



# Meeting minutes

Meeting: **Metro Technical Advisory Committee (MTAC) meeting**

Date/time: Wednesday, September 16, 2020 | 10 a.m. to 11:30 a.m.

Place: Virtual video conference call meeting via Zoom

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## **Members Attending**

Tom Kloster, Chair  
Raymond Eck  
Tom Armstrong  
Anna Slatinsky  
Jamie Stasny  
Adam Barber  
Chris Deffebach  
Jennifer Donnelly  
Ramsay Weit  
Andrew Morphis  
Jae Douglas  
Jerry Andersen  
Scot Siegel  
Colin Cooper  
Nina Carlson  
Darci Rudzinski  
Mary Kyle McCurdy  
Dr. Gerald Mildner

## **Affiliate**

Metro  
Washington County Community Representative  
Largest City in the Region: Portland  
Second Largest City in Washington County: Beaverton  
Clackamas County  
Multnomah County  
Washington County  
Dept. of Land Conservation and Development  
Housing Affordability Organization  
Redevelopment/Urban Design  
Public Health & Urban Forum: Multnomah County  
Clackamas County Community Representative  
Largest City in Clackamas County: Lake Oswego  
Largest City in Washington County: Hillsboro  
Service Providers: Private Utilities, NW Natural  
Private Economic Development Organizations  
Land Use Advocacy Organization, 1000 Friends of OR  
Commercial/Industrial, Portland State University

## **Alternate Members Attending**

Carol Chesarek  
Erik Olson  
Katherine Kelly  
Jean Senechal Biggs  
Kevin Cook  
Seth Brumley  
Anne Debbaut  
Peter Walter

## **Affiliate**

Multnomah County Community Representative  
Largest City in Clackamas County: Lake Oswego  
Largest City in Multnomah County: Gresham  
Second Largest City in Washington County: Beaverton  
Multnomah County  
Oregon Department of Transportation  
Dept. of Land Conservation and Development  
Second Largest City in Clackamas County: Oregon City

## **Guests Attending**

Ethan Stuckmayer  
Bret Marchant  
Kimi Sloop  
Matt Hastie  
Catherine Colis

## **Affiliate**

Dept. of Land Conservation and Development  
Greater Portland

## **Metro Staff Attending**

Lake McTighe, Transportation Planner  
Ted Reid, Principal Regional Planner

Chris Johnson, Research Manager  
Matthew Hampton, Transportation Planner

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## 1. Call to Order and Introductions

Chairman Tom Kloster called the meeting to order at 10 a.m. Introductions were made. Zoom logistics and meeting features were reviewed for online raised hands, finding attendees and participants, and chat area for messaging and sharing links.

## 2. Comments from the Chair

- **COVID-19, wildfires and air quality updates and racial equity updates from Metro and Region**  
Chair Kloster announced Metro staff was starting another round of furloughs now until the end of the year, amounting to eight furlough days, typically Monday or Friday. Limited staff responses during this time may occur but communications will be answered as soon as possible. Metro's COO officially announced Metro Regional Center will not open to the public at least until January 2021. Meetings will be planned virtually indefinitely, with further updates given with future developments.

Colin Cooper noted the City of Hillsboro briefly shut down due to hazardous air quality during the fire situation; a first time for closure with weather/hazardous circumstances.

Jae Douglas announced her retirement from Multnomah County Public Health. Her last day at her position ends this month, and this was her last time at MTAC. Ms. Douglas noted her enjoyment with work on the committee. Many members and staff shared their appreciation for her efforts and contributions to the committee and Metro.

- **Fatal crashes update (Lake McTighe)** Ms. McTighe provided an update to MTAC and other interested parties on the number of people killed in traffic crashes in Clackamas, Multnomah and Washington Counties over the previous month and the total for the year. Since the memo in the packet was sent out to the committee with 63 total so far this year, there have been 10 additional fatalities within the counties. Many fatal crashes are pedestrian related fatalities reported in the last two months. Besides MTAC and TPAC receiving these updates, JPACT will also be receiving the reports to emphasize the importance of safety program planning in the region.

### Comments from the committee:

- Colin Cooper noted this report was helpful in raising awareness of the issue. It was asked what reconciliation was done for unknown names or circumstances in the reports. Ms. McTighe noted the data was preliminary with information often changing after first reports were made. She will go back and complete more data as this information becomes known. The updates provided to committees places human faces to the data, with safety programs being shaped by the data with trends and mapping.
- Dr. Milner asked if the data on accidents included limited access highways. Ms. McTighe agreed it did. It was suggested that road facility comparisons to type of fatalities be provided in reports. Ms. McTighe noted the Safety Report provides at least five years of data which was shared in a link: 2018 State of Safety Report:  
<https://www.oregonmetro.gov/sites/default/files/2018/05/25/2018-Metro-State-of-Safety-Report-0525201>

More links were shared on Metro's Safety Program:

**Metro Transportation Safety Program:** <https://www.oregonmetro.gov/regional-transportation-safety-plan>

**High Injury Corridors:**

<https://drcmetro.maps.arcgis.com/apps/webappviewer/index.html?id=6ef13c9a1bd242d4a85bbc7d44b02107>

**2018 Safety Fact Sheet:**

<https://www.oregonmetro.gov/sites/default/files/2020/06/02/Metro-2018-safety-fact-sheet-20200225.pdf>

**Metro's first annual report on federal safety performance measures:**

<https://www.oregonmetro.gov/sites/default/files/2020/03/10/Metro-safety-annual-performance-report-20200225.pdf>

- Ray Eck asked if crashes were being noted by different categories such as speed, drug, etc. A past presentation by Metro looked at how lower speeds on roads in the region. Was this data being correlated with current crash data? Ms. McTighe agreed the data was being tracked to show how managing speeds for safety was effective. It was noted the City of Portland has reduced some street speed limits. Metro has a large number of unincorporated areas that are challenged to limit speed. Ms. McTighe shared a link regarding legislation on speed limits: **SB 558: Neighborhood Speed Safety Effective Date: January 1, 2020**  
Authorizes city to designate speed for highway under city's jurisdiction that is five miles per hour lower than statutory speed when highway is in residential district and highway is not arterial highway. House (57-3-0). Senate (25-3-0).
- Colin Cooper noted that outside Metro boundary more commuting and traffic are forming patterns that might be considered for forming trends. Ms. McTighe noted the Regional Barometer online which will soon be updated with 2018 data. Safety on the Regional Barometer, including a link to the crash map tool that Metro is developing: <https://regionalbarometer.oregonmetro.gov/pages/transportation-safety>
- **2040 Refresh and Metro Policy Advisory Committee (MPAC) Updates** (Ted Reid)  
Mr. Reid provided an update on MPAC programs and committee plans. This year was intended to have a planned update to the Regional 2040 Growth Plan. Several factors have delayed this until a later date, including the pandemic, Metro's budget challenges and notable lack of time to hold a robust public engagement period. When Council directs addressing climate change, racial justice and other matters in the Regional 2040 Refresh Plan more action will be taken.

At the request of the Chair and Vice Chair of the Metro Policy Advisory Committee (MPAC), the role and composition of the committee is being reviewed. Members and alternates were given a survey for their perspectives on what or is not working with the committee. Their responses will help facilitate a discussion at the MPAC Oct. 14 meeting. In 2021 the committee will hold further discussions to help develop a well purposed and represented committee.

#### **Comments from the committee:**

- Chris Deffebach agreed to hold back on the Regional 2040 Growth Plan at this time for reasons given. The survey emailed to MPAC members and alternates was confirmed with the deadline to respond Sept. 25.

- Katherine Kelly asked if MTAC members could receive a copy of the survey questions. Mr. Reid would confirm with Council staff on availability for this, likely having MTAC sent the questions to the survey only, as the intent was MPAC response only.
- **MTAC appointments by MPAC at Sept. 23 meeting** (Chairman Kloster)  
It was noted that four new MTAC member appointments will be presented to MPAC for approval at their Sept. 23 meeting. These include:  
Andrew Speer, Portland General Electric, Service Providers: Private Utilities, alternate member  
Arini Farrell, City of Troutdale, Multnomah County: Other Cities, member  
Chris Damgen, City of Troutdale, Multnomah County: Other Cities, alternate member  
Seth Brumley, ODOT, alternate member

**3. Committee and Public Communications on Agenda Items** – none given

**4. Minutes Review from MTAC July 15, 2020 meeting.** No additions or corrections to the minutes.  
**Minutes Review from MTAC/TPAC August 19, 2020 workshop.** No additions or corrections to the minutes.

**5. Missing Middle Housing/HB 2001 implementation updates** (Ethan Stuckmayer, DLCD)  
Ethan Stuckmayer, Senior Housing Planner, Department of Land Conservation and Development, provided an update on Oregon’s Housing Initiatives. The two housing initiatives are HB 2001 (Housing choices) and HB 2003 (Housing needs and production). Full information on the housing programs are found here: <https://www.oregon.gov/lcd/UP/Pages/Housing-Resources.aspx>

HB 2001: Large cities defined as all Oregon cities with a population of more than 25,000, unincorporated areas within the Portland Metro boundary that are served by sufficient urban services, and all cities within the Portland Metro boundary with a population of more than 1,000.

**Middle Housing Requirement:** Duplexes to be allowed “on each lot or parcel zoned for residential use that allows for the development of detached single family dwellings.” AND triplexes, quadplexes, cottage clusters, and townhouses “in areas zoned for residential use that allow for the development of detached single family dwellings.”

The Middle Housing Bill enables both Medium and Large Cities to regulate siting and design of middle housing types. Role of the model codes: Two versions of the model code will be created, one for Medium cities, and one for the Large cities. The codes must be written such that local governments can apply them directly. Local governments that don’t adopt their own compliant codes must apply the model code directly.

Model Code:

- Set of specific standards
- Written such that cities can apply it directly
- Modular Implementation

Minimum Compliance Standards:

- Flexibility for cities
- Defines reasonable standards
- Standard by which development codes will be measured for compliance with HB 2001 intent

#### Major Rulemaking Tasks for Large and Metro Cities and Counties:

- Allowing local flexibility in how to regulate siting and design
- Definition and Configuration of Duplex, Triplex, and Quadplex
- Determine a reasonable set of standards to regulate siting and design
- Townhomes and cottage cluster standards that can fit a statewide context
- Define “in areas”
- Parking Standards

Reasonable siting and design standards was described. These included Minimum lot size, maximum density, setbacks, building height, off-street parking, front entry orientation, façade improvements, etc. All standards in Model Code and Minimum Compliance are vetted to be “reasonable”. Reasonableness is measured by comparing cost and delay of a middle housing standard to cost and delay of a single-family detached standard.

Off street parking requirements and minimum lot size was reviewed. ~ 90% of lots in Large and Metro Cities are 5,000 SF or larger. Discussion was held on defining “in areas”. Approaches for these included the “Whittle approach” and the “Balloon approach”. The Performance Metric Approach provides certainty through clear metrics that ensure compliance with HB 2001 while providing flexibility.

Cities and Counties can apply different minimum lot size or maximum density standards if they can show that:

- 80% of lots allow Triplexes
- 70% of lots allow Quadplexes
- 60% of lots allow Townhomes
- 50% of lots allow Cottage Clusters

75% of lots in each Census Block Group allow at least one middle housing type (other than duplexes).

Paths to compliance for both Model Code and Division 46 was shown. The implementation timeline for HB 2001 and HB 2003 was presented. Infrastructure-Based Time Extension requests allows additional time for implementation in areas with infrastructure limitations. Cities will need to demonstrate the constraint and develop a plan of action and timeline to address it.

#### Comments from the Committee:

- Dr. Mildner asked how neighborhoods within cities with CC&R’s that block implementation of missing middle housing interact with these standards. Are they included in the denominator? Is private zoning not affected in these development areas? Mr. Stuckmayer noted how we ensure middle housing included in development is how the performance approach works with flexibility for middle housing. *Medium and Large Cities “may regulate siting and design of middle housing required to be permitted under this section, provided that the regulations do not, individually or cumulatively, discourage the development of all middle housing types permitted in the area through unreasonable cost or delay.”*
- Mary Kyle McCurdy noted that private CCR’s and many HOAs are not functional. Private contracts and private owners make this challenging. Cities have been faced with the burden to prove buildable zoning in developable areas.

- Anna Slatinsky noted the challenge of CCRs in city planning. The information on limitations that apply to zoning regulations is hard to establish. If cities are required to establish different zoning based on these minimum performance standards, it could deprive cities the ability to meeting flexibility asked for in these laws. Concerns include the displacement of lower cost housing and risk displacement, rather than tailored zoning changes to the needs of the neighborhoods in cities.

Mr. Stuckmayer these are serious considerations and what the committees are seeking input on for better solutions. The HBs address displacement issues and seek scenarios where allowances make middle housing possible. Discussion was held on development with existing affordable homes in the minimum standards percentages, the mix of new development in neighborhoods and challenges to cities to minimize the effects of displacement while having a broad allowance of zoning that meets the needs of their communities.

- Chair Kloster asked how best the committee could add input or weigh in with the rulemaking process and issues. Mr. Stuckmayer public comments are welcome on the proposed rules and can be provided directly to the LCDC. The comment period closes Sept. 21, with a Commission meeting review on these Sept. 25. Another public comment period will then reopen before the Commission meets Nov. 12-13 for possible adoption of the rules.
- Dr. Mildner noted the challenges with inequity implications that make locations of middle housing investments uncertain. It was asked what the impact on unincorporated areas in Counties would be for these rules. Mr. Stuckmayer noted the uncertainty with the rules that are still being developed. With similar cities studied, there was no large request for immediate middle housing permits. Regarding unincorporated areas of the state, urban services provided with development and boundary zones will be factored in with future planning.
- Carol Chesarek asked where the census block map could be found. Ted Reid sent the link for members: <https://gis.oregonmetro.gov/metromap/> Noting she lives in the NW area of Portland that has multiple jurisdictional zoned areas, the City of Portland had been careful in planning their Residential Infill Project not adding development to the challenges in this area. Ms. Chesarek asked would the City be forced to upgrade all the infrastructure here with these proposed rules. And would multi-plex housing be allowed to be built where urban service do not exist? Mr. Stuckmayer that the duplex requirement can be potentially amended for identified areas. Also, areas that are defined as infrastructure constrained areas can be excluded for high level middle housing.

## 6. Adjourn

There being no further business, meeting was adjourned by Chair Kloster at 11:50 am.

Respectfully submitted,



Marie Miller, MTAC Recorder

Attachments to the Public Record, MTAC meeting, September 16, 2020

| Item | DOCUMENT TYPE                   | DOCUMENT DATE | DOCUMENT DESCRIPTION  | DOCUMENT No. |
|------|---------------------------------|---------------|---|--------------|
| 1    | Agenda                          | 09/16/2020    | 09/16/2020 MTAC Meeting Agenda  | 091620M-01   |
| 2    | MTAC Work Program               | 08/21/2020    | MTAC Work Program, as of 08/21/2020   | 091620M-02   |
| 3    | MTAC/TPAC Workshop Work Program | 09/09/2020    | MTAC/TPAC workshop Work Program, as of 09/09/2020   | 091620M-03   |
| 4    | Memo                            | 08/31/2020    | TO: MTAC members and interested parties<br>From: Lake McTighe, Regional Planner<br>RE: Fatal crash update | 091620M-04   |
| 5    | Meeting minutes                 | 07/15/2020    | Draft minutes from MTAC July 15, 2020   | 091620M-05   |
| 6    | Meeting minutes                 | 08/19/2020    | Draft minutes from MTAC/TPAC workshop meeting August 19, 2020   | 091620M-06   |
| 7    | Fact Sheet                      | 11/06/2019    | KEY ELEMENTS OF HOUSE BILL 2001 (Middle Housing)  | 091620M-07   |
| 8    | Handout                         | N/A           | Division 46: Middle Housing   | 091620M-08   |
| 9    | Map                             | Nov. 2019     | Cities and Counties Affected by HB 2001   | 091620M-09   |
| 10   | Presentation                    | 09/16/2020    | Update on Oregon's Housing Initiatives  | 091620M-10   |