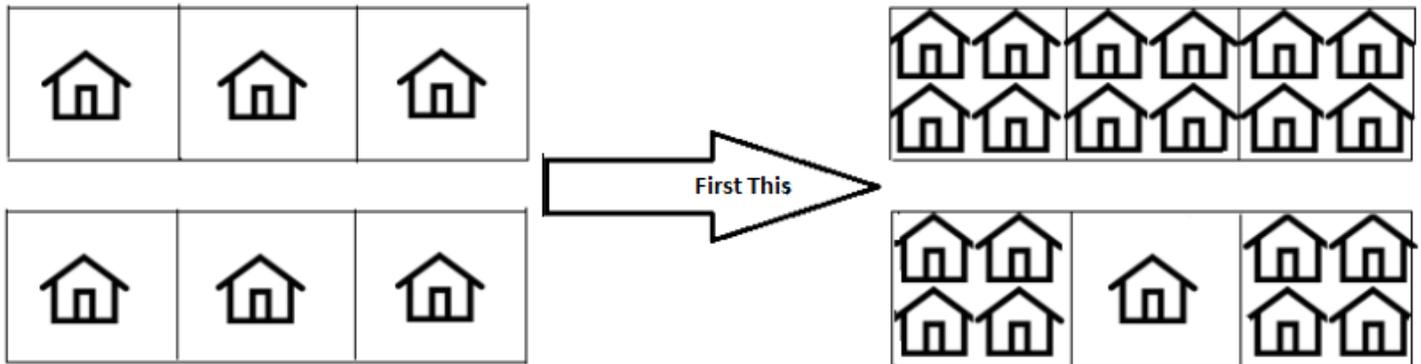
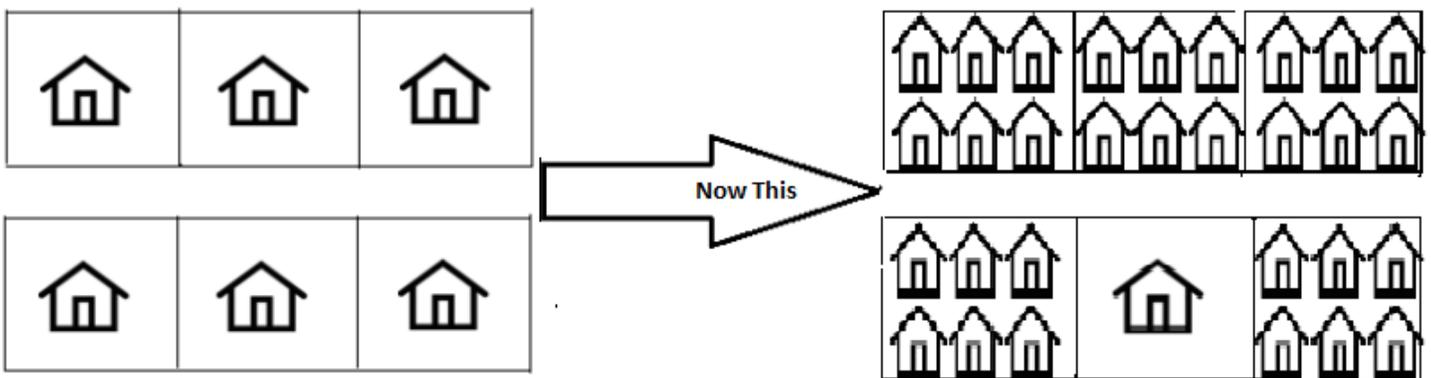


# Multnomah Neighborhood Association Needs YOUR Support



RIP allows 4 units per single-family lot.



Now the City Planners are proposing 6 units, if some are affordable.

## What's Next?

RIP's unrestricted increase in density is dependent upon the Middle Housing Policy that was adopted without regard to the proper regulatory process. **The Multnomah Neighborhood Association is appealing this Policy at the Oregon Court of Appeals.** If the Appeal is successful, the City will have to start over and comply with Oregon's landuse planning regulations.

### PLEASE DONATE

Any amount helps. Thank you.

Donations are tax-exempt 501(c)3 contributions:

Donate online at:  
<https://swni.org/multnomah>

Or write a check to:  
SWNI (Southwest Neighborhoods, Inc.)  
with "Multnomah Land Use Fund" on the check's "for" line.

Mail your check or drop it off at:  
7688 SW Capitol Hwy  
Portland, OR 97219

# Middle Housing Appeal

The Multnomah Neighborhood Association (MNA) filed an appeal of the 2035 Comp Plan "Middle Housing" Policy 5.6 (MHP) (see below) at the Oregon Court of Appeals. We hired Michael Gelardi, a land use attorney with Gelardi Law, to represent us in this case. The appeal applies citywide.

**Policy 5.6 Middle housing.** Enable and encourage development of middle housing. This includes multi-unit or clustered residential buildings that provide relatively smaller, less expensive units; more units; and a scale transition between the core of the mixed use center and surrounding single family areas. Where appropriate, apply zoning that would allow this within a quarter mile of designated centers, corridors with frequent service transit, high capacity transit stations, and within the Inner Ring around the Central City.

The MHP makes a radical change in land use planning in that it allows the zoning code to govern the number units allowed on a residential lot. Historically, comprehensive plans governed the number of allowable units. Compared to a comprehensive plan, the zoning code can be changed relatively easily at any time with little public oversight or input. Thus, the MHP reduces the opportunity for citizen involvement in determining residential density.

**If the Appeal is successful, the MHP would likely be remanded back to the City for adequate hearings with a factual basis and the MHP implementation process (i.e., the Residential Infill Project) would be required to occur within the 2035 Comp Plan Periodic Review process.**

On June 30, the Oregon Legislature passed HB 2001. However, the Appeal is not moot and still has meaning. HB 2001 does not excuse LCDC's failure to comply with the oversight requirements of the periodic review statutes. Nor does HB 2001 exempt the City of Portland from complying with the Statewide Planning Goals and the City's own land use regulations in developing and implementing the Middle Housing Policy.

Although HB 2001 requires cities with over 25,000 people to allow some middle housing in single family neighborhoods, other than duplexes, the statute does not specify where middle housing must be located or how much land a city must make available for middle housing. Furthermore, the statute allows cities to regulate the "siting and design" of middle housing units. The statute therefore does not require cities to allow all types of middle housing in any particular single family area.

Moreover, HB 2001 does not exempt cities from compliance with the statewide planning goals or a city's own comprehensive plan and zoning regulations in implementing HB 2001. The new statute therefore does not mandate or authorize the City's Middle Housing Policy to the extent that the Policy or its implementation is inconsistent with the statewide planning goals or other policies in the City's comprehensive plan.

In this case, the MNA has demonstrated that LCDC failed to exercise required oversight of the City's development and implementation of Middle Housing Policy through the periodic review process. Specifically, LCDC failed to (a) ensure that the City's Middle Housing Policy is consistent with the City's prior periodic review work; and (b) that the Policy will be implemented consistent with the statewide planning goals and other policies in the City's 2035 Comprehensive Plan. HB 2001 does not exempt either LCDC or the City from meeting these periodic review obligations, nor purport to authorize LCDC's challenged order. The enactment of HB 2001 therefore does not affect the outcome of the appeal.

Mr. Gelardi filed our brief at the Oregon Court of Appeals in May. The LCDC and the City filed their responses in July. **The date for the oral arguments will be set in September 2019.**

See <https://swni.org/multnomah/land-use> for more information and updates.

**PLEASE DONATE!**