Revision 7)
 - Reduce the maximum allowed height of deck railings within the rear yard setback from 20 feet to a lower height. (Revision 8)

On pages 2-4, potential revisions 1-8 are described in Table 1. On pages 5-10, more detailed information about the information in Table 1 is available. If a Councilor prefers one or more of these potential revisions, then a Councilor could make a motion to include that revision in the recommendation for approval. The potential revisions are numbered for convenient reference during the hearing.

In the table below that describes revisions for Council consideration, please note that:

- Proposed additions to the Planning Commission recommendation are underlined.
- Proposed deleted language is ~~stricken~~.

Table 1: Summary table of potential revisions to PC recommendation

Revision number	Current language in the Planning Commission recommendation	Proposed revision for Council review	Reason	Staff recommends?
1	Table 20.5.15 Row F.3 lacks a footnote 13 reference for RMA to indicate the rear setback for cottage clusters is 10 feet (the maximum allowed by state law).	Add the footnote: The minimum rear setback to cottage cluster dwellings is 10 feet.	Fixes error/omission. Helps comply with state law.	Yes
2	Section 40.03 reads: 1. All Conditional Use, Design Review Two, Design Review Three, Downtown Design Review Two, Downtown Design Review Three, Single-Detached and Middle Housing Design Review One, Single-Detached and Middle Housing Design Review Two, Single-Detached and Middle Housing Design Review Three, and applicable Land Division applications:	Section 40.03 update: 1. All Conditional Use, Design Review Two, Design Review Three, Downtown Design Review Two, Downtown Design Review Three, Single-Detached and Middle Housing Design Review One , Single-Detached and Middle Housing Design Review Two, Single-Detached and Middle Housing Design Review Three, and applicable Land Division applications:	Fixes error/omission.	Yes

3	<p>Chapter 40 includes the following applications for residential zones:</p> <ul style="list-style-type: none"> • Four flexible setback applications (Entire sub-sections 40.30.15.1-40.30.15.4) • Solar Access Application (Entire Section 40.65) 	<p>Delete subsections 40.30.15.1 through 40.30.15.4 and Section 40.65.</p>	<p>Fixes error/omission. The standards have been deleted, so no applications are needed in the code.</p>	Yes
4	<p>Threshold. An application for Single-Detached and Middle Housing Design Review Three shall be required when the following threshold describes the proposal: 1. A project meeting the Single-Detached and Middle Housing Design Review One thresholds which chooses to meet two or more applicable Type 3 Design Guidelines.</p>	<p>Threshold. An application for Single-Detached and Middle Housing Design Review Three shall be required when the following threshold describes the proposal: 1. A project meeting the Single-Detached and Middle Housing Design Review One thresholds which chooses to meet two or more <u>one</u> applicable Type 3 Design Guidelines.</p>	<p>Fixes error/omission. The original intent was that a project that meets at least one Type 3 Design Guideline shall be reviewed by the Planning Commission.</p>	Yes
5	<p>Section 40.90.10.1 reads: Removal of up to four (4) Community Trees, or up to 10% of the number of Community Trees on the site, whichever is greater, within a one (1) calendar year period. Properties one-half acre or less in size developed with a detached dwelling may remove any number of Community Trees.</p>	<p>Section 40.90.10.1 update: Removal of up to four (4) Community Trees, or up to 10% of the number of Community Trees on the site, whichever is greater, within a one (1) calendar year period. Properties one-half acre or less in size developed with a detached dwelling <u>or middle housing</u> may remove any number of Community Trees.</p>	<p>Fixes error/omission. Helps comply with state law, which generally require that the city's rules for single-detached homes and middle housing are the same.</p>	Yes

6	Section 60.20.20.1.A reads: The manufactured home shall enclose a floor area of at least 600 square feet.	Delete Section 60.20.20.1.A: The manufactured home shall enclose a floor area of at least 600 square feet;	Fixes error/omission. Helps comply with state law, which does not allow cities to establish a minimum size for manufactured homes.	Yes
7	Section 20.05.15.D includes Minimum Residential Density Standards. Section 20.25.05.D includes exceptions to Minimum Density Standards in the RMA, RMB, and RMC districts.	Add footnote to 20.05.15.D that reads: Refer to Section 20.25.05.D for exceptions to minimum density standards in the RMA, RMB, and RMC districts.	Respond to Planning Commission request: Make it clearer that single-detached homes that are destroyed by an accident or calamity (a) <u>can be rebuilt</u> , even if the home was a nonconforming structure that did not meet minimum density prior to being destroyed, and (b) <u>can be expanded</u> by 500 square feet above the maximum floor area ratio (FAR) permitted in the zone. This applies to all residential lots, including recently annexed lots built to county standards.	Yes
8	60.50.15.G reads: Decks may project into a required rear yard in the RMB or RMC zoning district, provided the deck is no less than 5 feet from the rear property line, and provided the height of the deck is limited to 10 feet, as measured at the top of the railing.	60.50.15.G updated to: Decks may project into a required rear yard in the RMB or RMC zoning district, provided the deck is no less than 5 feet from the rear property line, and provided the height of the deck is limited to 20 <u>10</u> feet, as measured at the top of the railing.	Respond to Planning Commission request: Reduce height of allowed decks in required rear yards (space inside rear setback, not enter backyard) to address concerns about limiting privacy for adjacent homes.	Yes

Detailed Summary

All potential revisions to the Development Code were described on pages 2-4. If you wish to know more information about the potential revisions in Table 1, then please read below.

Development Code Changes

TA2022-0002 Development Code Text Amendment: Staff-recommended Corrections

Section 20.05.15 – Add footnote regarding perimeter setbacks for cottage clusters

House Bill 2001 (HB2001) is implemented through Oregon Administrative Rules, Chapter 660, Division 46, Middle Housing in Medium and Large Cities. OAR 660-046-0220(4)(d) reads:

A Large City may not require perimeter setbacks to be greater than those applicable to detached single-family dwellings in the same zone. Additionally, perimeter setbacks applicable to Cottage Cluster dwelling units may not be greater than ten feet.

Therefore, a footnote needs to be added to Section 20.05.15.F.3 (Rear Setback) for the RMA zone to clarify that, while a 15-foot-rear-setback is required for most other housing types, state law only allows cities to require a 10-foot-rear-setback for cottage clusters. This footnote was already added for the RMB and RMC zones.

Potential Revision 1. In Section 20.05.15.F.3, add a footnote for rear setbacks in RMA that reads:

Footnote 13. The minimum rear setback to cottage cluster dwellings is 10 feet.

Section 40.03 – Update Facilities Review Committee language

Facilities Review is not an approval criterion for Single-Detached and Middle Housing Design Review One listed in Section 40.21.15.C; therefore, it should be removed from Section 40.03.

Potential Revision 2. In Section 40.03, update the Planning Commission recommendation to delete the following:

1. All Conditional Use, Design Review Two, Design Review Three, Downtown Design Review Two, Downtown Design Review Three, ~~Single-Detached and Middle Housing Design Review One~~, Single-Detached and Middle Housing Design Review Two, Single-Detached and Middle Housing Design Review Three, and applicable Land Division applications:

Sections 40.03.15.1-4 and 40.65 – Remove five applications

The Planning Commission recommendation proposes to delete flexible setbacks from Section 20.05.15 and solar access protection standards from Section 60.45. Since the standards are being deleted, staff recommends the City Council revise the Planning Commission recommendation to delete the five applications listed below that are based on standards proposed for deletion.

Potential Revision 3. In Chapter 40, delete the following applications for residential zones:

- Flexible Setback Applications (Entire sub-sections 40.30.15.1-40.30.15.4)
 - Flexible Setback for Individual Lot With Endorsement
 - Flexible Setback for Individual Lot Without Endorsement

- Flexible Setback for a Proposed Residential Land Division
- Zero Side or Zero Rear Yard Setback for a Proposed Residential Land Division
- Solar Access Application (Entire Section 40.65)

Section 40.21.15.3.A.1 – Update threshold for Type 3 application

The threshold for a Single-Detached and Middle Housing Design Review Three application currently indicates that a project meets the Design Review Three threshold if it meets two or more Type 3 Design Guidelines. It should be updated to indicate that if a project meets one Type 3 Design Guideline, then it is a Type 3 application. Type 3 Design Guidelines are discretionary and were written with the intent that the decision-making body would be the Planning Commission. On the other hand, Type 2 Design Guidelines still provide discretion, but the decision-making body is staff.

Potential Revision 4. In Section 40.21.15.3.A.1, update the threshold for a Single-Detached and Middle Housing Design Review Three application to read:

1. Single-Detached and Middle Housing Design Review Three
 - A. Threshold. An application for Single-Detached and Middle Housing Design Review Three shall be required when the following threshold describes the proposal: 1. A project meeting the Single-Detached and Middle Housing Design Review One thresholds which chooses to meet ~~two or more~~ one applicable Type 3 Design Guidelines.

Section 40.90.10.1 – Apply exemptions similarly to single-detached and middle housing

HB2001 generally does not allow cities to have an exemption for single-detached dwellings that does not also apply to middle housing. Recently, staff noticed that there is an exemption in Section 40.90.10.1 that applies to single-detached dwellings only, and not middle housing. To be compliant with HB2001, the exemption should be applied to middle housing too.

Even though updating the tree sections of the Development Code (Sections 40.90 and 60.60) is outside the scope of this project, the code still must be compliant with HB2001.

Potential Revision 5. In Section 40.90.10.1, revise the Planning Commission recommendation to clarify that the conditions under which no tree plan are required equally apply to single-detached and middle housing.

40.90.10. Applicability

Different types of resources require different levels of protection. No Tree Plan is required for the following actions:

1. Removal of up to four (4) Community Trees, or up to 10% of the number of Community Trees on the site, whichever is greater, within a one (1) calendar year period. Properties one-half acre or less in size developed with a detached dwelling or middle housing may remove any number of Community Trees.

Section 60.20.20 – Delete minimum size for manufactured homes

House Bill 4064 does not allow cities to establish a minimum size for manufactured homes. This change was included in the agenda bill for the April 5, 2022, Council work session; staff memo for

the April 20, 2022, Planning Commission work session; and the staff report for the May 11, 2022, Planning Commission hearing, but staff did not make the necessary edit to the Development Code.

Potential Revision 6. In Section 60.20.20 (Manufactured Homes), remove the minimum size for manufactured homes by deleting the following line from the Planning Commission Recommendation:

~~60.20.20.1.A. The manufactured home shall enclose a floor area of at least 600 square feet;~~

TA2022-0002 Development Code Text Amendment: Planning Commission Requests

20.05.15.D Site Development Standards: Minimum Residential Density

Planning Commission voted to recommend Council approval of TA2022-0002, but asked staff to review and consider this item prior to the Council hearing: Possible exceptions to nonconforming structures for lots with existing homes that are being annexed into the city and were built according to county zoning standards and might not meet minimum density.

An example could be that a single-detached home on a residential lot was built according to county standards, later annexed into the city, and then burns down. Can that house be rebuilt even if it does not meet the city's minimum density standards?

The answer is yes. Below is a potential revision that connects Section 20.05.15.D (Minimum Residential Density) and Section 20.25.05.D (Exceptions to Minimum Density Standards) by adding a footnote to Section 20.05.15.D that directs the reader to Section 20.25.05.D.

Potential Revision 7. In Section 20.05.15.D, add a footnote in the lefthand column after "Minimum Residential Density (units per acre)" that reads:

Refer to Section 20.25.05.D for exceptions to minimum density standards in the RMA, RMB, and RMC districts.

Background. TA2022-0002 provides the following exceptions to minimum density standards in the RMA, RMB, and RMC districts in Section 20.25.05.D.

D. Exceptions to Minimum Density Standards in the RMA, RMB, and RMC districts

1. An existing single-detached dwelling, as of [ordinance adoption date], that is at least 1,200 square feet in floor area, may count as two units for the purpose of calculating minimum density.
2. For an existing lot that does not meet minimum density, applications for development must meet one of the following:
 - a. Meet minimum density by constructing enough units on the lot;
 - b. Meet minimum density by dividing the lot; and/or
 - c. Demonstrate the potential for future partitioning or subdividing of the lot in accordance with the requirements of the Development Code. Plans must demonstrate how driveways, pedestrian ways, and utilities can adequately serve future potential development on the oversized lot. Easements and rights-of-way

shall either exist or be proposed to be created such that future partitioning or subdividing is not precluded or hindered, for either the oversized lot or any affected adjacent lot.

Furthermore, even after a lot with an existing home is annexed into the city, the city does not require any changes to that property, even if it would be considered a nonconforming structure. According to Section 30.05, a nonconforming structure is a structure that was lawful when established but would be prohibited, regulated, or restricted under the terms of this ordinance or future amendments. City standards are not applied to the lot until a property owner wishes to demolish and rebuild the existing home, or rebuild a home that was unintentionally destroyed.

20.05.15 Site Development Standards: Minimum Density and Maximum Floor Area Ratio

Planning Commission voted to recommend Council approval of TA2022-0002, but asked staff to review and consider this item prior to the Council hearing: Allowances for homes to be reasonably rebuilt or expanded if the structure is destroyed for lots with existing homes in the RMA, RMB, and RMC zones that may be nonconforming with respect to these proposed changes.

With respect to housing type and minimum density, the previous section provides an explanation of how the code provides flexibility in rebuilding homes if they were unintentionally destroyed. The same exceptions apply to all residential lots, regardless of whether the original home was built according to city zoning standards, or whether it was built according to county zoning standards on a lot outside city limits and later annexed into the city.

Regarding allowing homes to be reasonably expanded if the structure is destroyed, Section 20.05.15.H provides the Maximum Floor Area Ratio (FAR), which establishes the allowed home size for each housing type in each zone. However, this section also includes a footnote which reads:

Single-detached, duplex, triplex, or quadplex structures in existence as of [ordinance adoption date] that exceed the applicable maximum FAR standard are allowed to expand up to 500 square feet in floor area above the maximum FAR permitted in the zone. If such existing structures are unintentionally destroyed, they may be rebuilt to exceed the maximum FAR by 500 square feet. If footnote 16 [the tree preservation standard] and 17 apply to a site, then the combined additional FAR from both scenarios shall not exceed 600 square feet.

Therefore, TA2022-0002 already includes code language which allows homes to be reasonably rebuilt or expanded if the structure is destroyed for lots with existing homes in the RMA, RMB, and RMC zones that may be nonconforming with respect to the Planning Commission recommended amendments; therefore, no additional revisions are recommended by staff.

For the sake of clarity, a reference to the fact that homes can be reasonably rebuilt or expanded is referred to on page 4 in Table 1 under potential revision 7. But this is only to illustrate that the code mechanism already exists. No additional changes to the code are required.

60.50.15.1.G Projections into Required Yards and Public Right-of-Way

Planning Commission voted to recommend Council approval of TA2022-0002, but asked staff to review and consider this item prior to the Council hearing: Reduce the height of allowed decks into required yards in the RMA, RMB and RMC zones. Below is a potential revision for that situation:

Potential Revision 8. Allow decks in required rear yards, but lower the height of the allowed deck to 10 feet. In this case, Section 60.50.15.1.G would be updated to:

60.50.15. Projections into Required Yards and Public Right-of-Way [ORD 3162; April 1980]

1. The following structure may project into required yards, but may not project into a utility easement without an encroachment permit, as issued by the City Attorney per the consent and approval of the City Engineer [ORD 4584; June 2012]:

G. Decks may project into a required rear yard in the RMB or RMC zoning district, provided the deck is no less than 5 feet from the rear property line, and provided the height of the deck is limited to ~~20~~10 feet, as measured at the top of the railing.

Background. TA2022-0002 included the following code text regarding decks in required yards:

Decks may project into a required rear yard in the RMB or RMC zoning district, provided the deck is no less than 5 feet from the rear property line, and provided the height of the deck is limited to 20 feet, as measured at the top of the railing.

In the current code, Section 20.05.15.F.3 already includes a footnote that reads:

[Rear setbacks in R2 are] not eligible for Flexible Setback application. Any reduction shall be subject to Adjustment or Variance application process. [ORD 4659; July 2015]

Flexible rear setbacks were not an option in the R2 zone (which would become the RMA zone) and that is why TA2022-0002 only extends the deck allowance to RMB and RMC.

Before we look at the height of allowed decks in required rear yards, it helps to define “required rear yards,” which refers to the space inside the minimum rear yard setback. In RMB and RMC, the rear setback is 15 feet from the rear property line. Therefore, if a deck is built outside of a “required rear yard” or “minimum rear yard setback,” then it is not subject to Section 60.50.15.1.G. Instead, it would be subject to the building height maximum in each zone listed in Section 20.05.15. In RMB and RMC, the building height maximum is 35 feet, with additional height limitations of 25 feet in some cases, as described in Section 20.30, which vary depending upon the zone.

At the May 11 hearing, the Planning Commission expressed some concern that allowing the height of decks to be 20 feet in required rear yards and up to 5 feet from property lines might limit privacy for adjacent homes, especially considering that more homes will be allowed in neighborhoods. To address privacy concerns, the height of allowed decks could be reduced to 10 feet.

Practically, this would allow decks on the first floor of homes in required rear yards, and on the second floor if half of the first story is below grade. As a reminder, decks outside of the required rear yard are subject to maximum height limits of the zone, which is generally 35 feet in RMB and RMC, and in some cases, 25 feet. This means it is still possible for someone to add a deck on the second or third story of a home if the deck is outside of all required yard setbacks.



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MEMORANDUM

TO: City Council
FROM: Rob Zoeller, Associate Planner
DATE: June 13, 2022
SUBJECT: Housing Options Project CPA 2022-0004, TA 2022-0002 and ZMA 2022-0004
Supplemental Memo 2

This supplemental memo provides written testimony regarding the Planning Commission recommended amendments in CPA 2022-0004, TA 2022-0002 and ZMA 2022-0004 related to the Housing Options Project.

The Planning Commission recommended amendments in CPA2022-0004, TA2022-0002 and ZMA2022-0004 include changes to the Beaverton Development Code and Comprehensive Plan that are described in the April 29, 2022, Staff Report.

Public testimony received between May 11, 2022 (after the close of the Planning Commission public hearing) and June 10, 2022 has been included in this memo. Public testimony received before the May 11 Planning Commission hearing has already been included in the following exhibits in the agenda packet for the June 21 City Council hearing.

- Exhibit 2. Planning Commission Staff Report from Apr. 29, 2022
- Exhibit 3. Planning Commission Supplemental Memo from May 10, 2022
- Exhibit 4. Planning Commission Supplemental Memo from May 11, 2022

Staff anticipates that the Planning Division might receive additional testimony regarding the proposed amendments. If so, that additional testimony will be shared with City Council through an additional memo and/or via email prior to the June 21 City Council hearing.

May 11, 2022

City of Beaverton
Planning Division
Community Development Department

Re: HOP Comprehensive Plan - Public Hearing Testimony
Case File Nos.: CPA2022-0004, TA2022-0002, ZMA2022-0004

Dear Planning Commission members:

As a Beaverton resident and property owner in the R7 zone (Highlands Neighborhood), I'd like to take this opportunity to share my concerns about the proposed amendments to the development and zoning map. I recognize that the proposed changes are in effort to comply with state legislation and subsequent OARs.

I appreciate and applaud the spirit of the mandate as outlined in available documentation: addressing housing gaps, access to affordable housing, and attempts to correct past wrongs that excluded specific populations from ownership of single-detached dwellings in many neighborhoods through practices such as red-lining.

I have benefitted from social privilege, and I am grateful these discriminatory practices are acknowledged. I also believe there are multiple pathways to home ownership for historically excluded populations, including reparations toward purchase of single-detached dwelling options in the neighborhoods where that exclusion has existed.

Noted concerns:

- The Highlands Neighborhood is a fairly diverse, stable neighborhood that *already* has interspersed throughout and around it multi-housing options: apartments, townhomes/condos, duplexes, as well as the single-detached dwellings.
- Allowing triplexes, quadplexes, cottage clusters and additional townhome/apartment dwellings significantly alters the neighborhood and does not necessarily achieve the desired pathway to homeownership or the brochure-inspired, strong sense of community.
- The likeliness of multiple housing complexes becoming rentals with landlord ownership is a more realistic outcome and results in destabilization of what is currently a rather stable neighborhood. Higher density will increase safety issues and will further stress already stressed systems.
- There is rich biodiversity and habitats that exist in Highlands Neighborhood due to older trees and flora. It's one of the many beautiful qualities of the neighborhood; an older established neighborhood, with mature landscapes that invites migratory birds and other critters. *Incentives to keep older trees is not even possible if duplexes, triplexes or four-plexus are established. These mature trees will be razed by a developer in a heartbeat. It doesn't make sense that there is incentive to keep trees and rewarding this with increase sq. footage.*

- The well-established neighborhood in a well-established school district is already maxed out. What is in the plan for supporting families with school-aged children in an already stressed system?
- Similarly, how will other infrastructure needs be met. Law enforcement in Beaverton is already maxed out. What about other emergency services? These proposals further stress the current infrastructure, including the community feel, area schools, law enforcement (more people can higher conflict, crime and safety issues), etc.
- The documentation outlined by your office does not seem to adequately address the eventual and likely decrease in property values as an outcome for current property owners and assumes this will not have much impact - at least in the foreseeable future. This is optimistic and assumes the best in housing developers who are often predatory in their practices.
- I am quite concerned that developers will pressure current homeowners to sell at market value or below, then build units that are not affordable and sell above market rate - doubling - quadrupling their profits. History repeats itself - just because a developer says they will build affordable housing does not mean they will. I do not believe this will fix affordability as much as you think it will.
- What is the planning commission putting in place to hold developers accountable in any of these scenarios? It is advisable that an office of accountability is in place that monitors and pursues to the fullest extent any predatory practices. What is the oversight, to ensure neighborhood integrity, conform to standards,
- It is my hope that the City of Beaverton is first considering options such as condensing office, business and industrial complexes - many which are underutilized, before undermining its long established neighborhoods with multi-housing developments.

Respectfully submitted,

Diane Brandsma
14120 SW 20th St.
Beaverton | 97008

I would like to express my opinions regarding the Beaverton Planning Commissions approval of the proposed Housing Options Project. Case file numbers CPA2022-0004, TA2022-0002, and ZMA2022-0004 and project name HOUSING OPTIONS PROJECT

- 1) **AMEND PLAN TO REQUIRE A MEASUREMENT PROGRAM:** Establish a biannual measurement program that measures the objective key results (OKRs) (see below) professed by the Beaverton planning commission. A report should be submitted biannually to the City Council with the first report due in January 2024. The report shall be submitted through January 2040.
 - **Background** - During the May 11 Planning Commission meeting, there was a recommendation for a two-year look back review. However, that recommendation was not incorporated into the adjustments approved by the Planning Commission. Business research supports the idea that initiatives, especially large initiatives, should be measured.
 - **Specific Recommended OKRs** (see Reference below) – The measure should focus on diversity and affordability at minimum since that is the stated reason for the new ordinance. I would recommend an OKR be set on proportionality as well (what is the proportion of multi-units to single family units).
 - **Reasons** – Having the measures will allow the city council to see how the new ordinance is operating. Additionally, these reports can be communicated to the Oregon legislature and neighboring communities so that our legislators and neighboring cities have an idea of the success of the broader initiatives.
- 2) **AMEND PLAN TO REQUIRE PUBLIC DISCLOSURE OF COMMERCIAL BUYERS OF SINGLE-FAMILY HOMES**
 - **Background** - One of the big concerns I heard at the May 11 planning meeting was that affordability would not result because commercial buyers would force out single family home buyers. This has been seen in the Portland and many other areas with this type of initiative. Families want to buy the homes, but large investors have the capital to overbid the single-family home buyer.
 - **Specific Recommendation** – Transparency is essential. Publicly report on a monthly basis all purchases of a single-family home lot by a commercial buyer (defined as an investment company, investment corporation or a non-owner-occupied buyer) that replaces said lot with a multi-unit housing unit. The report shall include the name of the company, the individual owners of the company (or in the case of a corporation, the board members), and the address of the lot(s) purchased.
 - **Two Reasons** – First, the City and its stakeholders, including individuals in the community, need to understand if affordability is truly going to emerge. This allows stakeholders to see before a two-year look back report whether affordability is likely to be true. The assumption is that more purchases by “commercial buyers” will increase, not decrease, the cost of homes for individuals and families. Second, providing public disclosures also shows who is purchasing these properties and provides a mechanism to discover whether monopolistic or oligopolistic entities are taking control of the Beaverton housing market. If so, the City Planning Commission and Council have the opportunity to address the issue at the local or Oregon legislature levels.

NOTE: I am generally in favor of the initiative. I appreciated all the hard work and diligent efforts of city staff and the planning commission. My primary concerns are that the goals of affordability and diversity may not actually be reached as anticipated by the planners without additional mechanisms in place.

Sincerely,

Darrell Coleman, PhD 13175 SW Trigger Drive Beaverton, OR 97008

See sample References on Next Page

REFERENCES:

Doerr, J. E. (2018). Measure what matters : how Google, Bono, and the Gates Foundation rock the world with OKRs. New York, New York, New York, New York : Portfolio/Penguin.

Lamonte, B. and P. R. Niven (2016). Objectives and key results : driving focus, alignment, and engagement with OKRs. Hoboken, New Jersey, Hoboken, New Jersey : John Wiley & Sons, Incorporated.

Laura, J. (2018). "Measuring Performance within Anti-Gang Task Forces in Texas." Homeland security affairs.

Rob Zoeller

From: communications@goldhaber.net
Sent: Wednesday, June 8, 2022 3:11 AM
To: Rob Zoeller
Cc: Mailbox CDD Planning
Subject: [EXTERNAL] TESTIMONY: HOUSING OPTIONS PROJECT CPA2022-0004, TA2022-0002, and ZMA2022-0004

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While I'm in favor of increasing housing density and availability, I am concerned that the proposed zoning map doesn't seem to designate and protect green/open spaces, especially, and critically, wetlands.

Wetlands and open spaces absorb rainfall, preventing residential and street flooding and reducing potential for storm water system overflows. Those spaces also provide recreation opportunities for humans, habitat for myriad song birds and numerous mammals, and hunting grounds for raptors which serve to keep the rodent population under control.

I live in a townhome in the Scholls Point Condominiums on a triangular lot bordered by Scholls Ferry Road, SW Barrows Road, and SW Davies Road. The condominium property is bisected by city-owned lots on either side of Summer Creek. The proposed zoning map designates that fragile wetlands area as High Density.

If the city decided to sell that property to a developer, the zoning designation allows building of 21.9 to 87 units per acre which would destroy animal habitat and flooding mitigation. As a result, homes along Summer Creek would not only endure regular flooding, but probably severe rodent infestations since the raptors keeping the rodent population in check would relocate.

Although, according to Josef Judy, Community Development Department assistant planner, the city "does not currently have any plans to develop this area. They are currently set aside as natural areas for the time being. *It is possible that it could be developed in the future*" (emphasis mine). Election of a City Council less concerned with the city's environmental health and climate change could quickly result in sales of city-owned lands to developers.

The area is also protected as part of the Tualatin River watershed. However, the current standards for Sensitive Areas And Vegetated Corridors specifically allow reduction of the Vegetated Corridor if Vegetated Corridor regulations "results in a lot being unbuildable"

(3.01.3). A developer could therefore demand such a reduction and the current zoning plan would not prevent building multiple, presumably expensive, "waterfront" units along Summer Creek.

I believe this council owes it to the city, its constituents, and future residents to take additional steps to protect open/green spaces in the city, especially wetlands, by removing those spaces from zoning designations which allow them to be developed.

F.I. Goldhaber (they/them)
Beaverton, OR

Rob Zoeller

From: Kathleen Elston <kgelston.elston@gmail.com>
Sent: Thursday, June 9, 2022 11:10 AM
To: Rob Zoeller
Subject: [EXTERNAL] Housing Options Project

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Mr. Rob Zoeller, Associate Planner
City of Beaverton

Dear Mr. Zoeller,

Re: CPA 2022-0004
TA 2022-0002
ZMA 2022-0004

The proposed increase in housing density requires a plan for the increase in hard surfaces which will negatively impact water quality runoff and increase the likelihood of flooding. In a natural landscape of trees and vegetation about 10% of precipitation will runoff whereas areas with 75% to 100% impervious surfaces experience a 55% runoff. Impervious surfaces dump an overwhelming amount of water into stream channels causing erosion of banks and flooding of surrounding land. When rainwater cannot infiltrate the land slowly as it would without huge percentages of hard surfaces, the otherwise slow absorption of rainwater is disrupted. The natural presence and ordinary flow of water in channels will cease, leaving less water in streams and making the current drought situation even more severe.

Green infrastructure needs to be incorporated to manage stormwater. Every property slated for development should be evaluated for how it will impact stormwater runoff. Large trees are huge in buffering runoff; keep them. Green roofs, rain gardens, and permeable walkways and driveways should be considered the direction of choice. Trees should be planted and given adequate room to mature and contribute their enormous benefits to neighborhoods. Bioswales, biofiltration planters, bioretention planters, permeable pavement and street trees are all landscape features that can reduce flooding and actually provide water quality treatment against pollutants. Our streams and waterways will benefit with clean water for habitat and in turn we also will benefit.

Sources: United States Environmental Protection Agency
American Society of Landscape Architects
Urban Street Stormwater Guide (a book) by The National Association of City
Transportation Officials (2017)

This letter has been submitted by:

Kathleen Elston
6585 S.W. Canby Street
Portland, OR 97223
(This property is in the City of Beaverton.)

Rob Zoeller

From: Jteisher <jim.teisher@gmail.com>
Sent: Thursday, June 9, 2022 11:05 AM
To: Rob Zoeller
Cc: Jeanne Teisher
Subject: [EXTERNAL] comments on proposed zoning changes.

You don't often get email from jim.teisher@gmail.com. [Learn why this is important](#)

CAUTION: This email originated from outside the City of Beaverton. Exercise caution when opening attachments or clicking links from unknown senders.

My wife and I live in Beaverton. We own a duplex about a mile away from where we live. I would guess that our tenants have a lower middle-class income, and I know they struggle to make rent payments on time. We have owned the property since 2010 and it doesn't generate any income for us. The equity has increased, but the income we receive barely covers the mortgage, insurance, repairs, and property taxes. About 25% of what we collect goes for property taxes.

The square foot prices for the single-family dwellings right across the street range from \$201 to \$280. The square foot prices a mile away next to my home range from \$385 to \$433. If a developer were to buy a house in my neighborhood, and replace it with a duplex, my guess is the rent would have to be about twice what I am charging at my duplex. How would a low income family afford the rent?

Inclusionary zoning is a bad idea. I don't see how it is going to make financial sense and if a developer did build a duplex, how is a low-income family going to be able to afford the rent, and how are the neighbors going to be compensated for their decreased property values. This seems like an idea that has not been thoroughly thought through. A better way to decrease housing cost would be to decrease property taxes.

I do hope the city council will find a better way to provide low income housing.

Sincerely,

Jim & Jeanne Teisher



Community Development Department / Planning Division
12725 SW Millikan Way / PO Box 4755
Beaverton, OR 97076
General Information: 503-526-2222 V/TDD
www.BeavertonOregon.gov

MEMORANDUM

TO: City Council
FROM: Rob Zoeller, Associate Planner
DATE: June 14, 2022
SUBJECT: Housing Options Project CPA 2022-0004 – Supplemental Memo 3

This supplemental memo describes changes the City Council could make to the Planning Commission recommendation regarding CPA 2022-0004 related to the Housing Options Project. Staff proposed, and Planning Commission recommended, that three land use designations be established in the Neighborhoods category in Comprehensive Plan Chapters 1 and 3.

Based on Councilor feedback, there has been some interest in revising the approach to reduce the number of land use designations to two.

This memo describes potential revisions to the Planning Commission recommendation for the Council to consider at the hearing. If a Councilor prefers this potential revision, then a Councilor could make a motion to include that revision in the recommendation for approval.

The potential revision to modify the Planning Commission recommendation to approve an updated Comprehensive Plan with a new land use map that has two Neighborhood land use designations is referred to below as Potential Revision 9 (Potential Revisions 1-8 refer to the Development Code only, and they are described in Exhibit 11).

Potential Revision 9. Modify the Planning Commission recommendation to reduce the number of Neighborhood land use designations to two (rather than three in the Planning Commission recommendation) and modify the recommended Comprehensive Plan goals, polices and Land Use Map to reflect and support that change.

On the following pages that describe revisions for Council consideration, please note that:

- Proposed additions to the Planning Commission recommendation are underlined.
- Proposed deleted language is ~~stricken~~.

Comprehensive Plan Changes

CPA2022-0004 Comprehensive Plan Amendment: Potential Revisions Background

Below staff provides analysis and findings if Council prefers modifying the Planning Commission recommendation to have two land use designations rather than three land use designations in Chapters 1 and 3 (including the land use map) in the Comprehensive Plan.

Summary of recent discussions relating to Comprehensive Plan changes:

The existing Comprehensive Plan has four Neighborhoods land use designations:

- Low Density Neighborhoods (Implementing Zoning District: R10)
- Standard Density Neighborhoods (Implementing Zoning Districts: R5 and R7)
- Medium Density Neighborhoods (Implementing Zoning Districts: R2 and R4)
- High Density Neighborhoods (Implementing Zoning District: R1)

At the April 5 City Council work session, City Council asked staff to consider the pros and cons of three Neighborhoods land use designations versus two Neighborhoods land use designations. Staff conducted an analysis and presented the options to Planning Commission. At the April 20 Planning Commission work session, most Commissioners preferred three Neighborhoods land use designations.

Therefore, in the staff report dated April 29, 2022, staff proposed three land use designations. The main reason for the staff recommendation was that three land use designations – instead of two – better supports the “context” theme of the preferred approach. The other two themes are flexibility and community.

The May 11 Planning Commission recommendation included the following designations and implementing zones:

- Lower Density Neighborhoods (Implementing Zoning Districts: RMB and RMC)
- Medium Density Neighborhoods (Implementing Zoning Districts: RMA and RMB)
- High Density Neighborhoods (Implementing Zoning District: MR)

Having three designations means that:

- Only RMB and RMC would be implementing zones in “Lower Density Neighborhoods.”
- Lots in the current R7 and R10, which have mostly lots 7,000 square feet and larger, would automatically move to RMC, which has a minimum lot size for single-detached homes and duplexes of 5,000 square feet.
- If those properties requested a zone change, they would be able to request RMB (minimum lot size for single-detached homes and duplexes of 3,000 square feet) and move to that zone if the Planning Commission and Council approved based on the Comprehensive Plan policies in the Planning Commission recommendation.
- However, since RMA is not an implementing zone for “Lower Density Neighborhoods,” properties now in the lowest density neighborhoods (R7 and R10) would not be able to apply

for the new RMA zone, which has minimum lot sizes for single-detached homes and duplexes of 1,500 square feet.

- That said, townhouses would be allowed in all three of those districts at 1,500 square feet or less, as required by state law.

But overall, the three-designation approach offers more difference in outcomes among neighborhoods than a two-designation approach.

Two land use designations would provide greater flexibility (also a preferred approach theme) because there would be more options in rezoning applications (zoning map amendments must be consistent with the Comprehensive Plan and zoning district matrix). The land use designations and implementing zones would look like this:

- Lower Density Neighborhoods (Implementing Zoning Districts: RMA, RMB and RMC)
- Higher Density Neighborhoods (Implementing Zoning District: MR)

To continue with the example from above, properties that are now in R7 and R10 would automatically be moved to the RMC zone. But with the two-designation system, the Lower Density Neighborhoods designation would have RMA, RMB, and RMC as implementing zones. So, a property where RMC was applied would be able to seek a zone change to RMB (3,000-square-foot minimum lots size for single-detached homes or duplexes) or RMA (1,500-square-foot minimum lot size for single-detached homes or duplexes). The Planning Commission and City Council would have to find that zone change applications were consistent with the goals and policies in the Planning Commission recommendation as revised below (assuming the City Council approves the modifications below).

That makes RMA easier to apply to lots in the city, which would mean if the Planning Commission and Council approved those zone changes, it would mean middle housing would work on more lots and those lots likely would be able to accommodate more units.

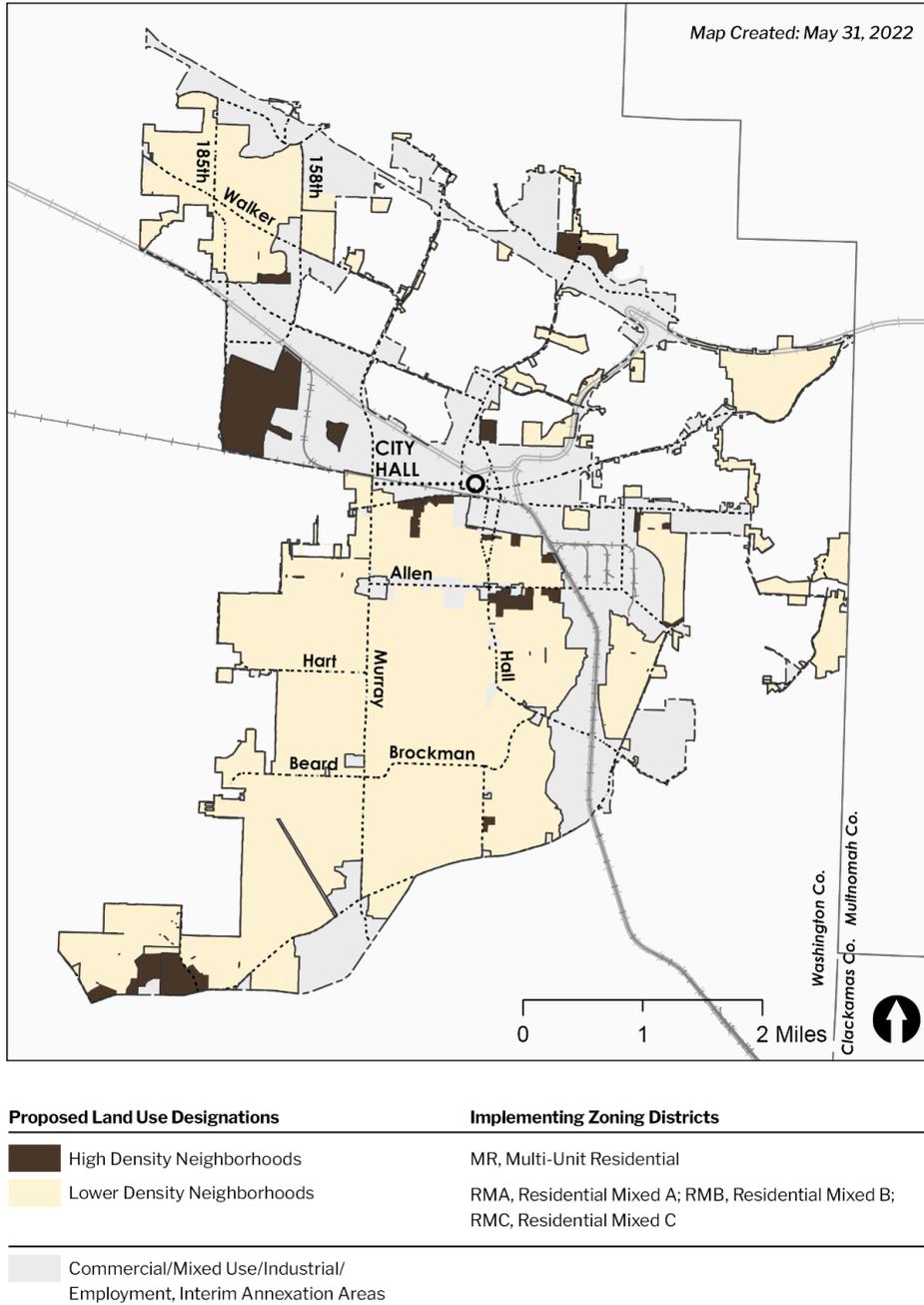
Amendment Description and Findings for Two Neighborhoods Land Use Designations

If the City Council chooses to implement two Neighborhoods land use designations rather than three, the following sections show how those Comprehensive Plan changes would look and provide findings to support that decision.

CPA2022-0004 Comprehensive Plan Amendment: Map Changes

Planning Commission voted to recommend Council approval of CPA2022-0004, which includes a land use map which reduced Neighborhood designations from four to three. If City Council adopts two Neighborhoods designations instead of three designations, the Land Use Map would be revised to look like this:

Figure 1. Land Use Map with Two Neighborhoods Land Use Designations



CPA2022-0004 Comprehensive Plan Amendment: Goals and Policies

If Council approves a land use map with two new land use designations instead of three, then corresponding Comprehensive Plan goals and policies in the Commission’s recommendation would need to be revised. Below is language for Comprehensive Plan goals and policies based on a land use map with two Neighborhoods land use designations.

CPA2022-0004 Comprehensive Plan Amendment: Chapter 1 Changes

Table 1, 1.5.2 in Chapter 1, governs how city zoning districts are applied to county land use districts for non-discretionary annexations.

If Council adopts two Neighborhood land use designations instead of three, then Table 1, 1.5. 2 from the Planning Commission-recommended language would be updated to look like this:

Table 1, 1.5.2: Annexation-related plan and zone changes not requiring discretion, which includes Type I CPA/ZMA applications

County Land Use District	City Comprehensive Plan Designation	City Zoning District
R-5, Residential 5 units/acre	Lower Density Neighborhoods (LDN)	RMC
R-6, Residential 6 units/acre; R-6 NB, North Bethany District	Lower Density Neighborhoods (LDN)	RMC
R-9, Residential 9 units/acre; R-9 NB, North Bethany District	Lower Density Neighborhoods (LDN)	RMC
R-15, Residential 15 units/acre; R-15 NB, North Bethany District	Lower Density Neighborhoods (LDN) Medium Density Neighborhoods (MDN)	RMB
R-24, Residential 24 units/acre	Lower Density Neighborhoods (LDN) Medium Density Neighborhoods (MDN)	RMA
TO: R9-12, Transit Oriented Residential District 9-12 units/acre	Lower Density Neighborhoods (LDN) Medium Density Neighborhoods (MDN)	RMB
TO: R12-18, Transit Oriented Residential District 12-18 units/acre	Lower Density Neighborhoods (LDN) Medium Density Neighborhoods (MDN)	RMA

No changes to the table beyond this point.

CPA2022-0004 Comprehensive Plan Amendment: Chapter 3 Changes

Policy 3.4.d (Comprehensive Plan and Zoning Matrix Table)

The Comprehensive Plan and Zoning Matrix Table includes a list of Neighborhoods plan designations and indicates which zoning districts implement each land use designation.

If City Council adopts two Neighborhoods designations instead of three designations, then the Neighborhood section of the Comprehensive Plan and Zoning Matrix would instead include the following updates:

Comprehensive Plan and Zoning Matrix

Comprehensive Plan Designation	Implementing Zoning Districts
Neighborhoods	
Lower Density Neighborhoods	RMA, Residential Mixed A RMB, Residential Mixed B RMC, Residential Mixed C
Medium Density Neighborhoods	RMA, Residential Mixed A RMB, Residential Mixed B
High Density Neighborhoods	MR, Multi-Unit Residential

Section 3.8 Overview

If City Council adopts two Neighborhoods designations instead of three designations, then the following updates would be made to goals, policies, and explanatory information:

Section 3.8 Neighborhoods

3.8 Neighborhoods. Neighborhoods generally prioritize residential uses and compatible non-residential uses, such as schools and public parks. The different designations within this category reflect different scales and densities among different types of Neighborhoods.

The city’s existing Lower Density Neighborhoods are mostly developed with subdivisions built in the second half of the 20th Century ~~and newer small-lot single-detached and townhouse developments. Nearly all of the existing housing consists of~~ In existing neighborhoods with mostly single detached dwellings. ~~S~~ streets were generally often built with larger collector roads connecting between neighborhoods and many dead ends, loops, and curving streets within neighborhoods. Many subdivisions include protected open space, either in the form of parks or tracts preserved and owned by a homeowners association. Schools, religious institutions, and other civic uses are found throughout the neighborhoods, often on the larger roads.

Existing ~~Medium and~~ High Density Neighborhoods are developed with a mix of housing types but with an emphasis on multi-dwelling housing.

Policy 3.8.2.d

Policy 3.8.2.d. The Lower Density Neighborhood designation may be applied in areas that ~~have less walkable access to transit, commercial services, parks and/or other amenities than the High Density Neighborhood designation. are presently developed with predominately single-detached homes, have limited access to transit, and are not near a major intersection or highway interchange.~~ Implementing zones in the Lower Density Neighborhood designation with higher minimum density may be applied relatively closer to existing or planned transit, commercial areas, and parks ~~major intersections or highway interchanges~~, and implementing zones with lower minimum density may be applied relatively farther from ~~those areas transit, commercial areas, and parks.~~

Goal 3.8.3

Goal 3.8.3 ~~Medium Density Neighborhoods and~~ High Density Neighborhoods: Provide for a variety of housing types and higher residential densities in areas with more amenities and transit service

The following policies apply to ~~Medium Density Neighborhoods and~~ High Density Neighborhoods, in addition to policies under Goal 3.8.1.

Policy 3.8.3.a

Policy 3.8.3.a. Provide for a variety of housing types ~~including single detached homes,~~ while emphasizing multi-dwelling and middle housing.

Policy 3.8.3.b

Policy 3.8.3.b. Establish zoning regulations that allow housing that is consistent with one unit per 1,000 square feet of residential land area ~~the following residential density policies,~~ while allowing for flexibility as described under Goal 3.8.1:

- ~~i.—Medium Density Neighborhoods: allow housing variety at medium densities, with the lowest minimum density at 10 units per acre~~
- ~~ii.i. High Density Neighborhoods: one unit per 1,000 square feet of residential land area~~

Policy 3.8.3.h

Policy 3.8.3.h. ~~The Medium and~~ High Density Neighborhood designations may be applied in areas that have walkable access to transit, commercial services, parks, and/or other amenities. ~~The Medium Density Neighborhood may serve as a transition between Lower Density Neighborhoods and higher density neighborhoods or commercial or mixed use designations.~~

CPA2022-0004 Comprehensive Plan Amendment Procedures and Approval Criteria

This section provides findings for potential revision 9 if City Council adopts changes two Neighborhoods designations.

Section 1.5.1.A.1

The proposed amendment is consistent and compatible with relevant Statewide Planning Goals and related Oregon Administrative Rules.

Finding:

Of the 19 Statewide Planning Goals, staff finds that the following goals are directly relevant to the proposed amendment: Goal 1 (Citizen Involvement), Goal 2 (Land Use Planning), Goal 10 (Housing), and Goal 12 (Transportation), and Goal 13 (Energy Conservation).

Goal 10 Housing:

Goal text: To provide for the housing needs of the citizens of the state.

Finding: Beaverton’s Housing Needs Analysis (HNA) was published in October 2015. It demonstrated a need for all housing types in the 20-year period ending in 2035. This was true for both the current Beaverton city limits as well as the city limits plus the assumed urban service area, which is an area where it is assumed Beaverton will provide governance in the future. The state Department of Land Conservation and Development (DLCD) found it to be consistent with the requirements of Statewide Planning Goal 10.

See the table below for the number of housing units projected to be needed.

Table: Projected Future Need for New Housing Units (2035)

	SF detached	SF attached	Duplex	3 or 4 units	5+ units
Current city limits (2015)	5,767	1,542	295	718	3,866
City limits plus assumed urban service boundary	14,001	2,626	958	2,107	7,999

Source: Beaverton Housing Needs Analysis (part of the city’s Housing Strategies Report) Figure 5.3 and Figure 10.3. <https://www.beavertonoregon.gov/DocumentCenter/View/10322>. Accessed April 14, 2020.

Based on the findings in Beaverton’s Housing Strategies Report in Volume II of the Comprehensive Plan, which includes the city’s Buildable Lands Inventory and Housing Needs Analysis, Beaverton updated its Comprehensive Plan’s Housing Element and Land Use Element to address the identified housing needs. DLCD also found these Comprehensive Plan changes consistent with the Statewide Planning Goals. In addition, the city successfully applied for an Urban Growth Boundary expansion in 2018 and is currently planning for the 1,200-acre Cooper Mountain expansion area. Metro approved the urban growth boundary expansion with the requirement that it accommodate at least 3,760 housing units and the future zoning allow middle housing in all zones.

The Planning Commission recommendation of CPA 2022-004 complies with House Bill 2001, which requires the city to allow middle housing in residential districts that allow single-detached homes. Beaverton’s TA2022-0002 includes Development Code amendments that comply with that law. Those Development Code amendments in general will allow duplexes, triplexes, quadplexes, townhomes, and cottage clusters in zoning districts where the current code does not allow middle housing or only allows it in limited circumstances. This will increase the number of units that could be allowed on thousands of lots within the cities, although the number of additional units that would be produced is not known. The city has just started a Housing Needs Analysis and Housing Production Strategy project to determine the city’s future housing needs and identify how many housing units

the city can expect to produce with current zoning and with the TA2022-0002 Development Code amendment.

This Comprehensive Plan amendment supports the Development Code amendment and Zoning Map amendment to allow middle housing. Specifically, the amendment:

- Proposes to delete the “Low Density Neighborhoods” designation. R10 is currently the only implementing zoning district for this land use designation. Draft code changes propose to merge R10 with R7. They become RMC. RMC would be an implementing zone for the “Lower Density Neighborhoods” land use district.
- Proposes to rename “Standard Density Neighborhoods” and “Medium Density Neighborhoods” to “Lower Density Neighborhoods,” and makes the RMA, RMB and RMC zoning districts the implementing zones for that land use designation. This means RMA, RMB, or RMC could be applied in Lower Density Neighborhoods. One effect of this proposal would be that property owners in RMA, RMB, and RMC zones can apply for a zone change to RMA, RMB or RMC. In some cases, property owners could request a zoning change that would allow more density, if they meet the criteria. On the other hand, it also allows property owners to request a zoning change that would allow less density.
- For “High Density Neighborhoods,” proposes to make the implementing zoning district Multi-unit Residential (MR), which is nearly identical to the current R1 zoning district, with the exception that new single-detached homes are no longer allowed, although existing single-detached homes are permitted and can be rebuilt if destroyed.

Goal 1 (Citizen Involvement), Goal 2 (Land Use Planning), and Goal 12 (Transportation), and Goal 13 (Energy Conservation). No additional findings are required in addition to the findings that were provided in the staff report dated April 29, 2022.

State Land Use Goal Compliance Summary: Staff finds that the proposed revision to the Planning Commission recommendation complies with applicable Statewide Planning Goals and Oregon Administrative Rules.

Section 1.5.1.A.2

The proposed amendment is consistent and compatible with the applicable titles of the Metro Urban Growth Management Functional Plan and the Regional Transportation Plan.

Finding: No additional findings are required in addition to the findings that were provided in the staff report dated April 29, 2022.

Metro Compliance Summary: Staff finds that the proposed revision to the Planning Commission recommendation is consistent and compatible with the applicable titles of the Metro Urban Growth Management Functional Plan and the Regional Transportation Plan.

Section 1.5.1.A.3

The proposed comprehensive plan amendment is consistent with the City's Comprehensive Plan and other applicable local plans.

Comprehensive Plan Chapter 3: Land Use Element

Goal 3.1.1: Encourage development and land use patterns that support a variety of transportation options.

Policy d) Apply land use designations and development regulations that support high-density development near transit and services, in order to provide greater opportunities to live, work, and meet daily needs near transit.

Finding: The proposed revisions to the Planning Commission's recommendation for Chapter 3 Comprehensive Plan amendments provide land use designations and corresponding implementing zoning districts (found in the Comprehensive Plan and Zoning District Matrix under Goal 3.4.1 on page 6 of this memo) that provide the opportunity to have additional housing variety and density throughout the Neighborhoods designation, but also include policy changes that indicate zoning with additional density is appropriate near transit and services. The proposed revision to the Planning Commission's recommendation for Policy d) under Goal 3.8.2 indicates that:

... Implementing zones in the Lower Density Neighborhood designation with higher minimum density may be applied relatively closer to existing or planned transit, commercial areas, and parks major intersections or highway interchanges, and implementing zones with lower minimum density may be applied relatively farther from ~~those areas~~ transit, commercial areas and parks.

Goal 3.4.1 Provide effective and inclusive planning and development review services

Policy d) Apply zoning districts consistent with Comprehensive Plan policies; applicable Community Plans; adopted Comprehensive Plan designations, as identified in the Comprehensive Plan and zoning district matrix, below; and the following policies.

Finding: CPA 2022-0004 proposes changes to the Comprehensive Plan and zoning district matrix to comply with 2019's House Bill 2001, which is state law, and Oregon Administrative Rules 660 Division 46: Middle Housing in Medium and Large Cities. These amendments delete "Low Density Neighborhoods" as a designation, combine "Standard Density Neighborhoods" and "Medium Density Neighborhoods" into "Lower Density Neighborhoods" and change the implementing zones for all new land use designations. RMA, RMB and RMC are the implementing zones for Lower Density Neighborhoods. MR is the implementing zone for High Density Neighborhood.

The consistency with the Comprehensive Plan is described under Section 1.5.1.A.2 of the April 29, 2022 Planning Commission Staff Report for CPA 2022-0004. Future zoning district applications will follow the policies in CPA 2022-0004 if they are approved and become effective. The Planning Commission recommended amendments in TA2022-0002 and ZMA2022-0004 apply the zoning districts consistent with the proposed Comprehensive Plan amendments described in the April 29, 2022 staff report and this supplemental memo to City Council.

Goal 3.8.1 Complete and livable neighborhoods

Policy c) Allow flexibility through lot size averaging and other tools to provide flexibility and housing variety while maintaining an overall density consistent with the Comprehensive Plan designation and zoning.

Finding: This policy is proposed for revision because the Planning Commission recommendation reduces the lot size well below current standards and basically relies on minimum lot size to establish which housing types are allowed on which lot sizes. Minimum lot sizes also differentiate RMA, RMB, and RMC. In the end, the Planning Commission's recommendation's flexibility regarding minimum lot sizes and housing types makes the lot size averaging tool unnecessary. The policy goal of flexibility remains, so the Planning Commission recommendation would change Policy c) to read:

Allow flexibility to provide housing variety while maintaining an overall density consistent with the Comprehensive Plan designation and zoning.

The Planning Commission recommendation provides flexibility consistent with Policy c) because property owners would have more choices in rezoning applications since RMA, RMB and RMC would all be in the same land use designation. The Planning Commission recommended amendments in TA2022-0002 also provide significant flexibility consistent with Policy c) in allowed uses, lot sizes, and other development standards.

Goal 3.8.2 Low and Standard Neighborhoods: Provide residential neighborhoods that emphasize detached housing and integrate parks, schools, and other community institutions

Finding: The proposed amendment to Goal 3.8.2, consistent with the Planning Commission recommendation, would read:

Lower Density Neighborhoods: Provide residential neighborhoods that emphasize housing variety and integrate parks, schools, and other community institutions.

Goal 3.8.2 is being revised to reflect the deletion of the "Low Density Neighborhoods" designation and the combining of the "Standard Density Neighborhoods" and "Medium Density Neighborhoods" designations into the singular "Lower Density Neighborhoods."

In addition, the goal is revised to call for an emphasis on housing variety rather than detached housing to make it more consistent with the Planning Commission recommended amendments in CPA2022-0004 and the state law requirement that the city allow middle housing.

The findings for relevant policies under Goal 3.8.2 if Council were to select the two-designation potential revision under Neighborhoods are below.

Policy a) Allow and encourage a variety of housing types that respond to the scale and form of existing neighborhoods as a way to increase housing options within established neighborhoods while recognizing neighborhood character.

Finding: The Planning Commission recommended amendments in CPA2022-0004 do not include changes to the Policy a) text.

The Comprehensive Plan land use designation of Lower Density Neighborhoods and its corresponding implementing zones, RMA, RMB, and RMC, would allow for a variety of housing options with flexible development rules that allow the development of housing in a variety of configurations and sizes. These housing types include single-detached homes, duplexes, triplexes, quadplexes, townhouses and cottage clusters.

Site and building design standards in the Planning Commission's recommendation of TA 2022-0002 also include height, bulk, setback, tree planting, parking and other standards that allow single-detached homes and middle housing in a way that considers context and neighborhood character.

The Planning Commission's recommendation of TA 2022-0002 also proposes different zones that reflect the geographies of the current zoning districts: RMA (currently the R2 zone), RMB (currently the R4 and R5 zones), and RMC (currently the R7 and R10 zones).

Standards for minimum lot size, minimum density, maximum floor area ratio and other requirements vary according to the three zones so the Development Code can recognize neighborhood character and context.

Policy b) Establish zoning regulations that allow housing at generally the following residential densities, while allowing for flexibility as described under Goal 3.8.1:

- o **i.** Low Density Neighborhoods: one dwelling unit per 10,000-12,500 square feet of residential land area
- o **ii.** Standard Density Neighborhoods: one dwelling unit per 5,000-10,000 square feet of residential land area

Finding: The proposed amendment to Policy b), consistent with the Planning Commission recommendation, would read:

Establish zoning regulations that allow housing variety at low-to-medium densities, with the lowest minimum density of 7 units per acre.

Policy b) is being revised because state law and Oregon Administrative Rules Chapter 660 Division 46 require cities such as Beaverton to allow middle housing in areas where single-detached homes are allowed, and maximum densities cannot be applied to limit the development of middle housing in areas where single-detached homes are allowed. The Planning Commission's recommendation of TA 2022-0002 regulates these uses by minimum lot size in RMA, RMB, and RMC (with one exception in RMA where minimum land area per unit is used for multi-dwellings only).

Policy d) The Standard Density Neighborhood designation may be applied in areas that have limited access to transit and are not located at a major intersection or highway interchange; or areas that are presently developed with predominately single family homes.

Finding: To implement two land use designations rather than three, the Planning Commission recommendation for changes to Policy d) would be revised to read:

The Lower Density Neighborhood designation may be applied in areas that have less ~~are presently developed with predominately single-detached homes, have~~

~~limited walkable~~ access to transit, ~~commercial services, parks and/or other amenities than the High Density Neighborhood designation and are not near a major intersection or highway interchange.~~ Implementing zones ~~in the Lower Density Neighborhood designation~~ with higher minimum density may be applied relatively closer to ~~existing or planned~~ transit, ~~commercial areas, and parks major intersections or highway interchanges,~~ and implementing zones with lower minimum density may be applied ~~relatively~~ farther from ~~these areas transit, commercial areas and parks.~~

The Planning Commission recommendation for Policy d) needs to be updated to account for how implementing zones may be applied based on minimum density (and also, because the land use designations and implementing zones are changing to comply with state laws requiring Beaverton to allow middle housing in areas that formerly allowed predominantly single-detached houses). The Comprehensive Plan amendments in CPA 2022-0004 propose to rename “Standard Density Neighborhood” to “Lower Density Neighborhood.” The amendments show RMA, RMB and RMC as implementing zones for the Lower Density Neighborhoods designation.

The revisions would:

- Reflect the land use designation name change to “Lower Density Neighborhoods.”
- Provide decision-makers locational policy guidance when determining they are using judgment about which implementing zone is appropriate on a given site within the Lower Density Neighborhoods designation. Implementing zones with higher minimum density may be applied relatively closer to existing or planned transit, commercial areas, and parks and implementing zones with lower minimum density may be applied relatively farther from transit, commercial areas and parks.

Goal 3.8.3 Medium and High Density Neighborhoods: Provide for a variety of housing types and higher residential densities in areas with more amenities and transit service.

Finding: To implement two land use designations rather than three, the Planning Commission recommendation for Goal 3.8.3 would be revised to read:

~~Medium Density Neighborhoods and~~ High Density Neighborhoods: Provide for a variety of housing types and higher residential densities in areas with more amenities and transit service.

The proposed revision to the Planning Commission recommendation makes it clearer that this section applies to one land use designation (Multi-unit Residential, MR), which encourages higher density housing in areas with more multimodal transportation options and access to services such as shops, businesses, and restaurants.

Policy a) Provide for a variety of housing types, with an emphasis on multifamily and attached single family housing.

Finding: To implement two land use designations rather than three, the Planning Commission recommendation for Policy a) would be revised to read:

Provide for a variety of housing types, ~~including single detached homes,~~ while emphasizing multi-dwelling and middle housing.

The proposed revision to the Planning Commission recommendation reflects the amendments in TA 2022-0002 that encourage more middle housing in neighborhoods, consistent with state law and Oregon Administrative Rules 660 Division 46. The High Density Neighborhood land use designation and its corresponding implementing zone (MR) allows for a variety of housing options with flexible development rules that allow the development of housing in a variety of configurations and sizes. These housing types include duplexes, triplexes, quadplexes, townhouses, and cottage clusters, as well as multi-dwellings (apartments with five or more units).

Policy b) Establish zoning regulations that allow housing at generally the following residential densities, while allowing for flexibility as described under Goal 3.8.1:

- i. Medium Density Neighborhoods: one unit per 2,000-5,000 square feet of residential land area
- ii. High Density Neighborhoods: one unit per 1,000-2,000 square feet of residential land area

Finding: To implement two land use designations rather than three, the Planning Commission recommendation for Policy b) would be revised to read:

b) Establish zoning regulations that allow housing that is consistent with one unit per 1,000 square feet of residential land area the following residential density policies, while allowing for flexibility as described under Goal 3.8.1:

- ~~i. Medium Density Neighborhoods: allow housing variety at medium densities, with the lowest minimum density at 10 units per acre~~
- ~~ii. High Density Neighborhoods: one unit per 1,000 square feet of residential land area~~

If there were two Neighborhoods land use designations only, new single-detached homes will not be allowed in High Density Neighborhoods (where the only implementing zoning district is the MR zone), so the intent of this designation would then be to prioritize high density areas only. Therefore, the revision to Policy b) reflects a simpler approach to high density areas and reflects the MR's requirement that density be based on one housing unit per 1,000 square feet of land area.

Policy h) The Medium and High Density Neighborhood designations may be applied in areas that have walkable access to transit, commercial services, parks, and/or other amenities. The Medium Density Neighborhood may serve as a transition between Standard Density or Low Density Neighborhoods and higher density neighborhoods or commercial or mixed use designations.

Finding: Similar to findings for Policy b), to implement two land use designations rather than three, the Planning Commission recommendation for Policy h) would be revised to read:

~~The Medium and High Density Neighborhood designations~~ may be applied in areas that have walkable access to transit, commercial services, parks, and/or other amenities. ~~The Medium Density Neighborhood may serve as a transition between Lower Density Neighborhoods and higher density neighborhoods or commercial or~~

~~mixed-use designations.~~

The change is necessary because the potential revisions to the Planning Commission's recommendation include two Neighborhoods land use designations, which means that new single-detached homes will not be allowed in High Density Neighborhoods (where the only implementing zoning district is the MR zone), so the intent of this designation would then be to encourage high density residential development in areas that have walkable access to transit, commercial services and parks.

Conclusion: Therefore, staff finds the Comprehensive Plan amendment is consistent with Chapter 3 of the Comprehensive Plan.

Goal 1 (Citizen Involvement), Goal 2 (Land Use Planning), and Goal 12 (Transportation), and Goal 13 (Energy Conservation). No additional findings are required in addition to the findings that were provided in the staff report dated April 29, 2022.