

## **HB2001 Implementation Fact Sheet #3 – Bedrooms and floor area**

**Version 1.0 18-Feb-2021**

### **Introduction**

The DLCDC “Middle Housing” rules and “Model Code” are rife with inconsistencies, ambiguities, omissions and overreach.

The City of Eugene must resolve the rules in a manner that is clear, objective, comprehensible, reasonable and fair.

This is the third in a series of “Fact Sheets” to assist the Planning Commission and City Council in that endeavor.

### **DLCD Rules**

These Fact Sheets provide excerpted sections of the DLCDC rules relevant to the covered topic. Below are DLCDC rules related to bedrooms and floor area in “Large Cities.”

#### **660-046-0030 Implementation of Middle Housing Ordinances**

- 2 In adopting or amending regulations or amending a comprehensive plan to allow Middle Housing, a Medium or Large City must include findings demonstrating consideration, as part of the post-acknowledgement plan amendment process, of methods to increase the affordability of Middle Housing through ordinances or policies that include but are not limited to:
  - a. Waiving or deferring system development charges;
  - b. Adopting or amending criteria for property tax exemptions under ORS 307.515 to ORS 307.523, ORS 307.540 to ORS 307.548 or ORS 307.651 to ORS 307.687 or property tax freezes under ORS 308.450 to ORS 308.481; and
  - c. Assessing a construction tax under ORS 320.192 and ORS 320.195.

#### **660-046-0120 Duplex Siting Standards in Medium Cities**

The following standards apply to all Duplexes:

6. Lot Coverage and Floor Area Ratio: Medium Cities are not required to apply lot coverage or floor area ratio standards to new Duplexes. However, if the Medium City chooses to apply lot coverage or floor area ratio standards, it may not establish a cumulative lot coverage or floor area ratio for a Duplex that is less than established for detached single-family dwelling in the same zone.

#### **660-046-0205 Applicability of Middle Housing in Large Cities**

1. A Large City must allow for the development of Duplexes in the same manner as required for Medium Cities in OAR 660-046-0100 through OAR 660-046-0130.

#### **660-046-0215 Permitted Uses and Approval Process**

Large Cities must apply the same approval process to Middle Housing as detached single-family dwellings in the same zone. Pursuant to OAR 660-008-0015 and ORS 197.307, Large Cities may adopt and apply only clear and objective standards, conditions, and procedures regulating the development of Middle Housing consistent with the requirements of ORS 197.307. Nothing in this rule prohibits a Large City from adopting an alternative approval process for applications and permits for Middle Housing

based on approval criteria that are not clear and objective as provided in OAR 660-007-0015(2), OAR 660-008-0015(2), and ORS 197.307(6).

#### **660-046-0220 Middle Housing Siting Standards in Large Cities**

1. Large Cities must apply siting standards to Duplexes in the same manner as required for Medium Cities in OAR 660-046-0120.
2. The following governs Large Cities' regulation of siting standards related to Triplexes and Quadplexes:
  - f. Lot or Parcel Coverage and Floor Area Ratio: Large Cities are not required to apply Lot or Parcel coverage or floor area ratio standards to Triplexes or Quadplexes. However, if the Large City applies Lot or Parcel coverage or floor area ratio standards, it may not establish a cumulative Lot or Parcel coverage or floor area ratio for Triplexes or Quadplexes that is less than established for detached single-family dwelling in the same zone.
3. The following governs Large Cities' regulation of siting standards related to Townhouses:
  - g. Bulk and Scale: A Large City is not required to apply standards to control bulk and scale to new Townhouses. However, if a Large City chooses to regulate scale and bulk, including but not limited to provisions including Lot or Parcel coverage, floor area ratio, and maximum unit size, those standards cannot cumulatively or individually limit the bulk and scale of the cumulative Townhouse Project greater than that of a single-family detached dwelling.
4. The following governs Large Cities' regulation of siting standards related to Cottage Clusters:
  - e. Dwelling Unit Size: A Large City may limit the minimum or maximum size of dwelling units in a Cottage Cluster, but must apply a maximum building footprint of 900 square feet per dwelling unit. A Large City may exempt up to 200 square feet in the calculation of dwelling unit footprint for an attached garage or carport. A Large City may not include detached garages, carports, or accessory structures in the calculation of dwelling unit footprint.
  - g. Lot or Parcel Coverage and Floor Area Ratio: A Large City may not apply Lot or Parcel coverage or floor area ratio standards to Cottage Clusters.

#### **660-046-0225 Middle Housing Design Standards in Large Cities**

1. A Large City is not required to apply design standards to Middle Housing. However, if a Large City chooses to apply design standards to Middle Housing, it may only apply the following:
  - a. Design standards in the Model Code for Large Cities in OAR 660-046-0010(4)(b);
  - b. Design standards that are less restrictive than those in the Model Code for Large Cities in OAR 660-046-0010(4)(b);
  - c. The same clear and objective design standards that the Large City applies to detached single-family structures in the same zone. Design standards may not scale by the number of dwelling units or other features that scale with the number of dwelling units, such as primary entrances. Design standards may scale with form-based attributes, including but not limited to floor area, street-facing façade, height, bulk, and scale; or
  - d. Alternative design standards as provided in OAR 660-046-0235.
2. A Large City may not apply design standards to Middle Housing created as provided in OAR 660-046-0230 [Conversion of detached single-family dwelling].

## **660-046-0235 Alternative Siting or Design Standards**

A Large City may adopt Siting or Design Standards not authorized by OAR 660-046-0220 or OAR 660-046-0225 as allowed under subsection (1) below if the city can demonstrate that it meets the applicable criteria laid out in either subsection (1) [*sic.* This may intend “in any subsection of (1)"] below. Siting or Design standards do not include minimum Lot or Parcel size and maximum density requirements. [*sic.* Does this mean that there cannot be alternatives to these two criteria?]

1. A Large City must submit to the Department findings and analysis demonstrating that the proposed standard or standards will not, individually or cumulatively, cause unreasonable cost or delay to the development of Middle Housing. To demonstrate that, the Large City must consider how a standard or standards, individually and cumulatively, affect the following factors in comparison to what is would otherwise be required under OAR 660-046-0220 or OAR 660-046-0225:
  - a. The total time and cost of construction, including design, labor, and materials;
  - b. The total cost of land;
  - c. The availability and acquisition of land, including areas with existing development;
  - d. The total time and cost of permitting and fees required to make land suitable for development;
  - e. The cumulative livable floor area that can be produced; and
  - f. The proportionality of cumulative time and cost imposed by the proposed standard(s) in relationship to the public need or interest the standard(s) fulfill.

[Note: As is a common problem with these OAR, this section makes no sense. Since the clear-and-objective standards must not cause unreasonable cost or delay, it’s logically impossible for alternative standards to force development of a “middle housing” type to be developed in a way that would cause unreasonable cost or delay. The way this section if written, it potentially prevents any useful alternative standards to be adopted.]

## **Model Code Provisions**

### **B. Definitions**

10. “Floor area” means the total area of all floors of a building. Floor area is measured for each floor from the exterior faces of a building or structure. Floor area includes stairwells, ramps, shafts, chases, and the area devoted to garages and structured parking. Floor area does not include the following (see Figure 1):
  - Areas where the elevation of the floor is 4 feet or more below the adjacent right-of way;
  - Roof area, including roof top parking;
  - Roof top mechanical equipment; and
  - Roofed porches, exterior balconies, or other similar areas, unless they are enclosed by walls that are more than 42 inches in height for 75 percent or more of their perimeter.

### **Chapter 2. B. Development Standards [for Duplexes]**

Except as specified below, duplexes shall meet all clear and objective development standards that apply to detached single family dwellings in the same zone (including, but not limited to, minimum and

maximum lot size, minimum and maximum setbacks, and building height), unless those standards conflict with this code.

[Similar language for Triplexes, Quadplexes. Townhouses and Cottage Clusters do not have the same requirement regarding detached single family dwellings in the same zone.]

**Chapter 3. Triplexes and Quadplexes**

**Chapter 4. Townhouses**

6. Maximum Floor Area Ratio (FAR). The maximum floor area ratio for all buildings onsite, cumulatively, is based on the minimum lot size for a detached single family dwelling in the same zone, as provided below:

Minimum Lot Size for Detached Single Family Dwellings	Maximum FAR
3,000 sf or less	1.4 to 1
More than 3,000 sf, up to and including 5,000 sf	1.1 to 1
More than 5,000 sf, up to and including 10,000 sf	0.7 to 1
More than 10,000 sf but less than 20,000 sf	0.6 to 1
20,000 sf or more	0.4 to 1

**Chapter 5. Cottage Clusters**

5. Average Unit Size. The maximum average floor area for a cottage cluster is 1,400 square feet per dwelling unit. Community buildings shall be included in the average floor area calculation for a cottage cluster. [OAR only requires that the footprint be less than 900 s.f. However, a genuine “cottage” is typically one floor of living space.]

**Comments**

It’s well established that market-rate “middle housing” will not produce any significant improvement in cost of housing for Extremely Low Income (ELI) and Very Low Income (VLI) households in Eugene. (See the **National Low-Income Housing Coalition** “2020 Gap Report.” Census data for Eugene is similar.)

As an additional factor, recent housing studies of Eugene housing types indicates that there’s an unmet need for single-occupancy dwellings.

Accordingly, to the degree that additional dwellings are produced through upzoning and “middle housing” infill within Eugene’s (nominally) “single-family” neighborhoods, the dwellings should produce lower-cost rentals with minimal exacerbation of climate change. *That means small dwellings.*

Rental rates are indisputably tied to dwelling size and number of bedrooms. Although the cost isn’t linear, other factors being equal (e.g., location, amenities, etc.), smaller apartments have lower rent and apartments with fewer bedrooms have lower rent. (See references below.)

Dwelling size and occupancy are the largest factors in the level of impact on climate change. Other factors being equal (e.g., insulation, appliances), the larger the dwelling and the more occupants, the greater the total lifecycle environmental impact.

Because HB 2001 unwisely promotes “distributed,” rather than compact, *densification* with relatively *low-density* housing types, the implementation of so-called “middle housing” as infill should limit dwelling size and number of bedrooms to minimize climate impacts. (The rational approach to densification is high-density on good public transit routes.)

This issue is, of course, a fundamental policy decision *that the Eugene City Council should make* and direct the City Manager to follow. Below are the recommended standards for “Green & Affordable Middle Housing” infill. Note that these recommendations are not necessarily intended to apply to “greenfield” housing developments (e.g., on large, vacant development sites, especially when served by public transit.)

For reference, here are some informal sources related to dwelling size.

- A 1929 detached, single-family home in Eugene’s Chambers Special Area Zone (approximate room sizes).
  - Living Room 230 s.f. (w/fireplace)
  - Dining room 120 s.f.
  - Kitchen 100 s.f.
  - Shared Bathroom 50 s.f. tub, lav, toilet)
  - Main Bedroom w/ closet 130 s.f.
  - Coat Closet 10 s.f.
  - Circulation 25 s.f.
  - Total 665 s.f.

Note: This is the house that I’ve lived in for over 40 years. It has a second, smaller bedroom (90 s.f.) and a small den that are additional square footages on the main floor. The figures above are for comparison to one-bedroom dwellings. The listed rooms are generous. From my “lived experience,” it’s clear that 600 s.f. allows a *very comfortable* 1-bedroom dwelling; anything larger is simply an improvement in the “luxury” of more space.

- “What is the Average Size of Apartments in the USA?”  
<https://www.homestratosphere.com/average-size-apartment/>
  - Studio: 472 s.f.
  - 1-Bedroom: 714 s.f.

- “The Right Square Footage for Your New Apartment”  
<https://lbkaps.com/blog/post/the-right-square-footage-for-your-new-apartment/>

Anything from **600+ square feet** is where we start to see more breathing room for a living space. This amount is where we start to see sectioned off rooms and spaciousness. Large bedrooms, medium sized living rooms, kitchens, and bathrooms. Functional patios are typical of these types of floor plans as well. Multiple closets and a washroom are nearly guaranteed. We recommend that if you have pets, look for a floor plan that is at least 600 square feet or else your living space is going to be more than cozy.

- “How To Determine What Size Apartment You Need”  
<https://blog.tbigos.com/what-size-apartment-do-you-need/>

1 bedroom apartments **between 550 and 1,000 square feet** would be perfect for a single person who wants to keep their living space separate from their bedroom.

[See also the table of average sizes per type.]

- **“As Apartments Are Shrinking, Seattle Tops New York with the Smallest Rentals in the U.S.”**  
<https://www.rentcafe.com/blog/rental-market/real-estate-news/us-average-apartment-size-trends-downward/>

See the “Ten-year changes in apartment rents and sizes” table.

Overall average apartment size (all numbers of bedrooms)

- Portland: 2018 707 s.f.
- Seattle: 2018 711 s.f

- **Eugene Oregon Housing market data real estate research (towncharts.com)**  
[Eugene Oregon Housing market data real estate research \(towncharts.com\)](https://www.towncharts.com/eugene-oregon-housing-market-data-real-estate-research)

See Figure 24: Eugene, OR Monthly Median Rent Rates by Size of Rental in Bedrooms

Percentages by rental rate categories for 1 & 2 bedrooms

- **“How Much Square Footage Do I Need?”**  
<https://www.apartments.com/blog/how-much-square-footage-do-i-need>

As an interesting side note, houses and apartments have changed in square footage over time. In the US, the average size of a single-family home is about 2,600 square feet. In 1970, the average house size was 1,660 square feet. In 1950, the average home was 983 square feet. (An interesting side note to the interesting side note, while homes are getting larger, family size is trending smaller. In 1940, there was an average of 3.6 people per household, according to US Census data. Today, it’s about 2.5.)

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*Both the statistics and on-the-ground evidence make clear that 600 to 700 square feet is ample for a one-bedroom dwelling. Advocates for “affordable housing” and reducing impacts on climate change have no basis to argue for “middle housing” infill to comprise larger dwellings. Larger dwellings would serve only higher-income households and greater impacts on climate change, particularly because car ownership and VMT (Vehicle Miles Travelled) increase with household income.*

The OAR coupling of standards for duplexes to detached, single-family dwellings creates an impediment to *rational* standards for new infill. OAR requires that duplexes must have the same criteria for maximum floor area and bedrooms, thus forcing Eugene to allow larger duplexes with concomitant higher rent and greater impacts. The following recommendations for detached, single-family dwellings and duplexes are an attempt at a reasonable compromise for built-out neighborhoods.

**Proposed code criteria**

Note that a Maximum Lot Coverage standard (covered in a subsequent “Fact Sheet”) may effectively create a lower limit to the maximum floor area on a particular lot.

The “600 to 700 s.f.” recommendation indicates that some consistent value in that range should be adopted for maximum floor area after further analysis and consideration.

<b>Residential use</b>	<b>Maximum Floor Area</b>	<b>Maximum Bedrooms</b>	<b>Notes</b>
“Single-Dwelling”	2,500 s.f.	4	<ul style="list-style-type: none"> <li>• New dwellings are allowed as nonconforming uses on substandard lots.</li> </ul>
“Duplex”	2,500 s.f. total	4	
ADU	600 to 700 s.f.	1 or total of 4 on the lot, which ever is greater	<ul style="list-style-type: none"> <li>• Existing dwellings are allowed as nonconforming uses, if they exceed these maximums.</li> <li>• Maximum Lot Coverage may lower the maximum floor area based on nonconforming lot sizes.</li> <li>• May be able to increase based on larger lot size.</li> </ul>
“Dwelling Pair”	2,500 s.f. total	3 or 4	Only where allowed (e.g., S-JW Zone.) This is <u>not</u> a “middle housing type.”
“Triplex”	600 to 700 s.f. per Dwelling	3	Note that <b>660-046-0220(2)(f)</b> applies only to Lot or Parcel coverage or <u>floor area ratio</u> standards.
“Quadplex”	600 to 700 s.f. per Dwelling	4	Note that <b>660-046-0220(2)(f)</b> applies only to Lot or Parcel coverage or <u>floor area ratio</u> standards.
“Townhouse”	600 to 700 s.f. per Dwelling or 2,500 s.f., whichever is greater	1 per dwelling	Note <b>660-046-0220(3)(g)</b> : “Lot or Parcel coverage, floor area ratio, and <u>maximum unit size</u> , those standards cannot cumulatively or individually limit the bulk and scale of the <u>cumulative</u> Townhouse Project greater than that of a single-family detached dwelling.” The 2,500 s.f. value is for cases where the per-dwelling max would be cumulatively more restrictive.
“Cottage Cluster”	600 to 700 s.f. per Dwelling	1 per dwelling	Note: OAR <b>660-046-0220(4)(g)</b> : prohibits “FAR” criterion, but doesn’t prohibit maximum floor area.