



600 NE Grand Ave.
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oregonmetro.gov

METRO POLICY ADVISORY COMMITTEE (MPAC)

Meeting Minutes

November 14, 2018

Metro Regional Center, Council Chamber

MEMBERS PRESENT

Betty Dominguez

Amanda Fritz

Mark Gamba

Kathryn Harrington

Gordon Hovies

Don Trotter

Peter Truax

Mark Watson

Denny Doyle (Chair)

AFFILIATION

Metro Council

City of Portland

City of Milwaukie, Other Cities in Clackamas County

Metro Council

Tualatin Fire and Rescue, Special Districts in Washington County

Clackamas County Fire District #1, Special Districts in Clackamas County

City of Forest Grove, Other Cities in Washington County

Hillsboro School district Board of Directors, Governing Body of a School District

City of Beaverton, Second Largest City in Washington

ALTERNATES PRESENT

Gretchen Buehner

Jennifer Donnelly

Brian Cooper

Theresa Kohlhoff

AFFILIATION

City of King City, Other Cities in Washington County

Oregon Department of Land Conservation and Development

City of Fairview, Other Cities in Multnomah County

City of Lake Oswego, Largest City in Clackamas County

MEMBERS EXCUSED

Ed Gronke

Martha Schrader

Jerry Hinton

Andy Duyck

Bob Terry

AFFILIATION

Citizen of Clackamas County

Clackamas County

City of Gresham, Second Largest City in Multnomah County

Washington County

Washington County

OTHERS PRESENT: Adam Barber, Katherine Kelly, Laura Weigel, Roseann Johnson, Luis Nava

STAFF: Nathan Sykes, Roger Alfred, Lisa Miles, Frankie Lewington, Elissa Gertler, Ramona Perrault, Sara Farrokhzadian, and Sima Anekonda

1. CALL TO ORDER, SELF INTRODUCTIONS, CHAIR COMMUNICATIONS

MPAC Chair Denny Doyle called the meeting to order at 5:05 PM.

2. PUBLIC COMMUNICATIONS

There were none.

3. COUNCIL UPDATE

Councilor Kathryn Harrington expressed excitement over Measure 26-199 having passed during the mid-term election. She explained that the measure passed in all three counties and that more than 420,000 people voted in favor of the measure. She thanked individuals who shaped the measure as well as MPAC for their participation. She expressed gratitude to those who campaigned for the measure. Councilor Harrington stated that the measure ensured that a diversity of voices were used during the planning process. She thanked Chair Andy Duyck who provided valuable concerns. She emphasized that the measure would not resolve the housing crisis, but would instead act as a tool to mitigate the issue. Councilor Harrington thanked the City of Portland for their housing measure, stating that their work helped Metro prepare the regional measure. She added that Measure 102 passed as well and touched on MPAC's contribution. Councilor Harrington recalled that there would be a new round of community place making grants and mentioned that more information could be found at oregonmetro.gov/grants.

4. MPAC MEMBER COMMUNICATION

Commissioner Amanda Fritz congratulated Councilor Harrington on her election. She then expressed gratitude to Commissioner Nick Fish who aided in the housing measures.

Councilor Harrington listed individuals who had been reelected after the mid-term elections.

President Gordon Hovies announced Mayor Brian Cooper was now the mayor of Fairview.

Mayor Peter Truax stated that Measure 102 was important for statewide affordable housing. He expressed that other measures were designed to impede progress. He also stated that President Hovies was the representative of the Tualatin Valley Fire and Rescue then discussed that the fire agencies across Oregon should be thanked for their service in California.

President Gordon Hovies recognized Don Trotter of the Clackamas County Fire district. He then responded to Mayor Truax to further discuss the fire mitigation efforts conducted in California.

Commissioner Fritz stated that an ordinance would be brought into the council on December 12th regarding a water filtration plant. She stated that in order to build a filtration plant, the capacity, location, and method of treatment must be decided. Commissioner Fritz said that she would recommend to build a carpenter lane near Dodge Park after a public meeting was held. She said that the filtration plant would be built by 2027. She added that a lead treatment plant would need to build by 2022 and would be moved near the carpenter lane.

Mayor Truax continued to discuss the California fires, and added that the vacancy rate was close to zero. He discussed the vacancy rate of Forest Grove and how a fire might affect that area. He emphasized that there was a lot of work that needed to be done in the region.

President Hovies brought up fires that occurred in Forest Park then mentioned water cannons in Forest Heights. He touched on issues regarding wild land fires.

Chair Doyle announced that the City of Beaverton opened crescent trail connection between two light rail stations. He said that funding came from Metro, the City of Beaverton, and the County. He mentioned that he served on the nominating committee in Los Angeles and touched on his experiences there.

5. CONSENT AGENDA

No quorum.

6. INFORMATION/DISCUSSION ITEMS

6.1 Accessory Dwelling unit (ADU) Code Audit Report Update

Chair Doyle stated that the purpose ADU presentation and explained that Mr. Frankie Lewington would provide an update to the ADU zoning code audit.

Key elements of the presentation included:

Mr. Frankie Lewington stated the he coordinated Metro's Build Small Coalition. He explained that the Coalition was a group of public, private and nonprofit stakeholders and housing affordability advocates. He remarked that the Coalition encouraged a greater variety of smaller housing options. He summarized that he would provide an update on the accessory dwelling unit (ADU) zoning code audit.

Mr. Lewington expressed that the Coalition aimed to catalyze ADU development outside of the City of Portland as well as gauge the current environment. He remarked that ADU data was obtained through reports from jurisdictions. He explained that the existing foundation leading the effort included Metro's existing ADU requirement. He discussed SB 1051 which required cities and counties of a certain size to allow one ADU per single-family dwelling. He explained that the work supported Metro's Equitable Housing Initiative.

Mr. Lewington stated that the goal of the audit was to gain a better understanding of ADU regulations. He illustrated the project methodology and stated that public codes, information materials, and websites were all reviewed. He stated that ADU permit data was gathered through interviews and direct contacts to all jurisdictions, with varying degrees of success.

Mr. Lewington detailed the audit parameters. He explained that the audit matrix was reverse engineered from state and local requirements and from known best practices. He stated the following elements were analyzed: off-street parking requirements to see if ADUs required their own spaces, owner-occupancy requirements, total occupant limits for the ADU and the main dwelling, restrictive size and dimensional standards, and design compatibility requirements to match the ADU design to the main house.

Mr. Lewington recalled that most cities had ADU regulations then highlighted that Johnson City and Multnomah County were the outliers. He remarked that there were a surge of cities adopting regulations in 2000 with the Metro requirement.

Mr. Lewington described the findings of the audit. He reported that most cities did not permit ADUs on a per dwelling rather than per lot basis, most cities permitted all types of ADUs, most cities allowed ADUs in all residential zones, and that ADUs were generally larger compared to accessory structures. Mr. Lewington then commented on ADU design findings. He illustrated the maximum size of ADUs, design setbacks and compatibility, and how ADU design was articulated in codes. He mentioned that guidelines for SB 1051 said that certain design compatibility standards violated the requirements for clear and objective standards and therefore could not be used for ADUs or any type of dwellings.

Mr. Lewington clarified ADU operations, stating that half of jurisdictions required owner-occupancy. He added that short-term rental restrictions specific to ADUs were found. He acknowledged that two cities, Portland and Milwaukie, regulated short term rentals for all dwellings. He said that Portland indirectly addressed concerns by restricting homeowners from doing short term rentals as a condition of receiving an SDC waiver for an ADU. He said there were no occupant limits for ADUs, however said there was an exception in Wood Village and Portland. He explained that most jurisdictions required off-street ADU parking.

Mr. Lewington remarked that most codes required land use and building permit reviews. He said that SDC rates and utility connections were unclear and that there was limited public information available.

Mr. Lewington listed ADU regulatory best practices on ADU zoning, permits, and dimensions. He remarked that best practices also discussed objective design standards, off street parking, owner-occupancy, minimized SDC and utility improvements, and supporting information and application materials.

Mr. Lewington discussed ADU production trends. He summarized that the data provided a general idea of where jurisdictions were at with their ADU production. He stated that the data relied on the Metro Research Center and noted that the data was self-reported from different cities. He highlighted that the data shown was not exact, however provided a general idea of ADU trends. Mr. Lewington identified Portland as having a large number of ADUs compared to other jurisdictions. He provided alternative methods of analyzing the data then described ADU development per capita.

Mr. Lewington stated that there was not a clear approach to SDCs for ADUs. He said that SDCs were more complex. He discussed SDC charges and residential fees developed for single-family and multifamily structures.

Mr. Lewington discussed ADU support and implementation. He conveyed that various jurisdictions were engaged and were ready to share recommendation for ADU regulatory practices. He described a workshop held in April 2018 which explored technical assistance. He noted that the final report was available at oregonmetro.gov/buildsmall. He said that there was a presentation to OAPA Planning Conference that would be reported on as well.

Mr. Lewington provided regulatory updates. He reported on the jurisdictions which had some level of engagement. He mentioned that several cities had bundled ADU updates with larger housing-focused code updates. He described next steps for the Coalition, such as identifying pilot projects.

Member discussion included:

- Councilor Harrington inquired about best practices and the range of the audit. She expressed concerns regarding ADU sizes as well as how development would be affected by Home Owners Associations (HOAs). Mr. Lewington stated that HOAs were analyzed and none explicitly restricted ADU development, however there were other related restrictions in place. He then conveyed that there was an architectural review board which had the potential to review new dwellings. Councilor Harrington recommended that HOAs be engaged in order to overcome

barriers to development. Mr. Lewington expressed that the City of Wilsonville would include a clause in their ADU regulations that addressed ADU limitations.

- Councilor Theresa Kohlhoff said that Lake Oswego discussed their system development charges at another meeting. She iterated her experience while building two ADUs in Portland along with the various challenges that came with the project. Mr. Lewington emphasized the importance of removing barriers to ADU development along with other priorities. He said that ADUs were the only housing types lead by homeowners and therefore development required a lot of navigation.
- Councilor Dominguez asked about how affordable rental units were financed. Councilor Kohlhoff explained that the Umpqua Bank made it possible to loan on the ADU. Mr. Lewington added that most individuals who built ADUs came from affluent backgrounds. Mr. Lewington expressed that it was unclear how much value ADUs added to a property.
- Commissioner Fritz stated that the assumption was that ADUs were affordable due to their small size. She asked if there was data to prove this assumption was true. Mr. Lewington stated that a survey was conducted which showed that generally ADUs more affordable. Commissioner Fritz was concerned that short term rentals turned communities into commercial districts. Commissioner Fritz also thanked Ms. Jes Larson for her work on affordable housing.
- Mayor Mark Gamba inquired about how the City of Hillsboro is not charging on SDCs. Mr. Lewington stated that he would reach out to members of the Coalition to clarify.
- Councilor Buehner mentioned that King City would continue to discuss ADUs. She then spoke to Commissioner Fritz and stated her work on water-related issues.
- Chair Doyle thanked Mr. Lewington for the presentation. He expressed curiosity about how fees would be waived.

6.2 Construction Excise Tax (CET) Discussion

Chair Doyle explained that Construction Excise Tax Discussion agenda item was informational and meant to detail amendments to Metro code. He stated that the Metro Council would consider the ordinances to implement the amendments on November 29th, 2018 with a second reading on December 6th, 2018.

Key elements of the presentation included:

Ms. Lisa Miles explained that an equitable development component was added in the last two grant cycles. She stated that the mission of the grant program was to remove barriers to development, make land ready for development, and enable existing sites to be redeveloped. She remarked that the proposals in the equitable development category must demonstrate a primary emphasis on advancing equity.

Ms. Miles outlined what the equitable development project would include. She summarized that there would be planning or pre-development for equitable housing, planning for facilities and community investments that would advance quality of life outcomes for marginalized communities, the facilitation of development-related efforts in partnership with a community organization, and planning for projects that would serve a specific neighborhood or geography.

Ms. Miles stated the grant cycle for 2019. She outlined basic funding targets for the grants and where applications could be found for those interested in applying for a grant.

Mr. Alfred wanted to make aware the proposed amendments to Metro code. He said that there were four primary changes to the code. He first highlighted that the original CET included a Sunset Provision. He added that there was currently a 2020 sunset. He remarked that the amendment was to recognize that the CET was a well-established program and therefore removed the Sunset clause.

Mr. Alfred noted other changes and explain that most amendments were housecleaning actions. He described changes to the Dedication of Revenue portion of the code. Mr. Alfred recalled that the purpose of the amendment was to acknowledge the CET's funding. He then continued to describe changes to exemption-related information. He explained that that there were exemptions in place for non-profits or for charitable work. Mr. Alfred mentioned the changes to the exemption portion of the code. He then acknowledged changes that widened eligibility as a part of the Procedures for Distribution to address affordable housing concerns.

Member discussion included:

- Councilor Gretchen Buehner inquired about the proposed parameters and how poorer white individuals would benefit. Ms. Miles explained that most clauses included marginalized communities and stated that parameters would be open to seniors or people living below the poverty line. Councilor Buehner explained that there was a considerable population in King City that lived below the medium income. Councilor Harrington explained that there were three categories of funding and that equitability was just one aspect.
- Councilor Dominguez explained that she had asked staff to include communities of color.
- Chair Doyle inquired about the definition of disadvantaged people. Mr. Alfred stated that a definition was not included in order to allow Metro staff some discretion.

Chair Doyle described the items up for discussion during the November 28, 2018 MPAC meeting. He also conveyed that the December 28th MPAC meeting was cancelled.

7. ADJOURN

MPAC Chair Doyle adjourned the meeting at 6:30 PM.

Respectfully Submitted,



Sima Anekonda
Recording Secretary

ATTACHMENTS TO THE PUBLIC RECORD FOR THE MEETING OF NOVEMBER 14, 2018

ITEM	DOCUMENT TYPE	DOC DATE	DOCUMENT DESCRIPTION	DOCUMENT NO.
6.1	Presentation	11/14/18	Metro ADU Code Audit	111418m-01
6.2	Presentation	11/14/18	2040 Planning and Development Grants	111418m-02
6.2	Handout	11/14/18	Ordinance No. 18-1425	111418m-03
6.2	Handout	11/14/18	Exhibit A to Ordinance 18-1425	111418m-04