



THE BUREAU OF  
**PLANNING &  
SUSTAINABILITY**

**DATE:** December 20, 2021  
**TO:** Planning and Sustainability Commission  
**FROM:** Morgan Tracy, Project Manager  
**CC:** Sandra Wood, Principal Planner  
Eric Engstrom, Principal Planner  
**SUBJECT:** Summarizing RIP2 December 14<sup>th</sup> Hearing Testimony

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Thank you, Commissioners, for your time and attention to the variety of written and oral testimony submitted in response to Staff's RIP part 2 Proposed Draft. We heard from 27 testifiers and received over 60 written pieces of testimony.

You heard a number of interesting ideas and suggestions for ways to improve the proposals, as well as some concerns for the proposals as they stand. You asked staff to help sort and organize these and offer some initial responses in preparation for your January 11<sup>th</sup> work session. They are summarized and grouped on the following pages as a starting place for that discussion. While we have tried to capture the spirit and intent of the testimony received, this list is neither comprehensive of everything you heard, nor should it be viewed as replacement for the testimonials themselves.

We have also attempted to highlight what we think are potential policy issues and have estimated the amount of work involved in making these changes. More issues may emerge that require additional time to reconcile as the code and other work occurs. Also, these estimates do not contemplate the cumulative workload impact of multiple amendments.

Please provide any additional thoughts or feedback to staff by Thursday, December 23<sup>rd</sup> so that we can have a more complete table to work from for your work session on January 11<sup>th</sup>.



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<b>1. Major policy discussion</b>		
<b>Testimony themes</b>	<b>Policy Implications</b>	<b>Impact on workload/timeline</b>
A. Remove wildfire risk from 'z' overlay	<p>Many policy issues.</p> <p>Expands housing in areas not well-situated for mass evacuation.</p> <p>Creates expectation of available services, where there may not be adequate infrastructure.</p>	<p>Revising and quality-checking the map will take 3-6 weeks</p> <p>Update staff report</p> <p>Minor changes to code</p>
B. Change the name of the single-dwelling zones	<p>At issue is the conversion from what are ostensibly single dwelling zones that permit a limited range of "character and scale-compatible" infill options that are consistent with single dwelling neighborhood development to zones that are just more versions of multi-dwelling zoning. The predominant development type in these areas is and will remain through the comp plan planning period, single dwellings. A change of the name is a change of desired intent. If the commission desires to convert these areas to non-single dwelling zones, then the mechanism to do that is to rezone them, not rename them.</p>	<p>May need to rethink multi-dwelling zones at same time</p> <p>Major code work (T11, T17, T30, T32, T33)</p> <p>Amend the comp plan</p> <p>Update all web/handouts</p> <p>Potential M56 notice (150,000)</p>
<b>2. Changes that may be achievable within state mandate timeframe</b>		
<b>Testimony themes</b>	<b>Policy Implications</b>	<b>Impact on workload/timeline</b>
A. Increase FAR for fourplex	<p>Revisits RIP1 decisions</p> <p>Allows larger structures</p> <p>Erodes bonus incentive slightly</p> <p>Increased unit sizes results in increased unit costs</p>	<p>Minor changes to code</p> <p>Update staff report</p>
B. Reduce minimum lot sizes for 3+ units	<p>Revisits RIP1 decisions</p> <p>Inconsistent with (but allowed by) HB2001.</p> <p>Allows development on lots without adequate FAR, insufficient area to meet other development standards.</p>	<p>Minor changes to code</p> <p>Modelling may be needed</p>



C. Allow ADUs to be up to 800 sq ft (remove 75% size cap)	Revisits Accessory Structures Project and RICAP 5 (same issue). Erodes the relationship of what is "accessory" if the ADU is no longer smaller or somehow subordinate to the primary unit. A deeper examination (and potential elimination of) the ADU terminology may be warranted.	Some more involved code work to resolve. Scenario testing. Update staff report
D. Add new affordability option for 100% for 4-6 units kept affordable at 100% MFI	Inconsistent with RIP1 deeper affordability Removes incentive for creating units available at 60% MFI Need to understand how the program would work to understand equity implications.	Minor change to Title 33 code. Could have broader impacts on Title 30 Housing/Programs
E. Increase Cottage Cluster flexibility		
i. Increase number of allowed cottages (25 per acre)	There is no density differentiation by zone. This is roughly 1.5 times R2.5 base density (for an acre site), applied across all zones. Inconsistent with State report <sup>1</sup> recommendations for clusters. Testimony cited from other cities were clusters between 5 and 35 units per acre, but no single cluster approached that upper number of units (projects were built on smaller sites). Current proposed density is between 16 units – 139 units/acre. Increase to 25 units equates to max 218 units/acre More dense clusters can lead to service issues that prevent MHL.	Minor code change Modeling should be conducted Could have infrastructure impacts
ii. reduce open space requirement and building separation when keeping a house	A fundamental principle of a cottage cluster is orientation around a useable shared open space.	Minor added code complexity with additional exemptions/ standards for existing houses

<sup>1</sup> *Character-Compatible, Space-Efficient housing Options for Single-Dwelling Neighborhoods*, May 2016, Department of Environmental Quality, Department of Land Conservation and Development, and Department of Transportation.



	Reducing the amount of open space is counter to that principle. Current proposal adapted from Model Code The proposed code contains several provisions to allow an existing house to be incorporated as part of a cottage cluster. The challenge of siting new structures with the proposed 6' separation distance has not been adequately demonstrated.	
iii. reduce minimum lot size	Inconsistent with (but allowed by) HB2001 7,000 sq ft min lot size We have found no examples of cottage clusters on sites smaller than 5,000 sq ft. Would be challenging to meet open space requirements. The shared open spaces are the thing that creates community.	Minor changes to code Modelling is definitely needed
iv. allow existing houses (with ADUs) to be retained	Already included in proposal Would not be SB458 eligible	No change required, though a slight change may be needed to ensure existing internal ADU's are allowed
v. include pathway in common open space	Consistent with model code However, should be considered in light with other changes that may cumulatively reduce the size or quality of the open space	Minor change to code
vi. remove cap on number of units allowed on courtyard	Inconsistent with (but allowed by) HB2001	Minor change to code
vii. allow in R20 zones	Less concern with current 'z' extent, but significant infrastructure challenges with change in 'z'	Minor changes to code



### 3. Issues that are outside of project scope

Testimony themes	Policy Implications	Impact on workload/timeline
A. Allow more types of housing and more ways to divide units	<p>Moves closer to multi-dwelling zoning</p> <p>Moves further away from the organizing form principle in RIP1: single primary structure with smaller detached accessory structure.</p> <p>Moving in this direction warrants a deeper conversation about what, if anything, distinguishes single-dwelling, middle housing, and the multi-dwelling zones.</p>	Changes such as these begin to look more and more like multi-dwelling zoning. This calls into question the structure of the code itself. It becomes more and more incoherent and confusing to have multiple ways to get at the same kind of development.
i. Detached and other configurations of Duplex, Triplex, Fourplex units	<p>Detached plex units allowed by HB2001, but non intuitive.</p> <p>Would need to also contemplate triplex/fourplex scenarios and the role or need for an ADU type.</p>	<p>Major rethink of base zone standards (all zones), incorporation of multi dwelling zone standards</p> <p>Modeling required</p>
ii. 2-unit cottage cluster	Probably allowed by HB2001, though this also would allow for a 1-unit cottage cluster.	May require some code rethink to stratify lot sizes.
iii. Attached units in cottage clusters	<p>Specifically excluded from HB2001, not a middle housing type, not SB458 eligible.</p> <p>Allowed (and dividable) through PD process</p>	<p>Would require development of second parallel set of "cluster" standards</p> <p>Modeling and testing required</p>
iv. Recreational vehicles in cottage cluster (i.e. THOWs)	Not compliant with HB2001, not a middle housing type. Allowed as an Outdoor Shelter (CU)	Would require a rethink of zoning stratification between commercial and residential, and amend recently adopted S2HC
v. courtyard apartments	Many policy questions, creates challenging series of findings. To achieve the densities cited in testimony, multi-dwelling zoning is needed.	Would require rethink of infrastructure and citywide systems plan, likely a rewrite of at least some comp plan policies. Much code to rethink and write.
vi. modified 6 plex standards to create pathway to fee simple lots (65% coverage, 5' setbacks, 48 sq ft outdoor area, ~800 sq ft lots)	<p>Possible impacts to stormwater, and tree canopy goals</p> <p>These standards are greater than the RM2 zone standards</p>	Fairly discrete changes in base zone, but linking to land division will be challenging.



B. Increase building coverage		
i. Increase ADU building coverage	Decouples ADUs from accessory structure rules	Inconsistent with recently adopted accessory structures project.
ii. Increase building coverage for 3-4 units	Inconsistent with RIP1 principles of scale Allows for less compatible development Potential stormwater implications Reduces open area/canopy potential Creates added complexity	Some changes to code May need to model Update staff report
iii. Calculate building coverage pre right of way dedication	Impacts development citywide May require a recalibration of allowed building coverage citywide	Lots of analysis and moderate amounts of code work.
C. Increase FAR		
i. Exclude bike and other sheds from FAR	Inconsistent with bike parking project. No way to ensure the bike shed remains for bikes because there is no requirement to have bike parking for most middle housing.	Adds code complexity, creates potential loopholes/unintended impacts
ii. increase FARs for everything	Inconsistent with RIP1 principles of scale Erodes incentives for added units May lead to elimination of bonuses (since we end up running out of room to give) Larger units=increased costs	Minor to major change in code Modeling required
D. Require fully accessible units, or add bonus	Requirement likely inconsistent with HB2001 limitations on siting and design rules Bonus could affect other incentives for more units, house retention, affordability	Lots of code work
E. Restrict Short-term rentals	Inconsistent with Short-Term Rentals project and not related to HB2001 compliance	Some code work Stakeholder analysis and involvement required
F. Limit multi-unit building heights	Inconsistent with RIP1 decision Potential inconsistency with HB2001 limitations on siting and design rules	Would require more extensive evaluation, and more complicated code work



G. Add neighborhood-specific design standards	Potential inconsistency with HB2001 limitations on siting and design rules	Much more extensive code work and modeling required. Possible equity implications, would need evaluate for prejudicial cultural bias.
H. Add minimum parking	Inconsistent with RIP1/ BHD/ MUZ decisions	Would undo recently adopted RIP1 amendments
I. More standards to address driveways serving side facing garages	Potential inconsistency with HB2001 limitations on siting and design rules	More extensive code work and modeling required Could be monitored for later fixes if needed
J. Create a pathway code for pilot projects	Would need to define goals, and criteria for what types of projects would be included, and what process to apply. Unclear what problem is trying to be addressed.	Many of the types of innovative housing projects are either: allowed in a PD, allowed with an institutional use, allowed through a CU, or allowed in more intense zones.
K. Expedited building permit process for middle housing	Would need to contemplate diversion of staffing and resources from other types of reviews	Not in BPS/PSC purview

#### 4. Additional Technical Issues

Technical Issue	Type
A. Minimum dwelling unit density should be clarified that it is only intended to apply to new development.	Clarification
B. Cottage Clusters	
i. Consistent use of either site vs. lot	Clarification
ii. Exemptions for existing homes. Age of home	Clarification
iii. Specifications for accessory structure separation	Clarification
iv. Measurement between façade and open space	Clarification
C. Middle Housing Land Divisions	
i. clarify when septic system is allowed	Clarification
ii. Appeal timeline, align with ORS	Correction
iii. Process and sequence clarifications, final plat requirements, expiration	Process Improvement/Clarification
D. Tree removal standards in e-zone need to be adjusted in light of duplex allowances	Alignment with policy

