

## Portland Planning Commission

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September 24, 2024

Mayor Wheeler and City Commissioners

City Hall

1221 SW 4<sup>th</sup> Ave

Portland, OR 97204

Dear Mayor and City Commissioners,

With this letter, the Planning Commission transmits its recommendation to the City Council on the Housing Adjustment Compliance Project, which brings the City's Zoning Code into compliance with the state rules adopted through Senate Bill 1537 and signed by Governor Kotek this past spring.

On September 10, 2024, the Commission voted 7-0 to recommend that City Council adopt the proposed Zoning Code amendments with two modifications to the staff proposal.

To encourage housing development, Senate Bill 1537 requires jurisdictions to either automatically approve adjustments to development standards during permitting or to request an exemption to the automatic approvals and instead continue following their adjustment process, as long as certain development standards are adjustable.

This project removes the prohibition on adjustments to some development standards and brings the zoning code into alignment with Senate Bill 1537. The amendments focus on three areas where current code had adjustment prohibitions: minimum lot sizes & dimensions, maximum height limits, and standards impacting cottage cluster development. Generally, the amendments allow adjustments up to the maximums stated in the bill, which include a 10 percent adjustment to minimum lot sizes and a 20 percent adjustment of the base zone height to maximum height limits. The new provisions sunset on January 2, 2032.



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The Planning Commission held a public hearing on the proposed project on August 27, 2024. The project generated limited testimony, which was focused on expanding the staff proposal for height adjustments beyond the 20 percent cap. At the conclusion of the hearing, a commissioner asked staff to return with more information about heights regulations for consideration of an amendment to remove the 20% upper limit to the allowances for adjustments within the Central City plan district. In addition to the height adjustment amendment, staff had made a request for the Planning Commission to consider an amendment to the locational standards for long term bike parking to allow adjustments to the percentage of long-term bike parking allowed within individual dwellings. Staff stated this adjustment was needed to comply with SB 1537.

During the work session held on September 10, the Planning Commission discussed both amendments, with the focus on the height adjustments. Although staff shared that the upcoming Central City Code Amendments project will be studying height and floor area regulations, the Commission felt that there was a sense of urgency in considering more options for residential projects in the Central City at this time. We discussed that the temporary allowance is relatively low risk, since there are not many projects that push against the upper thresholds of the height limit, and the allowance would expire in 7 years. However, there could be a large benefit if the additional height makes a project viable. In addition, any height adjustment or modification request would be reviewed by staff or the Design Commission to determine whether it meets the design guidelines. For that reason, the Planning Commission voted to amend the staff proposal to allow height adjustments in the Central City to exceed the 20% amount that is needed to achieve compliance with the bill. At the conclusion of the work session, the Planning Commission voted to include both amendments into their recommendation which follows.


### **Recommendation**

The Planning Commission recommends that the City Council:

1. Adopt the Housing Adjustment Compliance project – Recommended Draft
2. Amend the Zoning Code (Title 33) as shown in the Recommended Draft

Thank you for the opportunity to participate in the review of this project and for considering our recommendations.

Respectfully submitted,



Mary-Rain O'Meara, Chair

