



Home Builders Association  
of Metropolitan Portland

12/13/2021

Planning and Sustainability Commission  
City of Portland  
1900 SW 4th Ave, Suite 7100  
Portland, OR 97201  
*Delivered by Electronic Submission*

**Re: Residential Infill, Part 2, Proposed Draft**

Dear Members of the Portland Planning and Sustainability Commission:

On behalf of the Home Builders Association of Metropolitan Portland (HBA) and those we represent including homebuilders, developers, non-profits, tradespeople and home building industry professionals, thank you for your continuing work on RIP and RIP2. RIP and the city initiatives that preceded it served as a model and catalyst for the statewide middle housing legislation that was not only the first in the nation, but a framework which other cities and states are emulating to address the housing crisis affecting our nation.

The Home Builders Association of Metropolitan Portland (HBA) represents over 1,400 organizations and tens of thousands of Oregonians who work in the residential building and remodeling industries throughout the greater Portland region. We are dedicated to maximizing housing choices for all who reside in the region while promoting housing access and availability at all levels of the economic ladder.

According to the August 2020 Oregon Regional Housing Needs Analysis Technical Report, prepared by ECONorthwest for Oregon Housing and Community Services, by 2040 Portland will require an additional 133,732 units, of those 25,793 can be attributed to current underproduction. With a need for almost 6,700 units a year, it is imperative that the city make more land developable for more units while also making the processes more efficient, predictable and ultimately offering opportunities that are economically viable.

To this end, we support the stated goals and direction of RIP2, namely prioritizing compliance with HB 2001 and SB458 by the state's deadline of June 30, 2022 which includes updating R10-R20 codes to comply with HB 2001, but would also suggest some additional changes to realize the housing production needed to address the current shortage and increased demand over the next 20 years.

To be clear, our first priority in submitting these recommendations are to ensure that the changes being implemented align with the requirements and spirit of HB 2001 and SB 458, and offer the following suggestions:

### **HB 2001**

- As allowed by HB 2001, recognize detached units as part of the definition of duplexes, triplexes and quadplexes.
- Cottage Clusters
  - Allow up to 50% of units within a cluster to be attached side-by-side duplexes
  - Ensure that pedestrian paths to cottages are allowed to be counted as part of the shared courtyard requirement
  - Allow small clusters to be built on lots smaller than 5,000SF so long as the rest of the code can be met, and align minimum lot sizes with standards for triplexes/4-plexes.
  - Eliminate the limit of 16 cottages per project: A maximum of 16 units per cottage cluster site does not appear to match the OARs, which do not include or permit a total cap on the number of units per site.
  - Confirm that existing houses and ADUs can become part of a cottage cluster by adding additional units, with the requirement that the pre-existing units comply with the cottage cluster code as adopted
- Reduce the Z-Overlay to affect only lands specifically allowed to be excluded from middle housing development according to statewide land use planning. Throughout the RIP process, staff have stated that the Z-overlay was overly broad and would be reduced to comply with the “Statewide Land Use Goal” exemptions allowed by HB 2001, however the z-overlay envisioned by this proposal seems to do the opposite by adding “wildfire risk” into calculation of the z-overlay

### **SB 458**

- Allow for storm water facilities and sewer lines to be shared when associated with a middle housing development while still recognizing the separate utilities (gas, water, electric) requirement of SB 458
- Make it clear in any proposed code language that the expedited land division process mandated by SB458 be fully applied to create fee-simple townhome homeownership opportunities. This means that “A city or county shall approve a tentative plan for a middle housing land division if the application includes: (a) A proposal for development of middle housing in compliance with the Oregon residential specialty code and land use regulations applicable to the original lot or parcel allowed under ORS 197.758 (5).” As such a townhouse proposal can be made for a qualifying lot and the city must approve the land division for the townhouses outside of the quadplex process envisioned in the current proposal”

In addition to our recommendations regarding direct implementation of HB 2001 and SB 458, we offer the following recommendations to allow more flexibility and greater development opportunities for middle housing within Portland:

**Additional Recommendations**

- If we want to deliver more family-sized homes, FAR for 4-plexes should increase just as all other -plex options, to 0.7 to 1. While FAR is graduated, increasing by 0.1 per number of homes for duplexes and triplexes, 4-plexes receive no additional space above that offered to triplexes. Marginally expanding FAR for 4-plexes, especially on 3,000 to 5,000 sf lots, is further supported by the July 24, 2020 memo by ECONorthwest testing triplex/4-plex feasibility for the Middle Housing Model Code project.
- Allow a detached triplex to be built behind an existing house, instead of requiring new units to be attached to the existing building. For many developers the cost for close-in infill lots is too high to buy existing homes and replace them with a 4-plex. Allowing detached triplex would create a viable path forward for developers to leverage the value of existing homes and open up an additional path to utilize RIP1 to construct more affordable infill 4-plexes on a standard 5,000 sf lots. This would also allow for the preservation of existing homes while allowing for more units
- Calculate lot coverage based on pre-production lot sizes, in the same way FAR Is calculated
- Create a path, similar to 458, through local regulation to allow for fee simple ADU ownership

Understandably, with the short timeline allowed for implementation, the city must prioritize its efforts on compliance and would encourage this commission to consider the “compliance” recommendations offered as a minimum request, but would also encourage this commission to give serious consideration to the additional suggestions made. Although RIP was a good start, as recognized by builders currently working to take advantages of those changes, there are additional changes needed to increase efficiency, minimize barriers to economically viable projects and get more houses built to address the needs of Portland and its citizens.

We are experiencing a housing crisis that is not only a statistic, 133,732 units by 2040, but something we all experience every day in our business districts, or neighborhoods and our city. It will take bold leadership to address the crisis quickly and RIP 1.0 was a good start. By making the needed changes outlined for RIP2 we can move forward by getting more units produced and at lower price points than the current trend foreshadows.

Sincerely,



Ryan Makinster

Director of Policy and Government Relations