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Middle Housing Portland and Beyond



Home Builders Association
of Metropolitan Portland

Middle Housing Legislation - State and Local

- House Bill 2001 (2019)
- Senate Bill 458 (2021)
- Portland's Residential Infill Project (RIP) (2020)
- RIP 2.0 (Pending 2021)



House Bill 2001

- Designed to offer housing choice, diversity and supply
- Response to housing affordability concerns
- Acknowledges historic and current exclusionary zoning practices
- Allows more housing types on lots zoned for single dwellings
 - Duplexes – Quadplexes
 - Cottage Clusters
 - Townhomes

Removing Barriers to Middle Housing

- Regulations may not discourage middle housing development through unreasonable costs or delay.
- Cities must apply the same approval process to middle housing as to detached single family dwellings in the same zone.
- ORS 197.307(4) requires cities to adopt clear and objective standards, conditions and procedures regulating the development of housing.

HB2001 Applicability & Effective Dates

- **Medium Cities:** Effective June 30, **2021**
 - 10K population cities
 - Allows **duplexes on all lots and parcels** that allow for single family detached dwellings
- **Large Cities:** Effective June 30, **2022**
 - 25K population + all cities/county areas in Metro Urban Growth Boundary
 - Allows **all middle housing types in AREAS** that allow for single family detached dwellings
- Extensions allowed for infrastructure deficiencies
- Exceptions for:
 - Goal 5 Natural Resources, Scenic and Historic Areas
 - Master Planned Communities before and after January 2021
- HB2001 prevents Covenants, Conditions and Restrictions (CC&Rs) that restrict **future** middle housing.

HB2001 – Minimum Compliance & Model Code

- Oregon’s Land Conservation and Development Commission (LCDC) adopted OR Administrative Rules (OAR) 660-046 for middle housing.
- The OARs provide “minimum compliance standards” and a model code for medium and large cities.
- Cities may choose minimum compliance, model code or a combination.
- Large cities may adopt alternative siting and design standards with findings and analysis demonstrating no unreasonable cost or delay.

HB2001 – Minimum Compliance & Model Code

Oregon Administrative Rules Chapter 660, Division 46
Middle Housing in Medium and Large Cities

Purpose, Applicability,
Definitions, Process, etc

Minimum Compliance Standards

Spectrum of Reasonable Siting and Design
Standards



Large Cities Model Code

HB2001 in Large Cities:

Minimum Compliance vs. Performance

Minimum Compliance

Standards sets the “where” of higher level middle housing through a series of clear and objective standards

- OR -

Performance Metric

Can apply different minimum lot size or maximum density standards provided:

- 80% of lots allow Triplexes
- 70% of lots allow Quadplexes
- 70% of lots allow Cottage Clusters
- 60% of lots allow Townhomes
- Equitable distribution throughout neighborhoods

Design and Siting Standards for Middle Housing

- **“Design Standard”**: arrangement, orientation, materials, appearance, articulation, or aesthetic of features.
 - Examples: **Window coverage, driveways, parking configuration, pedestrian access, landscaping, open space**
- **“Siting Standard”**: position, bulk, scale, or form of a structure or a standard that makes land suitable for development.
 - Examples: **Perimeter setbacks, dimensions, bulk, scale, coverage, parking, utilities, public facilities**

HB2001 Housing Types Defined

- “**Duplex**”: two attached dwelling units on a Lot or Parcel. Cities may define a Duplex as two detached dwelling units on a Lot or Parcel.
- “**Townhouse**”: a dwelling unit that is part of a row of two or more attached dwelling units, where each unit is located on an individual Lot or Parcel and shares at least one common wall with an adjacent dwelling unit.

HB2001 Housing Types Defined

- “Cottage Cluster”: a grouping of no fewer than four detached dwelling units per acre with a footprint of less than 900 square feet each that includes a common courtyard. Units may be located on a single Lot or Parcel, or on individual Lots or Parcels.
- Triplexes and Quadplexes: may be defined by large cities as any configuration of attached or detached dwelling units on one lot or parcel.

Middle Housing Minimum Lot Sizes

Housing Type	Minimum Lot Size – Not to Exceed (SF)
Duplex	Same as Single Family Detached Dwelling
Triplex	5,000 or same as SFD
Quadplex	7,000 or same as SFD
Townhome	1,500 (AVERAGE)*
Cottage Cluster	7,000 or same as SFD

*Internal, external, corner lots may have different lot sizes but must average 1500 SF.

**Senate Bill 458: Expedited Land Division for
Middle Housing**

Senate Bill 458

Ordered by the Senate April 12
Including Senate Amendments dated April 12

Sponsored by Senators FREDERICK, KNOPP; Senators GOLDEN, HANSELL, KENNEMER, PATTERSON (at the request of Habitat for Humanity) (Pre-session filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Allows land division to separate dwelling units for new middle housing allowed in cities. **Applies to divisions permitted on or after July 1, 2022.**

Prohibits homeowners associations or restrictive covenants from forbidding partition. Delays applicability of limits on private middle housing restrictions.

Allows More Home Ownership Opportunities

SB458 Expedites Middle Housing Land Divisions

- Allows jurisdictions 21 days to deem applications complete
- Allows 63 days to make a decision (vs. 120)
- Limited appeal process and timeline governed by [ORS 197.360-380](#)
 - 7 days for ‘referee’ to notice entities with standing
 - 42 days for referee decision
- Decision may not reduce density of middle housing application
- May **NOT** go to LUBA. Can go to Court of Appeals.

SB 458 Key Take-Aways

- Units must meet the Oregon Residential Specialty Code + jurisdiction's middle housing siting & design standards
- Resulting lots must have their own utilities
- Additionally, lots must have necessary easement agreements
 - Access to units, parking, common areas, maintenance
- 1 dwelling unit per resulting lot or parcel
- Local gov't may condition no further division of lots
- Local gov't not required to allow ADU on resulting lots

**Portland's
Residential Infill Project (RIP)
R2.5, R5, R7 Zones**

Effective: August 1, 2021

Portland RIP

- Partially complies with HB2001
- Allows duplexes-quadplexes on most lots
 - Defined as attached
- Allows six-plexes with a Deeper Housing Affordability guarantee
- Rezones ~7,000 R5 lots to R2.5
- Increases possible ADU configurations in many zones
- Creates new development standards for items such as Floor Area Ratio, parking, narrow lots, height

RIP Allowed Housing Types

Already allowed



House

House & ADU

New housing types allowed



House w/ 2 ADUs

Triplex



Corner lot duplex

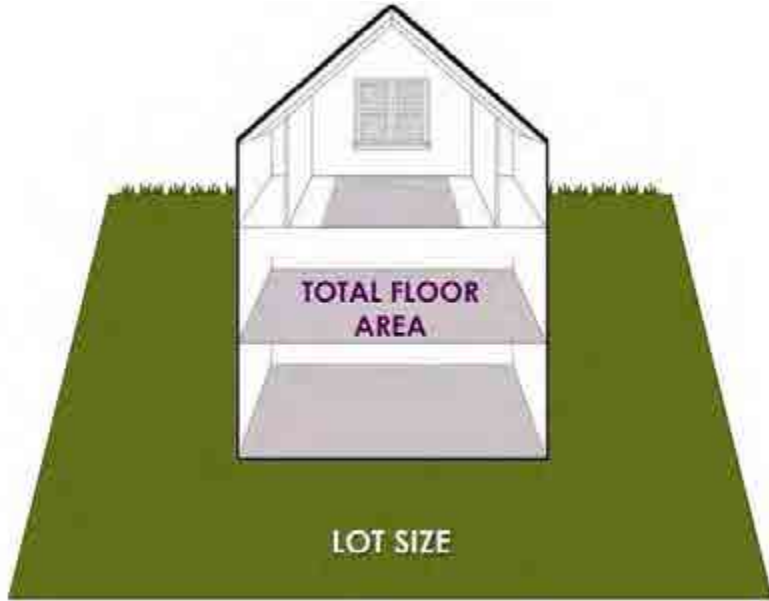


Duplex w/ ADU



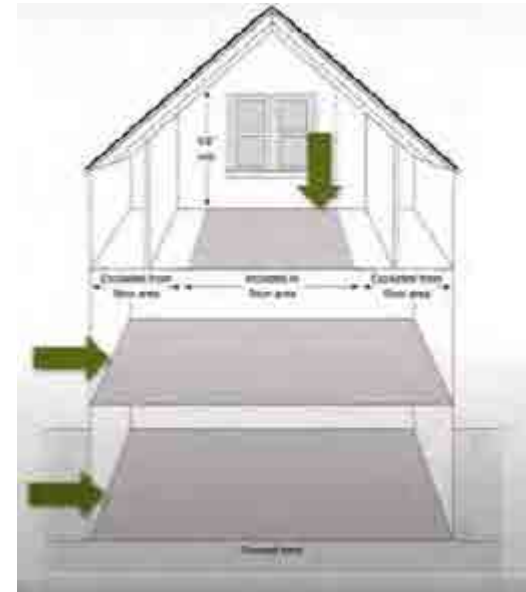
Fourplex

What is Floor Area Ratio (FAR)?



Floor area is measured between exterior walls and includes:

- Garages
- Stairways
- Internal shafts and chases

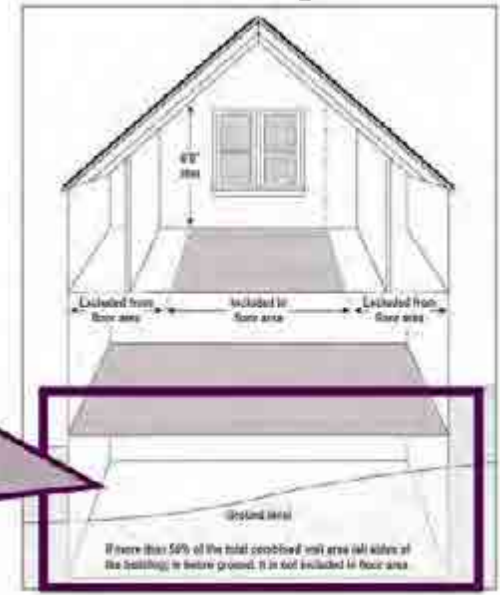
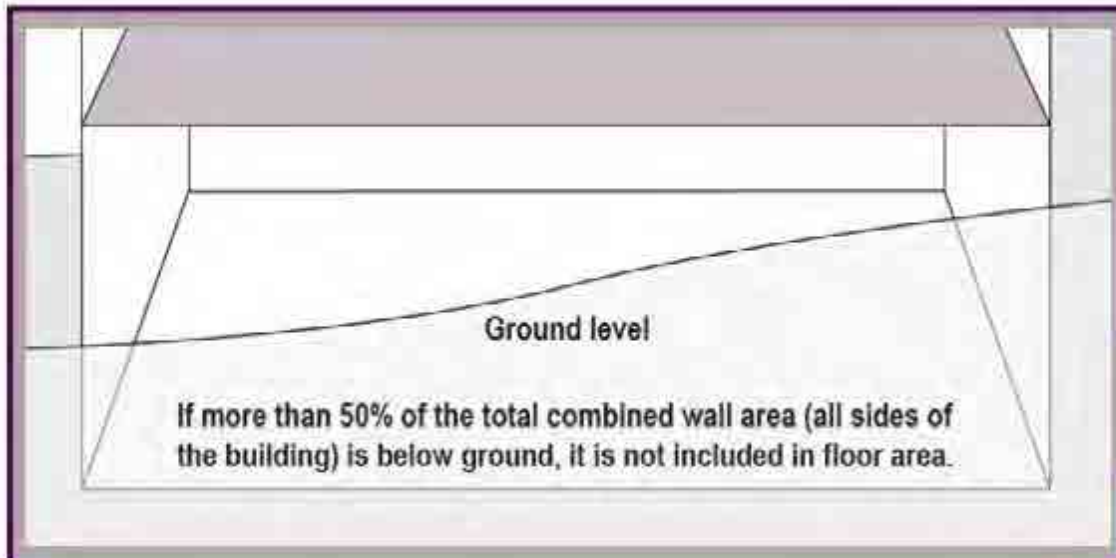


- FAR measures the total floor area of the building compared to the area of the parcel or lot on which it sits.

FAR Exemptions

- Below-ground wall area (50%)
- Attic areas where finished ceiling measures $< 6'8''$
- Additions up to 250 SF (allowed every 5 years)
- Roofed porches, balconies*

*With walls $< \text{or} = 42''$ for 75% perimeter



RIP Housing Types and FAR

Allowed housing Type	FAR by Base Zone		
	R7	R5	R2.5
House	0.4	0.5	0.7
Duplex or house w/ ADU (2 units)	0.5	0.6	0.8
Triplex, fourplex, duplex w/ ADU, house w/ 2 ADUs (3 or 4 units)	0.6	0.7	0.9

Example: 5,000 SF Lot * .6 FAR = 3,000 SF Floor Area Allowed Across Two Units

RIP – 3 & 4 Unit Requirements

Additional requirements for sites with 3 or 4 units	Base Zone		
	R7	R5	R2.5
Minimum Lot Size (ft ²)	5,000	4,500	3,200
Site must be on a street accepted for maintenance *	yes	yes	yes
1 visitable unit required **	yes	yes	yes

* Refer to the map which shows streets that have not been accepted for maintenance (dashed red lines). Please note that PBOT makes the final determination of street maintenance status.

** A visitable unit is one with a zero step entry with a bathroom and living space on the ground floor.

Building More Than Two Units

- Minimum lot size
- Lot on a maintained street
- Not within z-overlay (natural resources)
- No demolition of historic resources within past 10 years. Exceptions:
 - Landmark or contributing structure was destroyed by fire or other causes beyond owner control
 - Accessory structure demo
 - Approved through demolition review
- Building code and visitability requirements

RIP Minimum Lot Sizes

Minimum lot sizes by zone:

Zone	1-2 units	3+ units
R2.5	1,600 sf	3,200 sf
R5	3,000 sf	4,500 sf
R7	4,200 sf	5,000 sf

RIP- Allowed Units and Street Maintenance

Is your property on a maintained street?

Only 2 units are allowed on streets not maintained by the City of Portland.

The Portland Bureau of Transportation (PBOT) estimates that 88% of Portland's streets are accepted for maintenance.

PBOT has created a map that shows which streets are currently maintained.

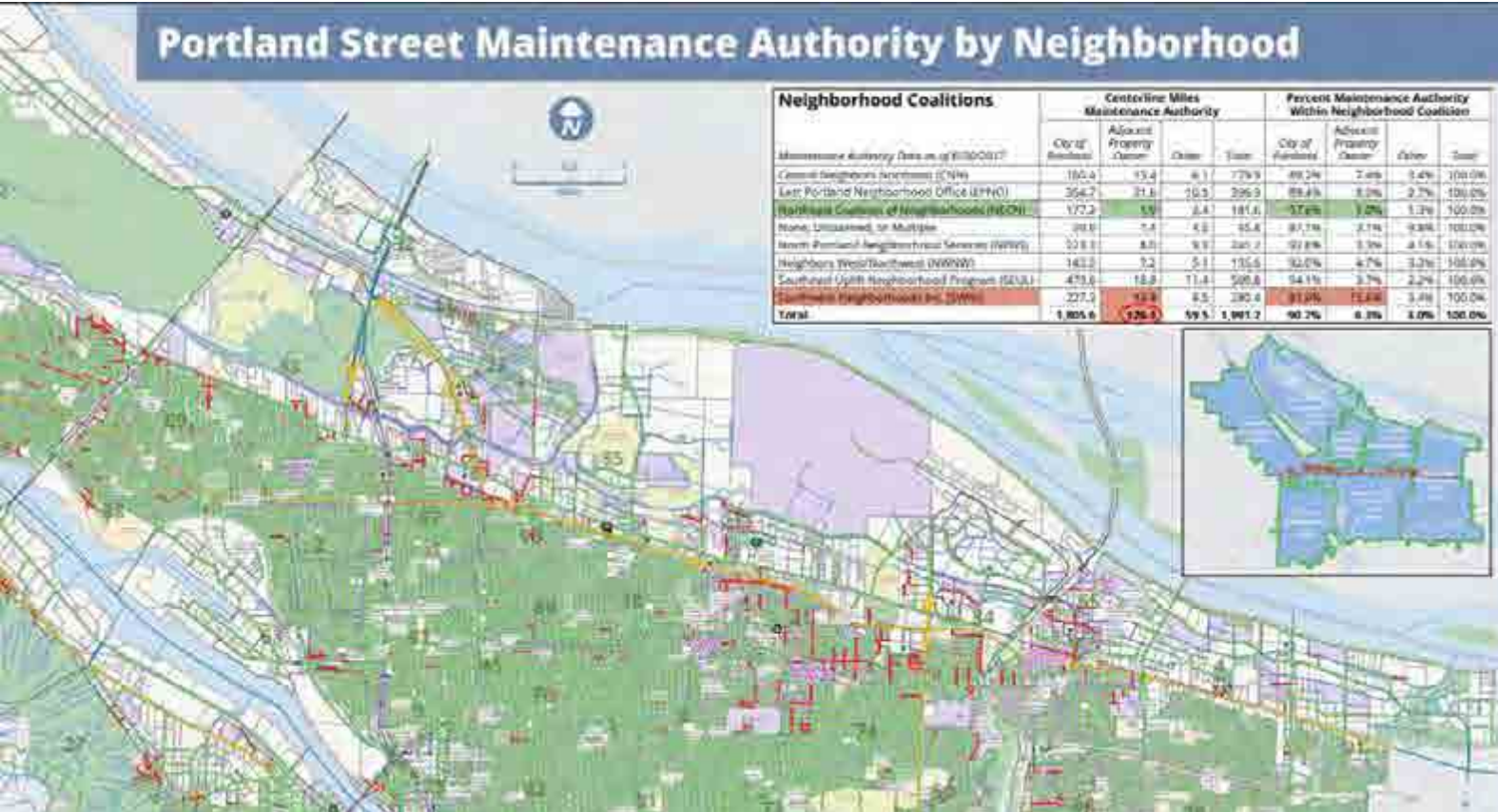
Use that resource to check your property's status!



MAX. 2 UNITS ON NON-MAINTAINED STREETS.

Portland Street Maintenance

Portland Street Maintenance Authority by Neighborhood



Neighborhood Coalitions	Centerline Miles Maintenance Authority				Percent Maintenance Authority Within Neighborhood Coalition			
	City of Portland	Adjacent Property Owner	Other	Total	City of Portland	Adjacent Property Owner	Other	Total
Administrative Authority Data as of 11/30/2017								
Central Business District (CDB)	180.4	13.4	8.1	201.9	89.2%	2.6%	0.4%	100.0%
East Portland Neighborhood Office (EPNO)	354.7	31.8	20.5	396.9	89.4%	8.3%	2.7%	100.0%
Northwest Coalition of Neighborhoods (NCCN)	1,172.2	5.9	8.4	1186.5	97.9%	1.0%	1.2%	100.0%
North Unincorporated Multiple	391.8	7.4	4.8	404.0	97.2%	1.7%	0.8%	100.0%
North Portland Neighborhood Services (NPNNS)	228.8	8.5	9.9	247.2	92.8%	3.5%	3.5%	100.0%
Neighbors West/Neighborhoods (NWNW)	143.5	7.2	5.1	155.8	92.0%	4.7%	3.2%	100.0%
Southeast Uplift Neighborhood Program (SEUNP)	473.8	18.9	11.4	504.1	94.1%	3.7%	2.2%	100.0%
Southeast Neighborhoods Inc. (SENI)	227.1	19.3	8.5	254.9	91.0%	15.4%	3.4%	100.0%
Total	1,805.8	126.3	59.5	1,991.2	90.2%	8.3%	3.0%	100.0%



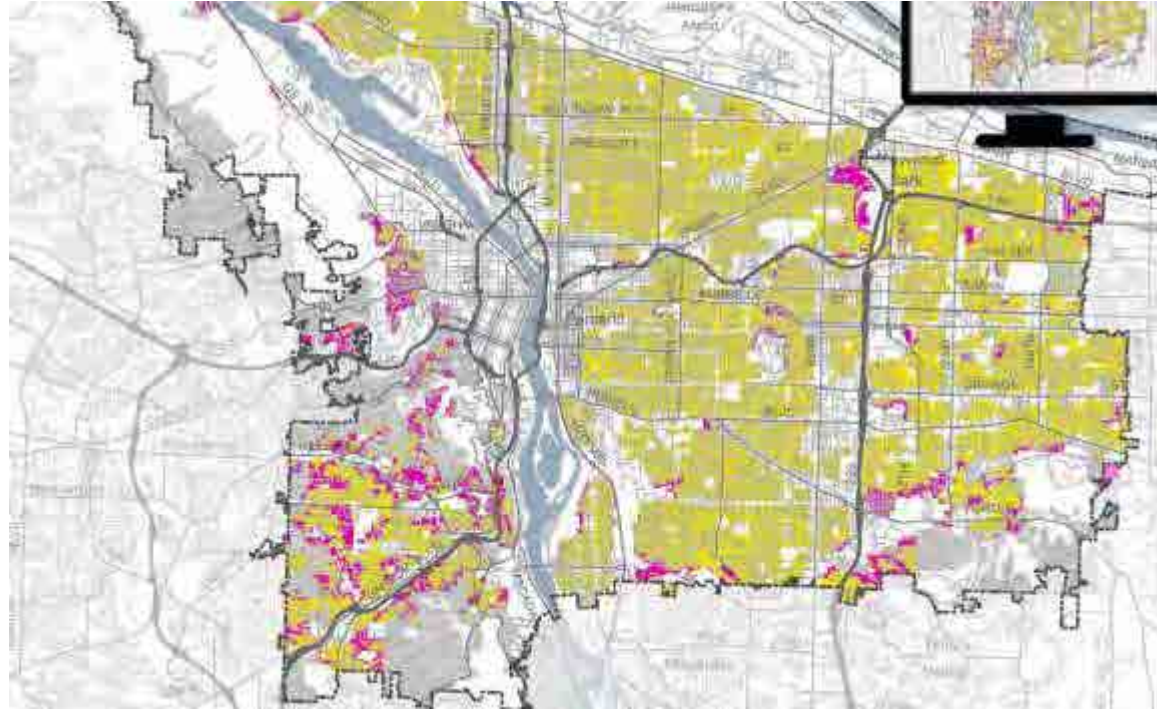
Neighborhoods

1. Central Business District (CDB)
2. East Portland Neighborhood Office (EPNO)
3. Northwest Coalition of Neighborhoods (NCCN)
4. North Unincorporated Multiple
5. North Portland Neighborhood Services (NPNNS)
6. Neighbors West/Neighborhoods (NWNW)
7. Southeast Uplift Neighborhood Program (SEUNP)
8. Southeast Neighborhoods Inc. (SENI)
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RIP – 3+ Units and Z-overlay

The z overlay map shows where **3+ units are NOT allowed** due to:

- **Flooding** hazards
- **Landslide** hazards
- Significant **natural resources**



ALLOWED IF
REQUIREMENTS ARE MET



NOT ALLOWED
'Z' OVERLAY



NOT ALLOWED
ZONES RF/R20/R10

RIP and Building Code

Heads up!

Converting a 1-2 family dwelling into 3 or more units could trigger some additional building code requirements...

Seismic Upgrade Required

Change of occupancy from 1-2 Family to **3 or more units will trigger a seismic upgrade** under City Code Chapter 24.85 (i.e. change of occupancy from R-3 occupancy to R-1 or R-2).

Commercial Building Permit Required

Upgrading from 1-2 Family to 3 or more units could require a **Commercial building permit**, and your project must follow the **commercial building code** – which has different requirements than the residential code.

Commercial requirements include details such as:

- Sprinkler systems
- Increased fire rating of exterior walls based on distance from property line
- Window and door opening limitations based on property line

NOTE: Applicants can seek relief or alternatives to these requirements through a building code appeal process.



RIP 'Visitability' Requirements



When there are **three or more units** on a site – including ADUs – **one must be visitable.**

Visitable entrance: At least one entrance must be accessible. No stairs, with the slope not to exceed 1:8.

Visitable bathroom: At least one bathroom must be specific size/shape and on the same floor as the visitable entrance (or accessible via a ramp, elevator, or lift).

Visitable living area: At least 200 square feet of living area on the same floor as the visitable entrance (or accessible via a ramp, elevator, or lift).

Visitable door: All door openings between (and including) the visitable entrance, living area, and bathroom must be at least 34" wide.

Exceptions for: Sloped lots, conversions, and 3-foot grade changes at the front of the lot.

RIP 4-6 Unit Options and Deeper Housing Affordability

Affordable fourplexes and multi-dwelling structures now allowed. Fourplexes and multi-dwelling structures with **no more than six dwelling units** are allowed on buildable lots.

Affordable means at least 50 percent of the dwelling units on the site are affordable to those earning no more 60 percent MFI.

Maximum FAR = 1.2 to 1
Maximum height = 35 feet

MORE OPTIONS FOR 4, 5, + 6 UNITS, TOO...

Deeper Affordability Bonus amendment:
50% of units @ 60% MFI rental/ 80% MFI ownership
4 units*/2 affordable
5 units*/3 affordable
6 units*/3 affordable
*2 of the units must be visitable



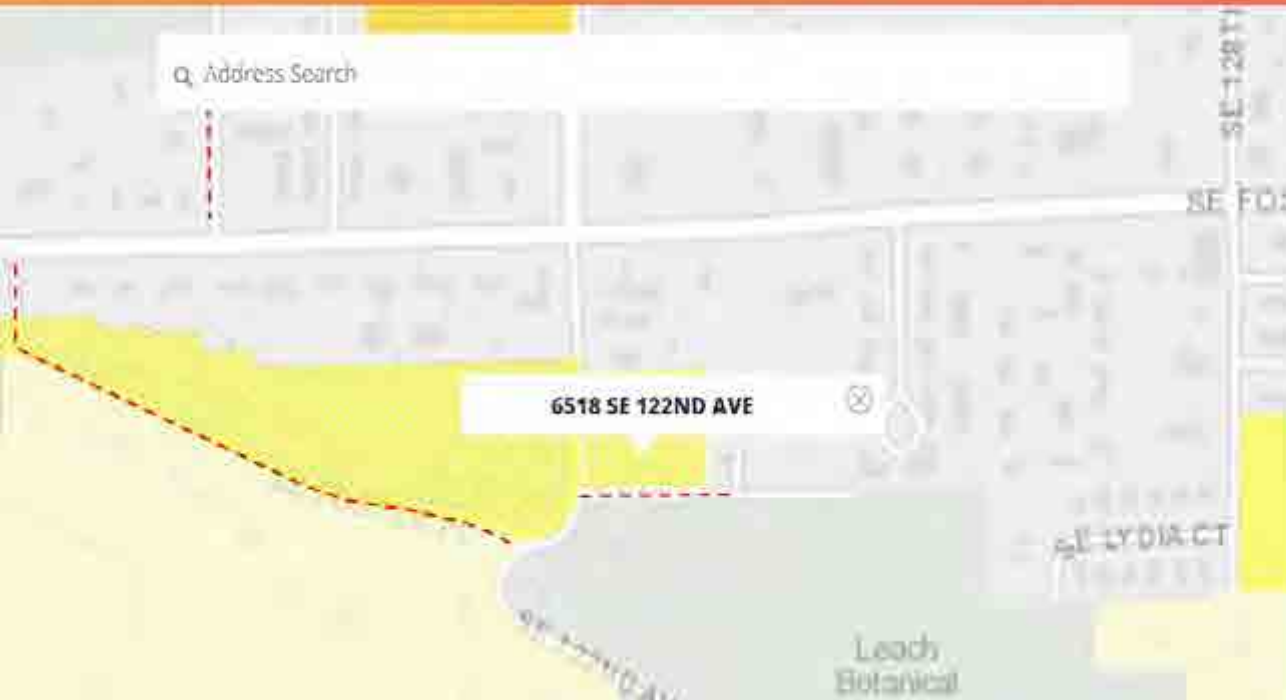
RIP Map App



Explore proposals

About the Map App

Read public testimony



could be divided for attached houses, subject to design review.

- In the R2.5 zone - The Alternative Design Density (a) overlay zone provided that 4,800 ft² lots could have triplexes, subject to design review.

Adding the Constrained Sites (z) Overlay Zone

The Constrained Sites (z) overlay zone is applied to properties with natural hazards and/or natural resources that are unsuitable for the additional households allowed by the Residential Infill Options.

This property has been included in the Constrained Sites (z) overlay zone because it contains the following constraint(s):

- Natural resources (inventoried)

Key recommendations of the Residential Infill Project include:

- <https://www.portlandmaps.com/bps/mapapp/maps.html#mapTheme=rip>

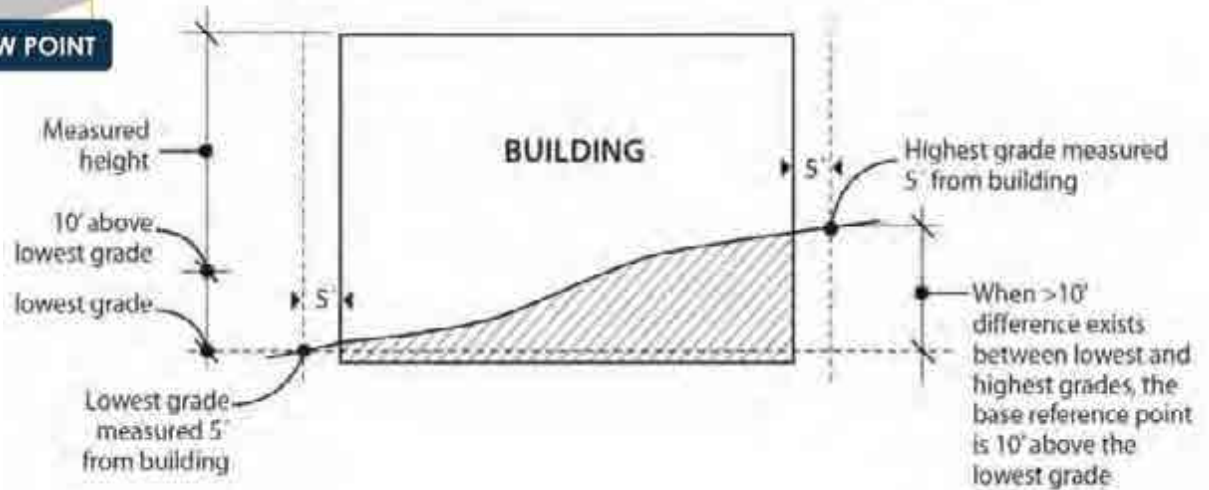
RIP - Key Development Standard Changes

- Eaves
- Main entrance placement
- Changes to measuring height
- Garage width
- Parking requirements
- Parking Area Locations
- Narrow lots (less than 32 feet wide)

Measuring Height Under RIP



Figure 930-6
Measuring Height – Determining Base Reference Point



RIP – Street Facing Garages

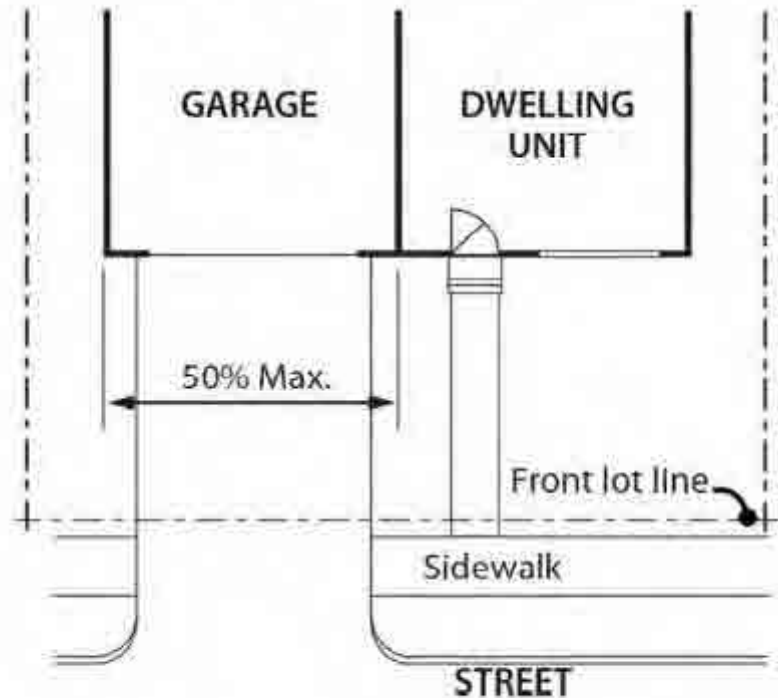
Houses

For garages that are accessory to houses and manufactured homes, the length of the garage wall facing the street may be up to 50 percent of the length of the street-facing building façade. See Figure 110-8.

Where the street-facing façade is less than 22 feet long, an attached garage is not allowed as part of that façade.

33.110.250.C

Figure 110-8
Length of Street-Facing Garage Wall



RIP – Parking Requirements

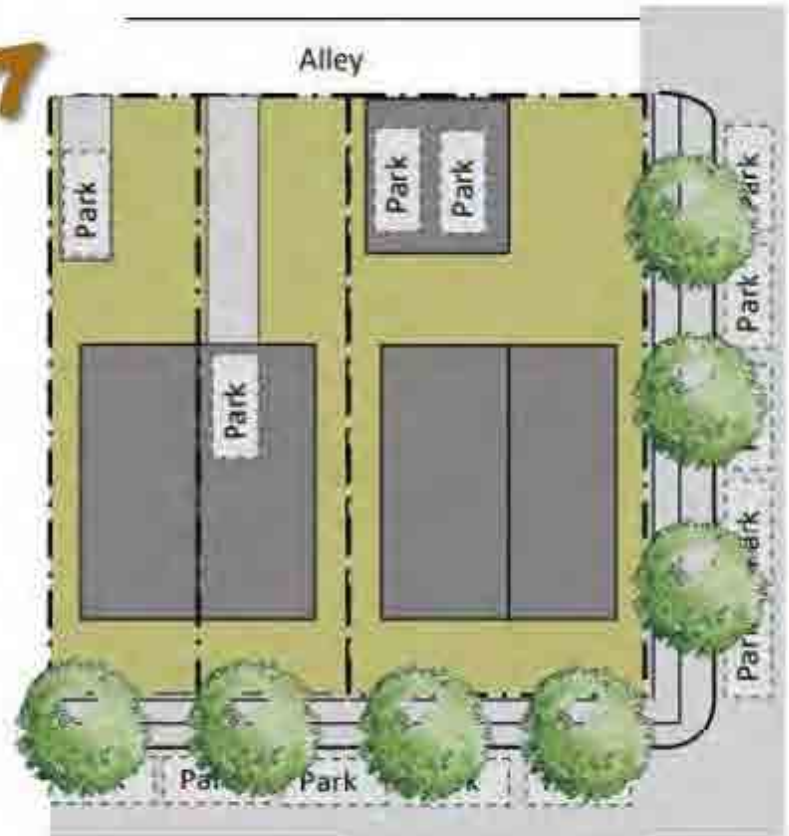
Alley access

If the lot abuts an alley, all parking and vehicle access to the site must be from the alley.

Parking

No minimum parking required for household living use in single-dwelling zones, both near and far from transit.

33.266.110. and 33.266.120



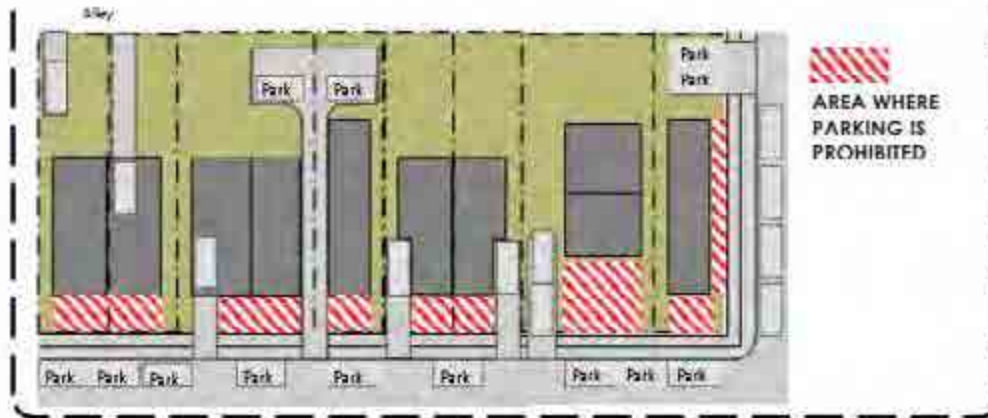
RIP – Parking Limitations

House, Duplexes, Triplexes, Fourplexes

Vehicle area is prohibited between the primary structure and the street except as follows. This standard does not apply to houses on lots that are at least 32 feet wide:

- (1) Parking spaces located entirely behind the front and side street building lines of a primary structure are allowed; and
- (2) Driveways to parking spaces located entirely behind the front and side street building lines of a primary structure are allowed.

33.266.120.C.1.a



RIP – Narrow Lots

INFILL

Narrow Lot Standards:



Infill changes combine existing standards for historically narrow and new narrow lots.

The new standards apply to lots less than 32 feet wide in R20 – R2.5.

Requires attached houses on lots less than 26 feet wide except when precluded by development on adjacent lots.

FAR for attached houses on small lots in R5 is increased to 0.6 to 1.

Limits height to 1.5 times the width of the structure. Attached house are exempt.

RIP – Rezoning Historically Platted Narrow Lots

- Rezoned ~7,000 R5 lots to R2.5 in areas historically platted with 25x100' lots.
- For the remaining R5 25x100' platted areas, lots will no longer be required to be vacant to be considered buildable.



RIP – Additional Key Takeaways

- Parking requirements are eliminated
- Additional incentives to retain existing houses:
 1. Additions up to 250 ft² are allowed every 5 years
 2. Basement ADU conversions no longer restricted to 800 SF size limit
 3. Flag lot alternative to attached houses when current house is retained
- Require at least two units on double sized vacant lots

Property Pricing Considerations

- Lot values will likely increase in the near term, to account for additional allowed units.
- However, due to other soft costs, property values will likely not scale proportionally to allowed number of units.
- Because of financing constraints for small scale rental owners, properties that allow for-sale home-ownership options-- rather than only rental product-- will be more valuable.
- Because of significant FAR reductions limiting unit size, property values may need to adjust downward to reflect home size regulation.

Residential Infill Project 2.0

- Required to comply with House Bill 2001
- Deadline: June 30, 2022
- R2.5, R5, R7 zones: Cottage clusters, townhomes
- R10, R20 zones: All middle housing types
- Will reduce the z overlay (natural resources) to allow middle housing types in more areas than are currently allowed

Middle Housing Resources

- **HB2001**

<https://olis.oregonlegislature.gov/liz/2019R1/Downloads/MeasureDocument/HB2001>

- **HB2001 Administrative Rules**

<https://secure.sos.state.or.us/oard/displayDivisionRules.action?selectedDivision=5988>

- **RIP Map App**

<https://www.portlandmaps.com/bps/mapapp/maps.html#mapTheme=rip>

- **RIP Adopted Portland Zoning Code + Project Documents**

- <https://www.portland.gov/bps/rip/project-documents>

Questions?

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Home Builders Association
of Metropolitan Portland