



# **City of Portland Bureau of Development Services**

**Impacts of regulatory and fiscal factors on  
Accessory Dwelling Unit  
construction in the City of Portland**

**March 3, 2010**

# Comprehensive Plan Goals and Policies

- **Goal 2**            **Urban Development**
- **Policy 2.**        **Population Growth**
- **Policy 2.2**      **Urban Diversity**
- **Policy 2.9**      **Residential Neighborhoods**
- **Policy 2.19**    **Infill and Redevelopment**
- **Policy 2.21**    **Existing Housing Stock**
- **Goal 3**            **Neighborhoods**

# Comprehensive Plan Goals and Policies

(continued)

- **Policy 3.3**      **Neighborhood Diversity**
- **Goal 4**        **Housing**
- **Policy 4.1**     **Housing Availability**
- **Policy 4.6**     **Housing Conservation**
- **Policy 4.7**     **Balanced Communities**
- **Policy 4.10**    **Housing Diversity**
- **Policy 4.11**    **Housing Affordability**

# Comprehensive Plan Goals and Policies

(continued)

- **Goal 5**                      **Economic Development**
- **Goal 11**                     **Public Facilities**
- **Goal 12**                    **Urban Design**



# Accessory Dwelling Units

In the zoning code since 1981. Were called accessory rental units. Originally allowed only as follows:

- In structures over 2,000 square feet only.
- No other additions of floor space in the last 5 years.
- Internal conversions of owner-occupied structures only.
- Only allowed to be 25 percent of total floor area.
- Only one entrance visit from front yard.

# **Livable City Project (1998)**

**Major policy changes in policy:**

**Minor changes in density allowed under certain conditions when certain scale and density standards were met in exchange for benefits that the community would derive from the project.**

**ADUs represent a diverse, affordable and accessible housing stock.**

# Livable City Project (1998)

(continued)

**Major policy changes in policy:**

**Broadening situations where ADUs are allowed is part of larger strategy to accommodate population increases.**

**Council adopted code ensuring ADUs are smaller than primary structure.**

# Summary of Current Regulations

- **In single dwelling zones.**
- **Limits on height, bulk, square footage.**
- **Location relative to primary structure.**
- **Design standards.**
  - (roof pitch, trim, exterior finish, etc.)
- **Location of entrance.**





# Regulatory Hurdles

**Zoning and building regulations were examined.**

**No specific provisions that discourage ADU construction.**

**60 LURs 2004-2009 for adjustments to ADUs, but not specific pattern as to any code provision that requires reexamination.**

**Many adjustments required due to specific facts surrounding the site.**

**No evidence that ADUs create infrastructure or neighborhood compatibility problems.**

# Number and types of adjustments for ADUs, 2004-2009

**Table 1**

Total*	Setback	Size (floor area)	Design	Height	Location**
<b>43</b>	<b>20</b>	<b>22</b>	<b>6</b>	<b>11</b>	<b>2</b>

\*This is the total number of cases. However, many of the applicants sought multiple adjustments.

Finally, there is no anecdotal evidence suggesting that ADUs, to date, are causing infrastructure problems, nor are there any reports that such development are creating compatibility problems within existing neighborhoods.

# **Systems Development Charges (SDCs)**

## **Water Bureau**

- **Assessment on installations of new or upsized domestic and irrigation services to pay for share of new development of water system capacity.**
- **Depending upon the meter size, this charge ranges from \$1,760 to \$4,401.**

## **BES**

- **Covers the cost of increased use on their infrastructure.**
- **Charge is \$3,068 for sanitary and for storm, the charge varies.**
- **The BES schedule does not call out a specific charge for ADUs.**

# **Systems Development Charges (SDCs)**

(continued)

## **PBOT**

- **Covers the cost of transportation facilities needed to serve new development.**
- **ADU-specific charge is \$1,201.**

## **Parks**

- **Intended to pay for park and recreation facilities to serve new development.**
- **ADU-specific charge is \$4,344.**

# SDCs as % of total building permit fee, 2004-2009

**Table 2**

2004	2005	2006	2007	2008	2009
<b>54.9%</b>	<b>56.9%</b>	<b>63.3%</b>	<b>67.8%</b>	<b>62.4%</b>	<b>57.6%</b>

Please note that these figures are provided for illustrative purposes only because many elements including variation in Water Bureau charges, changes in fees over time, and charges that are different depending upon the type of ADU, influence these figures.

# # of permits for ADUs, 2004-2009

**Table 3**

	2004	2005	2006	2007	2008	2009
Sample	<b>28</b>	<b>20</b>	<b>27</b>	<b>32</b>	<b>23</b>	<b>22</b>
Legalize*	<b>2</b> <b>(7%)</b>	<b>4</b> <b>(20%)</b>	<b>6</b> <b>(22%)</b>	<b>4</b> <b>(13%)</b>	<b>1</b> <b>(4%)</b>	<b>3</b> <b>(14%)</b>

\*Permits that were taken out for the purpose of legalizing an existing ADU.

# Different types of ADUs, 2004-2009

**Table 4**

Project Type	04	05	06	07	08	09	TOTALS
Conversion of internal space	7	6	9	6	2	6	36
Addition to primary structure	4	0	1	3	3	3	14
Conversion of existing detached bldg.	3	3	2	7	5	4	24
ADU addition to existing det. garage	0	0	0	0	0	1	1
New house built with ADU (interior)	0	0	0	0	0	3	3
New house built with ADU (detached)	0	0	0	0	0	0	0
New detached ADU with garage	5	5	6	11	7	6	40
New detached ADU without garage	6	6	6	4	4	1	27
Convert SFR to ADU	0	0	0	1	1	0	2
Addition to garage for ADU	1	0	3	0	1	0	5
Garage with carport	1	0	0	0	0	0	1
TOTALS	28	20	27	32	23	22	152

# ADU permits by location, 2004-2009

**Table 5**

	2004	2005	2006	2007	2008	2009	TOTALS
North	<b>3</b>	<b>3</b>	<b>2</b>	<b>4</b>	<b>3</b>	<b>3</b>	<b>18</b>
NW	<b>2</b>	<b>2</b>	<b>1</b>	<b>1</b>	<b>0</b>	<b>1</b>	<b>7</b>
Inner SE*	<b>5</b>	<b>8</b>	<b>11</b>	<b>5</b>	<b>6</b>	<b>7</b>	<b>42</b>
Outer SE*	<b>4</b>	<b>1</b>	<b>1</b>	<b>5</b>	<b>3</b>	<b>1</b>	<b>15</b>
Inner NE*	<b>6</b>	<b>3</b>	<b>6</b>	<b>9</b>	<b>9</b>	<b>6</b>	<b>39</b>
Outer NE*	<b>4</b>	<b>0</b>	<b>1</b>	<b>2</b>	<b>0</b>	<b>1</b>	<b>8</b>
SW	<b>4</b>	<b>3</b>	<b>5</b>	<b>6</b>	<b>2</b>	<b>3</b>	<b>23</b>
TOTAL	<b>28</b>	<b>20</b>	<b>27</b>	<b>32</b>	<b>23</b>	<b>22</b>	<b>152</b>

Most ADUs appear to have been installed in higher density, neighborhoods in East Portland.



# Recent RICAP 5 Code Revisions

**Provided more clarity on ADU definition.**



**Allows ADU to be up to 75% of primary structure or 800 square feet, whichever is less.**

# Systems Development Charges

## Water

- **Assessment on installation of new or upsized domestic and irrigation services to pay for share of new development of water system capacity.**
- **Ranges from \$1,760 to \$4,401.**

## BES

- **Covers cost of increased use of their infrastructure.**
- **Charge is \$3,068 for sanitary and storm charges vary.**

# Systems Development Charges

(continued)

## PBOT

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## Parks

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# SDCs Collected, 2004-2009

**Table 6**

Year	Parks	PBOT	BES	Water
2004	<b>22301</b>	<b>14609</b>	<b>49665</b>	<b>27521</b>
2005	<b>15294</b>	<b>11939</b>	<b>35080</b>	<b>22312</b>
2006	<b>36519</b>	<b>12031</b>	<b>50929</b>	<b>22806</b>
2007	<b>50933</b>	<b>26232</b>	<b>73733</b>	<b>32145</b>
2008	<b>39955</b>	<b>17927</b>	<b>57040</b>	<b>22195</b>
2009	<b>43440</b>	<b>18114</b>	<b>47776</b>	<b>24844</b>

# Creative Solutions

- **Construction of ADU-like projects.**
- **Excessive review and inspection time.**



# Industry Comments



- **Joe Robertson of ADU Building Company**
- **Building height - 18 feet could be increased.**
- **Impacts of SDCs.**
- **Incentive to be creative - impacts on business.**

# Alternatives/Summary

- No major zoning code changes warranted.
- SDCs may be standing in the way of additional ADU construction.





# Bureau of Development Services

FROM CONCEPT  
TO CONSTRUCTION