

DIVISION 8
INTERPRETATION OF GOAL 10 HOUSING
Draft Housekeeping Amendments November 1, 2011

1 **660-008-0000**

2 **Purpose**

3 (1) The purpose of this rule is to [as]ensure opportunity for the provision of adequate numbers of
4 needed housing units, the efficient use of buildable land within urban growth boundaries, and to
5 provide greater certainty in the development process so as to reduce housing costs. This [rule]
6 **division** is intended to [define] **provide** standards for compliance with Goal 10 "Housing" and to
7 implement ORS 197.303 through 197.307.

8 (2) OAR 660[~~-007-0000 et seq.~~], **division 7**, Metropolitan Housing, [are] **is** intended to
9 complement and be consistent with OAR 660[~~-008-0000 et seq.~~], **division 8, and Statewide**
10 **Planning** Goal 10 Housing (**OAR 660-015-0000(10)**). Should differences in interpretation
11 between OAR 660[~~-008-0000 et seq.~~], **division 8** and **OAR 660, division 7** [~~660-007-0000 et~~
12 ~~seq.~~] arise, the provisions of OAR 660[~~-007-0000 et seq.~~], **division 7** shall prevail for cities and
13 counties within the Metro urban growth boundary.

14 Stat. Auth.: ORS 197

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

16 Hist.: LCDC 3-1982, f. & ef. 7-21-82; LCDD 3-2004, f. & cert. ef. 5-7-04

17 **660-008-0005**

18 **Definitions**

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

21 (1) "Attached Single Family Housing" means common-wall dwellings or rowhouses where each
22 dwelling unit occupies a separate lot.

23 (2) "Buildable Land" means residentially designated land within the urban growth boundary,
24 including both vacant and developed land likely to be redeveloped, that is suitable, available and
25 necessary for residential uses. Publicly owned land is generally not considered available for
26 residential uses. Land is generally considered "suitable and available" unless it:

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

28 (b) Is subject to natural resource protection measures determined under statewide Planning Goals
29 5, 6, 15, 16, 17, or 18;

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

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

32 (e) Cannot be provided with public facilities.

1 (3) “Detached Single Family Housing” means a housing unit that is free standing and separate
2 from other housing units.

3 (4) “Housing Needs **Forecast**[Projection]” refers to a local determination, justified in the plan, of
4 the mix of housing types, **amounts** and densities that will be:

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

7 (b) Consistent with any adopted regional housing standards, state statutes and Land Conservation
8 and Development Commission administrative rules; and

9 (c) Consistent with Goal 14 requirements.

10 (5) “Multiple Family Housing” means attached housing where each dwelling unit is not located
11 on a separate lot.

12 **(6) “Needed Housing” means housing types determined to meet the need shown for housing**
13 **within an urban growth boundary at particular price ranges and rent levels, including at**
14 **least the following housing types:**

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

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

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

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

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

22 ([6]7) “Redevelopable Land” means land zoned for residential use on which development has
23 already occurred but on which, due to present or expected market forces, there exists the strong
24 likelihood that existing development will be converted to more intensive residential uses during
25 the planning period.

26 Stat. Auth.: ORS 183, 196 & 197

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

28 Hist.: LCDC 3-1982, f. & ef. 7-21-82; LCDC 3-1990, f. & cert. ef. 6-6-90; LCDD 3-2004, f. &
29 cert. ef. 5-7-04; LCDD 3-2008, f. & cert. ef. 4-18-08

30 **660-008-0010**

31 **Allocation of Buildable Land**

1 The mix and density of needed housing is determined in the housing needs projection. Sufficient
2 buildable land shall be designated on the comprehensive plan map to satisfy housing needs by
3 type and density range as determined in the housing needs projection. The local buildable lands
4 inventory must document the amount of buildable land in each residential plan designation.

5 Stat. Auth.: ORS 197

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

7 Hist.: LCDC 3-1982, f. & ef. 7-21-82

8 **660-008-0015**

9 **Clear and Objective Approval Standards Required**

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

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

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

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

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

30 **(3) Subject to section (1), this rule does not infringe on a local government's prerogative to:**
31 **(a) Set approval standards under which a particular housing type is permitted outright;**
32 **(b) Impose special conditions upon approval of a specific development proposal; or**
33 **(c) Establish approval procedures.**

34 Stat. Auth.: ORS 197

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

36 Hist.: LCDC 3-1982, f. & ef. 7-21-82

1 **660-008-0020**

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 the local housing needs projection.

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 197

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

19 Hist.: LCDC 3-1982, f. & ef. 7-21-82; LCDD 5-1999, f. & cert. ef. 7-2-99

20 **660-008-0025**

21 **The Rezoning Process**

22 A local government may defer rezoning of land within an urban growth boundary to maximum
23 planned residential density provided that the process for future rezoning is reasonably justified. If
24 such is the case, then:

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

27 (2) Standards and procedures governing the process for future rezoning shall be based on the
28 rezoning justification and policy statement, and must be clear and objective **and meet other**
29 **requirements in OAR 660-008-0015.**

30 Stat. Auth.: ORS 197

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

32 Hist.: LCDC 3-1982, f. & ef. 7-21-82

33 **660-008-0030**

34 **Regional Coordination**

1 (1) Each local government shall consider the needs of the relevant region in arriving at a fair
2 allocation of housing types and densities.

3 (2) The local coordination body shall be responsible for ensuring that the regional housing
4 impacts of restrictive or expansive local government programs are considered. The local
5 coordination body shall ensure that needed housing is provided for on a regional basis through
6 coordinated comprehensive plans.

7 Stat. Auth.: ORS 197

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

9 Hist.: LCDC 3-1982, f. & ef. 7-21-82

10 **660-008-0035**

11 **Substantive Standards for Taking a Goal 2, Part II Exception Pursuant to ORS 197.303(3)**

12 (1) A local government may satisfy the substantive standards for exceptions contained in Goal 2,
13 Part II, upon a demonstration in the local housing needs [projection] **forecast**, supported by
14 compelling reasons and facts, that:

15 (a) The needed housing type is being provided for elsewhere in the region in sufficient numbers
16 to meet regional needs;

17 (b) Sufficient buildable land has been allocated within the local jurisdiction for other types of
18 housing which can meet the need for shelter at the particular price ranges and rent levels that
19 would have been met by the excluded housing type; and

20 (c) The decision to substitute other housing types for the excluded needed housing type furthers
21 the policies and objectives of the local comprehensive plan, and has been coordinated with other
22 affected units of government.

23 (2) The substantive standards listed in section (1) of this rule shall apply to the ORS 197.303(3)
24 exceptions process in lieu of the substantive standards in Goal 2, Part II. The standards listed in
25 section (1) of this rule shall not apply to the exceptions process authorized by OAR 660-007-
26 0360.

27 Stat. Auth.: ORS 197

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

29 Hist.: LCDC 3-1982, f. & ef. 7-21-82

1 **660-008-0040**

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 include a determination of housing need according to
5 tenure as part of the local housing needs [~~projection~~] **forecast**.

6 Stat. Auth.: ORS 197

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

8 Hist.: LCDC 3-1982, f. & ef. 7-21-82

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