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190851

Emergency Ordinance

*Amend the Comprehensive Plan, Zoning Map, and Title 33 Planning and Zoning to comply with House Bill 2001 and Senate Bill 458 (amend Code Title 33 and the Portland Comprehensive Plan and zoning maps)

Passed

Amended by Council

The City of Portland ordains:

Section 1. The Council finds:

General Findings

1. Portland is expected to grow by more than 100,000 households by the year 2035.
2. The cost of housing in Portland continues to rise. The average rent of a 1-bedroom apartment in 2022 was \$1,499, an 11% increase over the prior year. Portland median home values in 2022 were \$574,291, an increase of 13% over the past year. In order to afford the median price home in Portland today, families must earn roughly 125% of the median family income.
3. In addition, the city's history of racially discriminatory decision-making and public policies have contributed to today's racial disparities in homeownership rates and wealth attainment, which has resulted in geographic racial segregation in Portland.
4. For these reasons, the ability for many households to gain entry into many of the city's single-dwelling neighborhoods is increasingly out of reach.
5. At the same time, the city is becoming more diverse, the overall population is aging, and the number of people per household is getting smaller.
6. The Comprehensive Plan includes policies directed toward encouraging more housing choices to accommodate a wider diversity of family sizes,

Introduced by

[Commissioner Carmen Rubio](#)

Bureau

[Planning and Sustainability](#)

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Requested Agenda Type

Time Certain

Changes City Code

incomes and ages (Policy 4.15); encourage development and preservation of small resource-efficient and affordable single-family homes in all areas of the city (Policy 4.18); expanding housing choice in all of Portland's neighborhoods (Policy 5.4); encouraging middle housing—multi-unit or clustered residential buildings that provide relatively smaller, less expensive units (Policy 5.6); and encouraging a variety of ownership opportunities and choices (Policy 5.43).

7. Nearly half of the city's land area is zoned for single-dwelling residential development. However, apartments are the predominant housing type at about 80% of the share of all units permitted between 2017 and 2021.
8. In 2015, the Bureau of Planning and Sustainability began the Residential Infill Project with the goal of responding to these trends and changing demographics.
9. While the first phase of the Residential Infill Project was being developed, the Oregon State Legislature passed two bills also aimed at addressing the rising cost of housing and changing demographics:
 - House Bill 2001, which the Oregon State Legislature passed on August 8, 2019, requires cities with a population greater than 10,000 to allow duplexes on any lot zoned for single-family detached dwellings, and three-plexes, four-plexes, and cottage clusters on some lots zoned for single-family dwellings. The City of Portland is required to adopt code implementing HB2001 by June 30, 2022, or a model code automatically goes into effect; and
 - Senate Bill 458, which the Oregon State Legislature passed on May 17, 2021, requires cities to allow a land division to separate dwelling units for new middle housing allowed in cities. The City of Portland is required to implement SB458 by July 1, 2022.
10. The Residential Infill Project - Part 1 was adopted in August 2020 and went into effect on August 1, 2021. The amendments allow up to four dwelling units per lot in the R7, R5 and R2.5 zones, and allows the units to be arranged in multiple configurations—a single house, duplex, triplex, fourplex, a duplex with one accessory dwelling unit or a house with up to 2 accessory dwelling units. The amendments also provided for up to six units on a lot when half of the units met affordability requirements.
11. The Residential Infill Project Part 2 began in October 2020 and will extend the same dwelling unit allowances adopted with the Residential Infill Project - Part 1 to the R10 and R20 zones.
12. In addition, the Residential Infill Project - Part 2 will allow attached houses, cottage clusters, and expedited land divisions for middle housing in the R20 through R2.5 and RM1 zones, bringing the City of

Portland into compliance with House Bill 2001 and Senate Bill 458.

13. The Residential Infill Project - Part 2 Proposed Draft was released for public review on November 10, 2021.
14. On November 4, 2021, notice of the proposed draft was filed online with the Department of Land Conservation and Development in compliance with the post-acknowledgement review process required by OAR 660-18-020.
15. On November 10, 2021, notice of the proposed draft was mailed to all property owners potentially affected by proposed zoning map and code changes as required by ORS 227.186.
16. On December 14, 2021, the Planning and Sustainability Commission held a public hearing on the proposed draft. In addition, the Commission held 1 briefing and 2 work sessions before voting to forward the Residential Infill Project Part 2 to City Council on February 8, 2022.
17. The Residential Infill Project Recommended Draft was released for public review on March 21, 2022.
18. On April 6, 2022, notice of the April 21, 2022, City Council public hearing was mailed to those who presented oral and written testimony at the Planning and Sustainability Commission public hearing. In addition, the City emailed notice of the hearing to its Residential Infill Project Part 2 email list.
19. The amendments provide opportunities for a wider variety of housing options and can reduce the cost of a single unit by roughly half the cost of a single new house.
20. The amendments also include a cap on house size in the R10 and R20 zones by limiting the amount of floor area allowed per lot. The cap is intended to ensure that:
 - Additional development in these zones is compatible with existing development; and
 - Additional dwelling units are more affordable to a wider cross-section of Portland residents because smaller dwelling units are often less expensive than larger units.
21. The Residential Infill Project also expands and updates the Constrained Sites overlay zone by applying the overlay within the R10 and R20 zones and includes wildfire hazard as a constraint in those zones, includes some single-dwelling zoned portions of the Airport Noise Impact overlay zone as a constraint, and includes single-dwelling zoned lots with an industrial sanctuary comprehensive plan designation as a

constraint.

22. The Findings of Fact Report, attached as Exhibit A, includes additional findings demonstrating consistency with the Statewide Planning Goals, Metro Urban Growth Management Functional Plan, and the City of Portland *2035 Comprehensive Plan*.

NOW, THEREFORE, the Council directs:

- A. Adopt Exhibit A — As-Amended, dated May 2022 as additional findings.
- B. Amend the official Zoning Map as shown in Exhibit B, Residential Infill Project Part 2 Recommended Draft — As-Amended Volume 1, Staff Report, Section 5, dated May 2022.
- C. Adopt the commentary in Exhibit C, Residential Infill Project Part 2 Recommended Draft — As-Amended, Volume 2, Zoning Code Amendments, dated May 2022, as legislative intent and further findings.
- D. Amend Title 33, Planning and Zoning, of the Municipal Code of the City of Portland, as shown in Exhibit C, Residential Infill Project Part 2 Recommended Draft — As-Amended, Volume 2, Zoning Code Amendments, dated May 2022.
- E. Amend the Buildable Lands Inventory flood and slope hazard maps that are part of Portland Comprehensive Plan as shown in Exhibit D, Residential Infill Project Part 2 Recommended Draft, Volume 3, Appendix G, dated November 10, 2021.

Section 2. The Council declares an emergency exists because compliance with House Bill 2001 is required by June 30, 2022, and compliance with Senate Bill 458 is required by July 1, 2022; therefore, this ordinance shall be in full force and effect from and after 11:59 PM on June 30, 2022.

Section 3. If any section, subsection, sentence, clause, phrase, diagram, or drawing contained in this ordinance, or the map, report, inventory, analysis, or document it adopts or amends, is held to be deficient, invalid or unconstitutional, that shall not affect the validity of the remaining portions. The Council declares that it would have adopted the map, report, inventory, analysis, or document each section, subsection, sentence, clause, phrase, diagram and drawing thereof, regardless of the fact that any one or more sections, subsections, sentences, clauses, phrases, diagrams or drawings contained in this Ordinance, may be found to be deficient, invalid or unconstitutional.

Documents and Exhibits

-  [Amended Ordinance - Strikethrough / Underline Version](#) (138.43 Kb)
-  [Approved Amendments](#) (4.53 Mb)
-  [Exhibit A - Findings - As Amended](#) (1.91 Mb)
-  [Exhibit B - Staff Report - As Amended](#) (4.74 Mb)
-  [Exhibit C - Zoning Code Amendments - As Amended](#) (2.73 Mb)
-  [Exhibit D - Landslide Hazard Map](#) (11.79 Mb)
-  [Volume 3 Additional Documents](#) (287.95 Kb)
-  [East District Overlay Map - As Amended](#) (16.48 Mb)
-  [North District Overlay Map - As Amended](#) (10.98 Mb)
-  [Northeast District Overlay Map - As Amended](#) (13.21 Mb)
-  [Southeast District Overlay Map - As Amended](#) (4 Mb)
-  [West District Overlay Map - As Amended](#) (18.5 Mb)

An ordinance when passed by the Council shall be signed by the Auditor. It shall be carefully filed and preserved in the custody of the Auditor (City Charter Chapter 2 Article 1 Section 2-122)

Passed as amended by Council
June 1, 2022

Auditor of the City of Portland
Mary Hull Caballero

Impact Statement

-  [Impact Statement](#) (188.02 Kb)

Agenda Items

315 Time Certain in [April 20-21, 2022 Council Agenda](#)

Rescheduled

Rescheduled to April 27, 2022 at 2:00 p.m. time certain

338 Time Certain in [April 27-28, 2022 Council Agenda](#)

Continued

Continued to May 19, 2022 at 2:00 p.m. Time Certain.

Oral record is closed. Written record will remain open until April 29, 2022 at 5:00 p.m.

Proposed amendments will be posted May 12, 2022 at

www.portland.gov/bps/planning/rip2 and the written record will reopen.
Oral testimony on amendments will be heard on May 19, 2022 at 2:00 p.m.
Time Certain.

425 Time Certain in [May 18-19, 2022 Council Agenda](#)

Continued As Amended

Continued to June 1, 2022 at 9:45 a.m. Time Certain As Amended.
Oral and written record are closed.

Motion to approve technical amendments A-J as a package to clarify and correct errors: Moved by Wheeler and seconded by Rubio. (Y-4)
Motion to increase the total amount of floor area for fourplexes: Moved by Wheeler and seconded by Ryan. (Y-4)
Motion to remove front lot line requirement: Moved by Wheeler and seconded by Ryan. (Y-4)
Motion to add flexibility for deeper affordability bonus: Moved by Wheeler and seconded by Rubio. (Y-4)

465 Time Certain in [June 1-2, 2022 Council Agenda](#)

Passed As Amended

Motion to adopt the Ordinance as amended, Exhibit A Findings as amended, Exhibit B RIP2 Staff Report Recommended Draft as amended, Exhibit C RIP2 Code Amendments Recommended Draft as amended, Exhibit D Buildable Lands Inventory Flood and Slope Hazard Maps: Moved by Wheeler and seconded by Hardesty. (Y-4; Ryan absent)

Commissioner Dan Ryan Absent

Commissioner Jo Ann Hardesty Yea

Commissioner Mingus Mapps Yea

Commissioner Carmen Rubio Yea

Mayor Ted Wheeler Yea