



THE BUREAU OF
**PLANNING &
SUSTAINABILITY**

DATE: February 2, 2022
TO: Portland Planning and Sustainability Commission
FROM: Morgan Tracy, Residential Infill Project Manager
Shannon Buono, Senior Planner
SUBJECT: Residential Infill Project—Part 2 Potential Amendments List

On February 8, 2022 the PSC will hold a work session on the Residential Infill Project—Part 2 Project (RIP2) Proposed Draft. At previous meetings, the Commission gave staff direction to develop amendments to the Proposed Draft related to seven topics.

In addition, staff is including two groups of non-substantive amendments:

- 8 (a-o) minor and technical amendments
- 9 (a-f) amendments related to processing SB458 middle housing land divisions

Because these amendments are technical, we suggest the Commission vote on them as a group, rather than individually. We also suggest Commissioners be given the opportunity to pull an individual amendment from the group if they would like to discuss the amendment.

A summary of the potential amendments is provided in the table below.

How to Read these Amendments

Each amendment is prefaced by a short description of the intended effect of the change. ~~Strikethrough~~ and underline are used to show potential changes to the current code. Text shading is used for informational purposes to highlight where potential code amendments differ from the Proposed Draft code language.



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Summary of Potential Amendments

#	Amendment Name	Sponsor	Amendment Summary
1	Wildfire Hazard Constraint (z overlay applicability)	Thompson, Spevak, Bachrach	Do not assign the wildfire hazard constraint to the R2.5- R7 zones
2	Detached Duplex	Spevak, Bachrach, Magnera, McWilliams	Create a detached duplex residential infill option
3	Flexible ADU Rules (affects all accessory structures)	Spevak, Bachrach, Thompson	Modify building coverage rules for accessory structure to provide greater flexibility
4	Cottage Cluster Rules	Spevak	Increase site design flexibility for the common open area and pedestrian pathway system
5	Affordable Attached Houses	Thompson	Significant adjustments to development standards to enable 6 attached houses on a site, when 50% of units are affordable.
6	Fourplex FAR	Bachrach, Thompson	Provide a modest increase in FAR for four units on a site
7	Reduce Middle Housing Minimum Lot Sizes	Spevak, Bachrach, Thompson	Allow triplexes, fourplexes, houses with two ADUs, or duplexes with one ADU on smaller-sized lots.
8	Minor and Technical Amendments (a-o)		Corrections and clarifications to various provisions in the Proposed Draft Code
9	Middle Housing Land Division Process-related Amendments (a-f)		Corrections, clarifications, and changes to application requirements necessary to address SB458 approval standards.



Amendment #1: Wildfire Hazard Constraint (z overlay applicability)

The Planning and Sustainability Commission considered the proposed changes to the constrained sites overlay zone as part of RIP2, including the addition of wildfire risk as a constraint for additional middle housing density. The Commission weighed competing Comprehensive Plan policies relating to housing access and location against limiting development in areas prone to natural hazards. The Commission considered risk from proximity to the wildland urban interface against infrastructure systems to support emergency services and access. Ultimately, the Commission concluded that in general, areas within the higher density R2.5, R5 and R7 zones have higher housing opportunity scores and are proximate to services, jobs, education and amenities and growth in these areas is consistent with the overall city growth strategy. Moreover, these areas have more complete and connected street systems to facilitate evacuation. These factors tipped the scale in favor of removing wildfire as a constraint in these areas, but the Commission chose to continue to apply wildfire risk as a constraint for middle housing development in the lower density R10 and R20 zones. In addition, the Commission discussed adding a recommendation in their transmittal letter to City Council that BPS be directed to update the 'z' overlay zone in the R10 and R20 zones after the State of Oregon's Wildfire Hazard Map is updated.

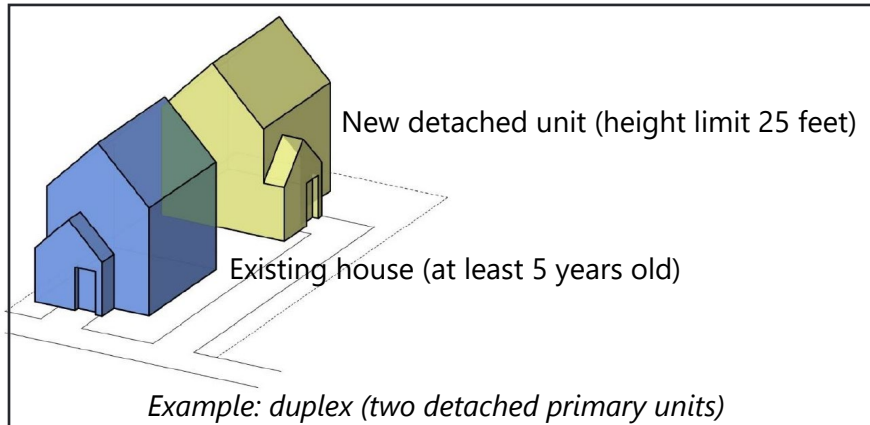
Amend 33.418.030.G:

- G.** Sites in the R10 and R20 zones with a cumulative hazard value of 5 or more as shown on the 1998 City of Portland Wildfire Hazard Zone map;



Amendment #2: Detached Duplex

The PSC, in response to public testimony, sought ways to add a detached unit to a home site that would be eligible for fee-simple homeownership through an expedited land division (SB458). This amendment creates a “detached duplex” residential structure type. To leverage this flexible arrangement to encourage more home retention, as well as address potential incompatible back yard development, two additional standards were included: the option is only available for sites with an existing home, and the second unit is limited to a 20-foot height limit (same height as ADUs)



Amend 33.910.030 Residential Structure Types:

- **Duplex.** A building that contains two primary dwelling units on one lot. In this case, the units must share a common wall or common floor/ceiling. In the single-dwelling zones, a duplex can also be two detached primary dwelling units on one lot. A duplex on a site that is divided through a middle housing land division remains a duplex.

Amend 33.110.265.D:

- D. **Duplexes.** Duplexes are allowed on corner lots in the R20 and R10 zones, and on interior and corner lots in the R7 through R2.5 zones, as follows: Duplexes with detached primary dwelling units must meet the following standards. Adjustments are prohibited:

1. Existing dwelling unit. The lot must contain a primary dwelling unit that received final inspection at least 5 years ago.
 2. Maximum height. The maximum height allowed for the dwelling unit that is not the existing primary dwelling unit is 25 feet.
1. Density. One extra dwelling unit is allowed up to a maximum of two units.
 2. Minimum lot area. Lots for duplexes must meet the minimum lot area standard shown in Table 110-6. Adjustments are prohibited

Zone	Minimum Lot Area
R20	12,000 sq. ft.
R10	6,000 sq. ft.
R7	4,200 sq. ft.
R5	3,000 sq. ft.
R2.5	1,600 sq. ft.



- 3. ~~Compatibility standards. Both units of the duplex must meet the following standards to ensure that the two units have compatible elements. The standards are:~~
 - a. ~~Exterior finish materials. The exterior finish material must be the same in type, size and placement.~~
 - b. ~~Roof pitch. The roof pitch must be the same.~~
 - c. ~~Eaves. Roof eaves must project the same distance from the building wall.~~
 - d. ~~Trim. Trim must be the same in type, size and location.~~
 - e. ~~Windows. Windows must match in proportion and orientation.~~

E-G. [Do not reletter]

Amend Table 110-2:

Table 110-2 Housing Types Allowed In The Single-Dwelling Zones						
Housing Type	RF	R20	R10	R7	R5	R2.5
House	Yes	Yes	Yes	Yes	Yes	Yes
Attached House (See 33.110.260.C and 33.110.265.C)	No	Yes	Yes	Yes	Yes	Yes
Accessory Dwelling Unit (See Chapter 33.205)	Yes	Yes	Yes	Yes	Yes	Yes
Duplexes: On corners (See 33.110.265.D) Other situations (See 33.110.265.D)	No	Yes No	Yes No	Yes Yes	Yes Yes	Yes Yes
Triplexes (See 33.110.265.E)	No	No <u>Yes</u>	No <u>Yes</u>	Yes	Yes	Yes
Fourplexes (See 33.110.265.E & F)	No	No <u>Yes</u>	No <u>Yes</u>	Yes	Yes	Yes
Multi-dwelling Structure (See 33.110.265.F)	No	No <u>Yes</u>	No <u>Yes</u>	Yes	Yes	Yes
Cottage Cluster (See 33.110.265.G)	<u>No</u>	<u>No</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>
Manufactured Home (See Chapter 33.251)	Yes	Yes	Yes	Yes	Yes	Yes
Manufactured Dwelling Park	No	No	No	No	No	No
Houseboat (See Chapter 33.236)	Yes	Yes	Yes	Yes	Yes	Yes
Congregate Housing Facility (See 33.110.100.B.11)	Yes	Yes	Yes	Yes	Yes	Yes
Attached Duplexes	Only in Planned Developments, See Chapter 33.270.					
Multi-dwelling Development	Only in Planned Developments, See Chapter 33.270.					

Yes = allowed; No = prohibited.



Amend 33.110.245.C.4:

4. Additional development standards. The following additional standards apply to detached covered accessory structures and connected covered accessory structures that are more than 15 feet high. Additions to existing structures that do not meet a standard are exempt from that standard.
 - a. Exterior finish materials. The exterior finish materials must meet one of the following:
 - (1) The exterior finish material must be the same in type, size and placement as the exterior finish material of ~~the~~ primary structure; or
 - (2) Siding must be made from wood, composite boards, vinyl or aluminum products, and the siding must be composed in a shingle pattern, or in a horizontal clapboard or shiplap pattern. The boards in the pattern must be 6 inches or less in width.
 - b. Roof Pitch. The pitch of the roof with the highest ridgeline-must meet one of the following:
 - (1) The pitch of the roof with the highest ridgeline must be the same as the pitch of the roof with the highest ridgeline of ~~the~~ primary structure; or
 - (2) The pitch of the roof with the highest ridgeline must be at least 6/12.
 - c. Trim. The trim must meet one of the following:
 - (1) The trim must be the same in type, size, and location as the trim used on ~~the~~ primary structure; or
 - (2) The trim around all windows and doors must be at least 3 ½ inches wide.
 - d. Windows. The windows on all street facing facades must meet one of the following:
 - (1) The windows must match those on the street facing façade of ~~the~~ primary structure in orientation (horizontal or vertical); or
 - (2) Each window must be square or vertical – at least as tall as it is wide.
 - e. Eaves. The eaves must meet one of the following:
 - (1) The eaves must project from the building walls the same distance as the eaves on ~~the~~ primary structure;
 - (2) The eaves must project from the building walls at least 1 foot on all elevations; or
 - (3) If the primary structure has no eaves, no eaves are required.

Amend 33.205.020.B.1.c.(2):

- (2) When prohibited. An accessory dwelling unit is prohibited on lots that contain a detached duplex, and on lots that do not have frontage on a maintained street, except lots that have frontage on a private street that connects to a maintained street. Payment in lieu of street improvements does not satisfy this requirement.



Amendment #3: Flexible Accessory Structure Building Coverage Rules

With RIP1, the ability to create two detached ADUs was introduced. The lot coverage for accessory structures maxes out at 15% combined for all such structures. On a typical sized 5,000 sq ft lot, this means the coverage allowed for both detached ADUs is a total of 750 sq ft. Practically, this means that ADUs must be stacked on top of each other or be very small. The first change increases the combined accessory structure coverage from 15% to 20%, which provides more flexibility for accessory structures in general, but helps in the siting of two ADUs. Overall building coverage for all the structures on the lot is unchanged.

The second change increases the allowable footprint for accessory structures to ensure that in the case where the primary structure footprint is small (less than 900 sq ft), at least a 900 sq ft footprint would be allowed for the accessory structure (subject to meeting other building coverage requirements).

Amend 33.110.245.C.3:

3. Building coverage. The following additional building coverage standards apply to detached covered accessory structures and connected covered accessory structures:
 - a. The combined building coverage of all detached and connected covered accessory structures may not exceed 1520 percent of the total area of the site; and
 - b. The building coverage of each detached covered accessory structure and each connected covered accessory structure may not be greater than the building coverage of the smallest primary structure, or 900 square feet, whichever is greater, ~~and the building coverage of a connected covered accessory structure may not be greater than the building coverage of the primary structure.~~



Amendment #4: Cottage Cluster Rules

Amendment #4a

This amendment deletes the cottage cluster requirement for one common outdoor area for every eight dwelling units. This will allow a single common outdoor area for all the cottages.

Amend 33.110.265.F.9.a:

Delete 33.110.265.F.9.a and re-letter the remaining subparagraphs

Amend 33.120.270.G.8.a:

Delete 33.120.270.G.8.a and re-letter the remaining subparagraphs

Amendment #4b

These changes address a couple objectives. The first changes how the common outdoor area is measured such that any pedestrian connections located adjacent to or within the common outdoor area are included for the purposes of calculating minimum required widths and area. The second change allows sidewalks located in the public right of way to be considered part of the system that connects units to each other and to the common outdoor area. This helps to reduce redundant impervious area. This amendment also fixes typos by replacing common "open" area with common "outdoor" area.

Amend 33.110.265.F.9.c:

9. Common outdoor area. The following common outdoor area standards apply to cottage clusters. Cottage clusters are exempt from 33.110.240:
 - a. The total amount of common outdoor area required is 150 square feet per dwelling unit if all the dwelling units are separated by at least 10 feet, or 200 square feet per dwelling unit if any of the dwelling units are separated by less than 10 feet.
 - b. Each common outdoor area:
 - (1) Must be at least 450 square feet in area. Required pedestrian connections located adjacent to or within a common outdoor area count toward this minimum size;
 - (2) Must measure at least 15 feet in all directions. Required pedestrian connections located adjacent to or within a common outdoor are included in this minimum width; and
 - (3) Must be located outside the required front setback.
 - c. Each required common outdoor area must be surfaced with landscaping, pavers, decking, or sport court paving to allow the area to be used for active or passive recreational use. No more than 50 percent of the total common outdoor area can be in an impervious surface. Common outdoor area may not be used as vehicle area.
 - d. User amenities. User amenities, such as tables, benches, trees, shrubs, planter boxes, garden plots, drinking fountains, spas, or pools may be placed in the outdoor area. Common, shared outdoor areas may also be developed with amenities such as play areas, plazas, picnic areas, and open recreational facilities.



Amend 33.110.265.F.12:12. Pedestrian connections.

- a. A pedestrian connection system is required that connects the main entrances of all of the dwelling units on the site to the street and to common outdoor areas. Sidewalks within the right-of-way can be included as part of the pedestrian connection system.
- b. The pedestrian connection system must be hard surfaced and must be at least 3 feet wide for sites with 3 or 4 dwelling units and 4 feet wide for sites with 5 or more dwelling units.

Amend 33.120.270.G.8.c:

- b. Each common outdoor area:
 - (1) Must be at least 450 square feet in area. Required pedestrian connections located adjacent to or within a common outdoor area count toward this minimum size;
 - (2) Must measure at least 15 feet in all directions. Required pedestrian connections located adjacent to or within a common outdoor area are included in this minimum width; and
 - (3) Must be located outside the required front setback.



Amendment #5: Affordable Attached Houses

In response to testimony from housing advocates and affordable housing providers, the Planning and Sustainability Commission sought to create a pathway for “side by side” units that could be divided onto their own lots for fee-simple ownership and that mirrored the bonuses provided for the affordable fourplex, fiveplex and sixplex in 33.110.265.

This direction created new challenges since the conversion of single sites into multiple smaller lots has cascading effects on how the zoning code development standards apply. Simply increasing development allowances to address these projects on smaller sites could have greater impacts when applied to larger sites. However, the Commission also wanted to provide some added flexibility for larger sites by increasing the number of attached units permitted in a row from four to six, thereby reducing the required site width by 10 feet (by eliminating the need for interior side setbacks between separate buildings).

These amendments provide that flexibility for larger sites (where underlying development standards continue to be practical) as well as providing a series of alternative standards for smaller project sites. Like the affordable fourplexes and multi-dwelling structures provisions, these higher density attached house projects would not be allowed in the Constrained Sites overlay zone.

Amend 33.110.265:

D. Affordable attached housing. Attached houses that meet the following standards are allowed in the R10 through R2.5 zones. Attached houses are prohibited on lots that do not have frontage on a maintained street, except lots that have frontage on a private street that connects to a maintained street. Payment in lieu of street improvements does not satisfy this requirement.

1. **Affordability.** 50 percent of the total number of attached houses on the site must be affordable to those earning no more than 60 percent of the area median family income or an affordability level established by Title 30. The applicant must provide a letter from the Portland Housing Bureau certifying that the development meets the affordability requirement of this option and any administrative requirements of the Portland Housing Bureau. The letter must be submitted before a building permit can be issued but is not required in order to apply for a land use review. However, before the final plat can be approved, the property owner must sign and record a covenant that ensures that at least 50 percent of the attached houses will be affordable at the rate specified in this standard. The covenant must meet the requirements of Section 33.700.060. Adjustments are prohibited.
2. **Density.** For land division sites that are less than 7,000 square feet in total area:
 - a. Maximum density is one lot per 800 square feet of site area. More than six lots are prohibited.
 - b. A minimum of four lots are required.
3. **Minimum lot area.** For land division sites that are less than 7,000 square feet in total area, each attached house lot must be at least 800 square feet in total area.
4. **Number of attached houses.** Up to six attached houses may have a common wall. Structures made up of more than six attached houses are prohibited.



5. Building setbacks. The required building setback on the side containing the common wall is reduced to zero. The reduced setback applies to all buildings on the lot and extends along the full length of the lot line that contains the common or abutting wall.
6. Building coverage. When all of the attached house lots are less than 1,500 square feet in total area, the maximum building coverage allowed per lot is 65 percent. This maximum applies to the entire attached house project, however the building coverage per lot may not exceed 70 percent.
7. Floor area. When all of the attached house lots are less than 1,500 square feet, the maximum FAR is 1.2 to 1. The maximum floor area ratio may be applied to the entire attached house project, however the floor area ratio per lot may not exceed 1.35 to 1.
8. Required outdoor area. When all of the attached house lots are less than 1,500 square feet, at least 48 square feet of outdoor area is required per lot. Each outdoor area must be designed so that a 4-foot x 6-foot square will fit entirely within it. The requirements of 33.110.240.C continue to apply.

Reletter D through G to be E through H

Amend 33.418.040:

33.418.040 Residential Infill and ADU Limitations Housing Type Limitations

The following residential infill and accessory dwelling unit options do not apply in the Constrained Sites overlay zone:

- A.** 33.110.265.D which allows attached houses in the R20 through R2.5 zones;
- AB.** 33.110.265.EF which allows triplexes and fourplexes in the ~~R7R20~~ through R2.5 zones;
- BC.** 33.110.265.FG which allows fourplexes and multi-dwelling structures with up to six dwelling units in the ~~R7R20~~ through R2.5 zones;
- D.** 33.110.265.H which allows cottage clusters in the R10 through R2.5 zones;
- DE.** 33.205.020.B.31.c which allows an accessory dwelling unit on a site with a duplex in the ~~R7R20~~ through R2.5 zones;
- EF.** 33.205.020.B.2 which allows two accessory dwelling units on a site with a house, attached house, or manufactured home in the ~~R720~~ through R2.5 zones, and



Amendment #6: FAR For 4 or More Dwelling Units

Currently, the FAR limits for triplexes and fourplexes is the same. The PSC discussed allowing larger fourplexes, as a way to encourage their development over triplexes and create larger units. To date, there have been 16 fourplexes and 2 triplexes permitted in the single-dwelling zones since RIP 1 went into effect on August 1, 2021.

Amend FAR in Table 110-4:

Table 110-4 Summary of Development Standards In Single-Dwelling Zones						
Standard	RF	R20	R10	R7	R5	R2.5
Maximum FAR - 1 total dwelling unit [1] - 2 total dwelling units [2] - 3 or more total dwelling units [1 2] - 4 or more total dwelling units (See 33.110.210 and 33.110.265)	no limit	<u>0.4 to 1</u> <u>0.5 to 1</u> <u>0.6 to 1 [3]</u> <u>0.7 to 1 [3]</u> no limit	<u>0.4 to 1</u> <u>0.5 to 1</u> <u>0.6 to 1 [3]</u> <u>0.7 to 1 [3]</u> no limit	0.4 to 1 0.5 to 1 0.6 to 1 [3] <u>0.7 to 1 [3]</u>	0.5 to 1 0.6 to 1 0.7 to 1 [3] <u>0.8 to 1 [3]</u>	0.7 to 1 0.8 to 1 0.9 to 1 [3] <u>1 to 1 [3]</u>
Maximum FAR with Bonus - 1 total dwelling unit - 2 total dwelling units [2] - 3 or more total dwelling units [1 2] - 4 or more total dwelling units (See 33.110.210 and 33.110.265)	NA	<u>0.4 to 1</u> <u>0.6 to 1</u> <u>0.7 to 1</u> <u>0.8 to 1 [3]</u> NA	<u>0.4 to 1</u> <u>0.6 to 1</u> <u>0.7 to 1</u> <u>0.8 to 1 [3]</u> NA	0.4 to 1 0.6 to 1 0.7 to 1 <u>0.8 to 1 [3]</u>	0.5 to 1 0.7 to 1 0.8 to 1 <u>0.9 to 1 [3]</u>	0.7 to 1 0.9 to 1 1 to 1 <u>1.1 to 1 [3]</u>



Amendment #7: Reduce Middle Housing Minimum Lot Sizes

The changes to Table 110-7 will allow triplexes, fourplexes, and affordable multi dwelling structures with 5 or 6 units on smaller size lots than is currently allowed. The Planning and Sustainability Commission discussed reducing these standards as a way to increase housing production and provide flexibility for developers. The Commissioners felt that the setback, building coverage and floor area standards were adequate to address the development impacts from increased density on all existing lots meeting the minimum lot size established for a single house. They also felt that reducing the lot size standards would not increase redevelopment to the extent that the risk of displacement and areas affected would substantially change.

In order to provide parity with the ADU standards, corresponding changes to Table 205-2 will mirror these lot size standards for situations where additional ADUs are allowed (house with two ADUs or single-building duplexes with one ADU).

Amend Table 110-7:

Table 110-7 Triplex and Fourplex Minimum Lot Area Standard	
Zone	Minimum Lot Area
R20	<u>12,000</u> sq. ft.
R10	<u>6,000</u> sq. ft.
R7	<u>4,200</u> 5,000 sq. ft.
R5	<u>3,000</u> 4,500 sq. ft.
R2.5	<u>1,600</u> 3,200 sq. ft.

Amend Table 205-2:

Table 205- 2	
Zone	Minimum Lot Area
R20	<u>12,000</u> sq. ft.
R10	<u>6,000</u> sq. ft.
R7	<u>4,200</u> 5,000 sq. ft.
R5	<u>3,000</u> 4,500 sq. ft.
R2.5	<u>1,600</u> 3,200 sq. ft.



Amendment #8: Minor and Technical Amendments

The following are minor and technical amendments identified by BPS staff to improve the clarity of the zoning code and to resolve minor errors and omissions present in the Proposed Draft.

Amendment #8a

The commentary in the proposed draft describes this standard applying to sites "less than 10,000 square feet". However, the code refers to sites "10,000 square feet or less", which is inclusive of sites that are exactly 10,000 square feet. This change aligns the proposed code with the commentary.

Amend 33.100.210.B:

- B. Maximum FAR.** Maximum floor area ratios are stated in Table 110-4. Maximum FAR applies to all buildings on the site, however the maximum FAR allowed is based on the total number of dwelling units on the site and whether a bonus option is chosen. In the R10 and R20 zones, the maximum FAR only applies to sites that are less than 10,000 square feet in area. The maximum FAR for a site with a congregate housing facility is the same as shown in Table 110-4 for a site with 1 total dwelling unit. The maximum FAR for institutional uses is stated in 33.110.270. Adjustments to the maximum FAR ratios, including bonus ratios, are prohibited.

Amendment #8b

The minimum dwelling unit requirement was intended to prevent larger vacant sites from being underdeveloped. However, in cases where a property line adjustment is proposed, and there is an existing house on the lot and the resulting lot increases in size above the stated thresholds, this standard could require that an applicant add another unit in order to process the property line adjustment. This change clarifies that the standard applies only to new development, not alterations to existing development.

Amend 33.110.205:

33.110.205 Minimum Dwelling Unit Density

- A. Purpose.** This standard promotes additional housing opportunities in areas of the city where services are available and restricts larger sites from being utilized for a single house.
- B. When this standard applies.** The minimum dwelling unit density standard applies to new development. Sites in the Constrained Sites overlay zone are exempt from this standard:
- CB. Minimum dwelling unit density.**
1. R7. In the R7 zone, a minimum of two dwelling units are required on sites that are 14,000 square feet or larger in total site area.
 2. R5. In the R5 zone, a minimum of two dwelling units are required on sites that are 10,000 square feet or larger in total site area.
 3. R2.5. In the R2.5 zone, a minimum of two dwelling units are required on sites that are 5,000 square feet or larger in total site area.



Amendment #8c

With the changes proposed with RIP2 that apply FAR to attached house lots based on the total number of attached house units in the project, the FAR “bump” specific for R5 narrow lots is no longer necessary and creates potential conflict with the standards in 33.110.265.C. Consequently, the reference to 33.110.260 from the FAR line in Table 110-4 which had been proposed to be added is deleted.

Amend 33.110.260.C.2:

- 2. ~~— Floor Area Ratio. The maximum floor area ratio for attached houses in the R5 zone on lots less than 3,200 square feet is 0.6 to 1.~~

Reletter C.3 and C.4 to be C.2 and C.3

Amend Table 110-4:

Table 110-4 Summary of Development Standards In Single-Dwelling Zones						
Standard	RF	R20	R10	R7	R5	R2.5
Maximum FAR						
- 1 total dwelling unit [1]		<u>0.4 to 1</u>	<u>0.4 to 1</u>	0.4 to 1	0.5 to 1	0.7 to 1
- 2 total dwelling units [2]		<u>0.5 to 1</u>	<u>0.5 to 1</u>	0.5 to 1	0.6 to 1	0.8 to 1
- 3 or more total dwelling units [4 2]	no limit	<u>0.6 to 1 [3]</u> no limit	<u>0.6 to 1 [3]</u> no limit	0.6 to 1 [3]	0.7 to 1 [3]	0.9 to 1 [3]
(See 33.110.210 and 33.110.265)						

Amendment #8d

Both terms “lot” and “site” appear in the cottage cluster standards which can lead to some confusion, since they are defined differently from one another. For greater consistency, the term “site” will be used consistently. Also, clarity is added to determine how to measure site width.

Amend 33.110.265.F:

- F. Cottage cluster.** Cottage clusters that meet the following standards are allowed on sites in the R10 through R2.5 zones. Cottage clusters are prohibited on sites that do not have frontage on a maintained street, except sites that have frontage on a private street that connects to a maintained street, and sites that have frontage on a self-contained pedestrian connection created solely for pedestrians and bicycles that connects to a maintained street. Payment in lieu of street improvements does not satisfy this requirement. Adjustments to the following standards are prohibited.

Amend 33.110.265.F.1.b:

- b. Minimum site width. Cottage cluster sites must be at least 36 feet wide. Site width for a cottage cluster is measured as lot width is measured. See 33.930.100.

Amend 33.120.270.G:

- G. Cottage cluster.** Cottage clusters that meet the following standards are allowed in the RM1 zone. Cottage clusters are prohibited on sites that do not have frontage on a maintained street, except sites that have frontage on a private street that connects to a maintained street, and sites that have frontage on a self-contained pedestrian connection created solely for pedestrians and bicycles that



connects to a maintained street. Payment in lieu of street improvements does not satisfy this requirement. Adjustments to the following standards are prohibited.

Amend 33.120.270.G.1.b:

- b. Minimum site width. Cottage cluster sites must be at least 36 feet wide. Site width for a cottage cluster is measured as lot width is measured. See 33.930.100.

Amendment #8e

The cottage cluster standards are intended to facilitate the retention of existing homes by providing greater flexibility in floor area, height, and footprint size limits. However, the standard lacks a benchmark for determining when a house is considered "existing". The 5-year period from final inspection is consistent with similar benchmarks for FAR bonuses for preserving existing dwelling units in 33.110.210.D. and also conforms to OAR 660-046-0230.

Amend 33.110.265.F.5, 6 and 8:

- 5. Floor area. Cottage clusters are exempt from 33.110.210, Floor Area Ratio. However, the maximum average floor area for the cottage cluster site is 1,400 square feet per dwelling unit, including the floor area for attached accessory structures. The applicant may choose to exclude the floor area of any existing dwelling units that received final inspection at least 5 years ago from the average. The maximum floor area allowed for a detached or connected accessory structure is 400 square feet.
- 6. Maximum height. The maximum height allowed is 25 feet. Existing dwelling units that received final inspection at least 5 years ago that exceed this maximum height are allowed but the height cannot be increased. The maximum height standards for detached and connected accessory structures are stated in 33.110.245, Detached and Connected Accessory Structures.
- 8. Building coverage. Cottage clusters are exempt from 33.110.225. Building Coverage. The following building coverage standards apply:
 - a. The maximum building coverage allowed for each dwelling unit is 900 square feet and includes attached accessory structures. Existing dwelling units that received final inspection at least 5 years ago that exceed this limit are allowed but the building coverage cannot be increased; and
 - b. The building coverage of a detached or connected covered accessory structure may not be greater than the building coverage of the smallest primary structure.

Amend 33.120.270.G.4, 5 and 7:

- 4. Floor area. Cottage clusters are exempt from 33.120.210, Floor Area Ratio. However, the maximum average floor area for all dwelling units on the cottage cluster site is 1,400 square feet, including the floor area for attached accessory structures. The applicant may choose to exclude the floor area of any existing dwelling units that received final inspection at least 5 years ago from the average. The maximum floor area allowed for a detached accessory structure is 400 square feet.
- 5. Maximum height. The maximum height allowed is 25 feet. Existing dwelling units that that received final inspection at least 5 years ago exceed this maximum height are allowed but the height cannot be increased. The maximum height standards for detached accessory structures are stated in 33.120.280, Detached Accessory Structures.



7. Building coverage. Cottage clusters are exempt from 33.120.225. Building Coverage. The following building coverage standards apply:
- a. The maximum building coverage allowed for each dwelling unit is 900 square feet and includes attached accessory structures. Existing dwelling units that received final inspection at least 5 years ago that exceed this limit are allowed but the building coverage cannot be increased; and
 - b. The building coverage of a detached covered accessory structure may not be greater than the building coverage of the smallest primary structure.

Amendment #8f

This amendment adds more clarity as to which point of the façade to measure the required 10 foot maximum distance, for cases where the façade is not a single plane, or is oriented at an angle to the common outdoor area.

Amend 33.110.265.F.10.a(2):

- (2) Be located within 10 feet of the common outdoor area, measured from the closest point of the façade with the main entrance to the nearest edge of the common outdoor area.

Amend 33.120.270.G.9.a(2):

- (2) Be located within 10 feet of the common outdoor area, measured from the closest point of the façade with the main entrance to the nearest edge of the common outdoor area.

Amendment #8g

This amendment clarifies the application of the street-facing façade standards (windows) in the multi-dwelling zones, bringing it into alignment with the application of the main entrance standards in multi-dwelling zones and the application of the same standards in the single-dwelling zones. Applying the street-facing façade standards to all building with residential uses captures accessory structures, which was not the intent for multi-dwelling zones.

Amend 33.120.232.B.1:

1. The standards of this section apply to the street-facing facades of buildings that include any residential uses all residential structure types except for accessory dwelling units, manufactured dwelling parks, and houseboat moorages. The standards of this section also do not apply in the RMP zone.

Amendment #8h

This amendment clarifies the ADU setback standard by replacing the word "house" with the term "primary dwelling unit" so that the standard captures both houses and duplexes.

Amend 33.205.040.C.3.b:

- b. Located behind the rear building wall of the primary dwelling. For the purpose of this regulation, the rear wall of the primary dwelling unit is the wall furthest from the wall with the main entrance to the street. Located behind the rear building line of the primary dwelling unit.



Amendment #8i

The Community Design Standards provide an alternative track for some Historic Resource Reviews. Section 33.218.100 addresses development in single dwelling zones and includes requirements for main entrances that are inconsistent with the requirements for cottage clusters which include multiple primary structures with main entrances.

Amend 33.218.100.E:

- E. Main entrance.** Cottage clusters are exempt from this standard.

1-5. [No change to proposed draft]

Amendment #8j

At the time the Proposed Draft was published, Senate Bill 458 had not been incorporated into the Oregon Revised Statutes. This adds the Senate Bill 458 ORS citations.

Amend 33.253.010:**33.253.010 Purpose**

These middle housing land division standards carry out certain key aspects of ORS 92.031 that ensure that:

- The residential structure type developed on the middle housing land division site remains the same structure type after the land division is approved;
- No more than one dwelling unit is allowed per lot; and
- The middle housing land division lots cannot be further divided.

Amend 33.730.013.J.2.c:

- c. That the application is not eligible for review under ORS 197.360 to 197.380 or ORS 92.031 and should be reviewed as a land use decision or limited land use decision; or

Amendment #8k

The environmental overlay zone development standards for land divisions currently allows up to 225 inches of native trees to be removed "per dwelling unit". The standard was written at a time when only one primary dwelling unit was allowed per lot. Now that more than one primary dwelling unit is allowed per lot (e.g., duplex), the total amount of native trees allowed to be removed in an environmental overlay zone has inadvertently increased. This amendment returns the total amount allowed to be removed with a land division or planned development to the status quo prior to RIP1. This is an amendment that should have been made with RIP1.

Amend 33.430.160.F.1:

1. Native trees. In residential zones, the combined total diameter of native trees cut may not exceed 225 inches per lot dwelling unit, counting only native trees that are at least 6 inches in diameter. In all other zones, native tree removal is limited to the boundaries of the approved disturbance area. Native trees must be replaced as shown in Table 430-3;



Amendment #8I

To utilize the density standards of “Maximum Density A”, lots must be for attached houses only. This statement is included in the proposed draft but appears as the third bullet. This change reorders the bulleted list, so that it is more immediately clear that this standard applies to attached house lots.

Amend Tables 610-1 and 611-1:

Table 610-1 Maximum Density Standards					
	RF	R20	R10	R7	R5
Maximum Density A: Maximum density for lots that <ul style="list-style-type: none"> • Will be developed with attached houses; • Will be located entirely outside the Constrained Sites overlay zone; and • Will have frontage on a maintained street, a private street that connects to a maintained street, or a self-contained pedestrian connection created solely for pedestrians and bicycles. 	NA	1 lot per 5,000 sq. ft.	1 lot per 2,500 sq. ft.	1 lot per 1,750 sq. ft.	1 lot per 1,500 sq. ft.
Maximum Density B: Maximum density for all other lots	1 lot per 87,120 sq. ft.	1 lot per 20,000 sq. ft.	1 lot per 10,000 sq. ft.	1 lot per 7,000 sq. ft.	1 lot per 5,000 sq. ft.

Table 611-1 Maximum Density Standards	
	R2.5
Maximum Density A: Maximum density for lots that: <ul style="list-style-type: none"> • Will be developed with attached houses; • Will be located outside the Constrained Sites overlay zone; and • Will have frontage on a maintained street, a private street that connects to a maintained street, or a self-contained pedestrian connection created solely for pedestrians and bicycles. 	1 lot per 1,500 sq. ft.
Maximum Density B: Maximum density for all other lots	1 lot per 2,500 sq. ft.



Amendment #8m

In order to approve a middle housing land division, SB458 specifies that applications include "Evidence demonstrating how buildings or structures on a resulting lot or parcel will comply with applicable building codes relating to new property lines and, notwithstanding the creation of new lots or parcels, how structures or buildings located on the newly created lots or parcels will comply with the Oregon residential specialty code." When there is no existing development, building and site plans must be under review to ensure that the applicable standard will be able to be met.

Amend 33.671.030.A.4.b:**b. Additional information:**

- Zoning and Comprehensive Plan designations;
- Location, dimensions, and purpose of existing and proposed easements on and abutting the site;
- Proposed development;
- Existing and proposed services and utilities for each dwelling unit;
- Information showing how existing and proposed development meets approval standard 33.671.130.B. For sites without existing development, proof that building permit plans are under City review is required; and
- Any other information necessary to show that the approval standards are met.

Amendment #8n

In some cases, a replat may be necessary to reorient a lot line. In cases where the site is already out of conformance with density, the current standard prevents a replat because the reorientation does not bring the site closer to conformance, even though it does not increase density nor increase the degree of non-conformity. This change enables these situations to be approved.

Amend 33.675.300.A.2:

23. Maximum density. If the replat ~~brings the replat site closer to~~ does not move the site further out of conformance with maximum density requirements, the replat does not have to meet maximum density requirements;

Amendment #8o

If amendments #2 (detached duplex) and #5 (affordable attached houses) are approved, the lettering of the residential infill options in 33.110.265 will change, and how they change will depend on whether one or both of the amendments are approved. This amendment addresses that re-lettering in 33.110.265 and elsewhere in the zoning code where references to the residential infill options exist.

Re-letter the subsections in 33.110.265, and corollary references, if either or both amendments #2 and #5 are approved.



Amendment #9: Middle Housing Expedited Land Division Process-related Amendments

These amendments are specific to the middle housing land division regulations. They either make corrections to ensure compliance with SB458 and the State's expedited land division process, clarify the applicability of certain provisions, or ensure that the application materials include the required information to address the approval standards.

Amendment #9a

This subsection describes what amount of variation is allowed between a preliminary plan and final plat. Paragraph 5 and paragraph 6 describe the applicable limits on increases to stormwater and parking tracts. The change to paragraph 7, below, just clarifies that unlimited increased tract area is exclusive of those types of tracts.

Amend 33.663.200.A.7.f:

7. An increase in the area of the following tracts or easements:
 - a. Environmental resource tracts;
 - b. Tree preservation tracts;
 - c. Flood hazard easements or tracts;
 - d. Landslide hazard easements or tracts; ~~and~~
 - e. Recreation area tracts; and
 - f. An easement or tract, other than a stormwater or parking tract, in a middle housing land division.

Amendment #9b

SB458 establishes a different plat expiration timeline for middle housing land divisions than a regular land division (or regular expedited land division). Whereas a regular plat will expire three years after BDS sends a request for any missing final plat information, SB458 final plat applications expire if they are not approved within three years after tentative plan approval (i.e. shorter timeline).

Amend 33.663.110.B:

B. Exceptions.

1. For final plat applications that were submitted before January 1, 2021, the 180-day period identified in A.1, above, is extended to 365 days. This exception applies only to applications that have not expired or been voided as of August 10, 2020.
2. For middle housing land divisions, the Final Plat application is voided if within 3 years of the date of final decision on the preliminary plan the Final Plat has not been approved.

Amend 33.730.130.B.6:

6. Preliminary plans.
 - a. Generally. Approved preliminary plans for land divisions expire if within 3 years of the date of the final decision an application for approval of Final Plat has not been submitted.
 - b. Exceptions.



- (1) Approved preliminary plans for middle housing land divisions expire if within 3 years of the date of final decision the final plat has not been approved.
- (2) Final decisions on preliminary plans that became effective between August 10, 2017 and January 1, 2021 expire if an application for approval of Final Plat has not been submitted by January 1, 2024.

Amendment #9c

To ensure that lot lines and easements are shown on the final plat that match the as-constructed conditions, a supplemental survey is required. This prevents lot lines from inadvertently being drawn through dwelling units, or having utilities or services located outside recorded tracts or easements.

Amend 33.663.200.E-G:

E. Middle housing land division as-built survey. For a middle housing land division, the as-built survey shows that structures and services are constructed in conformance with the preliminary plan and meet requirements in relation to property lines and any easements or tracts.

EF. Sureties. All sureties, including performance guarantees and improvement guarantees, required by the Portland City Code must be approved by the appropriate City bureau prior to Final Plat approval;

FG. Legal documents. Required legal documents, such as maintenance agreements, Conditions, Covenants and Restrictions (CC&Rs), and acknowledgements of tree preservation requirements or other conditions of approval, must be reviewed and approved by the Bureau of Development Services prior to Final Plat approval. These documents must also be reviewed and approved by the City Attorney prior to final plat approval or submitted on forms approved by the City Attorney. The required legal documents must be submitted to the County Recorder to be recorded with the Final Plat within 90 days of the Final Plat approval; and

GH. Variations beyond the limits allowed in this Section.

1. Generally. If the Final Plat contains variations that exceed the limits listed in this section and that were not specifically allowed under the Preliminary Plan approval, the land division is subject to a review of changes to an approved preliminary plan stated in Section 33.660.300 for land divisions in Open Space and Residential zones or Section 33.662.300 for land divisions in Commercial, Employment and Industrial Zones, or Section 33.671.300 for middle housing land divisions. If a Land Use Review is required for the changes to the approved preliminary plan, the revised Final Plat must also undergo a Final Plat Review.
2. Changes to tree preservation requirements. If the only changes proposed are to tree preservation requirements, the changes are processed as described in Chapter 33.853, Tree Review.

Amend 33.730.060.D.3:

3. Final Plat. An application for a Final Plat must include all of the following:
 - a. Final Plat Survey. Copies of a Final Plat survey drawn to scale and of a format, material, and number acceptable to the Director of BDS. The following information must be on the Final Plat survey:
 - The statement: “This plat is subject to the conditions of City of Portland Case File No. LUR...”; ~~and~~
 - Easements and tracts, including their purpose;
 - In the case of a middle housing land division, this statement: “This plat was approved as a Middle Housing Land Division under ORS 92.031.”



- b. Supplemental plan. A supplemental plan, the number determined by the Director of BDS and that uses the Final Plat survey map as a base map. The supplemental plan must show how all conditions of approval that may restrict the use of all or part of the land division site are met. Such restrictions include special development standards such as special setbacks, lot coverage limitations, impervious surface limitations, access restrictions, restrictive building areas, and approved minimum or maximum densities;
- c. Compliance with conditions of approval. Documentation of compliance with all conditions of the Preliminary Plan approval, including all supporting documents or drawings required by conditions of approval such as development envelopes, final tree preservation plans, mitigation plans, and final landscape / planting plans;
- d. As-built survey. For a middle housing land division, copies of an as-built survey showing building footprints and any building projections with distances to proposed lot lines, and the location of underground services in relation to any tracts or easements;
- de. Maintenance agreements and CC&Rs. Three copies of each required maintenance agreement or Conditions, Covenants and Restrictions;
- ef. Performance Guarantees. One copy of each Performance Guarantee;
- fg. Title report. Current title report issued by a title insurance company verifying ownership and detailing any deed restrictions;
- gh. Service bureau requirements. Documentation of submittal of all service bureau requirements, including water system plans, final street construction plans, final sewer and storm water plans, construction management plans, final clearing and grading plans; and
- hi. Fees. The applicable filing fees.

Amendment #9d

For most types of middle housing, HB2001 and OAR660-046 requires that sufficient infrastructure is available, which includes connection to a public sewer system. However, this standard does not extend to the construction of duplexes. In these cases, a private septic system may be utilized if public sewer is not available, and the Sanitarian has confirmed that the site conditions are suitable to construct a private on-site sanitary sewage disposal system.

Amend 33.671.130.C:

C. Services.

1. Water service. The Water Bureau or District and the Fire Bureau have verified that water facilities that meet established service levels are, or will be, available to serve each dwelling unit separately.
2. Public sanitary sewer service. The Bureau of Environmental Services has verified that sewer facilities that meet established service levels are, or will be, available to serve each dwelling unit separately.
3. Private on-site sanitary sewage disposal. Private on-site sanitary sewage disposal is prohibited as part of a middle housing land division except when the development proposed, approved, or legally existing is a duplex. When private on-site sanitary sewage disposal is proposed, BDS has verified that an onsite wastewater treatment system that meets established service levels is, or will be, available to serve each dwelling unit separately.



4. Stormwater management. The Bureau of Environmental Services has verified that a stormwater management system and stormwater disposal facilities that meet established service levels are, or will be, available to each dwelling unit.
5. Right-of-way. For public streets, the Bureau of Transportation has preliminarily approved any proposed streets. For private streets, the Bureau of Development Services has preliminarily approved any proposed private streets.

Amendment #9e

Approval criteria in Subsection D address required tracts and easements. This change clarifies that easements for access to a required common outdoor area is only applicable in a cottage cluster.

Amend 33.671.130.D.b:

- b. Pedestrian access from each dwelling unit to a street and, in a cottage cluster, to any required common outdoor area;

Amendment #9f

To comply with the timelines established in ORS 197.360-380 (expedited land division statutes), the previously proposed 17-day timeframe for the Hearings Officer to mail notice of the decision must be reduced to 14 days. This provides for a total appeal timeframe of 42 days.

Amend 33.730.031.J.6:

6. Appeal decision. The Hearings Officer may approve the decision of the Director of BDS, modify it, or reject it based on information presented at the hearing and in the record.
 - a. If the Hearings Officer determines that the application does not qualify as an expedited land division as described in Chapter 33.644, the Hearings Officer shall remand the application for consideration as a land use decision or limited land use decision.
 - b. The Hearings Officer will make a written decision in the form of a report and mail notice of the decision within 14 days of the close of the record.

