

Sightline Institute Comments on Middle Housing Draft Model Ordinance  
Department of Commerce  
12/6/23

Thank you for your efforts on the [middle housing draft model ordinance](#). We appreciate the difficulty of the task, especially on such a tight timeframe.

Sightline Institute is a public policy research center. Since 2018, we have been deeply engaged on statewide zoning legislation in Washington and Oregon, and we were among the main policy architects of HB 1110.

On our assessment, Commerce's draft middle housing model ordinance is a solid first effort, but needs significant changes to deliver on the state's goals. In short, the draft standards are too restrictive, and if adopted by cities, it would undermine the intent of HB 1110 to create middle housing.

This model ordinance will set a critically important statewide benchmark. For this reason, its standards should be based on what will yield the most middle housing, not on lowest common denominator compromises. It should be as simple as possible, and as flexible as possible. It should be a *model*.

Every city will still have the option to pass ordinances with rules that are more restrictive than the model ordinance. There is greater risk to public benefit from a model ordinance that's too restrictive and quashes middle housing production, than from a model ordinance that's too flexible.

#### **Allow greater development capacity**

Zoning reforms throughout the US have demonstrated that even when middle housing is legalized, not much will be built unless the rules allow the buildings to be larger than what's allowed for houses. The draft model ordinance grants capacity greater than what some Washington cities allow for single-detached houses, but also less than what some allow.

- The draft model ordinance should set a national example with generous capacity standards that will get middle housing built. We applaud [Spokane's recent middle housing zoning changes](#), and Sightline recommends similar dimensional standards for the model ordinance.
- Sightline recommends regulating capacity through height, setbacks, and lot coverage, but not with FAR. At this relatively small building scale, limiting FAR is redundant.
- Allowed capacity should increase with the number of units in a building, as proposed in the draft model ordinance. But there is no reason for it to be based on the city's "tier" as defined by HB 1110. If the law authorizes duplexes, for example, then all duplexes should be granted the same capacity, regardless of what the city's population happens to be.

#### **Increase parking flexibility**

Parking mandates kill middle housing. HB 1110 allows cities to require one or two (on larger lots) parking stalls per home, and if they do, it will severely hinder the construction of middle housing. With the model ordinance, Commerce has an opportunity to help correct this shortcoming of HB 1110. We appreciate the user guide's discussion on parking—it aligns with Sightline's [extensive research](#) on how parking mandates work against housing affordability.

Sightline strongly recommends that the model ordinance set parking minimums to zero. Even in the absence of government mandates, builders are still free to include appropriate levels of parking for each project and neighborhood. Removing mandates ensures that parking isn't overbuilt—or worse, that it

doesn't prevent middle housing construction altogether—in places that don't need so much parking. For example, most of the new fourplex projects being constructed in Portland under their new middle housing rules do not include parking, and most likely would not exist if parking was required.

**Do not regulate aesthetics**

Sightline recommends deletion of all the draft model ordinance's provisions that regulate aesthetic features such as facades, dormers, and garage door locations. Such requirements add cost and reduce design flexibility, resulting in less housing produced, or housing that's more expensive when it is produced. Because such rules are highly subjective, it's debatable whether they provide any consistent public benefit. The regulation of aesthetics has no place in statewide standards. But leaving those rules out of the model ordinance would not prevent cities from enacting them if they want to.

**Do not regulate trees**

Urban trees provide numerous benefits—they absorb stormwater, improve air quality, and mitigate the heat island effect. HB 1110 authorizes cities to regulate trees for middle housing developments in the same way they do for single-detached houses. We support this approach. Development of any scale (including single-detached houses) can affect tree canopy, and there is no reason to penalize middle housing with stricter tree rules. Sightline recommends excluding all tree-related regulations from the model ordinance. This would not preclude cities from enacting them locally if desired.

**Sightline's recommended model ordinance**

The table below summarizes Sightline's recommendations for the model ordinance. We realize that this is a major departure from Commerce's draft proposal. But we strongly believe that this is the appropriate level of simplicity and flexibility for a model ordinance that become law for cities that don't comply with HB 1110, and otherwise will establish a statewide standard that many cities will look to for guidance when they develop their own ordinances.

HB 1110 allowance	2-3 units	4-5 units	6 units
height	35'	40'	45'
lot coverage	50%	60%	70%
front setbacks	15'	10'	5'
side setbacks	5'	5'	5'
rear setbacks	10'	10'	10'
rear setbacks on alley	0'	0'	0'
FAR	no limit		
parking	no minimums		
allowed housing types	all that don't exceed the unit per lot limit		

The purpose of HB 1110 was to help undo the state's massive shortage of homes, and that should be the primary goal of the model ordinance. Sightline's recommendations establish the level of capacity allowance and parking flexibility necessary to ensure that middle housing can and will be built. And our recommendations would also avoid statewide mandates on aesthetics and trees that can impede middle housing production, but that can still be regulated at the local level if desired.

Thank you for the opportunity to comment. We would be happy to discuss this further at your convenience.