

DIVISION 7
METROPOLITAN HOUSING
Draft Housekeeping Amendments November 1, 2011

1 **660-007-0000**

2 **Statement of Purpose**

3 The purpose of this rule is to assure opportunity for the provision of adequate numbers of needed
4 housing units and the efficient use of land within the Metropolitan Portland (Metro) urban
5 growth boundary, to provide greater certainty in the development process and so to reduce
6 housing costs. OAR 660-007-0030 through 660-007-0037 are intended to establish by rule
7 regional residential density and mix standards to measure Goal 10 Housing compliance for cities
8 and counties within the Metro urban growth boundary, and to ensure the efficient use of
9 residential land within the regional UGB consistent with Goal 14 Urbanization. OAR 660-007-
10 0035 implements the Commission's determination in the Metro UGB acknowledgment
11 proceedings that region wide, planned residential densities must be considerably in excess of the
12 residential density assumed in Metro's "UGB Findings". The new construction density and mix
13 standards and the criteria for varying from them in this rule take into consideration and also
14 satisfy the price range and rent level criteria for needed housing as set forth in ORS 197.303.

15 Stat. Auth.: ORS 183 & ORS 197

16 Stats. Implemented: ORS 197.295 - ORS 197.314 & ORS 197.475 - ORS 197.490

17 Hist.: LCD 10-1981, f. & ef. 12-11-81; LCDC 1-1987, f. & ef. 2-18-87

18 **660-007-0005**

19 **Definitions**

20 For the purposes of this rule, the definitions in ORS 197.015, 197.295, and 197.303 shall apply.
21 In addition, the following definitions apply:

22 (1) A "Net Buildable Acre" consists of 43,560 square feet of residentially designated buildable
23 land, after excluding present and future rights-of-way, restricted hazard areas, public open spaces
24 and restricted resource protection areas.

25 (2) "Attached Single Family Housing" means common-wall dwellings or rowhouses where each
26 dwelling unit occupies a separate lot.

27 (3) "Buildable Land" means residentially designated land within the Metro urban growth
28 boundary, including both vacant and developed land likely to be redeveloped, that is suitable,
29 available and necessary for residential uses. Publicly owned land is generally not considered
30 available for residential uses. Land is generally considered "suitable and available" unless it:

31 (a) Is severely constrained by natural hazards as determined under Statewide Planning Goal 7;

32 (b) Is subject to natural resource protection measures determined under statewide Planning Goals
33 5, 6 or 15;

34 (c) Has slopes of 25 percent or greater;

1 (d) Is within the 100-year flood plain; or

2 (e) Cannot be provided with public facilities.

3 (4) "Detached Single Family Housing" means a housing unit that is free standing and separate
4 from other housing units.

5 (5) "Housing Needs **Forecast** [~~Projection~~]" refers to a local determination, justified in the plan,
6 as to the housing types, **amounts** and densities that will be:

7 (a) Commensurate with the financial capabilities of present and future area residents of all
8 income levels during the planning period;

9 (b) Consistent with OAR 660-007-0010 through 660-007-0037 and any other adopted regional
10 housing standards; and

11 (c) Consistent with Goal 14 requirements for the efficient provision of public facilities and
12 services, and efficiency of land use.

13 (6) "Multiple Family Housing" means attached housing where each dwelling unit is not located
14 on a separate lot.

15 **(7) "Needed Housing" means housing types determined to meet the need shown for housing**
16 **within an urban growth boundary at particular price ranges and rent levels, including at**
17 **least the following housing types:**

18 **(a) Attached and detached single-family housing and multiple family housing for both**
19 **owner and renter occupancy;**

20 **(b) Government assisted housing;**

21 **(c) Mobile home or manufactured dwelling parks as provided in ORS 197.475 to 197.490;**

22 **(d) Manufactured homes on individual lots planned and zoned for single-family residential**
23 **use that are in addition to lots within designated manufactured dwelling subdivisions; and**

24 **(e) Housing for farmworkers.**

25 ([7]8) "Redevelopable Land" means land zoned for residential use on which development has
26 already occurred but on which, due to present or expected market forces, there exists the
27 likelihood that existing development will be converted to more intensive residential uses during
28 the planning period.

29 Stat. Auth.: ORS 197.040

30 Stats. Implemented: ORS 197.295 - 197.314 & 197.475 - 197.490

1 Hist.: LCD 10-1981, f. & ef. 12-11-81; LCDC 1-1987, f. & ef. 2-18-87; LCDC 3-1990, f. & cert.
2 ef. 6-6-90; LCDD 3-2008, f. & cert. ef. 4-18-08

3 **660-007-0015**

4 **Clear and Objective Approval Standards Required**

5
6 **(1) [Local approval standards, special conditions and procedures regulating the development of**
7 **needed housing must be clear and objective, and must not have the effect, either of themselves or**
8 **cumulatively, of discouraging needed housing through unreasonable cost or delay.] Except as**
9 **provided in section (2) of this rule, a local government may adopt and apply only clear and**
10 **objective standards, conditions and procedures regulating the development of needed**
11 **housing on buildable land. The standards, conditions and procedures may not have the**
12 **effect, either in themselves or cumulatively, of discouraging needed housing through**
13 **unreasonable cost or delay.**

14 **(2) In addition to an approval process for needed housing based on clear and objective**
15 **standards, conditions and procedures as provided in section (1) of this rule, a local**
16 **government may adopt and apply an optional alternative approval process for applications**
17 **and permits for residential development based on approval criteria regulating, in whole or**
18 **in part, appearance or aesthetics that are not clear and objective if:**

19 **(a) The applicant retains the option of proceeding under the approval process that meets**
20 **the requirements of section (1);**

21 **(b) The approval criteria for the alternative approval process comply with applicable**
22 **statewide land use planning goals and rules; and**

23 **(c) The approval criteria for the alternative approval process authorize a density at or**
24 **above the density level authorized in the zone under the approval process provided in**
25 **section (1) of this rule.**

26 **(3) Subject to section (1), this rule does not infringe on a local government's prerogative to:**

27 **(a) Set approval standards under which a particular housing type is permitted outright;**

28 **(b) Impose special conditions upon approval of a specific development proposal; or**

29 **(c) Establish approval procedures.**

30 Stat. Auth.: ORS 183 & ORS 197

31 Stats. Implemented: ORS 197.295 - ORS 197.314 & ORS 197.475 - ORS 197.490

32 Hist.: LCD 10-1981, f. & ef. 12-11-81

1 **660-007-0018**

2 **Specific Plan Designations Required**

3 (1) Plan designations that allow or require residential uses shall be assigned to all buildable land.
4 Such designations may allow nonresidential uses as well as residential uses. Such designations
5 may be considered to be "residential plan designations" for the purposes of this division. The
6 plan designations assigned to buildable land shall be specific so as to accommodate the varying
7 housing types and densities identified in OAR 660-007-0030 through 660-007-0037.

8 (2) A local government may defer the assignment of specific residential plan designations only
9 when the following conditions have been met:

10 (a) Uncertainties concerning the funding, location and timing of public facilities have been
11 identified in the local comprehensive plan;

12 (b) The decision not to assign specific residential plan designations is specifically related to
13 identified public facilities constraints and is so justified in the plan; and

14 (c) The plan includes a time-specific strategy for resolution of identified public facilities
15 uncertainties and a policy commitment to assign specific residential plan designations when
16 identified public facilities uncertainties are resolved.

17 Stat. Auth.: ORS 183 & ORS 197

18 Stats. Implemented: ORS 197.295 - ORS 197.314 & ORS 197.475 - ORS 197.490

19 Hist.: LCDC 1-1987, f. & ef. 2-18-87; LCDD 4-1999, f. & cert. ef. 7-2-99

20 **660-007-0020**

21 **The Rezoning Process**

22 A local government may defer rezoning of land within the urban growth boundary to maximum
23 planned residential density provided that the process for future rezoning is reasonably justified:

24 (1) The plan must contain a justification for the rezoning process and policies which explain how
25 this process will be used to provide for needed housing.

26 (2) Standards and procedures governing the process for future rezoning shall be based on the
27 rezoning justification and policy statement, and must be clear and objective.

28 Stat. Auth.: ORS 183 & ORS 197

29 Stats. Implemented: ORS 197.295 - ORS 197.314 & ORS 197.475 - ORS 197.490

30 Hist.: LCD 10-1981, f. & ef. 12-11-81

1 **660-007-0022**

2 **Restrictions on Housing Tenure**

3 Any local government that restricts the construction of either rental or owner occupied housing
4 on or after its first periodic review shall either justify such restriction by an analysis of housing
5 need according to tenure or otherwise demonstrate that such restrictions comply with ORS
6 197.303(a) and 197.307(3).

7 Stat. Auth.: ORS 183 & ORS 197

8 Stats. Implemented: ORS 197.295 - ORS 197.314 & ORS 197.475 - ORS 197.490

9 Hist.: LCDC 1-1987, f. & ef. 2-18-87

10 **660-007-0030**

11 **New Construction Mix**

12 (1) Jurisdictions other than small developed cities must either designate sufficient buildable land
13 to provide the opportunity for at least 50 percent of new residential units to be attached single
14 family housing or multiple family housing or justify an alternative percentage based on changing
15 circumstances. Factors to be considered in justifying an alternate percentage shall include, but
16 need not be limited to:

17 (a) Metro forecasts of dwelling units by type;

18 (b) Changes in household structure, size, or composition by age;

19 (c) Changes in economic factors impacting demand for single family versus multiple family
20 units; and

21 (d) Changes in price ranges and rent levels relative to income levels.

22 (2) The considerations listed in section (1) of this rule refer to county-level data within the UGB
23 and data on the specific jurisdiction.

24 Stat. Auth.: ORS 183 & ORS 197

25 Stats. Implemented: ORS 197.295 - ORS 197.314 & ORS 197.475 - ORS 197.490

26 Hist.: LCD 10-1981, f. & ef. 12-11-81; LCDC 1-1987, f. & ef. 2-18-87

27 **660-007-0033**

28 **Consideration of Other Housing Types**

29 Each local government shall consider the needs for manufactured housing and government
30 assisted housing within the Portland Metropolitan UGB in arriving at an allocation of housing
31 types.

1 Stat. Auth.: ORS 183 & ORS 197
2 Stats. Implemented: ORS 197.295 - ORS 197.314 & ORS 197.475 - ORS 197.490
3 Hist.: LCDC 1-1987, f. & ef. 2-18-87

4 **660-007-0035**
5 **Minimum Residential Density Allocation for New Construction**

6 The following standards shall apply to those jurisdictions which provide the opportunity for at
7 least 50 percent of new residential units to be attached single family housing or multiple family
8 housing:

9 (1) The Cities of Cornelius, Durham, Fairview, Happy Valley and Sherwood must provide for an
10 overall density of six or more dwelling units per net buildable acre. These are relatively small
11 cities with some growth potential (i.e. with a regionally coordinated population projection of less
12 than 8,000 persons for the active planning area).

13 (2) Clackamas and Washington Counties, and the cities of Forest Grove, Gladstone, Milwaukie,
14 Oregon City, Troutdale, Tualatin, West Linn and Wilsonville must provide for an overall density
15 of eight or more dwelling units per net buildable acre.

16 (3) Multnomah County and the cities of Portland, Gresham, Beaverton, Hillsboro, Lake Oswego
17 and Tigard must provide for an overall density of ten or more dwelling units per net buildable
18 acre. These are larger urbanized jurisdictions with regionally coordinated population projections
19 of 50,000 or more for their active planning areas, which encompass or are near major
20 employment centers, and which are situated along regional transportation corridors.

21 (4) Regional housing density and mix standards as stated in OAR 660-007-0030 and sections (1),
22 (2), and (3) of this rule do not apply to small developed cities which had less than 50 acres of
23 buildable land in 1977 as determined by criteria used in Metro's UGB Findings. These cities
24 include King City, Rivergrove, Maywood Park, Johnson City and Wood Village.

25 Stat. Auth.: ORS 183 & ORS 197
26 Stats. Implemented: ORS 197.295 - ORS 197.314 & ORS 197.475 - ORS 197.490
27 Hist.: LCD 10-1981, f. & ef. 12-11-81; LCDC 1-1987, f. & ef. 2-18-87

28 **660-007-0037**
29 **Alternate Minimum Residential Density Allocation for New Construction**

30 The density standards in OAR 660-007-0035 shall not apply to a jurisdiction which justifies an
31 alternative new construction mix under the provisions of OAR 660-007-0030. The following
32 standards shall apply to these jurisdictions:

33 (1) The jurisdiction must provide for the average density of detached single family housing to be
34 equal to or greater than the density of detached single family housing provided for in the plan at
35 the time of original LCDC acknowledgment.

1 (2) The jurisdiction must provide for the average density of multiple family housing to be equal
2 to or greater than the density of multiple family housing provided for in the plan at the time of
3 original LCDC acknowledgment.

4 (3) A jurisdiction which justifies an alternative new construction mix must also evaluate whether
5 the factors in OAR 660-007-0030 support increases in the density of either detached single
6 family or multiple family housing or both. If the evaluation supports increases in density, then
7 necessary amendments to residential plan and zone designations must be made.

8 Stat. Auth.: ORS 183 & ORS 197

9 Stats. Implemented: ORS 197.295 - ORS 197.314 & ORS 197.475 - ORS 197.490

10 Hist.: LCDC 1-1987, f. & ef. 2-18-87

11 **660-007-0045**

12 **Computation of Buildable Lands**

13 (1) The local buildable lands inventory must document the amount of buildable land in each
14 residential plan designation.

15 (2) The Buildable Land Inventory (BLI): The mix and density standards of OAR 660-007-0030,
16 660-007-0035 and 660-007-0037 apply to land in a buildable land inventory required by OAR
17 660-007-0010, as modified herein. Except as provided below, the buildable land inventory at
18 each jurisdiction's choice shall either be based on land in a residential plan/zone designation
19 within the jurisdiction at the time of periodic review or based on the jurisdiction BLI at the time
20 of acknowledgment as updated. Each jurisdiction must include in its computations all plan and/or
21 zone changes involving residential land which that jurisdiction made since acknowledgment. A
22 jurisdiction need not include plan and/or zone changes made by another jurisdiction before
23 annexation to a city. The adjustment of the BLI at the time of acknowledgment shall:

24 (a) Include changes in zoning ordinances or zoning designations on residential planned land if
25 allowed densities are changed;

26 (b) Include changes in planning or zoning designations either to or from residential use. A city
27 shall include changes to annexed or incorporated land if the city changed type or density or the
28 plan/zone designation after annexation or incorporation;

29 (c) The county and one or more cities affected by annexations or incorporations may consolidate
30 buildable land inventories. A single calculation of mix and density may be prepared.
31 Jurisdictions which consolidate their buildable lands inventories shall conduct their periodic
32 review simultaneously;

33 (d) A new density standard shall be calculated when annexation, incorporation or consolidation
34 results in mixing two or more density standards (OAR 660-007-0035). The calculation shall be
35 made as follows:

36 (A)(i) $BLI \text{ Acres} \times 6 \text{ Units/Acre} = \text{Num. of Units};$

1 (ii) $\text{BLI Acres} \times 8 \text{ Units/Acre} = \text{Num. of Units}$;

2 (iii) $\text{BLI Acres} \times 10 \text{ Units/Acre} = \text{Num. of Units}$;

3 (iv) $\text{Total Acres (TA)} \div \text{Total Units (TU)}$.

4 (B) $\text{Total units} \div \text{Total Acres} = \text{New Density Standard}$;

5 (C) Example:

6 (i) Cities A and B have 100 acres and a 6-unit-per-acre standard: $(100 \times 6 = 600 \text{ units})$; City B
7 has 300 acres and a 10-unit-per-acre standard: $(300 \times 10 = 3000 \text{ units})$; County has 200 acres and
8 an 8-unit-per-acre standard: $(200 \times 8 = 1600 \text{ units})$; Total acres = 600 -- Total Units = 5200.

9 (ii) $5200 \text{ units} \div 600 \text{ acres} = 8.66 \text{ units per acre standard}$.

10 (3) Mix and Density Calculation: The housing units allowed by the plan/zone designations at
11 periodic review, except as modified by section (2) of this rule, shall be used to calculate the mix
12 and density. The number of units allowed by the plan/zone designations at the time of
13 development shall be used for developed residential land.

14 Stat. Auth.: ORS 183 & ORS 197

15 Stats. Implemented: ORS 197.295 - ORS 197.314 & ORS 197.475 - ORS 197.490

16 Hist.: LCDC 1-1987, f. & ef. 2-18-87

17 **660-007-0050**

18 **Regional Coordination**

19 (1) At each periodic review of the Metro UGB, Metro shall review the findings for the UGB.
20 They shall determine whether the buildable land within the UGB satisfies housing needs by type
21 and density for the region's long-range population and housing projections.

22 (2) Metro shall ensure that needed housing is provided for on a regional basis through
23 coordinated comprehensive plans.

24 Stat. Auth.: ORS 183 & ORS 197

25 Stats. Implemented: ORS 197.295 - ORS 197.314 & ORS 197.475 - ORS 197.490

26 Hist.: LCDC 1-1987, f. & ef. 2-18-87

27 **660-007-0060**

28 **Applicability**

29 (1) The new construction mix and minimum residential density standards of OAR 660-007-0030
30 through 660-007-0037 shall be applicable at each periodic review. During each periodic review
31 local government shall prepare findings regarding the cumulative effects of all plan and zone
32 changes affecting residential use. The jurisdiction's buildable lands inventory (updated pursuant

1 to OAR 660-007-0045) shall be a supporting document to the local jurisdiction's periodic review
2 order.

3 (2) For plan and land use regulation amendments which are subject to OAR 660, Division 18, the
4 local jurisdiction shall either:

5 (a) Demonstrate through findings that the mix and density standards in this Division are met by
6 the amendment; or

7 (b) Make a commitment through the findings associated with the amendment that the jurisdiction
8 will comply with provisions of this Division for mix or density through subsequent plan
9 amendments.

10 Stat. Auth.: ORS 183 & ORS 197

11 Stats. Implemented: ORS 197.295 - ORS 197.314 & ORS 197.475 - ORS 197.490

12 Hist.: LCDC 1-1987, f. & ef. 2-18-87

13