

## Appendix H

# Portland's Historically Narrow Lots

### What are Historically Narrow Lots?

Some older parts of Portland neighborhoods that are zoned R5 today have a pattern of lots smaller than the predominant 50-foot-wide by 100-foot-deep lots. While most parts of inner Portland were platted with 50-foot wide by 100-foot deep lots, surveyors in the late 1800s and early 1900s sometimes platted lots that measured 25 feet or 33 feet wide by 100 feet deep. These “historically narrow lots” could be sold individually, or in bundles depending on the buyer’s preference.

Additionally, prior to 1979, the City did not have a formal property line adjustment or land division process. This allowed portions of lots to be conveyed through property deed exchanges. In other words, a property owner could sell off a part of his or her lot by recording a deed describing the property exchange with the County. In some cases, this created properties that were less than the zoning code required for developing.

In the R5 zone, current zoning and land division rules allow 1 lot per 5,000 square feet of site area. Each lot must be at least 3,000 square feet and 36 feet wide<sup>1</sup>. Historically narrow lots are considered sub-standard because they don’t meet these dimensional requirements. However, because they were legally created prior to the current zoning requirements, they must be recognized by the City<sup>2</sup>.

People who own multiple historically narrow lots (whose underlying lot lines are denoted by dashed lines on the county tax assessor’s maps, (see figure 2) can re-establish these previously created lots through a process called a “Lot Confirmation.” A Lot Confirmation can be used to separate ownership of legally established lots that have been combined into one ownership. A Lot Confirmation takes six to ten weeks and costs about \$1,000. In contrast, a two-lot land division can take between six months to a year and cost close to \$10,000.

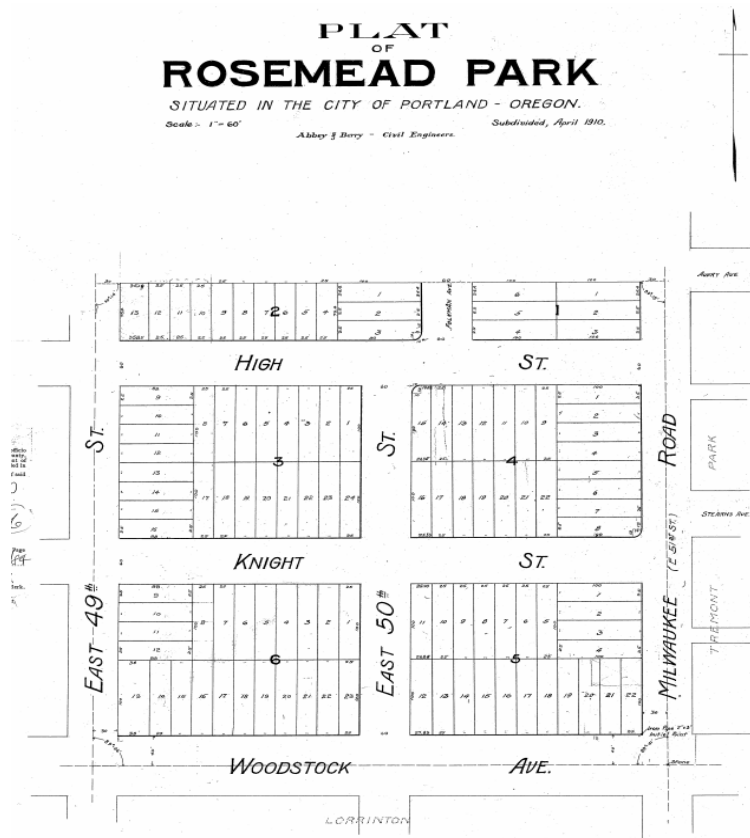


Figure 1: Plat for Rosemead Park, filed 1910. The lots in this plat are 25 feet wide, with varying depths.

<sup>1</sup> There are exceptions to lot dimension standards, for instance a Planned Development allows lot sizes and widths to be modified to suit unique site conditions. Alternatively, there are compatibility criteria in land divisions that allow lots to be less than 36 feet wide in the R5 zone.

<sup>2</sup> **92.017 When lawfully created lot or parcel remains discrete lot or parcel.** A lot or parcel lawfully created shall remain a discrete lot or parcel, unless the lot or parcel lines are vacated or the lot or parcel is further divided, as provided by law.

The current lot confirmation process involves a staff review of an application and supporting deed information to ensure:

- The lot was legally established;
- The lot meets dimensional requirements and conditions (in R5 this is either 3,000 square feet and 36 feet wide or, for a vacant lot, 2,400 square feet and 25 feet wide);
- Structures are not built over the underlying lot line; and
- Required parking and utilities are not being separated from the lot with the dwelling they are serving.

Other requirements that are reviewed with a land division (e.g. density, street improvements, tree preservation) are not considered because historically narrow lots were technically already “divided” for purposes of separate ownership.

After the City approves the Lot Confirmation, the County then assigns new tax lot numbers to the confirmed lots. The lots are then sellable to other owners and can be built on.



Figure 2: Tax map for lots in Rosemead Park. Tax lot numbers are 4-digits, lot numbers are 2-digits. Dashed lines show where multiple platted lots are under a single ownership.

## Distribution of Historically Narrow Lots

Of the plats across the city, there are almost 16,000 tax lots containing historically narrow lots. Most these – about 94 percent – are in the R5 zone, while less than 1,000, are in the R2.5 zone.

These historically narrow lots are randomly distributed throughout the city due to platting decisions made by developers in the early 1900s. Figure 3 below shows areas of the city with concentrations of historically narrow lots. Significant numbers of historically narrow lots exist in North and Northeast Portland. Smaller concentrations exist in Southeast Portland, mostly in the Brentwood-Darlington and Woodstock neighborhoods. There are three small pockets of narrow lots in West Portland around Linnton, between Hillsdale and Multnomah Village and a large concentration in West Portland Park. Both Linnton and West Portland Park plats have had additional zoning restrictions that require larger lot sizes (i.e. 5,000 square feet in R5 zone) due to infrastructure, natural hazards and emergency access concerns.

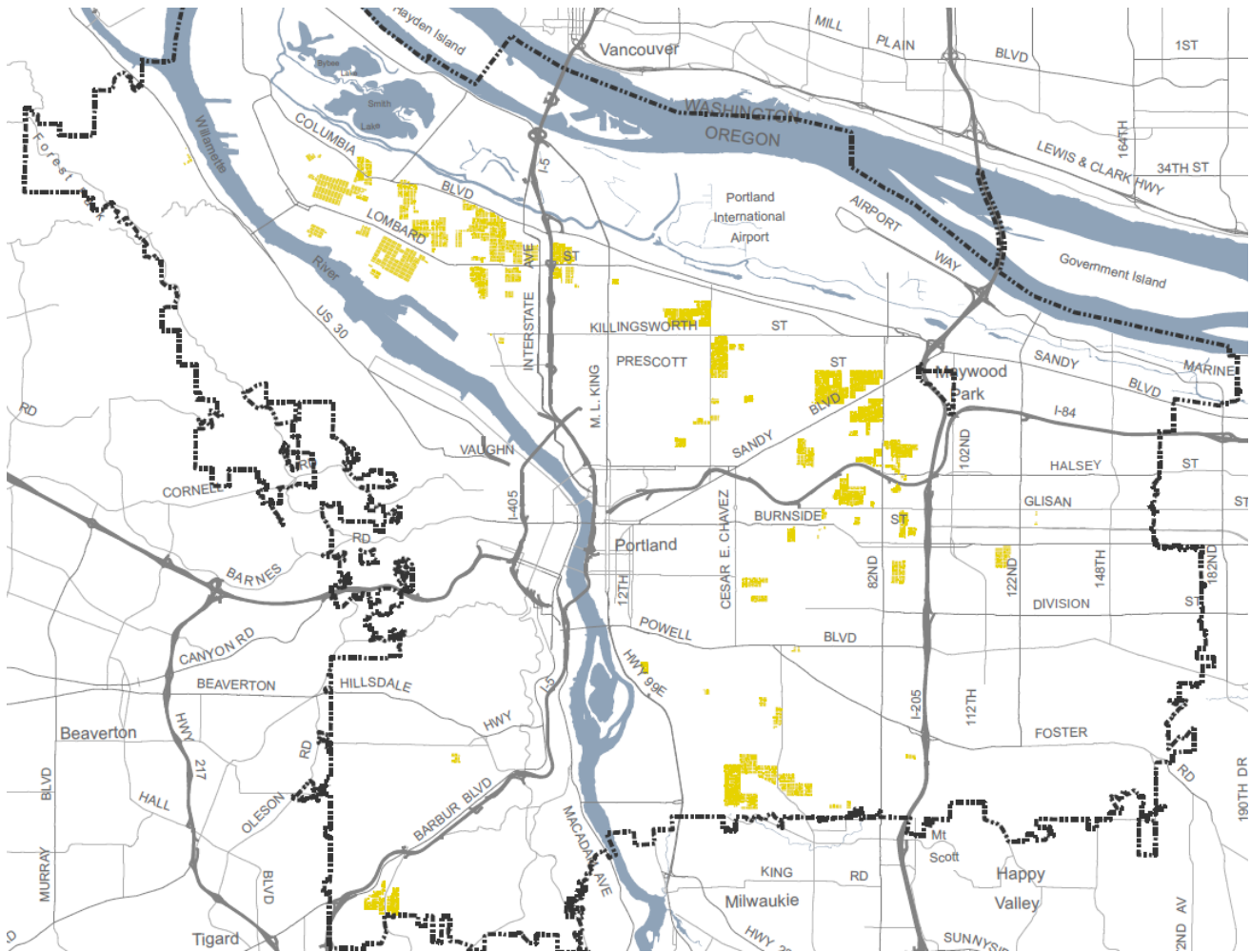


Figure 3: Map showing locations of plats with historically narrow lots in Portland.

## Narrow Lot Regulations

The City of Portland’s regulations for development on historically narrow lots have undergone several changes throughout the years. A short summary is provided below.

### Early 20<sup>th</sup> century

In the early 1900s, pockets of land now in the City of Portland were platted as 25-foot-wide by 100-foot-deep lots. Until 1959, building houses on 25-foot-wide lots was allowed; however, most houses were built on parcels consisting of two or three platted lots.

### 1959 Zoning Code

In 1959, the City adopted a new zoning code establishing minimum lot sizes for residential areas. In the R5 zone, on a lot within a subdivision recorded prior to July 1, 1959, no building could be permitted on a lot with dimensions less than 4,000 sq. ft. in area, 40 ft. in width and 80 ft. in depth unless a variance was approved.

## **1983 Zoning Code**

Minor revisions were made to the lot dimension standards so that in the R5 zone on a lot within a subdivision recorded prior to July 1, 1959, no building could be permitted on a lot with dimensions less than 3,750 sq. ft. in area, 35 ft. in width and 80 ft. in depth, unless a variance was approved.

## **1985 Oregon State Law**

In 1985, the Oregon State Law ([ORS 92.017](#)) was changed to require cities and counties to recognize lawfully created lots as discrete pieces of property. In effect, in addition to lots that the city has approved through land divisions, the City must recognize lots created prior to July 26, 1979 as lawfully created lots, allowing them to be bought and sold. This is still the case today.

However, as was the case in 1985, the City still retains the zoning authority to determine when houses may be built on a lot. For example, while a piece of property may have existed on a separate deed record or was part of a historic plat, the City requires that the property meet certain minimum lot dimensions before a house is permitted to be built.

## **1991 Zoning Code**

A major update to the Zoning Code was completed in 1991. R5-zoned lots that did not meet minimum lot dimension requirements (5,000 sq. ft. in area, 50 ft. in width and 80 ft. in depth) were considered “substandard lots.” An amendment was made that eliminated the minimum lot dimension standards for lots created prior to July 26, 1979. Therefore, a house could be built on any sized property in the R5 zone.

As development intensified in the 1990s, some houses were demolished and replaced with two houses on historically narrow lots. The houses were taller and narrower than existing houses. More importantly, they were built at twice the density allowed in the R5 zone. Neighbors grew concerned about demolitions and the architectural compatibility of these narrow houses.

## **2003 Changes to Historically Narrow Lot Rules**

In August 2003, the Planning Commission recommended establishing a minimum lot size of 3,000 square feet for development on existing lots in R5. However, City Council rejected the amendment package, so development of houses on existing 25-foot-wide lots in R5 zone was still allowed.

The Council’s decision was appealed to the Land Use Board of Appeals (LUBA). Rather than await a decision from LUBA, Council voluntarily remanded their decision so they could develop a compromise proposal.

In November 2003, the Council adopted regulations to deter demolition of houses on historically narrow lots by establishing minimum lot sizes for development on existing lots, including a 3,000-square-foot minimum in the R5 zone.

In December 2003, City Council adopted a “vacant lot provision” that allowed for development on existing lots that were vacant but did not meet the recently-adopted 3,000-square-foot minimum. This meant that lots in the R5 zone that were less than 36 feet wide and 3,000 square feet could be developed if they had been vacant for 5 years. This was intended to discourage demolition while not stifling development on already-vacant sites by requiring a five-year period between when a house was demolished and the subsequent redevelopment of the underlying historically narrow lots.

Development standards applicable to narrow lot development in the 2003 code included:

- Limitations on garage width to 12 feet and requirement for living space above it,
- Requirements for materials and trims,

- Provisions for eaves, and
- Requirements for a porch and 15 percent window coverage on the front façade to orient the unit toward the street.

## 2004 to Present

After these changes, there have been several refinements of code language to address the architectural compatibility of narrow lot development.

Between June and December 2004, the City of Portland sponsored a design competition to facilitate the construction of architecturally compatible infill housing on narrow lots. Living Smart: Big Ideas for Small Lots received 426 entries from 22 countries and resulted in two publications that catalogued designs and site plans.

In 2005, the City selected two designs from the “People’s Choice” category and worked with the architects to develop ready-to-build plan sets for use in a new program in which developers could build these “permit-ready houses” through an expedited approval process.

In March 2006, City Council approved the two permit-ready house designs as well as amendments to the Zoning Code that would allow them to be built. These permit-ready houses could only be built on lots less than 36 feet wide outside historic and conservation districts.



*Permit Ready Houses: Higgins Design*



*Vargas Design*

The permit-ready housing program ended in 2009 due in part to decreased City resources caused by the economic downturn. Only eleven houses were built through the program between 2006 and 2009.

Today, houses built on historically narrow lots is subject to the following current development standards:

- There must be a main entrance within 4 feet of grade (this applies to all houses).
- Garages up to 12 feet wide garage are allowed (but not required).
- Building coverage is limited to 40 percent of site area.
- Height is limited to 1.5x width of house in R5 (and R2.5).
- Exceptions to development standards require design review (not adjustments).

## Current Development Scenarios for Historically Narrow Lots in the R5 Zone

Figure 4 illustrates the intent of the 2003 vacant lot provision. This recognized that there were opportunities for infill development and increasing housing supply, and attempted to limit home demolitions by requiring that these narrow lots be vacant for at least 5 years. However, sometimes a house would be demolished, with a narrow house built on one side of the lot, and another built 5 years later (Figure 5).

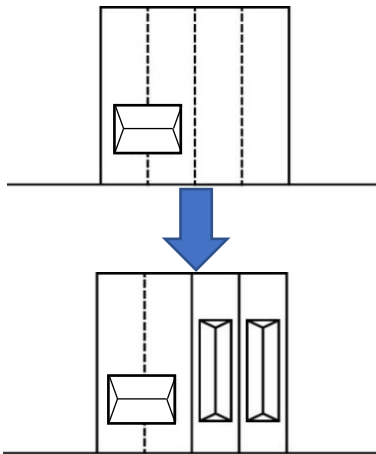


Figure 4 – Already vacant lots can develop with skinny houses.

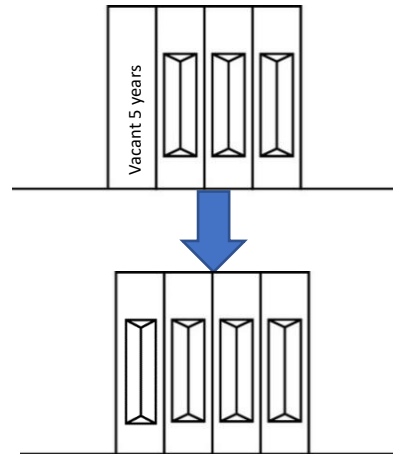


Figure 5 – Houses may be demolished and one lot can be built today, and the other 5 years later.

Figure 6 shows that when there are at least three narrow lots, a property line can be adjusted concurrently to make each property at least 36 feet wide and 3,000 square feet. When those conditions are met, the vacant lot provision does not apply because the lots are no longer “substandard.” In 2010, an exception was added to the code to allow a property line adjustment on corner lots to reduce lot sizes to 1,600 s.f. and determine the vacancy of the lot on the reconfigured lot to encourage retention of existing houses (Figure 7).

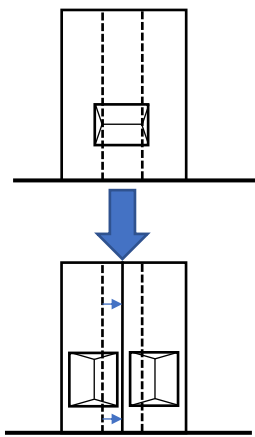


Figure 6 – By using a property line adjustment, historically narrow lots are no longer “substandard” and are not required to be vacant for 5 years.

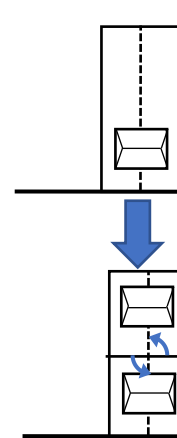


Figure 7 – Property line adjustment can also be used to rotate the lot line on a corner lot. The vacant lot provision applies to the reconfigured lot.

## A Closer Look at Historically Narrow Lot Neighborhoods

Staff examined three neighborhoods with concentrations of historically narrow lots – St. Johns, Kenton, and Montavilla. These areas were studied in more detail to understand the development potential on these lots if no demolitions were to occur. The table below shows that not many vacant historically narrow lots exist – six percent in the St. Johns area (72 out of 1,279), five percent in the Kenton area (57 out of 1,193), and five percent in the Montavilla area (44 out of 966).

Proposal #12 of the Residential Infill Project Discussion Draft includes allowing property line adjustments to create flag lots when an existing house is being retained (Figure 8). This would permit an owner to create a small flag lot for a new house, as opposed to demolishing their house to create two side-by-side houses. This option provided between 8 and 10 percent of added infill opportunities.

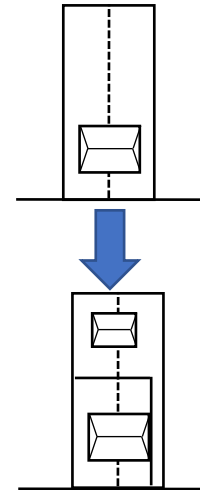


Figure 8 – Concept for allowing property line adjustments to form flag lots when retaining an existing house.

	St. Johns	Kenton	Montavilla
Number of tax lots	682	614	495
Number of underlying lots ( <i>i.e. historically narrow lots</i> )	1,279	1,193	966
Number of existing houses	667	597	488
Vacant historically narrow lots	72	57	44
Percentage of vacant historically narrow lots ( <i>Vacant narrow lots / Total narrow lots</i> )	6%	5%	5%
Potential flag lots	123	100	94
Percentage of historically narrow lots with flag lot potential ( <i>Potential flag lots / Total narrow lots</i> )	10%	8%	10%
<b>Combined infill potential of vacant lot/flag lot</b> ( <i>vacant lots + potential flag lots</i> )	<b>195</b>	<b>157</b>	<b>138</b>

## Conclusion

While historically narrow lots in Portland are a product of history that were platted over a century ago, City regulations have evolved throughout the years to balance the benefits and drawbacks of developing these lots. Benefits include additional housing opportunities, including fee-simple and potentially lower cost homeownership options, and drawbacks include neighborhood concerns about architectural compatibility with existing patterns and unexpected degrees of density based on the zone.

## Glossary

**Buildable.** A plot of land that was lawfully created and meets the applicable lot dimension to allow the construction of a primary structure (e.g. a house).

**Deed.** A legal document that is signed and recorded with the county recorder, especially one regarding the ownership of property or legal rights.

**Historically Narrow Lot** – this term is used by the Residential Infill Project to describe lots that were created prior to the City adopting formal land division rules and that are less than 36 feet wide.

*Note: this term is not used in the zoning code. These lots are described as “Lots and Lots of Record Created Before July 26, 1979 that don’t meet the minimum width requirements of Table 110-6”*

**Lot.** A lot is a legally defined piece of land other than a tract that is the result of a land division. This definition includes the State definition of both lot, (result of subdividing), and parcel, (result of partitioning). See also, Ownership and Site.

**Plat.** Diagrams, drawings and other writing containing all the descriptions, locations, dedications, provisions, and information concerning a land division. This term includes the State law definitions of “partition plat” and “subdivision plat”.

**Tax Lot.** A “tax lot” is a geographically mapped tax account and does not necessarily indicate the boundary of the lot or lot of record. The presence of a tax lot does not indicate whether that property is “buildable”.