

ORDINANCE No. 179845

Adopt the Infill Design Code Amendments. (Ordinance; Amend Titles 17 and 33)

The City of Portland Ordains:

Section 1. The Council finds:

General Findings

1. The *Comprehensive Plan* for the City of Portland was adopted by City Council in October 1980 (Ordinance No. 150580). *Comprehensive Plan* Goal 3, Neighborhoods, states: "Preserve and reinforce the stability and diversity of the City's neighborhoods while allowing for increased density in order to attract and retain long-term residents and businesses and insure the City's residential quality and economic vitality." Subsequently, the adopted policies of numerous community and neighborhood plans, which are part of the *Comprehensive Plan*, have called for new infill development to be designed to respect existing community character.
2. In 1997, the Portland Planning Commission deliberated on amendments to the Community Design Standards – the standards used as an alternative to design review in most areas outside of the Central City where design review is required. During the commission's hearings, many citizens voiced concerns about new residential development in areas that were not subject to design or historic design review and called for design standards to apply to these projects as well. In particular, testimony focused on the building characteristics that negatively impact the street and surrounding neighborhood, such as the dominance of automobile areas and the lack of connection between the living area of residences and the public realm. This request to apply design standards to projects not subject to design review is consistent with Comprehensive Plan Policy 12.7 (Design Quality), Objective F: "Establish development standards that foster compatible design solutions in areas not subject to design review. Identify and establish standards aimed at improving how development projects fit into the community." The Planning Commission completed their work on the Community Design Standards in May of 1997. The City Council approved the amendments on September 10, 1997.
3. In response to these requests, the Planning Commission appointed a subcommittee composed of members of the Planning, Design, and Historic Landmarks Commissions in April 1997. This subcommittee was charged with recommending to the Planning Commission design standards that might be applied to residential projects citywide without requiring design review. The subcommittee published a draft proposal in September 1997 called the *Interim Design Regulations for Infill Development Discussion Draft*, which included draft provisions for single-dwelling and multidwelling development.
4. On October 14, 1997, the Planning Commission heard testimony on the *Interim Design Regulations for Infill Development Discussion Draft*. In response to public testimony, the Planning Commission directed Bureau of Planning staff to limit further refinement of standards to those that affect the public realm and the relationship between the street-facing façade of the dwelling and the public realm. The focus of the project was also further narrowed and split into phases. "Phase 1" focused on the design of single-dwelling development and became the "Base Zone Design Standards" project. The intention was that subsequent work ("Phase 1a") would further refine base zone standards for attached houses and that a "Phase 2" would develop design standards for multidwelling development.

5. On July 21, 1999, the City Council approved the Base Zone Design Standards, which resulted in design standards for single-dwelling development, in particular restricting the ability of houses to rely on garage-forward configurations.
6. In January 2000, the Planning Commission reported to the City Council on preliminary findings related to the design of housing on small lots, with a focus on rowhouses, and regulatory approaches that could be taken to intervene in their design. This report was entitled *Rowhouse and Narrow Lot Policy and Design Issues*. In regards to rowhouse development in higher-density zones, the report recommended that, instead of focusing solely on refining rowhouse design standards, the Bureau of Planning should identify and promote housing types that can serve as alternatives to rowhouses.
7. On September 26, 2001, the City Council approved the amendments of the Land Division Code Rewrite Project. These amendments incorporated some of the recommendations from the January 2000 Planning Commission report, resulting in additional design standards for detached and attached houses on newly created lots in single-dwelling residential zones. However, the Land Division Code Rewrite amendments did not adopt standards for the design of housing on lots within the multidwelling zones or for multidwelling development.
8. In May 2003, the Bureau of Planning released the *Infill Design Project White Paper*, which identified the need to focus on design in the medium-density multidwelling zones and similar development in commercial zones. This white paper acknowledged that, while past planning efforts have focused on the design of single-dwelling development and development in mixed-use centers, there had been little focus on the medium-density multidwelling zones, which constitute the majority of the city's multidwelling zoning and are where the majority of multidwelling projects were being built.
9. Following release of the May 2003 *Infill Design Project White Paper*, the Bureau of Planning initiated the "Infill Design Project," whose focus was the design of residential development in the medium-density multidwelling zones, particularly the R2 and R1 zones, and similar development in commercial zones.
10. In April of 2004, the Infill Design Advisory Group (IDAG) was formed to provide advice to Planning staff on infill design issues and to provide a diversity of community perspectives. This advisory group consisted of 24 community members, including developers, builders, architects, Realtors, representatives from City regulatory agencies, as well as representatives from each of the city's seven neighborhood coalition areas. The IDAG met 12 times prior to the Planning Commission public hearing. IDAG members recommended pedestrian-orientation, respect for neighborhood context, and housing diversity as key areas of focus for the Infill Design Project. Advisory group members helped inform subsequent development of the Infill Design Project and the resulting code amendments.
11. On March 27, March 29 and April 8 of 2004, the Bureau of Planning held open houses in different parts of the city to solicit initial public input regarding the Infill Design Project. The events were attended by over 100 community members. These events featured informational displays, a questionnaire on design priorities, and a design preferences survey. The interest of open house participants in courtyard-oriented housing contributed to the inclusion of provisions facilitating the development of courtyard housing among the amendments.
12. Public involvement and outreach activities included open house events; a discussion session with local builders and developers; meetings and interviews with building designers, builders, and other community members; a series of discussion sessions hosted by the American Institute of Architects Housing Committee; and numerous meetings with neighborhood organizations.
13. In the Spring of 2004, the Outer Southeast Livable Infill Project was undertaken by Portland State University planning students in conjunction with the Infill Design Project. The Outer Southeast Livable Infill Project focused on development and design issues in an area of Outer East Portland and included a survey administered to nearly 100 neighbors and occupants of recent infill housing.

developments. This project's research and findings helped inform subsequent work on the Infill Design Project.

14. On December 22, 2004, the Bureau of Planning published the *Discussion Draft Infill Design Project Report: Medium-Density Residential Development* (the "*Infill Design Project Report*"). This report summarized issues related to the design of multidwelling and rowhouse infill development, including community concerns, regulatory issues, and developer's perspectives. A final version of this report was published on October 10, 2005, that included the addition of appendices providing further background information. The report also presented staff recommendations on a range of implementation strategies, including potential regulatory amendments, but focused on possibilities for non-regulatory implementation strategies and incentives. The potential regulatory amendments identified in this report served as the basis for the *Infill Design Code Amendments*.
15. Through code modeling undertaken as part of research for the *Infill Design Project Report* as well as through subsequent work on a set of housing prototypes, Planning staff identified code barriers to rear-parking arrangements, a greater diversity of housing types, and other otherwise desirable housing configurations. The identified code barriers included provisions from both Title 33 and Title 17.
16. The amendment to Title 17, which provides an allowance for narrower driveways for small multidwelling projects, is integral to the other provisions of the total amendments package. The Title 17 amendment serves in conjunction with the Title 33 amendments to facilitate rear parking arrangements for multidwelling development on small infill sites. The Title 17 amendment also functions together with the Title 33 amendments to allow less site area to be devoted to impervious surfaces. The amendments to both Title 33 and Title 17 are focused on improving the design of multidwelling development, especially in regards to implementing community objectives for infill housing that is pedestrian-oriented and respects community character.
17. The *Infill Design Code Amendments* were developed by the Bureau of Planning with the participation of other City bureaus, including the Office of Transportation, whose staff crafted the amendments to Title 17. Bureau of Development Services staff were also actively involved in development of the amendments, as were staff from the Bureau of Environmental Services and the Office of Sustainable Development.
18. On August 22, 2005, notice of the proposed action was mailed to the Department of Land Conservation and Development in compliance with the post-acknowledgement review process required by OAR 66C-18-020.
19. Written notice of the October 11, 2005, Portland Planning Commission public hearing on the *Infill Design Code Amendments Proposed Draft* was mailed to over 1,600 interested parties on September 9, 2005.
20. On October 11, 2005, the Portland Planning Commission held a public hearing on the *Infill Design Code Amendments Proposed Draft*. After the close of public testimony, the Planning Commission discussed the proposed amendments and recommended that City Council adopt the *Infill Design Code Amendments Recommended Draft*.
21. A general notification of the December 15, 2005, City Council public hearing on the *Infill Design Code Amendments Recommended Draft* was sent to individuals who testified at the Planning Commission hearing and to over 1,600 interested parties on November 23, 2005.
22. On December 15, 2005, City Council held a hearing on the Planning Commission recommendation for the *Infill Design Code Amendments Recommended Draft*. Staff from the Bureau of Planning presented the proposal and public testimony was received.

Findings on Statewide Planning Goals

23. State planning statutes require cities to adopt and amend comprehensive plans and land use regulations in compliance with state land use goals. Only the state goals addressed below apply.
24. **Goal 1, Citizen Involvement**, requires provision of opportunities for citizens to be involved in all phases of the planning process. The preparation of these amendments has provided numerous opportunities for public involvement, including:
 - A 24-member "Infill Design Advisory Group" (IDAG), composed of neighborhood representatives, developers, architects, and representatives of City regulatory agencies, was formed in the Spring of 2004 and held its first meeting in April of the same year. The group served as an advisory body to consider the diverse interests of the community and represent a range of perspectives on infill design issues, as well as to help identify problems and solutions. The IDAG met 12 times prior to the Planning Commission public hearing. Their feedback helped inform the development of the Infill Design Project and the resulting code amendments.
 - From the project inception in September 2003 until the Planning Commission public hearing, Planning staff met with numerous community groups, including neighborhood associations, neighborhood coalition groups, the Citywide Land Use Group, the American Institute of Architects' Housing Committee, and representatives of the Home Builders Association of Metropolitan Portland.
 - As part of the Infill Design Project and development of the code amendments, Planning staff periodically met with and engaged in telephone and e-mail exchanges with developers, architects, building designers, and other community members regarding infill design issues and potential solutions.
 - The Bureau of Planning maintained and updated as needed a project web site that included basic project information, announcements of public events, project documents and staff contact information.
 - In the Spring of 2004, the Outer Southeast Livable Infill Project was undertaken by Portland State University planning students in conjunction with the Infill Design Project. The Outer Southeast Livable Infill Project focused on development and design issues in an area of Outer East Portland and included a survey administered to nearly 100 neighbors and occupants of recent infill housing developments. This project's research and findings helped inform subsequent work on the Infill Design Project.
 - In March of 2004, the public was invited to attend a series of three initial project open houses through notices sent to neighborhood organizations and over 1,200 interested community members, an announcement through the Office of Neighborhood Involvement's e-mail notification service, and through articles and notices published in the *Oregonian* newspaper, two business journals, and several community newspapers.
 - On March 27, March 29 and April 8 of 2004, the Bureau of Planning held open houses in different parts of the city to solicit initial public input. The events were attended by over 100 community members. These events featured informational displays, a questionnaire on design priorities, and a design preferences survey. The questionnaire and survey results were compiled and made available on the project website and helped inform subsequent project work.
 - On January 11, 2005, Planning staff briefed and solicited input from the Planning Commission on the draft *Infill Design Project Report* and potential code amendments.

- On February 17, 2005, Planning staff briefed and solicited input from the Design Commission on the draft *Infill Design Project Report* and potential code amendments.
- On April 2, 2005, as part of a public open house for the Division Green Street/Main Street Plan attended by over 100 community members, project staff provided displays on infill design issues and solicited public feedback.
- On April 7, 2005, Planning staff briefed and solicited input from the Regulatory Improvement Stakeholder Advisory Team on the *Infill Design Project Report* and potential code amendments.
- On May 25, 2005, Planning staff held a discussion session with a group of developers and builders of infill projects to present potential code amendments and to seek their feedback.
- On July 29, 2005, the Bureau of Planning sent over 1,600 notices to all neighborhood associations and coalitions, and businesses associations in the City of Portland, as well as other interested persons, of the upcoming *Infill Design Zoning Code Amendments Discussion Draft* and a public open house.
- On August 8, 2005, the Bureau of Planning published the *Infill Design Zoning Code Amendments Discussion Draft*. The report was made available to the public, posted on the project website, and mailed to all those who requested copies.
- On August 11, 2005, Planning staff briefed and solicited input from the Development Review Advisory Committee on the *Infill Design Zoning Code Amendments Discussion Draft*.
- On August 17, 2005, the Bureau of Planning held an open house on the code amendments proposed in the *Infill Design Zoning Code Amendments Discussion Draft*. Over 60 community members attended the open house, which served as an opportunity for the public to learn about and comment on the draft code amendments.
- On September 9, 2005, the Bureau of Planning published the *Infill Design Code Amendments Proposed Draft*. The report was made available to the public, posted on the project website, and mailed to all those who requested copies.
- Also on September 9, 2005, the Bureau of Planning sent over 1,600 notices to all neighborhood associations and coalitions, and businesses associations in the City of Portland, as well as other interested persons, of a Planning Commission public hearing on the *Infill Design Code Amendments Proposed Draft*.
- On October 11, 2005, the Planning Commission held a public hearing during which community members commented on the *Infill Design Code Amendments Proposed Draft*.
- On November 23, 2005, the Bureau of Planning sent notice to all persons who testified, orally or in writing, at the Planning Commission hearing, informing them of a City Council public hearing to consider the *Infill Design Code Amendments Recommended Draft*. This notice was also sent to those persons requesting such information.
- On December 15, 2005, the City Council held a public hearing on the *Infill Design Code Amendments Recommended Draft*, during which community members commented on the proposal.

The amendments are also consistent with Goal 1 by providing additional opportunities for community input regarding the design of multidwelling projects.

25. **Goal 2, Land Use Planning**, requires the development of a process and policy framework that acts as a basis for all land use decisions and assures that decisions and actions are based on an understanding

of the facts relevant to the decision. The amendments support this goal because development of the recommendations followed established City procedures for legislative actions.

26. **Goals 3 and 4, Agricultural Lands and Forest Lands**, requires the preservation and maintenance of the state's agricultural and forest lands, generally located outside of urban areas. The amendments are supportive of this goal because they facilitate compact housing arrangements that make efficient use of land within an urbanized area, thereby reducing development pressure on agricultural and forest lands.
27. **Goal 6, Air, Water, and Land Resource Quality**, requires the maintenance and improvement of the quality of air, water, and land resources. The amendments support this goal because they facilitate compact, pedestrian- and transit-oriented development that holds potential to reduce reliance on automobile travel. The amendments also support this goal by providing opportunities for less site area to be devoted to impervious surfaces by allowing narrower driveways and walkways, which will reduce stormwater impacts.
28. **Goal 9, Economic Development**, requires provision of adequate opportunities for a variety of economic activities vital to public health, welfare, and prosperity. The amendments support this goal because they facilitate development opportunities on small infill sites. Specifically, the following amendment provisions make infill development more practical on small sites: allowances for narrower driveways and walkways, allowances for vehicle and pedestrian facilities to share the same space, elimination of loading space requirements for small residential projects, provisions that facilitate the creation of small lot housing oriented to common greens and shared courts, allowances for small lot duplexes, reduced side setbacks for detached house projects, and additional regulatory flexibility for the design of rowhouse projects.
29. **Goal 10, Housing**, requires provision for the housing needs of citizens of the state. The amendments support this for the reasons below. See also findings for Portland Comprehensive Plan Goal 4, Housing and Metro Title 1.
 - The amendments facilitate a diversity of housing types suitable for a range of households and residential tenures. These include provisions for common greens and shared courts that expand opportunities for medium-density ownership housing; allowances that encourage courtyards that can provide additional opportunities for outdoor space for play areas and other recreational uses; provisions to allow a greater diversity of alternative housing types such as small-lot duplexes, small-lot detached houses, and a greater diversity of rowhouse arrangements; and an allowance that would facilitate the development of accessory dwelling units by allowing such units to count toward meeting minimum density requirements in the higher density zones.
 - The amendments facilitate higher-density residential development on small infill sites by reducing regulatory barriers to such development. Amendments that help facilitate greater density on small sites include allowances for narrower driveways and walkways, provisions allowing vehicle and pedestrian facilities to share the same space, elimination of loading space requirements for small residential projects, provisions that facilitate the creation of small lot housing oriented to common greens and shared courts, allowances for small lot duplexes, reduced side setbacks for detached house projects, and additional regulatory flexibility for the design of rowhouse projects.
 - The amendments also promote affordable housing by facilitating higher-density housing arrangements that can utilize relatively affordable building types, such as detached and attached houses and townhouses, which are less expensive to construct than stacked unit housing. Amendments that reduce requirements for driveway and walkway widths contribute to housing affordability by allowing a reduction in materials costs.

30. **Goal 12, Transportation**, requires provision of a safe, convenient, and economic transportation system. The amendments support this goal because they facilitate compact, pedestrian- and transit-oriented development, thereby promoting alternatives to automobile travel. See also findings for Portland Comprehensive Plan Goal 6, Transportation, and its related policies and objectives.

The Oregon Transportation Planning Rule (TPR) requires certain findings if the proposed amendment will significantly affect an existing or planned transportation facility. This proposal will not have a significant effect on existing or planned transportation facilities because the amendments will not increase or change allowed residential densities, development intensities, or land uses.

Section 660-012-0045(7) of the TPR requires that "Local governments shall establish standards for local streets and accessways that minimize pavement width and total right-of-way consistent with the operational needs of the facility." The amendment to allow narrower widths for walkways serving four or fewer residential units support this requirement; as does the amendment to allow vehicles and pedestrians to share the same circulation space, thereby reducing pavement area, when special paving treatments are used to signify its intended use by pedestrians.

31. **Goal 13, Energy Conservation**, requires development of a land use pattern that maximizes the conservation of energy based on sound economic principles. The amendments support this goal because they provide additional opportunities for compact, higher-density housing types that allow efficient use of building materials and site area; facilitate infill development on small lots in areas zoned for higher-density residential development located near transit facilities; and allow more efficient management of stormwater by reducing requirements for the widths of driveway and walkway.
32. **Goal 14, Urbanization**, requires provision of an orderly and efficient transition of rural lands to urban use. The amendments support this goal because they facilitate compact, higher density development in areas zoned for multidwelling development, thereby helping to reduce long-term pressure to expand the Urban Growth Boundary. See also findings for Portland Comprehensive Plan Goal 2, Urban Development, and its related policies and objectives.

Findings on Metro Urban Growth Management Functional Plan

33. **Title 1, Requirements for Housing and Employment Accommodation**, requires that each jurisdiction contribute its fair share to increasing the development capacity of land within the Urban Growth Boundary. This requirement is to be generally implemented through citywide analysis based on calculated capacities from land use designations. The amendments are consistent with this title because they do not significantly alter the development capacity of the city. Some amendments also support this title by facilitating development on infill sites. Amendments that help facilitate greater density on small sites include allowances for narrower driveways and walkways, provisions allowing vehicle and pedestrian facilities to share the same space, elimination of loading space requirements for small residential projects, provisions that facilitate the creation of small lot housing oriented to common greens and shared courts, allowances for small lot duplexes, reduced side setbacks for detached house projects, and additional regulatory flexibility for the design of rowhouse projects. See also findings under Comprehensive Plan Goals 4 (Housing) and 5 (Economic Development).
34. **Title 2, Regional Parking Policy**, regulates the amount of parking permitted by use for jurisdictions in the region. The amendments are consistent with this title because they do not alter the amount of parking permitted or required by the City.

35. **Title 3, Water Quality, Flood Management and Fish and Wildlife Conservation**, protects the public's health and safety by reducing flood and landslide hazards, controlling soil erosion and reducing water pollution by avoiding, limiting, or mitigating the impact of development on streams, rivers, wetlands, and floodplains. Title 3 specifically implements the Statewide Land Use Goals 6 and 7. The amendments are not inconsistent with this title because they do not change policies or intent of existing regulations relating to water quality, flood management, or fish and wildlife conservation. The amendments support this title by providing opportunities for less site area to be devoted to impervious surfaces by allowing narrower driveways and walkways, which will reduce stormwater impacts.
36. **Title 4, Industrial and Other Employment Areas**, limits retail and office development in Employment and Industrial areas to those that are most likely to serve the needs of the area and not draw customers from a larger market area. The amendments are consistent with this title because they do not change policies or existing regulations relating to retail in employment and industrial areas.
37. **Title 7, Affordable Housing**, ensures opportunities for affordable housing at all income levels, and calls for a choice of housing types. The amendments are consistent with this title because promote affordable housing by facilitating higher-density housing arrangements that can utilize relatively affordable building types, such as detached and attached houses and townhouses, which are less expensive to construct than stacked unit housing. Some of these amendments, particularly provisions for common greens and shared courts, also expand opportunities for affordable medium-density ownership housing by increasing opportunities to create housing on small lots. Amendments that reduce requirements for driveway and walkway widths also contribute to housing affordability by allowing a reduction in materials costs.

Findings on Portland's Comprehensive Plan Goals

38. Only the Comprehensive Plan goals addressed below apply.
39. **Goal 1, Metropolitan Coordination**, calls for the Comprehensive Plan to be coordinated with federal and state law and to support regional goals, objectives and plans. The amendments support this goal because they conform to and do not change policies or regulations related to metropolitan coordination.
40. **Policy 1.4, Intergovernmental Coordination**, requires continuous participation in intergovernmental affairs with public agencies to coordinate metropolitan planning and project development and maximize the efficient use of public funds. The amendments support this policy because a number of other government agencies were notified of this proposal and given the opportunity to comment. These agencies include Multnomah County, Metro, and the State Department of Land Conservation and Development.
41. **Goal 2, Urban Development**, calls for maintaining Portland's role as the major regional employment and population center by expanding opportunities for housing and jobs, while retaining the character of established residential neighborhoods and business centers. The amendments support this goal because they promote additional housing opportunities by reducing regulatory barriers to medium-density housing development on small infill sites. The amendments also support retention of the character of residential neighborhoods by limiting front vehicle areas and facilitating rear-parking arrangements to help preserve the front yard landscaping characteristic of Portland's residential areas and by requiring front windows to continue traditions of street-oriented housing. Amendment provisions facilitating courtyard housing and house-like plexes also help continue infill housing types that are part of the character-giving housing mix of Portland neighborhoods.

42. **Policy 2.9, Residential Neighborhoods**, calls for allowing a range of housing types to accommodate increased population growth while improving and protecting the city's residential neighborhoods. The amendments support this policy because they facilitate a diversity of housing types. These include provisions for common greens and shared courts that expand opportunities for medium-density ownership housing; allowances that encourage courtyards that can provide additional opportunities for outdoor space for play areas and other recreational uses; provisions to allow a greater diversity of alternative housing types such as small-lot duplexes, small-lot detached houses, and a greater diversity of rowhouse arrangements; and an allowance that would facilitate the development of accessory dwelling units by allowing such units to count toward meeting minimum density requirements in the higher density zones. The amendments also support this policy by helping to protect the character of neighborhoods by requiring new multidwelling development to continue basic neighborhood patterns, such as landscaped front setbacks and street-oriented buildings with front windows.
43. **Policy 2.12, Transit Corridors**, calls for, among other things, requiring development along transit routes to relate to pedestrians. The amendments support this policy by requiring street-facing windows and limiting front vehicle areas in order to foster pedestrian-friendly streetscapes in the multidwelling zones, which are primarily located along or near transit corridors and other transit facilities.
44. **Policy 2.17, Transit Stations and Transit Centers**, calls for setting minimum residential densities near transit facilities and for design in these areas to emphasize a pedestrian- and bicycle-oriented environment. The amendments support this policy by requiring street-facing windows and limiting front vehicle areas in order to foster pedestrian-friendly streetscapes in the multidwelling zones, which are primarily located near transit facilities.
45. **Policy 2.19, Infill and Redevelopment**, calls for encouraging infill and redevelopment as a way to implement the Livable City growth principles and accommodating increases in population and employment. The amendments support this policy by reducing regulatory barriers to development on small infill sites and by facilitating a greater diversity of infill housing types and configurations.
46. **Goal 3, Neighborhoods**, calls for the preservation and reinforcement of the stability and diversity of the city's neighborhoods while allowing for increased density. The amendments support this goal by facilitating higher-density housing configurations, such as courtyard housing and house-like plexes, that hold potential to blend into established neighborhood patterns. The amendments also support this goal by providing additional opportunities for the development of ownership housing that can contribute to neighborhood stability and vitality and by limiting the disruptions of multidwelling infill development on the street environments of neighborhoods.
47. **Policy 3.6, Neighborhood Plan**, calls for maintaining and enforcing neighborhood plans that are consistent with the Comprehensive Plan and that have been adopted by City Council. The amendments support this policy by helping to implement policies of the many neighborhood plans that call for infill development to be compatible with existing community character. Among the amendments that would help implement these policies are those encouraging rear parking arrangements which allow the continuation of neighborhood patterns of landscaped front setbacks and street-oriented buildings. Other implementing provisions are those that would facilitate housing arrangements, such as courtyard housing and house-like duplexes, that hold potential to accommodate increased residential densities in ways that reflect common neighborhood patterns. Other amendment provisions would help implement these policies by providing additional regulatory flexibility for building setbacks along transit streets to better respond to site-specific aspects of the surrounding neighborhood.
48. **Goal 4, Housing**, calls for enhancing Portland's vitality as a community at the center of the region's housing market by providing housing of different types, density, sizes, costs and locations that

accommodates the needs, preferences, and financial capabilities of current and future households. The amendments support this goal because they facilitate a diversity of housing types suitable for a range of households and residential tenures. These include provisions for common greens and shared courts that expand opportunities for medium-density ownership housing; allowances that encourage courtyards that can provide additional opportunities for outdoor space for play areas and other recreational uses; provisions to allow a greater diversity of alternative housing types such as small-lot duplexes, small-lot detached houses, and a greater diversity of rowhouse arrangements; and an allowance that would facilitate the development of accessory dwelling units by allowing such units to count toward meeting minimum density requirements in the higher density zones. See also the findings for Statewide Planning Goal, Goal 10, Housing and for Metro Title 1.

49. **Policy 4.1, Housing Availability**, calls for ensuring an adequate supply of housing is available to meet the needs, preferences, and financial capabilities of Portland's households now and in the future. The amendments support this policy because they reduce regulatory barriers to the development of infill housing and provide additional opportunities for a variety of housing types.
50. **Policy 4.3, Sustainable Housing**, calls for encouraging housing that supports sustainable development patterns by promoting the efficient use of land; conservation of natural resources; easy access to public transit and other efficient modes of transportation; easy access to services and parks; resource efficient design and construction; and the use of renewable energy resources. The amendments support this policy because they provide additional opportunities for compact, higher-density housing types that allow efficient use of building materials and site area; facilitate infill development on small lots in areas zoned for higher-density residential development located near transit facilities; and allow more efficient management of stormwater by reducing requirements for the widths of driveway and walkway.
51. **Policy 4.7, Balanced Communities**, calls for striving for livable mixed-income neighborhoods throughout Portland that collectively reflect the diversity of housing types, tenures, and income levels of the region. The amendments support this policy because they facilitate a diversity of housing types suitable for a range of households and residential tenures. These include provisions for common greens and shared courts that expand opportunities for medium-density ownership housing; allowances for a greater diversity of alternative housing types such as small-lot duplexes, small-lot detached houses, and a greater diversity of rowhouse arrangements; and an allowance that would facilitate the development of accessory dwelling units in conjunction with detached or attached houses in the multidwelling zones and that would promote a mix of ownership and rental housing.
52. **Policy 4.10, Housing Diversity**, calls for promoting creation of a range of housing types, prices, and rents to (1) create culturally and economically diverse neighborhoods; and (2) allow those whose housing needs change to find housing that meets their needs within their existing community. The amendments support this policy because they facilitate a diversity of housing types suitable for a range of households and residential tenures. These include provisions for common greens and shared courts that expand opportunities for medium-density ownership housing; allowances for a greater diversity of alternative housing types such as small-lot duplexes, small-lot detached houses, and a greater diversity of rowhouse arrangements; and an allowance that would facilitate the development of accessory dwelling units in conjunction with detached or attached houses in the multidwelling zones and that would promote a mix of ownership and rental housing. The amendments also provide additional opportunities for housing arrangements accessible to people who are mobility impaired by facilitating cottage clusters and other courtyard-oriented housing that can serve as more accessible alternatives to multi-level rowhouses.
53. **Policy 4.11, Housing Affordability**, calls for promoting the development and preservation of quality housing that is affordable across the full spectrum of household incomes. The amendments support this policy because they provide additional opportunities for housing that can serve a broad income

range. The amendments promote affordable housing by facilitating higher-density housing arrangements that can utilize relatively affordable building types, such as detached and attached houses and townhouses, which are less expensive to construct than stacked unit housing. Amendments that reduce requirements for driveway and walkway widths contribute to housing affordability by allowing a reduction in materials costs.

54. **Policy 4.12, Housing Continuum**, calls for ensuring that a range of housing from temporary shelters, to transitional, and to permanent housing for renters and owners is available, with appropriate supportive services for those who need them. The amendments support this policy because they provide additional opportunities for housing for both renters and owners in a variety of housing types.
55. **Policy 4.13, Humble Housing**, calls for ensuring that there are opportunities for development of small homes with basic amenities to ensure housing opportunities for low-income households, members of protected classes, households with children, and households supportive of reduced resource consumption. The amendments support this policy by providing new opportunities for the development of small-lot housing oriented to common greens and shared courts, as well as by facilitating other medium-density courtyard housing arrangements, providing greater flexibility for detached houses on small lots, and facilitating small-lot duplexes.
56. **Policy 4.14, Neighborhood Stability**, calls for stabilizing neighborhoods by promoting: (1) a variety of homeownership and rental housing options; (2) security of housing tenure; and (3) opportunities for community interaction. The amendments support this policy because they facilitate a diversity of housing types suitable for a range of households and residential tenures. These include provisions for common greens and shared courts that expand opportunities for medium-density ownership housing; allowances that encourage courtyards that can provide additional opportunities for outdoor space and community interaction; provisions to allow a greater diversity of alternative housing types such as small-lot duplexes, small-lot detached houses, and a greater diversity of rowhouse arrangements; and an allowance that would facilitate the development of accessory dwelling units in conjunction with houses in the higher density zones.
57. **Policy 4.15, Regulatory Costs and Fees**, calls for considering the impact of regulations and fees in the balance between housing affordability and other objectives such as environmental quality, urban design, maintenance of neighborhood character, and protection of public health, safety, and welfare. The amendments support this policy because they are primarily facilitative, removing barriers to desirable design and development, and do not add to regulatory costs. Amendment provisions also reduce the need for code adjustments, saving applicants process time and costs. The neighborhood contact requirement provides opportunities for community input regarding the design of multidwelling development, while avoiding costs associated with the alternative of design review.
58. **Goal 5, Economic Development**, calls for the promotion of a strong and diverse economy that provides a full range of employment and economic choices for individuals and families in all parts of the city. The amendments are consistent with this goal because they remove regulatory barriers to desirable residential development and provide additional opportunities for housing construction on small infill sites. See also findings for Statewide Planning Goal, Goal 9, Economic Development.
59. **Goal 6, Transportation**, calls for developing a balanced, equitable, and efficient transportation system that provides a range of transportation choices; reinforces the livability of neighborhoods; supports a strong and diverse economy; reduces air, noise, and water pollution; and lessens reliance on the automobile while maintaining accessibility. The amendments support this goal because they facilitate compact, pedestrian- and transit-oriented development, thereby promoting alternatives to automobile travel. See also findings for Statewide Planning Goals, Goal 12, Transportation.
60. **Policy 6.19, Transit-Oriented Development**, calls for reinforcing the link between transit and land use by encouraging transit-oriented development and supporting increased residential and

employment densities along transit streets, at existing and planned light rail transit stations, and at other major activity centers. The amendments support this policy because they encourage development that is pedestrian- and transit-oriented by requiring street-facing windows and limiting front vehicle areas in order to foster street environments that provide a pleasant pedestrian experience. The amendments apply primarily to the multidwelling zones, which are intended to be transit supportive and are located adjacent to or near transit corridors and facilities.

61. **Policy 6.26, On Street Parking Management**, calls for managing the supply, operations and demand for parking and loading in the public right-of-way to encourage economic vitality, safety for all modes, and livability of residential neighborhoods. The amendments support this policy by allowing narrower driveways, facilitating rear parking arrangements, and limiting front vehicle areas; which promotes the preservation of on-street parking.
62. **Goal 7, Energy**, calls for promotion of a sustainable energy future by increasing energy efficiency in all sectors of the city. The amendments support this goal because they provide additional opportunities for compact, higher-density housing types that allow efficient use of building materials and site area and that support alternatives to the automobile. The amendments' facilitation of compact, higher-density housing also supports this goal because such housing typically economizes on heating and cooling needs compared to lower-density housing.
63. **Policy 7.4, Energy Efficiency Through Land Use Regulations**, calls for promoting residential, commercial, industrial, and transportation energy efficiency and the use of renewable resources. The amendments support this goal because they provide additional opportunities for compact, higher-density housing in zones intended to be transit supportive. These amendments include provisions that facilitate a greater diversity of energy- and resource-efficient, shared-wall housing, such as common green and shared court housing arrangements; as well as additional forms of multifamily housing, such as small lot plexes.
64. **Goal 8, Environment**, calls for the maintenance and improvement of the quality of Portland's air, water, and land resources, as well as the protection of neighborhoods and business centers from noise pollution. The amendments support this goal because they facilitate compact, pedestrian- and transit-oriented development that holds potential to reduce reliance on automobile travel. The amendments also support this goal by providing opportunities for less site area to be devoted to impervious surfaces by allowing narrower driveways and walkways, which will reduce stormwater impacts.
65. **Goal 9, Citizen Involvement**, calls for improved methods and ongoing opportunities for citizen involvement in the land use decision-making process, and the implementation, review, and amendment of the Comprehensive Plan. This project followed the process and requirements specified in Chapter 33.740, Legislative Procedure. The amendments support this goal for the reasons found in the findings for Statewide Planning Goal 1, Citizen Involvement.
66. **Policy 10.10, Amendments to the Zoning and Subdivision Regulations**, requires amendments to the zoning and subdivision regulations to be clear, concise, and applicable to the broad range of development situations faced by a growing, urban city. The amendments support this policy because they offer clear and concise standards and direction for development and have been designed to be practical for a broad range of development scenarios. The amendments also support this policy because they were formulated to minimize regulatory complexity and costs, with a focus on regulations intended to facilitate well-designed projects that can contribute toward meeting the community's design objectives.
67. **Goal 12, Urban Design**, calls for enhancing Portland as a livable city, attractive in its setting and dynamic in its urban character by preserving its history and building a substantial legacy of quality private developments and public improvements for future generations. The amendments support this goal because they promote residential design that reinforces positive aspects of the city's

neighborhoods, such as the pedestrian-friendly character of neighborhood streetscapes and housing types that add to the vibrancy and variety of neighborhoods.

68. **Policy 12.1, Portland's Character**, calls for enhancing and extending Portland's attractive identity by building on design elements, features, and themes identified within the city. The amendments support this policy by reinforcing the cherished human scale of Portland's built environment by requiring street-facing windows instead of blank walls and by limiting front vehicle parking so that pavement and vehicles do not dominate street frontages.
69. **Policy 12.4, Provide for Pedestrians**, calls for providing a pleasant, rich, and diverse experience for pedestrians which includes comfortable, safe, and attractive pathways. The amendments support this policy because they encourage development that is pedestrian- and transit-oriented by requiring street-facing windows and limiting front vehicle areas in order to foster street environments that provide a pleasant pedestrian experience.
70. **Policy 12.6, Preserve Neighborhoods**, calls for preserving and supporting the qualities of individual neighborhoods that help to make them attractive places. The amendments support this policy by encouraging rear parking arrangements which allow the continuation of neighborhood patterns of landscaped front setbacks and street-oriented buildings. The amendments also facilitate housing arrangements, such as courtyard housing and house-like duplexes, that hold potential to accommodate higher residential density in ways that reflect common neighborhood patterns. Other provisions of the amendments would help implement these policies by providing additional regulatory flexibility for building setbacks along transit streets to better respond to site-specific aspects of the surrounding neighborhood.
71. **Policy 12.7, Design Quality**, calls for enhancing Portland's appearance and character through development of public and private projects that are models of innovation and leadership in the design of the built environment. The amendments support Objective F of this policy: "Establish development standards that foster compatible design solutions in areas not subject to design review. Identify and establish standards aimed at improving how development projects fit into the community." The amendments ensure that medium-density infill development will continue basic features characteristic of the city's neighborhoods by limiting front vehicle areas and facilitating rear-parking arrangements to help preserve the front yard landscaping characteristic of Portland's residential areas and by requiring front windows to continue traditions of street-oriented housing.

NOW, THEREFORE, the Council directs:

- a. Adopt Exhibit A, *Infill Design Code Amendments Recommended Draft*, dated November 18, 2005;
- b. Amend Title 33, Planning and Zoning, as shown in Section C of Exhibit A, *Infill Design Code Amendments Recommended Draft*, dated November 18, 2005;
- c. Amend Title 17, Public Improvements, as shown in Section D of Exhibit A, *Infill Design Code Amendments Recommended Draft*, dated November 18, 2005;
- d. Adopt the commentary in Section C and Section D of Exhibit A, *Infill Design Code Amendments Recommended Draft*, dated November 18, 2005, as legislative intent and as further findings;
- e. Adopt Exhibit E, *Infill Design Project Report: Medium-Density Residential Development*, dated October 10, 2005, as background information;
- f. Direct the Bureau of Development Services to develop and approve administrative rules for private rights-of-way to serve as technical standards in the review of shared courts by September 1, 2006. In the interim, prior to September 1, 2006, the Bureau of Development Services shall review proposals for shared courts using the existing standards of the *Permanent Administrative Rules, Private Rights of Ways (Streets, Alleys, Common Greens, and Pedestrian Connections)*. Departures from these standards shall be subject to the appeals process established in those rules.
- g. Direct the Bureau of Planning to monitor the impacts of the amendments shown in Section C of Exhibit A, *Infill Design Code Amendments Recommended Draft*, dated November 18, 2005, and to provide a report to the Portland Planning Commission three years after these amendments take effect.

Passed by the Council, DEC 21 2005

Mayor Tom Potter
W. Cunningham
November 30, 2005

GARY BLACKMER
Auditor of the City of Portland

By
Susan Parsons
Deputy