



Oregon

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November 26, 2025

To: Land Conservation and Development Commission

From: Brenda Ortigoza Bateman, Ph.D., Director
Ethan Stuckmayer, Housing Division Manager



Subject: **Agenda Item 3, December 4, 2025, LCDC Meeting**

Oregon Housing Needs Analysis (OHNA) Rulemaking - Deliberation and Adoption

I. Agenda Item Summary

Department of Land Conservation and Development (DLCD or the department) staff will present proposed amendments to Oregon Administrative Rules (OAR) Chapter 660, Divisions 007, 008, 021, and 024 to the Land Conservation and Development Commission (LCDC or commission) for deliberation and possible adoption. The commission will be asked to take action on this rulemaking item.

a. Purpose

Staff will brief the commission on the final proposed rule amendments to OAR chapter 660 divisions 7, 8, 21, and 24. Commissioners will discuss the recommendations before taking action to adopt rules.

b. Objective

The commission will consider proposed rules for adoption as recommended by the department or adopt the recommended rule changes with amendments. This agenda item requires commission action to adopt the proposed rules in advance of the statutory adoption deadline of January 1, 2026.

For further information about this report, please contact Ethan Stuckmayer, Housing Division Manager, at 503-302-0937 or ethan.stuckmayer@dlcd.oregon.gov.

II. Background

Amendments to Oregon Administrative Rules Chapter 660 are directed by House Bill 2001 which codified the Oregon Housing Needs Analysis (OHNA) policy. The Oregon Legislature passed the OHNA policy in March 2023. In September 2023, the Land Conservation and Development Commission initiated rulemaking to amend Oregon Administrative Rules Chapter 660, Divisions 7, 8, 21, and 24. Divisions 7 and 8 of the Oregon Administrative Rules Chapter 660 guide housing planning as required by Statewide Land Use Planning Goal 10 — Housing.

Divisions 21 and 24 guide urbanization planning as required by Statewide Land Use Planning Goal 14 — Urbanization. The Land Conservation and Development Commission adopted the first phase of amendments to Division 8 in December 2024. The Legislature directed the commission to adopt amendments to Divisions 21 and 24 by January 1, 2026.

a. Public Comment and Community Engagement Summary

The department provided the commission with a preliminary packet of materials outlining the department's summary of public comment and community engagement activities associated with this rulemaking on November 20, 2025. This packet of materials is available for review [here](#) on the Land Conservation and Development Commission's website.

Feedback, comments, and suggestions received during the public comment period and parallel engagement activities informed the final proposed rules provided in the attachments to this staff report.

b. Updated Draft Rule Amendments

Attachment A includes updated rule amendments proposed by the department along with staff commentary to provide context and rationale for the proposed amendment.

Attachment A.i. contains Division 7, Metropolitan Housing, which is proposed to be repealed.

Attachment A.ii. contains proposed amendments to Division 8, Interpretation of Goal 10 Housing.

Attachment A.iii. contains proposed amendments to Division 21, Urban Reserves.

Attachment A.iv contains proposed amendments to Division 24, Urban Growth Boundaries.

c. Model Code

Attachment B contains the three model codes directed by the passage of Senate Bill 1564 [2023]. Attachment C contains a memo that outlines the specific changes that were made to the final proposed model code text since the most recent version of the code was published in October 2025.

d. Housing Production Strategy (HPS) Menu 2.0

Attachment D contains the updated Housing Production Strategy Guidance for Cities (OAR 660-008 Attachment B), colloquially referred to as “HPS Menu 2.0.” For purposes of filing compliance with the Secretary of State, the menu is provided as a .pdf document. For increased searchability and functionality, the department will provide the menu as a filterable excel spreadsheet. Attachment E contains a description of updates and user guide for the menu.

III. Recommended Action/Conclusion

The Department of Land Conservation and Development recommends the commission adopt the proposed amendments to OAR chapter 600 divisions 7, 8, 21, and 24 as shown in Attachment A, the three SB 1564 model codes as shown in Attachment B, and the updated Housing Production Strategy Guidance for Cities ("HPS Menu 2.0") as shown in Attachment D.

Recommended Motion: "I move the commission adopt amendments to the Oregon Administrative Rules chapter 660 divisions 7, 8, 21, and 24 as recommended by the department and shown in Attachment A, adopt the three SB 1564 model codes as shown in Attachment B, and adopt the updated Housing Production Strategy Guidance for Cities ("HPS Menu 2.0") as shown in Attachment D."

Alternate Motion #1: "I move the commission adopt the three SB 1564 model codes shown in Attachment B, the updated Housing Production Strategy Guidance for Cities ("HPS Menu 2.0") as shown in Attachment D, and amendments to the Oregon Administrative Rules chapter 660 divisions 7, 8, 21, and 24 as shown in Attachment A with the following changes: [identify changes]"

Alternate Motion #2: "I move the commission adopt amendments to the Oregon Administrative Rules chapter 660 divisions 7, 8, 21, and 24 as recommended by the department and shown in Attachment A, the updated Housing Production Strategy Guidance for Cities ("HPS Menu 2.0") as shown in Attachment D, and the three SB 1564 model codes with the following amendments: [identify changes]"

IV. Attachments

A. Updated Draft Rule Amendments with Staff Commentary

- i. Division 7
- ii. Division 8
- iii. Division 21
- iv. Division 24

B. SB 1564 Model Codes for Small, Medium, and Large Cities

C. Model Code Changes Since October 2025

D. Housing Production Strategy Guidance for Cities ("HPS Menu 2.0")

E. User Guide for HPS Menu 2.0



Draft Amendments: Oregon Administrative Rules Chapter 660, Division 007 – Metropolitan Housing

Updated September 24, 2025

About this Document

This document includes draft amendments to OAR 660-007 proposed as part of the 2025 Oregon Housing Needs Analysis Rulemaking.

Callout boxes are included directly above all rules, as well as relevant sections or subsections where specific changes are proposed and are for information purposes only. These boxes contain the applicable rule, section or subsection numbers, a plain language rule summary, and commentary to provide additional context or explanation behind the proposed changes or retention of the rules.

~~Strikethrough~~ text is proposed to be deleted. Underlined text is proposed to be added.

The deadline for rule adoption is January 1, 2026. In addition, staff will develop guidance to assist cities in implementation after rules are adopted.

Table of Contents

660-007-0000 Statement of Purpose	2
660-007-0005 Definitions	2
660-007-0015 Clear and Objective Approval Standards Required	4
660-007-0018 Specific Plan Designations Required.....	5
660-007-0020 The Rezoning Process.....	5
660-007-0022 Restrictions on Housing Tenure	6
660-007-0030 New Construction Mix	6
660-007-0033 Consideration of Other Housing Types.....	7
660-007-0035 Minimum Residential Density Allocation for New Construction	7
660-007-0037 Alternate Minimum Residential Density Allocation for New Construction	8
660-007-0045 Computation of Buildable Lands.....	9
660-007-0050 Regional Coordination.....	10
660-007-0060 Applicability	11



Draft Amendments

Oregon Administrative Rules Chapter 660, Division 007 – Metropolitan Housing REPEALED

660-007-0000 Statement of Purpose

Rule summary: This rule describes that the purpose of the division is to outline Goal 10 housing planning requirements in the Portland Metropolitan (Metro) Urban Growth Boundary.

Commentary: This rule is proposed to be repealed based in part on obsolescence and in part on duplication with the recent and pending revisions in Division 8 such that Division 8 will cover all Goal 10 housing planning requirements.

~~660-007-0000 Statement of Purpose~~

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

~~**Statutory/Other Authority:** ORS 197.040~~

~~**Statutes/Other Implemented:** ORS 197.295–197.314 & 197.475–197.490~~

~~**History:**~~

~~LCDD 1-2012, f. & cert. ef. 2-14-12~~

~~LCDC 1-1987, f. & ef. 2-18-87~~

~~LCD 10-1981, f. & ef. 12-11-81~~

660-007-0005 Definitions

Rule summary: This rule describes the technical definitions for the rules in Division 7.

Commentary: This rule is proposed to be repealed based in part on obsolescence and in part on duplication with the recent and pending revisions in Division 8 such that Division 8 will cover all Goal 10 housing planning requirements.

~~660-007-0005 Definitions~~

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



- ~~(1) A "Net Buildable Acre" consists of 43,560 square feet of residentially designated buildable land, after excluding present and future rights-of-way, restricted hazard areas, public open spaces and restricted resource protection areas.~~
- ~~(2) "Attached Single Family Housing" means common wall dwellings or rowhouses where each dwelling unit occupies a separate lot.~~
- ~~(3) "Buildable Land" means residentially designated land within the Metro urban growth boundary, including both vacant and developed land likely to be redeveloped, that is suitable, available and necessary for residential uses. Publicly owned land is generally not considered available for residential uses. Land is generally considered "suitable and available" unless it:~~
- ~~(a) Is severely constrained by natural hazards as determined under Statewide Planning Goal 7;~~
 - ~~(b) Is subject to natural resource protection measures determined under Statewide Planning Goals 5, 6 or 15;~~
 - ~~(c) Has slopes of 25 percent or greater;~~
 - ~~(d) Is within the 100-year flood plain; or~~
 - ~~(e) Cannot be provided with public facilities.~~
- ~~(4) "Detached Single Family Housing" means a housing unit that is free standing and separate from other housing units.~~
- ~~(5) "Housing Needs Projection" refers to a local determination, justified in the plan, as to the housing types, amounts and densities that will be:~~
- ~~(a) Commensurate with the financial capabilities of present and future area residents of all income levels during the planning period;~~
 - ~~(b) Consistent with OAR 660-007-0010 through 660-007-0037 and any other adopted regional housing standards; and~~
 - ~~(c) Consistent with Goal 14 requirements for the efficient provision of public facilities and services, and efficiency of land use.~~
- ~~(6) "Multiple Family Housing" means attached housing where each dwelling unit is not located on a separate lot.~~
- ~~(7) "Needed Housing" means housing types determined to meet the need shown for housing within an urban growth boundary at particular price ranges and rent levels, including at least the following housing types:~~
- ~~(a) Attached and detached single-family housing and multiple family housing for both owner and renter occupancy;~~
 - ~~(b) Government assisted housing;~~
 - ~~(c) Mobile home or manufactured dwelling parks as provided in ORS 197.475 to 197.490;~~
 - ~~(d) Manufactured homes on individual lots planned and zoned for single family residential use that are in addition to lots within designated manufactured dwelling subdivisions; and~~
 - ~~(e) Housing for farmworkers.~~
- ~~(8) "Redevelopable Land" means land zoned for residential use on which development has already~~



~~occurred but on which, due to present or expected market forces, there exists the likelihood that existing development will be converted to more intensive residential uses during the planning period.~~

Statutory/Other Authority: ORS 197.040

Statutes/Other Implemented: ORS 197.295 – 197.314 & 197.475 – 197.490

History:

~~LCDD 1-2012, f. & cert. ef. 2-14-12~~

~~LCDD 3-2008, f. & cert. ef. 4-18-08~~

~~LCDC 3-1990, f. & cert. ef. 6-6-90~~

~~LCDC 1-1987, f. & ef. 2-18-87~~

~~LCD 10-1981, f. & ef. 12-11-81~~

660-007-0015 Clear and Objective Approval Standards Required

Rule summary: This rule requires clear and objective approval standards for housing development applications.

Commentary: This rule is proposed to be repealed based on duplication with the recent and pending revisions in Division 8 such that Division 8 will cover all Goal 10 housing planning requirements.

~~660-007-0015 Clear and Objective Approval Standards Required~~

~~(1) Except as provided in section (2) of this rule, a local government may adopt and apply only clear and objective standards, conditions and procedures regulating the development of needed housing on buildable land. The standards, conditions and procedures may not have the effect, either in themselves or cumulatively, of discouraging needed housing through unreasonable cost or delay.~~

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

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

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

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

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

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

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

~~(c) Establish approval procedures.~~

Statutory/Other Authority: ORS 197.040

Statutes/Other Implemented: ORS 197.295 – 197.314 & 197.475 – 197.490



History:

~~LCDD 1-2012, f. & cert. ef. 2-14-12~~

~~LCD 10-1981, f. & ef. 12-11-81~~

660-007-0018 Specific Plan Designations Required

Rule summary: This rule requires that all buildable land be designated with plan designations.

Commentary: This rule is proposed to be repealed based on duplication with the recent and pending revisions in Division 8 such that Division 8 will cover all Goal 10 housing planning requirements.

~~660-007-0018 Specific Plan Designations Required~~

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

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

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

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

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

Statutory/Other Authority: ORS 197.040

Statutes/Other Implemented: ~~197.295 197.314 & 197.475 197.490~~

History:

~~LCDD 1-2012, f. & cert. ef. 2-14-12~~

~~LCDD 4-1999, f. & cert. ef. 7-2-99~~

~~LCDC 1-1987, f. & ef. 2-18-87~~

660-007-0020 The Rezoning Process

Rule summary: This rule describes the process for a deferral of rezoning requirements.

Commentary: This rule is proposed to be repealed based on duplication with the recent and pending revisions in Division 8 such that Division 8 will cover all Goal 10 housing planning requirements.

~~660-007-0020 The Rezoning Process~~



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

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

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

Statutory/Other Authority: ORS 197.040

Statutes/Other Implemented: ORS 197.295 – 197.314 & 197.475 – 197.490

History:

~~LCDD 1-2012, f. & cert. ef. 2-14-12~~

~~LCD 10-1981, f. & ef. 12-11-81~~

660-007-0022 Restrictions on Housing Tenure

Rule summary: This rule restricts tenure-specific development codes without justification of support of needed housing.

Commentary: This rule is proposed to be repealed based in part on obsolescence and in part on duplication with the recent and pending revisions in Division 8 such that Division 8 will cover all Goal 10 housing planning requirements.

~~660-007-0022 Restrictions on Housing Tenure~~

~~Any local government that restricts the construction of either rental or owner-occupied housing on or after its first periodic review shall either justify such restriction by an analysis of housing need according to tenure or otherwise demonstrate that such restrictions comply with ORS 197.303(1)(a) and 197.307(3).~~

Statutory/Other Authority: ORS 197.040

Statutes/Other Implemented: ORS 197.295 – 197.314 & 197.475 – 197.490

History:

~~LCDD 1-2012, f. & cert. ef. 2-14-12~~

~~LCDC 1-1987, f. & ef. 2-18-87~~

660-007-0030 New Construction Mix

Rule summary: This rule describes requirements on planning for various housing types.

Commentary: This rule is proposed to be repealed based on duplication with the recent and pending revisions in Division 8 such that Division 8 will cover all Goal 10 housing planning requirements.

~~660-007-0030 New Construction Mix~~

~~(1) Jurisdictions other than small developed cities must either designate sufficient buildable land to provide the opportunity for at least 50 percent of new residential units to be attached single-family housing or multiple family housing or justify an alternative percentage based on changing~~



~~circumstances. Factors to be considered in justifying an alternate percentage shall include, but need not be limited to:~~

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

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

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

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

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

Statutory/Other Authority: ORS 197.040

Statutes/Other Implemented: ORS 197.295 197.314 & 197.475 197.490

History:

~~LCDD 1-2012, f. & cert. ef. 2-14-12~~

~~LCDC 1-1987, f. & ef. 2-18-87~~

~~LCD 10-1981, f. & ef. 12-11-81~~

660-007-0033 Consideration of Other Housing Types

Rule summary: This rule requires local governments to plan for manufactured housing and government assisted housing.

Commentary: This rule is proposed to be repealed based on duplication with the recent and pending revisions in Division 8 such that Division 8 will cover all Goal 10 housing planning requirements.

~~660-007-0033 Consideration of Other Housing Types~~

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

Statutory/Other Authority: ORS 183 & 197.040

Statutes/Other Implemented: ORS 197.295 197.314 & 197.475 197.490

History:

~~LCDD 1-2012, f. & cert. ef. 2-14-12~~

~~LCDC 1-1987, f. & ef. 2-18-87~~

660-007-0035 Minimum Residential Density Allocation for New Construction

Rule summary: This rule designates minimum densities for new construction across tiers of local governments.

Commentary: This rule is proposed to be repealed based in part on obsolescence and in part on duplication with the recent and pending revisions in Division 8 such that Division 8 will cover all Goal 10 housing planning requirements.

~~660-007-0035 Minimum Residential Density Allocation for New Construction~~



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

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

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

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

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

Statutory/Other Authority: ~~ORS 197.040~~

Statutes/Other Implemented: ~~ORS 197.295 197.314 & 197.475 197.490~~

History:

~~LCDD 1 2012, f. & cert. ef. 2-14-12~~

~~LCDC 1 1987, f. & ef. 2-18-87~~

~~LCD 10 1981, f. & ef. 12-11-81~~

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

Rule summary: This rule provides an alternate approach to the standard minimum density regulations in OAR 660-007-0035.

Commentary: This rule is proposed to be repealed based in part on obsolescence and in part on duplication with the recent and pending revisions in Division 8 such that Division 8 will cover all Goal 10 housing planning requirements.

~~660-007-0037 Alternate Minimum Residential Density Allocation for New Construction~~

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

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

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



~~acknowledgment.~~

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

Statutory/Other Authority: ORS 197.040

Statutes/Other Implemented: ORS 197.295—197.314 & 197.475—197.490

History:

~~LCDD 1-2012, f. & cert. of. 2-14-12~~

~~LCDC 1-1987, f. & ef. 2-18-87~~

660-007-0045 Computation of Buildable Lands

Rule summary: This rule provides calculation regulation regarding the Buildable Land Inventory.

Commentary: This rule is proposed to be repealed based in part on obsolescence and in part on duplication with the recent and pending revisions in Division 8 such that Division 8 will cover all Goal 10 housing planning requirements.

~~660-007-0045 Computation of Buildable Lands~~

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

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

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

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

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

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

~~(A)(i) BLI Acres x 6 Units/Acre = Num. of Units;~~



~~(ii) BLI Acres x 8 Units/Acre = Num. of Units;~~

~~(iii) BLI Acres x 10 Units/Acre = Num. of Units;~~

~~(iv) Total Acres (TA) — Total Units (TU).~~

~~(B) Total units divided by Total Acres = New Density Standard;~~

~~(C) Example:~~

~~(i) Cities A and B have 100 acres and a 6-unit-per-acre standard: (100 x 6 = 600 units); City B has 300 acres and a 10-unit-per-acre standard: (300 x 10 = 3000 units); County has 200 acres and an 8-unit-per-acre standard: (200 x 08 = 1600 units); Total acres = 600 — Total Units = 5200.~~

~~(ii) 5200 units divided by 600 acres = 8.66 units per acre standard.~~

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

Statutory/Other Authority: ORS 197.040

Statutes/Other Implemented: ORS 197.295 — 197.314 & 197.475 — 197.490

History:

~~LCDD 1-2012, f. & cert. ef. 2-14-12~~

~~LCDC 1-1987, f. & ef. 2-18-87~~

660-007-0050 Regional Coordination

Rule summary: This rule describes the Metro government's role in coordinating the region-wide urban growth boundary.

Commentary: This rule is proposed to be repealed based in part on obsolescence and in part on duplication with the recent and pending revisions in Division 8 such that Division 8 will cover all Goal 10 housing planning requirements as well as duplication of Oregon Revised Statutes.

660-007-0050 Regional Coordination

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

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

Statutory/Other Authority: ORS 197.040

Statutes/Other Implemented: ORS 197.295 — 197.314 & 197.475 — 197.490

History:

~~LCDD 1-2012, f. & cert. ef. 2-14-12~~

~~LCDC 1-1987, f. & ef. 2-18-87~~



660-007-0060 Applicability

Rule summary: This rule specifies the applicability of the division to periodic review.

Commentary: This rule is proposed to be repealed based in part on obsolescence and in part on duplication with the recent and pending revisions in Division 8 such that Division 8 will cover all Goal 10 housing planning requirements.

~~660-007-0060 Applicability~~

~~(1) The new construction mix and minimum residential density standards of OAR 660-007-0030 through 660-007-0037 shall be applicable at each periodic review. During each periodic review local government shall prepare findings regarding the cumulative effects of all plan and zone changes affecting residential use. The jurisdiction's buildable lands inventory (updated pursuant to 660-007-0045) shall be a supporting document to the local jurisdiction's periodic review order.~~

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

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

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

Statutory/Other Authority: ORS 197.040

Statutes/Other Implemented: ~~ORS 197.295 197.314 & 197.475 197.490~~

History:

~~LCDD 1-2012, f. & cert. ef. 2-14-12~~

~~LCDC 1-1987, f. & ef. 2-18-87~~



Draft Amendments: Oregon Administrative Rules Chapter 660, Division 008 – Interpretation of Goal 10 Housing

Updated November 2025

About this Document

This document includes draft amendments to OAR 660-008 proposed as part of the 2025 Oregon Housing Needs Analysis Rulemaking.

Callout boxes are included directly above all rules, as well as relevant sections or subsections where specific changes are proposed and are for information purposes only. These boxes contain the applicable rule, section or subsection numbers, a plain language rule summary, and commentary to provide additional context or explanation behind the proposed changes or retention of the rules.

~~Strikethrough~~ text is proposed to be deleted. Underlined text is proposed to be added.

The deadline for rule adoption is January 1, 2026. In addition, staff will develop guidance to assist cities in implementation after rules are adopted.

Table of Contents

660-008-0000 Purpose	3
660-008-0005 Definitions	4
660-008-0015 Clear and Objective Approval Standards Required	15
660-008-0045 Housing Capacity Analysis and Housing Production Strategy Deadlines	16
660-008-0075 Contextualized Housing Need	17
660-008-0080 Review of Contextualized Housing Need	30
660-008-0100 Housing Capacity Analysis	31
660-008-0110 Allocation of Buildable Land	34
660-008-0120 Specific Plan Designations Required	36
660-008-0125 The Rezoning Process	36
660-008-0150 Land Use Efficiency Measures	37
660-008-0180 Development-Ready Land Inventory	39
660-008-0185 Sufficiency of Development-Ready Land	40
660-008-0200 Housing Production Strategy Structure	41
660-008-0210 Adoption Ready Actions	54



660-008-0215 Review of Housing Production Strategies	55
660-008-0230 Midpoint Reporting on Housing Production Strategy Implementation.....	56
660-008-0240 Housing Coordination Strategy	57
660-008-0300 Housing Acceleration Program Purpose	58
660-008-0310 Referral for Non-Compliance in Adoption of Housing Capacity Analysis and Housing Production Strategy	58
660-008-0315 Referral for Non-Compliance in Undertaking Actions in a Housing Production Strategy	59
660-008-0320 Referral based on Performance at the Housing Production Strategy Midpoint Report	60
660-008-0325 Department Audit for Cities Referred into the Housing Acceleration Program.....	63
660-008-0330 Housing Acceleration Agreement	70
660-008-0335 Non-Compliance in Entering or Abiding the Terms of a Housing Acceleration Agreement.....	72
660-008-0400 Purpose of Model Ordinances	74
660-008-0405 Definitions	74
660-008-0410 Model Ordinances	76
660-008-0415 Optional Adoption and Application by Reference	77
660-008-0420 Application of a Model Ordinance to Comply with a Housing Law.....	79
660-008-0425 Comparison to Local Actions and Land Use Regulations.....	80
660-008-0430 Mandatory Application of a Model Ordinance	82



Draft Amendments

Oregon Administrative Rules Chapter 660, Division 008 – Interpretation of Goal 10 Housing

660-008-0000 Purpose

Rule summary: This rule describes the intent and purpose of OAR 660-008. The purpose of this division is to ensure there are enough safe, accessible and affordable housing units available and to use land efficiently within urban growth areas. It aims to make the development process more predictable and to create a system to evaluate and improve housing production, affordability, and choice.

Commentary: Division 7 Metropolitan Housing (OAR 660-007) is proposed to be dissolved. Most of Division 7, which refers to Metro-specific housing rules, is now obsolete and outdated, and many of the sections are the same in Division 8, which applies statewide. Consolidating Division 7 and 8 would be an organizational change intended to reduce redundancy and potential confusion.

A minor change was made to strike the last sentence of section 1 after concluding that it was redundant. The Acceleration program is part of Goal 10 – Housing and is outlined and directed in ORS 197A which are both mentioned in the penultimate sentence. The Housing Production Strategy is not separately named as it is similarly encompassed by referencing Goal 10, thus staff have stricken the specific added reference to the Acceleration program.

660-008-0000 Purpose

(1) The purpose of this division is to ensure opportunity for and promotion of the provision of adequate numbers of needed housing units and; the efficient use of land within urban growth boundaries across all communities in the state. The division, provide greater certainty ensures significant predictability in the development process so as to reduce housing costs, and offers a to provide a framework for evaluation and progress on housing production, affordability, and choice. Additionally, this division aims to promote safe, accessible, and affordable housing options for all Oregonians in their communities of choice, in alignment with the Affirmatively Furthering Fair Housing mandate. This division emphasizes fair housing outcomes, environmental justice, climate mitigation and resilience, and access to opportunity, following the principles of transparency, equitable engagement, and sustainability as provided in ORS 197A.025. This division provides standards for compliance with Goal 10 “Housing” and to implement ORS chapter 197A, ORS 184.453, and ORS 184.455, which include statewide allocation of housing need under the Oregon Housing Needs Analysis. This division also operationalizes the Housing Acceleration program of the Oregon Housing Needs Analysis as provided in ORS 197A.130.

(2) OAR chapter 660, division 7, Metropolitan Housing, is intended to complement and be consistent with OAR chapter 660, division 8 and Statewide Planning Goal 10 – Housing (OAR 660-015-0000(10)). Should differences in interpretation between division 8 and division 7 arise, the provisions of division 7 shall prevail for cities and counties within the Metro urban growth boundary.

Statutory/Other Authority: ORS 197.040

Statutes/Other Implemented: ORS 197.475 - 197.493 & ORS 197A.015 - 197A.470

**660-008-0005 Definitions**

Rule summary: This rule provides clear and precise meanings for key terms used throughout Division 8. The rule includes terms and phrases that may a) have a special meaning in rule, b) have a statutory definition, or c) reflect an implementation requirement.

Commentary: Added and amended definitions and explanation for changes are included below.

660-008-0005 Definitions

For the purpose of this division, the definitions in ORS 184.453, 184.455, 197.015, 197.660, 197A.015, 197A.018, 197A.210, 197A.230, 197A.300, 197A.348, and 197A.420 shall apply, unless the context requires otherwise. In addition, the following definitions shall apply:

660-008-0005(1) Accessible

Rule summary: This section provides a definition for “accessible” as referenced in this division, including for the Contextualized Housing Need and Housing Production Strategy.

Commentary: Staff hosted a Subject Matter Expert Small Group to hear detailed feedback from experts in accessible and adaptable housing needs. Discussion confirmed the approach to defining accessible housing in this rule to include both ANSI Type A Unit standards and UFAS ADA standards. Some members suggested the addition of a third standard which some developments would be subject to and represents a commensurate accessibility standard – the Americans with Disabilities Act Accessibility Guidelines commonly referred to as the ADAAG standards. Staff have added this standard to the definition accordingly.

Additionally, participants confirmed the existing rule and program approach to focus on accessible and adaptable housing needs rather than to risk diluting it with additional regulation of visitable housing needs which do increase community livability for people with disabilities but do not provide housing for people who need accessible and adaptable housing.

(1) “Accessible” means a unit that is designed, constructed, or altered in conformance with Uniform Federal Accessibility Standards as implemented by the 2010 Americans with Disabilities Act Standards for Accessible Design, [the Americans with Disabilities Act Accessibility Guidelines](#), or the American National Standards Institute (ANSI) Type A Unit standard adopted by the state building code as defined under ORS 455.010(9)._

660-008-0005(2) Action

Rule summary: This section provides a definition for “action” as it refers to the Housing Production Strategy (HPS) and to Land Use Efficiency Measures to address an identified land need.

Commentary: The action definition is expanded upon to clarify that land use efficiency measures (LUEMs) are a type of action and may be included in a HPS. LUEMs are defined as actions in OAR 660-008-0005(29) and further described in OAR 660-008-0150 and are intended to reduce a land need. Additionally, staff have redirected the language in subsection b to the HPS rule section (OAR 660-008-0200(2)) per the department’s legal counsel direction who found the language functioned as a rule rather than a definition.



(2) “Action” means a specific policy, code, program, investment, administrative measure, advocacy effort, or other tool, included in a housing production strategy in alignment with ORS 197A.100(3) and (4), including land use efficiency measures, by which a city commits to adoption and implementation. Actions included in a housing production strategy may include:

(a) ~~An action may include~~ EExploratory work as an initial critical step in order to refine, adopt and implement an action; or-

~~(b) An action may identify an alternate action that meets the same housing need and is of commensurate magnitude of impact as the primary action. A city may pursue an alternate action in lieu of the primary action in the event exploratory work or other circumstances suggest the primary action is not feasible. Compliance with the action implementation year as identified according to OAR 660-008-0200(2)(d) may be met by implementation of either the primary or the alternate action.~~

~~(be) An action may include~~ sSubstantial expansion of existing programming that has proven to meet the city’s needed housing types, characteristics, or locations or remedy or mitigate fair housing issues.

660-008-0005(3) Adoption-ready Actions

Rule summary: This section provides a definition for “adoption-ready actions” as referenced in this division, including for use in the Housing Production Strategy and Housing Acceleration programs. Adoption-ready actions are state-provided resources to support local government implementation of housing actions in the course of fulfilling the Housing Production Strategy requirement in Goal 10 and in the course of the Housing Acceleration program.

Commentary: This definition and its application in the rest of the division mirrors the working definition discussed with work group and committee members. Some actions are more suited for this “off-the-shelf” approach than others and some will always need local vetting. Despite the variation in truly off-the-shelf readiness, these actions are collectively referred to as “adoption-ready actions” because they are all designed to be able to be applied locally with less effort than creating them anew by every local government.

The first slate of adoption-ready actions includes:

- Nonprofit Low Income Housing Property Tax Exemption
- SDC exemption for Affordable Housing
- SDC deferral for housing
- Multiple Unit Property Tax Exemption
- Rental Housing License Program
- Affirmative Marketing Requirement for City-Funded Units
- Land Disposition for Affordable Housing

The department will continue to work with partners to develop the library of adoption-ready actions, embedded in Attachment B, which will be updated as needed by the commission.

(3) “Adoption-ready action” means an action that the department has developed either partially or fully for local implementation to reduce time and resource needs for action implementation. Adoption-ready actions are embedded in Attachment B, Housing Production Strategy Guidance for Cities, with



demarcations of actions that have been developed for adoption-readiness and appendices to the menu with adoption-ready materials.

660-008-0005(4) Adaptable

Rule summary: This section provides a definition for “adaptable” as referenced in this division, including for the Contextualized Housing Need and Housing Production Strategy.

Commentary: Staff hosted a Subject Matter Expert Small Group to hear detailed feedback from experts in accessible and adaptable housing needs. Discussion confirmed the approach to defining adaptable housing in this rule. Accordingly, no changes are proposed.

(43) “Adaptable” means a unit that is designed, constructed, or altered in conformance with the ANSI Type B Unit standard adopted by the state building code as defined under ORS 455.010(9).

(54) “Affirmatively furthering fair housing” has the meaning provided in ORS 197A.100(9).

(65) “Allocated housing need” has the meaning provided in ORS 197A.015(1).

660-008-0005(7) Buildable Land

Rule summary: This section provides a definition for “buildable land” which local governments subject to OHNA are required to inventory as part of the Housing Capacity Analysis.

Commentary: The following changes are proposed:

- Language is changed to include land “designated or zoned to allow residential use” to clarify that land that is mixed use land that allows residential use is included. Based on public comment, the definition for “zoned to allow” was removed, and this definition was revised to clarify that buildable land refers to land designated or zoned to allow residential use.
- Added “land” after “vacant” for additional clarification and “partially vacant land”
- Language is updated to “the development of needed housing” to reflect language in statute.
- Added language related to coordinating with entities on publicly owned land.
- Added “floodway” for additional clarification.

TAC members have expressed desire to retain flexibility in rule while requesting more data/guidance to improve mapping accuracy and help protect against litigation/appeal. DLCD staff intend to develop guidance for constraints with limited data including discounting less significant constraints. In response to feedback that that sometimes publicly owned lands are suitable for housing and should not necessarily be removed from a BLI, language is proposed in OAR 660-008-0100, where more substantive BLI rules are included, to require coordination with public entities to inventory publicly owned land. Guidance will focus on how this coordination could happen.

(76) “Buildable Land” means residentially land designated land or zoned to allow residential use within the urban-growth planning boundary, including both-vacant land, partially vacant land, and developed land likely to be redeveloped, that is suitable, available, and necessary for residential uses the development of needed housing over a 20-year planning period. Publicly owned land is generally not considered available for residential uses the development of needed housing unless otherwise determined by the local government to be available through coordination with public entities. Land is generally considered “suitable and available” unless it:



- (a) Is severely constrained by natural hazards as determined under Statewide Planning Goal 7;
- (b) Is subject to natural resource protection measures determined under Statewide Planning Goals 5, 6, 15, 16, 17 or 18;
- (c) Has slopes of 25 percent or greater;
- (d) Is within the 100-year flood plain or floodway; or
- (e) Cannot be provided with public facilities.

(87) "Characteristics" means the attributes or features of residential units that describe their physical, structural, functional, ownership and tenure aspects, or any combination thereof. Characteristics include at minimum but are not limited to:

- (a) Interior and exterior features to meet accessibility needs for all ages and disabilities including mobility, auditory, visual, mental and behavioral, and other disabilities and age-related needs like caregiving with emphasis on the needs of older adults;
 - (b) Number of bedrooms and bathrooms;
 - (c) Livability of layouts including eating, sleeping, bathing, and cleaning on one level with a zero-step entrance;
 - (d) Number of complete living spaces within the unit or with adjacent units to support multi-generational living;
 - (e) Construction type including site-framed and prefabricated;
 - (f) Culturally relevant features like multiple kitchens and interior and exterior layouts with accommodating gathering spaces;
 - (g) Affordability, including but not limited to government assisted housing;
 - (h) Tenure type;
 - (i) Climate adaptation and mitigation features including energy efficiency building science, water conservation in appliances and site design, stormwater management, and ventilation and indoor air quality;
 - (j) Trauma-informed features and design including the built environment and operational plans and practices; and
 - (k) Co-located services with housing, including but not limited to permanent supportive housing (PSH), assisted living housing, skilled nursing housing, and adult foster homes.
- (98) "City" has the meaning provided in ORS 197A.015(3).
- (109) "Community Action Partnership of Oregon" has the meaning provided in ORS 456.515(2).
- (110) "Community members of needed housing" means any individuals who inhabit or are anticipated to inhabit needed housing.
- (124) "Continuum of Care" has the meaning provided in OAR 813-385-0010(1).
- (132) "Coordinated Care Organization" has the meaning provided in ORS 414.025(8).
- (143) "Communities of color" means populations that have been historically marginalized,



underrepresented, or subjected to systemic inequities based on race, color, or ethnicity, including Hispanic, Latina/o/x, Asian, Arabic or North African, Middle Eastern, Pacific Islander, American Indians, Alaska Natives, Native Hawaiians or other Pacific Islanders, and mixed-race or mixed-ethnicity populations.

(154) "Contextualized Housing Need" means the deliverable associated with complying with OAR 660-008-0075 and which, through the framework of Affirmatively Furthering Fair Housing, identifies the needed housing types, characteristics, and locations in a city that will be planned for throughout Goal 10 work.

(165) "Development-ready lands" has the meaning provided in ORS 197A.015(4).

(176) "Environmental justice" has the meaning provided in ORS 182.535(3).

(187) "Exploratory work" means studies, research, and other planning analyses intended to inform a city's housing production strategy planning work but which are noncommittal in nature and do not on their own meet the definition of an action. Exploratory work may be a subtask of an action to further refine an action. Exploratory work may be included in an HPS and planned independently of a specific action, such as to inform future HPSs, however, the department will not consider that work to function as an action that meets housing need in the current HPS cycle.

(198) "Fair housing choice" means individuals and households having the information, opportunity, and options to live where they choose, including in areas with access to opportunity and in integrated areas, without unlawful discrimination and other barriers related to protected classes, named communities in needed housing as provided in ORS 197A.018, and tribal communities. Fair housing choice encompasses:

(a) Actual choice, which means the existence of realistic housing options – options that are affordable, attainable, accessible, and otherwise meet the needs of the household in the housing types, characteristics, and locations of their choice;

(b) Protected choice, which means housing that can be accessed without discrimination; and

(c) Enabled choice, which means realistic access to sufficient information, services, and other resources regarding the housing types, characteristics, and locations available so that any choice is informed; and

(d) For individuals with disabilities, fair housing choice includes a realistic opportunity to obtain and maintain housing with accessibility features meeting the individual's disability-related needs, housing provided in the most integrated setting appropriate to an individual's needs, and housing where community assets are accessible to individuals with disabilities, including voluntary disability-related services that an individual needs to live in such housing.

(2049) "Fair housing issue" means a condition in a city that restricts fair housing choice or access to opportunity, results in inequitable housing outcomes, or any combination thereof and may be indication of current discriminatory actions.

(2120) "Housing Acceleration Agreement" means a document that complies with provisions of ORS 197A.130(6) to (8).

660-008-0005(22) Housing Capacity Analysis (HCA)

Rule summary: This rule provides a definition for Housing Capacity Analysis, which assesses



whether there is enough land capacity to accommodate needed housing over 20 years.

Commentary: Proposed amendments update language to align with updates to Goal 10 through adoption of House Bill 2001 (2023) and rule amendments adopted in December 2024 related to the contextualized housing need. The contextualized housing need is only required for cities above 10,000 and other cities and counties subject to OHNA.

(2224) "Housing Capacity Analysis (HCA)" means a document, incorporated into a local government's comprehensive plan by ordinance, which complies with the provisions of ORS 197A.270, 197A.280, and 197A.335, and 197A.350. A Housing Capacity Analysis is an assessment of residential land capacity, based on the allocated housing need and contextualized housing need if applicable, and capacity that includes the inventory, determination, and analysis required under ORS 197A.270(3) to (4), and 197A.350(3).

(232) "Housing equity indicators" means the information annually produced by the Housing and Community Services Department under ORS 456.602.

(243) "Housing Production Strategy (HPS)" has the meaning provided in ORS 197A.015(7).

(254) "Housing production dashboard" means the information annually produced by the Housing and Community Services Department under ORS 456.601.

(265) "Housing production target" has the meaning provided in ORS 184.455.

660-008-0005(27) Housing Type

Rule summary: This rule provides a definition for "housing type" as referenced in this division.

Commentary: Staff defined housing "characteristics" and "locations" in the rules adopted in December 2024 to provide clarification to the required determination of the "housing types, characteristics, and locations" a city must plan for in its six-or-eight-year housing capacity and production cycle in order to mitigate and remedy the identified fair housing issues in furtherance of fair housing choice. At that time, staff did not provide a definition for "housing types" because a definition was provided for "needed housing" in alignment with statute (ORS 197A.018) and separate definitions for various types of housing including manufactured dwelling park, middle housing, multi-unit housing, and single-room occupancy housing. However, various interested parties have expressed interest in the provision of a definition for "housing types" to further clarify the requirement to identify needed housing types as determined by the Contextualized Housing Need.

Feedback was received that suggested the previously proposed definition was too imprecise, which has the potential to cause confusion and introduce legal risk. This version adds specificity both under the definition of "housing type" and under the definition of each relevant type.

(27) "Housing type" means a category of housing distinguished by its physical form and relationship to its underlying parcel of land, including but not limited to:

(a) middle housing and its component subtypes of housing, and

(b) multi-unit housing and its component subtypes of housing.



(286) “Integration” means a condition, within a specific geographic area of analysis, in which there is not a high concentration of individuals of a particular protected class, named community in needed housing as provided in ORS 197A.018, or tribal community when compared to a broader geographic area. Racial integration means that individuals of different racial groups generally are not highly concentrated in distinct geographic areas within a community, for example, census tract or block group. For individuals with disabilities, integration also means that such individuals are able to access housing and services in the most integrated setting appropriate to the individual’s needs. The most integrated setting is one that enables individuals with disabilities to interact with individuals without disabilities to the fullest extent possible.

660-008-0005(29) Land Use Efficiency Measure (LUEM)

Rule summary: This section provides a definition for “land use efficiency measure” as it refers to those land use actions taken in response to an identified land need.

Commentary: The addition of this definition provides clarification that LUEMs are a specific subset of HPS actions that can be adopted outside of a HPS as well as with the HPS consistent with ORS 197.610.

(29) “Land Use Efficiency Measure” refers to an action taken by a local government to quantifiably increase the housing capacity or reduce the residential land need, or both, via an adopted comprehensive plan or land use regulation change consistent with ORS 197.610.

660-008-0005(30) Location

Rule summary: This rule provides a definition for location, which relates to the Contextualized Housing Need in determining needed housing locations and fair housing issues that must be addressed in the Housing Production Strategy.

Commentary: An amendment is made to clarify the geographic area is the planning boundary, which is a newly added definition in 008-0005(40).

(3027) “Location” means a specific geographic area or series of areas within a city’s ~~boundaries or approved expansion areas~~ planning boundary. Locations can significantly impact equity, quality of living, and access to opportunity. Locations include at a minimum but are not limited to areas with proximity to:

- (a) Community assets, including but not limited to:
 - (A) Key destinations as defined by OAR 660-012-0360(2);
 - (B) Areas with multimodal connectivity infrastructure, including the availability of road networks, public transit and paratransit options, bike lanes, and pedestrian pathways; and
 - (C) Areas with community based supportive services.
- (b) Harms, including but not limited to:
 - (A) Environmental conditions that may lead to harm such as areas prone to natural hazards, industrial uses, and highways and freeways; and
 - (B) Areas that are segregated by race and income.



(3128) "Manufactured dwelling park" has the meaning provided in ORS 446.003(20).

(3229) "Middle housing" has the meaning provided in ORS 197A.420(1)(c)(A) to (E), which includes:

(a) Duplex which has the meaning provided in OAR 660-046-0020(6);

(b) Triplex which has the meaning provided in OAR 660-046-0020(19);

(c) Quadplex which has the meaning provided in OAR 660-046-0020(14);

(d) Townhouse which has the meaning provided in OAR 660-046-0020(17);

(e) Cottage cluster which has the meaning provided in OAR 660-008-0020(2).

(330) "Midpoint Report" means a report that a city submits to the department half-way through a housing production strategy cycle pursuant to OAR 660-008-0230.

(344) "Multi-unit Housing" means a category of housing type where each unit of housing is not located on a separate lot and is not middle housing, including: housing—

developed with five units or more where each dwelling unit is not located on a separate lot and is not Middle Housing

(a) Multi-unit dwelling which means a structure that consists of 5 or more units on an individual lot or parcel;

(b) Single room occupancy which has the meaning provided in ORS 197A.430;

(c) Manufactured dwelling park which has the meaning provided in ORS 446.003.

660-008-0005(35) Near-term

Rule summary: This rule provides a definition for the timeframe considered for the Development-Ready Land Inventory.

Commentary: This is a new definition proposed to provide clarification on how determine a project qualifies for consideration in a jurisdiction's Development-Ready Land Inventory.

(35) "Near-term" refers to a time period of two years less than a city's Housing Production Strategy cycle (660-008-0200) in which capital projects are initiated.

(362) "Needed housing" has the meaning provided in ORS 197A.018.

(373) "Oregon Housing Needs Analysis (OHNA)" has the meaning provided in ORS 184.451.

660-008-0005(38) Partially vacant land

Rule summary: This rule provides a definition for partially vacant land as inventoried in the Buildable Land Inventory.

Commentary: This is a new definition proposed to provide clarification on how to consider land that is partially vacant when inventorying buildable land. Partially vacant is referenced in statute but was not previously defined in rule.

(38) "Partially vacant land" refers to buildable land with existing development on it where the



remaining, unconstrained land area can be further developed within the applicable development regulations.

(394) "Past discriminatory actions or practices related to land and housing access" means policies, programs, and other practices which oppressed and discriminated against protected classes and named communities in needed housing as provided in ORS 197A.018 with particular focus on communities of color, low-income communities, individuals with disabilities, and tribal communities, and which are particularly oriented to place, belonging, stability, housing, wealth-building, and the lands themselves that occurred in the city and region. This includes but is not limited to:

- (a) The historical and ongoing actions affecting the indigenous stewards and residents of the lands, including land seizure, massacre, termination, attempted erasure, and displacement; the geographic locations of land seizure and displacement including reservations and treaty lands;
- (b) The imposition of the ownership model on the land; the Donation Land Act and the associated land grants made exclusively to white settlers in the mid-nineteenth century; laws illegalizing ownership of land for particular communities;
- (c) Land and housing access restrictions like sundown laws and their geographic boundaries; segregated schools, neighborhoods, parks, and natural areas; mortgage redline maps; insurance blueline maps; histories of block-busting practices; and any unnecessary institutionalization and incarceration.
- (d) Urban renewal and large public works projects that displaced communities, including transportation infrastructure projects, freeway development, and other uses of eminent domain to seize property and wealth; land use and zoning decisions that systematically excluded or segregated particular communities, limited their access to desirable neighborhoods, or enforced discriminatory land use practices; and
- (e) Other occurrences of property seizure, unsafe living conditions, and displacement for particular communities.

660-008-0005(40) Planning boundary

Rule summary: This rule defines the area a jurisdiction must plan for when planning for needed housing under Goal 10.

Commentary: This new definition intends to clarify the geographic boundaries that jurisdictions must analyze and plan for in their CHN, HCA, and HPS. This term is inclusive of Metro counties, which have specific requirements to plan for urban unincorporated lands as outlined in House Bill 4063 (2024). At this time, the language in the bill is not codified but can be found on [the Oregon legislature website](#).

This definition was revised to more clearly capture the unique geographies that local governments and unincorporated communities are responsible for planning for.

(40) "Planning boundary" means the area a local government must analyze when planning for needed housing, consisting of:

- (a) For a local government outside Metro and the shared Salem-Keizer urban growth boundary, all lands within its acknowledged urban growth boundary;
- (b) For Salem, Keizer, and an incorporated city within Metro, all lands within their city limits and any



lands within the urban growth boundary for which the city has been assigned responsibility for urbanization under an intergovernmental agreement or urban growth management agreement;

(c) For Clackamas, Multnomah, and Washington counties, Metro urban unincorporated lands as defined by ORS 197A.015(9) that are under their jurisdiction and not assigned to a city under subsection (b);

(d) For unincorporated communities in Tillamook County specified in ORS 197A.015(3), all lands within their unincorporated community boundary; and

(e) For Metro, all lands within the Metro urban growth boundary.

~~(4135)~~ “Producers of needed housing” means developers, builders, service providers, or other individuals or entities providing materials and funding needed to build needed housing. Producers of needed housing may include non-profit organizations, for-profit organizations, or public entities.

~~(4236)~~ “Protected class” includes the meaning provided in ORS 659A.425, which encompasses federal Fair Housing Act protected classes, state protected classes, and any locally protected classes.

~~(4337)~~ “Public body” has the meaning defined in ORS 174.109.

660-008-0005(44) Public facilities

Rule summary: This rule provides a definition for facilities considered in the Development-Ready Land Inventory.

Commentary: This is a new definition proposed to provide clarification on how determine the services required to qualify land as “ready” in a jurisdiction’s Development-Ready Land Inventory.

(44) “Public Facilities” means water, wastewater, stormwater, and transportation facilities that serve a jurisdiction.

660-008-0005(45) Readily-served

Rule summary: This rule provides a definition qualifying land as “development-ready” for inclusion in a jurisdiction’s Development-Ready Land Inventory.

Commentary: This is a new definition proposed to provide clarification on how determine a project qualifies for consideration in a jurisdiction’s Development-Ready Land Inventory.

(45) “Readily-served” means required public facility (660-008-0005(44)) improvements are abutting a single parcel or group of contiguous parcels under common ownership, such that no oversized facilities or facility extensions greater than 300 feet are required to serve development.

660-008-0005(46) Redevelopable land

Rule summary: This section provides a definition for “redevelopable land” as it refers to the Buildable Land Inventory.

Commentary: This definition is amended to clarify that it refers to land that is “designated or zoned



to allow” residential use, consistent with the definition of buildable land. Language is also clarified to refer to the “20-year” planning period.

(4638) “Redevelopable land” means land designated or zoned ~~for~~ to allow residential use on which development has already occurred but on which, due to present or expected market forces, there exists the strong likelihood that existing development will be converted to more intensive residential uses during the 20-year planning period.

(4739) “Safe harbor” means an optional course of action that a city/local government may use to satisfy a requirement of Goal 10. Use of a safe harbor prescribed in this division will satisfy the requirement for which it is prescribed. A safe harbor is not the only way or necessarily the preferred way to comply with a requirement and it is not intended to interpret the requirement for any purpose other than applying a safe harbor within this division.

(4840) “Segregation” means a condition within specific geographic areas of analysis in which there is a significant concentration of individuals of a particular protected class, named community in needed housing as provided in ORS 197A.018, or tribal community in a particular geographic area when compared to a different or broader geographic area. Racial segregation includes a concentration of individuals of the same race regardless of whether that race is the majority or minority of the population in the geographic area of analysis. For example, in a community where individuals of one race are concentrated in one neighborhood and individuals of another race are concentrated in a different neighborhood, racial segregation exists in each of the neighborhoods. For individuals with disabilities, segregation includes a condition in which available housing or services are not in the most integrated setting appropriate to an individual’s needs.

(491) “Single-room occupancy housing” has the meaning provided in ORS 197A.430.

(5042) “Tenure” means the full range of housing tenure types encompassing forms of occupancy and ownership, including but not limited to rental; market-, shared-, limited-, and zero-equity structures as applied to various ownership models like community land trusts and resident-owned cooperatives; condominium ownership; and fee simple ownership.

660-008-0005(51-52) Tribal governments and Tribal communities

Rule summary: These definitions provide the terms and foundation for serving Tribal housing need in Goal 10 housing planning.

Commentary: These definitions have been amended in order to transition from referencing “Tribes” to referencing “Tribal governments.” Coordination and consultation with Tribal governments in Oregon yielded guidance to use the term “Tribal governments” when referring to the formal governing bodies of federally recognized Tribes in Oregon instead of “Tribe.” Reasons for this include that the intention in these contexts is indeed typically to address the governmental body rather than the broad membership, some Tribal governments represent multiple Tribes, and while less applicable in the context of discussing only federally recognized Tribes not all Tribes have Tribal governments. Conforming term switch revisions are incorporated throughout the rules. Staff amended these definitions as drafted in version 2 such that these proposed rules maintain the above intent but retain reference to relevant statutory definitions.

(5143) “Tribal government” “Tribe” as defined in ORS 182.162(2) means the governing body of a “Tribe” as defined in ORS 182.162(2), ~~federally recognized Indian tribe in Oregon~~including but not



limited to Tribal Council and staff.

(5244) "Tribal communities" means tribally affiliated Oregonians, including enrolled members of a "Tribe" as defined in ORS 182.162(2)-tribes and their households.

Statutory/Other Authority: ORS 197.040

Statutes/Other Implemented: ORS 197.475 - 197.493 & ORS 197A.015 - 197A.470

660-008-0015 Clear and Objective Approval Standards Required

Rule summary: This rule describes the requirement for any regulation of needed housing to adhere to clear and objective conditions. The rule provides that a city may provide an optional alternative approval process in the condition that a clear and objective process is also available to an applicant.

Commentary: No changes are proposed.

660-008-0015 Clear and Objective Approval Standards Required

(1) Except as provided in section (2), a local government may adopt and apply only clear and objective standards, conditions and procedures regulating the development of needed housing on buildable land. The standards, conditions and procedures may not have the effect, either in themselves or cumulatively, of discouraging needed housing through unreasonable cost or delay.

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

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

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

(c) The approval criteria for the alternative approval process authorize a density at or above the density level authorized in the zone under the approval process provided in section (1).

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

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

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

(c) Establish approval procedures.

660-008-0045 Update Housing Capacity Analysis Schedule

Rule summary: This rule describes the deadlines, process, and schedule for Housing Capacity Analyses and Housing Production Strategies. It requires the Department to publish the schedule annually.

Commentary: This rule title is proposed to be updated to more accurately reflect that the rule



includes deadlines for both the HCA and HPS. This change was intended to be made as part of the 2024 rulemaking but was not included in the final set of rules that was adopted.

660-008-0045 Update Housing Capacity Analysis and Housing Production Strategy Schedule Deadlines

Cities described in ORS 197A.270, 197A.280, and 197A.335 shall adopt a housing capacity analysis and adopt a housing production strategy as scheduled by the commission.

- (1) The commission shall adopt and the department shall publish the schedule of housing capacity analyses and housing production strategies deadlines for cities identified under ORS 197A.270, 197A.280, and 197A.335 in Attachment A.
- (2) The deadline for adoption of a housing capacity analysis and a housing production strategy in a given year is December 31st.
- (3) The department will consider a city to have met its obligation to adopt a housing capacity analysis upon adoption of the housing capacity analysis by ordinance. The department will not consider a subsequent appeal of the city ordinance adopting its housing capacity analysis a failure to comply with the deadline provided in Attachment A provided in section (1).
- (4) The department will consider a city to have met its obligation to adopt a housing production strategy upon adoption of the housing production strategy. As provided in ORS 197A.100(7), the adoption of a housing production strategy is not a land use decision and is not subject to appeal or review except as provided in ORS 197A.103.
- (5) Upon adoption of a housing capacity analysis, the deadline for a subsequent housing capacity analysis is as follows:
 - (a) Eight years subsequent for cities that are not within Metro; or
 - (b) Six years subsequent for cities that are within Metro.
- (6) The housing production strategy is due one year after the city's deadline for completing a housing capacity analysis, as prescribed in section (1).
- (7) The applicable allocation of housing need and housing production target, as provided in ORS 184.451 to 184.455, are those that are ~~most recent published~~ in the year of the adoption of the housing capacity analysis, unless a city applies the provisions in section (8).
- (8) A city may apply the allocation of housing need and the housing production target, as provided in ORS 184.451 to 184.455, that are published in the year prior to the adoption of the housing capacity analysis. To apply the allocation of housing need and the housing production target under this section, by December 1 of the year prior to the Housing Capacity Analysis deadline under section (1), a city must submit written notice to:
 - (a) The department; and
 - (b) Oregon Housing and Community Services.
- ~~(9)~~ If a population estimate developed under ORS 195.033 and OAR 660-032-0020 and OAR 660-032-0030 results in a city qualifying under ORS 197A.270, 197A.280, and 197A.335, the city must adopt a housing capacity analysis within two years of its qualification or the interval provided in section (5), whichever is the longer period.



[ED. NOTE: To view attachments referenced in rule text, click here to view rule.]

Statutory/Other Authority: ORS 197.040

Statutes/Other Implemented: ORS 197A.015 - 197A.470

660-008-0075 Contextualized Housing Need

Rule summary: The Contextualized Housing Need is an analysis that localizes and specifies the housing attributes that a local government needs for the purposes of its Goal 10: Housing planning work, spanning both the Housing Capacity Analysis and the Housing Production Strategy. It consists of a localized analysis of quantitative and qualitative needs that encompass housing types, characteristics, and locations with particular focus on fair housing issues, protected classes, and other priority populations named in statute or experiencing inequitable housing outcomes to Affirmatively Further Fair Housing.

Commentary: Proposed amendments connect the contextualized housing need to the housing capacity analysis and clarify that the output for needed housing types must be quantified. The quantified housing type mix will be used to determine residential density and zoning needs in the housing capacity analysis. For the housing capacity analysis, the number of each needed housing type must be based on the allocated housing need, which is the housing need over a 20-year period.

Language is also added to ensure jurisdictions are assessing all areas within their urban growth boundary, including both within city limits and in urbanizable areas. Proposed amendments specify that the locational analysis within the Contextualized Housing Need must include a report of areas added to the UGB in the previous three HCA/HPS cycles. This approach aims to promote annexation, zoning, and needed housing development in new UGB areas that should be addressed in the Housing Production Strategy (HPS). If this analysis results in a finding that land that was added to the UGB has not been annexed and zoned over the allotted time, cities must take action in their HPS to address the issue.

Finally, proposed amendments include increased specificity and direction in some provisions of the required analyses.

660-008-0075 Contextualized Housing Need

The contextualized housing need is an analysis relating a city's allocated housing need and housing production target, as provided in ORS 184.451 to 184.455 and OAR 660-008-0045(7), to local qualitative and quantitative information. This analysis uses current and future housing needs, along with population and market trends, to evaluate fair housing choice and identify fair housing issues within the city's planning boundary to affirmatively further fair housing. A city must work interdepartmentally to the extent possible in developing and implementing its contextualized housing need, including but not limited to collaboration across the planning, permitting, public works, and community development departments. The analysis must include consideration of protected classes and named communities in needed housing as provided in ORS 197A.018, with particular focus on communities of color, low-income communities, individuals with disabilities, and tribal communities. The output of the analysis is a determination of the needed housing types, characteristics, and locations of housing within a city's planning boundary. ~~A that a~~ city must plan for such needed housing in its six- or eight-year housing capacity and production cycle and in its twenty-year planning period in order to mitigate and remedy the identified fair housing issues ~~in furtherance of fair housing choice~~. The contextualized housing need determines the needed housing types, characteristics, and locations and informs s Subsequent housing capacity analyses, development-ready land inventories,



any land use efficiency measures ~~taken and any resulting urban growth boundary amendments, the development-ready land inventory, as well as the housing production strategy and all actions therein, must respond to the identified needed housing types and locations, and characteristics as applicable, as determined by this contextualized housing need.~~ To the extent it exists, a city may utilize information, data, and analyses from other housing planning efforts completed in the last five years within the city including, but not limited to, equity analyses and other reports conducted under OAR chapter 660, division 12 and consolidated plans for any of the United States Department of Housing and Urban Development (HUD)'s Community Planning and Development formula grant programs including Community Development Block Grant Entitlement Communities.

660-008-0075(1)

Section summary: This section requires Cities to provide a detailed analysis of their allocated housing need for the Housing Capacity Analysis and housing production targets for the Housing Production Strategy as outlined by the Oregon Housing Needs Analysis (OHNA). This analysis serves as the foundation for completing both the Housing Capacity Analysis and the Housing Production Strategy. This involves an inventory and evaluation of various qualitative and quantitative sources, including the Housing Production Dashboard, Equity Indicators, mapped discriminatory actions, and equitable engagement data. These elements collectively inform the affordability analysis, analysis of past discriminatory actions or practices related to land and housing access, and the analysis of fair housing choice. This thorough contextualization should reveal the housing needs and fair housing issues within the City, which then must be responded to with the identification of the housing types, characteristics, and locations of housing that should be planned for as part of their 6- or 8- year Housing Production Strategy cycle in order to remedy or mitigate the fair housing issues identified and meet the City's housing need.

Commentary:

The proposed amendments clarify that the output for needed housing types identified in the contextualized housing need must include a quantified conclusion. This is necessary for calculating the needed housing densities and comparing to the residential land capacity in the housing capacity analysis. Language is also added to ensure jurisdictions are assessing all areas within their planning boundary, including both within city limits and in urbanizable areas.

While evaluating potential development of compliance pathways through the contextualized housing need, the Oregon legislature passed House Bill 2698 (2025) which established statewide homeownership goals for years to come. In alignment with the Oregon legislature, the draft rule amendment suggests adopting the homeownership goals directly. While staff initially drafted those goals in rule as minimum standards, significant feedback from both local governments and advocates encouraged staff to reconsider how the legislation interacts with the OHNA. In response, the department shifted the homeownership need provision from a minimum standard to a safe harbor.

A new analysis was also added separately from the fair housing issue area analysis in (1)(e) which requires cities to assess areas added to the UGB within the past 3 HCA/HPS cycles. Often times, areas added to the UGB take years or decades to become annexed, zoned, and subsequently, developed. This can cause a huge delay for housing. Adding this exercise to the Contextualized Housing Need provides an opportunity to look back, evaluate, and take action to catalyze needed housing development in these areas which play a crucial role in accommodating a city's 20-year housing need. If this analysis results in a finding that land that was added to the UGB has not been annexed and zoned over the allotted time, cities must take action in their HPS to address the issue.



(1) At a minimum, the contextualized housing need must include:

(a) An affordability analysis including, at a minimum, a review of market conditions affecting the provision of needed housing including existing and expected barriers to the development of needed housing;

(b) An analysis of past discriminatory actions or practices related to land and housing access including, as practicable given information and resource availability, mapping of the geographies impacted by these actions and comparing those geographies' relationship to current patterns of segregation as well as affluence and poverty as illustrated in the housing equity indicators. Once initially completed, a city must update the past discriminatory actions analysis for future housing capacity analysis and housing production strategy cycles, incorporating new information and resources and in comparison to current conditions; and

(c) An analysis of fair housing choice across the following issue areas for communities of color, low-income communities, individuals with disabilities, and tribal communities that concludes with the identification and evaluation of fair housing issues within a city's planning boundary.

(A) Housing tenure and wealth building opportunities;

(B) Permanent housing to resolve homelessness;

(C) Accessible and adaptable housing;

(D) Access to community assets and mitigation of exposure to harms;

(E) Housing stability, anti-displacement, and displacement mitigation;

(F) Addressing and disrupting patterns of segregation, and their correlation with concentrated areas of affluence and poverty;

(G) Any issue areas the city is required to address in other requirements or regulations, including cities subject to OAR 660-012-0315(1) and cities within Metro with Region 2040 centers, as defined in OAR 660-012-0005(24); and

(H) Any other issue areas that appear to exist based on occurrences of disparate housing needs in a city across protected classes and named communities in needed housing as provided in ORS 197A.018;

(d) If a city concludes that there are no fair housing issues in one or more of the identified fair housing issue areas listed in subsection (c), a detailed justification for this conclusion. This justification must include:

(A) A comprehensive analysis from subsection (c) that demonstrates the absence of disparate housing needs or barriers in the issue area(s) and the presence of fair housing choice and stability for all community members across all housing types, characteristics, and locations, and

(B) A plan for ongoing monitoring to ensure that fair housing issues do not emerge in the future, including a commitment to re-evaluate the issue area(s) in subsequent contextualized housing need analyses and housing production strategy adoptions.

(e) An evaluation of whether acknowledged urban growth boundary expansion areas added within the time period equivalent to three housing capacity analysis cycles have urbanized to accommodate the identified residential need(s).



(A) This analysis must be based on the following information, pertinent to the approved urban growth boundary expansion areas and time period specified in this subsection (e):

(i) All post-acknowledgement comprehensive plan map designation changes and additions responding to identified residential land needs; and

(ii) Urban zoning applied to the applicable areas.

(B) If a city concludes that land within the applicable areas has not been annexed or zoned for residential urban development, the city must include those lands under the identification of needed housing locations under subsection (f).

(fe) Description and identification of the housing types, characteristics, and locations needed to ~~to (A) Remediate~~ or mitigate the fair housing issues identified in subsection (c) ~~in order to achieve fair housing choice~~, and ~~to (B) Meet~~ the city's allocated housing need and housing production target while affirmatively furthering fair housing and achieving fair housing choice; ~~and~~

(A) Description and identification of needed housing types must include a quantification of each needed housing type which may be expressed as a percentage of the total allocated housing need and housing production target, respectively.

(B) Description and identification of needed housing characteristics and locations must include specificity including quantification to the greatest extent possible. Where quantification is not possible, this requirement may be satisfied by representation of these needs in relative magnitude or narrative form.

(g) For cities subject to OAR 660-012-0310, the number of housing units needed for the city to make proportionate progress towards accommodating 30 percent of all housing in climate-friendly areas in pursuit of the greenhouse gas emissions reduction targets as provided in OAR 660-044-0020 and OAR 660-044-0025, including affordable and accessible units. Cities with additional residential mixed-use zones may also report on housing development in those areas, and may evaluate the relative success of measures supporting housing development in both areas.

(2) ~~At a minimum, the~~ contextualized housing need must be informed ~~at a minimum~~ by the following information:

(a) The housing production dashboard;

(b) The housing equity indicators including socioeconomic and demographic characteristics of households living in existing needed housing, disaggregated by race and ethnicity; ~~and~~

(c) Equitable engagement as provided in section (5); and

(d) Any statewide, regionally, or locally applicable information provided in section (3).

(3) The department may host a repository of information organized by state and regional applicability for use in the contextualized housing need. The department may update this repository as new information is available and obsolete or outdated information needs to be removed. Any information in this repository shall be considered to be "available" for the purposes of section (4).

660-008-0075(4)

Section summary: The previous section (section 3) introduced a state-provided data repository, hosted by the department. This repository may house any statewide, regional, or local information to support the work of the CHN. In response to feedback about the challenges of data collection and its



applicability for Goal 10 – Housing requirements, the department expanded its role, as resourced, by offering centralized, accessible data beyond what is provided in the equity indicator and housing production dashboards. This new repository may house broadly applicable reports and datasets that assist cities in meeting their housing planning obligations. This section also emphasizes the department's commitment to supporting cities in their housing planning efforts, reinforcing the shared accountability of the state, local, and regional governments. By making these resources more easily available, the state intends to foster greater coordination and alignment in housing planning, ensuring that all levels of government can effectively contribute to meeting housing needs. Any dataset provided by the state or included in the department's repository is one way information can be deemed "available and recent within the last five years" for the purposes of this section. This section (section 4) identifies additional, supplemental datasets that cities must use, if available and recent within the last five years, to further contextualize housing needs and housing choice considerations. The data listed has been added to and refined throughout the course of the rule writing process and what is included is intended to represent a strong starting point for types of known data related to housing.

Commentary:

Continuums of Care collect additional data beyond HUD Point-in-Time counts that may be relevant to understanding local housing needs. An additional item was added to the list of data that must be considered when made available accordingly.

One city reflected confusion over the application of the equity indicators. The city was concerned that if the equity indicators were not updated with the most recent data, the department would expect the city to identify the most recent data itself. The response is: a city may rely on the data published in the Equity Indicator Dashboard. If there is a circumstance where that data is out of date, the department will not hold the city responsible for conducting its own analysis.

In support of local governments completing their Goal 10: Housing planning obligations, which include planning for fair housing choice such that community members are able to live in any neighborhood of their choosing, the department and rulemaking project team have developed a Community Assets & Harms Mapping Tool. The mapping tool identifies and maps the prevalence of some community assets and harms relative to the rest of the jurisdiction and categorizes areas of the jurisdiction as having relatively high assets and high harms, high assets and low harms, low assets and high harms, or low assets and low harms. Local governments should compare this information with the rest of their local knowledge and the department's Community Explorer Tool which maps demographic information to understand varying conditions across the jurisdiction. This holistic analysis reveals locational trends, correlations, and needs.

As noted above, the Community Assets & Harms Mapping Tool is a required data input to the contextualized housing need analysis, however its inclusion in the rules stops short of a compliance pathway for the conclusions of the contextualized housing need. Because statewide mapping tools will always be limited in their inputs and breadth, and because errors in locational conclusions can have some of the largest and most harmful unintended consequences for fair housing choice, no locational compliance pathway is included.

Feedback was received requesting the Community Assets & Harms Mapping tool and its inputs and methodology be made available for comment. The draft tool and an accompanying memo regarding its inputs (hyperlinked in this sentence) have been available since the July 16th Housing Actions Work Group meeting materials were sent out, though under an old project name of "Opportunity Mapping"



tool. Staff continue to welcome and request feedback.

(4) The contextualized housing need must be informed by the additional information listed in this section as it is available and recent within the last five years. One way that additional information may be deemed to be available under this section is if it is listed in the department-hosted repository as provided in section (3).

(a) The State of Oregon Analysis of Impediments to Fair Housing Choice;

(b) An estimate of quantified housing need by the state, regional, local, or tribal government for individuals experiencing homelessness, protected classes, named communities in needed housing as provided in ORS 197A.018, and tribal communities;

(c) The HUD Annual Homelessness Assessment Report;

(d) The applicable HUD Point-in-Time count conducted by the Continuum of Care that the city is located within;

(e) The applicable McKinney-Vento Homeless Student Data for all school districts that overlap with the city boundary;

(f) Fair housing complaint data from federal, state, or local agencies;

(g) Rental and homeowner vacancy rates;

(h) Change in gross or net property values or rent over time;

(i) Data collected by local coordinated care organizations;

(j) Data collected by the Community Action Partnership of Oregon and its community action agencies;

(k) Data collected by the Continuum of Care that the city is located within in addition to subsection (4)(d);

(l) Trends that may negatively impact preservation of affordable naturally occurring market-rate units, such as redevelopment rates and changes in market conditions;

(m) A comprehensive inventory of existing housing units by housing types, characteristics, and locations; and

(n) Data from organizations that advocate on behalf of protected classes, named communities in needed housing as provided in ORS 197A.018, low-income communities, and tribal communities; and.

(o) The department's Community Assets & Harms Mapping Tool;

(5) The contextualized housing need must be informed by equitable engagement feedback that prioritizes and actively seeks to center communities of color, low-income communities, individuals with disabilities, and tribal communities, to ensure these perspectives are meaningfully incorporated.

(a) In compiling existing engagement feedback for use in this section, to the extent it exists a city must utilize feedback from other housing-related engagement within the city conducted within the last five years including, but not limited to, consolidated plans for any of HUD's Community Planning and Development formula grant programs including Community Development Block Grant Entitlement Communities, transportation system plan updates under OAR 660-012-0120 through 660-012-0135,



and public engagement for severely rent burdened households as defined in OAR 813-112-0010. Except for the requirement to center tribal communities by coordinating and consulting with tribal governments, if the city has comprehensive housing-related engagement feedback completed within the last five years that sufficiently informs the contextualized housing need requirements and the city finds that additional equitable engagement would not align with best practices in the Equitable Engagement Toolkit, the city may rely entirely on existing engagement feedback and must include an explanation for this determination in the equitable engagement summary.

(b) If the city does not have comprehensive housing-related engagement feedback completed within the last five years that sufficiently informs the contextualized housing need requirements provided in section (1), a city must solicit direct feedback regarding all required analysis as provided in section (1) for which it does not have recent feedback. A city may refer to the department's Equitable Engagement Toolkit or OAR 660-012-0130 to employ best practices regarding equitable engagement.

(c) A city must provide an equitable engagement summary as part of its contextualized housing need. The equitable engagement summary must include:

(A) A list and description of the types of interested parties and communities who comprise community members of needed housing including protected classes and named communities in needed housing as provided in ORS 197A.018, especially with regard to communities of color, low-income communities, individuals with disabilities, and tribal communities;

(B) As of the initiation of the contextualized housing need or later, the most recent list of tribal governments with ancestral connection to land within the city's jurisdiction or approved expansion areas from the Oregon Legislative Commission on Indian Services, and engagement with tribal communities is required through direct communication with all such identified tribal governments. A city satisfies the engagement requirement to center tribal communities in this rule when:

(i) Notice has been made to all tribal governments as identified in paragraph (B) by inviting government-to-government consultation and staff coordination in the development of the city's contextualized housing need, and

(ii) Follow up communication, consultation, and coordination as requested by the tribal governments regarding the contextualized housing need is complete.

(C) A summary of how the city engaged interested parties, communities, and tribal governments identified in paragraphs (A) and (B), including why they were engaged, engagement methods used, a list of each engagement effort or event being used to develop the contextualized housing need, and the interested parties, communities, or tribal governments identified in paragraph (A) or (B) who the city believes may still be underrepresented in this process;

(D) A summary of feedback received from each engagement effort or event, as well as a description of the major feedback themes attributed to the interested parties, communities, and tribal governments identified in paragraphs (A) and (B). A city must determine whether each major feedback theme either influenced the identification of fair housing issues and determination of the needed housing types, characteristics, and locations in the city in alignment with program principles or not. If a major feedback theme influenced these determinations, the specific fair housing issues or needed housing types, characteristics, and locations identified as a result of the feedback must be documented. If a major feedback theme did not influence the identification of specific fair housing issues or determination of needed housing types, characteristics, or locations; the city must provide a rationale explaining why.

(E) An evaluation of how to improve equitable engagement practices for future housing engagement



efforts conducted by the city, including but not limited to affirmatively furthering fair housing and tribal coordination and consultation.

660-008-0075(6)

Section summary: This section outlines the safe harbors for conclusions of some needed housing types and characteristics in the contextualized housing need. Local governments may adopt the provisions in section (6) to reduce analytical burden and be assured compliance in the conclusions of the following housing needs:

- Adaptable housing need: Regional or local percentage of households calculated by the elderly dependency ratio as listed on the Housing Equity Indicator dashboard, whichever is higher.
- Accessible housing need: Regional or local percentage of households with ambulatory difficulty as listed on the Housing Equity Indicator dashboard, whichever is higher
- Larger household need: Regional or local housing equity indicator output for larger household housing, whichever is higher.
- Multi-unit housing need: 40% of the housing production target and allocated housing need
- Middle housing need: 20% of the production target and allocated housing need
- Homeownership need: Homeownership goal percentages per HB 2698 (2025) as applied to each the sum of the 0-80% AMI brackets in the housing production target and the sum of the 81+% AMI brackets in the housing production target

The safe harbors for identifying adaptable, accessible, and larger unit need key off the housing equity indicators to streamline the program and utilize data that is currently a required input per the existing rules. This rule aligns with the policy premise of the OHNA to take a regional perspective on needed housing and to disrupt planning cycles that perpetuate harms.

Commentary: While previous drafts of the rule proposed that some of the key needs in the CHN be applied as rebuttable presumptions and one as a minimum standard, this version has applied all CHN compliance pathways under a safe harbor compliance tool. As described in previous drafts, state staff have drafted a partial compliance pathway through the requirements of the Contextualized Housing Need. This compliance pathway offers certainty in the methods and conclusions of certain key housing needs. Other housing needs not included in the list of key housing needs which are provided compliance pathways must be identified through the existing process outlined in OAR 660-008-0075(12-4).

(6) As a safe harbor, a city may use the methods described below to satisfy the requirements of subsection (1)(f) in determining the relevant housing needs. A city is required to identify all housing needs including those not identified in this section pursuant to section (2).

660-008-0075(6)(a)-(b) – Needed multi-unit and middle housing**Compliance Tool:**

Planning for a diversity of housing types is both a critical element to our current land use planning paradigm and one of the most challenging to identify true need for. Housing types have historically been correlated with affordability, making it difficult to assess true housing type need outside of that context. As a result, there is both significant pressure to identify an “ideal” housing type mix and



limited need-based data, suggesting that a strong statewide stance is suitable.

Additionally, the purpose of the Contextualized Housing Need is to identify actual need as accurately as possible, with a specific focus on the principles of affirmatively furthering fair housing and fair housing choice. This proposal steers away from an incremental increase of middle and multi-unit housing from existing housing. An incremental approach does reach toward the policy objectives, however it simultaneously entrenches discrepancies in fair housing choice for housing types across Oregon, an effect that runs counter to the premise of the OHNA policy. It distributes need unequally across regions and perpetuates the status quo. It fails to support the OHNA's promise to Oregonians, which is to begin to redress discrepancies in access to fair housing choice. As such, DLCD staff does not find an incremental approach meets legislative, program, enterprise, nor agency policy objectives and mandates. Rather than identifying incrementally increased need based on current production, the state's proposed safe harbor attempts to identify an aggregate need across the state.

DLCD received significant feedback that the assumption of needed housing types could not be standardized across the state. Local governments pointed out that, given considerations such as land cost, local household makeup, and existing housing stock, the identification of how much multi-unit and middle housing is needed is too varied to apply a statewide assumption as a rebuttable presumption. In response, these proposed rules apply this compliance pathway as a safe harbor instead. As a safe harbor, cities may choose to take the compliance pathway to identify a housing type estimate or to conduct their own analysis according to the base CHN rules.

Compliance Content:

This housing type mix is informed by the 2022 ACS PUMS data of existing middle and multi-unit housing that serves lower income households by region as defined by the dataset. In part, this approach intends to acknowledge that, without enormous amounts of subsidy, new construction of housing will not meet the same affordability levels of existing stock. Given that, trending planning toward the housing types that currently meet deeper affordability will increase affordability of the newly constructed stock at all income levels.

Additionally, disaggregation of the multi-unit and middle housing minimum percentages is critical to ensuring the outcomes of housing type diversity meet the intent of the compliance pathway. With ECOnorthwest's proposal of merging the two housing types into one compliance pathway, a local government could name their total multi-unit and middle housing need with any distribution of middle and multi-unit housing therein, even if that distribution is severely weighted toward one of those housing types or another.

DLCD has received feedback that the percentages indicated in these safe harbors, which establish an ambitious and needed goal in line with OHNA housing production targets, are not appropriate for all city sizes – both that they are too high for smaller jurisdictions and too low for larger ones. At the same time and as mentioned above, DLCD has heard interested parties promote the goal of simplicity and clarity in the rule and a reduction in the disparity of fair housing choice between city sizes.

For smaller jurisdictions, the design intended to address the affordability crisis across Oregon. Statewide, housing options that are available at lower price points are in critically short supply. Single-unit detached developments have been the default housing type for decades, while other housing types have either been illegal or infeasible, leading to a homogenous, exclusive, and discriminatory housing stock. The premise of the OHNA is to break the cycle of projecting past harms into future planning. For larger jurisdictions, the safe harbors still represent an ambitious goal, though some cities are closer to meeting them in current production.



Additionally, feedback was received that suggests housing type need should be adjusted in part based on the statewide homeownership needs, suggesting that multi-unit housing is in conflict with substantial homeownership needs. There are multiple forms of ownership and wealth-building tenure that can be applied to multiunit housing including but not limited to condominiumization and cooperative housing ownership models, and this past legislative session worked to improve the environment for new condominium associations. The department does not intend to treat homeownership and other needs as mutually exclusive with any housing type needs. Instead, the OHNA program seeks to name the need that varying tenure types are available in all housing types to create fair housing choice.

Lastly, feedback was received that the housing type compliance pathway may risk underrepresenting larger, denser housing needs, especially given the rule's definition of multi-unit housing as simply five or more units (if not categorized as middle housing by local code). In 2024 the Needs and Production Technical Advisory Committee (NAPTAC) discussed the potential to define multiunit housing as 20 units or more and the middle housing type planning bracket to be combined with multiunit housing of 5-19 units for the purposes of OHNA planning. When the committee explored this, significant concerns were raised by lenders and developers about disparate definitions for housing types across the housing production ecosystem and even confusion in implementation for local governments.

(a) Needed multi-unit housing identified as at least 40 percent of the city's housing production target and allocated housing need.

(b) Needed middle housing identified as at least 20 percent of the city's housing production target and allocated housing need.

660-008-0075(6)(c)-(d) – Needed accessible and adaptable housing

Relevant context:

Accessible housing need spans various household compositions, abilities and disabilities, and current and future community members. Because accessible housing need is so diverse, there is no singular data point that can simply and accurately identify accessible housing need in jurisdictions statewide. Given the chronic deprioritization of accessible housing need, paired with the fact that the market will not produce sufficient accessible housing without support, it is likely a net positive to set an ambitious safe harbor for accessible housing need even if it is not as comprehensive as would be ideal.

Identifying actions that might increase the production of accessible housing is the work of the HPS, while the CHN's job is to identify an accessible housing need. As such, data regarding past production of larger developments which may have some Type A or Type B units cannot provide a basis by which to project an accurate need assumption as much as demographic and population information about ability and disability does.

In support of crafting as consolidated and streamlined a program as possible, these compliance pathways use the housing equity indicators published by Oregon Housing and Community Services, data that is already a required input of the contextualized housing need. The proposed rule also supports the premise of the Oregon Housing Needs Analysis that local governments should not only consider their existing housing needs but also the regional needs that may not be reflected in the current housing stock.

Advocates for people with disabilities have urged the state to retain the rebuttable presumption compliance tool to ensure these housing needs are not underrepresented. As with all other CHN



compliance pathways, these proposed rules suggest the below methods for identifying accessible and adaptable housing need be applied to Goal 10: Housing planning as safe harbors.

Accessibility:

Staff discussions with accessible housing need experts confirmed that census data still captures an undercount of disability prevalence, suggesting a factor for this be applied to this compliance pathway for identifying accessible housing need. As such, staff have refined these proposed rules to account for an approximately 20% undercount as has been revealed by comparative analyses of various disability reporting surveys and data sources. A local government may identify its accessible housing need as at least the percentage of households with members with ambulatory difficulties locally or in the region, both upsized by 20%, whichever is greater.

Some feedback received suggested also comparing different data sources to the current housing equity indicator American Community Survey (ACS) data and developing the compliance pathway to default to whichever data source, including the abovementioned sizing up, suggested a greater need. DLCD is working with OHCS to consider alternative data sources as well as how those data sources could be managed on the dashboards and illustrated for local government use. Equity indicators will continue to be revised as more robust or up-to-date information is available.

Adaptability:

State staff propose using the elderly dependency ratio in the aging equity indicator as the safe harbor for adaptable housing need. While the elderly dependency ratio is currently embedded in the housing equity indicators, as a datum itself it is not currently displayed on the dashboard and a revision to the dashboard display will be required. For reference and a basic understanding of scale and functionality, according to the World Bank, the elderly dependency ratio in the United States in 2024 was 28. This number as a percentage provides a reasonable assumption of the number of homes that are likely to need to be retrofitted with accessible features.

A local government may identify its adaptable housing need as at least its elderly dependency ratio applied as a percentage of housing need or at least the equivalent percentage for the region, whichever is greater. DLCD received public comment which suggested retaining use of the elderly dependency ratio reflected as a percentage of the population need and adding the percentage of working age individuals in the city with ambulatory difficulty. Because the percentage of the population with ambulatory difficulty is being used as a compliance pathway to identify accessible housing need, staff do not currently see a way to reuse the data point to identify a distinct, albeit related, housing need – adaptable housing need.

(c) Needed accessible housing identified based on the housing equity indicators as at least whichever is greater:

(A) the percentage of households in the city with ambulatory difficulty multiplied by 1.2 applied as a percentage of the city's total housing production target, or

(B) the percentage of households in region with ambulatory difficulty multiplied by 1.2 applied as a percentage of the city's total housing production target.

(d) Needed adaptable housing identified based on the housing equity indicators as whichever is greater:

(A) The elderly dependency ratio in the city applied as a percentage of the city's total housing production target, or



(B) The elderly dependency ratio in the region applied as a percentage of the city's total housing production target.

660-008-0075(6)(e) – Needed larger household housing

Relevant context:

Current planning approaches and development feasibility incentivize smaller unit sizes, especially for affordable homes. This results in a mismatch of needed housing, with a gap in affordable homes available for larger households including families and cultural communal lifestyles. As a city-wide action plan that includes both land use efficiency measures and non-land use actions, the HPS can delineate some minor adjustments to code structures that can be oriented to hold structural space for larger, affordable homes to be built where currently only small units are incentivized. Changes in the OHCS funding criteria have also oriented to support the development of larger, affordable units where previous funding structures oriented to unit counts above all else.

In alignment with this approach, a compliance pathway for an action in the HPS that responds specifically to larger affordable household need is also proposed.

Compliance content:

This safe harbor also relies on data that can be found in the equity indicators, and which is currently a required input to the CHN per existing rules. Like other proposed compliance pathways, this aligns with the premise of the OHNA policy as outlined in above sections. As such, a local government must identify its larger household housing need as at least its percentage of "family households," as termed by the data source itself the American Community Survey Table B11001, or at least the equivalent percentage for the region, whichever is greater.

(e) Needed larger household housing identified based on the housing equity indicators as whichever is greater:

(A) The percentage of households in the city which are family households applied as a percentage of the city's total housing production target, or

(B) The percentage of households in the region which are family households applied as a percentage of the city's total housing production target.

660-008-0075(6)(f) – Needed homeownership housing

Compliance Tool:

Given local considerations and the legislative intent of HB 2698 (2025), a safe harbor tool is established to encourage identification of homeownership need pursuant to the provisions of the bill while not imposing standardized goals where they are not appropriate.

Compliance Content:

In order to affirmatively further fair housing and better support fair housing choice, the homeownership goals were drafted to be operationalized equally across all income brackets. This income-agnostic approach intended to support that tenure and wealth-building opportunities be



available to all Oregonians, including but not limited to the use of tenure models like shared-equity resident-owned cooperatives and community land trusts.

DLCD received feedback that this intervention, like many of the others in the compliance pathways, would be strengthened by non-land use actions that support homeownership at all income levels.

Additionally, DLCD received feedback in support of the income disaggregation and equal distribution of the homeownership goal and suggested that DLCD should go a step further by requiring local governments to report on barriers to homeownership for communities of color. In fact, the work of the Contextualized Housing Need includes a fair housing analysis of the “Housing tenure and wealth building opportunities” issue area, assessing and understanding the degree to which fair housing choice is or isn’t available for a number of focus communities including “communities of color.” The charge of the Housing Production Strategy is then to take action to mitigate or remedy fair housing issues that are present and to promote the needed housing types, characteristics, and locations in a local government. Lastly, HB 2698 also directs Oregon Housing & Community Services to host a homeownership dashboard including disaggregation by race and ethnicity, and the department plans to include this dashboard in the repository of information local governments will use to conduct these analyses if the dashboard doesn’t already by nature get integrated into the housing equity indicator dashboard.

Finally, DLCD received significant feedback that applying ownership needs equally across income brackets may be impractical and risks under-provision at key AMI levels. Given the charge of Goal 10 – Housing under the new Oregon Housing Needs Analysis paradigm is to Affirmatively Further Fair Housing, the department does not intend to develop a program that continues to perpetuate inequities in housing tenure across income levels. However, in response to concerns about the blanket application, staff have simplified the disaggregation of income brackets down to two groupings: a city may apply the homeownership goal percentages per HB 2698 (2025) to their housing production target as the sum of the 0-80% AMI bracket targets and the sum of the 81+% AMI bracket targets.

It remains central in the work of developing this program, and the Contextualized Housing Need in particular, to understand that identifying need should not in any way be hampered by perceived past, current, or future conditions of practicality. Higher income households do not need more stewardship, stability, or wealth-building opportunities from homeownership than do lower income households. The OHNA program directs substantial structural change to Oregon’s housing development, preservation, and maintenance systems. However, staff have also heard a call from advocates that the provisions in HB 2698 will be more valuable if applied in a more responsive way. In shifting to a safe harbor and opening up the applicable brackets, staff hope to increase uptake and effectiveness of the shortcut.

(f) Needed homeownership housing identified as, at a minimum, the relevant percentage per HB 2698 (2025) and applied to the following income brackets of the city’s housing production target:

(A) Households making 0-80 percent of average-median family income of the allocated housing need and the housing production target as provided in ORS 184.453(4)(a-c);

(B) Households making 81+ percent of median family income and greater as of the allocated housing need and the housing production target provided in ORS 184.453(4)(d-e).

Statutory/Other Authority: ORS 197.040

Statutes/Other Implemented: ORS 184.451, ORS 197.475 - 197.493 & ORS 197A.015-197A.470

History:

LCDD 15-2024, adopt filed 12/20/2024, effective 01/01/2025



660-008-0080 Review of Contextualized Housing Need

Rule summary: This rule describes the process for the review and adoption of the Contextualized Housing Need.

Commentary: No changes are proposed.

660-008-0080 Review of Contextualized Housing Need

(1) The standard process for completing the contextualized housing need includes:

(a) Submission of the contextualized housing need as a component of the adoption of the housing capacity analysis as provided in OAR 660-008-0045(3), and

(b) The department shall review the sufficiency of the contextualized housing need based upon requirements provided in OAR 660-008-0075 at the time the city adopts its housing capacity analysis as provided in OAR 660-008-0045(3).

(2) A city may opt into an alternate process for completing the contextualized housing need through a segmented housing production strategy review under OAR 660-008-0215 prior to the adoption of a housing capacity analysis and housing production strategy wherein,

(a) The city shall notify the department of the selection of the segmented housing production strategy review, and

(b) Neither the department's decision nor the city's adoption of the contextualized housing need under this section is a land use decision.

(3) The contextualized housing need may be identified as a work task in a work program and reviewed as provided in OAR 660-025-0185, the sequential Review of Urban Growth Boundary Amendment Components rule.

Statutory/Other Authority: ORS 197.040

Statutes/Other Implemented: ORS 197.012, ORS 197.475 - 197.493, ORS 197A.015-197A.470 & ORS 197.626

History:

LCDD 15-2024, adopt filed 12/20/2024, effective 01/01/2025

**660-008-0100 Housing Capacity Analysis**

Rule summary: This newly proposed rule specifies what must be included in the Housing Capacity Analysis (HCA). This analysis designates land on the comprehensive plan map to satisfy the 20-year housing needs by density range and type.

Commentary: A new section is proposed to provide clarification for what is included in the Housing Capacity Analysis (formerly referred to as the Housing Needs Analysis), for both cities subject to OHNA requirements and for cities below 10,000 people that have elected to do an HCA. The proposed language aims to clarify that the HCA must rely on information in the contextualized housing need. For cities below 10,000, a contextualized housing need is not required.

This rule is also proposed to be merged with -0110 Allocation of Buildable Land to clarify and readability of the rules so all HCA-related requirements are under the same rule. The rule structure also better aligns with the HPS rules (-0200).

Proposed amendments to existing rule text:

- Update language to align with updates to Goal 10 through adoption of House Bill 2001 (2023) which includes reference to the allocated housing need and contextualized housing need.
- Consistent with the proposed changes to the definition of "Buildable Land," a requirement is added for local governments to coordinate with public entities regarding how to inventory publicly owned land in the BLI. Guidance is anticipated to include how to document the coordination.
- Rules related to inventorying partially vacant land and utilizing a land market supply factor are also added under (4)-(6).
- A proposed change is made in (10) to correct a reference to the Climate-Friendly and Equitable Communities (CFEC) program from OAR 660-012-0310(2) to 0315(1). The CFEC rules were adopted in 2022 with additional amendments that were adopted in 2023. These rules were moved from 0110 Allocation of Buildable Land to this new rule for clarity and organizational purposes. While there was some feedback on the CFEC-related rule sections, no substantive changes are proposed because it is outside the scope of this rulemaking.
- Newly proposed sections (7)-(9) describe requirements and options for determining and discounting capacity of sites in the BLI in instances where those sites have not developed over the course of two or three HCA cycles.
- Based on public comments, clarification was made that land shall be "designated on the comprehensive plan map or in the zoning map." The term "zone to allow" was struck from the definitions in 008-0005. Language also specifies that the inventory includes plan designations that allow residential use under clear and objective standards, clarifying that a city may inventory land besides residentially designated land. This is consistent with 008-0120.

660-008-0100 Housing Capacity Analysis

Cities shall adopt a housing capacity analysis as provided in OAR 660-008-0045. A city with a population of less than 10,000 may also elect to adopt a housing capacity analysis, as provided in ORS 197A.280(2)(d).

(1) At a minimum, the housing capacity analysis must include the following components:

(a) An inventory of buildable land and determination of housing capacity;



(b) An analysis of residential land need based on the needed housing types and allocated housing need; and

(c) A comparison of residential land need and housing capacity.

(2) The buildable lands inventory must document the amount of buildable land in each plan designation that allows residential use under clear and objective standards in accordance with sections (4) through (9) of this rule. Sufficient buildable land shall be designated on the comprehensive plan map or in the zoning map to accommodate needed housing by type and density range in accordance with the allocated housing need. For cities described in ORS 197A.015(3), the needed housing types are determined in the contextualized housing need. Needed densities are determined in the housing capacity analysis.

(3) When preparing the buildable lands inventory, the local government must coordinate with public entities on any publicly owned land they own to determine if the land may be suitable and available for the development of needed housing. Public entities include school districts, colleges, universities, and transit districts.

660-008-0100(4)-(9)

Section summary: This newly proposed section specifies how residential land is inventoried in the BLI as part of the Housing Capacity Analysis (HCA). Specifically, sections (4)-(6) provide direction and safe harbors for inventorying Partially Vacant Land in the BLI and estimating capacity on this land. Newly proposed sections (7)-(9) describe requirements and options for determining and discounting capacity.

Commentary: Consistent with feedback from the CAUTAC and legislative direction to increase clarity and certainty for local governments, a land market supply factor and safe harbors are introduced as additional options for inventorying partially vacant land. These optional methods aim to reduce analytical burden for estimating partially vacant land because they don't require local governments to conduct a parcel-by-parcel analysis. This section also proposes to include section OARS 660-024-0050(2) and expands on the existing safe harbor in section (5) by providing a new safe harbor for cities with a population over 25,000 in section (6). This rule structure better aligns with the HCA rules in -0100.

(4) When inventorying partially vacant land to accommodate housing needs, a local government may utilize a reasonable land market supply factor to account for land that will not develop over the 20-year planning period with quantifiable validation and documentation of methodology used consistent with Goal 2 requirements. As a safe harbor when utilizing the land market supply factor, a local government may reduce the ~~percent~~ total estimated residential capacity for partially vacant land by ten percent.

(5) As safe harbors, a local government, except a city with a population over 25,000 or a metropolitan service district described in ORS 197.015(13), may use the following assumptions to inventory the capacity of buildable land to accommodate housing needs:

(a) The infill potential of developed residential lots or parcels of one-half acre or more may be determined by subtracting one-quarter acre (10,890 square feet) from the unconstrained acreage for the existing dwelling and assuming that the remainder is buildable land;

(b) Existing lots of less than one-half acre with an existing dwelling may be assumed to be fully developed.



(6) As a safe harbor, a local government with a population over 25,000 may use the following assumptions to inventory the capacity of buildable land to accommodate housing needs:

(a) The infill potential of developed residential lots or parcels smaller than one-half acre in the lowest-density residential comprehensive plan designation may be determined by subtracting one-quarter acre (10,890 square feet) from the unconstrained acreage for the existing dwelling;

(b) Existing lots of less than one-quarter acre, in the lowest-density comprehensive plan designation, with an existing dwelling may be assumed to be fully developed;

(c) Except for lots in 6(b), if the infill potential value determined in part (a) or as otherwise quantified, is equal to or greater than two times the minimum lot size, the land in excess of one-quarter acre is inventoried as buildable land.

(7) When determining capacity for each plan designation included under section (2), a local government must use the data described in 197A.270(4) and cannot estimate the forecasted capacity for any residential designation to be greater than the average achieved density since the last review without quantifiable validation for such departures.

(8) As a safe harbor, when inventorying vacant and partially vacant land to accommodate housing needs, a local government subject to ORS 184.455 may progressively discount the estimated residential capacity by one-third each HCA cycle for individual lots or parcels that have been inventoried as development-ready but have not yet developed or experienced infill.

(9) If not using the safe harbor in section (8) of this rule for estimating capacity on vacant and partially vacant land, a local government must discount the estimated capacity by:

(a) Fifty percent for individual lots or parcels that did not develop or experience infill and were inventoried as development-ready land in two consecutive HCA cycles; and

(b) One hundred percent for individual lots or parcels that did not develop or experience infill and were inventoried as development-ready land in three consecutive HCA cycles.

(10) For purposes of preparing housing capacity analyses as provided in OAR 660-008-0045, the following provisions apply to local governments that are subject to OAR 660-012-0315(12):

(a) Following the initial designation of climate-friendly areas as required in OAR 660-012-0315, local governments shall maintain climate-friendly area zones with sufficient zoned residential building capacity to contain at least 30 percent of current and projected housing needs. However, the local government shall determine housing capacity within the climate-friendly area for the purpose of meeting identified housing needs as required by Goal 10 and this division in a manner consistent with ORS 197A.270(4) or ORS 197A.280, as applicable.~~350(5).~~

(b) The local government shall calculate the zoned residential building capacity within climate-friendly areas consistent with the provisions of OAR 660-012-0315(2), or utilizing an alternative methodology as provided in OAR 660-012-0320(10). The local government shall include demonstration of compliance with this requirement in each subsequent housing capacity analysis.

(c) The local government shall establish land use requirements in climate-friendly areas as provided in OAR 660-012-0320 for any newly designated climate-friendly area concurrent with or prior to the adoption of a housing capacity analysis.

(11) Beginning June 30, 2027:

(a) A local government subject to OAR 660-012-0315(12) that has identified a need to expand its



urban growth boundary to accommodate an identified residential land need shall designate and zone additional climate-friendly area as provided in OAR 660-012-0315 concurrent with expansion of the urban growth boundary.

(b) A local government shall designate and zone climate-friendly area of sufficient size to accommodate the number of housing units equivalent to one-half of the number of additional housing units that cannot reasonably be accommodated within the current urban growth boundary.

(c) The local government shall calculate the climate-friendly area needed based on zoned residential building capacity as provided in OAR 660-012-0315(2), or utilizing an alternative methodology as provided in OAR 660-012-0320(10), while the local government shall determine housing capacity within the climate-friendly area for the purpose of meeting identified housing needs as required by Goal 10 and this division in a manner consistent with ORS 197A.270(4) or ORS 197A.280, as applicable³⁵⁰⁽⁵⁾. Identified housing needs that would otherwise necessitate an urban growth boundary expansion shall only be accommodated in climate-friendly areas to the extent that the production of needed housing types within the climate-friendly areas may be anticipated consistent with ORS 197A.270(4) or ORS 197A.280, as applicable³⁵⁰⁽⁵⁾.

(d) The local government may choose to designate a portion of the newly expanded urban growth boundary area as climate-friendly area if the area qualifies for designation as provided in OAR 660-012-0310(2), or may choose to designate additional climate-friendly area in other locations within the urban growth boundary that qualify for designation.

(e) The local government may accommodate additional climate-friendly areas within one or more locations within the urban growth boundary. The designation and zoning of additional climate friendly area shall comply with all applicable requirements for climate-friendly areas as provided in OAR 660-012-0310 through OAR 660-012-0325.

Statutory/Other Authority: ORS 197.040

Statutes/Other Implemented: ORS 197.012 & ORS 197A.015-197A.470

660-008-0110 Allocation of Buildable Land

Rule Summary: This rule describes requirements of the Housing Capacity Analysis, which includes the Buildable Land Inventory. This analysis designates land on the comprehensive plan map to satisfy the 20-year housing needs by density range and type as determined in the Contextualized Housing Need.

Commentary: This rule is proposed to be deleted with existing text to be moved to a newly created rule, 0100 Housing Capacity Analysis. This aims to add clarity and readability of the rules so all HCA-related requirements are under the same rule. The rule structure in -0100 also better aligns with the HPS rules which specifies all components that must be included (-0200). The title of "Allocation of Buildable Land" is not descriptive enough to reflect all rule content that is included.

660-008-0110 Allocation of Buildable Land

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

(2) For purposes of preparing housing capacity analyses as provided in OAR 660-008-0045, the following provisions apply to local governments that are subject to OAR 660-012-0310(2):



~~(a) Following the initial designation of climate friendly areas as required in OAR 660-012-0315, local governments shall maintain climate friendly area zones with sufficient zoned residential building capacity to contain at least 30 percent of current and projected housing needs. However, the local government shall determine housing capacity within the climate friendly area for the purpose of meeting identified housing needs as required by Goal 10 and this division in a manner consistent with ORS 197A.350(5).~~

~~(b) The local government shall calculate the zoned residential building capacity within climate friendly areas consistent with the provisions of OAR 660-012-0315(2), or utilizing an alternative methodology as provided in OAR 660-012-0320(10). The local government shall include demonstration of compliance with this requirement in each subsequent housing capacity analysis.~~

~~(c) The local government shall establish land use requirements in climate friendly areas as provided in OAR 660-012-0320 for any newly designated climate friendly area concurrent with or prior to the adoption of a housing capacity analysis.~~

~~(3) Beginning June 30, 2027:~~

~~(a) A local government subject to OAR 660-012-0310(2) that has identified a need to expand its urban growth boundary to accommodate an identified residential land need shall designate and zone additional climate friendly area as provided in OAR 660-012-0315 concurrent with expansion of the urban growth boundary.~~

~~(b) A local government shall designate and zone climate friendly area of sufficient size to accommodate the number of housing units equivalent to one half of the number of additional housing units that cannot reasonably be accommodated within the current urban growth boundary.~~

~~(c) The local government shall calculate the climate friendly area needed based on zoned residential building capacity as provided in OAR 660-012-0315(2), or utilizing an alternative methodology as provided in OAR 660-012-0320(10), while the local government shall determine housing capacity within the climate friendly area for the purpose of meeting identified housing needs as required by Goal 10 and this division in a manner consistent with ORS 197A.350(5). Identified housing needs that would otherwise necessitate an urban growth boundary expansion shall only be accommodated in climate friendly areas to the extent that the production of needed housing types within the climate friendly areas may be anticipated consistent with ORS 197A.350(5).~~

~~(d) The local government may choose to designate a portion of the newly expanded urban growth boundary area as climate friendly area if the area qualifies for designation as provided in OAR 660-012-0310(2), or may choose to designate additional climate friendly area in other locations within the urban growth boundary that qualify for designation.~~

~~(e) The local government may accommodate additional climate friendly areas within one or more locations within the urban growth boundary. The designation and zoning of additional climate friendly area shall comply with all applicable requirements for climate friendly areas as provided in OAR 660-012-0310 through OAR 660-012-0325.~~

Statutory/Other Authority: ORS 197.040

Statutes/Other Implemented: ORS 197.012, ORS 197.475 – 197.490 & ORS 197A.015 – 197A.470

660-008-0120 Specific Plan Designations Required

Rule summary: This rule includes requirements for how land should be designated to serve a specific land use or need. Plan designations that allow or require residential uses shall be assigned



to all buildable land. The plan designations assigned to buildable land shall be specific so as to accommodate the varying densities and type as determined in the needed housing type mix as part of a city's Contextualized Housing Need.

Commentary: Proposed changes include specifying that land designated for residential uses may also be used for neighborhood-serving commercial uses and open space to support the nearby residential areas and create a complete neighborhood where residents can be within close proximity to community assets. The purpose is to create walkable neighborhoods where residents can get their daily needs met, thus increasing fair housing choice.

Clarification: This rule is consistent with 008-0100, which allows for buildable land to include residential and non-residential uses, such as mixed-use plan designations.

660-008-0120 Specific Plan Designations Required

(1) Plan designations that allow or require residential uses shall be assigned to all buildable land. Such designations may allow ~~non~~residential uses as well as nonresidential uses including but not limited to neighborhood-serving commercial as defined in OAR 660-024-0010(8) and open space to increase proximity to community assets and increase fair housing choice. Such designations may be considered to be "residential plan designations" for the purposes of this division. The plan designations assigned to buildable land shall be specific so as to accommodate the varying housing types and densities identified in based on the local housing needs projection needed housing types.

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

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

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

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

Statutory/Other Authority: ORS 197.040

Statutes/Other Implemented: ORS 197.475 - 197.490 & ORS 197A.015 - 197A.470

History:

LCDD 15-2024, adopt filed 12/20/2024, effective 01/01/2025

660-008-0125 The Rezoning Process

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

Commentary: No changes are proposed.

660-008-0125 The Rezoning Process

A local government may defer rezoning of land within an urban growth boundary to maximum planned



residential density provided that the process for future rezoning is reasonably justified. If such is the case, then:

- (1) The plan shall contain a justification for the rezoning process and policies which explain how this process will be used to provide for needed housing.
- (2) Standards and procedures governing the process for future rezoning shall be based on the rezoning justification and policy statement, and must be clear and objective and meet other requirements in OAR 660-008-0015.

Statutory/Other Authority: ORS 197.040

Statutes/Other Implemented: ORS 197A.015 - 197A.470 & ORS 197.475 - 197.490

History:

LCDD 15-2024, adopt filed 12/20/2024, effective 01/01/2025

660-008-0150 Land Use Efficiency Measures (LUEM)

Rule summary: The housing production strategy requires local governments to take actions that ensure and promote the development of needed housing, these include actions that are land use efficiency measures and those that are not. LUEMs must be adopted prior to or concurrent with a UGB decision.

Commentary: The proposed rule provides local governments with additional clarity and certainty on the requirement to adopt LUEMs as well as a safe harbor for sufficiency of measures when taken in support of a UGB amendment decision. This rule also provides local governments subject to ORS 197A.270 with additional options for when LUEMs shall be adopted.

Additional changes were made to this rule for readability and to further clarify the obligations for Metro jurisdictions, which do not have the option to expand the UGB, and clarify that Metro has separate obligations. The rules also more clearly reference the HPS rules that must be met for local governments subject to OHNA.

660-008-0150 Land Use Efficiency Measures

If a local government determines there is a deficit of housing capacity to accommodate needed housing over the 20-year planning period as determined in OAR 660-008-0100, the local government must consider the effects of land use efficiency measures to increase the housing capacity or reduce the residential land need, or both.

(1) A local government outside Metro must demonstrate that the estimated needs cannot reasonably be accommodated on land already inside the urban growth boundary (UGB) prior to expanding the UGB. This includes an analysis of land use efficiency measures to increase the development capacity of land already inside the UGB to accommodate needed housing pursuant to ORS 197A.270.

(a) As part of this analysis, a local government may consider the land need impacts of land use efficiency measures adopted after acknowledgement of the prior housing capacity analysis.

(b) As a safe harbor for residential land use efficiency, a local government may demonstrate that proposed land use efficiency measures, once adopted, are estimated to result in at least a 20 percent increase in the densities that are expected to be achieved over the next 20 years. The analysis should start with the analysis of achieved average density of residential development that has occurred since the last adopted housing capacity analysis. A local government may use an alternative



time period if this will provide more accurate, complete, and reliable data related to housing capacity. The local government must clearly describe data sources and the time frame used for this analysis.

(2) A local government within Metro is not required to demonstrate that they can accommodate their allocated housing need in its entirety. A city within Metro shall be deemed to have satisfied the requirement under ORS 197A.335 to demonstrably increase the likelihood of development of needed housing if it adopts a housing production strategy under OAR 660-008-0200 that includes actions sufficient to meet the city's housing production target.

(3) As provided in ORS 197A.350, Metro may amend the Metro urban growth boundary to include sufficient buildable lands to accommodate housing needs for the next 20 years must demonstrate that the estimated regional housing needs cannot reasonably be accommodated already within the UGB prior to expanding the Metro UGB. This obligation is separate from the requirements of cities within Metro under section (2).

(4) In addition to the provisions described under this rule, as provided in ORS 197A.100, a city described in ORS 197A.015(3) must also meet the requirements described in OAR 660-008-0200 at their adoption of the housing production strategy.

(a) A city must include actions in their housing production strategy to meet the housing production target by affordability bracket and demonstrate that the identified actions collectively support the city's needed housing types, characteristics, and locations as identified through the contextualized housing need in OAR 660-008-0075.

(b) As provided in OAR 660-008-0200(2), the totality of actions in the housing production strategy must include both land use efficiency measures and actions that are not land use efficiency measures.

(5) If necessary to respond to a deficit in the housing capacity analysis or to support a UGB expansion decision:

(a) A local government outside Metro must adopt land use efficiency measures prior to or concurrent with a UGB expansion decision. Cities described in 197A.015(3) outside Metro may adopt land use efficiency measures:

(A) Concurrently with the adoption of a housing capacity analysis according to the schedule in Attachment A; or

(B) Concurrently with the adoption of the housing production strategy according to the schedule in Attachment A; or

(C) Within the first half of the housing production cycle, by the midpoint report due date as specified under OAR 660-008-0230.

(b) A local government outside of Metro with a population below 10,000 must adopt land use efficiency measures concurrently with the adoption of the housing capacity analysis or concurrently with a UGB decision.

(c) A city within Metro may adopt land use efficiency measures:

(A) Concurrently with the adoption of the housing production strategy according to the schedule in Attachment A; or

(B) Within the first half of the housing production cycle, by the midpoint report due date as specified under OAR 660-008-0230.



(6) If not necessary to respond to a deficit in the housing capacity analysis nor to support a UGB expansion decision, a local government may adopt land use efficiency measures at any time.

(7) Land use efficiency measures must be adopted as a comprehensive plan amendment or a land use regulation change consistent with ORS 197.610.

(8) Nothing in this rule prohibits a local government from planning for more than 100 percent of the identified housing need through land use efficiency measures.

Statutory/Other Authority: ORS 197.040

Statutes/Other Implemented: ORS 197A.015-197A.470

660-008-0180 Development-Ready Land Inventory

Rule summary: This section provides considerations required of jurisdictions that must perform a Development-Ready Land Inventory.

Commentary: Categories described in readiness characteristics include stratification of readiness by meeting all definition requirements at the time of inventory, those parcels that meet requirements pending a public investment, and those parcels that meet definition requirements but fall short of achieved density (i.e. are underserved) for that zone.

660-008-0180 Development-Ready Land Inventory

As provided in ORS 197A.210, at the time that a city is required to inventory buildable land, that city shall inventory development-ready land likely to support the production of housing during the period of their production strategy cycle. As used in this section, "adjacent" means facilities exist within 300 feet from the nearest property line of the site.

(1) Cities subject to ORS 197A.100 shall inventory Development-Ready Land as a sub-set of land identified in a city's Buildable Land Inventory.

(a) A Development-Ready Land Inventory shall identify those parcels zoned to allow residential use that are readily-served through adjacent public facilities, or financially committed to being served, by all public facilities necessary for the occupancy of a housing unit within the near-term. _

(A) If facility oversizing or facility improvements extending more than 300 feet are required, land may be considered readily-served if:

(i) There are cost-sharing mechanisms in place to address costs of oversizing and improvements that will serve multiple developments, or

(ii) A developer has agreed through recorded instrument to build the required public facility improvements in the near-term.

(B) Cities may demonstrate that public facilities will be provided in the near-term if the projects are:

(i) Included in an adopted five-year Capital Improvement Plan used for budgeting purposes; or

(ii) Included in an adopted public facility master plan and represent no more than a proportionate share of the total cost of projects included in that plan based on the near-term timeline defined in 660-008-0005(35) as a share of the total planning horizon for the master plan.

(b) Parcels identified as development-ready must be able to support the average achieved density of



residential units of its assigned plan designation in the near-term.

(2) A city shall inventory development-ready land geospatially in acreage and housing unit capacity, as follows:

(a) Buildable land zoned to allow residential urban development and readily-served shall be one category;

(b) Buildable land zoned to allow residential urban development and serviced in the near-term shall be a separately identified category;

(c) Where utility service limitations prevent land from supporting the average achieved density of residential units of its plan designation, cities shall overlay the geographic extent of each utility limitation on inventory mapping.

(d) Where local, state, or federal policy encumbers land and prevents it from supporting the average achieved density of residential units of its plan designation, cities shall overlay the geographic extent of these encumbrances on inventory mapping.

(3) A city shall not consider any parcel that is not categorized as provided in subsections 2(a) or (b) as development-ready.

(4) The ineligibility of parcels to be qualified as development-ready under section (3) does not change their characterization in the jurisdiction's Buildable Land Inventory.

Statutory/Other Authority: ORS 197.040

Statutes/Other Implemented: ORS 197A.210, ORS 197A.015, ORS 197A.100

660-008-0185 Sufficiency of Development-Ready Land

Rule summary: This rule provides criteria for the amount of development-ready land a jurisdiction must have, connecting this inventory back to a jurisdiction's Housing Target.

Commentary: This section draws on Buildable Land Inventory rules to determine capacity of land in the calculation of land that is development-ready. To abrogate concerns that a jurisdiction may over-estimate redevelopment potential of land available for development in the near-term, a limit is provided as to how much redevelopment may be considered in meeting a jurisdiction's housing target.

660-008-0185 Sufficiency of Development-Ready Land

(1) A city shall demonstrate adequate development-ready capacity to meet housing production targets (ORS 184.455) consistent with OAR 660-008-0075 through the provision of sufficient development-ready land. A city must:

(a) Calculate capacity of development-ready land consistent with capacity assigned in a city's Buildable Land Inventory.

(b) Quantify sufficiency of development-ready land in acres and in translation of acres to needed units. The amount of capacity assumed to be contributed by redevelopment shall also be quantified.

(c) Map locations of Development-Ready Land, except for redevelopment, to overlay or otherwise compare Buildable Land to Development-Ready Land.



(d) Provide quantifiable validation if more than 20 percent of the housing production target is assumed to be satisfied by redevelopment.

(e) Discount density estimates assumed proportionate to the service capacity available for areas impacted by service limitations according to service availability within the near-term planning period as included in OAR 660-008-0180(2)(c).

(f) Discount density estimates assumed for areas impacted by local, state, and federal encumbrances likely to limit development capacity of areas within the near-term planning period as included in OAR 660-008-0180(2)(d).

(2) If a city's Development-Ready Land Inventory enumerates a deficiency of development-ready land quantity, or development-ready capacity, a jurisdiction shall take actions under ~~ORS~~ 197A.100(3) that demonstrably prepare lands for development or redevelopment or increase the housing capacity of existing development-ready lands to remedy the deficiency. A city:

(a) Shall select actions that materially incorporate results from the Contextualized Housing Need in showing how an action will alleviate an identified development-ready land or capacity deficiency; and

(b) May choose actions that increase development-ready land quantity or capacity to serve other community objectives.

(3) A city shall include the Development-Ready Land Inventory with submittals for the city's Housing Production Strategy per OAR 660-008-0200(2)(e).

Statutory/Other Authority: ORS 197.040

Statutes/Other Implemented: ORS 197A.210, ORS 197A.015, ORS 197A.100

660-008-0200 Housing Production Strategy Structure

Rule summary: The Housing Production Strategy is a plan of action to address needed housing as identified in the Contextualized Housing Need. This rule describes the required elements and structure of the Housing Production Strategy, including a summary of community engagement and commitments to specific actions.

Commentary: In the first paragraph, "public works" is proposed to be added to the list of departments that cities must work with in developing and implementing the HPS. Public works and related departments will likely play an important role in implementing actions related to development-readiness.

660-008-0200 Housing Production Strategy Structure

As provided in ORS 197A.100, a city must develop and adopt a housing production strategy. The housing production strategy is a comprehensive city-wide action plan encompassing all domains in a city's control to promote housing production, affordability, and choice. A city must work interdepartmentally to the extent possible in developing and implementing the housing production strategy and the associated engagement work, including but not limited to collaboration across the planning, permitting, public works, and community development departments. At a minimum, the housing production strategy must include the contextualized housing need as directed by OAR 660-008-0075 and the development ready land inventory as directed by OAR 660-008-0185, along with the following components:



(1) Equitable Engagement – In addition to, or as part of, the equitable engagement undertaken for the contextualized housing need under OAR 660-008-0075(5), a housing production strategy must include equitable engagement specific to developing the housing production strategy and in particular the selection of the actions as provided in section (2) and the assessment of benefits and burdens as provided in subsection (2)(b)(K).

(a) A city must solicit feedback from producers of needed housing, and particularly those who represent or serve communities of color, low-income communities, individuals with disabilities, and tribal communities, including tribal governments to ensure these perspectives are meaningfully incorporated. A city may refer to the department's Equitable Engagement Toolkit to employ best practices regarding equitable engagement.

(b) A city must utilize any relevant engagement feedback from the contextualized housing need under OAR 660-008-0075(5).

(c) A city must provide an equitable engagement summary as part of the housing production strategy. The equitable engagement summary must include:

(A) A list and description of the types of interested parties and communities who comprise producers of needed housing who represent or serve protected classes and named communities in needed housing as provided in ORS 197A.018, especially with regard to those to represent and serve communities of color, low-income communities, individuals with disabilities, and tribal communities.

(B) The list of tribal governments~~tribes~~ as provided in OAR 660-008-0075(5)(c)(B). A city satisfies the engagement requirement to center tribal communities in this rule when:

(i) Notice has been made to all tribal governments~~tribes~~ as identified in paragraph (B) by inviting government-to-government consultation and staff coordination in the development of the city's housing production strategy, and

(ii) Follow up communication, consultation, and coordination as requested by the tribal governments~~tribes~~ regarding the housing production strategy is complete.

(C) A summary of how the city engaged interested parties, communities, and tribal governments~~tribes~~ identified in paragraphs (A) and (B), including why they were engaged, engagement methods used, a list of each engagement effort or event being used to select the actions in the housing production strategy and assess the benefits and burdens analysis as provided in subsection (2)(b)(K), and the interested parties, communities, or tribal governments~~tribes~~ identified in paragraphs (A) and (B) who the city believes may still be underrepresented in this process;

(D) A summary of feedback received from each engagement effort or event, as well as a description of the major feedback themes attributed to the likely impacted interested parties, communities, and tribal governments~~tribes~~ identified in paragraphs (A) and (B). A city must determine whether each major feedback theme influenced the selection of actions in the housing production strategy in alignment with program principles or not. If a feedback theme influenced the selection of action or actions, it must be documented. If a theme did not influence the selection of action or actions, the city must provide a rationale explaining why.

(E) An evaluation of how to improve equitable engagement practices for future housing engagement efforts conducted by the city, including but not limited to improvements in affirmatively furthering fair housing and tribal coordination and consultation.

**660-008-0200(2)**

Section summary: This section includes a list of elements that must be included in a HPS specific to the actions a local government selects to meet current and future housing need.

Commentary: Proposed amendments add a provision that a local government must specify whether the action is intended to address a buildable land and/or development-ready land deficiency if identified. Additionally, as noted in the box attached to the definition of “Action”, staff redirected the language in subsection b to this section of rule and is now reflected in this section, specifically - 0200(2)(b)(B).

Staff propose to merge the concepts of “land use efficiency measures” (related to CAUTAC scope) and “land use actions” (related to HAWG scope) by deferring to the land use efficiency measure definition. Staff determined that there was little material difference in the meaning of the terms and that the value of a unified concept and term far outweighed the minor distinction that was being made. The amendment intends to reduce redundancy and confusion for local governments doing both land use efficiency measures in response to a land deficiency and a housing production strategy.

Rulewriting practice directs the definitions rules to be as purely definitional as possible rather than regulatory. To conform with this practice, rules related to “alternate actions” have been moved from the definitions rule and adapted for inclusion in this rule and section, drafted as subsection (c).

Feedback from HAWG members indicate consistent interest in seeing actions that redress historical harms to communities of color and analyses to track their outcomes. While the compliance pathway rules focus narrowly on land use efficiency measures, the base rules of the HPS program are designed to support those goals. Commenters specifically call out analysis and mitigation of displacement risk and development of a range of tenure opportunities – both key goals of the HPS program and addressed in OAR 660-008-0200.

Furthermore, interest was indicated in seeing accountability that is tied to local racial equity outcomes as reported in the equity indicators. As designed, the equity indicators provide key data points in both selecting cities for comprehensive audits in the housing acceleration program and in the audit for local housing barriers. Analysts who developed the equity indicators expressed that many of them should be used as a starting point for more thorough inquiry and understanding of local conditions given the margins of error on some indicators and in smaller data sets (like for smaller cities). As the state invests in a more robust data collection initiative, the equity indicators will be continuously updated.

Finally, staff made several clarifying and organizational edits in response to public comment, RAC and TAC feedback, and notes from consultants.

(2) Actions to Meet Current and Future Housing Need – A housing production strategy must include a list of specific actions that ensure the opportunity for and promote the provision of needed housing to at least meet the housing production target, by affordability bracket, with net new units for the city’s six- or eight-year housing production strategy cycle. The totality of actions must include both land use efficiency measure actions and other actions, including but not limited to actions that are not identified as land use efficiency measures in Attachment B. The provision of needed housing includes its development, preservation, rehabilitation, adaptation, and maintenance while also affirmatively



furthering fair housing by maximizing benefits and minimizing burdens for protected classes and named communities in needed housing as provided in ORS 197A.018, with particular focus on communities of color, low-income communities, individuals with disabilities, and tribal communities. The housing production strategy must demonstrate that the identified actions collectively support the city's needed housing types, characteristics, and locations as identified through the contextualized housing need as provided in OAR 660-008-0075. A housing production strategy may identify actions including, but not limited to, those described in ORS 197A.100(3), actions listed in the Housing Production Strategy Guidance for Cities adopted by the commission and published by the commission-department under Attachment B. The housing production strategy must include:

(a) A review of actions already implemented that includes:

(A) The city's most recently completed survey to meet the requirements of ORS 197A.115; and

(B) A reflection on each action in the survey in paragraph (A) and its efficacy in producing net new needed housing types, characteristics, and locations and in remedying or mitigating the fair housing issue or issues the action was intended to respond to. This reflection must include a review of:

(i) The housing production dashboard,

(ii) The housing equity indicators, and

(iii) For cities subject to OAR 660-012-0315(1) or cities within Metro Region 2040 Centers as defined in OAR 660-012-0005(24), housing developed in compact, mixed-use areas as provided in OAR 660-012-0905 or included in an approved land use and transportation scenario plan as provided in OAR 660-044-0050 or OAR 660-044-0120.

(b) A report outlining each action in the housing production strategy. For each action, this report must include:

(A) A title and description of the action chosen;

~~(B) A title and description of the alternate action chosen, if any~~

~~(B) The identification number from the Housing Production Strategy Guidance for Cities and, if the department has developed corresponding adoption-ready action resources, whether the city intends to implement those resources either in part or in full.~~ For any action not listed in the Housing Production Strategy Guidance for Cities under Attachment B, the city must provide an explanation as to how the action will address the identified housing needs and fair housing issues as effectively as or more effectively than relevant actions from the Housing Production Strategy Guidance for Cities under Attachment B;

~~(C) Identification of whether the action is a land use efficiency measure intended to respond to a housing capacity deficiency as identified in the housing capacity analysis, if applicable;~~

~~(D) Identification of whether the action is intended to respond to a development-ready land deficiency as identified in the development-ready land inventory, if applicable;~~

~~(E) The year the action will be adopted~~An adoption year for the action, if applicable;

~~(F) The year for when~~A year for when the action will be implemented;

(i) Cities must consider the sequencing of actions when establishing implementation timelines. Actions shall be scheduled to maximize benefits and minimize burdens, ensuring that their timing aligns with and complements other actions for the most beneficial overall impact.



(ii) Sequencing decisions shall consider in particular the benefits and burdens of communities of color, low-income communities, individuals with disabilities, and tribal communities.

(~~GF~~) A time frame over which the action is expected to begin meeting housing need;

(~~HG~~) The action's expected magnitude of impact on the development of needed housing over the six- or eight-year housing production target horizon;

(~~IH~~) A description of critical steps that all relevant staff and departments of the city and other interested parties and partners must take to implement the action;

(~~JJ~~) A description of how the city will assess and track the results of the action;

(~~KJ~~) The housing need met in terms of:

(i) Any fair housing issues the action is expected to mitigate or resolve;

(ii) The needed housing types the city expects the action to ~~produce~~address,

(iii) The needed housing characteristics the city expects the action to ~~produce~~address, including at a minimum tenure and affordability per the income brackets provided in ORS 184.453(4),

(iv) The needed housing locations the city expects the action to address ~~produce~~, and

(v) The major feedback theme the action is responsive to;

(~~LK~~) An analysis of the income and demographic populations that the city anticipates to receive benefit or burden from the action, including but not limited to:

(i) Low-income communities,

(ii) Communities of color;

(iii) Individuals with disabilities; and

(iv) Tribal communities; ~~and~~

(~~ML~~) The names of any complementary actions in the housing production strategy or other implementation details specifically intended to pair with this action in order to strengthen needed benefits or mitigate burdens.

(c) Alternate actions, if selected.

(A) Alternate actions must include descriptions of:

(i) The title of the associated primary action as listed under subsection (b);

(ii) The identification number from the Housing Production Strategy Guidance for Cities. For any action not listed in the Housing Production Strategy Guidance for Cities under Attachment B, the city must provide an explanation as to how the action will address the identified housing needs and fair housing issues as effectively as or more effectively than relevant actions from the Housing Production Strategy Guidance for Cities under Attachment B;

(iii) The critical steps that all relevant staff and departments of the city and other interested parties and partners must take to implement the action;

(iv) How the city will assess and track the results of the action; and

(v) How the alternative action is commensurate with the associated primary action including being



comparable or more effective than the primary action under subsections (2)(b): (C-H) and (K-M).

(B) A city may pursue an alternate action in lieu of the primary action if a determination is made as a result of exploratory work or other circumstances that the primary action is not feasible.

(C) Compliance with the action adoption year of the primary action as provided in subsection (2)(b)(E) and implementation year as provided in subsection (2)(b)(F) may be met by implementation of either the primary or the alternate action.

(de) Delinquent Actions – Any actions that were included in the most recently adopted or amended housing production strategy but were not completed during the previous housing production strategy cycle must be included in the current housing production strategy. Such actions must establish an implementation year prior to the jurisdiction's midpoint report due date. The city must include any actions from the most recently adopted or amended housing production strategy which were not completed during the previous housing production strategy cycle in the current housing production strategy along with an implementation year prior to the city's midpoint report due date. Delinquent actions from the previous housing production strategy cycle are ineligible for requests for timeline extensions and replacement actions in the midpoint report and review.

(e) A Development-Ready Land Inventory, per OAR 660-008-0180. Results of a city's determination of a deficiency of development-ready land per OAR 660-008-0185 shall inform selection of actions required by this section, including an explanation as to how the cumulative impact of development-ready land actions taken together will result in sufficient development-ready land.

660-008-0200 (3-5) Housing Production Strategy Structure – All Compliance Pathways

Rule summary: This rule describes the compliance pathways for meeting the land use efficiency measure requirement of this rule. It applies compliance pathways to take land use efficiency measures to meet six specific housing needs:

- Housing type: Multi-unit (safe harbor)
- Housing type: Middle housing
 - Medium city (safe harbor)
- Large city (rebuttable presumption)
- Accessible housing (rebuttable presumption)
- Adaptable housing (rebuttable presumption)
- Affordable housing (rebuttable presumption)
- Affordable unit size flexibility (minimum requirement)

Commentary:

Sections (3-5) are proposed as new sections within this rule to outline how a local government may respond to specific housing needs in its HPS for compliance in taking land use efficiency measures to meet those needs. The proposed actions target key land use efficiency measures that are likely to impact production in most communities throughout Oregon. In addition to the standardized actions below meant to provide compliance for the obligation to take some land use efficiency measures in the HPS, to complete the HPS jurisdictions remain obligated to select and implement other kinds of actions that respond to the entirety of housing needs identified in the contextualized housing need. This is critical to all below recommendations: The draft rules bifurcate the program in such a way that the obligation to take certain land use efficiency measures may be satisfied through use of



the state-provided compliance pathway, but the obligation to take other kinds of actions to meet housing needs remains subject to the existing rules.

These rules are developed in alignment with the model code as directed by SB 1564 (2024), which segments the model code by city size, and applied under HB 2001(2023). Draft rules have been developed for the bulk of the jurisdictions that are subject to the full Goal 10 obligations of the HPS program which fall into either the medium or large and metro city categories, or are subject to ORS 197A.015(3). The model code itself is designed to:

- Establish a reasonable baseline for development with standards that are substantially less restrictive than most modern development codes, and
- Integrate additional bonuses and flexibilities to encourage the delivery of policy objectives

The land use actions below are encouraged or required at different levels of prescription. The language indicates whether a city *may* take an action to be assured compliance (safe harbor) or whether it *must* take an action but *may rebut* with another that has commensurate magnitude of impact (rebuttable presumption), or *must* take a specific action at a minimum (minimum requirement). The graphic below indicates where each action falls on that spectrum.

The department received significant feedback from local governments indicating concern that the compliance pathways in HPS will increase the capacity necessary to demonstrate that the requirements have been satisfied, that mandatory use of the model code may introduce legal risk, and that, in the case of a rebuttable presumption, the path to successful rebuttal was unclear. Staff have made adjustments throughout the sections to respond to the concerns with both the form and content of compliance pathways.

DLCD received feedback that, while use of compliance pathways in responding to local need reduces local government analytical burden, it risks losing a nuanced local response--especially where it comes to responding to racial equity concerns and affirmatively furthering fair housing. State staff acknowledge this trade-off for the land use efficiency measures in the compliance pathway. In light of these concerns from a locational perspective, where locational choices are made these rules charge local governments to implement these compliance pathways for local development and zoning codes in a locationally distributed way that affirmatively furthers fair housing. For actions outside of the compliance pathway, application of the program's base rules continues to require and emphasize local specificity in the ways that jurisdictions to respond to their need.

Relatedly, commenters request that the department include non-land-use efficiency measures in the compliance pathways as well. At this time state staff have narrowed the scope of the current rulemaking effort to focus on high-impact land use efficiency measures for compliance pathway development.

Compliance Tools	Safe Harbor	Rebuttable Presumption	Minimum Requirement
<u>Description</u>	Statute/rules provide optional pre-approved approach, offering legal and procedural certainty to achieve compliance.	Statute/rules set baseline that constitutes compliance; local governments can propose a different, equivalent approach.	Statute/rules set baseline that constitutes compliance; local governments may do more.
<u>Housing Need</u>	Multi-Unit Housing Need Middle Housing Need (medium cities) – shifted	Middle Housing (large cities) – shifted from minimum requirement	Larger Household Housing



	<i>from minimum requirement</i>	Accessible Housing Need Adaptable Housing Need Affordable Housing Need	

660-008-0200(3) Housing Production Strategy Structure – Safe Harbor

Rule summary: This rule section describes the land use efficiency measures that local governments subject to OHNA may take via the state-provided pathway to achieve certainty in compliance.

Commentary:

Land Use Efficiency Measures for Multi-unit Housing Need

Cities may adopt multi-unit code no more restrictive than model code on:

- At least 50 percent of buildable residential land with residential zones that allow multi-unit housing
- 100 percent of development-ready with residential zones that allow multi-unit housing.

Multi-unit housing is critical to meet Oregon’s significant housing need. Not only does it allow efficient development and relative natural affordability – it also unlocks key funding mechanisms which are necessary to meet housing need at lower affordability levels (housing the market will never produce) and support the production of accessible units. Previously drafted as a rebuttable presumption, these rules delineate a compliance pathway that allows local governments to opt into the safe harbor to reduce analytical burden and achieve a level of certainty in the work product. It also allows local governments to instead choose to identify local approaches to meeting multi-unit housing need as provided in the existing HPS rules. Like the other land use efficiency measures in this program, this proposal orients to the model code.

Many interested parties and members of the HAWG have discussed the limited land area in which multi-unit development is currently allowed in most cities. Interested parties have suggested that, in planning for needed housing, there is an imperative to allow multi-unit development in many more places, not just liberalize standards in places where they are already allowed. The proposed rules include a provision that will likely universally result in expansion of the amount of lands on which multi-unit housing is allowed.

Land Use Efficiency Measures for Middle Housing: Medium Cities

Relevant Context:

Allowing and promoting middle housing is a demonstrably high-impact policy intervention to produce more and a greater diversity of housing units at different price points. ECONorthwest’s analysis revealed that, despite statewide legalization via House Bill 2001 (2019), significant barriers remain to the production of middle housing. This proposal orients to the model code, applying a safe harbor compliance tool to decrease barriers in specific areas in zones that are subject to middle housing



requirements for cities with populations between 10,000 and 25,000.

One important consideration is that the model code minimizes design requirements such as open

Supporters of more prescriptive OHNA compliance pathways—generally representing communities most impacted by housing inequities—argue that strong, enforceable standards are essential to drive meaningful change and overcome entrenched resistance to residential and low-income housing growth. They see a more prescriptive approach to guiding city action as a necessary political backstop to support local governments in advancing equity-focused housing goals.

Local governments who have commented or otherwise participated in the OHNA public process, however, range from skeptical of the premise of a stronger state prescription to wholly opposed. Where minimum standards are introduced in this rule, local governments have roundly rejected them as an unfunded mandate, disconnected from local circumstances and realities. Furthermore, they contend that such provisions exceed statutory authority and undermine local autonomy in development code decisions. Hearing local government concern, this key provision has been shifted from a minimum standard into an optional safe harbor.

(3) As a safe harbor:

(a) A city with a population of 10,000 to 24,999 may satisfy the requirement to take land use efficiency measures to meet to middle housing need in its Housing Production Strategy under section (2) by adopting the model ordinances for medium cities for middle housing development types, or comparable development standards as provided by OAR 660-008-0425 on all buildable residential land in zones subject to middle housing requirements under OAR 660-046-0105.

(b) A city may satisfy the requirement to take land use efficiency measures to respond to multi-unit housing need in its Housing Production Strategy under section (2) by adopting the model ordinance appropriate for the city size for multi-unit housing development types, or development standards that are demonstrably comparable or no more restrictive than those ordinances per OAR 660-008-0425 on:

(A) At least 50 percent of buildable residential land; and

(B) 100 percent of development-ready lands.

(C) In meeting the requirement in subsection (b)(A), a city must use the following analyses to determine lands to include or exclude and must clearly describe how the locational choices in applying this rule affirmatively further fair housing and do not exacerbate or create new fair housing issues:

(i) The Fair Housing Issue Area Analysis under OAR 660-008-0075(1)(c), and

(ii) The locational need conclusions under OAR 660-008-0075(1)(f).

660-008-0200(4) Housing Production Strategy Structure – Large City Middle Housing Rebuttable Presumption

Rule summary: This rule section describes the land use efficiency measures that large jurisdictions must take via the state-provided compliance pathway, unless the jurisdiction can demonstrate with



evidence as provided in rule that other actions more effectively address the specific need.

Commentary:

Middle Housing: Large Cities

As described above, allowing and promoting middle housing is a demonstrably high-impact policy intervention to produce more and a greater diversity of housing units at different price points, and one which continues to face significant barriers. In alignment with House Bill 2138, the middle housing provision for large cities orients to the model code, but rolls back the compliance tool from a minimum requirement to a rebuttable presumption.

Local governments who have commented or otherwise participated in the OHNA public process, however, range from skeptical of the premise of a stronger state prescription to wholly opposed. Where minimum standards are introduced in this rule, local governments have roundly rejected them as an unfunded mandate, disconnected from local circumstances and realities. Furthermore, they contend that such provisions exceed statutory authority and undermine local autonomy in development code decisions.

In response to general local government concern that the rebuttable presumption would increase analytical burden and process uncertainty, rule edits have introduced specific rebuttal approaches. In OAR 660-008-0200(4)(2) a large city may:

- 1) Adopt the model code or comparable standards
 - a. NOTE: OAR 660-008-0425 has been significantly updated to delineate the process of demonstrating comparable standards
- 2) Demonstrate with historical permitted and produced unit data the currently adopted middle housing actions are reasonably likely to be sufficient to meet the need
- 3) Demonstrate with feasibility analyses that currently adopted or proposed standards are reasonably likely to meet the need.

(4) A city with a population of 25,000 or greater must satisfy the requirement to take land use efficiency measures to meet middle housing need in the city's housing production strategy under section (2) by including the model ordinances named in subsection (a) –city's or rebut pursuant to subsection (b).

(a) The model ordinances for large cities for middle housing development types or comparable land use regulations as provided in OAR 660-008-0425 on:

(A) At least 50 percent of buildable residential land in zones subject to middle housing requirements under OAR 660-046-0205, and

(B) 100 percent of development-ready land in zones subject to middle housing requirements under OAR 660-046-0205.

(C) In meeting the requirement in subsection (a), a city must use the following analyses to determine lands to include or exclude and must clearly describe how the locational choices in applying this rule affirmatively further fair housing and do not exacerbate or create new fair housing issues:

(i) The Fair Housing Issue Area Analysis under OAR 660-008-0075(1)(c), and



(ii) The locational need conclusions under OAR 660-008-0075(1)(e)(B).

(b) A city may rebut the required land use efficiency measure action under subsection (a). To rebut, the city must either:

(A) Demonstrate that based on the city's past housing production as provided in ORS 197A.110 having met its middle housing need from its previous housing capacity and production cycle, currently adopted land use regulations are reasonably likely to produce an equal or greater number of middle housing units than are needed in the current housing capacity and production cycle identified under OAR 660-008-0075.

(i) Cited permitted and produced data must represent either the previous housing capacity and production cycle or the period since implementation of the currently adopted land use regulations, whichever is shorter;

(ii) At the following housing production strategy, the city must document actual production outcomes for the identified need;

(iii) If the city utilized this rebuttal provision in the previous housing capacity and production cycle and did not meet its identified need, the city must either implement the requirement identified in subsection (4)(a) or rebut as provided in subsection (b)(B);

(B) Demonstrate that the city's adopted land use regulations or the land use regulations resulting from adoption of the land use efficiency measure actions included in the housing production strategy offer an equivalent degree of development feasibility compared to the middle housing model ordinance for large cities—or in zones subject to middle housing requirements. The demonstration:

(i) May rely on or incorporate previous market studies or comparable analysis; and

(ii) Must be supported by evidence of the feasibility and efficacy of the existing or to-be-adopted land use regulations, including outreach to and support from producers of needed housing and analysis of relevant market factors that impact the production of needed housing.

660-008-0200(5) Housing Production Strategy Structure – Accessible, Adaptable, and Affordable Housing Rebuttable Presumptions

Rule summary: This rule section describes the land use efficiency measures that jurisdictions subject to OHNA must take via the state-provided compliance pathway, unless the jurisdiction can demonstrate with evidence as provided in rule that other actions more effectively address the specific need.

Commentary:

Accessible and Adaptable Housing:

We know that production of accessible and adaptable housing faces significant barriers, and the result is a dire shortage of accessible and adaptable units in most, if not all, jurisdictions in the state. Establishing a compliance pathway using the incentive structure developed for the model code could empower most cities with tools to support accessible and adaptable housing development.

While all the compliance pathways established in rule will be “partial,” it is worth noting that this policy objective will need significant targeted support via non-land use actions in addition to the land use efficiency measures identified here. Given this context, it is clear that the need will require other actions targeted to support accessible housing that support the incentive structure described in the



model code. The existing rules establish a minimum requirement that jurisdictions respond to an identified need for accessible housing by selecting one or more actions that meet that need. The broader HPS menu of actions will allow cities to easily find and select actions to support that need.

Feedback was received that, even paired with other actions, this may not be the most effective land use intervention the state can provide. One HAWG member suggested that DLCD develop an adoption-ready action to create a standardized overlay zone that supports accessibility. Staff are eager to work with our partners to develop more adoption-ready actions, and will continue to work with our partners to add to that library. If it becomes clear that another standardized action addresses the same need and carries more impact, the commission may consider directing staff to update the compliance pathways. Some commenters suggested that the state should take a stronger stance on accessibility by creating a rebuttable presumption pathway for adopting the incentives rather than a safe harbor.

As noted above, local governments remain concerned that rebuttable presumptions fail to fulfill two key goals of the compliance pathway approach: reducing analytical burden and increasing certainty with regard to Goal 10 requirements. As above, staff have added specific provisions for how a local government may successfully rebut.

- 1) Adopt the model code or comparable standards
 - a. NOTE: OAR 660-008-0425 has been significantly updated to delineate the process of demonstrating comparable standards
- 2) Demonstrate with historical permitted and produced unit data the currently adopted middle housing actions are reasonably likely to be sufficient to meet the need
- 3) Demonstrate with feasibility analyses or similar that alternative actions are reasonably likely to meet the need.

Affordable housing:

A critical policy objective, HAWG members and other interested parties have consistently urged staff to consider what levers we may have to support significantly greater housing development for units available at 0-30 percent, 30-60 percent, 60-80 percent of average median income. As with all other areas of this proposal, local governments must also adopt actions that are not land-use efficiency measures to respond to the identified need. The model code outlines an incentive structure that describes a sufficiently ambitious action toward affordable production when paired with non-land-use actions that support and optimize the opportunity that the land use intervention provides. In alignment with other actions in this section, this proposal points to the model code.

Version 1 of the rules did not include a compliance pathway for affordable housing. HAWG members and commenters broadly identified this as a critical gap. Version 2 includes a pathway that mirrors those developed for accessible and adaptable housing, referring to the incentives developed in the model code.

Feedback was received that achieving significant production of affordable units is difficult. This pathway intends to provide an at-the-ready tool that cities may apply to help stimulate production of affordable housing. Still, staff understand that a single intervention will likely not be enough to realize affordable housing targets. This tool is one of many that will be required to build the housing cities need.

In response to the local government concern that the rebuttal language in rule was too vague, left too much uncertainty, and represented increased capacity needs, staff applied the same rebuttal



provisions as are applied to the accessible and adaptable incentives above.

- 1) Adopt the model code or comparable standards
 - a. NOTE: OAR 660-008-0425 has been significantly updated to delineate the process of demonstrating comparable standards
- 2) Demonstrate with historical permitted and produced unit data the currently adopted middle housing actions are reasonably likely to be sufficient to meet the need
- 3) Demonstrate with feasibility analyses or similar that alternative actions are reasonably likely to meet the need.

(5) To plan for the following housing needs as identified under OAR 660-008-0075 with land use efficiency measures in the city's housing production strategy under section (2), a city must include the model ordinances as outlined in subsection (a) or comparable land use regulations as provided in OAR 660-008-0425 in the city's housing production strategy under section (2)– or rebut as provided in subsection (b).

(a) The model ordinance of the appropriate city size as provided in OAR 660-008-0425 for:

(A) Multi-unit and middle housing types to incentivize affordable housing;

(B) All housing types to incentivize accessible housing; and

(C) All housing types to incentivize adaptable housing.

(b) A city may rebut any of the required land use efficiency measure actions under subsection (a)(A), (a)(B), or (a)(C). To rebut any one of these requirements, the city must either:

(A) Demonstrate that based on the city's past housing production as provided in ORS 197A.110 having met its affordable, accessible, or adaptable housing need; as applicable; from its previous housing capacity and production cycle, currently adopted land use regulations are reasonably likely to produce an equal or greater number of affordable, accessible, or adaptable housing units; as applicable; than are needed in the current housing capacity and production cycle identified under OAR 660-008-0075.

(i) Cited permitted and produced data must represent either the previous housing capacity and production cycle or the period since implementation of the currently adopted land use regulations, whichever is shorter;

(ii) At the following housing production strategy, the city must document actual production outcomes for the identified need;

(iii) If the city utilized this rebuttal provision in the previous housing capacity and production cycle for any one or more of the requirements under subsection (a) and did not meet its identified need, the city must either implement the requirement identified in subsection (a) or rebut as provided in subsection (b)(B).

(B) Demonstrate that the city's adopted land use regulations or the land use regulations resulting from adoption of the land use efficiency measure actions included in the housing production strategy offer an equivalent degree of development feasibility for affordable, accessible, or adaptable housing; as applicable; compared to the relevant model ordinances as provided in subsection (a). The demonstration:



(i) May rely on or incorporate previous market studies or comparable analysis; and

(ii) Must be supported by evidence of the feasibility and efficacy of the existing or to-be-adopted land use regulations, including outreach to and support from producers of needed housing and analysis of relevant market factors that impact the production of needed housing;

660-008-0200(6) Housing Production Strategy Structure – Minimum Standards

Rule summary: This rule section describes the land use efficiency measures that every jurisdiction subject to OHNA must take via the state-provided compliance pathway.

Commentary:

Relevant Context:

The limited requirement associated with this need is based largely on the findings in the CHN section related to need for and potential unintended consequences related to encouraging family-sized units. The proposed minimum requirement aims to allow greater flexibility in how minimum density is calculated by local governments in order to support affordable developments with larger household-sized units. By allowing affordable housing developments to be calculated by bedroom rather than by unit, a developer may meet a local government's minimum density requirement, if there is one, while also supporting the production of larger, affordable units. The restriction to affordable housing mitigates against unintentionally incentivizing large, market rate single-unit dwellings.

Feedback indicated broad support for the inclusion of this requirement.

(6) A city that applies a minimum density requirement must satisfy the requirement to take land use efficiency measure action to respond to the need for a diversity of unit sizes by allowing developers with applications for housing available at 0-30 percent, 30-60 percent, or 60-80 percent area median income to calculate minimum density by bedroom count rather than by unit count.

Statutory/Other Authority: ORS 197.040

Statutes/Other Implemented: ORS 197.012 & ORS 197A.015 - 197A.470

660-008-0210 Adoption-Ready Actions

Rule summary: This rule is proposed for repeal.

Commentary: Existing rule does not represent programmatic or otherwise regulatory substance. A definition for adoption-ready actions has been added to rule 0005; adoption-ready actions have been drafted, are open for comment, and will be adopted and published as part of the Housing Production Strategy Guidance for Cities via Attachment B; and adoption-ready actions are referenced through Division 8 in rules both regarding the Housing Production Strategy and the Housing Acceleration Agreement. The programmatic role of adoption-ready actions is illustrated by the rules which invoke them and no distinct rule section appears necessary.

660-008-0210 Adoption Ready Actions

~~The department must adopt adoption ready actions in 2025 for use in guidance, safe harbors, or—~~



~~minimum standards.~~

~~Statutory/Other Authority: ORS 197.040~~

~~Statutes/Other Implemented: ORS 197A.025~~

660-008-0215 Review of Housing Production Strategies

Rule summary: This rule outlines the requirements and procedures Cities must follow when submitting their adopted or amended Housing Production Strategy to the Department. It also outlines the procedures the Department must follow when reviewing the Housing Production Strategy.

Commentary: No changes are proposed.

660-008-0215 Review of Housing Production Strategies

- (1) No later than 20 days after a city's adoption or amendment of a housing production strategy under ORS 197A.100, a city must submit the adopted or amended housing production strategy to the department.
- (2) On the same day the city submits notice of the adopted or amended housing production strategy to the department, the city must provide a notice to persons who participated in the proceedings that led to the adoption or amendment of the housing production strategy and requested notice in writing.
- (3) Within ten days of receipt of the submission under section (1), the department must provide notice to persons as provided in ORS 197.615(3).
- (4) Notices given under sections (2) and (3) must state:
 - (a) How and where materials described under section (5) may be freely obtained;
 - (b) That comments on the housing production strategy may be submitted to the department within 45 days after the department has received the submission under section (1); and
 - (c) That there is no further right of appeal of the department's decision under section (7).
- (5) The submission under section (1) must include copies of:
 - (a) The signed decision adopting or amending the housing production strategy;
 - (b) The text of the housing production strategy as provided in OAR 660-008-0200, and any amendments to the most recent housing production strategy submitted under section (1); and
 - (c) A brief narrative summary of the housing production strategy.
- (6) The department shall review the sufficiency of the housing production strategy based upon the following:
 - (a) Requirements provided in OAR 660-008-0075 to 660-008-0210, and
 - (b) Other attributes that the commission considers relevant.
- (7) The department shall, within 120 days after receiving the submission under section (1):
 - (a) Approve the housing production strategy;
 - (b) Approve the housing production strategy, subject to further review and actions recommended by the department based on its review under section (6); or



- (c) Remand the housing production strategy for further modification as identified by the department.
- (8) A department determination under section (7) is not a land use decision and is final and not subject to appeal.
- (9) The department will maintain an annual summary of proposed actions included in housing production strategies submitted under section (1) and midpoint reports submitted under OAR 660-008-0230.

Statutory/Other Authority: ORS 197.040

Statutes/Other Implemented: ORS 197.012 & ORS 197A.015 - 197A.470

660-008-0230 Midpoint Reporting on Housing Production Strategy Implementation

Rule summary: The purpose of the midpoint report and review is for both the City and the Department to assess the progress and implementation of the actions in the Housing Production Strategy according to the adoption and implementation timeline of each action. This rule describes the midpoint reporting requirements and Department review regarding the Housing Production Strategy's implementation.

Commentary: Only clarifying language changes are proposed.

660-008-0230 Midpoint Reporting on Housing Production Strategy Implementation

- (1) Cities required to adopt a housing production strategy under ORS 197A.100(1), must submit a midpoint report to the department for review and comment based on the following schedule:
 - (a) For cities that are within Metro, no later than December 31st three years after the city adopted a housing production strategy; or
 - (b) For cities that are not within Metro, no later than December 31st four years after the city adopted a housing production strategy.
- (2) The midpoint report a city submits under section (1) must include the following:
 - (a) A summary of the actions-steps already taken by the city to implement the actions to meet current and future housing need adopted in the city's most recently adopted or amended housing production strategy and actions which were scheduled for implementation after the last midpoint report from the previous housing production strategy cycle, and
 - (b) A report illustrating the ongoing monitoring of any fair housing issue areas where no fair housing issues were identified in the most recent contextualized housing need as provided in OAR 660-008-0075(1)(d).
- (3) Within ten days of receipt of the submission under section (1), the department must provide notice to persons as provided in ORS 197.615(3).
- (4) If the city has not implemented any one or more of the actions to meet current and future housing need per the adopted schedule in the city's most recently adopted or amended housing production strategy or on the schedule most recently adopted or amended for the current housing production-strategy cycle or for actions which were scheduled for implementation after the last midpoint report from the previous housing production strategy cycle, the midpoint report may include an explanation of the circumstances or factors that posed a barrier to implementation. The city may also-and-a requested an implementation timeline extension for good cause for any late action that includes:



- (a) A revised implementation date which does not extend beyond the city's subsequent housing production strategy deadline under OAR 660-008-0045(6); or
- (b) A requested replacement action or actions that includes:
 - (A) A revised implementation date which does not extend beyond the city's subsequent housing production strategy deadline under OAR 660-008-0045(6);
 - (B) A demonstration that the replacement action addresses the same identified housing need as the replaced action,
 - (C) A demonstration that the anticipated magnitude of impact of the replacement action or actions is equivalent or greater than the anticipated magnitude of the replaced action,
 - (D) A resolution of support for this replacement from the governing body, and
 - (E) Notice to persons who participated in the proceedings that led to the adoption of the housing production strategy and requested notice in writing.
- (5) Upon submittal of the midpoint report developed under section (1), the department will review the report for consistency with the housing production strategy approved under criteria provided in OAR 660-008-0215(6). The department will also evaluate requests for implementation timeline extensions and replacement actions as applicable.
- (6) The department will issue midpoint review letters by May 1 of the year following the midpoint report deadline. Should the department find the midpoint report submitted under section (1) does not substantially comply with the criteria in OAR 660-008-0215(6) or should the department reject a request under section (4), the department may take action identified in OAR 660-008-0315.

Statutory/Other Authority: ORS 197.040

Statutes/Other Implemented: ORS 197.012, ORS 197.615 & ORS 197A.015-197A.470

660-008-0240 Housing Coordination Strategy

Rule summary: This rule describes the obligation of Metro and other regional governments or bodies may to develop Housing Coordination Strategies per ORS 197A.365.

Commentary: No changes are proposed.

660-008-0240 Housing Coordination Strategy

Metro must, and other regional governments or bodies may, develop housing coordination strategies as provided in ORS 197A.365.

Statutory/Other Authority: ORS 197.040

Statutes/Other Implemented: ORS 197.274 & ORS 197A.015 - 197A.470

660-008-0300 Housing Acceleration Program Purpose

Rule summary: In addition to the purpose statement described in OAR 660-008-0000, OAR 660-008-0300 to OAR 660-008-0335 are intended to operationalize the housing acceleration program under ORS 197A.130 and provide a clear and consistent framework by which Cities comply with Goal 10 and take action to address identified barriers to housing production, affordability, and choice.

Commentary: Update to the Housing Acceleration program address an area of rule that allows the tools to be more functional, efficient, and effective. The amendments connect the audit and the



acceleration agreement to the compliance pathways described in the housing production strategy (OAR 660-008-0200).

Details about these amendments are outlined in the sections below.

660-008-0300 Housing Acceleration Program Purpose

In addition to the purpose statement in OAR 660-008-0000, OAR 660-008-0300 to OAR 660-008-0335 are intended to operationalize the housing acceleration program under ORS 197A.130 and provide a clear and consistent framework by which cities comply with Goal 10 and take action to address identified barriers to housing production, affordability, and choice.

Statutory/Other Authority: ORS 197.040

Statutes/Other Implemented: ORS 197A.130

660-008-0310 Referral for Non-Compliance in Adoption of Housing Capacity Analysis and Housing Production Strategy

Rule summary: DLCD must refer cities to the Housing Acceleration program that fail to adopt an HPS by the statutory deadline and associated logistical requirements like work plan deadlines. Rule includes actions the Department may take to remediate delinquency prior to referral, and process by which a city may be referred.

Commentary: Implementation of the program has revealed a gap in provisions covering the logistical steps to support functionality of a voluntary work plan. The proposed amendments include additional grounds for referral into the Housing Acceleration Program based generally on non-participation in the voluntary work plan pathway. While staff did consider development of an expedited audit process, statute largely directs audit requirements that limit the potential for an expedited audit.

660-008-0310 Referral for Non-Compliance in Adoption of Housing Capacity Analysis and Housing Production Strategy

A city is required to adopt a housing capacity analysis and housing production strategy under OAR 660-008-0045. The department is required to annually refer to the housing acceleration program each city that has failed to adopt a housing production strategy under ORS 197A.130(3)(b). To minimize and remedy delinquency in completing these requirements by the prescribed deadlines, the department must refer a city for non-compliance in the adoption of a housing capacity analysis or housing production strategy via the following provisions:

(1) A city that determines it will be unable to adopt a housing capacity analysis, housing production strategy report, or midpoint report by the prescribed deadline may request that the department provide a time extension for good cause. The city must notify the department of the expected delinquency at least 60 days before the applicable deadline for a housing capacity analysis or housing production strategy. In response, the department may take any of the following actions:

(a) For a housing capacity analysis, provide written authorization for the city to adopt concurrently with a housing production strategy by the deadline provided in ORS 197A.100(1);

(b) Recommend an amended deadline to the commission for a housing capacity analysis or housing production strategy under OAR 660-008-0045;

(c) Review components of a housing capacity analysis, response to an identified deficiency, or housing production strategy under OAR 660-025-0185; or



(d) Within 90 days, enter into a voluntary agreement to remedy the delinquency outlining specific actions, timelines, and resources necessary to adopt a housing capacity analysis or housing production strategy.

(2) The department must refer a city that has:

(a) Not adopted a housing capacity analysis or housing production strategy by the prescribed deadline and not received a time extension for good cause under section (1),

(b) Not fulfilled the actions and deadlines of a work plan or agreement under section (1) to the housing acceleration program,

(c) Failed to enter into or fulfill the terms of a time extension or voluntary agreement under section (1);

(d) Missed deadlines, submitted incomplete or non-responsive materials, or has otherwise not made a good faith effort to adopt a housing capacity analysis or housing production strategy;

(3) For cities referred to the housing acceleration program under subsection (2), the department must conduct an audit under OAR 660-008-0325 and enter into a housing acceleration agreement under OAR 660-008-0330 focused only on the local barriers to the adoption of a housing production strategy and all supporting documents.

Statutory/Other Authority: ORS 197.040

Statutes/Other Implemented: ORS 197A.100 & ORS 197A.130

660-008-0315 Referral for Non-Compliance in Undertaking Actions in a Housing Production Strategy

Rule summary: DLCD must refer cities to the Housing Acceleration program that fail to undertake an HPS Action by the adopted deadline. Rule includes actions the Department may take to remediate delinquency prior to referral, and process by which a city may be referred.

Commentary: Only clarifying language proposed

660-008-0315 Referral for Non-Compliance in Undertaking Actions in a Housing Production Strategy

A city is required to undertake actions in a housing production strategy by the deadline under ORS 197A.100(4). The department is required to annually refer each city to the housing acceleration program at its midpoint that has not taken actions adopted in its housing production strategy under ORS 197A.130(3)(c).

(1) The department will not refer a city to the housing acceleration program under this provision if the city has received either or both:

(a) An extension for good cause under OAR 660-008-0230(4)(a)(A);

(b) Department approval to undertake a replacement action or actions in the housing production strategy under OAR 660-008-0230(4)(b)(B).

(2) The department must refer a city that has not undertaken the action by the revised deadline under OAR 660-008-0230(4) and is not exempt from referral under section (1) to the housing acceleration program pursuant to ORS 197A.130(3)(c).



- (a) Referral under this section may only occur after the submittal and department evaluation of a midpoint report.
- (b) The department will evaluate implementation of and progress on all actions included in an adopted housing production strategy since the previous midpoint report.
- (3) For cities referred under section (2), the department must conduct an audit under OAR 660-008-0325 focused only on:
 - (a) The action or actions that the city has failed to undertake;
 - (b) The housing needs addressed by the action or actions;
 - (c) Other actions taken by the city to address the needs; and
 - (d) Any additional proportionate actions that may be necessary to address the needs, in lieu of the action or actions in subsection (a).
- (4) A housing acceleration agreement developed under OAR 660-008-0330 to address failure of a city to undertake an action ~~may~~ shall only include needed proportionate actions necessary to address an outstanding housing need resulting from the failure to undertake an action or actions under this rule.
- (5) A city submitting materials to the department under OAR 660-008-0325(2), may provide the department the following materials for consideration in the audit:
 - (a) Any specific actions the city has taken to address the need in lieu of the action or actions proposed in the housing production strategy; and
 - (b) Any alternative actions the city could take to proportionately address the need.
- (6) If a city is also referred to the housing acceleration program under OAR 660-008-0320, the department must consolidate the audit under section (3) and agreement under section (4) into a single process, consistent with the deadlines under ORS 197A.130.

Statutory/Other Authority: ORS 197.040

Statutes/Other Implemented: ORS 197A.130

660-008-0320 Referral based on Performance at the Housing Production Strategy Midpoint Report

Rule summary: DLCD will refer cities that are underperforming on their housing production targets, relative to the region and market peers. This rule sets out a framework by which DLCD determines the eligibility of cities for referral based on their progress towards housing production targets on OHCS' housing production dashboard, then prioritizes referral of cities up to DLCD's capacity.

Commentary: Addressed numbering error

660-008-0320 Referral based on Performance at the Housing Production Strategy Midpoint Report

The department is required to determine the lowest performing cities, if any, on an annual basis. To provide a consistent and predictable framework by which the department dedicates staff time and resources to implementing this rule, the department must refer any lowest performing city to the housing acceleration program via the following process:

- (1) The department must annually determine the maximum number of both standard and



comprehensive audits completed under this rule within a calendar year, in consideration of the following factors:

- (a) The capacity of department staff to conduct audits under OAR 660-008-0325, develop housing acceleration agreements under OAR 660-008-0330, and support local implementation of housing acceleration agreements as specified in ORS 197A.130(7);
 - (b) The number of housing capacity analyses due under OAR 660-008-0045;
 - (c) The number of housing production strategies due under OAR 660-008-0045;
 - (d) The number of midpoint reports due under OAR 660-008-0230;
 - (e) The number of referrals to the housing acceleration program related to the implementation of housing production strategies made under OAR 660-008-0310 to OAR 660-008-0315, including its impact on subsection (a) of this section;
 - (f) The availability of funding to support the implementation of actions identified in a housing acceleration agreement developed in response to an audit;
 - (g) Whether the department or cities with a population of 10,000 or greater are subject to separate housing-related legislation, administrative rule, or orders that obligate capacity and funding for implementation, including but not limited to rulemaking or local comprehensive plan or development code amendments; and
 - (h) For audits requesting concurrent review under ORS 197A.205, the capacity of the Housing and Community Services Department to concurrently participate in and support audits. The department must consult with the Housing and Community Services Department in determining capacity under this section.
- (2) The department must annually determine which cities, if any, are eligible for referral to the housing acceleration program. Eligible cities must meet the following criteria:
- (a) The city was required to submit a midpoint report the previous within the same year under OAR 660-008-0230; and
 - (b) The city is underperforming on its total housing production target or its housing production target for household incomes at or below 80 percent area median income, which includes:
 - (A) The city is not meeting its total housing production target and is performing below the 50th percentile in comparison to the region or market peers, as determined by the housing production dashboard; or
 - (B) The city is not meeting its housing production target for incomes at or below 80 percent area median income and is performing below the 50th percentile in comparison to the region or market peers, as determined by the housing production dashboard.
 - (C) For the purposes of determining comparative progress for referral under this section, the department will utilize a city's adopted housing production target and market peers determined for the adoption year of the housing production strategy under OAR 660-008-0045. Where a city does not have an adopted housing production target, the department will use the most recently published housing production target under ORS 184.455.
- (3) Where a city does not have market peers for comparison as provided under ORS 456.601, the department will consider progress relative to the region only.



(4) Among eligible cities, the department must remove from consideration a city that had been referred to the housing acceleration program under this section at the previous midpoint report.

(5) The department must prioritize the referral to the housing acceleration program of cities determined eligible under section (2) and (3), up to the maximum number of audits determined under section (1), based on each of the following priority considerations:

(a) Severity of underproduction of total housing units, in comparison to the region and market peers as determined by the housing production dashboard;

(b) Severity of underproduction of housing affordable to households earning at or below 80 percent area median income, in comparison to the region and market peers as determined by the housing production dashboard. In determining prioritization for referral to the hHousing aAcceleration program, the department will consider the severity of underproduction at each of the following income levels:

(A) Housing affordable to households making less than 30 percent of area median income;

(B~~ii~~) Housing affordable to households making 30 percent or more and less than 60 percent of area median income;

(C~~iii~~) Housing affordable to households making 60 percent or more and less than 80 percent of area median income; and

(D~~iv~~) Housing affordable to households making 80 percent or more and less than 120 percent of area median income.

(c) Housing equity indicators as they relate to fair housing issues identified under OAR 660-008-0075.

(6) The department shall prioritize comprehensive audits under OAR 660-008-0325(4) where the priority considerations in section (5) indicate a need for a contextual audit under OAR 660-008-0325 or coordinated action from multiple public bodies. Priority actions include one or more of the following:

(a) Removing barriers to the development of housing affordable to households earning at or below 80 percent area median income;

(A) For referrals of cities to the housing acceleration program under this subsection, the department must request concurrent review by the Housing and Community Services Department.

(B) Nothing in this subsection prohibits the department from coordinating with the Housing and Community Services Department for any referral to the housing acceleration program.

(b) Addressing or improving fair and equitable housing outcomes or addressing barriers to fair housing choice.

(7) The department may refer to the housing acceleration program less than the maximum number of audits determined under section (1) when the number of eligible cities determined under sections (2) and (3) is less than the maximum determined under section (1).

Statutory/Other Authority: ORS 197.040

Statutes/Other Implemented: ORS 197A.130

660-008-0325 Department Audit for Cities Referred into the Housing Acceleration Program

Rule summary: This rule sets out the process, inputs, and outputs of an audit conducted by DLCD for a city referred into the Housing Acceleration program.

Commentary: The amendment in this section provides an update to language that directs the



department to review specific barriers related to the actions described in OAR 660-008-200(3) (the compliance pathways for the Housing production strategy). This amendment is intended to ensure that cities are provided clarity on certain key expectations and incentivized to take specific actions. Those that are falling behind on production will know that, under the Acceleration program, they will be evaluated for any barriers to meeting the specific standards identified in the Housing Production Strategy. Associated actions to reach those standards can be expected.

660-008-0325 Department Audit for Cities Referred into the Housing Acceleration Program

For cities referred to the housing acceleration program under ORS 197A.130(3), within six months of issuance of public notice of referral under section (1), the department must, in cooperation with the city, complete an audit of specific housing barriers.

(1) The department must provide public notice of referral for each city referred to the housing acceleration program under OAR 660-008-0310 to OAR 660-008-0320, to notice recipients under OAR 660-008-0215, to all tribal governments as identified under OAR 660-008-0075(5)(c)(B), and to affected public bodies by July 1 of each calendar year. The notice must include:

(a) Findings documenting the basis of referral for each city referred to the housing acceleration program, including one or more of the following:

(A) Failure to adopt a housing capacity analysis, housing production strategy, or midpoint report as provided under OAR 660-008-0310;

(B) Failure to undertake an action or actions in an adopted housing production strategy as provided under OAR 660-008-0315;

(C) Referral to the housing acceleration program by the commission under ORS 197A.130(3)(d); or

(D) Referral to the housing acceleration program based on city performance as provided under OAR 660-008-0320.

(b) A description of the housing acceleration program and procedures provided in this rule;

(c) Any required actions or materials that a referred city must complete or submit to the department under section (2) and how and where these materials may be freely obtained by the public;

(d) That the public may submit comment to the department within 45 days of notice provided under section (3); and

(e) That actions taken by the city or the department under the housing acceleration program are not land use decisions and are not subject to appeal or review.

(f) For notice to tribal governments, specific and direct outreach to each of the tribal governments as identified under OAR 660-008-0200(1)(c)(B) by inviting government-to-government consultation from tribal leadership and coordination from tribal staff regarding the identification of barriers to housing production in the audit.

(2) For all audits, within 45 days of public notice of referral to the housing acceleration program, a referred city must provide the notice of referral to the governing body of the city and submit to the department the following information, if available and relevant to the basis for referral:

(a) The adopted housing capacity analysis, housing production strategy, adoption record including all public testimony, and midpoint report, if not already submitted to the department. A city referred to the



housing acceleration program under OAR 660-008-0310 may submit any available draft materials related to an impending housing production strategy;

(b) Information related to actions and inactions that impact local fair and equitable housing outcomes, environmental justice, climate resilience and location choice that is not otherwise captured in the housing production strategy;

(c) Any summary materials related to engagement conducted by the city that is not otherwise captured in the housing production strategy;

(d) Information related to current funding and staff capacity of the city, including publicly-available departmental budget and staffing information;

(e) Any localized information or studies related to housing market dynamics such as localized market pricing and rents, local housing development dynamics, or other market-related factors that are not otherwise captured by state data sources, if available;

(f) Information related to the local development of housing development at or below 80 percent of average median income, including local development contacts, local funding programs/investments, or recent development projects, if available;

(g) Information related to the local development of housing, including:

(A) Land use planning regulations, including zoning and development code;

(B) Permitting and approval processes relating to development of housing and infrastructure supporting housing;

(C) Required fees, exactions, and improvements; and

(D) Any public facilities plans, capital improvement plans, or actions or investments to prepare land for residential development;

(h) Any potential barriers or issues that the city requests consideration by the department in the audit, including but not limited to:

(A) Local resource deficiencies, including staffing, public facilities, capital improvements to infrastructure, availability of buildable lands, and actions or investments to prepare land for development;

(B) Specific additional state resources that could support housing production;

(C) Any state laws or rules or the regulations, policies, actions or inactions of any public body that could impact housing production; and

(D) Other factors limiting housing that are not within the city's control.

(i) Where a city does not have access to or fails to provide suitable information under this section, the department may utilize best available information to support the findings of an audit;

(j) Nothing in this section prohibits the department from utilizing other sources of relevant data or information, including but not limited to information collected under sections (3) and (4).

(3) For all audits, within ten days of receipt of the submission under section (2), the department must compile submitted information and notify recipients under section (1) that public comment may be submitted to the department within 45 days of the notice date. The department must:



- (a) Provide in a publicly available format any relevant audit materials, including the notice provided under section (1) and materials submitted under section (2)
- (b) Instructions for delivering public comment to the department; and
- (c) Append any comments submitted within 45 days to the audit published under section (6).
- (4) For comprehensive audits, in addition to public comment under section (3), the department must solicit and consider additional contextual information to support audit findings, which may include:
 - (a) In consideration of engagement summaries submitted under subsection (2)(c), supplemental equitable engagement and invited feedback from interested parties, including but not limited to:
 - (A) City staff and public officials;
 - (B) Local or regional market-rate housing developers;
 - (C) Local or regional subsidized affordable housing developers providing units at 0-30 percent, 30-60 percent, and 60-80 percent area median income;
 - (D) Local or regional community-based and non-governmental organizations;
 - (E) Community members, including those described under OAR 660-008-0200(1) and (2)(b)(K);
 - (F) Other relevant public bodies that affect housing production within the city;
 - (G) Tribal governments within the region, if any; and
 - (H) Other relevant market or affordable housing-related actors that affect housing production within the city, including lenders, laborers, and occupants.
 - (b) Engagement and coordination with affected public bodies on barriers or issues that extend beyond a city's control, including:
 - (A) County or regional coordination as it relates to urbanization and regional programs and resources, including Metro for cities within Metro;
 - (B) Special district and utility coordination as it relates to the provision of public facilities to support housing production; and
 - (C) State agency coordination as it relates to policies and programs that affect housing production within a city.
 - (c) For audits focused on affordable housing production at 0-30 percent, 30-60 percent, 60-80 percent area median income, concurrent review with the Housing and Community Services Department. In addition to the materials submitted under section (2), the department may require the following additional information from a city, if available:
 - (A) Any contextual information related to affordability not reflected in statewide housing data, including but not limited to naturally occurring affordable housing at 0-30 percent, 30-60 percent, 60-80 percent area median income, tenant assistance or vouchers, or homeownership programs; or
 - (B) Information related to subsidized affordable housing development proposals and inquiries, including any contact information, permitting information, and public record information relating to development application approvals or denials:
 - (i) For cities within Metro, the previous six calendar years.



(ii) For cities outside of Metro, the previous eight calendar years.

(d) Nothing in this section prohibits the department from soliciting or considering additional contextual information or invited stakeholder feedback for audits that are not comprehensive audits.

(5) In conducting the audit, the department must evaluate and prioritize the following, including the provision of resources and intergovernmental coordination to support local actions related to:

(a) Existing and expected barriers to fair housing choice, including barriers contributing to fair housing issues identified under OAR 660-008-0075 in the most recently adopted or amended housing production strategy;

(b) Barriers to adoption or implementation of actions described in OAR 660-008-0200(3);

(c) Barriers to adoption or implementation of relevant adoption-ready actions under OAR 660-008-0210 to address identified barriers to housing production, affordability, and choice

–(c) Barriers to housing production in climate-friendly areas under OAR 660-012-0310;

(d) Acceleration of total production and production of housing affordable to households earning at or below 80 percent area median income, compared to the city's previous housing production strategy cycle and relative to the region and market peers as determined by the housing production dashboard. Pursuant to data availability, the department will consider acceleration of production at each of the following income levels:

(A) Housing affordable to households making less than 30 percent of area median income;

(B) Housing affordable to households making 30 percent or more and less than 60 percent of area median income;

(C) Housing affordable to households making 60 percent or more and less than 80 percent of area median income;

(D) Housing affordable to households making 80 percent or more and less than 120 percent of area median income.

660-008-0325(6)

Section summary: This section outlines the required elements of the department-led audit of barriers. It delineates required review of barriers, identification resources, and whether the city can address the barrier.

Commentary: Given the rulemaking scope of the Housing Actions Work Group and all inputs into that scope, state staff drafted a set of compliance pathways through the requirements for cities to adopt specific land use efficiency measure actions in the Housing Production Strategy.

DLCD has received feedback that the rules should establish a clear set of expectations for jurisdictions in the Housing Acceleration program. Changes in this section address that suggestion by clarifying specific actions related to the compliance pathways will be reviewed under the audit. When a local government is referred into the Housing Acceleration program, the department will flag the development code as a key barrier if it is in any way more restrictive than the land use efficiency measure compliance pathways under OAR 660-008-0200(3) in the Housing Production Strategy regulations. This ensures that cities are aware of specific standards that the department will require while preserving an opportunity for the department and the city to identify a small range of actions that allow the city to meet those standards while retaining sensitivity to local context, reason for



referral, and nature of the barriers.

Should a local government be referred into the Housing Acceleration program, the drafted approach spotlights any lingering development and zoning codes that do not meet the standards developed for the HPS program, so long as they are related to the basis for referral, as key barriers that will require responsive actions to remove those barriers that are within the city's control. Language in the Acceleration Agreement section (OAR 660-008-0330(3) links responses to meeting those standards back to the compliance pathways in OAR 660-008-0325 (6)(a)(B).

(6) Within six months of public notice issued under section (1), the department must publish an audit of specific housing barriers, including those identified in the contextualized housing need under OAR 660-008-0075. The audit that must include an analysis of the factors provided in ORS 197A.130(4). For each identified barrier, the audit must contain:

(a) A description of the identified barrier, ~~including a description of how the barrier relates to the city's basis for referral to the housing acceleration program.~~ The department must consider existing and expected local barriers as ~~they~~^{it} relates to identified fair housing issues in the contextualized housing need analysis under OAR 660-008-0075. This description must include:

(A) Explanation of how the barrier relates to the city's basis for referral to the housing acceleration program, and

(B) Identification of the barrier as one of the following key barriers, if applicable:

(ii) Development or zoning code that does not meet the applicable standards represented in OAR 660-008-0200(3)-(6)4) per OAR 660-008-0425(5)

(b) An evaluation of factors that may affect or relate to an identified barrier, including:

(A) Market conditions and factors related to or affecting the barrier;

(B) City context, including existing actions, investments, policies, or programs related to the barrier and an evaluation of city funding and staff capacity to undertake additional action;

(C) Regional context, including actions, investments, policies, or programs of relevant local or regional public bodies that affect the barrier, if applicable; and

(D) Statewide context, including actions, investments, policies, or programs of relevant statewide public bodies that affect the barrier, if applicable;

(c) Identified regional, state, and federal orders, agreements, actions, programs, or investments that could support or hinder local action to addressing the identified barriers, if any;

(d) An identification of relevant actions proposed in the existing housing production strategy and evaluation of the efficacy of the action or actions to address identified barrier;

(e) If the barrier can be partially or wholly addressed via city action, one or more alternative actions provided by the department that can address the identified barrier. Any action provided under this section must include:

(A) A description of the action, including any relevant case studies, resources, or adoption-ready policies furnished by the department;

(B) An evaluation of the approximate funding and staff capacity necessary to undertake the action;



- (C) An evaluation of the city's proportionate financial resources and staff capacity to undertake an action;
 - (D) If the action requires multiple public bodies for implementation, a description of the public bodies and concurrent actions necessary for local implementation; and
 - (E) An evaluation of the approximate magnitude of impact that the action will likely have on the identified barrier.
- (7) For each barrier identified in the audit, the department must determine whether the factors affecting housing production, affordability, and choice are a consequence of policies and practices that are directly within the city's control under ORS 197A.130(8)(a). Actions identified under subsection (6)(e) are directly within a city's control if the action:
- (a) Is within the jurisdictional control of the city;
 - (b) Can reasonably be implemented with available city resources and staff capacity identified under paragraph (6)(e)(C), supported by technical and financial assistance provided by the department; and
 - (c) The department can sufficiently provide technical and financial assistance necessary to support city implementation.
- (8) Where the department concludes under section (7) that a city lacks reasonable existing resources and staff capacity to implement actions to address an identified barrier, the audit must also include and prioritize actions that build city capacity, including consideration of:
- (a) Any identified state or federal programs or investments that can increase local capacity; and
 - (b) Existing and projected city revenue that can increase local capacity, including actions that increase or stabilize local revenue or dedicate funds for increased local capacity.
- (9) After the department publishes an audit under section (6) it shall notify all parties described in section (1) through (4) and provide access to the published audit in a publicly available format. The city must provide the published audit to the governing body of the city.
- (10) Any local government may voluntarily request the department conduct an audit of local, regional, or state barriers.
- (a) A request by a local government or city may be submitted to the department at any time. The request must specify:
 - (A) The scope of issues or barriers the audit is intended to address;
 - (B) The preferred timeframe for an audit to occur;
 - (C) Any relevant local or regional governments or state agencies that relate to the identified issue or issues; and
 - (D) How the request relates to current or future work the local government or city will complete, including an adopted or future housing production strategy.
 - (b) If the department accepts the request, the requirements of ORS 197A.130 and OAR 660-008-0325 to OAR 660-008-0335 do not apply, and the findings of the audit are non-binding on the department and the local government or city.
 - (c) In considering whether to approve a request made under this section, the department must prioritize:



- (A) Mandatory referrals to the housing acceleration program made under OAR 660-008-0310 to 660-008-0320,
- (B) Supporting the implementation of an existing or future housing production strategy under ORS 197A.100,
- (C) Addressing substantial issues that inhibit housing production, affordability, and choice or best advances the purpose described in OAR 660-008-0000, and
- (D) Issues or barriers that are most readily addressed by an audit or intervention by the department.
- (d) In lieu of an audit, the department may provide alternative options to a local government or city to address an identified issue or issues in an audit request, including the provision of technical or financial support, as available.
- (e) Nothing in this section prohibits the department from making mandatory referrals to the housing acceleration program under ORS 197A.130(3).
- (11) As part of the summary of housing production strategies under OAR 660-008-0215(9), the department will incorporate a summary of any state policies or programs identified in audits conducted under OAR 660-008-0325.
- (12) The department may grant limited extensions to any of the deadlines of this rule for emergencies, good cause, or other factors outside of the city's control. Upon a request for a timeline extension, the department must provide a written decision within 30 days of the request, including the rationale for the extension and a revised timeline.

Statutory/Other Authority: ORS 197.040

Statutes/Other Implemented: ORS 197A.130

660-008-0330 Housing Acceleration Agreement

Rule summary: This rule sets out the framework, structure, and commitments outlined in a Housing Acceleration Agreement.

Commentary: The Housing Acceleration Agreement is the contractual document which specifies actions a city must take in response to barriers identified in the audit. Staff added language to indicate that, in selecting actions to address barriers in OAR 660-008-0235 (6)(a)(B), the department may specify all relevant land use efficiency measures in OAR 660-008-0200 (3).

DLCD received feedback that the acceleration agreement rules should include a provision describing a set of specific actions that the department will include in the Housing Acceleration Agreement. Staff have added a provision indicating that the department will always expect responsive actions to address barriers to adoption of the land use efficiency measures described in the compliance pathways. The Housing Acceleration program is a toolbox to address the persistent barriers to production in a localized community, whether those barriers and their needed solutions be common and familiar or nuanced and unique. The rules are designed with this local sensitivity and opportunity for customized intervention as a core principle. As such, and in accordance with ORS 197A.130, the program will always preserve the ability to customize the actions in a Housing Acceleration Agreement to ensure they are best suited to remove or mitigate barriers to housing production, affordability, and choice. Still staff agree with commenters that predictability is valuable. As such, the provisions in this rule section indicate that the Housing Acceleration Agreement will include responsive actions to those barriers and may include actions that are directly pulled from the compliance pathways in the Housing Production Strategy, adoption-ready actions from the Housing



production Strategy Guidance for Cities, or other department resources.

660-008-0330 Housing Acceleration Agreement

Within six months following an audit completed under OAR 660-008-0325, the city and the department must enter into a housing acceleration agreement that is based on and proportionate to the city's basis for referral to the housing acceleration program under OAR 660-008-0310 to OAR 660-008-0320.

(1) The director and the city must sign a housing acceleration agreement within six calendar months of the publication of the audit under OAR 660-008-0325.

(a) The governing body of a city may designate an authorized representative to sign the agreement.

(b) The department must:

(A) Provide for at least a 90-day period for city review of a draft agreement before the deadline under this section.

(B) Grant a time extension to provide a 90-day period for city review if the department does not provide a draft agreement as provided in this subsection.

(c) The city must adopt a housing acceleration agreement as an appendix to the consequent or subsequent housing production strategy adopted as provided in section (3) and (4). Nothing in this section prohibits a city from entering a housing acceleration agreement and amending a housing production strategy concurrently.

(2) The housing acceleration agreement must specify actions, parameters, and timelines by which the department and the city respond to barriers identified in the audit published under OAR 660-008-0325.

(a) The department must agree to provide the following as necessary to support the city in the implementation of an action or actions specified in an agreement:

(A) Technical assistance, regulatory support, and other assistance;

(B) Financial or funding support available to the department in consideration of city funding needs identified under OAR 660-008-0325(6); and

(C) Assistance in pursuing other state or public funds in consideration of city funding needs identified under OAR 660-008-0325(6).

(b) The city must agree to take actions specified in sections (3) and (4) that proportionally address each barrier within the city's control as identified in OAR 660-008-0325(6), which may include:

(A) One or more of the actions proposed in the existing housing production strategy as identified in OAR 660-008-0325(6)(d).

(B) One or more of the alternative actions identified in OAR 660-008-0325(6)(e) to address a barrier identified in an audit; or

(C) An alternate action or actions to those identified in OAR 660-008-0325(6)(e). The city must demonstrate that the alternate actions address the identified barrier or barriers on an equivalent and proportionate basis to actions identified in OAR 660-008-0325(6)(e).



(c) The department or the city may coordinate, mediate, or enter into agreements with other public bodies to fulfill actions included in a housing acceleration agreement.

(3) If the published audit conducted under OAR 660-008-0325(7) determines that the factors affecting housing production, affordability, and choice for an identified barrier are a consequence of policies and practices that are directly within the city's control, the city must adopt an amended housing production strategy within six months of the execution date of the housing acceleration agreement that includes:

(a) A timeline for performance under ORS 197A.100(4) of no less than one year;

(b) Specific city actions, which may include, but are not limited to:

(A) Actions under ORS 197A.100(3);

(B) Dedicating funds for increased local capacity to facilitate housing production, affordability and choice;

(C) Dedicating funds for public facilities and infrastructure necessary to support housing production;

(D) Taking measures that increase the availability of development-ready land;

(E) Amending the development code, approval criteria or procedures to reduce cost or delay to housing production; ~~and~~

(F) Taking emergency temporary measures to support housing production;

(G) All actions that have not been completed on schedule or replacement actions that meet the same need and have commensurate or greater magnitude of impact; and-

(H) Actions elevated by the program and department including actions under OAR 660-008-0200(3)-(6)4-5), relevant adoption-ready actions and other actions on the Housing Production Strategy Guidance for Cities, and other department resources.

(c) For actions that require coordination with other public bodies, participation in any department-initiated mediation or coordination to identify policies and resources that would support housing production in the city.

(4) For actions other than those described in section (3), the city must include findings in its subsequent housing production strategy that the actions included address the barriers identified in the audit. For actions that require coordination with other public bodies, the city may request department coordination and mediation to support city implementation of a housing production strategy.

(5) A housing acceleration agreement must include timelines with clear deadlines for the amendment of a housing production strategy under section (3), actions undertaken in the agreement, and subsequent adoption of a housing production strategy.

(a) The subsequent deadline for a housing production strategy is the latter of:

(A) Three years following the amendment of a housing production strategy under section (3); or

(B) One year after the city's deadline for completing a housing capacity analysis under OAR 660-008-0045.

(b) The department may provide extensions to a city's subsequent housing production strategy deadline under OAR 660-008-0310(1).



(6) The department will review an adopted or amended housing production strategy under OAR 660-008-0215 for consistency with the actions, timelines, and parameters in an executed housing acceleration agreement.

(7) A city must implement actions identified in a housing acceleration agreement within the timeline and parameters specified in the executed agreement. The department will address non-compliance in abiding the terms of a housing acceleration agreement as specified in OAR 660-008-0335.

(8) The department may grant limited extensions to any of the deadlines of this rule for emergencies, good cause, or other factors outside of the city's control. The department must provide a written decision within 30 days of the city's request for a timeline extension, specifying the rationale for the extension and any revised timeline.

Statutory/Other Authority: ORS 197.040

Statutes/Other Implemented: ORS 197A.130

660-008-0335 Non-Compliance in Entering or Abiding the Terms of a Housing Acceleration Agreement

Rule summary: In the case of non-compliance in entering or abiding the terms of a Housing Acceleration Agreement, this rule establishes tools and a process by which DLCD enforces the above rules. The vehicle for enforcement is an enforcement order issued by the Land Conservation and Development Commission which, among other actions, may implement a model code.

Commentary: No changes proposed

660-008-0335 Non-Compliance in Entering or Abiding the Terms of a Housing Acceleration Agreement

A city referred to the housing acceleration program under OAR 660-008-0310 to OAR 660-008-0320 and the department must enter into a housing acceleration agreement under ORS 197A.130(6) within six months of the publication of an audit by the department. Under an adopted housing acceleration agreement, the city must take actions by deadlines specified in the housing acceleration agreement as described in OAR 660-008-0330. The department will take the following actions in response to non-compliance with a housing acceleration agreement in furtherance of timely and effective implementation of a housing acceleration agreement:

(1) If the city fails to enter or abide the terms of a housing acceleration agreement under OAR 660-008-0330 by the prescribed deadline, the department must issue written notice to the city within 30 days.

(a) If the department does not provide a housing acceleration agreement to the city at least 90 days before the deadline under OAR 660-008-0330(1), the city has not materially breached a term of the housing acceleration agreement.

(b) If the department does not fulfill an action specified in an adopted housing acceleration agreement necessary for the local fulfillment of the agreement, including the provision of technical assistance or funding under OAR 660-008-0330(2)(a)(A), the city has not materially breached a term of the housing acceleration agreement.

(2) In any notice under section (1), the department must include:

(a) The date of the notice;

(b) The specific delinquent actions and deadlines that the city is required to fulfill;



- (c) A description of the action or actions the city can take to remedy the delinquency, including timelines by which the action or actions must be taken;
 - (d) An offer to enter formal mediation between the department and the city under section (3);
 - (e) A description of the enforcement actions that the department will take against the city if action is not taken within 90 days, including the initiation of an enforcement order under ORS 197.320(13); and
 - (f) A description of the potential enforcement tools provided in ORS 197.335(6) that could be applied in an enforcement order.
- (3) Within 30 days of the notice date, a city may request formal mediation with the department to remedy the identified delinquency.
- (a) If requested, the department will enter formal mediation with the city to identify specific actions and resources needed to remedy the delinquency.
- (b) The department may grant a limited extension to a city's prescribed deadline in a housing acceleration agreement under OAR 660-008-0330 to accommodate the implementation of actions and resources identified in mediation.
- (4) Within 90 days of notice under section (1), if a local government has not taken action to remedy the delinquency described in subsection (2)(c) and has not entered formal mediation with the department, the department will initiate an enforcement order under ORS 197.320(13). In initiating an enforcement order, the department will recommend an order to the commission as authorized under 197.335(6), including:
- (a) The specific action or actions necessary to remedy the identified delinquency;
 - (b) Required application of model ordinances and procedures developed by the department to all residential development within the city until the specific action or actions identified in the order are undertaken; and
 - (c) Other enforcement provisions under ORS 197.335(6) that are relevant and necessary to remedy the identified delinquency.
- (5) The department may grant limited extensions to any of the deadlines of this rule for emergencies, good cause, or other factors outside of the city's control. The department must provide a written decision within 30 days of the city's request for a timeline extension, specifying the rationale for the extension and any revised timeline.

Statutory/Other Authority: ORS 197.040

Statutes/Other Implemented: ORS 197A.130, ORS 197.320 & ORS 197.335

660-008-0400 Purpose of Model Ordinances

Rule summary: This rule establishes model ordinances for housing with distinct statutory functions. This rule will contain an attachment including a model ordinance divided into distinct components or modules that facilitate adoption or application both "in whole or in part".

Commentary:

This rule contains model ordinances that LCDC is directed to adopt under both Senate Bill 1564 (2024 Session) and as part of its enforcement authority under ORS 197.335. These model ordinances also partially fulfill HAPO's direction under Section 1 of Senate Bill 1537 (2024 Session) to "establish best practices related to model codes... procedures and practices by which local



governments may comply with housing laws.”

These codes will be updated and maintained over time and will incorporate new provisions designed to implement housing laws adopted by the Legislature and to support local housing planning by providing promising practice and implementation options designed to ease local capacity demands, especially for smaller cities.

At times, the model ordinances in this rule may serve compliance or regulatory functions to ensure compliance with housing laws or an LCDC enforcement order.

660-008-0400 Purpose of Model Ordinances

For the purpose of assisting cities in complying with housing laws and facilitating housing production, affordability, and choice, consistent with the principles of ORS 197A.025, model ordinances adopted in this section may be applied to residential development as provided in OAR 660-008-0400 to 0430.

Statutory/Other Authority: ORS 197.040

Statutes/Other Implemented: ORS 197.335

660-008-0405 Definitions for Model Ordinances

Rule summary: This rule contains definitions specific to Model Ordinances.

Commentary: These definitions are only applicable to the rules for Model Ordinances. These are kept separate from the definitions in 0005 for readability and organizational purposes. Since the initial rule draft, this draft has incorporated clarification of terms as they have been amended by the 2025 Legislative Session, which require reconciliation with definitions in rule.

- Precise definitions for “Adoption” and “Application” that relate to statutory authority provided by SB 1564.
- Incorporation of a definition for “Model Ordinance” that is interchangeable with “Model Code”
- Inclusion of a definition for “Violation of a Housing Law” to precisely articulate the scenarios in which the model code can be applied directly.
- Substantial alignment of the definition with “zoned for residential use” in HB 2138 (2025 Session). However, the rule definition deviates by omitting the requirement that “zoned for residential use” only includes zones that allow detached single-unit dwellings, which would inadvertently omit residential lands that don’t allow detached single-unit dwellings, such as multi-unit only zones. The definition clarifies that mixed-use zones are also eligible.

660-008-0405 Definitions for Model Ordinances

As used in OAR 660-008-0400 to 0430, the definitions in ORS chapters 197 and 197A, and OAR 660-008-0005 apply. In addition, the following definitions apply:

(1) “Adopt” or “Adoption” means the approval of an ordinance described in ORS 197A.400(1)(b)(C) by the governing body of a local government.

(2) “Apply” or “Application” means utilization of a model ordinance or module as the basis for approval



or denial of a development application as provided in ORS 197A.400(1)(b)(C).

(3) "Design Standard" has the meaning provided in OAR chapter 660, division 046.

(4) "Housing Law" has the meaning provided in Oregon Laws 2024, chapter 110, section 1.

(5) "Model Ordinance" means a complete set of standards or procedures applied to development as provided in ORS 197A.400 (1)(b)(C) and this rule. "Model Ordinance" and "Model Code" are interchangeable.

(6) "Module" means a component proportion of a model ordinance that is fully implementable with a complete set of standards or procedures applied to development. A module includes all applicable standards or procedures contained within the module as well as references and citations to other modules or applicable local land use regulations. A model ordinance may contain one or more modules.

(7) "Recommended Standard" means a standard contained within a model ordinance that represents promising practice but allows for optional deviation where adopted or applied by a city. Recommended standards are demarcated or otherwise explicitly identified as recommended within a model ordinance.

(8) "Siting Standard" has the meaning provided in OAR chapter 660, division 046. "Siting Standard" and "Development Standard" are interchangeable.

(9) "Violate a Housing Law" means local government nonconformance with a housing law, including via locally-adopted land use regulations or as applied to a residential development application.

(10) "Zoned for residential use" means land that:

(a) Is within an urban growth boundary;

(b) Has base zoning for, or is designated to allow, residential uses, including mixed-use residential;

(c) Is not zoned primarily for commercial, industrial, agricultural or public uses; and

(d) Is incorporated or urban unincorporated land.

Statutory/Other Authority: ORS 197.040

Statutes/Other Implemented: ORS 197.335

660-008-0410 Model Ordinances

Rule summary: This rule is where the model ordinances are adopted as an attachment to the rule. Additionally, the rule clarifies important technical considerations governing the application of model ordinances at the local level.

Commentary:

This rule contains the model ordinances that LCDC is directed to adopt as described in the purpose statement. Additionally, the rule contains broadly applicable "meta" provisions governing how code modules interrelate with each other, local land use regulations, and state law. This includes:

Section (4) clarifies important statutory and applicability considerations to ensure the code can be applied at the local level, without allowing residential development where it is unintended.

Section (5) clarifies how the adoption and application of a model code interrelate with local



development regulations, goal protections, and planning responsibilities. These clarifications are important to ensure the code can be applied as intended without creating additional planning burdens that can frustrate the use of the code.

Section (6) describes how individual “modules” in the code interrelate with other modules, local land use regulations, and future updates.

The updates in this section are minor clarifications and grammatical updates that do not substantially impact the intended function of the rule. Additionally, model procedures have been consolidated with model ordinance by city size for organizational purposes.

Updates since the public comment draft are organizational and grammatical only and do not affect rule function.

660-008-0410 Model Ordinances

(1) The Commission adopts the following model ordinances as shown in Attachment C:

(a) A model ordinance targeted for cities with a population of less than 2,500;

(b) A model ordinance targeted for cities with a population of 2,500 or greater and less than 25,000; and

(c) A model ordinance targeted for cities with a population of 25,000 or greater.

(2) A model ordinance under this rule:

(a) Does not amend acknowledged local land use regulations;

(b) Is presumed to be clear and objective as provided in ORS 197A.400;

(c) May apply on lands zoned for residential use; and

(d) May not apply on lands that are not zoned for residential use, except where otherwise required by a housing law.

(3) The adoption or application of a model ordinance does not:

(a) Require a local government to amend or repeal locally-applicable land use regulations;

(b) Prohibit a local government from amending locally-applicable land use regulations;

(c) Affect the applicability of protective measures adopted or applied pursuant to a statewide planning goal;

(d) Trigger a requirement that a local government consider or update an analysis under a statewide planning goal relating to economic development, transportation, or public facilities; and

(e) Trigger a requirement to adopt or update a housing capacity analysis or housing production strategy as provided in OAR 660-008-0045.

(4) Where one or more modules cite the following provisions, those provisions are applicable:

(a) Provisions contained within a separate module, including but not limited to measurements and definitions; and

(b) Locally-applicable land use regulations.



(5) Where a model ordinance, module, or modules are amended by subsequent rulemaking, those amended provisions are applicable as provided in ORS 227.178(3) or ORS 215.427(3).

Statutory/Other Authority: ORS 197.040

Statutes/Other Implemented: Oregon Laws 2024, chapter 111-SB 1564 (2024 Session); ORS 197.335

660-008-0415 Optional Adoption and Application by Reference

Rule summary: Senate Bill 1564 (2024 Session) allows cities to optionally adopt and apply a model ordinance "in whole or in part" by reference. This rule clarifies how cities may do so on specified residentially-designated land within an Urban Growth Boundary.

Commentary:

The rule language below clarifies more precisely how a city adopts and applies a model ordinance by reference, including parameters on where the code may be applied, what development standards within a given module apply, and what flexibility the city has to identify alternative standards or evaluate amendments to a module over time.

Edits to this section focus on clarity and implementation consistency for cities opting in. Highlights include:

- Establishing requirements for the adopting ordinance, including specifying which date specific version of a model code or module a city is adopting (to mitigate the likelihood of a city applying outdated versions of the model code).
- Clarify the requirement to specify alternative standards that apply in lieu of recommended standards (which otherwise apply by default)
- Clarify the allowance for cities to apply the code in a manner that always allows a greater density/intensity of development but disallows allowing low intensity uses in high intensity zones.
- Readability and grammar edits.

Updates since the public comment draft are organizational and grammatical only and do not affect rule function.

660-008-0415 Optional Adoption and Application by Reference

A city may adopt, in whole or in part, a model ordinance by reference targeted towards the city population size or targeted toward a larger city on land zoned for residential use within an urban growth boundary.

(1) The adopting ordinance must:

(a) Specify which model ordinance, module, or modules are proposed for adoption, including the Commission adoption date;

(A) Where a module contains more than one housing type, a city may adopt the standards to allow one or multiple housing types.

(B) Nothing in this section requires a city to allow a housing type contained within a module containing more than one housing type, except as otherwise required by a housing law.



(b) Specify the precise area, zones, or comprehensive plan designations in which the module or modules apply; and

(c) Specify standards that apply in lieu of one or more recommended standards, if any.

(2) A city may adopt a model ordinance, module, or modules that meet or exceed the maximum allowed density or intensity of lands zoned for residential use.

(3) A city may not adopt a model ordinance, module, or modules to allow a housing type on lands that are either:

(A) Not zoned for residential use; or

(B) Zoned to require a greater minimum density or intensity than the maximum density or intensity permitted in the proposed model ordinance, module, or modules.

(3) Recommended standards are applicable unless a city specifies in the adoption ordinance the alternative standard or standards that apply in lieu of the recommended standard.

(4) Where a model ordinance, module, or modules are amended as provided in OAR 660-008-0410(5), a city that has adopted a model ordinance by reference is not required to readopt the module for the amendments to take effect. Nothing in this subsection prohibits a city from periodically evaluating, readopting, repealing, or establishing an expiration date for a model ordinance, module, or modules.

Statutory/Other Authority: ORS 197.040

Statutes/Other Implemented: Oregon Laws 2024, chapter 111SB-1564 (2024 Session)

660-008-0420 Compliance with a Housing Law

Rule summary:

Where a local government has not adopted conforming amendments to comply with a housing law, the local government is required under ORS 197.646 to apply statute directly to local land use decisions. To aid local implementation of housing laws, this rule provides local governments the option to apply a model code where adherence to locally-adopted land use regulations would violate a housing law.

Commentary:

This rule provides an option for local governments to apply a statute directly to avoid a violation of a state housing law. The intent is to provide readily applicable models that reduce the legal expertise necessary to apply a statute directly, and ease capacity constraints on local governments that lack the resources to readily adopt conforming amendments to new housing laws.

This rule does not prevent local governments from either applying statute directly without a model ordinance, nor amending local land use regulations to comply with a housing law. Instead, the goal is to provide an alternative to local governments that either have not yet adopted conforming ordinances or lack adequate staff capacity to complete conforming amendments.

Edits to this rule focused on clarifying and reorganizing the rule for consistency and readability. Highlights include:

- Clarifying that a module fully applies where it is applied to comply with a housing law. For example,



if a city's middle housing land division did not conform to changes in HB 2138, the city would simply apply the middle housing land division module in full, rather than picking specific standards from both the local code and the model code. The intent is to minimize interpretive confusion and provide a clear and consistent set of rules for development.

- Minor re-organization of subsections to help readability.

660-008-0420 Application of a Model Ordinance to Comply with a Housing Law

Where one or more land use regulations applied by a local government violates or would violate a housing law as applied to an application for the development of housing, the local government may apply one or more modules directly to development to comply with an applicable housing law as provided under ORS 197.646. Where applying one or more modules directly to residential development to comply with an applicable housing law, the local government:

(1) Must apply the module or modules in full to residential development where the housing law applies, except that recommended standards do not apply;

(2) Is not required to adopt the module or modules by reference as provided in OAR 660-008-0415;

(3) Is not prohibited from amending local land use regulations to comply with a housing law; and

(4) Is not otherwise prohibited from applying a housing law directly to land use decisions as provided in ORS 197.646 (3).

Statutory/Other Authority: ORS 197.040

Statutes/Other Implemented: ORS 197.646

660-008-0425 Comparison to Local Actions and Land Use Regulations

Rule summary: Certain rule requirements for local action in housing production strategy or housing acceleration agreement may reference a model ordinance as a comparative benchmark. Where this occurs, this rule clarifies that a city does not need to simply apply the same standards as provided in the model code. Instead, the city may demonstrate that the local approach facilitates substantially similar development outcomes in terms of allowable scale/intensity as well as imposed cost or delay.

Commentary:

The intent of this rule is in acknowledgement that local land use regulations contain a variety of methods and approaches to facilitate housing production, affordability, and choice. Rather than establishing an inflexible requirement to simply conform to the standards provided in the model code, this rule enables local flexibility to adopt different land use regulations, provided those regulations facilitate similar development outcomes to the model ordinance.

A trade-off of this flexibility is this rule creates a burden of demonstration and introduces discretion as to whether local land use regulations achieve substantially similar outcomes. However, because this rule simply provides an option, it does not create a new or unavoidable burden of analysis or demonstration for a local government.

Previous edits to this rule for the public comment draft include:

1. Clarifying that minimum densities in the model code are not a requirement or consideration when utilizing the code as a benchmark for local action. Instead, minimum density



requirements will be established and administered locally.

2. A new provision outlining considerations for local bonus or incentive programs for accessible or affordable housing that enable local flexibility, provided the local program provide comparable or greater economic benefit than the model code in consideration of specific factors.

Edits to the final proposed rule incorporate additional refinements and clarifications to the administrative rule intended to provide more local flexibility to establish land use regulations that deviate from the model ordinance, with defined parameters that provide more clarity on the required local demonstration. These changes include:

1. A new section (1) clarifies the requirement to allow a given housing type as a permitted use under clear and objective standards without ground-floor commercial requirements in order to qualify under this rule. The section does not otherwise limit a city's ability to establish mixed-use zones/districts.
2. Amendments to siting, design, and procedures (sections (2) and (3)) two alternatives to demonstrate sufficiency. The first requires a city to demonstrate local standards enable the same number of achievable dwelling units in comparison to the model code under comparable procedural requirements. The latter allows a more flexible option to demonstrate "comparable development outcomes" (see section 7)
3. Additional clarifications to affordability and accessibility incentives in section (5) to support local flexibility in establishing specific local incentive programs. This includes a refined demonstration of local bonus/incentives to be comparable to the model code, the optional consideration of local financial incentives, and flexibility on determining the amounts and levels of affordable/accessible units in local programs.
4. A new section (6) to clarify that goal protections are not amended or a required consideration under this rule. This ensures that cities are not required to justify goal protections in making a demonstration under this rule.
5. A new section (7) to define "comparable development outcomes", which allows a city to establish alternative land use regulations, provided they do not create additional disproportionate cost/delay to housing production compared to a model ordinance. This rule adapts a similar rule for middle housing (OAR 660-046-0235), whereas previously, only the design standard section referenced this rule. This extends the flexibility to siting, design, and procedural requirements. However, the demonstration requires the city to consider specific costs/delay and public benefits of local land use regulations in comparison to a model ordinance and weigh their proportionality. This option is more discretionary and less defined than sections (1) through (5) but offers greater flexibility provided the city weighs the proportionality of standards to development.

660-008-0425 Comparison to Local Actions and Land Use Regulations

Where a model ordinance is applied comparatively to local land use regulations for the purpose of demonstrating sufficiency of a local action as part of a housing production strategy under OAR 660-008-0200 or housing acceleration agreement under OAR 660-008-0330, a city may alternatively demonstrate that locally-applied land use regulations facilitate the same or comparable development outcomes to the model ordinance. The city must demonstrate the following criteria are met, as applicable:

(1) The housing type is a permitted use under clear and objective standards, conditions, and procedures in applicable zones or land use districts, including all applicable overlay zones or districts.

(a) The housing type may not be subject to a ground-floor commercial requirement or other



requirement to incorporate nonresidential uses to qualify under this section.

(b) Nothing in this section otherwise limits or prohibits a city's ability to established mixed-use zones or land use districts, including overlay zones or districts.

(2) Siting and design standards allow for the same or greater achievable number of dwelling units as permitted in the model ordinance, or otherwise facilitate comparable development outcomes.

(a) For the purposes of calculating the achievable number of dwelling units, a city may assume the following average square footage per dwelling unit:

(A) For detached single-unit dwellings: 1,800 gross square feet;

(B) For townhouses and duplexes: 1,500 gross square feet; and

(C) For all other housing types: 1,200 gross square feet.

(b) A city may assume an alternative average square footage per dwelling unit if production data spanning a minimum of six years supports the alternative assumption.

(c) Siting and design standards that do not otherwise restrict the achievable number of dwelling units do not create substantial feasibility limitations to applicable development, including:

(A) Standards that affect the configuration or orientation of units on a site do not render the achievable number of dwelling units in subsection (2)(a) or (b) impracticable; and

(B) Standards that affect the cost or quantity of land, construction, or materials used in development are reasonable and proportionate as provided in subsection (7)(a) to (f).

(d) Minimum density requirements in the model ordinance are not a requirement nor a consideration under this section.

(3) Procedural regulations allow applicable development under the same or less restrictive clear and objective requirements and development review timelines as permitted in the model ordinance, or otherwise facilitate comparable development outcomes.

(4) Other applicable land use regulations do not create unreasonable cost or delay to the development of housing as provided in ORS 197A.400.

(5) Regulatory incentives or bonuses to encourage accessible or adaptable housing or housing affordable to households specified in a model ordinance provide comparable or greater economic incentives or benefits through clear and objective standards, conditions, and procedures, including:

(a) The total additional achievable number of dwelling units or floor area are comparable to or greater than the model ordinance;

(b) Other provisions offering flexibility to local land use regulations or streamlined procedural review reduce cost and delay to or increase projected revenue from development comparable to the model ordinance;

(c) A city may additionally consider local financial incentives that offer comparable or greater economic incentives or benefits; and

(d) Nothing in this section prohibits a city from establishing incentives or bonuses for alternative quantities or household incomes of affordable, accessible, or adaptable units in lieu of those specified in a model ordinance, provided:



(A) The alternative household incomes of affordable units do not exceed those specified in the model ordinance; and

(B) The city determines that the alternative quantities or household incomes of affordable, accessible, or adaptable units in lieu of those specified in the model ordinance are feasible in one or more local market studies or other comparable analysis.

(6) Nothing in this rule affects the applicability of a protective measure adopted or applied pursuant to a statewide planning goal. A city is not required to consider the effect of such a protective measure in making a demonstration under this rule.

(7) As used in this rule, "comparable development outcomes" means that applicable land use regulations do not, individually or cumulatively, create additional disproportionate cost or delay to the development of housing in comparison to a model ordinance. At a minimum, the demonstration must evaluate the following impacts of applicable local land use regulations on residential development:

(a) The total time and cost of construction, including design, labor, and materials;

(b) The total cost of land, including requirements that necessitate additional land to satisfy;

(c) The availability and acquisition of land, including in areas with existing development;

(d) The total time, cost, and certainty of permitting required to make land suitable for development;

(e) The cumulative livable floor area and the quantity of units that can be produced; and

(f) The proportionality of cumulative time and cost imposed by applicable land use regulations in relationship to the public need or interest the land use regulations fulfill.

Statutory/Other Authority: ORS 197.040

Statutes/Other Implemented: ORS 197A.100

660-008-0430 Mandatory Application of a Model Ordinance

Rule summary: The Land Conservation and Development Commission is required to issue an enforcement order for local governments that fail to fulfill certain housing-related statutory obligations. Where that occurs, the Commission is authorized to apply specified remedies under ORS 197.335, including the application of model ordinances or procedures directly to the development of housing. This rule clarifies how the model code applies to local development where that occurs.

Commentary:

Where applied by LCDC as part of an enforcement order, the model code supersedes locally-applicable development regulations. An applicant may choose to apply the local code or the model code wherever it applies, and local governments are required to notify applicants of their eligibility to use a model ordinance where applicable.

660-008-0430 Mandatory Application of a Model Ordinance

Where a model ordinance is applied by an order issued under ORS 197.335(6), the applicable model ordinance supersedes locally-applicable land use regulations on lands specified by the Commission.

(1) Applicants may submit an application for the development of housing under either a model ordinance applied under this rule or under locally-applicable land use regulations.



(2) Where a model ordinance contains a recommended standard, that standard is applicable to development.

(3) The local government must notify existing and prospective applicants for the development of housing of their eligibility to utilize a model ordinance applied under this rule.

(4) The model ordinance is effective until the terms of the order issued under ORS 197.335 are satisfied.

Statutory/Other Authority: ORS 197.040

Statutes/Other Implemented: ORS 197.335



Draft Amendments: Oregon Administrative Rules Chapter 660, Division 021 – Urban Reserves

Updated November 2025

About this Document

This document includes draft amendments to OAR 660-021 proposed as part of the 2025 Oregon Housing Needs Analysis Rulemaking.

Callout boxes are included directly above all rules, sections, and relevant subsections where specific changes are proposed, and are for information purposes only. These boxes contain the applicable rule, section or subsection numbers, a plain language rule summary, and commentary to provide additional context or explanation behind the proposed changes or retention of the rules. ~~Strikethrough~~ text is proposed to be deleted. Underlined text is proposed to be added.

The deadline for rule adoption is January 1, 2026. In addition, staff will develop guidance to assist cities in implementation after rules are adopted.

Table of Contents

About this Document.....	1
Draft Amendments	2
660-021-0000 Purpose	2
660-021-0010 Definitions.....	2
660-021-0020 Authority to Establish Urban Reserve	3
660-021-0030 Determination of Urban Reserve Areas	4
660-021-0040 Urban Reserve Area Planning and Zoning.....	6
660-021-0050 Urban Reserve Agreements	8
660-021-0060 Urban Growth Boundary Expansion.....	8
660-021-0070 Adoption and Review of Urban Reserve	9
660-021-0080 Applicability	9



Draft Amendments

Oregon Administrative Rules Chapter 660, Division 021 – Urban Reserves

660-021-0000 Purpose

Rule summary: This rule describes the purpose of the division lists the Oregon Revised Statutes interpreted under Division 21 of Chapter 660.

Commentary: Amendments add the use of the acronym URA for urban reserve areas.

660-021-0000 Purpose

This division interprets and implements ORS 197A.230 through 197A.250 and statewide planning goals pertaining to Urbanization. Rules in this division authorize planning for urban reserve areas (URAs) outside urban growth boundaries to be reserved for eventual inclusion in an urban growth boundary and to be protected from patterns of development that would impede urbanization.

Statutory/Other Authority: ORS 197.040

Statutes/Other Implemented: ORS 197A.230-197A.250

History:

[LCDD 4-2024, minor correction filed 07/15/2024, effective 07/15/2024](#)

LCDD 7-2011, f & cert. ef. 10-20-11

LCDD 4-2000, f. & cert. ef. 3-22-00

LCDC 2-1992, f. & cert. ef. 4-29-92

660-021-0010 Definitions

Rule summary: This rule lists the definitions that apply to Division 21.

Commentary: Amendments add "Urban Reserve Area" to the definition of "Urban Reserve." The definition of "developable land" was also revised for clarity and to reference existing definitions for buildable and suitable land. Guidance will be developed to assist local governments with implementation by providing resources and data recommendations. "Study area" is also defined for clarity.

660-021-0010 Definitions

For purposes of this division, the definitions contained in ORS 197.015 and the statewide planning goals (OAR chapter 660, division 15) apply. In addition, the following definitions apply:

- (1) "Urban Reserve" or "Urban Reserve Area" means lands outside of an urban growth boundary that will provide for:
 - (a) Future expansion over a long-term period; and
 - (b) The cost-effective provision of public facilities and services within the area when the lands are included within the urban growth boundary.
- (2) "Resource Land" means land subject to the statewide planning goals listed in OAR 660-004-



0010(1)(a) through (g), except subsections (c) and (d).

(3) "Nonresource Land" means land not subject to one or more of the statewide planning goals listed in OAR 660-004-0010(1)(a) through (g) except subsections (c) and (d). Nothing in this definition is meant to imply that other goals do not apply to nonresource land.

(4) "Exception Areas" means rural lands for which an exception to statewide planning goals 3 or 4, or both, as defined in ORS 197.732 and OAR 660-004-0005(1), has been acknowledged.

(5) "Developable Land" means land that ~~is could be designated buildable land as defined in OAR 660-008-0005(7) or suitable land as defined in OAR 660-009-0005(12), or both. is not severely constrained by natural hazards or designated or zoned to protect natural resources and that is either entirely vacant or has a portion of its area unoccupied by structures or roads.~~

(6) "Adjacent Land" means abutting land.

(7) "Nearby Land" means land that lies wholly or partially within a quarter mile of an urban growth boundary.

(8) "Study Area" refers to land adjacent to the urban growth boundary or nearby land to the urban growth boundary.

Statutory/Other Authority: ORS 197.040

Statutes/Other Implemented: ORS 197A.245

History:

LCDD 5-2024, minor correction filed 07/15/2024, effective 07/15/2024

LCDD 7-2011, f & cert. ef. 10-20-11

LCDD 1-2008, f. & cert. ef. 2-13-08

LCDD 4-2000, f. & cert. ef. 3-22-00

LCDC 2-1992, f. & cert. ef. 4-29-92

660-021-0020 Authority to Establish Urban Reserve

(1) Cities and counties cooperatively, and the Metropolitan Service District for the Portland Metropolitan area urban growth boundary, may designate urban reserves under the requirements of this division, in coordination with special districts listed in OAR 660-021-0050(2) and other affected local governments, including neighboring cities within two miles of the urban growth boundary. Where urban reserve areas (URAs) are adopted or amended, they shall be shown on all applicable comprehensive plan and zoning maps, and plan policies and land use regulations shall be adopted to guide the management of these reserves in accordance with the requirements of this division.

(2) As an alternative to designation of ~~urban reserve~~URAs under the requirements of this division, Metro may designate ~~urban reserve~~URAs for the Portland Metropolitan area urban growth boundary under OAR chapter 660, division 27.

Statutory/Other Authority: ORS 197.040

Statutes/Other Implemented: ORS 197A.245

History:

LCDD 6-2024, minor correction filed 07/15/2024, effective 07/15/2024

LCDD 7-2011, f & cert. ef. 10-20-11

LCDD 1-2008, f. & cert. ef. 2-13-08

LCDD 4-2000, f. & cert. ef. 3-22-00

LCDC 2-1992, f. & cert. ef. 4-29-92

**660-021-0030 Determination of Urban Reserve**

Rule summary: This rule includes the process and requirements for including land within urban reserves, including how local governments should prioritize land for inclusion.

Commentary: Amendments are proposed to sections (1), (3), (4), (5) and (6). Commentary for these changes is included below.

660-021-0030 Determination of Urban Reserve Areas**660-021-0030(1)**

Section summary: This section specifies the number of years urban reserves shall include beyond the 20-year time frame of the UGB.

Commentary: This is a conforming amendment to align rules with ORS 197A.245(4) which require a 20-year minimum land supply within urban reserves. Other amendments are minor in nature.

(1) A city considering adopting or amending a Uurban reserves area (URA) shall include an amount of land estimated to be at least a 420-year supply and no more than a 30-year supply of developable land beyond the 20-year time frame used to establish the urban growth boundary (UGB). Local governments designating urban-reservesa URA shall adopt findings specifying the particular number of years over which designated urban-reserveURAs are intended to provide a supply of land.

(2) Inclusion of land within an urban-reserveURA shall be based upon the locational factors of Goal 14 and a demonstration that there are no reasonable alternatives that will require less, or have less effect upon, resource land. Cities and counties cooperatively, and the Metropolitan Service District for the Portland Metropolitan Area Urban Growth Boundary, shall first study lands adjacent to, or nearby, the urban growth boundary for suitability-developability for inclusion within urban-reserveURAs, as measured by the factors and criteria set forth in this section. Local governments shall then designate, for inclusion within urban-reserveURAs, that suitable-land which is appropriate and satisfies the priorities in section (43) of this rule.

660-021-0030 (3)

Section summary: This proposed new section specifies the various optional consideration factors from ORS 197A.245(6) for land considered to be added to an urban reserve.

Commentary: The proposed rule amendments incorporate the consideration factors provided under ORS 197A.245(6).

(3) Land found suitable-appropriate for an urban reserve area may consider factors including, but not limited to, whether land proposed for designation as a URA, alone or in conjunction with land inside the UGB~~be included within an urban reserve only according to the following priorities:~~

(a) Can be developed at urban densities in a way that makes efficient use of existing and future public infrastructure investments;

(b) Includes sufficient development capacity to support a healthy urban economy;



(c) Can be served by public schools and other urban-level public facilities and services efficiently and cost-effectively by appropriate and financially capable service providers;

(d) Can be designed to be walkable and served by a well-connected system of streets by appropriate service providers;

(e) Can be designed to preserve and enhance natural ecological systems; and

(f) Includes sufficient land suitable for a range of housing types.

660-021-0030 (4)

Section summary: This section specifies the priority of land considered for inclusion in an urban reserve area.

Commentary: The proposed rule amendments are policy neutral and serve to further clarify the existing land prioritization analysis by expanding on the existing three priorities, adding a fourth and a fifth priority category specifying high-value farmland as fourth priority and prime and unique soils as the fifth priority. In addition, under (4)(a)(B) proposed rule amendments give lower priority to exception areas and nonresource lands, compared to other exception areas and nonresource land, where planned developments or subdivisions are present with a subdivision plat, in accordance with direction from SB 1129 (2025).

(4) Priority of land for inclusion in a URA. After consideration of the factors in section (3) of this rule, if land of higher priority is inadequate to accommodate the amount of land need estimate in section (1) of this rule, the next priority for inclusion shall be according to the following order of priority:

(a) First ~~P~~priority goes to ~~is~~ land adjacent to, or nearby, an urban growth boundary and within the study area that is subject to identified in an acknowledged comprehensive plan as an exception under ORS 197.732 area or land that is nonresource land as defined in OAR 660-021-0010(3).

(A) First priority may include resource land that is completely surrounded by exception areas unless these are high value crop areas as defined in Goal 8 or prime or unique agricultural lands as defined by the United States Department of Agriculture;

(B) First priority land may be given lower priority compared to other nonresource land or land within an exception area if the land contains planned developments or subdivisions with a subdivision plat, as defined in ORS 92.010(18).

(b) If land of higher priority is inadequate to accommodate the amount of land estimated in section (1) of this rule, ~~s~~Second ~~P~~priority goes ~~is~~ to land within the study area that is designated as marginal land pursuant to former under ORS 197.247 (1991 edition) in an acknowledged comprehensive plan;

(c) If land of higher priority is inadequate to accommodate the amount of land estimated in section (1) of this rule, ~~t~~Third ~~p~~Priority goes ~~is~~ land within the study area that is designated for forest or agriculture or forestry, or both in an acknowledged comprehensive plan and is not predominantly high-value farmland or high-value forestland as defined in ORS 195.300. Higher priority shall be given to land of lower capability as measured by the capability classification system or by cubic foot site class, whichever is appropriate for the current use.

(d) Fourth Priority is land within the study area that is designated for forest or agriculture or both in an acknowledged comprehensive plan and is predominantly high-value farmland or high-value forestland as defined in ORS 195.300, except land that is predominantly made up of prime or unique farm soils



as defined by the USDA NRCS. Higher priority shall be given to land of lower capability as measured by the capability classification system or by cubic foot site class, whichever is appropriate for the current use.

(e) Fifth priority is land within the study area that is predominantly made up of prime or unique farm soils, as defined by the USDA NRCS. A city must find that there is an insufficient amount of other land to satisfy its land need in order to include land predominantly made up of prime or unique farm soils within a UGB.

660-021-0030 (5)

Section summary: This section specifies reasons that land of higher priority may be assigned lower priority due to physical constraints of public infrastructure investments.

Commentary: The proposed rule amendments allow cities to give lower priority to the inclusion of otherwise higher priority lands where providing urban services due to physical constraints or existing or planned public infrastructure is not reasonable or cost effective, in accordance with direction from SB 1129 (2025).

(45) Land of ~~low~~higher priority under section (43) of this rule may be ~~included if land of high~~assigned lower priority ~~if s found to be inadequate to accommodate the amount of land estimated in section (1) of this rule for one or more of the following reasons:~~

(a) ~~Provision of f~~Future urban services, as defined in ORS 195.065, ~~could is~~ not reasonably ~~be or cost effective be provided to the higher priority area~~ due to:

(A) ~~†~~ Topographical or other physical constraints such as freeways, rail lines, or other restricted access corridors that would require new grade separated crossings to serve planned urban development; or

(B) Existing or planned future public infrastructure investments.

(b) Maximum efficiency of land uses within a proposed ~~urban reserve~~URA requires inclusion of lower priority lands in order to include or to provide services to higher priority lands.

(56) Findings and conclusions concerning the results of the consideration required by this rule shall be adopted by the affected jurisdictions.

Statutory/Other Authority: ORS 197.040

Statutes/Other Implemented: ORS 197A.245

History:

LCDD 7-2024, minor correction filed 07/15/2024, effective 07/15/2024

LCDD 7-2011, f & cert. ef. 10-20-11

LCDD 1-2008, f. & cert. ef. 2-13-08

LCDD 4-2000, f. & cert. ef. 3-22-00

LCDC 7-1996, f. & cert. ef. 12-31-96

LCDC 2-1992, f. & cert. ef. 4-29-92

660-021-0040 Urban Reserve Area Planning and Zoning

(1) Until included in the urban growth boundary, lands in ~~urban reserve~~URAs shall continue to be planned and zoned for rural uses in accordance with the requirements of this rule and the applicable statutes and goals, but in a manner that ensures a range of opportunities for the orderly, economic



and efficient provision of urban services when these lands are included in the urban growth boundary.

(2) Urban reserve land use regulations shall ensure that development and land divisions in exception areas and nonresource lands will not hinder the efficient transition to urban land uses and the orderly and efficient provision of urban services. These measures shall be adopted by the time the ~~urban-reserve~~URAs are designated, or in the case of those local governments with planning and zoning responsibility for lands in the vicinity of the Portland Metropolitan Area Urban Growth Boundary, by the time such local governments amend their comprehensive plan and zoning maps to implement ~~urban-reserve~~URA designations made by the Portland Metropolitan Service District. The measures may include:

(a) Prohibition on the creation of new parcels less than ten acres;

(b) Requirements for clustering as a condition of approval of new parcels;

(c) Requirements for preplatting of future lots or parcels;

(d) Requirements for written waivers of remonstrance against annexation to a provider of sewer, water or streets; and

(e) Regulation of the siting of new development on existing lots for the purpose of ensuring the potential for future urban development and public facilities.

(3) For exception areas and nonresource land in ~~urban-reserve~~URAs, land use regulations shall prohibit zone amendments allowing more intensive uses, including higher residential density, than permitted by acknowledged zoning in effect as of the date of establishment of the ~~urban-reserve~~URAs. Such regulations shall remain in effect until such time as the land is included in the urban growth boundary.

(4) Resource land that is included in ~~urban-reserve~~URAs shall continue to be planned and zoned under the requirements of applicable statewide planning goals.

(5) Urban reserve agreements consistent with applicable comprehensive plans and meeting the requirements of OAR 660-021-0050 shall be adopted for ~~urban-reserve~~URAs.

(6) Cities and counties are authorized to plan for the eventual provision of urban public facilities and services to ~~urban-reserve~~URAs. However, this division is not intended to authorize urban levels of development or services in ~~urban-reserve~~URAs prior to their inclusion in the urban growth boundary. This division is not intended to prevent any planning for, installation of, or connection to public facilities or services in ~~urban-reserve~~URAs consistent with the statewide planning goals and with acknowledged comprehensive plans and land use regulations in effect on the applicable date of this division.

(7) A local government shall not prohibit the siting of a single family dwelling on a legal parcel pursuant to ~~urban-reserve~~URA planning requirements if the single family dwelling would otherwise have been allowed under law existing prior to the designation of the parcel as part of an ~~urban-reserve~~URA.

Statutory/Other Authority: ORS 197.040

Statutes/Other Implemented: ORS 197A.245

History:

[LCDD 8-2024, minor correction filed 07/15/2024, effective 07/15/2024](#)

LCDD 7-2011, f & cert. ef. 10-20-11

LCDD 1-2008, f. & cert. ef. 2-13-08

LCDD 4-2000, f. & cert. ef. 3-22-00



LCDD 3-1997, f. & cert. ef. 8-1-97
LCDD 2-1997(Temp), f. & cert. ef. 5-21-97
LCDC 5-1994, f. & cert. ef. 4-20-94
LCDC 2-1992, f. & cert. ef. 4-29-92

660-021-0050 Urban Reserve Agreements

Urban reserve planning shall include the adoption and maintenance of urban reserve agreements among cities, counties and special districts serving or projected to serve the designated ~~urban-reserve~~URAs. These agreements shall be adopted by each applicable jurisdiction at or prior to the time of reserve designation and shall contain:

- (1) Designation of the local government responsible for building code administration and land use regulation in the ~~urban-reserve~~URAs, both at the time of reserve designation and upon inclusion of these reserves within the urban growth boundary.
- (2) Designation of the local government or special district responsible for the following services: sewer, water, fire protection, parks, transportation and storm water. The agreement shall include maps indicating areas and levels of current rural service responsibility and areas projected for future urban service responsibility when included in the urban growth boundary.
- (3) Terms and conditions under which service responsibility will be transferred or expanded for areas where the provider of the service is expected to change over time.
- (4) Procedures for notification and review of land use actions to ensure involvement by all affected local governments and special districts.

Statutory/Other Authority: ORS 197.040

Statutes/Other Implemented: ORS 197A.245

History:

LCDD 9-2024, minor correction filed 07/15/2024, effective 07/15/2024

LCDD 7-2011, f & cert. ef. 10-20-11
LCDD 1-2008, f. & cert. ef. 2-13-08
LCDD 4-2000, f. & cert. ef. 3-22-00
LCDC 2-1992, f. & cert. ef. 4-29-92

660-021-0060 Urban Growth Boundary Expansion

Rule summary: This rule describes how lands within urban reserves shall be considered for inclusion within an urban growth boundary.

Commentary: Proposed rule amendments add a new section (2) that requires cities to include at least eighty percent of land from the original acknowledged urban reserve area, or previous expansion areas of an urban reserve, before the inclusion of subsequent urban reserve areas from more recent amendments.

660-021-0060 Urban Growth Boundary Expansion

All lands within ~~urban-reserve~~URAs established pursuant to this division shall be included within an urban growth boundary before inclusion of other lands, except where an identified need for a particular type of land cannot be met by lands within an established urban reserve.



Statutory/Other Authority: ORS 197.040

Statutes/Other Implemented: ORS 197A.245

History:

[LCDD 10-2024, minor correction filed 07/15/2024, effective 07/15/2024](#)

LCDD 1-2008, f. & cert. ef. 2-13-08

LCDD 4-2000, f. & cert. ef. 3-22-00

LCDC 2-1992, f. & cert. ef. 4-29-92

660-021-0070 Adoption and Review of Urban Reserve

(1) Designation and amendment of ~~urban-reserve~~URAs shall follow the applicable procedures of ORS 197.610 through 197.650.

(2) Disputes between jurisdictions regarding ~~urban-reserve~~URA boundaries, planning and regulation, or urban reserve agreements may be mediated by the department or commission upon request by an affected local government or special district.

Statutory/Other Authority: ORS 197.040

Statutes/Other Implemented: ORS 197A.245

History:

[LCDD 11-2024, minor correction filed 07/15/2024, effective 07/15/2024](#)

LCDD 7-2011, f. & cert. ef. 10-20-11

LCDD 1-2008, f. & cert. ef. 2-13-08

LCDD 4-2000, f. & cert. ef. 3-22-00

LCDD 3-1997, f. & cert. ef. 8-1-97

LCDD 2-1997(Temp), f. & cert. ef. 5-21-97

LCDC 2-1992, f. & cert. ef. 4-29-92

660-021-0080 Applicability

The provisions of this division, and amendments to rules in this division, are effective upon filing with the Secretary of State.

Statutory/Other Authority: ORS 183 & ORS 197.040

Statutes/Other Implemented: ORS 197A.245

History:

[LCDD 12-2024, minor correction filed 07/15/2024, effective 07/15/2024](#)

LCDD 7-2011, f. & cert. ef. 10-20-11

LCDD 1-2008, f. & cert. ef. 2-13-08

LCDD 4-2000, f. & cert. ef. 3-22-00

LCDD 4-1997, f. & cert. ef. 12-23-97

LCDD 3-1997, f. & cert. ef. 8-1-97

LCDD 2-1997(Temp), f. & cert. ef. 5-21-97

LCDC 5-1994, f. & cert. ef. 4-20-94

LCDC 2-1992, f. & cert. ef. 4-29-92



Draft Amendments: Oregon Administrative Rules Chapter 660, Division 024 – Urban Growth Boundaries

Updated November 2025

About this Document

This document includes draft amendments to OAR 660-024 proposed as part of the 2025 Oregon Housing Needs Analysis Rulemaking.

Callout boxes are included directly above all sections, as well as relevant subsections where specific changes are proposed, and are for information purposes only. These boxes contain the applicable section or subsection numbers, a plain language rule summary, and commentary to provide additional context or explanation behind the proposed changes or retention of the rules. ~~Strikethrough~~ text is proposed to be deleted. Underlined text is proposed to be added.

The deadline for rule adoption is January 1, 2026. In addition, staff will develop guidance to assist cities in implementation after rules are adopted.

Table of Contents

About this Document.....	1
Draft Amendments	2
660-024-0000 Purpose and Applicability	2
660-024-0010 Definitions.....	3
660-024-0020 Adoption or Amendment of a UGB	6
660-024-0040 Land Need.....	7
660-024-0045 Regional Large Lot Industrial Land	12
660-024-0050 Land Inventory and Response to Deficiency.....	15
660-024-0060 Metro Boundary Location Alternatives Analysis	17
660-024-0065 Establishment of Study Area to Evaluate Land for Inclusion in the UGB.....	19
660-024-0067 Evaluation of Land in the Study Area for Inclusion in the UGB; Priorities.....	25
660-024-0070 UGB Adjustments	31
660-024-0075 Airport Economic Development Pilot Program	33
660-024-0080 LCDC Review Required for UGB Amendments	37



Draft Amendments

Oregon Administrative Rules Chapter 660, Division 024 – Urban Growth Boundaries

660-024-0000 Purpose

Rule summary: This rule describes the intent and purpose of OAR 660-024. The purpose of this division is to clarify the process and requirements for amending an urban growth boundary (UGB).

Commentary: No changes are proposed to this rule at this time. Statutes/Other Implemented are updated to reflect changes to statute.

660-024-0000 Purpose and Applicability

(1) The rules in this division clarify procedures and requirements of Goal 14 regarding a local government adoption or amendment of an urban growth boundary (UGB). The rules in this division do not apply to the simplified UGB process under OAR chapter 660, division 38.

(2) The rules in this division interpret Goal 14 as amended by the Land Conservation and Development Commission (LCDC or commission) on or after April 28, 2005, and are not applicable to plan amendments or land use decisions governed by previous versions of Goal 14 still in effect.

(3) The rules in this division adopted on October 5, 2006, are effective April 5, 2007. The rules in this division amended on March 20, 2008, are effective April 18, 2008. The rules in this division adopted March 13, 2009, and amendments to rules in this division adopted on that date, are effective April 16, 2009, except as follows:

(a) A local government may choose to not apply this division to a plan amendment concerning the evaluation or amendment of a UGB, regardless of the date of that amendment, if the local government initiated the evaluation or amendment of the UGB prior to April 5, 2007;

(b) For purposes of this rule, "initiated" means that the local government either:

(A) Issued the public notice specified in OAR 660-018-0020 for the proposed plan amendment concerning the evaluation or amendment of the UGB; or

(B) Received LCDC approval of a periodic review work program that includes a work task to evaluate the UGB land supply or amend the UGB;

(c) A local government choice whether to apply this division must include the entire division and may not differ with respect to individual rules in the division.

(4) The rules in this division adopted on December 4, 2015, are effective January 1, 2016, except that a local government may choose to not apply the amendments to rules in this division adopted December 4, 2015 to a plan amendment concerning the amendment of a UGB, regardless of the date of that amendment, if the local government initiated the amendment of the UGB prior to January 1, 2016.

Statutory/Other Authority: ORS 197.040 & Statewide Planning Goal 14

Statutes/Other Implemented: ORS 195.036, 197.015, 197.478, 197.610 - 197.650, 197A.015, 197A.020, 197A.200, 197A.215, 197A.278, 197A.348-197A.355, 197A.362, 197A.370 - 197A.400, 197A.425, 197A.445, 197A.465, & 197A.470~~ORS 195.036, 197.015, 197.295 - 197.314, 197.610 - 197.650 & 197.764~~



History:

LCDD 6-2015, f. 12-29-15, cert. ef. 1-1-16

LCDD 2-2009, f. 4-8-09, cert. ef. 4-16-09

LCDD 8-2006, f. 10-19-06, cert. ef. 4-5-07

660-024-0010 Definitions

Rule summary: This rule provides clear and precise meanings for key terms used throughout Division 24. The rule includes terms and phrases that may a) have a special meaning in rule, b) have a statutory definition, or c) reflect an implementation requirement.

Commentary: Added and amended definitions and explanation for changes are included below.

660-024-0010 Definitions

In this division, the definitions in the statewide goals and the following definitions apply:

660-024-0010(1) “Allocated housing need”

Section summary: This section provides a definition for “allocated housing need” which refers to the 20-year housing need allocated to a city and segmented by income level.

Commentary: Through OHNA, cities are now required to use the allocated housing need from the Department of Administrative Services (DAS) as the basis of their 20-year housing planning. Adding this definition in Division 24 is consistent with amendments made last year to Division 8 (which implements Goal 10 Housing).

(1) “Allocated housing need” has the meaning provided in ORS 197A.015(1).

660-024-0010(2) “Buildable Land”

Section summary: This section provides a definition for “Buildable Land” as used in this division and refers to the definition in Division 8 related to land that is suitable and available for needed housing.

Commentary: The changes more directly refer to the definition in Division 8, which already specifies that it applies to land for needed housing. The reference to the subsection number is also updated to reflect changes in Division 8.

(~~24~~) “Buildable Land” ~~is a term applying to residential land only, and~~ has the same meaning as provided in OAR 660-008-0005(~~72~~).



660-024-0010(3) "Density"

Section summary: This section provides a definition for "density" as used in this division which refers to the number of housing units per acre of land.

Commentary: This is an existing definition that was moved from 024-0040(8) to this section. In the previous section where this definition appeared, it only referred to Tables 1, 2, and 3, which are proposed to be deleted. Because "density" appears elsewhere in the division, this definition now applies to the division as a whole.

(3) "Density" means the number of dwelling units per net buildable acre.

(42) "EOA" means an economic opportunities analysis carried out under OAR 660-009-0015.

660-024-0010(4) "Needed housing"

Section summary: This section provides a definition for "needed housing" as used in this division which refers to housing by affordability level, type, characteristics and location that is necessary to accommodate the housing need over the 20-year planning period in effect when the city's housing capacity is determined.

Commentary: This definition is amended to reflect statutory language regarding "needed housing" as defined in ORS 197A. "Housing need analysis" also does not appear in Division 24 and therefore does not need to be defined.

(53) "~~Needed H~~ousing-need" has the meaning provided in ORS 197A as follows: or "~~housing need analysis~~" refers to a local determination as to the needed amount, types and densities of housing that will be:

(a) For local governments outside Metro, "needed housing" has the meaning provided in ORS 197A.018. Commensurate with the financial capabilities of present and future area residents of all income levels during the 20-year planning period;

(b) For Metro and local governments within Metro, "needed housing" has the meaning provided in ORS 197A.348. Consistent with any adopted regional housing standards, state statutes regarding housing need and with Goal 10 and rules interpreting that goal; and

(c) Consistent with Goal 14 requirements.

(64) "Local government" means a city or county, or a metropolitan service district described in ORS 197.015(13).

(57) "Metro boundary" means the boundary of a metropolitan service district ~~defined~~scribed in ORS 197.015(13).

**660-024-0010(7) “Neighborhood-serving commercial”**

Section summary: This section provides a definition for “neighborhood-serving commercial” as used in this division which refers to commercial development intended to serve adjacent neighborhoods. This differs from large-scale commercial development intended to serve a regional need.

Commentary: This term is used in OAR 660-024-0040 as part of a newly proposed safe harbor for cities adding a portion of land for commercial use to serve an adjacent residential area as part of a UGB expansion. This aims to increase fair housing choice by creating opportunities for future residents to live near community assets, creating a complete neighborhood.

(8) “Neighborhood-serving Commercial” refers to pedestrian-oriented, small-scale commercial development intended to serve surrounding residential areas.

(96) “Net Buildable Acre” consists of 43,560 square feet of residentially designated buildable land after excluding future rights-of-way for streets and roads.

(107) “Safe harbor” means an optional course of action that a local government may use to satisfy a requirement of Goal 14. Use of a safe harbor prescribed in this division will satisfy the requirement for which it is prescribed. A safe harbor is not the only way or necessarily the preferred way to comply with a requirement and it is not intended to interpret the requirement for any purpose other than applying a safe harbor within this division.

660-024-0010(8) “Suitable vacant and developed land”

Section summary: This section provided a definition for “suitable vacant and developed land” as used in this division only once to refer to the inventory for employment land.

Commentary: This term is used in OAR 660-024-0050(1) to specify the land that must be inventoried for employment uses. Because this is the only use of this term, we have provided in-line references to these definitions in section (1) of this rule.

(108) “Suitable vacant and developed land” describes land for employment opportunities, and has the same meaning as provided in OAR 660-009-0005 section (1) for “developed land,” section (12) for “suitable,” and section (14) for “vacant land.”

(911) “UGB” means “urban growth boundary.”

(1429) “Urban area” means the land within a UGB.

Statutory/Other Authority: ORS 197.040 & Statewide Planning Goal 14

Statutes/Other Implemented: ORS 195.036, 197.015, 197.478, 197.610 - 197.650, 197A.015, 197A.020, 197A.200, 197A.215, 197A.278, 197A.348-197A.355, 197A.362, 197A.370 – 197A.400, 197A.425, 197A.445, 197A.465, & 197A.470 ~~ORS 195.036, 197.015, 197.295 – 197.314, 197.610 – 197.650 & 197.764~~

History:

LCDD 2-2009, f. 4-8-09, cert. ef. 4-16-09

LCDD 8-2006, f. 10-19-06, cert. ef. 4-5-07

660-024-0020 Adoption or Amendment of a UGB

Rule summary: This rule describes how all the statewide goals and related administrative rules are



applicable when establishing a UGB with only a few exceptions. This rule further describes these exceptions.

Commentary: No changes are proposed to this rule at this time. Statutes/Other Implemented are updated to reflect changes to statute.

660-024-0020 Adoption or Amendment of a UGB

(1) All statewide goals and related administrative rules are applicable when establishing or amending a UGB, except as follows:

(a) The exceptions process in Goal 2 and OAR chapter 660, division 4, is not applicable unless a local government chooses to take an exception to a particular goal requirement, for example, as provided in OAR 660-004-0010(1);

(b) Goals 3 and 4 are not applicable;

(c) Goal 5 and related rules under OAR chapter 660, division 23, apply only in areas added to the UGB, except as required under OAR 660-023-0070 and 660-023-0250;

(d) The transportation planning rule requirements under OAR 660-012-0060 need not be applied to a UGB amendment if the land added to the UGB is zoned as urbanizable land, either by retaining the zoning that was assigned prior to inclusion in the boundary or by assigning interim zoning that does not allow development that would generate more vehicle trips than development allowed by the zoning assigned prior to inclusion in the boundary;

(e) Goal 15 is not applicable to land added to the UGB unless the land is within the Willamette River Greenway Boundary;

(f) Goals 16 to 18 are not applicable to land added to the UGB unless the land is within a coastal shorelands boundary;

(g) Goal 19 is not applicable to a UGB amendment.

(2) The UGB and amendments to the UGB must be shown on the city and county plan and zone maps at a scale sufficient to determine which particular lots or parcels are included in the UGB. Where a UGB does not follow lot or parcel lines, the map must provide sufficient information to determine the precise UGB location.

Statutory/Other Authority: ORS 197.040 & Statewide Planning Goal 14

Statutes/Other Implemented: ORS 195.036, 197.015, 197.478, 197.610 - 197.650, 197A.015, 197A.020, 197A.200, 197A.215, 197A.278, 197A.348-197A.355, 197A.362, 197A.370 – 197A.400, 197A.425, 197A.445, 197A.465, & 197A.470~~ORS 195.036, 197.015, 197.295 – 197.314, 197.610 – 197.650 & 197.764~~

History:

LCDD 2-2009, f. 4-8-09, cert. ef. 4-16-09

LCDD 8-2006, f. 10-19-06, cert. ef. 4-5-07

**660-024-0040 Land Need**

Rule summary: This rule includes requirements for determining land need in the urban growth boundary, which must provide for needed housing, employment, and other uses over a 20-year planning period.

Commentary: Some clarifying and conforming amendments are proposed to incorporate changes to Goal 10 housing policy through the OHNA. Additional rules related to housing needs are instead added to Division 8..

References to Division 7 (Metropolitan Housing) were also deleted because Division 7 is proposed to be repealed due to the rules either being obsolete or redundant to Division 8.

660-024-0040 Land Need

(1) The UGB must be based on the appropriate 20-year population forecast for the urban area as determined under rules in OAR chapter 660, division 32, and must provide for needed housing, employment and other urban uses such as public facilities, streets and roads, schools, parks and open space over the 20-year planning period consistent with the land need requirements of Goal 14 and this rule. The 20-year need determinations are estimates which, although based on the best available information and methodologies, should not be held to an unreasonably high level of precision. Local governments in Crook, Deschutes or Jefferson Counties may determine the need for Regional Large-Lot Industrial Land by following the provisions of OAR 660-024-0045 for areas subject to that rule.

(2) If the UGB analysis or amendment is conducted as part of a periodic review work program, the 20-year planning period must commence on the date initially scheduled for completion of the appropriate work task. If the UGB analysis or amendment is conducted as part of a sequential UGB approval, the 20-year planning period will be established in the work program issued pursuant to OAR 660-025-0185. If the UGB analysis or amendment is conducted as a post-acknowledgement plan amendment under ORS 197.610 to 197.625, the 20-year planning period must commence either:

(a) On the date initially scheduled for final adoption of the amendment specified by the local government in the initial notice of the amendment required by OAR 660-018-0020; or

(b) If more recent than the date determined in subsection (a), at the beginning of the 20-year period specified in the appropriate coordinated population forecast for the urban area as determined under rules in OAR chapter 660, division 32, unless ORS 197A.270, 197A.280, or 197A.350~~296~~ requires a different date for local governments subject to those ~~atose~~ statutes.

(3) A local government may review and amend the UGB in consideration of one category of land need (for example, needed housing ~~need~~) without a simultaneous review and amendment in consideration of other categories of land need (for example, employment need).

(4) The determination of 20-year residential land needs for an urban area must be consistent with:

(a) ~~The appropriate allocated housing need in ORS 184.45320-year coordinated population forecast for the urban area determined under rules in OAR chapter 660, division 32, and with the requirements for determining housing needs~~needed housing in Goals 10 and 14, OAR chapter 660, division ~~7 or 8~~, and applicable provisions of ORS ~~197.295 to 197.314~~197A.020, 197A.200, 197A.215, 197A.270 to 197A.325 and 197.475 to 197.490~~3~~.

(b) For Metro, the appropriate 20-year coordinated population forecast for the urban area determined



under rules in OAR chapter 660, division 32, and with the requirements for determining needed housing in Goals 10 and 14, OAR chapter 660, division 8, and applicable provisions of ORS 197A.335 to 197A.372.

(5) Except for a metropolitan service district described in ORS 197.015(13), the determination of 20-year employment land need for an urban area must comply with applicable requirements of Goal 9 and OAR chapter 660, division 9, and must include a determination of the need for a short-term supply of land for employment uses consistent with OAR 660-009-0025. Employment land need may be based on an estimate of job growth over the planning period; local government must provide a reasonable justification for the job growth estimate but Goal 14 does not require that job growth estimates necessarily be proportional to population growth. Local governments in Crook, Deschutes or Jefferson Counties may determine the need for Regional Large-Lot Industrial Land by following the provisions of OAR 660-024-0045 for areas subject to that rule.

(6) Cities and counties may jointly conduct a coordinated regional EOA for more than one city in the county or for a defined region within one or more counties, in conformance with Goal 9, OAR chapter 660, division 9, and applicable provisions of ORS 195.025. A defined region may include incorporated and unincorporated areas of one or more counties.

(7) The determination of 20-year land needs for transportation and public facilities for an urban area must comply with applicable requirements of Goals 11 and 12, rules in OAR chapter 660, divisions 11 and 12, and public facilities requirements in ORS 197.712 and 197.768. The determination of school facility needs must also comply with 195.110 and 197.296 for local governments specified in those statutes.

660-024-0040(8)

Rule summary: This rule included safe harbors for determining housing need, which are no longer applicable with changes to Goal 10 housing policy through the OHNA.

Commentary: This section is proposed to be deleted to conform with applicable changes to Goal 10 housing policy through the OHNA. All housing need and housing capacity rules are now included in division 8.

~~(8) The following safe harbors may be applied by a local government to determine housing need under this division:~~

~~(a) A local government may estimate persons per household for the 20-year planning period using the persons per household for the urban area indicated in the most current data for the urban area published by the U.S. Census Bureau.~~

~~(b) If a local government does not regulate government-assisted housing differently than other housing types, it is not required to estimate the need for government-assisted housing as a separate housing type.~~

~~(c) If a local government allows manufactured homes on individual lots as a permitted use in all residential zones that allow 10 or fewer dwelling units per net buildable acre, it is not necessary to provide an estimate of the need for manufactured dwellings on individual lots.~~

~~(d) If a local government allows manufactured dwelling parks required by ORS 197.475 to 197.490 in all areas planned and zoned for a residential density of six to 12 units per acre, a separate estimate of the need for manufactured dwelling parks is not required.~~

~~(e) A local government outside of the Metro boundary may estimate its housing vacancy rate for the~~



20-year planning period using the vacancy rate in the most current data published by the U.S. Census Bureau for that urban area that includes the local government.

~~(f) A local government outside of the Metro boundary may determine housing needs for purposes of a UGB amendment using the combined Housing Density and Housing Mix safe harbors described in this subsection and in Table 1, or in combination with the Alternative Density safe harbor described under subsection (g) of this section and in Table 2. To meet the Housing Density safe harbor in this subsection, the local government may Assume For UGB Analysis that all buildable land in the urban area, including land added to the UGB, will develop at the applicable average overall density specified in column B of Table 1. Buildable land in the UGB, including land added to the UGB, must also be Zoned to Allow at least the average overall maximum density specified as Zone To Allow in column B of Table 1. Finally, the local government must adopt zoning that ensures buildable land in the urban area, including land added to the UGB, cannot develop at an average overall density less than the applicable Required Overall Minimum density specified in column B of Table 1. To meet the Housing Mix safe harbor in this subsection, the local government must Zone to Allow the applicable percentages of low, medium and high density residential specified in column C of Table 1.~~

~~(g) When using the safe harbor in subsection (f), a local government may choose to also use the applicable Alternative Density safe harbors for Small Exception Parcels and High Value Farm Land specified in Table 2. If a local government chooses to use the Alternative Density safe harbors described in Table 2, it must:~~

~~(A) Apply the applicable Small Exception Parcel density assumption and the High Value Farm Land density assumption measures specified in the table to all buildable land that is within these categories, and~~

~~(B) Apply the Housing Density and Mix safe harbors specified in subsection (f) of this section and specified in Table 1 to all buildable land in the urban area that does not consist of Small Exception Parcels or High Value Farm Land.~~

~~(h) As an alternative to the density safe harbors in subsection (f) and, if applicable, subsection (g), of this section, a local government outside of the Metro boundary may assume that the average overall density of buildable residential land in the urban area for the 20-year planning period will increase by 25 percent over the average overall density of developed residential land in the urban area at the time the local government initiated the evaluation or amendment of the UGB. If a local government uses this Incremental Housing Density safe harbor, it must also meet the applicable Zoned to Allow density and Required Overall Minimum density requirements in Column B of Table 1 and, if applicable, Table 2, and must use the Housing Mix safe harbor in Column C of Table 1.~~

~~(i) As an alternative to the Housing Mix safe harbor required in subsection (f) of this section and in Column C of Table 1, a local government outside the Metro boundary that uses the housing density safe harbor in subsection (f), (g) or (h) of this section may estimate housing mix using the Incremental Housing Mix safe harbor described in paragraphs (A) to (C) of this subsection, as illustrated in Table 3:~~

~~(A) Determine the existing percentages of low density, medium density, and high density housing on developed land (not "buildable land") in the urban area at the time the local government initiated the evaluation or amendment of the UGB;~~

~~(B) Increase the percentage of medium density housing estimated in paragraph (A) of this subsection by 10 percent, increase the percentage of high density housing estimated in paragraph (A) of this subsection by five percent, as illustrated in Table 3, and decrease the percentage of low density single family housing by a proportionate amount so that the overall mix total is 100 percent, and~~



~~(C) Zone to Allow the resultant housing mix determined under subparagraphs (A) and (B) of this subsection.~~

~~(j) Tables 1, 2 and 3 are adopted as part of this rule, and the following definitions apply to terms used in the tables:~~

~~(A) "Assume For UGB Analysis" means the local government may assume that the UGB will develop over the 20-year planning period at the applicable overall density specified in Column B of Tables 1 and 2.~~

~~(B) "Attached housing" means housing where each unit shares a common wall, ceiling or floor with at least one other unit. "Attached housing" includes, but is not limited to, apartments, condominiums, and common-wall dwellings or row houses where each dwelling unit occupies a separate lot.~~

~~(C) "Average Overall Density" means the average density of all buildable land in the UGB, including buildable land already inside the UGB and buildable land added to the UGB, including land zoned for residential use that is presumed to be needed for schools, parks and other institutional uses.~~

~~(D) "Coordinated 20-year Population Forecast" and "20-year Population Forecast" under Column A of the Tables refers to the appropriate population forecast for the urban area determined under rules in OAR chapter 660, division 32.~~

~~(E) "Density" means the number of dwelling units per net buildable acre.~~

~~(F) "High Value Farm Land" has the same meaning as the term defined in ORS 195.300(10).~~

~~(G) "Required Overall Minimum" means a minimum allowed overall average density, or a "density floor," that must be ensured in the applicable residential zones with respect to the overall supply of buildable land for that zone in the urban area for the 20-year planning period.~~

~~(H) "Single Family Detached Housing" means a housing unit that is free standing and separate from other housing units, including mobile homes and manufactured dwellings under ORS 197.475 to 197.492.~~

~~(I) "Small Exception Parcel" means a residentially zoned parcel five acres or less with a house on it, located on land that is outside a UGB prior to a proposed UGB expansion, subject to an acknowledged exception to Goal 3 or 4 or both.~~

~~(J) "Zone To Allow" or "Zoned to Allow" means that the comprehensive plan and implementing zoning shall allow the specified housing types and densities under clear and objective standards and other requirements specified in ORS 197.307(4) and (6).~~

**660-024-0040(8)**

Section summary: This section includes safe harbors, or optional pathways, for local governments estimating employment or commercial land needs for a UGB amendment.

Commentary: The proposed changes add a safe harbor for large cities (there is an existing safe harbor for small cities) for the purpose of estimating land needs for neighborhood-serving commercial uses, as defined in OAR 660-024-0010, without needing an updated Economic Opportunities Analysis. This approach intends to increase fair housing choice by providing a clear, optional, pathway for neighborhood-serving commercial uses (defined in 024-0010) to serve nearby residents. Proposed rule amendments do not specify allowed uses, commercial location, or specific design standards to allow for flexibility and compatibility with existing local development rules. A 5 percent acreage limit is proposed to provide some sideboards to avoid over-zoning for commercial, resulting in oversized UGB expansions. Note: Local governments may continue to require discretionary reviews of commercial or employment development within a residential context to assure compatibility.

A previous iteration of draft rules revised the existing safe harbor for small cities in (b) to include larger cities and made the safe harbor specific to neighborhood-serving commercial. In response to concerns raised by the CAUTAC, this version of draft rules retains the current safe harbor for small cities and creates a new, separate safe harbor for larger cities to avoid any current allowances from being taken away from smaller cities. Language is also simplified for clarity.

Additional feedback suggested adding specificity that an updated Economic Opportunities Analysis is not needed to use the safe harbor. This feedback has been incorporated.

There was also feedback that local governments are not held to exactly a 5 percent limitation. Staff agree that local governments should not be held to an unreasonable level of precision and have softened the language to reflect this.

(89) A local government may apply ~~The following safe harbors may be applied by a local government~~ to determine its employment needs for purposes of a UGB amendment under this rule, Goal 9, OAR chapter 660, division 9, Goal 14 and, if applicable, ORS ~~497.296~~197A.350.

(a) A local government may estimate that the current number of jobs in the urban area will grow during the 20-year planning period at a rate equal to either:

(A) The county or regional job growth rate provided in the most recent forecast published by the Oregon Employment Department; or

(B) The population growth rate for the urban area in the appropriate 20-year coordinated population forecast determined under rules in OAR chapter 660, division 32.

(b) A local government with a population of 10,000 or less may assume that retail and service commercial land needs will grow in direct proportion to the forecasted urban area population growth over the 20-year planning period. This safe harbor may not be used to determine employment land needs for sectors other than retail and service commercial. A local government does not need an updated EOA to use this safe harbor.

(c) A local government with a population greater than 10,000 may estimate that the 20-year land needs for neighborhood-serving commercial will require an additional amount of land no more than five percent of the net buildable acres added to the UGB to address a residential land need consistent with section (4) of this rule. This safe harbor may not be used to determine employment land needs for uses other than neighborhood-serving commercial. A local government does not need an updated

EOA to use this safe harbor.

(940) As a safe harbor during periodic review or other legislative review of the UGB, a local government may estimate that the 20-year land needs for streets and roads, parks and school facilities will together require an additional amount of land equal to 25 percent of the net buildable acres determined for residential land needs under section (4) of this rule, and in conformance with the definition of “Net Buildable Acre” as defined in OAR 660-024-0010(96).

Statutory/Other Authority: ORS 197.040, Statewide Planning Goal 14 & ORS 195.033(10)

Statutes/Other Implemented: ORS 195.033, ORS 195.036, ORS 197.015, ORS 197.478, ORS 197.610 - 197.650, 197A.015, 197A.020, 197A.200, 197A.215, 197A.278, 197A.348-197A.355, 197A.362, 197A.370 – 197A.400, 197A.425, 197A.445, 197A.465, 197A.470, & OL 2013 Ch. 574 Sec. 3
~~ORS 195.036, ORS 197.015, ORS 197.295 – 197.314, ORS 197.610 – 197.650, ORS 197.764, ORS 195.033, ORS 195.036 & OL 2013 Ch. 574 Sec. 3~~

History:

LCDD 2-2019, amend filed 01/28/2019, effective 02/01/2019

LCDD 1-2015, f. & cert. ef. 3-25-15

LCDD 9-2012, f. 11-26-12, cert. ef. 12-10-12

LCDD 2-2009, f. 4-8-09, cert. ef. 4-16-09

LCDD 8-2006, f. 10-19-06, cert. ef. 4-5-07

660-024-0045 Regional Large Lot Industrial Land

Rule summary: This rule includes provisions for determining large lot industrial land needs for participating local governments

Commentary: : No changes are proposed to this rule at this time. Changes are made under “Statutes/Other Implemented” to reflect updates to statute.

660-024-0045 Regional Large Lot Industrial Land

(1) Local governments in Crook, Deschutes or Jefferson Counties may determine a need for large lot industrial land in the region and provide sites to meet that need in accordance with this rule.

(2) In addition to the definitions in OAR 660-024-0010, the following definitions apply to this rule:

(a) “Analysis” means the document that determines the regional large lot industrial land need within Crook, Deschutes, or Jefferson County that is not met by the participating local governments’ comprehensive plans at the time the analysis is adopted. The analysis shall also identify necessary site characteristics of needed land.

(b) “COIC” means the Central Oregon Intergovernmental Council.

(c) “Intergovernmental Agreement (IGA)” means the document adopted by the three counties and any participating city to implement the provisions of the analysis.

(d) “Participating city” means a city within Crook, Deschutes, or Jefferson County that has adopted the analysis and entered into the intergovernmental agreement to implement the provisions of the analysis.

(e) “Participating local government” means Crook, Deschutes, and Jefferson Counties, and participating cities.



(f) "Regional large lot industrial land need" means the need for a specific type of 20-year employment land need, as described in OAR 660-024-0040(1) and (5), that is determined based upon the analysis.

(g) "Site" means land in the region that:

(A) Provides the site characteristics necessary for traded sector uses as set forth in the analysis;

(B) Is 50 acres or larger as provided in section (3) of this rule; and

(C) Is determined to be "available," as that term is defined in OAR 660-009-0025(7), for regional large-lot industrial users and for purposes identified by the analysis.

(h) "Site characteristics" has the meaning given that term in OAR 660-009-0005(1).

(i) "Traded Sector use" has the meaning given that term in ORS 285B.280.

(3) For purposes of subsection (2)(g) of this rule, a large lot is at least 50 acres if it is:

(a) A single lot, parcel that is at least 50 acres,

(b) An aggregation of existing lots or parcels under the same ownership that comprises at least 50 acres, or

(c) An aggregation of existing lots or parcels not in the same ownership created and maintained as a unit of land comprising at least 50 acres through a binding agreement among the owners.

(4) Participating local governments may adopt the analysis and implement its provisions. The analysis may demonstrate a need for six vacant, suitable and available sites in the region, and up to three additional sites that may be designated in order to replace one of the original six sites that is developed or committed to development as provided in section (12) of this rule. The original six sites must include two sites of at least 100 acres and not more than 200 acres, and one site more than 200 acres.

(5) If a participating city adopts the analysis, it is deemed to provide an adequate factual basis for the determination of regional large lot industrial land need for that city provided:

(a) The city and other participating local governments have entered into an intergovernmental agreement with the COIC, and

(b) The analysis is adopted by Crook, Deschutes and Jefferson Counties.

(6) Participating cities may adopt the analysis and enter into the intergovernmental agreement without amending the Economic Opportunities Analysis adopted by the city prior to the adoption of the analysis.

(7) The intergovernmental agreement shall describe the process by which the COIC shall coordinate with participating local governments in:

(a) The determination of a qualifying site that a participating city may designate in order to satisfy the regional large lot industrial land need; and

(b) The allocation of the qualifying sites among the participating cities in accordance with section (4) of this rule.

(8) A participating city may amend its comprehensive plan and land use regulations, including urban growth boundaries (UGB), in order to designate a site in accordance with the requirements of this



rule, other applicable laws and the intergovernmental agreement, as follows:

- (a) A participating city must show whether a suitable and available site is located within its existing UGB. If a participating city determines that a suitable site already exists within the city's urban growth boundary, that site must be designated to meet the regional industrial land need. Cities shall not be required to evaluate lands within their UGB designated to meet local industrial land needs.
- (b) If a site is not designated per subsection(a), then a participating city may evaluate land outside the UGB to determine if any suitable sites exist. If candidate sites are found, the city may amend its UGB in accordance with Goal 14, other applicable laws and the intergovernmental agreement.
- (9) A participating city that designates a site shall apply a regional large-lot industrial zone or overlay zone to the site in order to protect and maintain the site for regional large lot purposes. The zone or overlay zone must:
 - (a) Include development agreements and other provisions that prevent redesignation of the site for other uses for at least 10 years from the time the site is added to the city's comprehensive plan to meet regional large lot industrial land needs;
 - (b) Prohibit division or separation of lots or parcels within the site to new lots or parcels less than the minimum size of the site need until the site is developed with a primary traded sector use requiring a large lot; and
 - (c) Limit allowed uses on the site to the traded sector uses, except as provided in section (10) of this rule.
- (10) The zone or overlay zone established under section (9) may allow:
 - (a) Subordinate industrial uses that rely upon and support the primary traded sector use when a site is occupied by a primary traded sector use; and
 - (b) Non-industrial uses serving primarily the needs of employees of industrial uses developed on the site provided the zone includes measures that limit the type, size and location of new buildings so as to ensure such non-industrial uses are intended primarily for the needs of such employees;
- (11) If a participating city adds a site to its plan pursuant to this rule, it must consider the site in any subsequent urban growth boundary evaluation conducted to determine local industrial land needs and the adequacy of land available to meet local industrial land needs.
- (12) A site may be considered developed or committed to industrial development if a large-lot traded sector user demonstrates a commitment to develop the site by obtaining land use approvals such as site plan review or conditional use permits, and
 - (a) Obtaining building permits; or
 - (b) Providing other evidence that demonstrates at least an equivalent commitment to industrial development of the site as is demonstrated by a building permit.
- (13) The participating local governments shall review the analysis after the regional supply of six sites has either been replenished by three additional sites or after ten years, whichever comes first.

Statutory/Other Authority: ORS 197.040 & Statewide Planning Goal 14

Statutes/Other Implemented: ORS 195.036, 197.015, 197.478, 197.610 - 197.650, 197A.015, 197A.020, 197A.200, 197A.215, 197A.278, 197A.348-197A.355, 197A.362, 197A.370 – 197A.400, 197A.425, 197A.445, 197A.465, & 197A.470~~ORS 195.036, 197.015, 197.295 – 197.314, 197.610 – 197.650 & 197.764~~



History:

LCDD 9-2012, f. 11-26-12, cert. ef. 12-10-12

660-024-0050 Land Inventory and Response to Deficiency

Rule summary: This rule includes the requirements for responding to a land deficiency of employment and/or residential land. This rule also includes safe harbors local governments may use to inventory and evaluate land.

Commentary: Some clarifying and conforming amendments are proposed. Additionally, some language related to inventorying buildable land has been moved to Division 8 so that all Housing Capacity Analysis rules are in the same place.

660-024-0050 Land Inventory and Response to Deficiency

(1) When evaluating or amending a UGB, a local government must inventory land inside the UGB to determine whether there is adequate development capacity to accommodate 20-year needs determined in OAR 660-024-0040. For residential land, the buildable land inventory must include vacant, partially vacant, and redevelopable land, and be conducted in accordance with OAR ~~660-007-0045 or 660-008-00400100, whichever is applicable~~, and ORS 197A.27096 or 197A.350 for local governments subject to those statutes. For employment land, the inventory must include: suitable land, vacant land and developed land, as defined in OAR 660-009-0005, designated for industrial or other employment use, and must be conducted in accordance with OAR 660-009-0015.

660-024-0050(2)

Section summary: This section provides safe harbors for cities with a population of 25,000 and under outside of a metropolitan service district when estimating the infill potential of partially vacant land for the purposes of the buildable land inventory.

Commentary: This section is proposed to be moved to OAR 660-008-0100 where it better aligns with the HCA rules structure in -0100. In addition, proposed rule amendments for OAR 660-008-0100(5) include a similar safe harbor for inventorying partially vacant land specific to cities with a population over 25,000.

~~(2) As safe harbors, a local government, except a city with a population over 25,000 or a metropolitan service district described in ORS 197.015(13), may use the following assumptions to inventory the capacity of buildable lands to accommodate housing needs:~~

~~(a) The infill potential of developed residential lots or parcels of one-half acre or more may be determined by subtracting one-quarter acre (10,890 square feet) for the existing dwelling and assuming that the remainder is buildable land;~~

~~(b) Existing lots of less than one-half acre that are currently occupied by a residence may be assumed to be fully developed.~~

~~(23)~~ As safe harbors when inventorying land to accommodate industrial and other employment needs, a local government may assume that a lot or parcel is vacant if it is:

(a) Equal to or larger than one-half acre, if the lot or parcel does not contain a permanent building; or



(b) Equal to or larger than five acres, if less than one-half acre of the lot or parcel is occupied by a permanent building.

(34) If the inventory demonstrates that the development capacity of land inside the UGB is inadequate to accommodate the estimated 20-year needs determined under OAR 660-024-0040, the local government must amend the plan to satisfy the need deficiency, either by increasing the development capacity of land already inside the city or by expanding the UGB, or both, and in accordance with ORS 197A.27096 and 197A.350 where applicable and OAR 660-008-0150. Prior to expanding the UGB, a local government must demonstrate that the estimated needs cannot reasonably be accommodated on land already inside the UGB. If the local government determines there is a need to expand the UGB, changes to the UGB must be determined by evaluating alternative boundary locations consistent with Goal 14 and applicable rules at OAR 660-024-0060 or 660-024-0065 and 660-024-0067.

(45) In evaluating an amendment of a UGB submitted under ORS 197.626, the director or the commission may determine that a difference between the estimated 20-year needs determined under OAR 660-024-0040 and the amount of land and development capacity added to the UGB by the submitted amendment is unlikely to significantly affect land supply or resource land protection, and as a result, may determine that the proposed amendment complies with section (34) of this rule.

(56) When land is added to the UGB, the local government must assign appropriate urban comprehensive plan map designations to the added land, consistent with the need determination and the requirements of section (6) and (7) of this rule, if applicable. The local government must also apply appropriate zoning to the added land consistent with the plan designation or may maintain the land as urbanizable land until the land is rezoned for the planned urban uses, either by retaining the zoning that was assigned prior to inclusion in the boundary or by applying other interim zoning that maintains the land's potential for planned urban development. The requirements of ORS ~~197.296~~ 197A.350 regarding planning and zoning also apply when local governments specified in that statute add land to the UGB.

(67) Lands included within a UGB pursuant to OAR 660-024-0065(23) to provide for a particular industrial use, or a particular public facility, must be planned and zoned for the intended use and must remain planned and zoned for that use unless the city removes the land from the UGB.

660-024-0050(7)

Section summary: This section includes requirements for zoning land for residential use.

Commentary: This section is added to more clearly connect Division 24 to Division 8 rules related to the needed housing type mix that would be determined in OAR 660-008 to ensure cities plan for a variety of housing (as opposed to a single type), increasing fair housing choice. For cities subject to OHNA, the type mix would be determined in the Contextualized Housing Need.

(7) Lands included within a UGB to provide for a residential use must be planned and designated on the comprehensive plan map for a variety of housing types and densities determined necessary to comply with OAR chapter 660, division 8.

(8) As a safe harbor regarding requirements concerning "efficiency," a local government that chooses to use the ~~land use efficiency~~ density and mix safe harbors in OAR 660-0~~824-0150~~40(18)(b) is deemed to have met the Goal 14 efficiency requirements under:

(a) Sections (1) and (34) of this rule regarding evaluation of the development capacity of residential



land inside the UGB to accommodate the estimated 20-year needs; and

(b) Goal 14 regarding a demonstration that residential needs cannot be reasonably accommodated on residential land already inside the UGB, but not with respect to:

(A) A demonstration that residential needs cannot be reasonably accommodated by rezoning non-residential land, and

(B) Compliance with Goal 14 Boundary Location factors.

Statutory/Other Authority: ORS 197.040, 197.235, 197A.305, 197A.285 & Statewide Planning Goal 14
~~ORS 197.040, 197A.305, 197A.320 & 197.235 & Statewide Planning Goal 14~~

Statutes/Other Implemented: ORS 195.036, 197.015, 197.478, 197.610 – 197.650, 197A.015, 197A.020, 197A.200, 197A.215, 197A.278, 197A.300 - 197A.325, 197A.348-197A.355, 197A.362, 197A.370 – 197A.400, 197A.425, 197A.445, 197A.465, 197A.470
~~ORS 195.036, 197.015, 197.295 – 197.314, 197.610 – 197.650, 197.764 & 197A.300 – 197A.325~~

History:

LCDD 6-2015, f. 12-29-15, cert. ef. 1-1-16

LCDD 2-2009, f. 4-8-09, cert. ef. 4-16-09

LCDD 8-2006, f. 10-19-06, cert. ef. 4-5-07

660-024-0060 Metro Boundary Location Alternatives Analysis

Rule summary: This rule provides criteria for evaluating and prioritizing land in a study area for inclusion in Metro's UGB.

Commentary: References are updated to conform with changes to statute.

660-024-0060 Metro Boundary Location Alternatives Analysis

(1) When considering a Metro UGB amendment, Metro must determine which land to add by evaluating alternative urban growth boundary locations. For Metro, this determination must be consistent with the priority of land specified in ORS ~~197.298~~197A.355 and the boundary location factors of Goal 14, as follows:

(a) Beginning with the highest priority of land available, Metro must determine which land in that priority is suitable to accommodate the need deficiency determined under OAR 660-024-0050.

(b) If the amount of suitable land in the first priority category exceeds the amount necessary to satisfy the need deficiency, Metro must apply the location factors of Goal 14 to choose which land in that priority to include in the Metro UGB.

(c) If the amount of suitable land in the first priority category is not adequate to satisfy the identified need deficiency, Metro must determine which land in the next priority is suitable to accommodate the remaining need, and proceed using the same method specified in subsections (a) and (b) of this section until the land need is accommodated.

(d) Notwithstanding subsection (a) to (c) of this section, Metro may consider land of lower priority as specified in ORS 197A.355~~197.298~~(3).

(e) For purposes of this section, the determination of suitable land to accommodate land needs must include consideration of any suitability characteristics specified under section (5) of this rule, as well as other provisions of law applicable in determining whether land is buildable or suitable.



(2) Notwithstanding OAR 660-024-0050(4) and subsection (1)(c) of this rule, except during a legislative review of the Metro UGB, Metro may approve an application under ORS 197.610 to 197.625 for a Metro UGB amendment proposing to add an amount of land less than necessary to satisfy the land need deficiency determined under OAR 660-024-0050(4), provided the amendment complies with all other applicable requirements.

(3) The boundary location factors of Goal 14 are not independent criteria. When the factors are applied to compare alternative boundary locations and to determine the Metro UGB location, Metro must show that all the factors were considered and balanced.

(4) In determining alternative land for evaluation under ORS ~~197A.355~~~~197.298~~, "land adjacent to the UGB" is not limited to those lots or parcels that abut the UGB, but also includes land in the vicinity of the UGB that has a reasonable potential to satisfy the identified need deficiency.

(5) If Metro has specified characteristics such as parcel size, topography, or proximity that are necessary for land to be suitable for an identified need, Metro may limit its consideration to land that has the specified characteristics when it conducts the boundary location alternatives analysis and applies ORS ~~197.298~~~~197A.355~~.

(6) The adopted findings for a Metro UGB adoption or amendment must describe or map all of the alternative areas evaluated in the boundary location alternatives analysis. If the analysis involves more than one parcel or area within a particular priority category in ORS ~~197.298~~~~197A.355~~ for which circumstances are the same, these parcels or areas may be considered and evaluated as a single group.

(7) For purposes of Goal 14 Boundary Location Factor 2, "public facilities and services" means water, sanitary sewer, storm water management, and transportation facilities.

(8) The Goal 14 boundary location determination requires evaluation and comparison of the relative costs, advantages and disadvantages of alternative Metro UGB expansion areas with respect to the provision of public facilities and services needed to urbanize alternative boundary locations. This evaluation and comparison must be conducted in coordination with service providers, including the Oregon Department of Transportation (ODOT) with regard to impacts on the state transportation system. "Coordination" includes timely notice to service providers and the consideration of evaluation methodologies recommended by service providers. The evaluation and comparison must include:

(a) The impacts to existing water, sanitary sewer, storm water and transportation facilities that serve nearby areas already inside the Metro UGB;

(b) The capacity of existing public facilities and services to serve areas already inside the UGB as well as areas proposed for addition to the Metro UGB; and

(c) The need for new transportation facilities, such as highways and other roadways, interchanges, arterials and collectors, additional travel lanes, other major improvements on existing roadways and, for urban areas of 25,000 or more, the provision of public transit service.

Statutory/Other Authority: ORS 197.040, 197A.305, 197A.320 & 197.235 & Statewide Planning Goal 14

Statutes/Other Implemented: ~~ORS 195.036, 197.015, 197.478, 197.610 – 197.650, 197A.015, 197A.020, 197A.200, 197A.215, 197A.278, 197A.300 - 197A.325, 197A.348-197A.355, 197A.362, 197A.370 – 197A.400, 197A.425, 197A.445, 197A.465, 197A.470~~~~ORS 195.036, 197.015, 197.295 – 197.314, 197.610 – 197.650, 197.764 & 197A.300 – 197A.325~~

History:

LCDD 6-2015, f. 12-29-15, cert. ef. 1-1-16



LCDD 2-2009, f. 4-8-09, cert. ef. 4-16-09
LCDD 8-2006, f. 10-19-06, cert. ef. 4-5-07

660-024-0065 Establishment of Study Area to Evaluate Land for Inclusion in the UGB

Rule summary: This rule describes the process for studying land for potential inclusion in the UGB as it applies to cities outside Metro. This includes how a city identifies a study area and the process for determining whether or not land is suitable to be included within the study area based on factors such as natural resources, hazard risk, and constraints to serving the area with public facilities.

Commentary: Some changes are proposed relating to excluding land from the study area that is environmentally constrained and/or impracticable to provide necessary public facilities or services.

In addition, proposed amendments allow for the study area to be entirely within a city's urban reserve area, provided the requirements of section (6) are met.

Lastly, proposed amendments add notification to Tribal Governments as a required step in the evaluation of land for inclusion in the UGB study area.

Detailed commentary for these draft changes is included above applicable sections or sub-sections.

660-024-0065 Establishment of Study Area to Evaluate Land for Inclusion in the UGB

(1) When considering a UGB amendment to accommodate a need deficit identified in OAR 660-024-0050(34), a city outside of Metro must determine which land to add to the UGB by evaluating alternative locations within a "study area" established pursuant to this rule. To establish the study area, the city must first identify a "preliminary study area" which shall not include land within a different UGB or the corporate limits of a city within a different UGB. The preliminary study area shall include:

(a) All lands in the city's acknowledged urban reserve, if any. If all land in the city's acknowledged urban reserve area, or a subsection thereof, meet the requirements of section (6) of this rule, then no other land specified under subsections (b)-(d) is needed in the preliminary study area;

(b) All lands that are within the following distance from the acknowledged UGB:

(A) For cities with a UGB population less than 10,000: one-half mile;

(B) For cities with a UGB population equal to or greater than 10,000: one mile;

(c) All exception areas contiguous to an exception area that includes land within the distance specified in subsection (b) and that are within the following distance from the acknowledged UGB:

(A) For cities with a UGB population less than 10,000: one mile;

(B) For cities with a UGB population equal to or greater than 10,000: one and one-half miles;

(d) At the discretion of the city, the preliminary study area may include land that is beyond the distance specified in subsections (b) and (c).

~~(2) A city that initiated the evaluation or amendment of its UGB prior to January 1, 2016, may choose to identify a preliminary study area applying the standard in this section rather than section (1). For such cities, the preliminary study area shall consist of:~~



~~(a) All land adjacent to the acknowledged UGB, including all land in the vicinity of the UGB that has a reasonable potential to satisfy the identified need deficiency, and~~

~~(b) All land in the city's acknowledged urban reserve established under OAR chapter 660, division 21, if applicable.~~

(23) When the primary purpose for expansion of the UGB is to accommodate a particular industrial use that requires specific site characteristics, or to accommodate a public facility that requires specific site characteristics, and the site characteristics may be found in only a small number of locations, the preliminary study area may be limited to those locations within the distance described in section (1) ~~or (2), whichever is appropriate,~~ that have or could be improved to provide the required site characteristics. For purposes of this section:

(a) The definition of "site characteristics" in OAR 660-009-0005(11) applies for purposes of identifying a particular industrial use.

(b) A "public facility" may include a facility necessary for public sewer, water, storm water, transportation, parks, schools, or fire protection. Site characteristics may include but are not limited to size, topography and proximity.

660-024-0065(3)(b)

Sub-section summary: This sub-section includes the list of constraints that may be considered with excluding land from the preliminary study area; in particular, land subject to significant hazard risk such as landslides, flooding, and tsunamis.

Commentary: Proposed changes add that local governments may exclude land subject to other hazards, provided they are identified in an adopted comprehensive plan or development code and the hazard presents a significant risk to life or property.

Based on discussions with subject matter experts, additional research, and the charge to increase clarity and certainty, staff are proposing to not list additional hazards in rule beyond the existing hazards (landslide, flooding, tsunami), and instead propose that local governments wanting to exclude land subject to additional hazards in the UGB study area rely on their comprehensive plan or development code to make that determination. This approach aims to provide flexibility for local governments while maintaining legal certainty for local governments that do not consider additional hazards without requiring additional analysis.

Additionally, for especially constrained cities, excluding all potentially hazardous land may not be feasible. Further research and discussion show that for some hazards, it may not be necessary to fully exclude from the preliminary study area if there are mitigation measures a jurisdiction can adopt to minimize risk, such as buffering or other development standards.

Anticipated guidance will include recommendations for datasets to best estimate hazards and direct local governments to resources for resiliency planning and to mitigate risks associated with various hazards. For example, because the statewide wildfire map was repealed, guidance will suggest local governments update their comprehensive plan to include a wildfire map and adopt measures for housing development standards (such as home hardening and defensible space) to help protect against wildfire. If a local government has these measures in place, it may be recommended that the land still be considered suitable for development and therefore, not excluded.

(34) The city may exclude land ,including whole tax lots or parcels, from the preliminary study area if it



determines that:

(a) Based on the standards in section (7) of this rule, it is impracticable to provide necessary public facilities or services to the land;

(b) The land is subject to significant development hazards, due to a risk of:

(A) Landslides: The land consists of a landslide deposit or scarp flank ~~that is described and mapped on the Statewide Landslide Information Database for Oregon (SLIDO) Release 3.2 Geodatabase published by the Oregon Department of Geology and Mineral Industries (DOGAMI) December 2014, provided that the deposit or scarp flank in the data source is mapped at a scale of 1:40,000 or finer.~~ If the owner of a lot or parcel provides the city with a site-specific analysis by a certified engineering geologist demonstrating that development of the property would not be subject to significant landslide risk, the city may not exclude the lot or parcel under this paragraph;

(B) Flooding, including inundation during storm surges: the land is within the Special Flood Hazard Area (SFHA) identified on the applicable Flood Insurance Rate Map (FIRM);

(C) Tsunamis: the land is within a tsunami inundation zone established pursuant to ORS 455.446;

(D) Other hazards identified in an acknowledged comprehensive plan or development code that the local government determines as presenting a significant risk to life or property including those that would be identified if the land was already within the city's jurisdiction.

660-024-0065(3)(c)

Sub-section summary: This sub-section includes the list of resource constraints that may be considered with excluding land from the preliminary study area; in particular, significant habitat areas.

Commentary: The proposed amendment in (A) adds that a local government may use information mapped in a regional inventory if available. Additionally, consistent with the proposed amendment, (H) adds that lands may be excluded if identified by a Tribal government as containing important resources.

In addition to this rule, the allowance in 024-0067(5) provides a pathway to reduce development capacity for areas that may be protected by Goal 5, providing an additional layer of potential protection to natural resources beyond this step in 024-0065. The ESEE analysis, done as part of weighing of boundary location factors in comparing sub-areas in 0067, is another avenue for considering these factors. Once inside a local government's UGB, the Buildable Land Inventory also considers the suitability of land for needed housing and allows removal or discounting capacity of land subject to Goal 5. Local plans or development codes may have additional protections for significant natural resource areas and wildlife corridors, such as buffers or design standards for lighting and fencing.

Anticipated guidance will include recommendations for datasets for wildlife habitat along with information about the scale, scope, and appropriate data evaluation methodologies.

(c) The land consists of a significant scenic, natural, cultural or recreational resource described in this subsection:

(A) Land that is designated in an acknowledged comprehensive plan prior to initiation of the UGB amendment, or that is mapped on a published regional, state or federal inventory at a scale sufficient to determine its location for purposes of this rule, as:



- (i) Critical or essential habitat for a species listed by a state or federal agency as threatened or endangered;
- (ii) Core habitat for Greater Sage Grouse; or
- (iii) Big game migration corridors or winter range, except where located on lands designated as urban reserves or exception areas;
- (B) Federal Wild and Scenic Rivers and State Scenic Waterways, including Related Adjacent Lands described by ORS 390.805, as mapped by the applicable state or federal agency responsible for the scenic program;
- (C) Designated Natural Areas on the Oregon State Register of Natural Heritage Resources;
- (D) Wellhead protection areas described under OAR 660-023-0140 and delineated on a local comprehensive plan;
- (E) Aquatic areas subject to Statewide Planning Goal 16 that are in a Natural or Conservation management unit designated in an acknowledged comprehensive plan;
- (F) Lands subject to acknowledged comprehensive plan or land use regulations that implement Statewide Planning Goal 17, Coastal Shoreland, Use Requirement 1;
- (G) Lands subject to acknowledged comprehensive plan or land use regulations that implement Statewide Planning Goal 18, Implementation Requirement 2;
- (H) Lands identified by a Tribal government as not compatible with urbanization because they consist of important scenic, natural, or cultural resources.
- (d) The land is owned by the federal government and managed primarily for rural uses.

**660-024-0065(4)**

Section summary: This section adds notification, including invitation for coordination and consultation, to Tribal governments as a required step during the UGB study area analysis.

Commentary: Under the current Goal 5 Cultural Areas rules adopted by DLCD's Land Conservation and Development Commission in 2024, Tribal governments who are interested in notification of UGB amendments will receive these notices prior to the initial hearing of a proposed UGB amendment. DLCD and the Legislative Commission on Indian Services (LCIS) will consult with each of the nine federally recognized Tribal governments in Oregon regarding the geographic areas for which each Tribal government would like to be engaged. The list from LCIS will be available after Jan 1, 2027. In the meantime, local governments can still contact LCIS for guidance.

Earlier this year, DLCD sent letters to all nine Federally Recognized Tribes for consultation and coordination on the draft rules specific to how and when cities should consult with Tribes in the UGB amendment process. At this time, 6 Federally Recognized Tribes have responded that Tribal governments would like earlier formal involvement in the Goal 14 process and should be notified at the UGB study area phase. This notification is in addition to, not in place of, the notification of a proposed amendment. Earlier coordination could lead to avoiding, minimizing or mitigating impacts to key cultural and natural resources before the point of UGB expansion. Among many other potential benefits, early coordination and consultation may also result in aligning the growth strategies of the local government with the needs, interests, strategic plans, and sovereign rights of federally recognized Tribal governments.

(4) As part of the process of evaluating land for inclusion in the study area, a local government must notify Tribal governments of the establishment of a preliminary study area as provided:

(a) Notice must be sent to Tribal governments with an ancestral connection to land within the study area and jurisdiction of the local government. The local government must obtain a list from the Oregon Legislative Commission on Indian Services of Tribal governments that have such a connection.

(b) Notice to Tribal governments as identified in (a) must include:

(A) A map of the preliminary study area; and

(B) Information on how and when to provide input, including invitation for government-to-government consultation and staff coordination regarding potential conflicts or opportunities between future urbanization of land within the preliminary study area and cultural or natural resources, Tribal government strategic plans, or other Tribal government interests.

(c) A local government must allow a period of no less than 35 calendar days after the notice was sent for Tribal governments to respond and opt in to consultation and coordination.

(d) A local government that receives input from a Tribal government must explain how input was incorporated. If input from a Tribal government was not incorporated, the local government must provide a rationale explaining why.

(5) After excluding land from the preliminary study area under section (34), the city must adjust the area, if necessary, so that it includes an amount of land that is at least twice the amount of land needed for the deficiency determined under OAR 660-024-0050(34) or, if applicable, twice the particular land need described in section (23). Such adjustment shall be made by expanding the distance specified under ~~the applicable~~ section (1) ~~or (2)~~ and applying section (34) to the expanded area.



(6) For purposes of evaluating the priority of land under OAR 660-024-0067, the “study area” shall consist of all land that remains in the preliminary study area described in section (1) ~~or~~; (2) ~~or (3)~~ of this rule after adjustments to the area based on sections (34) and (5), provided that when a purpose of the UGB expansion is to accommodate a public park need, the city must also consider whether land excluded under subsection (34)(a) through (c) of this rule can reasonably accommodate the park use.

660-024-0065(7)

Section summary: This section includes impediments that a local government may consider when determining whether land is impracticable to serve with public facilities or other services. If land is determined to be impracticable to serve, it may be excluded from the preliminary study area.

Commentary: Proposed text amendments focus on providing rule refinement to local governments seeking to minimize the amount of land in the UGB Study Area (and therefore prevent areas from being included in the UGB) that is impracticable to serve. Guidance will hope to include examples of successful efforts to meet the impracticability threshold, potentially stratified by different size cities and/or various scales of expansion proposal.

(7) For purposes of subsection (34)(a), the city may consider it impracticable to provide necessary public facilities or services to the following lands:

(a) Contiguous areas of at least five acres where 75 percent or more of the land has a slope of 25 percent or greater, provided that contiguous areas 20 acres or more that are less than 25 percent slope may not be excluded under this subsection. Slope shall be measured as the increase in elevation divided by the horizontal distance at maximum ten-foot contour intervals;

(b) Land that is isolated from existing service networks by physical, topographic, or other impediments to service provision such that it is impracticable to provide necessary facilities or services to the land within the planning period. Impracticability shall be determined by the relative complexity and challenge required to serve an area with public facilities. The city’s determination shall be based on an evaluation of:

(A) The likely amount of development that could occur on the land within the planning period;

(B) The ~~likely~~ relative cost of facilities and services to provide a feasibility comparison; and,

(C) Any substantial evidence collected by or presented to the city regarding how similarly situated land in the region has, or has not, developed over time.

(c) As used in this section, “impediments to service provision” may include but are not limited to:

(A) Major rivers or other water bodies that would require new bridge crossings to serve planned urban development;

(B) Topographic features such as canyons or ridges with slopes exceeding 40 percent and vertical relief of greater than 80 feet;

(C) Freeways, rail lines, or other restricted access corridors that would require new grade separated crossings to serve planned urban development;

(D) Significant scenic, natural, cultural or recreational resources on an acknowledged plan inventory and subject to protection measures under the plan or implementing regulations, ~~or~~ on a published



regional, state or federal inventory, or identified by a Tribal government, consistent with OAR 660-024-0065(3)(c), that would prohibit or substantially impede the placement or construction of necessary public facilities and services.

(d) As a safe harbor, a city may determine land impracticable to serve when the cost-per-unit calculation exceeds four times the median cost-per-unit of all sub-areas.

(8) Land may not be excluded from the preliminary study area based on a finding of impracticability that is primarily a result of existing development patterns. However, a city may forecast development capacity for such land as provided in OAR 660-024-0067(1)(d).

(9) Notwithstanding OAR 660-024-0050(34) and section (1) of this rule, except during periodic review or other legislative review of the UGB, the city may approve an application under ORS 197.610 to 197.625 for a UGB amendment, when paired with land use efficiency measures, to add an amount of land less than necessary to satisfy the land need deficiency determined under OAR 660-024-0050(34), provided the amendment complies with all other applicable requirements.

Statutory/Other Authority: ORS 197.040, 197A.305, 197A.320 & 197.235 & Statewide Planning Goal 14

Statutes/Other Implemented: ORS 195.036, 197.015, 197.478, 295 — 197.314, 197.610 – 197.650, 197.764 & 197A.015, 197A.020, 197A.200, 197A.215, 197A.278, 197A.300 - 197A.325, 197A.348-197A.355, 197A.362, 197A.370 – 197A.400, 197A.425, 197A.445, 197A.465, 197A.470

History:

LCDD 6-2015, f. 12-29-15, cert. ef. 1-1-16

660-024-0067 Evaluation of Land in the Study Area for Inclusion in the UGB; Priorities

Rule summary: This rule provides criteria for evaluating and prioritizing land in a study area for inclusion in the UGB.

Commentary: Some changes are proposed related to how local governments can assume the capacity of parcelized land and evaluate alternative locations for inclusion. Detailed commentary for these draft changes is included above applicable sections.

660-024-0067 Evaluation of Land in the Study Area for Inclusion in the UGB; Priorities

(1) A city considering a UGB amendment must decide which land to add to the UGB by evaluating all land in the study area determined under OAR 660-024-0065, as follows:

(a) Beginning with the highest priority category of land described in section (2), the city must apply section (5) to determine which land in that priority category is suitable to satisfy the need deficiency determined under OAR 660-024-0050 and select for inclusion in the UGB as much of the land as necessary to satisfy the need.

(b) If the amount of suitable land in the first priority category is not sufficient to satisfy all the identified need deficiency, the city must apply section (5) to determine which land in the next priority is suitable and select for inclusion in the UGB as much of the suitable land in that priority as necessary to satisfy the need. The city must proceed in this manner until all the land need is satisfied, except as provided in OAR 660-024-0065(9).

(c) If the amount of suitable land in a particular priority category in section (2) exceeds the amount necessary to satisfy the need deficiency, the city must choose which land in that priority to include in



the UGB by applying the criteria in section (7) of this rule.

(d) In evaluating the sufficiency of land to satisfy a need under this section, the city may use the factors identified in sections (5) and (6) of this rule to reduce the forecast development capacity of the land to meet the need.

(e) Land that is determined to not be suitable under section (5) of this rule to satisfy the need deficiency determined under OAR 660-024-0050 is not required to be selected for inclusion in the UGB unless its inclusion is necessary to serve other higher priority lands.

660-024-0067(2) Priority of Land for inclusion

Section summary: This section provides criteria for evaluating and prioritizing land in a study area for inclusion in the UGB.

Commentary: One rule amendment is required per HB 2001 (2023) elevating land designated as urban reserve as priority one and demoting land that is subject to an acknowledged exception and land that is nonresource land as priority two. Additional amendments are policy neutral and further clarify the existing land prioritization analysis.

(2) Priority of Land for inclusion in a UGB. If land of higher priority is inadequate to accommodate the amount of land need estimate in section (1) of this rule, the next priority for inclusion shall be according to the following order of priority:

(a) First Priority is land within the study area that is designated as an urban reserve under OAR chapter 660, division 21, in an acknowledged comprehensive plan. ~~urban reserve, exception land, and nonresource land. Lands in the study area that meet the description in paragraphs (A) through (C) of this subsection are of equal (first) priority:~~

~~(A) Land designated as an urban reserve under OAR chapter 660, division 21, in an acknowledged comprehensive plan;~~

~~(B) Land that is subject to an acknowledged exception under ORS 197.732; and~~

~~(C) Land that is nonresource land.~~

(b) Second Priority is land within the study area that is subject to an acknowledged exception under ORS 197.732 or land that is designated nonresource land as defined in OAR 660-021-0010(3) in an acknowledged comprehensive plan.

~~(c) Second Priority is marginal land: land within the study area that is designated as marginal land under ORS 197.247 (1991 Edition) in the an acknowledged comprehensive plan;~~

~~(de) Third-Fourth Priority is forest or farm land that is not predominantly high-value farm land: land within the study area that is designated for forest or agriculture or both uses in the an acknowledged comprehensive plan and that is not predominantly high-value farmland or high-value forestland as defined in ORS 195.300, or that does not consist predominantly of prime or unique soils, as determined by the United States Department of Agriculture Natural Resources Conservation Service (USDA NRCS). In selecting which lands to include to satisfy the need, the city must use the agricultural Higher priority shall be given to land of lower capability as measured by the capability classification system or the cubic foot site class system, as appropriate for the acknowledged comprehensive plan designation, to select lower capability, whichever is appropriate for the current use lands first.~~



~~(ed) Fifthourth~~ Priority is ~~agricultural land that is predominantly high-value farmland~~; land within the study area that is designated as ~~forest or agricultural, or both land~~ in an acknowledged comprehensive plan and is predominantly high-value farmland or high-value forestland as defined in ORS 195.300, ~~except land that is predominantly made up of prime or unique farm soils, as defined by the USDA NRCS. A city may not select land that is predominantly made up of prime or unique farm soils, as defined by the USDA NRCS, unless there is an insufficient amount of other land to satisfy its land need. In selecting which lands to include to satisfy the need, the city must use the agricultural~~ Higher priority shall be given to land of lower capability as measured by the capability classification system or by cubic foot site class, whichever is appropriate for the current use to select lower capability lands first.

(f) Sixth priority is land within the study area that is predominantly made up of prime or unique farm soils, as defined by the USDA NRCS. A city must find that there is an insufficient amount of other land to satisfy its land need in order to include land predominantly made up of prime or unique farm soils within a UGB.

(3) Notwithstanding subsections (2)(de) or through (fe) of this rule, land that would otherwise be excluded from a UGB may be included if:

(a) The land contains a small amount of ~~third or fourth~~ through sixth priority land that is not important to the commercial agricultural enterprise in the area and the land must be included in the UGB to connect a nearby and significantly larger area of land of higher priority for inclusion within the UGB; or

(b) The land contains a small amount of ~~third or fourth~~ or fifth priority land that is not predominantly high-value farmland or predominantly made up of prime or unique farm soils and the land is completely surrounded by land of higher priority for inclusion into the UGB.

(4) For purposes of categorizing and evaluating land pursuant to subsections (2)(c) and (d) and section (3) of this rule,

(a) Areas of land not larger than 100 acres may be grouped together and studied as a single unit of land;

(b) Areas of land larger than 100 acres that are similarly situated and have similar soils may be grouped together provided soils of lower agricultural or forest capability may not be grouped with soils of higher capability in a manner inconsistent with the intent of section (2) of this rule, which requires that higher capability resource lands shall be the last priority for inclusion in a UGB;

~~(c) Notwithstanding subsection (4)(a), if a city initiated the evaluation or amendment of its UGB prior to January 1, 2016, and if the analysis involves more than one lot or parcel or area within a particular priority category for which circumstances are reasonably similar, these lots, parcels and areas may be considered and evaluated as a single group;~~

~~(dc)~~ When determining whether the land is predominantly high-value farmland, or predominantly prime or unique, "predominantly" means more than 50 percent.

(5) With respect to section (1), a city must assume that vacant or partially vacant land in a particular priority category is "suitable" to satisfy a need deficiency identified in OAR 660-024-0050(4) unless it demonstrates that the land cannot satisfy the specified need based on one or more of the conditions described in subsections (a) through (g) of this section:

(a) Existing parcelization, lot sizes or development patterns of rural residential land make that land unsuitable for an identified employment need; as follows:

(A) Parcelization: the land consists primarily of parcels 2-acres or less in size, or



(B) Existing development patterns: the land cannot be reasonably redeveloped or infilled within the planning period due to the location of existing structures and infrastructure.”

(b) The land would qualify for exclusion from the preliminary study area under the factors in OAR 660-024-0065(~~34~~) but the city declined to exclude it pending more detailed analysis.

(c) The land is, or will be upon inclusion in the UGB, subject to natural resources protections under Statewide Planning Goal 5 such that that no development capacity should be forecast on that land to meet the land need deficiency.

(d) With respect to needed industrial uses only, the land is over 10 percent slope, or is an existing lot or parcel that is smaller than 5 acres in size, or both. Slope shall be measured as the increase in elevation divided by the horizontal distance at maximum ten-foot contour intervals.

(e) With respect to a particular industrial use or particular public facility use described in OAR 660-024-0065(~~23~~), the land does not have, and cannot be improved to provide, one or more of the required specific site characteristics.

(f) The land is subject to a conservation easement described in ORS 271.715 that prohibits urban development.

(g) The land is committed to a use described in this subsection and the use is unlikely to be discontinued during the planning period:

(A) Public park, church, school, or cemetery, or

(B) Land within the boundary of an airport designated for airport uses, but not including land designated or zoned for residential, commercial or industrial uses in an acknowledged comprehensive plan.

660-024-0067(6)

Section summary: This section includes assumptions local governments can make when estimating housing development capacity of vacant or partially vacant land added to the UGB and refines the manner in which cities compare sub-areas for inclusion in the UGB.

Commentary: DLCD Staff propose, in the absence of a statewide study on this topic, to reduce the anticipated capacity of parcelized land, in parcels less than 5 acres in size that is limited by existing development patterns, by 50 percent. In doing so, a city will still be obligated to include parcelized land, often zoned as rural residential exception in the landscape, in the priority order named in 660-024-0067(2).

(6) As a safe harbor ~~F~~for vacant or partially vacant lands added to the UGB to provide for residential uses:

(a) Existing lots or parcels one acre or less may be assumed to have a development capacity of one dwelling unit per lot or parcel. Existing lots or parcels greater than one acre but less than two acres shall be assumed to have an aggregate development capacity of two dwelling units per acre.

(b) Existing lots or parcels less than 5 acres in size may project half (50 percent) of the assumed residential capacity due to the location of existing structures and infrastructure such that the land cannot be reasonably redeveloped or infilled within the planning period.

(~~cb~~) In any subsequent review of a UGB pursuant to this division, the city may use a development



assumption for land described in subsections (a) and (b) of this section for a period of up to 14 years from the date the lands were added to the UGB.

(7) Pursuant to subsection (1)(c), if the amount of suitable land in a particular priority category under section (2) exceeds the amount necessary to satisfy the need deficiency, the city must choose which land in that priority to include in the UGB by first applying the boundary location factors of Goal 14 and then applying applicable criteria in the acknowledged comprehensive plan and land use regulations acknowledged prior to initiation of the UGB evaluation or amendment. The city may not apply local comprehensive plan criteria that contradict the requirements of the boundary location factors of Goal 14. The boundary location factors are not independent criteria; when the factors are applied to compare alternative boundary locations and to determine the UGB location the city must show that it considered and balanced all the factors. The criteria in this section may not be used to select lands designated for agriculture or forest use that have higher land capability or cubic foot site class, as applicable, ahead of lands that have lower capability or cubic foot site class.

(8) The city must apply the boundary location factors of Goal 14 in coordination with service providers and state agencies, including the Oregon Department of Transportation (ODOT) with respect to Factor 2 regarding impacts on the state transportation system, and the Oregon Department of Fish and Wildlife (ODFW) and the Department of State Lands (DSL) with respect to Factor 3 regarding environmental consequences. "Coordination" includes timely notice to agencies and service providers and consideration of any recommended evaluation methodologies.

660-024-0067(9)(d)

Sub-section summary: This section refines the intent and method of comparing sub-areas for inclusion in the UGB.

Commentary: DLCD Staff propose changes that validate cost-to-serve considerations in UGB expansion selection by specifying criteria related to impediments to service provision based on cost-to-serve in balancing of location factors in 660-024-0067(9).

(9) In applying Goal 14 Boundary Location Factor 2 to evaluate alternative locations under section (7), the city must compare relative costs, advantages and disadvantages of alternative UGB expansion areas with respect to the provision of public facilities and services needed to urbanize alternative boundary locations. For purposes of this section, the term "public facilities and services" means water, sanitary sewer, storm water management, and transportation facilities. The evaluation and comparison under Boundary Location Factor 2 must consider:

(a) The impacts to existing water, sanitary sewer, storm water and transportation facilities that serve nearby areas already inside the UGB;

(b) The capacity of existing public facilities and services to serve areas already inside the UGB as well as areas proposed for addition to the UGB; and

(c) The need for new transportation facilities, such as highways and other roadways, interchanges, arterials and collectors, additional travel lanes, other major improvements on existing roadways and, for urban areas of 25,000 or more, the provision of public transit service.

(d) In the context of residential development, the cost to serve a sub-area relative to potential yield of housing units.

**660-024-0067(10)**

Section summary: This section adds a requirement for local governments to update their public facilities plan within 5 years of the UGB amendment decision.

Commentary: DLCD Staff propose a city adopt updates to their public facilities plan (long range) project list to include those projects necessary to serve newly-added land to a city's UGB within 5 years of the final decision of the UGB amendment. In the absence of rules governing this implementation step, there is a chance that projects necessary to serve a newly-added land are not developed nor adopted into utility planning efforts for more than a decade, sometimes pushed as far as to the point of annexation/incorporation of the land. Establishing a time-certain update of Public Facilities Plans creates more certainty for property owners and development interests.

(10) The public facilities portion of a city's comprehensive plan shall be amended to plan for facilities and services, per OAR 660-011, required to serve land added to the UGB no later than 5 years following acknowledgement of the expansion.

660-024-0067(11) and (12)

Section summary: These sections provide components a local government must or may use in their evaluation of Goal 14 location factors 1, 2, and 3 when comparing alternative locations for a UGB amendment. For reference, these location factors are:

- (1) Efficient accommodation of identified land needs;
- (2) Orderly and economic provision of public facilities and services;
- (3) Comparative environmental, energy, economic and social consequences;

Commentary: These new sections were added to provide clarity in the location factor analysis and to increase fair housing choice in areas added to the UGB and better connect Division 24 to Division 8 related to a city's contextualized housing need (applicable for cities subject to OHNA). Additional amendments were made to these sections to clarify that the locational analysis is not limited to these considerations, and that the evaluation under Location Factors 1, 2, and 3 may go beyond what is included in rule.

(11) The evaluation under Goal 14 Boundary Location Factor 1 and 2 must include but is not limited to a comparison of the relative efficiency of accommodating land needs for housing types and densities identified in OAR chapter 660, division 8 through proposed residential plan designations.

(12) In applying Goal 14 Boundary Location Factor 3, the city may prioritize areas including but not limited to areas that are or have been conceptually planned to include regulated affordable housing and other uses to support residential uses within the area, such as commercial uses and open space.

(130) The adopted findings for UGB amendment must describe or map all of the alternative areas evaluated in the boundary location alternatives analysis.

Statutory/Other Authority: ORS 197.040, 197A.305, 197A.320 & 197.235 & Statewide Planning Goal 14

Statutes/Other Implemented: ORS 195.036, 197.015, 197.295 – 197.314, 197.610 – 197.650, 197.764 & 197A.300 - 197A.325

History:



LCDD 6-2015, f. 12-29-15, cert. ef. 1-1-16

660-024-0070 UGB Adjustments

Rule summary: this rule specifies how a local government may adjust the UGB by removing or exchanging land from the existing boundary.

Commentary: Staff have discussed with the TAC rule concepts for allowing residentially designated land outside of the Metro region with impediments to be exchanged out of the UGB whether or not that land is inventoried as buildable. As well as allowing residential land exchanged into the UGB to be designated at a higher capacity than the land going out. A new section (5) is created for UGB exchanges within the Metro boundary. In addition, proposed rule amendments will specify that the amount of buildable land acreage to be added to the UGB must be within ten percent of the amount of residential land removed. Sections (3-4) are amended to reflect draft rule language supporting these rule concepts. Section (5) is added for UGB exchanges by Metro.

660-024-0070 UGB Adjustments

(1) A local government may adjust the UGB at any time to better achieve the purposes of Goal 14 and this division. Such adjustment may occur by adding or removing land from the UGB, or by exchanging land inside the UGB for land outside the UGB. The requirements of section (2) of this rule apply when removing land from the UGB. The requirements of Goal 14 and this division, and ORS

~~197.298197A.355~~ apply when land is added to the UGB, including land added in exchange for land removed. The requirements of ORS ~~197.296197A.350~~ may also apply when land is added to a UGB, as specified in that statute. ~~If a local government exchanges land inside the UGB for land outside the UGB, the applicable local government must adopt appropriate rural zoning designations for the land removed from the UGB prior to or at the time of adoption of the UGB amendment and must apply applicable location and priority provisions of OAR 660-024-0060 through 660-020-0067.~~

(2) A local government may remove land from a UGB following the procedures and requirements of ORS 197.764. Alternatively, a local government may remove land from the UGB following the procedures and requirements of ORS 197.610 to 197.650, provided it determines:

- (a) The removal of land would not violate applicable statewide planning goals and rules;
- (b) The UGB would provide a 20-year supply of land for estimated needs after the land is removed, or would provide ~~roughly the same~~ substantially equivalent supply of buildable land as prior to the removal, taking into consideration land added to the UGB at the same time;
- (c) Public facilities agreements adopted under ORS 195.020 do not intend to provide for urban services on the subject land unless the public facilities provider agrees to removal of the land from the UGB and concurrent modification of the agreement;
- (d) Removal of the land does not preclude the efficient provision of urban services to any other buildable land that remains inside the UGB; and
- (e) The land removed from the UGB is planned and zoned for rural use consistent with all applicable laws.

(3) Notwithstanding sections (1) and (2) of this rule, a local government outside of Metro considering an exchange of residential land may rely on the land needs analysis that provided a basis for its current acknowledged plan, rather than adopting a new need analysis, provided:



~~(a) The amount of buildable land added to the UGB to meet:~~

~~(A) A specific type of residential need is substantially equivalent to the amount of buildable residential land removed, or~~

~~(B) The amount of employment land added to the UGB to meet an employment need is substantially equivalent to the amount of employment land removed, and~~

~~(b) The local government must apply comprehensive plan designations and, if applicable, urban zoning to the land added to the UGB, such that the land added is designated:~~

~~(A) For the same residential uses and at the same housing density as the land removed from the UGB, or~~

~~(B) For the same employment uses as allowed on the land removed from the UGB, or~~

~~(C) If the land exchange is intended to provide for a particular industrial use that requires specific site characteristics, only land zoned for commercial or industrial use may be removed, and the land added must be zoned for the particular industrial use and meet other applicable requirements of ORS 197A.320(6).~~

(a) The amount of land added to the UGB to meet an identified housing need is within ten percent of the amount of land removed from an urban area (as measured by acres or estimated capacity). For local governments with comprehensive plan designations in their urban areas, only residentially designated land may be exchanged to meet an identified housing need.

(b) The appropriate local government applies comprehensive plan designations, and if applicable, urban zoning to the land added to the UGB, such that the land added is designated at the same or higher housing density as the land removed from the UGB.

(c) The applicable local government adopts appropriate rural zoning designations for the land removed from the UGB prior to or at the time of adoption of the UGB amendment and applies applicable location and priority provisions of OAR 660-024-0060 through 660-020-0067.

(4) Notwithstanding sections (1) and (2) of this rule, a local government outside of Metro considering an exchange of non-residential land may rely on the land needs analysis that provided a basis for its current acknowledged plan, rather than adopting a new need analysis, provided:

(a) The amount of suitable land added to the UGB to meet a nonresidential need is within ten percent of the nonresidential land removed;

(b)(A) The local government must apply comprehensive plan designations and, if applicable, urban zoning to the land added to the UGB, such that the land added is designated for the same nonresidential uses as allowed on the land removed from the UGB; or

(B) Land added may be designated for a different use provided the local government demonstrates that the exchange will not result in a deficit of employment land capacity;

(c) If the land exchange is intended to provide for a particular industrial use that requires specific site characteristics, only land zoned for commercial or industrial use may be removed, and the land added must be zoned for the particular industrial use and meet other applicable requirements of 660-009-0025(9);

(d) The exchange does not create a deficit of commercial, industrial, or other employment land capacity; and



(e) If the land exchange is necessary to serve a public land need, the local government must apply comprehensive plan designations and, if applicable, urban zoning to the land added to the UGB, such that the land is designated for the identified public land need.

(5) Notwithstanding sections (1) and (2) of this rule, when Metro considers an exchange of land, Metro may rely on the land needs analysis that provided a basis for its current acknowledged plan, rather than adopting a new need analysis, provided:

(a) The amount of buildable land added to the UGB is substantially equivalent to the amount of buildable land removed;

(b) Metro must include conditions of approval requiring the local government that will have jurisdiction over the area being added to the UGB to apply comprehensive plan designations and zoning that will allow for urban levels of development; and

(c) Areas that Metro removes from the UGB under this section will become designated urban reserve.

Statutory/Other Authority: ORS 197.040, 197.235, 197A.285, 197A.305, & Statewide Planning Goal 14
~~ORS 197.040, 197A.305, 197A.320 & 197.235 & Statewide Planning Goal 14~~

Statutes/Other Implemented: ORS 195.036, 197.015, 197.478, 197.610 – 197.650, 197A.015, 197A.020, 197A.200, 197A.215, 197A.278, 197A.300 - 197A.325, 197A.348-197A.355, 197A.362, 197A.370 – 197A.400, 197A.425, 197A.445, 197A.465, 197A.470
~~ORS 195.036, 197.015, 197.295 – 197.314, 197.610 – 197.650, 197.764 & 197A.300 – 197A.325~~

History:

LCDD 6-2015, f. 12-29-15, cert. ef. 1-1-16

LCDD 2-2009, f. 4-8-09, cert. ef. 4-16-09

LCDD 8-2006, f. 10-19-06, cert. ef. 4-5-07

660-024-0075 Airport Economic Development Pilot Program

Rule summary: This rule describes the Airport Economic Development Pilot Program.

Commentary: No changes are proposed to this rule at this time.

660-024-0075 Airport Economic Development Pilot Program

(1) For the purposes of this rule, the following definitions apply in addition to those in OAR 660-024-0010:

(a) “Approved airport master plan” means a comprehensive study of an airport describing the short-, medium-, and long-term development plans to meet future aviation demand with any necessary approval from the Federal Aviation Administration and adoption as a component of the comprehensive plan.

(b) “Master plan for economic development” means a written plan or plans developed by a city for a proposed pilot program site that explains how development of the proposed pilot program site will advance the city’s economic development goals contained in the comprehensive plan; how the city expects urbanization of the proposed pilot program site to promote economic development, industry growth, and job creation that would not otherwise occur at other locations in the urban area; and how the site will be served with public facilities and services.

(c) “Pilot program site” means the land included in the nomination for the pilot program under section (3) and selected for the program under section (4).



(d) "Public facilities and services" means water, sanitary sewer, storm water management, transportation facilities, and emergency services.

(e) "Traded sector" has the meaning provided in ORS 285B.280.

(2) As provided in ORS 197A.405(5), the commission will select one city to implement a pilot program to promote economic development and industry growth and job creation at an airport. The commission will select a pilot program city according to the process in section (4). The pilot program will be implemented according to the requirements of sections (5) to (8).

(3) A city may nominate a site adjacent to its UGB for participation in the pilot program. A nomination must:

(a) Include a concept plan that contains:

(A) A master plan for economic development of the proposed site. A master plan for economic development will be approved by the city's elected body after at least one public hearing;

(B) A list of goals for the master plan for economic development of the proposed pilot program site;

(C) Current comprehensive plan map designation and a description of proposed changes needed to implement the master plan for economic development;

(D) Any proposed changes to comprehensive plan text needed to implement the master plan for economic development for at least 20 years; and

(E) Current zoning regulations, a description of proposed changes needed to implement the master plan for economic development, and an explanation of how the proposed changes will only allow uses that are compatible with aviation uses at the adjacent airport.

(b) Include a map or maps showing that the site is adjacent to the existing UGB and adjacent to an airport;

(c) Include the approved airport master plan for the airport to which the nominated site is adjacent;

(d) Include public facilities plans showing that the nominated site is near public facilities and services;

(e) Report the number of jobs that were existing at all of the businesses located on the proposed pilot program site on the effective date of ORS 197A.405;

(f) Include evidence that the governing body of the county containing the nominated site consents to the nomination; and

(g) Be submitted to the department by a date selected by the director.

(4) The commission shall select a pilot program site from among those nominated. The selected site must satisfy the criteria in subsection (a). The commission will select the site that, in its judgment, best satisfies the criteria in subsection (b). The requirements of subsection (c) apply to the selection process.

(a) The site is:

(A) Not less than 78 miles from the urban growth boundary of any city with a population of 300,000 or more;

(B) Located in a county with at least seven percent unemployment over the preceding five-year period. The unemployment rate shall be calculated using data from the Oregon Employment



Department. For the purposes of this rule, “over the preceding five-year period” means the average annual, seasonally adjusted unemployment rate for the five years preceding the date in subsection (3)(g);

(C) Adjacent to the city’s existing UGB;

(D) Adjacent to an airport with an approved airport master plan;

(E) Near public facilities and services, including streets;

(F) Planned and zoned for commercial or industrial uses that are compatible with aviation uses; and

(G) Not high-value farmland as the term defined in ORS 195.300(10).

(b) The pilot program site:

(A) Will, once included in the UGB, provide economic development opportunities not present in other parts of the urban area; and

(B) Can be served with public facilities and services at a level adequate for planned industrial and commercial uses.

(c) The commission shall select one pilot program site for implementation. In selecting the pilot program site, the commission may only consider applications that the department determines are complete pursuant to subsections (3)(a) to (f). The commission shall issue a final order selecting the city for the expedited UGB amendment.

(5) Notwithstanding OAR 660-024-0040, the city selected under subsection (4)(c) for the pilot program may expand the UGB for the city to include the pilot program site without demonstrating a need for land during the planning period.

(6) Notwithstanding OAR 660-024-0050, the city selected under subsection (4)(c) for the pilot program may expand the UGB for the city to include the pilot program site without completing an inventory of land inside the UGB to determine development capacity and without determining whether the UGB has a deficiency of industrial land to accommodate 20-year needs.

(7) Notwithstanding OAR 660-024-0065 and 660-024-0067, the city selected in subsection (4)(c) for the pilot program may expand the UGB for the city to include the pilot program site without establishing or evaluating a study area. Only the pilot program site may be included in a UGB amendment completed under the provisions of this rule.

(8) The following requirements apply to the city and county expanding its UGB for the pilot program site:

(a) Concurrently with adoption of a UGB amendment, the city or county must assign appropriate urban comprehensive plan and zoning designations to land added to the UGB consistent with the master plan for economic development. The pilot program site must remain planned and zoned for industrial uses, and commercial uses that support industrial or aviation use, that are compatible with aviation uses for a period of 20 years after the site is included in the UGB;

(b) The pilot program site must be protected from conversion to other uses before, during, and after implementation of the master plan for economic development;

(c) Industrial and commercial developments on the pilot program site must continue to be used to implement the master plan for economic development for a period of at least 50 years after the selection of the pilot program site through:



- (A) Zoning restrictions; or
- (B) Other regulations, provisions or conditions determined by the city.
- (9) A pilot program site included in a UGB must be treated as employment land for the purposes of a subsequent land need analysis under OAR chapter 660, division 24 or 38.
- (10) The city that expands its UGB pursuant to this rule must provide, to the extent practicable, the following information to the department by September 30, 2021:
 - (a) The number of new businesses established within the boundaries of the pilot program site and the number of businesses that relocated to the pilot program site from another location in the urban area;
 - (b) The number of jobs created at the pilot program site. Include:
 - (A) The total number of jobs at businesses located on the pilot program site at the time of the report;
 - (B) The number of jobs reported in paragraph (A) that were existing at a business located on the pilot program site before the site was included in the UGB;
 - (C) The number of jobs reported in paragraph (A) that were created by an existing business located on the pilot program site after the site was included in the UGB;
 - (D) The number of jobs reported in paragraph (A) that were created by a business or businesses that had no employees in the urban area containing the pilot program site before the business located on the pilot program site;
 - (E) The number of jobs reported in paragraph (A) that were created by a business or businesses that relocated jobs on the pilot program site from another location within the urban area containing the pilot program site; and
 - (F) The number of jobs reported in paragraphs (C) and (D) at businesses engaged in a traded sector.
 - (c) The wages of the new jobs described in paragraphs (b)(C) and (D) created at the pilot program site. The wage data may be provided in categories or other generalized fashion;
 - (d) The most recently available unemployment rate from the Oregon Department of Employment for the county containing the pilot program site and an analysis of the effect of the employment and unemployment in the city by business development at the pilot program site;
 - (e) The number of residential properties listed for sale on the Residential Multiple Listing Service with an address from the city containing the pilot program site on a date one month after the commission selects the city and on June 30, 2021;
 - (f) The average sale price of residential properties with an address from the city containing the pilot program site for the period beginning one month after the commission selects the city and ending June 30, 2021;
 - (g) The average per-acre price of land zoned industrial listed for sale with an address from the city containing the pilot program site on a date one month after the commission selects the city and on June 30, 2021;
 - (h) The dollars of private investment in the pilot program site after the pilot program site is included in the UGB, as determined from standard building permit records;
 - (i) An analysis of the economic growth of the city and county since the implementation of the pilot program.



Statutory/Other Authority: ORS 197.040 & ORS 197A.405

Statutes/Other Implemented: ORS 197A.405-197A.413

History:

[LCDD 6-2018, adopt filed 08/06/2018, effective 08/06/2018](#)

660-024-0080 LCDC Review Required for UGB Amendments

Rule summary: This rule describes how UGB amendments are to be submitted to the agency.

Commentary: No changes are proposed to this rule at this time.

660-024-0080 LCDC Review Required for UGB Amendments

A metropolitan service district that amends its UGB to include more than 100 acres, or a city with a population of 2,500 or more within its UGB that amends the UGB to include more than 50 acres shall submit the amendment to the Commission in the manner provided for periodic review under ORS 197.628 to 197.650 and OAR 660-025-0175.

Statutory/Other Authority: ORS 197.040 & Other Auth. Statewide Planning Goal 14

Statutes/Other Implemented: ORS 197.626

History:

LCDD 2-2009, f. 4-8-09, cert. ef. 4-16-09

Oregon Administrative Rule

Chapter 660, Division 008, Rule 0410

Attachment B

Housing Model Ordinances

Document Links

OAR 660-008-0410 (1)(a) – Housing Model Code for Small Cities

OAR 660-008-0410 (1)(b) – Housing Model Code for Medium Cities

OAR 660-008-0410 (1)(c) – Housing Model Code for Large Cities

Housing Model Code – Small Cities

Table of Contents

Table of Contents	1
Chapter 1 – General Provisions	4
1.1. Purpose	4
1.2 Applicability/Adoption by Reference	4
1.3 Relationship to Other Regulations	5
1.4 Exception to Certain Design Standards	6
Chapter 2 – Detached Single-Unit and Duplex	8
2.1 Siting Standards – Detached Single-Unit and Duplex	8
[Recommended: 2.2 Design Standards – Detached Single-Unit and Duplex]	8
2.2.1 Entry Orientation and Pedestrian Connectivity	8
2.2.2 Windows and Doors	11
2.2.3 Off-Street Parking Areas	12
2.3. Conversions – Duplexes	13
Chapter 3 – Triplex and Quadplex	14
3.1 Siting Standards – Triplex and Quadplex	14
3.2 Design Standards – Triplex and Quadplex	14
3.2.1 Entry Orientation and Pedestrian Connectivity	14
3.2.2 Windows and Doors	18
3.2.3 Off-Street Parking Areas	18
3.2.4 Driveway Approach	19
3.2.5 Trash Storage	23
3.3. Conversions – Triplex and Quadplex	24
Chapter 4 – Townhouse	25
4.1 Siting Standards – Townhouse	25
4.2 Design Standards – Townhouse	25
4.2.1 Entry Orientation and Pedestrian Connectivity	25
4.2.2 Windows and Doors	27
4.2.3 Driveway Access and Parking	28
4.2.4 Trash Storage	30
Chapter 5 – Cottage Cluster	31
5.1 Siting Standards – Cottage Cluster	31

Table of Contents

5.2	Design Standards – Cottage Cluster	31
5.2.1	Cottage Orientation	32
5.2.2	Common Courtyard Design Standards	32
5.2.3	Community Buildings	34
5.2.4	Pedestrian Access	34
5.2.5	Windows and Doors	34
5.2.6	Parking Design	35
5.2.7	Accessory Structures	36
5.2.8	Existing Structures	36
5.2.9	Trash Storage	36
Chapter 6	– Multi-Unit Housing	38
6.1	Siting Standards – Multi-Unit	38
6.2	Design Standards – Multi-Unit	39
6.2.1	Entry Orientation – Non-Townhouse Style	39
6.2.2	Entry Orientation – Townhouse Style	40
6.2.3	Pedestrian Connections	40
6.2.4	Windows and Doors	41
6.2.5	Required Outdoor Area and Usable Open Space	41
6.2.6	Parking Location and Design	42
6.2.7	Driveway Access and Parking – Townhouse-Style	43
6.2.8	Screening from Arterials	43
6.2.9	Trash Storage	44
Chapter 7	– Accessory Dwelling Unit	45
7.1	Siting Standards – Accessory Dwelling Unit	45
7.1.1	Siting Standards, Generally	45
7.1.2	Number of Units and Configuration	45
7.1.3	Maximum Floor Area	46
7.2	Design Standards – Accessory Dwelling Unit	46
Chapter 8	– Procedures and Applications	47
8.2	Procedure – Ministerial Decision	47
8.3	Procedure – Limited Land Use Decision	48
8.4	Application – Zoning Review	53
8.5	Application – Modification	54
Chapter 9	– Measurement Methodologies and Definitions	57
9.1	Measurement Methodologies	57
9.1.1	Minimum Lot Size for New Lots	57
9.1.2	Floor Area	57
9.1.3	Height	59
9.1.4	Building Setbacks	59
9.1.5	Required Outdoor Area and Usable Open Space	61
9.1.6	Vehicle Parking	62

Table of Contents

9.1.7	Bicycle Parking	63
9.1.8	Windows and Doors	64
9.2	Definitions	65

I – General Provisions

Chapter I – General Provisions

Sections:

- I.1 Purpose
- I.2 Applicability
- I.3 Relationship to Other Regulations
- I.4 Exception to Certain Design Standards

I.1. Purpose

The Housing Model Code for Small Cities provides standards for a range of housing types that are clear and objective, consistent with Housing law, and encourage and facilitate housing production, affordability, and choice as provided in ORS 197A.025.

I.2 Applicability/Adoption by Reference

- A. Applicability to Existing Development.** The standards apply to the development of new dwelling units, including the addition of dwelling units to sites with existing dwelling units. Existing residential development shall not be deemed nonconforming solely on the basis that it does not conform to the standards of this Model Code.
- B. Location.** The Model Code is not a zoning ordinance. The applicability of the standards to a particular location or zone within a city must be specified as provided in OAR 660-008-0400 to 0430.
- C. Exceptions.** The standards in the Model Code do not allow the following:
 - 1. The development of housing on Goal Protected Lands, unless otherwise permitted by a city's development code through clear and objective standards, criteria, and procedures.
 - 2. The development of housing on lands that do not allow residential uses unless otherwise allowed by statute.
- D. Adoption by Reference.** A city may choose to adopt by reference the entire Model Code or one or more individual modules. Modules are identified in Table I.1. When adopting one or more individual modules, the following requirements apply:
 - 1. All modules are subject to the provisions in the following sections: *Applicability* (Section I.2), *Relationship to Other Regulations* (Section I.3), and *Definitions and Measurement Methodology* (Chapter 10).
 - 2. All detached single-unit and middle housing modules (Chapters 2-5) are subject to the provisions in *Exception to Certain Design Standards* (Section I.4).
 - 3. Each module under "Procedures and Applications" is subject to the provisions in *Procedures and Applications, Generally* (Section 8.1).

I – General Provisions

4. Some modules can only be applied in conjunction with another module. Where this is the case, a city adopting a module by reference must also adopt any modules identified as “Required” in the “Related Code Sections” column in Table I.1.

TABLE I.1 MODEL CODE MODULES		
Module	Model Code Chapter / Section	Related Code Sections
<i>Housing Types</i>		
Detached Single-Unit and Duplex	Chapter 2	
Triplex and Quadplex	Chapter 3	
Townhouse	Chapter 4	
Cottage Cluster	Chapter 5	
Multi-Unit Housing	Chapter 6	
Accessory Dwelling Unit	Chapter 7	
<i>Procedures and Applications</i>		
Procedure - Ministerial Decision	Section 8.2	
Procedure - Limited Land Use Decision	Section 8.3	
Application - Zoning Review	Section 8.4	Required: Sections 8.2 and 8.3
Application - Modification	Section 8.5	Required: Section 8.3

I.3 Relationship to Other Regulations

A. Conflicts.

1. For a city that has opted to adopt or apply the Model Code or has been directed to apply the Model Code by the Commission as provided in OAR 660-008-0430, in the event of a conflict between this Model Code and other development and design standards applicable to regulated housing, the standards of this Model Code control [Recommended: except as provided in section (2) or subsections (B) or (C) below].

[Recommended 2. If a locally adopted land use development standard conflicts with this Model Code but it would allow the development of more housing (additional square footage or units), an applicant may comply with either the standard in this Model Code or the locally adopted standard.]

B. Additional Standards Applicable to Regulated Housing.

In addition to the standards identified in this Model Code, a city may only apply the following locally adopted land use regulations to regulated housing:

1. Public works and public utilities standards, provided exceptions granted to single-unit dwellings shall also be granted to duplexes.
2. Protective measures (plans, policies, or regulations) adopted pursuant to statewide land use planning goals (e.g., environmental and natural hazard protections).
3. Minimum density requirements.
4. Regulations related to the following:

I – General Provisions

- a. Tree protection, retention and planting.
 - b. Landscaping design, installation and maintenance including, but not limited to, materials and planting requirements.
 - c. Parking lot design and installation, including, but not limited to, shading, screening, materials, and layout.
 - d. Sustainability and greenhouse gas reduction.
4. Land division standards and procedures.

C. Exceptions. In no case shall the requirements of this Model Code supersede requirements related to:

1. Health and safety, including, but not limited to, fire ingress or egress and emergency vehicle access.
2. Public works standards ensuring safe vehicle access onto the public street system, including but not limited to, standards for clear vision areas and driveway/intersection spacing and alignment. This exception does not include minimum driveway width standards.
3. Hazardous or contaminated site clean-up, wildlife protection, or statewide land use planning goals relating to natural resources, natural hazards, the Willamette River Greenway, estuarine resources, coastal shorelands, beaches and dunes or ocean resources.
4. Implementation of fire or building codes, federal or state air, water quality or surface, ground or stormwater requirements or requirements of any federal, state or local law other than a land use regulation.

I.4 Exception to Certain Design Standards

In accordance with Oregon Laws 2025, Chapter 330, Section 8, housing development that includes detached single-unit, duplex, triplex, quadplex, townhouse, or cottage cluster housing that includes 20 or more units in housing types listed in subsection (A) is exempt from any residential design standard that is intended to preserve the desired character, architectural expression, decoration or aesthetic quality of new homes; this includes design standards regulating the features listed in subsection (B). All other design and siting standards in this Model Code shall apply.

A. Applicable Housing Types:

- Detached single-unit;
- Duplex;
- Triplex;
- Quadplex;
- Townhouse; or
- Cottage cluster housing.

B. Residential Design Features:

- Facade materials, colors or patterns;
- Roof decoration, form or materials;

I – General Provisions

- Accessories, materials or finishes for entry doors or garages;
- Window elements such as trim, shutters or grids;
- Fence type, design or finishes;
- Architectural details, such as ornaments, railings, cornices and columns;
- Size and design of porches or balconies;
- Variety of design or floorplan; or
- Front or back yard area landscaping materials or vegetation.

2 – Detached Single-Unit and Duplex

Chapter 2 – Detached Single-Unit and Duplex

Sections:

- 2.1 Siting Standards - Detached Single-Units and Duplex
- 2.2 Design Standards - Detached Single-Unit and Duplex
- 2.3 Conversions - Duplex

2.1 Siting Standards – Detached Single-Unit and Duplex

The siting standards in Table 2.1 apply to the development of a detached single-unit or duplex (two-unit) dwelling on a lot. Accessory dwelling units are addressed in Chapter 7.

TABLE 2.1 SITING STANDARDS - DETACHED SINGLE-UNIT AND DUPLEX	
Maximum Building/Structure Height (see Section 9.1.3)	35 ft
Minimum Setbacks (see Section 9.1.4)	
• Front and street side building setback	10 ft
• Side (interior) building setback	5 ft
• Rear building setback	10 ft
• Garage entrance setback	
○ Garage entrances facing a public street access (driveway length)	18 ft
○ Garage entrances with alley access	5 ft
Minimum Required Outdoor Area (see Section 9.1.5)	30% of lot area
[Recommended: Vehicle Parking] (see Section 9.1.6)	
• Minimum number of off-street spaces	1 space per unit]

[Recommended: 2.2 Design Standards – Detached Single-Unit and Duplex

Except as provided in Section 1.4, the design standards in this section apply to the development of a detached single-unit or duplex dwelling on a lot.

2.2.1 Entry Orientation and Pedestrian Connectivity

A. Standard. At least one main entrance for each residential structure must meet the following standards. The entrance must:

1. Be no more than 8 feet farther from the front lot line than the structure's longest wall that faces the front lot line.
2. Meet at least one of the following:
 - a. Face the street (see Figure 2.2.1a);

2 – Detached Single-Unit and Duplex

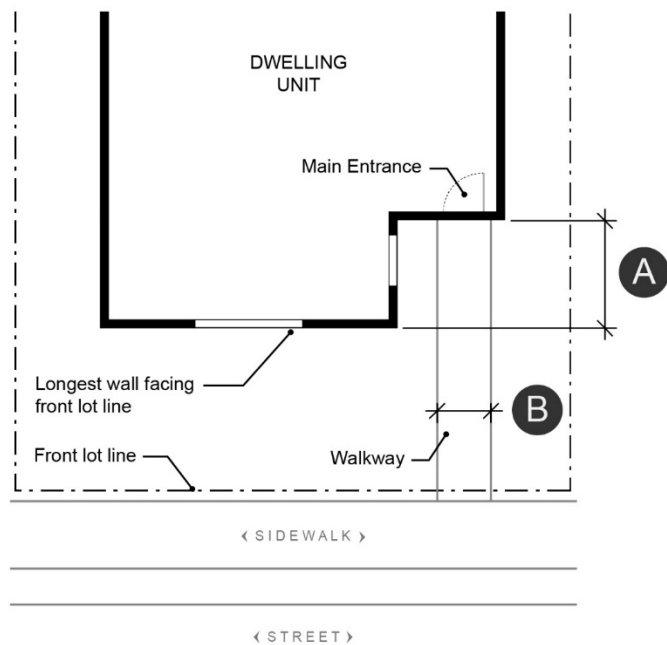
- b. Be at an angle of up to 45 degrees from the street (see Figure 2.2.1.b); or
- c. Open onto a covered porch or covered patio (see Figure 2.2.1.c). The porch or patio must:
 - i. Be at least 25 square feet in area; and
 - ii. Have at least one entrance facing the street.
- 3. Connect to the sidewalk by a hard-surfaced walkway other than a driveway. The walkway shall have a minimum width of 2 feet (see Figure 2.2.1.a). The walkway may abut the driveway (see Figure 2.2.1.c). Where there is no sidewalk abutting the property, the walkway shall extend to the street lot line.

B. Exceptions. The following are exempt from these standards:

- 1. Any detached structure for which more than 50 percent of its street-facing façade is separated from the street lot line by:
 - a. A dwelling; or
 - b. A buildable lot with a depth of at least 20 feet measured from the street lot line.
- 2. Accessory dwelling units.
- 3. Accessible or adaptable units, provided the main entrance is connected to the public sidewalk by an accessible walkway.]

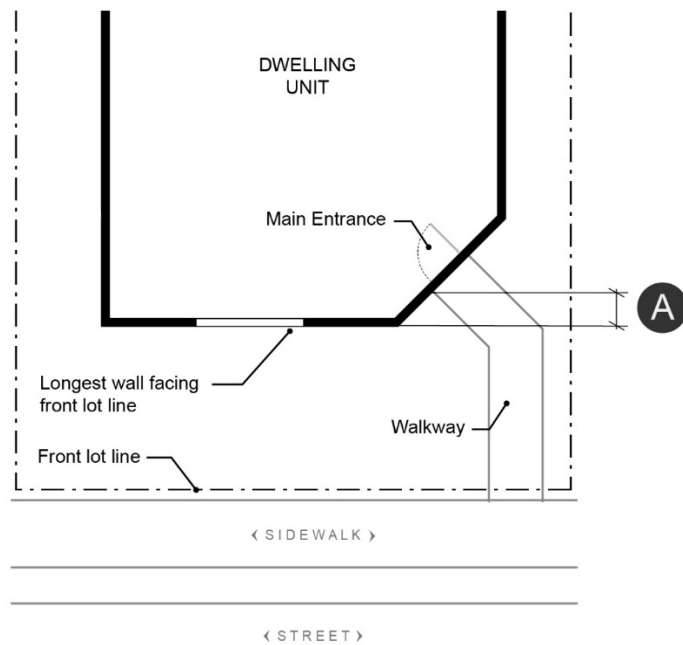
2 – Detached Single-Unit and Duplex

Figure 2.2.1.a. Main Entrance Facing the Street



- A** Maximum 8 feet from entry to longest wall facing front lot line
- B** Walkway width minimum 2 feet

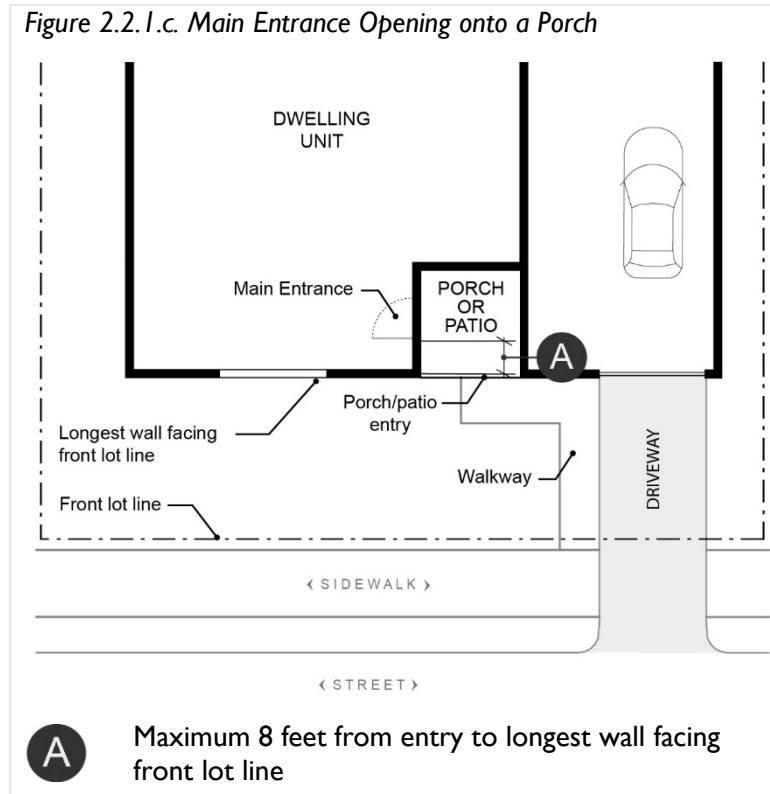
Figure 2.2.1.b. Main Entrance at 45° Angle from the Street



- A** Maximum 8 feet from entry to longest wall facing front lot line

2 – Detached Single-Unit and Duplex

Figure 2.2.1.c. Main Entrance Opening onto a Porch



2.2.2 Windows and Doors

A. Standard.

1. Windows or pedestrian entrance doors must be provided on street-facing facades as follows:
 - a. At least one street-facing façade must have a minimum of 15 percent windows or pedestrian entrance doors.
 - b. All other street-facing facades must have a minimum of 10 percent windows or pedestrian entrance doors.
2. See Section 9.1.8 for measurement methodology.

B. Exceptions. The following facades are exempt from these standards:

1. Facades separated from the street lot line by a dwelling, or by a buildable lot with a depth of at least 20 feet measured from the street lot line.
2. Facades that are more than 40 feet from the street lot line.
3. Facades facing an alley.

2 – Detached Single-Unit and Duplex

2.2.3 Off-Street Parking Areas

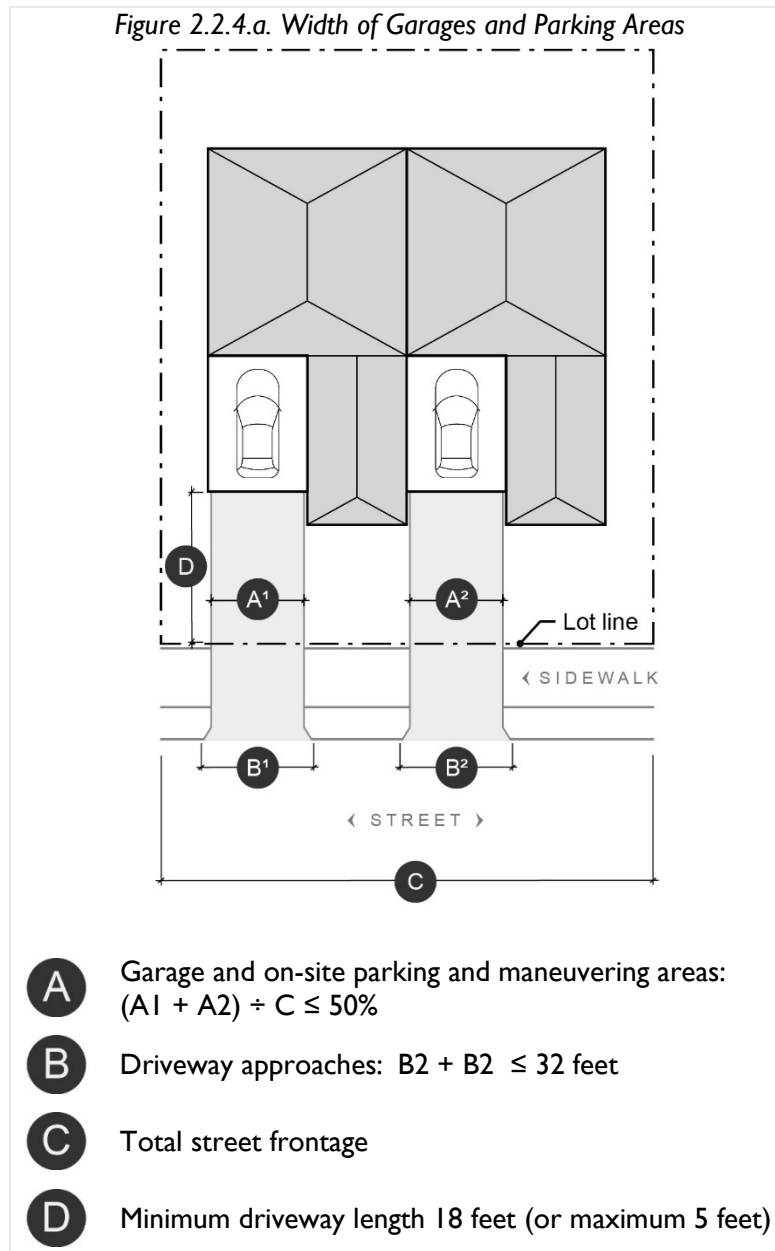
A. Standards.

1. The combined width of all garages and outdoor on-site parking and maneuvering areas, as measured at their widest dimension, shall not exceed a total of 50 percent of the street frontage (see Figure 2.2.4.a). Walkways abutting a driveway are excluded from this calculation.
2. The total width of all driveway approaches must not exceed 32 feet, as measured at the lot lines.

B. Exceptions.

1. The following are exempt from these standards:
 - a. Accessible or adaptable units.
 - b. Lots that receive vehicular access from an alley.
2. Garages or off-street parking areas that are separated from the street lot line by a dwelling or that are more than 40 feet from the street lot line are exempt from subsection (A)(1).

2 – Detached Single-Unit and Duplex



2.3. Conversions – Duplexes

Additions to, or conversions of, an existing detached single-unit dwelling into a duplex is allowed, provided that the addition or conversion does not increase nonconformance with applicable siting and design standards of this Model Code, unless increasing nonconformance is otherwise permitted by the city's development regulations.

3 – Triplex and Quadplex

Chapter 3 – Triplex and Quadplex

Sections:

- 3.1 Siting Standards – Triplex and Quadplex
- 3.2 Design Standards – Triplex and Quadplex
- 3.3 Conversions – Triplex and Quadplex

3.1 Siting Standards – Triplex and Quadplex

The siting standards in Table 3.1 apply to the development of a triplex or quadplex on a lot.

TABLE 3.1 SITING STANDARDS – TRIPLEX AND QUADPLEX	
Maximum Building/Structure Height (see Section 10.1.3)	35 ft
Minimum Setbacks (see Section 9.1.4)	
• Front and street-side building setback	10 ft
• Side (interior) building setback	5 ft
• Rear building setback	10 ft
• Garage entrance setback	
○ Garage entrances facing a public street (driveway length)	18 ft
○ Garage entrances with alley access	5 ft
Minimum Required Outdoor Area and Usable Open Space (see Section 9.1.5)	
• Required Outdoor Area	25% of lot area
[Recommended: Vehicle Parking] (see Section 9.1.6)	
• Minimum number of off-street spaces	1 space per unit]

3.2 Design Standards – Triplex and Quadplex

Except as provided in Section 1.4, the design standards in this section apply to the development of a triplex or quadplex on a lot.

3.2.1 Entry Orientation and Pedestrian Connectivity

- A. Standard.** At least one main entrance for each residential structure must comply with all the following standards. The entrance must:
 1. Be no more than 8 feet farther from the front lot line than the structure's longest wall that faces the front lot line.
 2. Meet at least one of the following:
 - a. Face the street (see Figure 3.2.1.a);

3 – Triplex and Quadplex

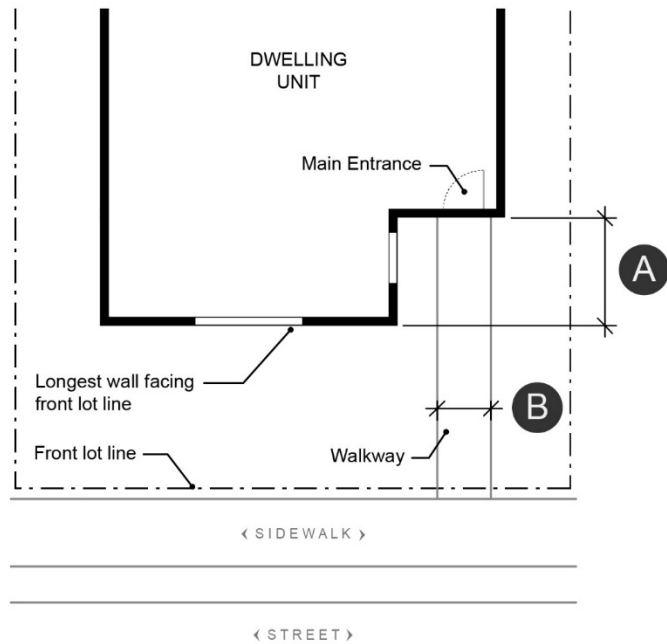
- b. Be at an angle of up to 45 degrees from the street (see Figure 3.2.1.b);
 - c. Face a common open space that is adjacent to the street and is abutted by dwellings on at least two sides (see Figure 3.2.1.c); or
 - d. Open onto a covered porch or covered patio (see Figure 3.2.1.d). The porch or patio must:
 - i. Be at least 25 square feet in area; and
 - ii. Have at least one entrance facing the street.
3. Connect to the sidewalk by a hard-surfaced walkway other than a driveway. The walkway shall have a minimum width of 2 feet (see Figure 3.2.1.a). The walkway may abut the driveway (see Figure 3.2.1.d). Where there is no sidewalk abutting the property, the walkway shall extend to the street lot line.

B. Exceptions. The following are exempt from these standards:

- 1. Any detached structure for which more than 50 percent of its street-facing facade is separated from the street lot line by:
 - a. A dwelling; or
 - b. A buildable lot with a depth of at least 20 feet measured from the street lot line.
- 2. Accessible and adaptable units, provided the main entrance is connected to the public sidewalk by an accessible walkway.

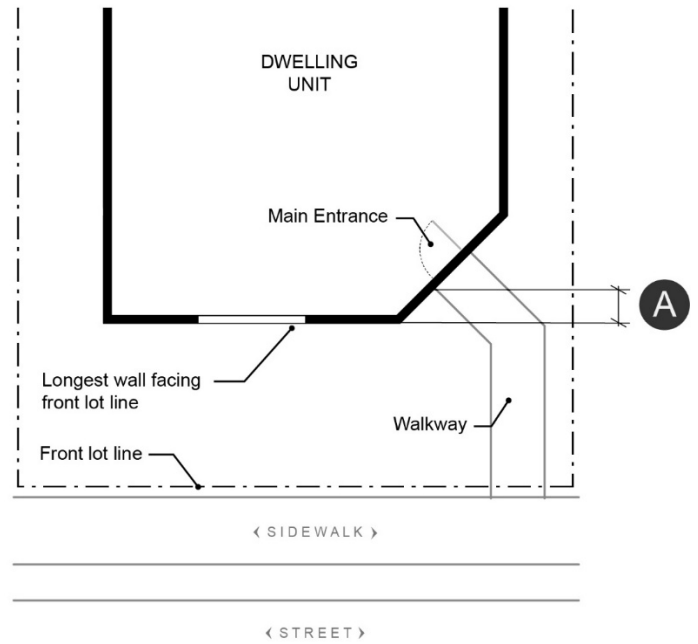
3 – Triplex and Quadplex

Figure 3.2.1.a. Main Entrance Facing the Street



- A** Maximum 8 feet from entry to longest wall facing front lot line
- B** Walkway width minimum 2 feet

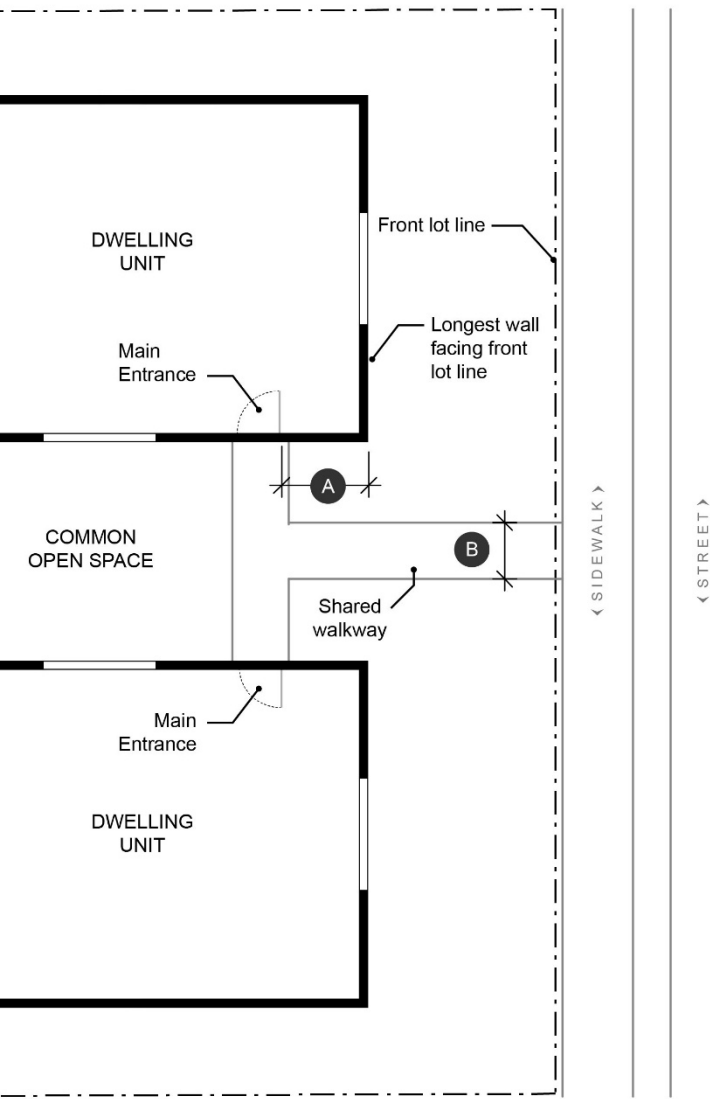
Figure 3.2.1.b. Main Entrance at 45° Angle from the Street



- A** Maximum 8 feet from entry to longest wall facing front lot line

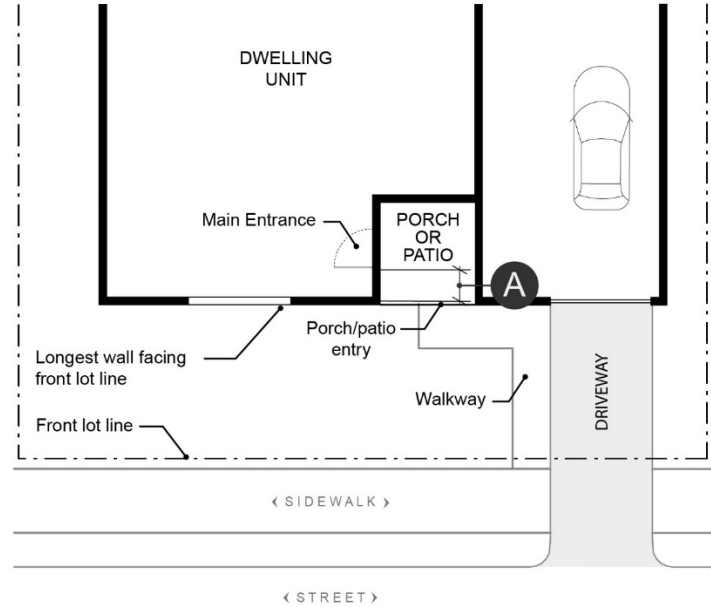
3 – Triplex and Quadplex

Figure 3.2.I.c. Main Entrance Facing Common Open Space



- A** Maximum 8 feet from entry to longest wall facing front lot line
- B** Walkway width minimum 2 feet

Figure 3.2.I.d. Main Entrance Opening onto a Porch



- A** Maximum 8 feet from entry to longest wall facing front lot line

3 – Triplex and Quadplex

3.2.2 Windows and Doors

A. Standard.

1. Windows or pedestrian entrance doors must be provided on street-facing facades as follows:
 - a. At least one street-facing façade must have a minimum of 15 windows or pedestrian entrance doors.
 - b. All other street-facing facades must have a minimum of 10 percent windows or pedestrian entrance doors.
2. See Section 9.1.8 for measurement methodology.

B. Exceptions. The following facades are exempt from these standards:

1. Facades separated from the street lot line by a dwelling, or by a buildable lot with a depth of at least 20 feet measured from the street lot line.
2. Facades that are more than 40 feet from the street lot line.
3. Facades facing an alley.

3.2.3 Off-Street Parking Areas

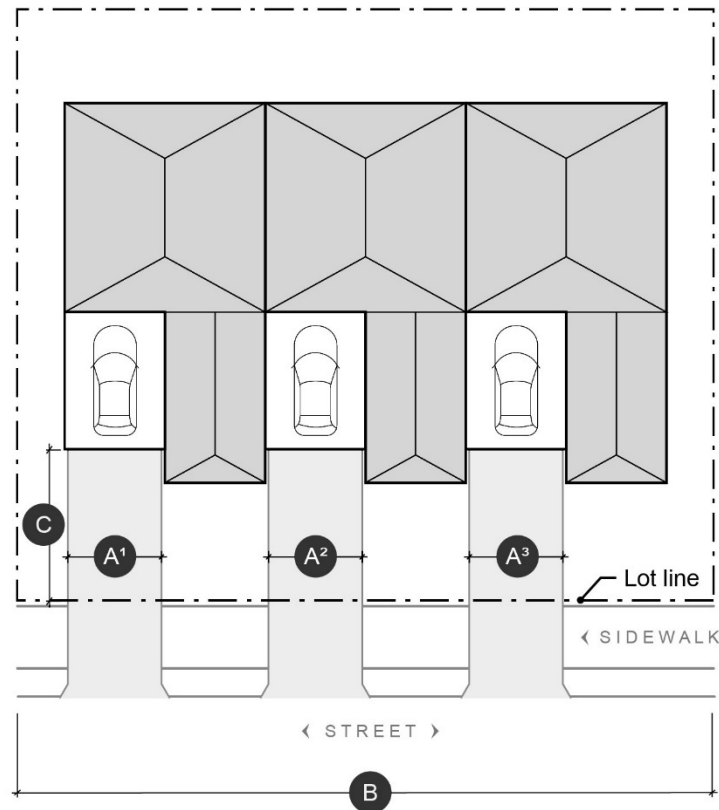
A. Standard. The combined width of all garages and outdoor on-site parking and maneuvering areas, as measured at their widest dimension, shall not exceed a total of 50 percent of the street frontage (see Figure 3.2.3.a). Walkways abutting a driveway are excluded from this calculation.

B. Exceptions. The following are exempt from these standards:

1. Accessible and adaptable units.
2. Lots that receive vehicular access from an alley.
3. Off-street parking areas that are separated from the street lot line by a dwelling.

3 – Triplex and Quadplex

Figure 3.2.3.a. Width of Garages and Parking Areas



- A** Garage and on-site parking and maneuvering areas: $(A1 + A2 + A3) \div B \leq 50\%$
- B** Total street frontage
- C** Minimum driveway length 18 feet (or maximum 5 feet)

3.2.4 Driveway Approach

A. Standard. Driveway approaches must comply with the following:

1. The total width of all driveway approaches must not exceed 32 feet per frontage, as measured at the lot line (see Figures 3.2.4.a and 3.2.4.c). For lots with more than one frontage, see subsection (3).
2. Driveway approaches may be separated when located on a local street (see Figure 3.2.4.a). If approaches are separated, they must meet the city's driveway spacing standards applicable to local streets.

3 – Triplex and Quadplex

3. In addition, lots with more than one frontage must comply with the following:
 - a. Lots must access the street with the lowest transportation classification for vehicle traffic. For lots abutting an alley that meets the city's standards for width and pavement, access must be taken from the alley (see Figure 3.2.4.b).
 - b. Lots with frontages only on collectors or arterial streets must meet the city's access standards applicable to collectors or arterials.
 - c. Triplexes and quadplexes on lots with frontages only on local streets may have either:
 - i. Two driveway approaches not exceeding 32 feet in total width on one frontage (see Figure 3.2.4.d); or
 - ii. One maximum 16-foot-wide driveway approach per frontage (see Figure 3.2.4.e).

B. Exceptions. Accessible or adaptable units are exempt from the standards in subsections (A)(1) and (A)(3)(c).

3 – Triplex and Quadplex

Figure 3.2.4.a. Driveway Approach Width and Separation on Local Street

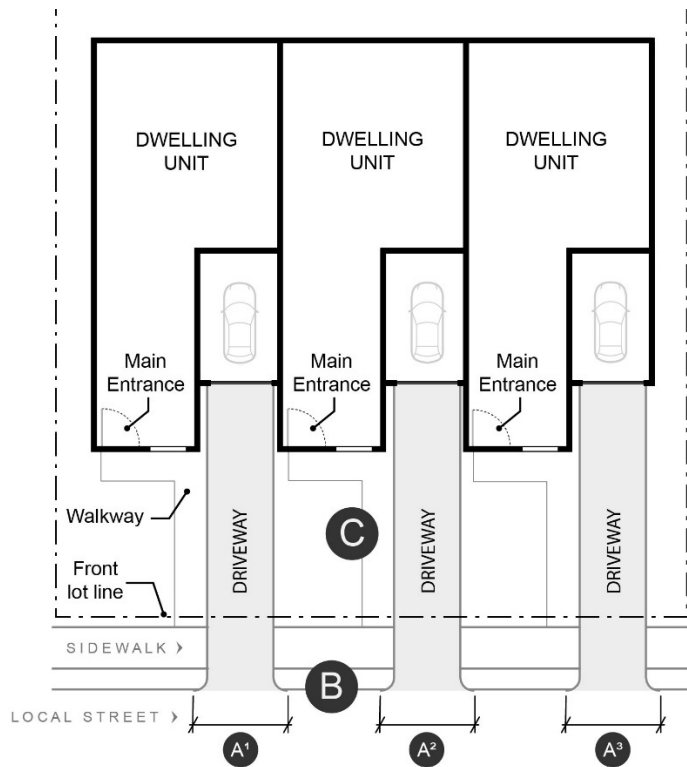
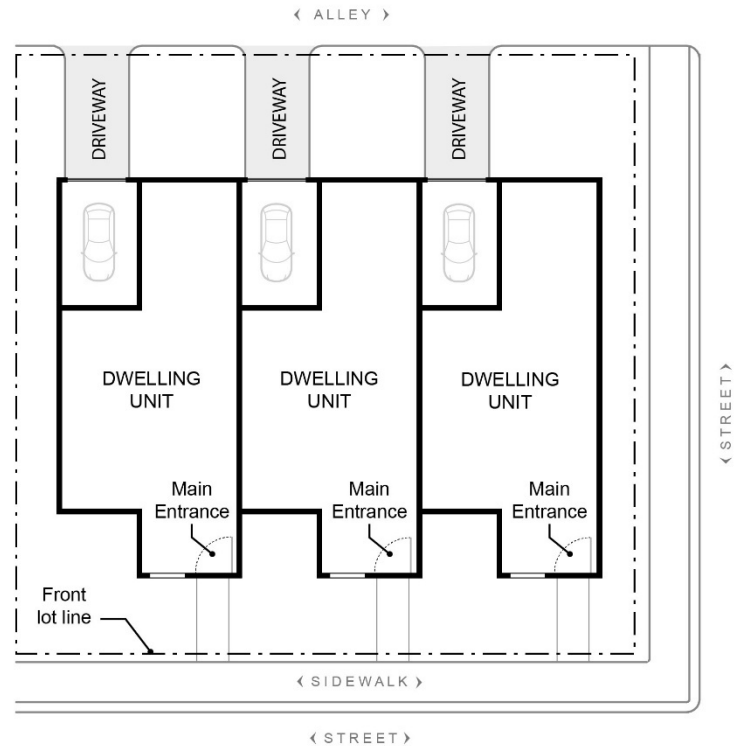


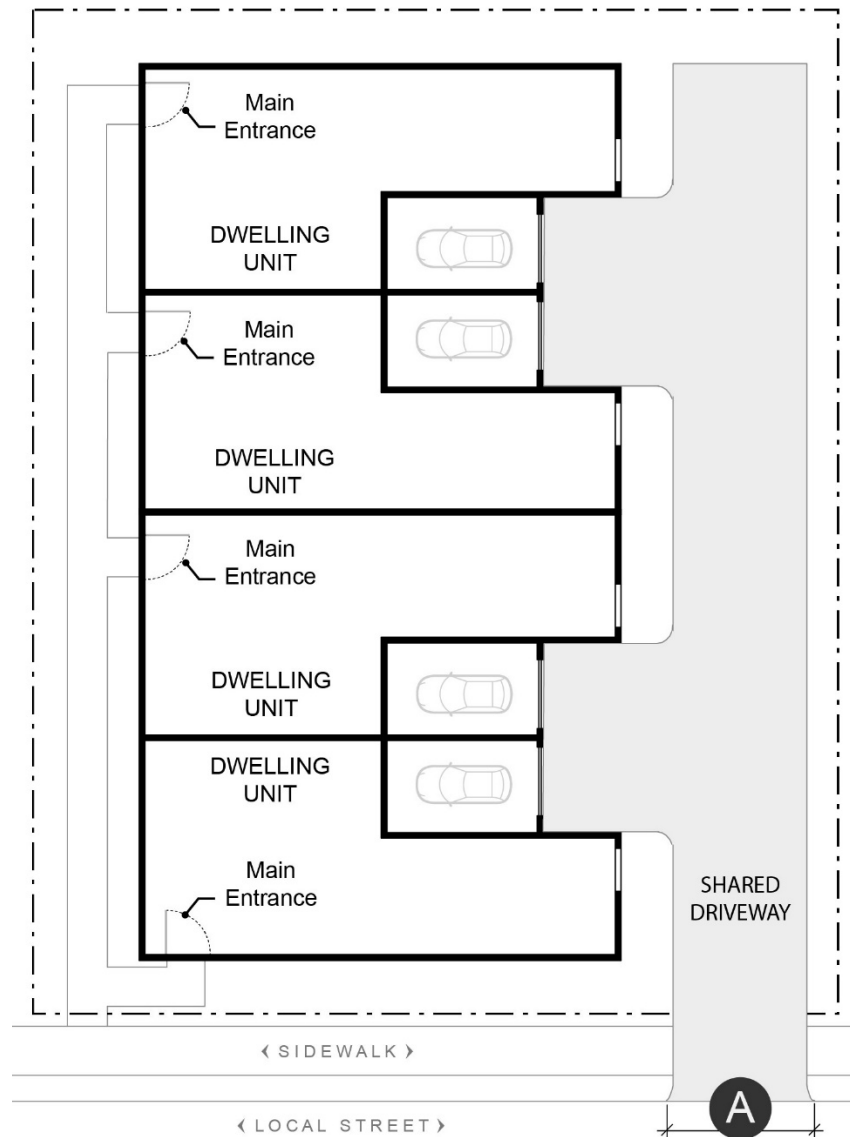
Figure 3.2.4.b. Alley Access



- A** $A^1 + A^2 + A^3 \leq 32$ feet
- B** Driveway approaches must meet separation standards for a local street.
- C** Walkway may abut driveway

3 – Triplex and Quadplex

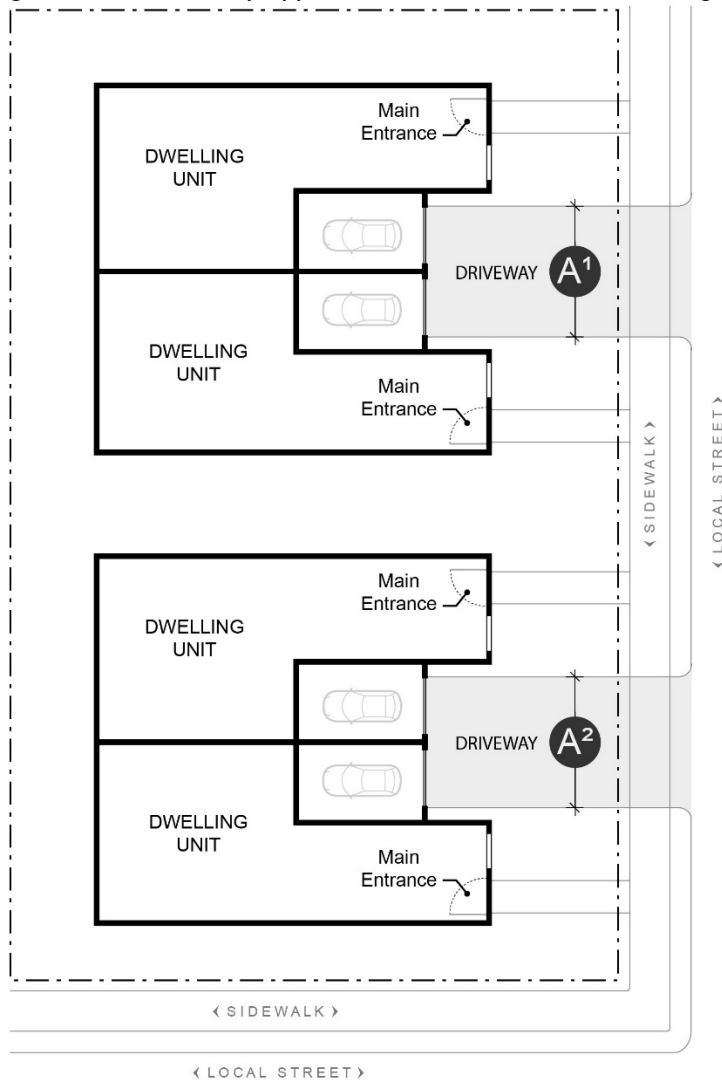
Figure 3.2.4.c. Driveway Approach Width on Local Street – Shared Driveway



- A** Maximum width of driveway approach(es) 32 feet

3 – Triplex and Quadplex

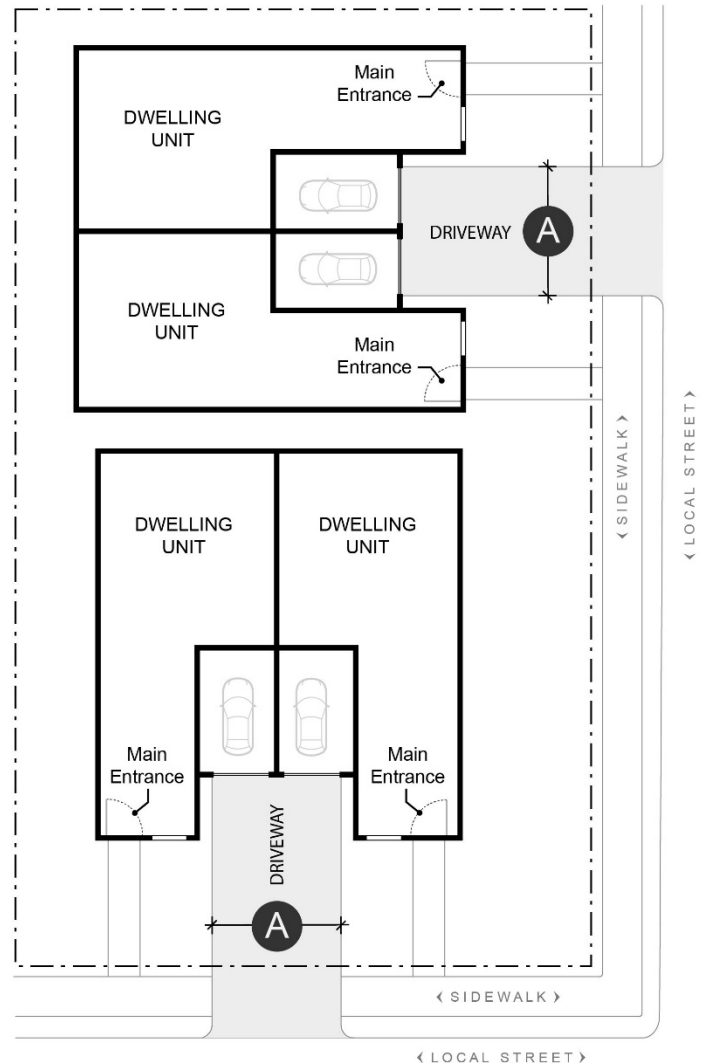
Figure 3.2.4.d. Driveway Approaches on One Local Street Frontage



A

One maximum 16-foot-wide driveway approach per frontage

Figure 3.2.4.e. Driveway Approaches on Two Local Street Frontages



A

Two driveway approaches on one frontage:
 $A^1 + A^2 \leq 32$ feet

3.2.5 Trash Storage

- A. Standard.** Shared storage facilities for trash and recycling receptacles that are located within 20 feet of a street lot line or a lot line abutting residential property shall meet the following standards:

3 – Triplex and Quadplex

1. The storage facility shall be screened from street lot lines and abutting residential properties by a wall, solid fence, or evergreen hedge. Except as specified in subsection (3), the screen must be at least 4 feet in height and located no more than 3 feet from the storage facility.
2. The storage facility must be separated from the street lot line by at least 5 feet.
3. For lot lines abutting residential properties, the storage facility must either be setback from the lot line by at least 5 feet, or the screen facing the lot line must be at least 6 feet in height.

B. Exceptions. Trash and recycling receptacles stored within a building are exempt from these standards.

3.3. Conversions – Triplex and Quadplex

Additions to, or conversions of, an existing detached single-unit dwelling or duplex into a triplex or quadplex is allowed, provided that the addition or conversion does not increase nonconformance with applicable siting and design standards of this Model Code

, unless increasing nonconformance is otherwise permitted by the city's development regulations.

4 – Townhouse

Chapter 4 – Townhouse

Sections:

4.1 Siting Standards – Townhouse

4.2 Design Standards – Townhouse

4.1 Siting Standards – Townhouse

The siting standards in Table 4.1 apply to the development of townhouses. Required outdoor area is calculated based on the entire townhouse project (not each townhouse lot).

TABLE 4.1 SITING STANDARDS – TOWNHOUSE:	
[Recommended: Minimum Size for New Townhouse Lots (see Section 9.1.1)]	1,800 sf]
[Recommended: Minimum Lot Width for New Townhouse Lots (measured at front lot line of each townhouse lot)]	20 ft]
Maximum Building/Structure Height (see Section 10.1.3)	35 ft
Maximum Number of Attached Townhouses per Structure	4 Townhouses
Minimum Setbacks (see Section 9.1.4)	
• Front and street side building setback	10 ft
• Common wall setback (along lot line where units are attached)	0 ft
• Side (interior) building setback	5 ft
• Rear building setback	10 ft
• Garage entrance setback	
○ Garage entrances facing a public street (driveway length)	18 ft
○ Garage entrances with alley access	5 ft
Minimum Required Outdoor Area (see Section 9.1.5)	25% of site area
[Recommended: Vehicle Parking (see Section 9.1.6)]	
• Minimum number of off-street spaces	1 space per unit]
Areas Owned in Common Common areas must be maintained by a homeowners association or other legal entity. Such legal entity may also be responsible for exterior building maintenance. A copy of any applicable covenants, restrictions and conditions must be recorded and provided to the city prior to issuance of a building permit.	

4.2 Design Standards – Townhouse

Except as provided in Section 1.4, the design standards in this section apply to the development of townhouses.

4.2.1 Entry Orientation and Pedestrian Connectivity

- A. Standard.** A main entrance to each townhouse must comply with all the following standards (see Figure 4.2.1.a). The entrance must:

4 – Townhouse

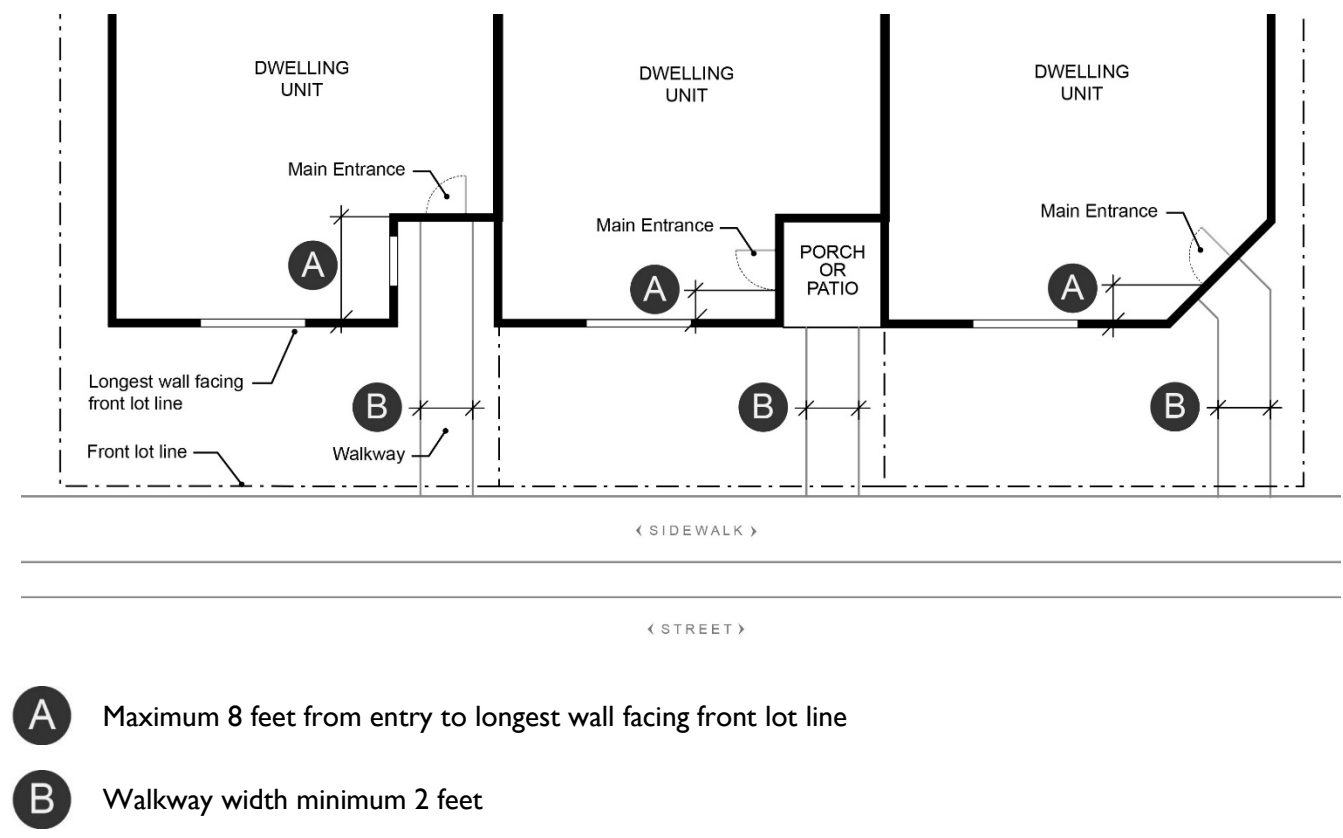
1. Be no more than 8 feet farther from the front lot line than the dwelling unit's longest wall that faces the front lot line.
2. Meet at least one of the following:
 - a. Face the street;
 - b. Be at an angle of up to 45 degrees from the street; or
 - c. Open onto a covered porch or covered patio. The porch or patio must:
 - i. Be at least 25 square feet in area; and
 - ii. Have at least one entrance facing the street.
3. Connect to the sidewalk by a hard-surfaced walkway other than the driveway. The walkway shall have a minimum width of 2 feet. The walkway may abut the driveway. Where there is no sidewalk abutting the property, the walkway shall extend to the street lot line.

B. Exceptions. The following are exempt from these standards:

1. Townhouses on townhouse lots that do not have public street frontage.
2. Townhouses with ground levels that are designed as accessible or adaptable, provided the main entrance is connected to the public sidewalk by an accessible walkway.

4 – Townhouse

Figure 4.2.1.a. Main Entrance Facing the Street, at 45° Angle, or Opening onto a Porch



4.2.2 Windows and Doors

A. Standard.

1. Windows or pedestrian entrance doors must be provided on street-facing facades on each individual unit as follows:
 - a. At least one street-facing façade must have a minimum of 15 percent windows or pedestrian entrance doors.
 - b. All other street-facing facades must have a minimum of 10 percent windows or pedestrian entrance doors.
2. See Section 9.1.8 for measurement methodology.

B. Exceptions. The following facades are exempt from these standards:

1. Facades separated from the street lot line by a dwelling, or by a buildable lot with a depth of at least 20 feet measured from the street lot line.

4 – Townhouse

2. Facades that are more than 40 feet from the street lot line.
3. Facades facing an alley.

4.2.3 Driveway Access and Parking

A. Standard. Townhouse lots with frontage on a public street shall either meet the standards in subsection (1) or subsection (2). Townhouse lots without frontage on a public street are subject to subsection (3).

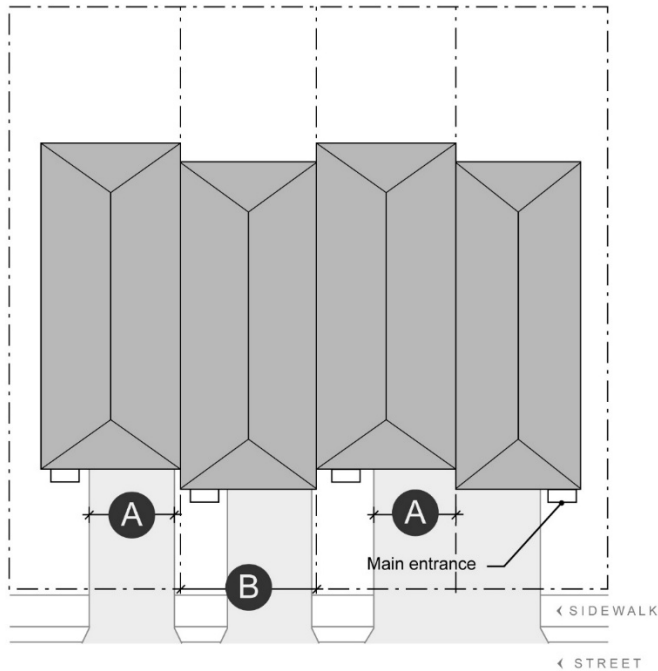
1. Where garage entrances, off-street parking areas, or driveways are located between a townhouse and a public street (other than an alley), the following standards shall be met (see Figure 4.2.3.a).
 - a. The townhouse lot shall have at least 15 feet of street frontage on a local street.
 - b. A maximum of one driveway approach is allowed for every townhouse. Driveway approaches or driveways may be shared.
 - c. On each townhouse lot, the width of the following features shall not exceed 12 feet, or 60 percent of the lot frontage width, whichever is less:
 - i. Outdoor on-site parking and maneuvering areas; and
 - ii. Garages, as measured from the inside of the garage door frame.
 - d. This standard does not supersede a city's driveway separation standards.
2. For all other configurations of driveway access and parking, the following standards shall be met.
 - a. A townhouse project that includes a corner lot shall take access from a single driveway approach on the side of the corner lot. See Figure 4.2.3.b.
 - b. Townhouse projects that do not include a corner lot shall consolidate access for all lots into a single driveway. See Figure 4.2.3.c.
 - c. A townhouse project that includes consolidated access or shared driveways shall grant access easements to allow normal vehicular access and emergency access. Driveway and approach widths are subject to the city's public works standards.
3. Townhouse lots that do not have public street frontage may be accessed from a shared driveway located within an access easement or tract that allows normal vehicular access and emergency access. See Figure 4.2.3.d.

B. Exceptions.

1. Townhouse projects in which vehicular access for all units is exclusively from a rear alley are exempt these standards.
2. Townhouses with ground levels that are designed as accessible or adaptable units are exempt from subsection (A)(1)(c).

4 – Townhouse

Figure 4.2.3.a. Townhouses with Parking in Front Yard



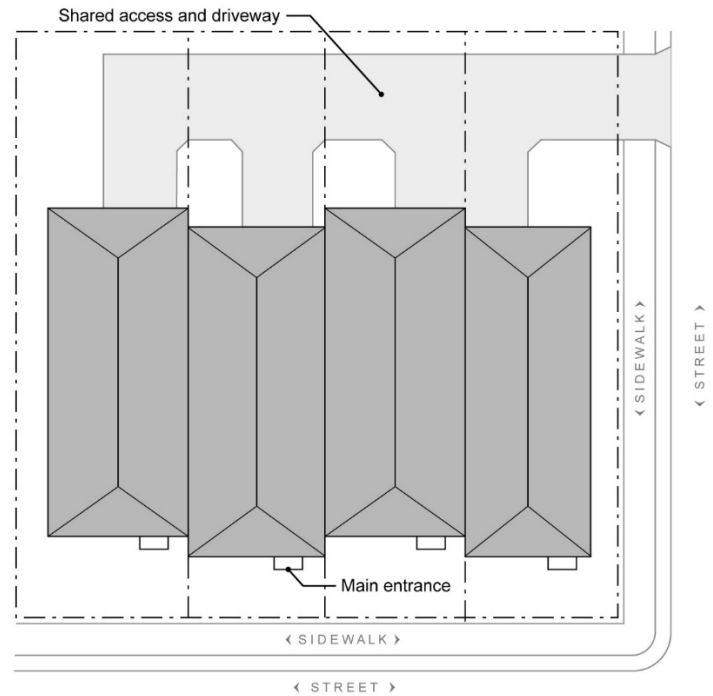
A

Maximum width of driveway, parking or maneuvering area, or garage: 12 feet or 60% of lot frontage width, whichever is less

B

Minimum 15 feet of street frontage

Figure 4.2.3.b. Townhouses on Corner Lot with Shared Access



4 – Townhouse

Figure 4.2.3.c. Townhouses with Consolidated Access

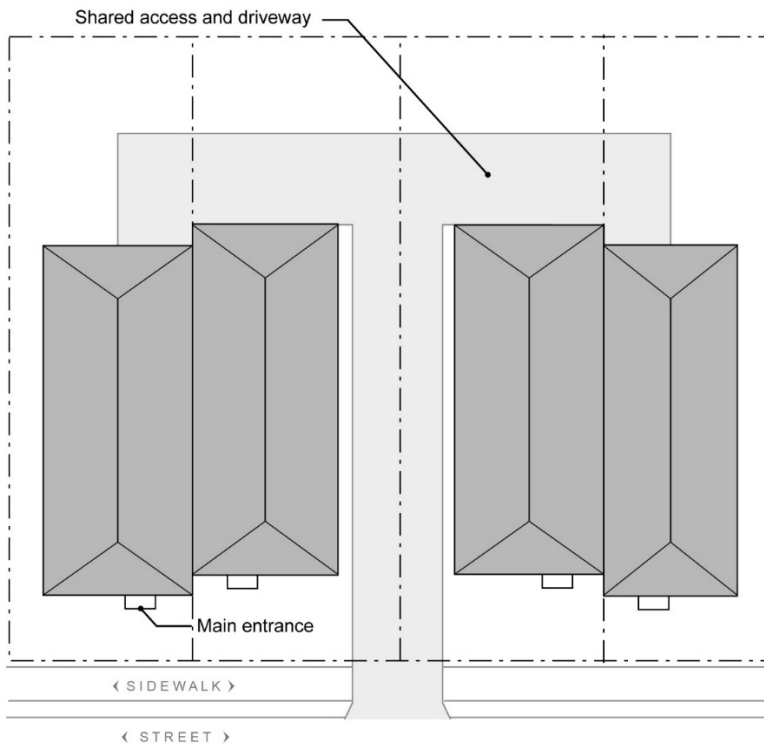
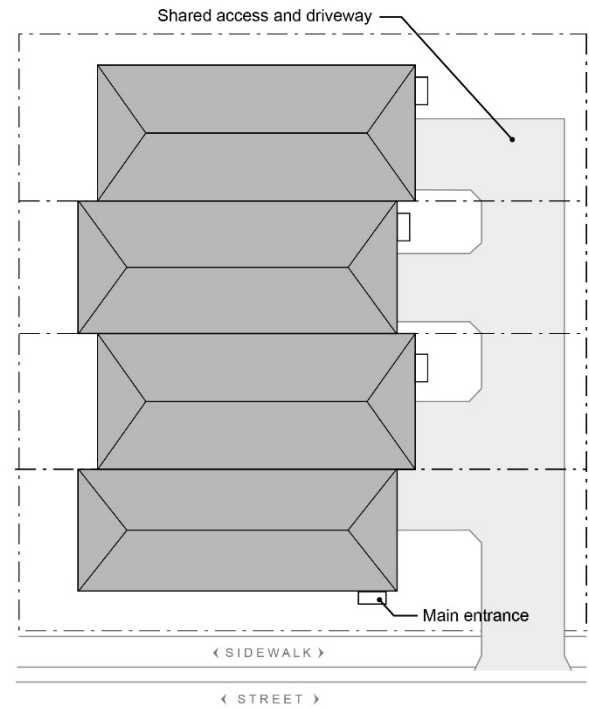


Figure 4.2.3.d. Townhouses with Access from Shared Driveway and Access Easement/Tract



4.2.4 Trash Storage

A. Standard. Shared storage facilities for trash and recycling receptacles that are located within 20 feet of a street lot line or a lot line abutting residential property shall meet the following standards:

1. The storage facility shall be screened from street lot lines and abutting residential properties by a wall, solid fence, or evergreen hedge. Except as specified in subsection (3), the screen must be at least 4 feet in height and located no more than 3 feet from the storage facility.
2. The storage facility must be separated from the street lot line by at least 5 feet.
3. For lot lines abutting residential properties, the storage facility must either be setback from the lot line by at least 5 feet, or the screen facing the lot line must be at least 6 feet in height.

B. Exceptions. Trash and recycling receptacles stored within a building are exempt from these standards.

5 – Cottage Cluster

Chapter 5 – Cottage Cluster

Sections:

5.1 Siting Standards – Cottage Cluster

5.2 Design Standards - Cottage Cluster

5.1 Siting Standards – Cottage Cluster

The siting standards in Table 5.1 apply to the development of a Cottage Cluster on a lot.

TABLE 5.1 SITING STANDARDS - COTTAGE CLUSTER	
Maximum Number of Cottages per Cottage Cluster	8 cottages
Average Cottage Size. Based on average floor area of all cottages and community buildings within the cottage cluster (see Section 10.1.2).	1,400 sf or less
Average Cottage Footprint	
• Average of cottages with height of 15 feet or less	1,400 sf or less
• Average of cottages with height over 15 feet	900 sf or less
Maximum Building/Structure Height (see Section 10.1.3)	25 ft
Minimum Setbacks (see Section 9.1.4)	
• Front and street side building setback	10 ft
• Side (interior) building setback	5 ft
• Rear building setback	10 ft
Minimum Required Open Space - Courtyard (see Section 5.2.2)	150 sf per cottage
[Recommended: Vehicle Parking (see Section 9.1.6)	
• Minimum number of off-street spaces	1 space per unit]
Areas Owned in Common Common areas must be maintained by a homeowners association or other legal entity. Such legal entity may also be responsible for exterior building maintenance. A copy of any applicable covenants, restrictions and conditions must be recorded and provided to the city prior to issuance of a building permit.	

5.2 Design Standards – Cottage Cluster

Except as provided in Section 1.4, the design standards in this section apply to the development of cottage clusters. [Recommended: Mandates for construction of a garage or carport and any other design standards are invalid, except as specified in this Section.]

5 – Cottage Cluster

5.2.1 Cottage Orientation

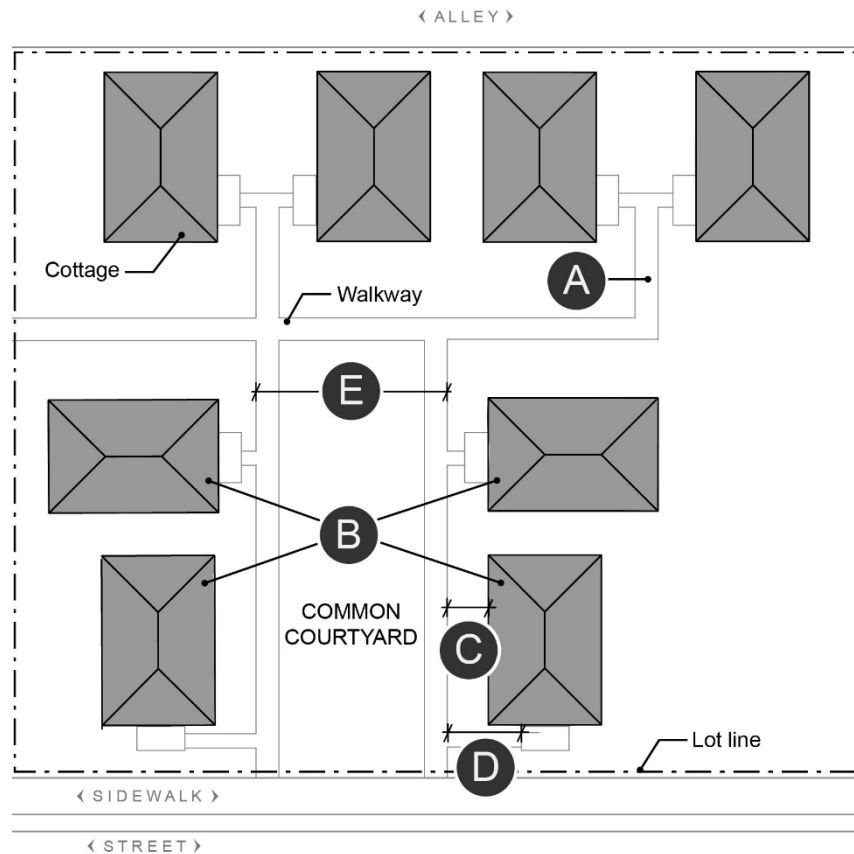
- A. Standard.** Cottages must be clustered around a common courtyard as demonstrated by meeting the following standards (see Figure 5.2.2.a):
1. Each cottage within a cluster must have a main entrance that is directly connected to the common courtyard by a pedestrian walkway.
 2. A minimum of 50 percent of cottages within a cluster must:
 - a. Be within 10 feet from the common courtyard, measured from the nearest façade of the cottage to the nearest edge of the common courtyard; and
 - b. Have a main entrance that either faces the common courtyard or is no more than 20 feet from the common courtyard.
 3. Cottages must abut the common courtyard on at least two sides of the courtyard.
- B. Exceptions.** An existing dwelling included within a cottage cluster pursuant to Section 5.2.8 may be excluded from the calculation of cottages oriented toward the common courtyard at the applicant's option.

5.2.2 Common Courtyard Design Standards

- A. Standard.** Each cottage cluster must share a common courtyard that meets the following standards (see Figure 5.2.2.a):
1. The common courtyard must be a single, contiguous piece.
 2. The common courtyard must be a minimum of 15 feet wide at its narrowest dimension and must meet the minimum area standard in Table 5.1.
 3. The common courtyard shall be developed with a mix of landscaping, lawn area, pedestrian walkways, or paved courtyard area, and may also include recreational amenities. Impervious elements of the common courtyard shall not exceed 75 percent of the total common courtyard area.
 4. Common courtyards must include pedestrian walkways. Walkways that are contiguous to a courtyard shall count toward the courtyard's minimum dimension and area. Parking areas, required setbacks, and driveways do not qualify as part of a common courtyard.
- B. Exceptions.** None.

5 – Cottage Cluster

Figure 5.2.2.a. Cottage Cluster Orientation and Common Courtyard Standards



- A** All cottages connected to courtyard by walkway.
- B** Minimum 50% of cottages meet the orientation requirements illustrated by **C** and **D**.
- C** Maximum 10 feet from cottage to courtyard.
- D** Maximum 20 feet from entry to courtyard.
- E** Minimum 15 feet width at narrowest dimension.

5 – Cottage Cluster

5.2.3 Community Buildings

- A. Standard.** Cottage cluster projects may include community buildings for the shared use of residents that provide space for accessory uses such as community meeting rooms, guest housing, exercise rooms, day care, or community eating areas. Community buildings must meet the following standards:
1. Each cottage cluster is permitted one community building, which shall count towards the maximum average cottage size, pursuant to Table 5.1.
 2. Community buildings shall not include individual storage spaces for residents. However, storage areas for shared equipment or supplies is permitted.
- [Recommended: 3. If a community building meets the definition of a dwelling unit and has a footprint that exceeds the maximum footprint in Table 5.1 or would exceed the maximum number of cottages in a cottage cluster, a covenant must be recorded against the property stating that the structure is not a legal dwelling unit and will not be used as a primary dwelling.]

B. Exceptions. None.

5.2.4 Pedestrian Access

- A. Standard.**
1. A walkway must connect the main entrance of each cottage to the following:
 - a. The common courtyard;
 - b. Shared parking areas;
 - c. Community buildings; and
 - d. Sidewalks in public rights-of-way abutting the lot or rights-of-way if there are no sidewalks.
 2. The walkway must be hard-surfaced and a minimum of 4 feet wide.
 3. An accessible walkway must connect the main entrance of each accessible or adaptable unit to:
 - a. The sidewalk or right-of-way; and
 - b. At least one ADA parking space, if provided.

B. Exceptions. None.

5.2.5 Windows and Doors

- A. Standard.** Cottages within 20 feet of a street lot line must meet the following standards:
1. At least one street-facing façade must have a minimum of 15 percent windows or pedestrian entrance doors.
 2. All other street-facing facades must have a minimum of 10 percent windows or pedestrian entrance doors.

5 – Cottage Cluster

3. See Section 9.1.8 for measurement methodology.

B. Exceptions. The following facades are exempt from these standards:

1. Facades separated from the street lot line by a dwelling, or by a buildable lot with a depth of at least 20 feet measured from the street lot line.
2. Facades facing an alley.

5.2.6 Parking Design

A. Standards. (see Figure 5.2.6.a).

1. Clustered parking. Off-street parking may be arranged in clusters, subject to the following standards:
 - a. Cottage cluster projects with fewer than 16 cottages are permitted parking clusters of not more than 5 contiguous spaces.
 - b. Cottage cluster projects with 16 cottages or more are permitted parking clusters of not more than 8 contiguous spaces.
 - c. Parking clusters must be separated from other spaces by at least 4 feet of landscaping.
 - d. Clustered parking areas may be covered.
2. Parking location and access.
 - a. Off-street parking spaces and vehicle maneuvering areas shall not be located:
 - i. Within 20 feet of any street lot line, except alley lot lines; or
 - ii. Between a street lot line and the front façade of cottages located closest to the street lot line. This standard does not apply to alleys.
 - b. Off-street parking spaces shall not be located within 10 feet of any other lot line, except alley lot lines. Driveways and drive aisles are permitted within 10 feet of other lot lines.
3. Screening. Landscaping, fencing, or walls at least 3 feet tall shall separate clustered parking areas and parking structures from common courtyards and public streets.
4. Garages and carports.
 - a. Garages and carports (whether shared or individual) must not abut common courtyards.
 - b. Individual attached garages up to 200 square feet shall be exempted from the calculation of maximum building footprint for cottages.
 - c. Individual detached garages must not exceed 400 square feet in floor area.
 - d. Garage doors for attached and detached individual garages must not exceed 20 feet in width.

B. Exceptions. None.

5 – Cottage Cluster

5.2.7 Accessory Structures

- A. Standard.** Accessory structures (excluding community buildings) must not exceed 400 square feet in floor area.
- B. Exceptions.** None.

5.2.8 Existing Structures

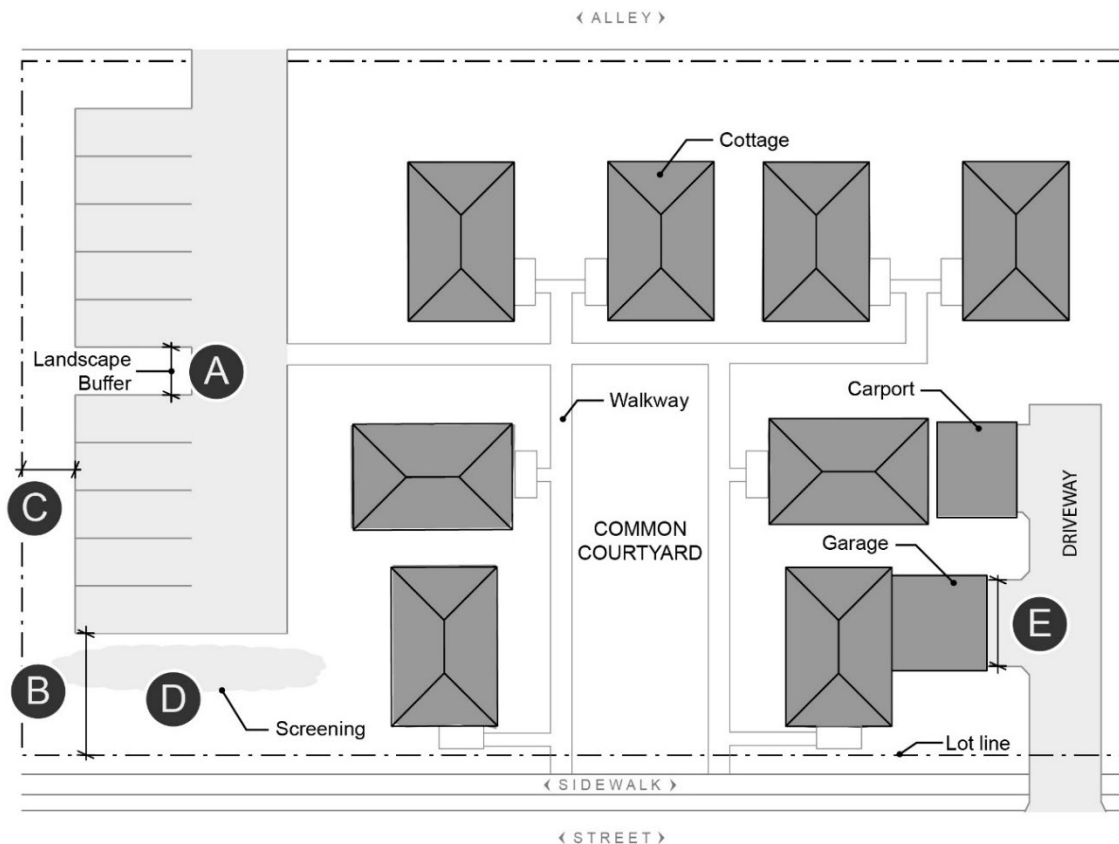
- A. Standard.** On a lot to be used for a cottage cluster project, an existing detached single-unit dwelling on the same lot at the time of proposed development of the cottage cluster may remain within the cottage cluster project area under the following conditions:
 - 1. The existing dwelling may be nonconforming with respect to the requirements of this code.
 - 2. The existing dwelling may be expanded up to the maximum height or the maximum building footprint in Table 5.1; however, existing dwellings that exceed the maximum height or footprint of this code may not be expanded.
 - 3. An applicant may choose to exclude the floor area of the existing dwelling when calculating the average cottage size of a cottage cluster.
- B. Exceptions.** None.

5.2.9 Trash Storage

- A. Standard.** Shared storage facilities for trash and recycling receptacles that are located within 20 feet of a street lot line or a lot line abutting residential property shall meet the following standards:
 - 1. The storage facility shall be screened from street lot lines and abutting residential properties by a wall, solid fence, or evergreen hedge. Except as specified in subsection (3), the screen must be at least 4 feet in height and located no more than 3 feet from the storage facility.
 - 2. The storage facility must be separated from the street lot line by at least 5 feet.
 - 3. For lot lines abutting residential properties, the storage facility must either be setback from the lot line by at least 5 feet, or the screen facing the lot line must be at least 6 feet in height.
- B. Exceptions.** Trash and recycling receptacles stored within a building are exempt from these standards.

5 – Cottage Cluster

Figure 5.2.6.a. Cottage Cluster Parking Design Standards



- A** Parking clusters separated by minimum 4 feet of landscaping.
- B** No parking within 20 feet of street lot line.
- C** No parking within 10 feet of lot line other than street or alley.
- D** Screening required between parking areas or parking structures and public streets or common courtyards.
- E** Maximum 20 feet garage door width.

6 – Multi-Unit Housing

Chapter 6 – Multi-Unit Housing

Sections:

6.1 Siting Standards – Multi-Unit Housing

6.2 Design Standards – Multi-Unit Housing

6.1 Siting Standards – Multi-Unit

The siting standards in Table 6.1 apply to the development of multi-unit housing.

TABLE 6.1 SITING STANDARDS - MULTI-UNIT	
Maximum Building/Structure Height (see Section 10.1.3)	
• Buildings with accessible or adaptable units	40 ft
• All other buildings	35 ft
Minimum Setbacks (see Section 9.1.4)	
• Front and street-side building setback	10 ft
• Side (interior) building setback	5 ft
• Rear building setback	10 ft
• Garage entrance setback	
○ Garage entrances with a public street access (driveway length)	18 ft
○ Garage entrances with alley access	5 ft
Minimum Required Outdoor Area and Usable Open Space (see Sections 6.2.5 and 9.1.5)	
• Required Outdoor Area	
○ Site size: less than 10,000 sf	25% of site area
○ Site size: 10,000 sf to 50,000 sf	30% of site area
○ Site size: greater than 50,000 sf	35% of site area
• Usable Open Space	See Section 6.2.5
[Recommended: Vehicle Parking] (see Section 9.1.6)	
• Minimum number of off-street spaces	1 space per unit]
[Recommended: Minimum Number of Bicycle Parking Spaces] (see Section 9.1.7)	
• Long-term Spaces	0.5 spaces per unit]

6 – Multi-Unit Housing

6.2 Design Standards – Multi-Unit

The design standards in this section apply to the development of multi-unit housing. In sections 6.2.2 and 6.2.7, townhouse style multi-unit housing is subject to different standards than other forms of multi-unit housing. Townhouse style developments are those in which the units have individual ground floor entries, share one or more common walls with one or more other units, and do not share common floors/ceilings with another unit.

6.2.1 Entry Orientation – Non-Townhouse Style

Multi-unit housing other than townhouse-style development is subject to the following standards.

A. Standards.

- I. At least one building façade containing a main entrance to a building must be located within 20 feet of a street lot line. If the site abuts more than one street, the building façade meeting this standard must be located in accordance with the following hierarchy:
 - a. Except as provided in (c), if transit is available on one or more abutting streets, within 20 feet of the street lot line of the street with the highest level of transit service.
 - b. Except as provided in (c), if none of the abutting streets have transit service, then within 20 feet of the street lot line of the street with the highest classification in the city's adopted Transportation System Plan (or in the applicable functional classification map or public works or engineering standards).
 - c. In the following circumstances, the applicant may choose the street-facing façade that will contain the main entrance:
 - i. The abutting streets have equal levels of transit service and equal street classifications; or
 - ii. The highest transit service street or highest classification street is an arterial street that includes 4 or more travel lanes designed for through movement of vehicles.
2. The main entrance meeting standard (A)(I), must:
 - a. Be no more than 8 feet farther from the front lot line than the structure's longest wall that faces the front lot line.
 - b. Meet at least one of the following:
 - i. Face the street;
 - ii. Be at an angle of up to 45 degrees from the street;
 - iii. Face a courtyard, provided the courtyard is no less than 15 feet in width and abuts the street; or
 - iv. Open onto a covered porch or covered patio that is at least 25 square feet in area.

6 – Multi-Unit Housing

- c. Connect to the sidewalk by an accessible walkway in conformance with Section 6.2.3(A)(2). Where there is no sidewalk abutting the property, the walkway shall extend to the street lot line.

B. Exceptions. If a site abuts only one street, and the abutting street is an arterial with 4 or more travel lanes designed for through movement of vehicles, a building facade with ground floor dwelling units may be set further back than 20 feet, provided the screening standards in Section 6.2.8 are met, except as specified in subsection 6.2.8(B).

6.2.2 Entry Orientation – Townhouse Style

Townhouse-style multi-unit housing is subject to the following standards.

- A. Standards.** A main entrance of each unit that is within 40 feet of a public street lot line must comply with all the following standards. The entrance must:
1. Be no more than 8 feet farther from the front lot line than the dwelling unit's longest wall that faces the front lot line.
 2. Meet at least one of the following:
 - a. Face the street,
 - b. Be at an angle of up to 45 degrees from the street; or
 - c. Open onto a covered porch or patio. The porch or patio must:
 - i. Be at least 25 square feet in area; and
 - ii. Have at least one entrance facing the street.
 3. Connect to the sidewalk by a hard-surfaced walkway other than the driveway. The walkway shall have a minimum width of 2 feet. The walkway may abut the driveway. Where there is no sidewalk abutting the property, the walkway shall extend to the street lot line.
- D. Exceptions.** None.

6.2.3 Pedestrian Connections

A. Standard.

1. Internal Connections. A system of walkways must connect all main entrances on the site and provide connections to abutting sidewalks, parking areas, bicycle parking, and common outdoor areas. Where there is no sidewalk abutting the property, the walkway shall extend to the street lot line.
2. For sites greater than 50,000 square feet, on-site walkways must connect or be stubbed to allow for an extension to the abutting property in the following circumstances:
 - a. There is an existing walkway on the abutting property that is located in a public right-of-way or public access tract or easement; or

6 – Multi-Unit Housing

- b. There is a planned walkway on the abutting property, as identified in the city's adopted Transportation System Plan.

3. Walkway Design.

- a. **Materials and Width.** All walkways must be hard surfaced. Except as provided in subsections (i) and (ii), walkways must be at least 5 feet in unobstructed width.
 - i. Walkway width must be increased to 8 feet if the walkway abuts perpendicular or angled parking spaces, unless the spaces are equipped with wheel stops.
 - ii. Where a walkway leads to 4 or fewer individual unit entries, it may have an unobstructed width of 3 feet, increased to at least 4 feet at turns and curves, provided it also meets other ADA standards for accessible walkways, including standards related to passing spaces and slope.
- b. **Crossings with Vehicle Areas.** Where the walkway crosses driveways, drive aisles, parking areas, and loading areas, the walkway must be clearly identifiable through the use of elevation changes, a different paving material, or other similar method. Striping does not meet this requirement. Elevation changes for crossings must be at least 4 inches high.
- c. **Walkways Adjacent to Vehicle Areas.** Where the walkway is parallel and adjacent to a parking space, driveway, or drive aisle, the walkway must be a raised path or be separated from the vehicular space by a raised curb, bollards, landscaping, or other physical barrier. If a raised path is used, it must be at least 4 inches high. Bollard spacing must be no further apart than 5 feet on center.

B. Exceptions. None.

6.2.4 Windows and Doors

A. Standard. A minimum of 15 percent of the area of all street-facing facades must include windows or pedestrian entrance doors. See Section 9.1.8 for measurement methodology.

B. Exceptions. The following facades are exempt from this standard:

- 1. Facades separated from the street lot line by another building, or by a buildable lot with a depth of at least 20 feet measured from the street lot line.
- 2. Facades that are more than 40 feet from the street lot line.
- 3. Facades facing an alley.

6.2.5 Required Outdoor Area and Usable Open Space

A. Standard.

- 1. **Minimum Outdoor Area.** Except as specified in subsection (B), a portion of the gross site area must be provided as outdoor area, as specified in Table 6.1. The required outdoor area must meet the description and standards in Section 9.1.5.

6 – Multi-Unit Housing

2. **Minimum Usable Open Space.** For sites over 10,000 square feet in gross site area, a percentage of the required outdoor area must be permanently reserved as shared, usable open space available for use by the residents:
 - a. For sites between 10,000 and 50,000 square feet, at least 25 percent of the required outdoor area must be usable open space
 - b. For sites 50,000 square feet or larger, at least 50 percent of the required outdoor area must be usable open space.
3. **Usable Open Space Standards.** The usable open space shall meet the following criteria:
 - a. The usable open space shall contain one or more of the features specified in Section 9.1.5(B)(2).
 - b. In order to be counted as eligible toward the minimum usable open space area, such areas shall have dimensions of not less than 10 feet.

B. Exceptions.

1. For sites under 50,000 square feet in size, 100 percent of the required outdoor area may be met by:
 - a. A rooftop garden provided it is accessible to all of the residents; or
 - b. Private open space.
2. Sites that are under 10,000 square feet in size and located within one-quarter mile walking distance of a public park that is at least 1 acre in size are exempt from the usable open space requirement. Walking distance is measured along a route utilizing sidewalks or other public pedestrian facilities that are existing or will be constructed with the development.
3. For townhouse style multi-unit housing, 100 percent of the required usable open space may be provided as private yards for each unit.

6.2.6 Parking Location and Design

The following standards apply to multi-unit housing. For townhouse style developments, see Section 6.2.7.

A. Vehicle Parking Standards.

1. No area between a building and the street lot line (other than an alley) shall be used for vehicle parking or circulation, except for the following:
 - a. A driveway providing access to a shared parking garage.
 - b. A passenger drop-off or loading zone, provided the main building entrance must connect to an adjacent street by a pedestrian walkway.
2. Screening of surface parking areas. The city's parking area screening standards shall apply, if any, otherwise the following standards shall apply. Surface parking areas with more than 8 spaces must be screened from view of the street by a landscaped area that includes the following, at a minimum:

6 – Multi-Unit Housing

- a. Evergreen shrubs that will grow to a minimum height of 30 inches within two years and form continuous screening. Areas within the vision clearance triangle must include plantings that do not exceed 3 feet; and
 - b. At least one tree for every 30 linear feet; and
 - c. Evergreen ground cover must cover the remaining landscape area.
 - d. A minimum 30 inch tall wall or fence may be substituted for evergreen shrubs.
3. Additional parking area design and landscaping standards are provided in Section 9.1.6.
- B. Bicycle Parking Standards.** Bicycle parking location and design standards are provided in Section 9.1.7.
- C. Exceptions.** None.

6.2.7 Driveway Access and Parking – Townhouse-Style

For townhouse style units that have garage entrances, off-street parking areas, or driveways located between a dwelling unit and a public street (other than an alley), the following standards shall be met. For all other units, the standards in Section 6.2.7 shall be met.

- A. Standards.** See Figure 4.2.4.a.
1. Access must be taken from a local street.
 2. A maximum of one driveway approach is allowed for every townhouse style unit. Driveway approaches or driveways may be shared.
 3. Outdoor on-site parking and maneuvering areas shall not exceed 12 feet wide for any unit.
 4. The garage width shall not exceed 12 feet, as measured from the inside of the garage door frame.
 5. This standard does not supersede a city's local driveway separation standards.
- B. Bicycle Parking Standards.** Bicycle parking location and design standards are provided in Section 9.1.7.
- C. Exception.** None.

6.2.8 Screening from Arterials

A. Standard.

The following standards apply to multi-unit sites that abut an arterial street with 4 or more vehicle travel lanes designed for through movement of vehicles. Screening shall be provided within the setback area between any street-facing facade and the street lot line abutting the arterial street. The screening shall meet the following standards:

1. At least two rows of evergreen trees shall be planted. Each row shall have a minimum of one tree for every 20 linear feet of street frontage. Tree planting shall be staggered, with a maximum spacing

6 – Multi-Unit Housing

of 20 feet on center for trees within the same row and 15 feet on center for trees within different rows.

2. Trees shall be at least 6 feet tall at the time of planting.

B. Exception. This standard does not apply to arterial streets with frequent transit service.

6.2.9 Trash Storage

A. Standard. Shared storage facilities for trash and recycling receptacles that are located within 20 feet of a street lot line or a lot line abutting residential property shall meet the following standards:

1. The storage facility shall be screened from street lot lines and abutting residential properties by a wall, solid fence, or evergreen hedge. Except as specified in subsection (3), the screen must be at least 4 feet in height and located no more than 3 feet from the storage facility.
2. The storage facility must be separated from the street lot line by at least 5 feet.
3. For lot lines abutting residential properties, the storage facility must either be setback from the lot line by at least 5 feet, or the screen facing the lot line must be at least 6 feet in height.

B. Exceptions. Trash and recycling receptacles stored within a building are exempt from these standards.

7 – Accessory Dwelling Unit

Chapter 7 – Accessory Dwelling Unit

Sections:

7.1 Siting Standards – Accessory Dwelling Unit

7.2 Design Standards – Accessory Dwelling Unit

7.1 Siting Standards – Accessory Dwelling Unit

7.1.1 Siting Standards, Generally

A. Standards. Except as provided in this chapter and in subsection (B), accessory dwelling units shall meet the same siting standards that apply to detached single-unit dwellings (Table 2.1 if applicable, or in the city's development code).

B. Exceptions.

1. The following siting standards do not apply to accessory dwelling units:

a. Minimum Required Outdoor Area;

[Recommended: b. Minimum Vehicle Parking.]

2. Conversion of an existing legal non-conforming accessory structure into an accessory dwelling unit is allowed, provided that the conversion does not increase the non-conformity. For example, a garage that does not meet the minimum setback standard in the zoning district may be converted to an accessory dwelling unit, provided the footprint of the building within the setback area does not increase in size.

3. If an accessory dwelling unit is added to a lot with an existing dwelling unit that has been in place for at least 5 years, up to 1,000 square feet of floor area is permitted even if it would cause the site to fall below the minimum percentage of required outdoor area.

4. Setbacks.

a. Where an accessory dwelling unit is accessed from an alley, the minimum setback from the alley lot line shall be 5 feet.

b. Detached accessory dwelling units that do not exceed 12 feet in height may be located within 5 feet of a side or rear lot line (excluding street lot lines other than alleys).

7.1.2 Number of Units and Configuration

A. Standard. A maximum of one accessory dwelling unit is allowed per legal detached single-unit dwelling (referred to as the primary dwelling). The unit may be in a separate detached building, in a portion of a detached accessory building (e.g., above a garage or workshop), or a unit attached or interior to the primary dwelling (e.g., an addition or the conversion of an existing floor).

B. Exception. None.

7 – Accessory Dwelling Unit

7.1.3 Maximum Floor Area

- A. Standard.** The maximum floor area for an accessory dwelling unit is 1,000 square feet.
- B. Exceptions.** The maximum floor area standard does not apply when an entire floor of a primary dwelling (e.g., a basement) is converted to an accessory dwelling unit and the primary dwelling has been on the site for at least 5 years.
- C. Measurement.** Floor area is measured as provided in Section 9.1.2(B)(1).

7.2 Design Standards – Accessory Dwelling Unit

[Recommended: Accessory dwelling units are exempt from design standards.]

8 – Procedures and Applications

Chapter 8 – Procedures and Applications

Sections:

- 8.1 Procedures and Applications, Generally
- 8.2 Procedure - Ministerial Decisions
- 8.3 Procedure - Limited Land Use Decisions
- 8.4 Application - Zoning Review
- 8.5 Application - Modifications

8.1 Procedures and Applications, Generally

- A. Time Periods.** In computing time periods prescribed or allowed by this chapter, the day of the act or event from which the designated period of time begins shall not be included. The last day of the period shall be included, unless it is a Saturday, Sunday, or a legal holiday, in which case the period runs until the end of the next day that is not on a weekend or legal holiday.
- B. Consolidated Review of Applications.** When an applicant applies for more than one type of land use or development permit for the same one or more contiguous parcels of land, the applicant may request that the proceedings be consolidated for review and decision. When proceedings are consolidated, required notices may be consolidated, provided the notice shall identify each application to be decided.
- C. Basis of Approval.** Approvals are based on the information submitted. If the information relied upon to grant the approval is incorrect, the approval may be voided.

8.2 Procedure – Ministerial Decision

Ministerial decisions are made following a review that does not require use of discretion, based on land use standards that do not require interpretation or the exercise of policy or legal judgment. The decision is made by the Planning Official, without public notice and without a public hearing.

A. Application Requirements.

1. **Application Forms.** Requests for approval of development subject to Ministerial Review shall be made on forms provided by the Planning Official. An application submitted concurrently with a building permit application does not require a separate application form.
2. **Application Requirements.** Applications shall include the following information:
 - a. The information requested on the application form;
 - b. Plans and exhibits required for the specific approval(s) being sought; and
 - c. The required fee.

B. Completeness Review.

8 – Procedures and Applications

1. The Planning Official shall review the application submittal and advise the applicant in writing whether the application is complete or incomplete within 30 calendar days after the city receives the application submittal.
 2. If an application for a Ministerial Decision is incomplete, the Planning Official shall notify the applicant in writing of exactly what information is missing within 30 days of receipt of the application and allow the applicant to submit the missing information. The application shall be deemed complete upon receipt by the Planning Official of:
 - a. All of the missing information;
 - b. Some of the missing information and written notice from the applicant that no other information will be provided; or
 - c. Written notice from the applicant that none of the missing information will be provided.
 3. On the 181st day after first being submitted, the application is void if the applicant has been notified of the missing information as required under subsection (2) and has not submitted some or all of the information or provided written notice that none of the missing information will be provided.
- C. Criteria and Decision.** The Planning Official's review determines whether minimum code requirements are met. The Planning Official shall approve, approve with conditions, or deny an application within 60 days after receiving a complete application.
- D. Effective Date.** A Ministerial Decision is final on the date it is signed by the Planning Official.
- E. Appeal of a Ministerial Decision.** [Recommended]: A Ministerial Decision may be appealed to Circuit Court. There is no opportunity for local appeal.]

8.3 Procedure – Limited Land Use Decision

- A. Method of review.** Limited Land Use Decisions are subject to administrative review. The decision is made by the Planning Official with public notice and an opportunity to appeal.
- B. Time allowed.** The City shall complete its review within the timeframes specified in subsections (C) through (G), below, provided that in all cases the City shall take final action on Limited Land Use applications, including resolution of all appeals, within the number of days specified in the table below, unless the applicant requests an extension in writing. The total of all extensions may not exceed 245 days except to allow for mediation in accordance with ORS 227.178(11).

Project Type	Maximum Days*
Limited land use decisions for affordable housing projects meeting the following criteria: - Multi-unit residential building containing five or more residential units within the urban growth boundary; and - At least 50 percent of the residential units included in the development will be sold or rented as affordable housing that is affordable to households with incomes equal to or less than 60 percent of the median family income for the	100 days from the date the Planning Official deems the application complete for purposes of processing,

8 – Procedures and Applications

county in which the development is built or for the state, whichever is greater, that is subject to an affordable housing covenant, as provided in ORS 456.270 to 456.295, that maintains the affordability for a period of not less than 60 years from the date of the certificate of occupancy.	
All other Limited Land Use Decisions	120 days from the date the Planning Official deems the application complete for purposes of processing,
* A city may extend these periods by no more than seven days in order to assure the sufficiency of its final order where the city has tentatively approved the application for development of residential structures.	

C. Application Requirements.

1. Application Forms. Applications subject to Limited Land Use Review shall be made on forms provided by the Planning Official.
2. Submittal Information. At a minimum, the application shall include all of the following information:
 - a. The information requested on the application form;
 - b. Plans and exhibits required for the specific approval(s) being sought; and
 - c. The required fee.

D. Completeness Review.

1. The Planning Official shall review the application submittal and advise the applicant in writing whether the application is complete or incomplete within 30 calendar days after the city receives the application submittal.
2. If an application for a Limited Land Use Decision is incomplete, the Planning Official shall notify the applicant in writing of exactly what information is missing within 30 days of receipt of the application and allow the applicant to submit the missing information. The application shall be deemed complete upon receipt by the Planning Official of:
 - a. All of the missing information;
 - b. Some of the missing information and written notice from the applicant that no other information will be provided; or
 - c. Written notice from the applicant that none of the missing information will be provided.
3. If an applicant requests review under different standards as provided in subsection (E)(2) the applicable timelines for completeness review restart as if a new application were submitted on the date of the request. The application shall not be deemed complete until the Planning Official

8 – Procedures and Applications

determines that additional information is not required under subsection (2) of this section or the applicant makes a submission under subsection (2) of this section in response to a Planning Official's request.

4. On the 181st day after first being submitted, the application is void if the applicant has been notified of the missing information as required under subsection (2) and has not submitted some or all of the information or provided written notice that none of the missing information will be provided.

E. Applicable Standards and Criteria. Approval or denial of an application shall be based upon the applicable standards and criteria as follows.

1. Except as provided in subsection (2), the approval or denial of an application that was complete when first submitted or deemed complete pursuant to subsection (D)(3) shall be based upon the standards and criteria that were applicable at the time the application was first submitted.
2. Up to the issuance of Notice of Pending Limited Land Use Decision (subsection (F)), an applicant may submit a written request to apply newly adopted standards (those operative at the time of the request) to a submitted land use application. If an applicant requests review under newly adopted standards:
 - a. Any applicable timelines for completeness review and final decisions restart as if a new application were submitted on the date of the request.
 - b. Submission of additional information may be required if the request affects or changes information in the application.
 - c. Additional fees may be required to cover those additional costs incurred by the city to accommodate the request.
 - d. The applicant may not make more than one request under this subsection (E)(2).

F. Notice of Pending Limited Land Use Decision. The purpose of the notice of pending decision is to provide a 14-day comment period during which nearby property owners and affected agencies can submit written comments on the application before the Planning Official issues their decision.

1. The Planning Official shall mail notice of a pending Limited Land Use Decision to the following individuals and agencies.
 - a. All owners of record of real property within a minimum of 100 feet of the of the entire contiguous site for which the application is made;
 - b. Any neighborhood or community organization recognized by the governing body and whose boundaries include the site; and
 - c. Any governmental agency that is entitled to notice under an intergovernmental agreement entered into with the City and any other affected agencies. The failure of another agency to respond with written comments on a pending application shall not invalidate an action or permit approval made by the City under this Code.

8 – Procedures and Applications

2. The notice of pending Limited Land Use Decision shall briefly summarize the local decision making process for the Limited Land Use Decision being made and shall contain all of the following information:
 - a. Deadline (date and time) for submitting written comments, which must be at least 14 days prior to the scheduled decision date, the place where written comments are to be submitted, and the name and phone number of the city's contact person;
 - b. Street address or other easily understood geographical reference to the subject property;
 - c. List, by commonly used citation, of the applicable criteria for the decision;
 - d. Statement that all evidence relied upon by the Planning Official to make their decision is in the public record and is available for public review. Copies of this evidence can be obtained at a reasonable cost from the City;
 - e. Statement explaining that issues which may provide the basis for an appeal to the Land Use Board of Appeals must be raised in writing prior to the expiration of the comment period. Such issues must be raised with sufficient specificity to enable the decision maker to respond to the issue; and
 - f. Statement that after the comment period closes, the City will issue its decision and the decision shall be mailed to the applicant and to anyone else who submitted written comments or who is otherwise legally entitled to notice.
3. The Planning Official shall cause an affidavit of mailing the notice to be prepared and made a part of the file. The affidavit shall show the date the notice was mailed and demonstrate that the notice was mailed to the parties listed in subsection (1) and was mailed within the time required by law.

G. Notice of Decision. At the conclusion of the comment period, the Planning Official shall review the comments received and prepare a decision approving, approving with conditions, or denying the application based on the applicable standards and criteria. Within 7 days of making a Limited Land Use Decision, the Planning Official shall mail a notice of that decision.

1. The Planning Official shall mail notice of a Limited Land Use Decision to the following individuals and agencies.
 - a. Applicant;
 - b. Property owner (if different);
 - c. Building Official;
 - d. Those individuals or agencies who provided written comments on the proposal; and
 - e. Those individuals or agencies who requested a copy of the decision.
2. The Notice of Decision shall contain all of the following information:

8 – Procedures and Applications

- a. A description of the applicant's proposal and the City's decision on the proposal, which may be a summary, provided it references the specifics of the proposal and conditions of approval in the public record;
- b. The address or other geographic description of the property proposed for development, including a map of the property in relation to the surrounding area (a copy of assessor's map may be used);
- c. A statement of where the City's decision can be obtained;
- d. The date the decision shall become final, unless appealed; and
- e. A statement that all persons entitled to notice may appeal the decision to City's appeal body pursuant to subsection (H) by the date specified on the notice.

H. Effective Date. Unless the conditions of approval specify otherwise, a Limited Land Use Decision becomes effective 14 days after the City mails the decision notice, unless the decision is appealed.

I. Appeal of a Limited Land Use Decision. A Limited Land Use Decision made by the Planning Official may be appealed to the Appeal Body designated by the City to hear appeals of decisions made by the Planning Official.

1. Who may appeal. The following people have legal standing to appeal a Limited Land Use Decision:

- a. The applicant or owner of the subject property;
- b. Any person who was entitled to written notice of the decision; and
- c. Any other person who participated in the proceeding by submitting written comments on the application to the City by the specified deadline.

2. Appeal filing procedure.

- a. Notice of appeal. Any person with standing to appeal, as provided in subsection (1), above, may appeal a Limited Land Use Decision by filing a Notice of Appeal according to the following procedures.
- b. Time for filing. A Notice of Appeal shall be filed with the Planning Official within the timeframe specified on the Notice of Decision.
- c. Content of Notice of Appeal. The Notice of Appeal shall be accompanied by the required filing fee and shall contain:
 - i. An identification of the decision being appealed, including the date of the decision;
 - ii. A statement demonstrating the person filing the Notice of Appeal has standing to appeal;
 - iii. A statement explaining the specific issues being raised on appeal; and
 - iv. If the appellant is not the applicant, a statement demonstrating that the appeal issues were raised during the comment period.

8 – Procedures and Applications

3. Scope of appeal. The appeal of a Limited Land Use Decision shall be a hearing de novo before the Appeal Body. The appeal shall not be limited to the application materials, evidence and other documentation, and specific issues raised in the review leading up to the Limited Land Use Decision, but may include other relevant evidence and arguments. The hearing appeal body shall allow additional evidence, testimony, or argument concerning any relevant standard, criterion, condition, or issue.
4. Appeal Hearing Procedure. Hearings on appeals of Limited Land Use Decisions shall follow the city's procedures used for public hearings.

8.4 Application – Zoning Review

A. Method of review.

1. Limited Land Use Decision. Zoning Review applications for proposed developments meeting one or more of the following criteria require Limited Land Use approval:
 - a. Development with more than 20 units;
 - b. Site size greater than 1 acre (43,560 square feet) in size; or
 - c. Applicant is requesting a Modification pursuant to Section 8.5.
2. Ministerial Decision. Zoning Review applications for all other proposed developments require ministerial approval.

B. Requirements. Zoning Reviews may be processed concurrently with a building permit application or submitted in advance of a building permit application. In either case, a building permit shall not be issued until the Planning Official has approved a Zoning Review for the proposed project.

C. Zoning Review Application Requirements.

1. The applicant has the responsibility to obtain the property owner's permission for the request.
2. Applicants must submit information showing that the proposal complies with this Code, including:
 - a. Information requested on the application form. A Ministerial Zoning Review submitted concurrently with a building permit application does not require a separate application form;
 - b. The applicable housing type. In instances where a development can meet the definition of more than one housing type, the applicant shall specify the housing type on the application;
 - c. A site plan and elevations as specified in subsection (D) which provides sufficient detail to determine the standards are met; and
 - d. Service provider letters or other documentation demonstrating that sufficient infrastructure is available or will be available prior to certificate of occupancy to serve the proposed development, based on applicable public works standards.
3. Applications must be filed with the required fee, based on the applicable local fee schedule.

D. Site Plan and Building Elevation Requirements.

8 – Procedures and Applications

1. The site or development plan must be drawn accurately to scale and must show the following existing and proposed information:
 - All property lines with dimensions and total lot area;
 - North arrow and scale of drawing;
 - Adjacent streets, access (driveways), curbs, sidewalks, and bicycle routes;
 - Existing Goal Protected Resources, if any are present on the site;
 - Easements and on-site utilities;
 - Existing and proposed development with all dimensions, including floor area and building footprint (if applicable);
 - Distances of all existing and proposed development to property lines;
 - Types and location of outdoor area and required usable open space (if required);
 - Percentage of the site proposed for outdoor area coverage;
 - Motor vehicle and pedestrian access and circulation systems, including connections off-site, and associated dimensions; and
 - Motor vehicle and bicycle parking areas and design, number of spaces, and loading areas.
2. Building elevations showing required entries and windows and associated dimensions.

E. Criteria. The Planning Official's evaluation of a Zoning Review application will determine whether minimum code requirements have been or will be met.

F. Expiration of Approvals. An approval under this section expires if:

1. Within 2 years of the date of the final decision, a building permit has not been issued for approved development.
2. Within 2 years of the date of the issuance of a building permit, if the approved development has not commenced.

G. Extension. The Planning Official, upon written request by the applicant, may grant an extension of the approval period not to exceed one year; provided that:

1. No changes are made on the original approved plan;
2. The applicant provides evidence demonstrating substantial progress toward commencing construction on the site within the next year; and
3. The applicant provides evidence demonstrating that failure to obtain building permits and substantially begin construction within 2 years of Zoning Review approval was beyond the applicant's control.

8.5 Application – Modification

A. Method of review. An applicant may request one or Modifications of the standards in this Model Code. The approval criteria for a Modification requires the use of discretion, therefore applications for Modifications are subject to the Limited Land Use Decision procedure in Section 8.3. Nothing in this section implements Oregon Laws 2024, Chapter 110, Section 38.

8 – Procedures and Applications

Requested Modifications shall be submitted and reviewed concurrently with a Zoning Review application.

B. Modification Application Requirements.

1. In addition to the information required for the Zoning Review application, applicants requesting one or more Modifications must submit a written statement for each requested Modification explaining how the application satisfies each and all of the relevant criteria and standards in sufficient detail.
2. Applications must be filed with the required fee, based on the applicable local fee schedule.

C. Criteria. A Modification to a standard will be approved if the applicant demonstrates that the following criteria have been met.

1. Granting the Modification will equally or better facilitate housing production, affordability, and choice under Goal 10.
2. Granting the Modification will not impact the ability of the provision of sufficient infrastructure.
3. The proposed development will equally or better address all of the considerations in Table 8.5 applicable to the standard(s) to be modified.
4. Any significant negative impacts resulting from the Modification are mitigated to the extent practical.

TABLE 8.5: CONSIDERATIONS FOR GRANTING A MODIFICATION	
For Modifications of standards relating to:	Considerations for granting a Modification include:
Setbacks, building height, building floor area, and required outdoor area	The proposed modification(s) do not decrease setbacks or required outdoor area, or increase building height or building floor area, by more than 10 percent. In addition, the impact of the mass/bulk of proposed buildings on neighboring uses, including opportunities to minimize those impacts through design. For garage entrance setbacks (driveway length), the impact of the driveway on the public right-of-way and pedestrian environment.
Minimum vehicle parking	Whether the reduction in parking will help the city meet its transportation, environmental, housing production, affordability, and accessibility goals.
Bicycle parking, amount and design and location of spaces	Whether the reduction in amount /or changes in design ensure bicycle parking that is adequate and user-friendly or why the standard(s) are not appropriate for the proposed project context or location.
Entry orientation and pedestrian access	Opportunities to ensure pedestrian friendly neighborhoods, on-site pedestrian access, and pedestrian connections to the street.

8 – Procedures and Applications

TABLE 8.5: CONSIDERATIONS FOR GRANTING A MODIFICATION	
Entry orientation and required percentage of windows and doors	How the proposed building façade(s) will contribute to a safe and comfortable pedestrian-oriented environment on the abutting street or why this is not appropriate in this location.
Cottage orientation	Opportunities to ensure that an adequate number of cottages have a direct relationship to the common courtyard and that the common courtyard provides shared community space for the cottage cluster.
Off-street parking design; driveway & garage design	The impact of parking and vehicle access on the public right-of-way and pedestrian environment on- and off-site, and opportunities to minimize those impacts through design.
Required outdoor area and usable open space; common courtyards	Ensuring livable design for residents, including access to light, air, open space, and active or passive recreation amenities; supporting shared community space for residents; and enabling culturally-sensitive amenities.
Screening of Parking Areas and Trash Storage	Opportunities to minimize impact of parking areas and trash storage on the pedestrian environment; and, for trash storage, to minimize the impact on abutting residential properties.
Screening from Arterials	Opportunities to minimize noise and air quality impacts from abutting transportation facilities on residents.

D. Expiration of Approvals. An approval under this section expires if:

1. Within 2 years of the date of the final decision, a building permit has not been issued for approved development.
2. Within 2 years of the date of the issuance of a building permit, if the approved development has not commenced.

9 – Measurement Methodologies and Definitions

Chapter 9 – Measurement Methodologies and Definitions

Sections:

9.1 Measurement Methodologies

9.2 Definitions

9.1 Measurement Methodologies

[Recommended: 9.1.1 Minimum Lot Size for New Lots

- A. Standard.** Minimum lot size requirements for townhouses are stated in Section 4.1. These standards apply to the creation of new lots through a subdivision or partition. Exceptions to the minimum lot size standards are stated in subsection (C).
- B. Measurement Methodology.** Lot size is the total surface area (measured horizontally) within the boundary lines of a lot or parcel.
- C. Exceptions.**
1. The minimum lot size requirements do not apply to development on existing lots and parcels, and do not preclude the siting of a housing type on an existing, legally established lot or parcel.
 2. Minimum lot size does not apply to tracts for private streets, pedestrian facilities, stormwater facilities, open space, or other common areas.
 3. Within a townhouse project, individual townhouse lots or parcels may be as small as 60 percent of the required minimum lot size, provided the average size of all of the townhouse lots or parcels within the land division meets the minimum lot size.]

9.1.2 Floor Area

A. Standard.

1. Average cottage size (i.e., average floor area) for cottage clusters is specified in Table 5.1.
2. Maximum floor area for accessory dwelling units is specified in Section 7.1.3.

B. Measurement Methodology.

1. **Floor Area.** 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.

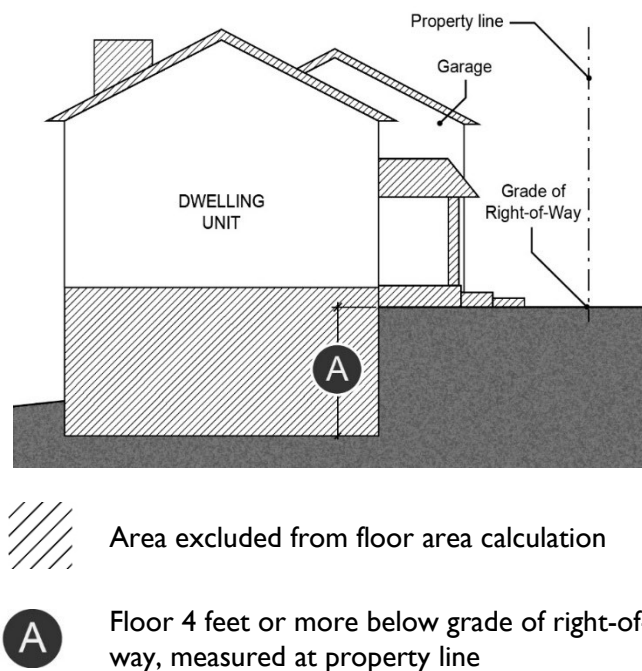
Floor area does not include the following (see Figure 9.1.2.a):

- Areas where the elevation of the floor is 4 feet or more below the adjacent right-of way, as measured at the property line;

9 – Measurement Methodologies and Definitions

- Basements. For the purposes of the floor area calculation, basement area includes the portion of a building that is partly or completely below grade. A minimum of 50 percent of the total combined area of the basement walls must be below grade to be considered a basement;
- Areas where the ceiling height is less than 6 feet 8 inches;
- Roof area, including roof top parking;
- Roof top mechanical equipment;
- Roofed outdoor living areas that are structurally attached to the building (e.g., porches and exterior balconies), unless they are enclosed by walls that are more than 42 inches in height for 75 percent or more of their perimeter; and
- Covered carports.
- Stairwells are only counted as floor area on one level.

Figure 9.1.1.a. Areas Excluded from Floor Area Calculation



2. **Average Cottage Size.** Within each cottage cluster, the average cottage size is calculated as follows:
 - a. Total floor area of all cottages and community buildings within the cluster divided by the number of cottages and community buildings within the cluster.

9 – Measurement Methodologies and Definitions

- b. The average floor area within a cluster may not exceed the maximum stated in Table 5.1.
- c. An applicant may choose to exclude existing structures retained under Section 5.2.8 from the calculation.
- d. For cottage cluster projects with multiple clusters, the average cottage size is calculated for each cluster separately.

C. Exceptions. None.

9.1.3 Height

A. Standard. Maximum building/structure height allowed for each housing type are stated in Tables 2.1 - 6.1. It is intended to work with setback, and outdoor area requirements to control the overall bulk and placement of buildings. Exceptions to the maximum height are stated in subsection (C).

B. Measuring Building Height. Building height shall be calculated in accordance with the applicable building code.

C. Exceptions.

- 1. Chimneys, vents, flag poles, satellite receiving dishes and other projecting items with a width, depth, or diameter of 3 feet or less may extend above the height limit, as long as they are attached to a building and do not exceed 5 feet above the top of the highest point of the roof. If they are greater than 3 feet in width, depth, or diameter, they are subject to the height limit.
- 2. Roof mounted solar panels are not included in height calculations.
- 3. For buildings over 3 floors in height, rooftop mechanical equipment and stairwell enclosures that provide rooftop access may extend above the height limit as follows, provided that the equipment and enclosures are set back at least 15 feet from all roof edges on street facing facades.
 - a. Elevator mechanical equipment may extend up to 16 feet above the height limit; and
 - b. Other mechanical equipment and stairwell enclosures that cumulatively cover no more than 10 percent of the roof area may extend up to 10 feet above the height limit.

9.1.4 Building Setbacks

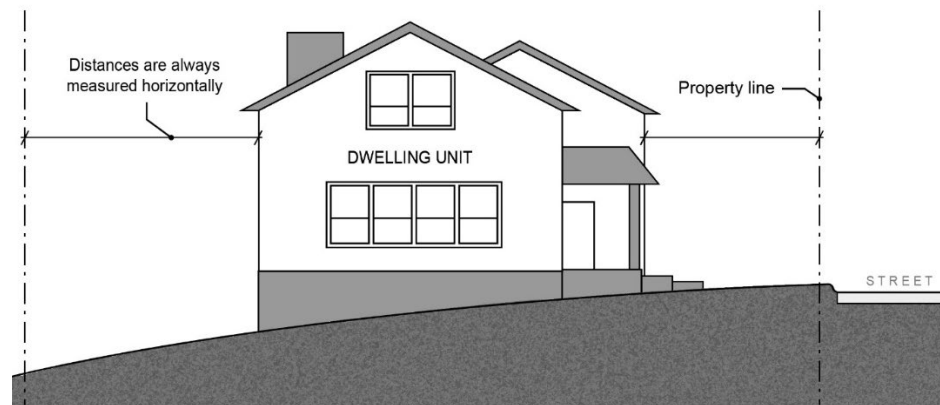
A. Standard. The minimum setbacks required for each housing type are stated in Tables 2.1 - 6.1. Minimum setbacks work with height and outdoor area requirements to control the overall bulk and placement of buildings. Exceptions to the minimum setbacks are stated in subsection (C).

B. Measuring Building Setbacks.

- 1. Setback distances are measured along a horizontal plane from the appropriate property line to the edge of the building (see Figure 9.1.4.a).

9 – Measurement Methodologies and Definitions

Figure 9.1.4.a. Setback Measurements



2. For multi-unit housing proposed on a site that includes more than one lot, setbacks are calculated based on the property lines of the overall site, rather than individual lots.
3. Where the subject property line abuts an existing right-of-way whose width is substandard based on the roadway classification in the city's adopted Transportation System Plan, the setback shall be based on the future right-of-way line after dedication.
4. Measurements are made to the closest wall of the structure. Projections into setbacks allowed pursuant to subsection (C)(4) are not included when determining the closest wall of the structure.

[Recommended 5. Where a rear lot line abuts an alley, one half of the width of the alley shall count toward meeting the rear setback.]

C. Exceptions to Building Setbacks.

1. The interior side lot line between two attached dwelling units is not subject to the minimum side setback standard in Table 4.1 (Townhouses).
2. Alley lot lines are exempt from minimum garage entrance setbacks (driveway length). If there is a driveway but no garage, the driveway length must be at least 18 feet. This includes driveways covered by a carport.
3. Portions of structures that are entirely underground are not included in measuring required distances.
4. Projections into Setbacks.
 - a. Building eaves may project up to 2 feet into a required setback, provided the eave is at least 3 feet from a lot line.
 - b. Canopies and awnings may extend up to 5 feet into a required setback along a street lot line.
 - c. The following minor features may extend into entire required building setbacks:

9 – Measurement Methodologies and Definitions

- i. Utility connections attached to the building that are required to provide services, such as water electricity and other similar utility services;
 - ii. Gutters and downspouts that drain stormwater off a roof of the structure;
 - iii. Stormwater planters that are no more than 2-1/2 feet above the ground;
 - iv. Water collection cisterns that are 6 feet or less in height;
 - v. Attached decks, stairs, and ramps that are no more than 2-1/2 feet above the ground. However, stairways and wheelchair ramps that lead to one entrance on the street-facing facade of a building are allowed to extend into the required street setbacks regardless of height above ground; and
 - vi. On lots that slope down from the street, vehicular or pedestrian entry bridges that are no more than 2-1/2 feet above the average sidewalk elevation.
 - vii. Balconies and bay windows may encroach into a required street-facing setback area.
- d. The following features of a building may extend into a required building setback up to 20 percent of the depth of the setback, except as indicated. However, the feature must be at least 3 feet from a lot line.
- i. Chimneys, fireplace inserts and vents, mechanical equipment, and fire escapes;
 - ii. Wheelchair ramps, water collection cisterns and stormwater planters that do not meet the standards of subsection (C)(4)(c); and
 - iii. Decks, stairways, that do not meet the standard for subsection (C)(4)(c), but only along a street lot line.

9.1.5 Required Outdoor Area and Usable Open Space

A. Standard. The minimum amount of outdoor area and usable open space (if applicable) required for each housing type is stated in Tables 2.1 – 6.1. Site area covered by enclosed buildings or used for vehicle parking and circulation shall not be counted as required outdoor area or usable open space. Exceptions to the minimum required outdoor area and usable open space are stated in subsection (C).

B. Measurement Methodology.

- 1. Required Outdoor Area. Areas which can be counted toward the required outdoor area include:
 - Areas planted with vegetation (including natural areas and existing trees);
 - Private open space;
 - Pedestrian hardscape; and
 - Usable open space pursuant to subsection (B)(2).
- 2. Usable Open Space. Where usable open space is required, it must include one or more of the following:

9 – Measurement Methodologies and Definitions

- Outdoor recreation area surfaced with lawn, groundcover, or hard surface. The area must be contiguous and able to fit a 10-foot by 10-foot square;
 - Tree grove (e.g., existing mature trees);
 - Turf or grass play fields;
 - Children’s play structure or play area;
 - Sports courts;
 - Swimming or wading pool or hot tub;
 - Walking fitness course;
 - Natural area with benches; or
 - Gardening area with at least 50 square feet of planting area.
3. Enclosure. Required outdoor areas may be covered, such as a covered patio or gazebo, but they may not be fully enclosed. Covered outdoor areas are subject to the applicable setback standards.

C. Exceptions. None.

9.1.6 Vehicle Parking

A. Standards.

1. The minimum amount of off-street vehicle parking required for each housing type is stated in Tables 2.1 - 6.1.
2. Fractions. In calculating the required number of vehicle parking spaces, fractions equal to or more than 0.5 shall be rounded up to the nearest whole number and fractions less than 0.5 shall be rounded down to the nearest whole number
3. Exceptions to the minimum parking requirements are stated in subsection (C).

B. Vehicle Parking.

1. Parking Location and Design. Off-street vehicle parking spaces required to meet minimum quantity requirements must meet the following standards:
 - a. Located on a hard-surfaced area.
 - b. Minimum space size:
 - Standard:
 - Width: 8.5 feet
 - Depth: 18 feet
 - Compact:
 - Width: 7.5 feet
 - Depth: 16 feet
 - c. Up to 20 percent of parking stalls in shared parking areas may be compact spaces.
 - d. Spaces may be covered or uncovered.
 - e. Spaces may be provided on individual lots or in a shared parking area on a common tract.

9 – Measurement Methodologies and Definitions

- f. ADA parking spaces must be provided on site; all other required parking must be provided on site or within 200 feet of the site.
- g. Except for ADA parking spaces, a credit for on-street parking shall be granted for some or all of the required off-street parking as provided in subsection (2).
- 2. On-Street Parking. If on-street parking spaces meet all the standards in subsections (a)-(d) below, they shall be counted toward the minimum off-street parking requirement.
 - a. The space must be abutting the subject site;
 - b. The space must be in a location where on-street parking is allowed by the city;
 - c. The space must be a minimum of 22 feet long; and
 - d. The space must not obstruct a required sight distance area.

C. Exceptions.

[Recommended: 1. Accessory dwelling units are exempt from minimum required parking spaces]

9.1.7 Bicycle Parking

A. Standards.

- 1. The minimum amount of bicycle parking required for multi-unit housing is stated in Table 6.1.
- 2. Fractions. In calculating the required number of bicycle parking spaces, fractions equal to or more than 0.5 shall be rounded up to the nearest whole number and fractions less than 0.5 shall be rounded down to the nearest whole number.
- 3. Exceptions to the bicycle parking requirements are stated in subsection (C).

B. Long-Term Bicycle Parking.

- 1. Long-term bicycle parking must be provided in one or more of the following locations.
 - a. Within a restricted access, lockable room outside of dwelling units with securely anchored racks that allow users to lock at least two points on a bicycle.
 - b. Within dwelling units that are at least 400 square feet, in the following circumstances:
 - i. Sites containing 12 or fewer dwelling units may provide up to 100 percent of required bicycle parking spaces in the dwelling units.
 - ii. Sites containing more than 12 dwelling units where all units above the ground floor have elevator access may provide up to 50 percent of the required bicycle parking spaces in dwelling units.
 - iii. Sites containing more than 12 dwelling units where all units above the ground floor do not have elevator access may provide required bicycle parking spaces in ground floor dwelling units only.

9 – Measurement Methodologies and Definitions

- c. Within bicycle lockers that are fully enclosed, lockable, and securely anchored to the ground.
2. The area devoted to bicycle parking must be hard surfaced and lighting must be provided for nighttime use.
3. Bicycle parking spaces shall meet the following dimensional standards:
 - a. At least 10 percent of spaces must be large spaces (designed to accommodate large bicycles, including family and cargo bicycles). Each large bicycle space must be a minimum of 3 feet wide, 7 feet long and 3 feet 4 inches tall.
 - b. Up to 90 percent of required spaces can be standard spaces. Each standard bicycle space must be a minimum of 2 feet wide, 6 feet long and 3 feet 4 inches tall.

C. Exceptions. The following are exempt from the long-term bicycle parking requirements:

1. Senior housing projects (those restricted for occupancy by households in which at least one member is aged 55 years or older).
2. Accessible units.

9.1.8 Windows and Doors

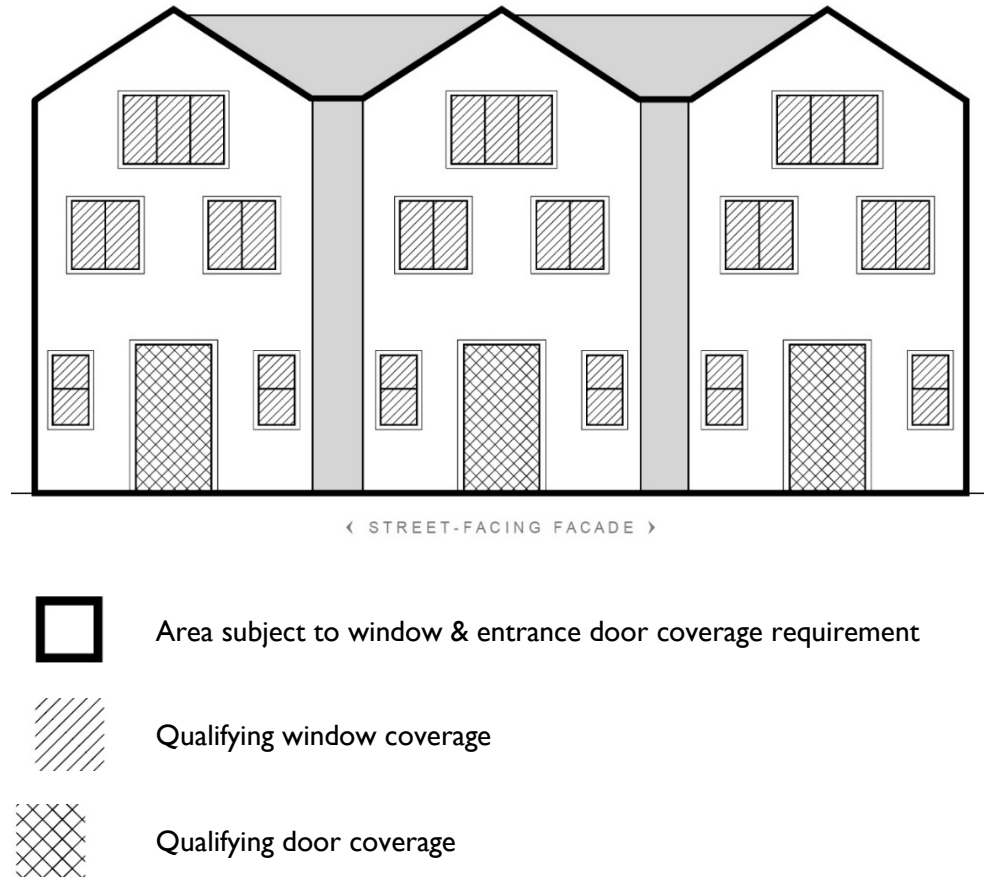
A. Standard. The minimum amount of window and door area required for each housing type is stated in the applicable design standards.

B. Measurement Methodology. Areas that qualify for the window and door coverage calculation are subject to the following (See Figure 9.1.8.a):

1. Windows and pedestrian entrance doors may be used to meet this standard as provided in subsections (2) and (3), below.
2. Window area is the aggregate area of the glass within each window, including any interior grids, mullions, or transoms. Windows into storage areas, mechanical and utility areas, and garbage and recycling areas do not qualify.
3. Door area is the area of the portion of an entrance door (other than a garage door) that moves and does not include the frame. For multi-unit housing, doors that provide access to dwelling units (either shared or individual access) and community spaces qualify, but all other doors (e.g., into storage areas or mechanical areas) do not qualify.

9 – Measurement Methodologies and Definitions

Figure 9.1.8.a. Window and Door Coverage



9.2 Definitions

A. Applicability. The following definitions shall apply for the purposes of this Model Code, notwithstanding other definitions in a locally adopted development code.

B. Definitions.

1. “Accessible unit” means a unit of housing that complies with the “Type A” requirements applicable to units as set forth in the Standard for Accessible and Usable Buildings and Facilities published by the International Code Council and as referenced by the state building code.
2. “Accessible walkway” means a walkway designed and built according to the Americans with Disabilities Act (ADA) standards to ensure it is usable by people with disabilities, particularly those who use mobility devices.
3. “Accessory Dwelling Unit” – see “Housing Type.”

9 – Measurement Methodologies and Definitions

4. “Adaptable unit” means a unit of housing that complies with the “Type B” requirements applicable to units as set forth in the Standard for Accessible and Usable Buildings and Facilities published by the International Code Council and as referenced by the state building code.
5. “Appeal Body” means the local decision-making authority designated by a City to hear and decide appeals of land use decisions and Limited Land Use Decisions. The Appeal Body for an appeal of a decision made by a Planning Official may be a Hearings Officer, Planning Commission, or City Council.
6. “Building footprint” means the horizontal area as seen in plan, measured from outside of all exterior walls and supporting columns. It includes dwellings and any area of attached garage that exceeds 200 square feet. It does not include detached garages or carports; accessory structures; trellises; patios; areas of porch, deck, and balcony less than 30 inches from finished grade; cantilevered covers, porches or projections; or ramps and stairways required for access.
7. “Common courtyard” means a common area for use by residents of a cottage cluster. A common courtyard may function as a community yard. Hard and soft landscape features may be included in a common courtyard, such as pedestrian walkways, lawn, groundcover, trees, shrubs, patios, benches, or gazebos.
8. “Common wall” means a wall or set of walls in a single structure shared by two or more dwelling units. The common wall must be shared for at least 25 percent of the length of the side of the building of the dwelling units. The common wall may be any wall of the building, including the walls of attached garages.
9. “Cottage” means an individual dwelling unit that is part of a cottage cluster.
10. “Cottage cluster” – see “Housing Type.”
11. “Cottage cluster project” means a development site with one or more cottage clusters. Each cottage cluster as part of a cottage cluster project must have its own common courtyard.
12. “Detached single-unit” – see “Housing Type.”
13. “Driveway approach” means the edge of a driveway where it abuts a public right-of-way.
14. “Duplex” – see “Housing Type.”
15. “Dwelling unit” means a building, or a portion of a building, that has independent living facilities including provisions for sleeping, cooking, and sanitation, and that is designed for residential occupancy by a group of people. Buildings with more than one set of cooking facilities are considered to contain multiple dwelling units or accessory dwelling units, as applicable, unless the additional cooking facilities are clearly accessory to the primary use, such as an outdoor grill or wet bar.
16. “Façade” means the vertical wall face of a building, or the sum of multiple vertical faces, facing the same lot line.
17. “Frontage” means the portion of a lot or parcel that abuts a street.

9 – Measurement Methodologies and Definitions

18. “Goal Protected Lands” means lands protected or designated pursuant to any one of the following statewide planning goals:
- Goal 5 Natural Resources, Scenic and Historic Areas, and Open Spaces;
 - Goal 6 Air, Water, and Land Resource Quality
 - Goal 7 Areas Subject to Natural Hazards;
 - Goal 9 Economic Development;
 - Goal 15 Willamette River Greenway;
 - Goal 16 Estuarine Resources;
 - Goal 17 Coastal Shorelands; or
 - Goal 18 Beaches and Dunes.
19. “Hard surfaced,” in the context of pedestrian walkways, means built with a durable, solid material that provides a firm, stable, and smooth walking surface, which may include concrete, asphalt, or pavers or bricks set in mortar or compacted base.
20. “Housing Type” means one of the following. (In instances where a development can meet the definition of more than one housing type, the applicant shall specify the housing type on the development application.)
- a. “Accessory Dwelling Unit” or “ADU” means an interior, attached, or detached residential structure that is used in connection with, or that is accessory to, a primary dwelling.
 - b. “Cottage cluster” means a grouping of detached dwelling units on a lot or parcel that share a common courtyard and that each have a small footprint or floor area. Cottage cluster may also be known as “cluster housing,” “cottage housing,” “bungalow court,” “cottage court,” “courtyard housing,” “garden apartments,” or “pocket neighborhood.”
 - c. “Detached single-unit” or “DSU” means a detached structure on a lot or parcel that is comprised of a single dwelling unit. Detached single-units may be constructed on-site or off-site (e.g., manufactured dwellings or prefabricated homes).
 - d. “Duplex” means two attached dwelling units in any configuration on a lot or parcel.
 - e. “Middle housing” means housing that consists of duplexes, triplexes, quadplexes, cottage clusters, or townhouses.
 - f. “Multi-unit housing” means 5 or more dwelling units located on the same lot or development site, not including middle housing.
 - g. “Quadplex” means 4 attached dwelling units in any configuration on a lot or parcel.
 - h. “Townhouse” means a dwelling unit constructed in a row of 2 or more attached units, where each dwelling unit is located on an individual lot or parcel and shares at least one common wall with an adjacent unit. A townhouse is also commonly called a “rowhouse,” “attached house,” “townhome,” or “common-wall house.”
 - i. “Triplex” means 3 attached dwelling units in any configuration on a lot or parcel.
21. “Local street” means a street designated as a local street in a city’s adopted Transportation System Plan, in the applicable functional classification map, or in the city’s public works or engineering

9 – Measurement Methodologies and Definitions

standards. Where street classifications have not been established, “local street” means a street that serves primarily local access to property and circulation within neighborhoods or specific areas.

22. “Lot” or “lot or parcel” means any lawfully established unit of land, as defined in ORS 92.010. Lot may also be used generically to refer to units of land created through partitions.
23. “Main entrance” means the ground floor (or first floor) exterior pedestrian door through which residents and visitors enter a residential building or dwelling unit. For buildings where access to some or all dwelling units is via shared hallways, a main entrance is one that enters the lobby or common circulation space. A building may have more than one main entrance meeting these criteria. For buildings in which all units have individual exterior entrances, each entrance to a dwelling unit is considered a main entrance.
24. “Middle housing” – see “Housing Type.”
25. “Multi-unit housing” – see “Housing Type.”
26. “Planning Official” means the person(s) or body (including designees) designated by the governing body of a city to administer the city’s comprehensive plan, land use regulations, and related requirements. Typically, the Planning Official is an individual employed by a city (e.g., Planning Director or designees) but may be the Planning Commission or City Council.
27. “Quadplex” – see “Housing Type.”
28. “Regulated housing” means residential dwelling units of the following types: Detached Single-Unit, Duplex, Triplex, Quadplex, Townhouse, Cottage Cluster, Multi-Unit Housing, and Accessory Dwelling Unit.
29. “Primary dwelling” means a principal dwelling on a lot or site that constitutes the main residential use of the property. Where a dwelling unit:
 - a. Is added to a lot with an existing dwelling that has been in place for at least 5 years, the existing dwelling is designated as the primary dwelling.
 - b. Is constructed within 5 years of the primary dwelling, the larger unit is designated as the primary dwelling.
 - c. Could meet the definition of either a primary or accessory dwelling unit, the applicant may designate which dwelling shall serve as the primary dwelling.
30. “Site” has different meanings depending on the housing type, as provided below. “Development site” has the same meaning as “site.”
 - a. For detached single-unit, duplex, triplex, quadplex, and cottage cluster, “site” means a single lot on which the housing unit or units is proposed.
 - b. For townhouse and multi-unit housing, “site” refers to a property (or group of abutting parcels or lots under the same ownership) that is subject to a development application.
31. “Site area” means the total area of a development site calculated after subtracting any required or planned dedication of public rights-of-way or designation of private rights-of-way.

9 – Measurement Methodologies and Definitions

32. “Sufficient Infrastructure” means the following level of public services to serve a new housing development:
- Connection to a public sewer system capable of meeting established service levels.
 - Connection to a public water system capable of meeting established service levels.
 - Access via public or private streets meeting adopted emergency vehicle access standards to a city’s public street system.
 - Storm drainage facilities capable of meeting established service levels for storm drainage.
33. “Townhouse” – see “Housing Type.”
34. “Townhouse project” means one or more townhouse structures (i.e., structures formed by attached townhouses) constructed, or proposed to be constructed, together with the development site where the land has been divided, or is proposed to be divided, to reflect the townhouse property lines and any commonly owned property. For developments with a mix of housing types or uses, the amount of commonly owned property attributed to the townhouse project shall be prorated based on the square footage of development sharing the property.
35. “Townhouse style multi-unit housing” means developments in which the units have individual ground floor entries, share one or more common walls with one or more other units, and do not share common floors/ceilings with another unit
36. “Triplex” – see “Housing Type.”

Housing Model Code – Medium Cities

Table of Contents

Chapter 1 – General Provisions	4
1.1 Purpose	4
1.2 Applicability	4
1.3 Relationship to Other Regulations	5
1.4 Retention of Existing Units with Middle Housing	6
1.5 Exception to Certain Design Standards	7
Chapter 2 – Detached Single-Unit and Duplex	8
2.1 Siting Standards – Detached Single-Unit and Duplex	8
2.2 Design Standards – Detached Single-Unit and Duplex	9
2.2.1 Entry Orientation and Pedestrian Connectivity	9
2.2.2 Transitions to Residential Entrances	11
2.2.3 Windows and Doors	12
2.2.4 Off-Street Parking Areas	12
2.3 Unit Configuration and Conversions – Duplex	13
2.3.1 Unit Configuration	13
2.3.2 Conversions	14
Chapter 3 – Triplex and Quadplex	15
3.1 Siting Standards – Triplex and Quadplex	15
3.2 Design Standards – Triplex and Quadplex	16
3.2.1 Entry Orientation and Pedestrian Connectivity	16
3.2.2 Transitions to Residential Entrances	19
3.2.3 Windows and Doors	19
3.2.4 Off-Street Parking Areas	19
3.2.5 Driveway Approach	21
3.2.6 Trash Storage	25
3.3 Unit Configuration and Conversions – Triplex and Quadplex	25
3.3.1 Unit Configuration	25
3.3.2 Conversions	25
Chapter 4 – Townhouse	26
4.1 Siting Standards – Townhouse	26
4.2 Design Standards – Townhouse	27
4.2.1 Entry Orientation and Pedestrian Connectivity	27
4.2.2 Transitions to Residential Entrances	28

Table of Contents

4.2.3	Windows and Doors	29
4.2.4	Driveway Access and Parking	29
4.2.5	Trash Storage	30
Chapter 5	Cottage Cluster	33
5.1	Siting Standards – Cottage Cluster	33
5.2	Design Standards – Cottage Cluster	35
5.2.1	Cottage Orientation	35
5.2.2	Common Courtyard Design Standards	35
5.2.3	Community Buildings	37
5.2.4	Pedestrian Access	37
5.2.5	Windows and Doors	37
5.2.6	Parking Design	38
5.2.7	Accessory Structures	39
5.2.8	Existing Structures	39
5.2.9	Trash Storage	39
Chapter 6	Multi-Unit Housing	41
6.1	Siting Standards – Multi-Unit	41
6.2	Design Standards – Multi-Unit	42
6.2.1	Entry Orientation – Non-Townhouse Style	42
6.2.2	Entry Orientation – Townhouse Style	43
6.2.3	Transitions to Residential Entrances.	44
6.2.4	Pedestrian Connections	44
6.2.5	Windows and Doors	45
6.2.6	Required Outdoor Area and Usable Open Space	45
6.2.7	Parking Location and Design	46
6.2.8	Driveway Access and Parking – Townhouse Style	47
6.2.9	Screening from Arterials	47
6.2.10	Trash Storage	48
Chapter 7	Accessory Dwelling Unit	49
7.1	Siting Standards – Accessory Dwelling Unit	49
7.1.1	Siting Standards, Generally	49
7.1.2	Number of Units and Configuration	49
7.1.3	Maximum Floor Area	50
7.2	Design Standards – Accessory Dwelling Unit	50
Chapter 8	Bonuses	51
8.1	Bonuses, Generally	51
8.2	Bonuses by Housing Type	53
8.2.1	Bonuses for Detached Single-Unit or Duplex	53
8.2.2	Bonuses for Triplex or Quadplex	54
8.2.3	Bonuses for Townhouses	55
8.2.4	Bonuses for Cottage Cluster	56
8.2.5	Bonuses for Multi-Unit Housing	57

Table of Contents

9.2	Procedure – Ministerial Decision	59
9.3	Procedure – Limited Land Use Decision	60
9.4	Application – Zoning Review	65
9.5	Application – Modification	67
9.6	Middle Housing Land Division	69
Chapter 10	– Measurement Methodologies and Definitions	74
10.1	Measurement Methodologies	74
10.1.1	Floor Area and Floor Area Ratio	74
10.1.2	Height	76
10.1.3	Minimum Density	77
10.1.4	Building Setbacks	78
10.1.5	Required Outdoor Area and Usable Open Space	80
10.1.6	Vehicle Parking	81
10.1.7	Bicycle Parking	82
10.1.8	Windows and Doors	83
10.2	Definitions	85

I – General Provisions

Chapter I – General Provisions

Sections:

- I.1 Purpose
- I.2 Applicability
- I.3 Relationship to Other Regulations
- I.4 Retention of Existing Units with Middle Housing
- I.5 Exception to Certain Design Standards

I.1 Purpose

The Housing Model Code for Medium Cities provides standards for a range of housing types that are clear and objective, consistent with Housing law, and encourage and facilitate housing production, affordability, and choice as provided in ORS 197A.025.

I.2 Applicability

- A. Applicability to Development.** The standards apply to new dwelling units, including the addition of dwelling units to sites with existing dwelling units. Existing residential development shall not be deemed nonconforming solely on the basis that it does not conform to the standards of this Model Code.
- B. Location.** The Model Code is not a zoning ordinance. The applicability of the standards to a particular location or zone within a city must be specified as provided in OAR 660-008-0400 to 0430.
- C. Exceptions.** The standards in the Model Codes do not allow the following:
 - 1. The development of housing on Goal Protected Lands, unless otherwise permitted by a city's development code through clear and objective standards, criteria, and procedures.
 - 2. The development of housing on lands that do not allow residential uses unless otherwise allowed by statute.
- D. Adoption by Reference.** A city may choose to adopt by reference the entire Model Code or one or more individual modules. Modules are identified in Table I.1. When adopting one or more individual modules, the following requirements apply:
 - 1. All modules are subject to the provisions in the following sections: *Applicability* (Section 1.2), *Relationship to Other Regulations* (Section 1.3), and *Definitions and Measurement Methodology* (Chapter 10).
 - 2. All middle housing modules (Chapters 2-5) are subject to the provisions in *Retention of Existing Units with Middle Housing* (Section 1.4).
 - 3. All detached single-unit and middle housing modules (Chapters 2-5) are subject to the provisions in *Exception to Certain Design Standards* (Section 1.5).
 - 4. Each module under "Procedures and Applications" is subject to the provisions in *Procedures and Applications, Generally* (Section 9.1).

I – General Provisions

- Some modules can only be applied in conjunction with another module. Where this is the case, a city adopting a module by reference must also adopt any modules identified as “Required” in the “Related Code Sections” column in Table I.1.

TABLE I.1 MODEL CODE MODULES		
Module	Model Code Chapter / Section	Related Code Sections
<i>General Provisions</i>		
Retention of Existing Units with Middle Housing	Section 1.4	Chapters 2-5
<i>Housing Types</i>		
Detached Single-Unit and Duplex	Chapter 2	Bonuses for Detached Single-Unit or Duplex (Section 8.2.1)
Triplex and Quadplex	Chapter 3	Bonuses for Triplex or Quadplex (Section 8.2.2)
Townhouse	Chapter 4	Bonuses for Townhouses (Section 8.2.3)
Cottage Cluster	Chapter 5	Bonuses for Cottage Cluster (Section 8.2.4)
Multi-Unit Housing	Chapter 6	Bonuses for Multi-Unit Housing (Section 8.2.5)
Accessory Dwelling Unit	Chapter 7	
<i>Procedures and Applications</i>		
Procedure - Ministerial Decision	Section 9.2	
Procedure - Limited Land Use Decision	Section 9.3	
Application - Zoning Review	Section 9.4	Required: Sections 9.2 and 9.3
Application - Modification	Section 9.5	Required: Section 9.3
Middle Housing Land Division	Section 9.6	Section 1.4; Chapters 2-5

I.3 Relationship to Other Regulations

A. Conflicts.

- For a city that has opted to adopt or apply the Model Code or has been directed to apply the Model Code by the Commission as provided in OAR 660-008-0430, and except as provided in section (2) or subsections (B) or (C) below, in the event of a conflict between this Model Code and other development and design standards applicable to regulated housing, the standards of this Model Code control.
- If a locally adopted land use development standard conflicts with this Model Code but it would allow the development of more housing (additional square footage or units), an applicant may comply with either the standard in this Model Code or the locally adopted standard.

I – General Provisions

B. Additional Standards Applicable to Regulated Housing. In addition to the standards identified in this Model Code, a city may only apply the following locally adopted land use regulations to regulated housing:

1. Public works and public utilities standards, provided exceptions granted to single-unit dwellings shall also be granted to duplexes.
2. Protective measures (plans, policies, or regulations) adopted pursuant to statewide land use planning goals (e.g., environmental and natural hazard protections).
3. Regulations related to the following:
 - a. Tree protection, retention and planting.
 - b. Landscaping design, installation and maintenance including, but not limited to, materials and planting requirements.
 - c. Parking lot design and installation, including, but not limited to, shading, screening, materials, and layout.
 - d. Sustainability and greenhouse gas reduction.
4. Land division standards and procedures, except that:
 - a. The regulations may not preclude development from meeting the minimum density requirements established in this Model Code; and
 - b. Middle Housing Land Divisions are governed by the provisions of Section 9.6.

C. Exceptions. In no case shall the requirements of this Model Code supersede requirements related to:

1. Health and safety, including, but not limited to, fire ingress or egress and emergency vehicle access.
2. Public works standards ensuring safe vehicle access onto the public street system, including but not limited to standards for clear vision areas and driveway/intersection spacing and alignment. This exception does not include minimum driveway width standards.
3. Hazardous or contaminated site clean-up, wildlife protection, or statewide land use planning goals relating to natural resources, natural hazards, the Willamette River Greenway, estuarine resources, coastal shorelands, beaches and dunes or ocean resources.
4. Implementation of fire or building codes, federal or state air, water quality or surface, ground or stormwater requirements or requirements of any federal, state or local law other than a land use regulation.

I.4 Retention of Existing Units with Middle Housing

A. Development of middle housing is allowed on a lot with up to two existing dwelling units, which may be retained on the lot along with the new units. The retained units may consist of:

1. One detached single-unit dwelling;

I – General Provisions

2. One detached single-unit dwelling plus one accessory dwelling unit; or
 3. One duplex.
- B.** In order to qualify for the allowances in subsection (A), the retained units must have been in place for at least 5 years prior to the proposal for new middle housing units.
- C.** The retained units do not count toward the maximum number of units allowed on a lot.
- D.** The retained units may be nonconforming with respect to the applicable siting and design standards in this Model Code or in the city's local housing regulations. In other words, only the new units, and not the retained units, are required to comply with the applicable regulations.
- E.** Retained units on the lot may be separated from the new units by a Middle Housing Land Division, pursuant to Section 9.6 or ORS 197A.420(4)(c), as applicable.

I.5 Exception to Certain Design Standards

In accordance with Oregon Laws 2025, Chapter 330, Section 8, housing development that includes detached single-unit, duplex, triplex, quadplex, townhouse, or cottage cluster housing that includes 20 or more units in housing types listed in subsection (A) is exempt from any residential design standard that is intended to preserve the desired character, architectural expression, decoration or aesthetic quality of new homes; this includes design standards regulating the features listed in subsection (B). All other design and siting standards in this Model Code shall apply.

A. Applicable Housing Types:

- Detached single-unit;
- Duplex;
- Triplex;
- Quadplex;
- Townhouse; or
- Cottage cluster housing.

B. Residential Design Features:

- Facade materials, colors or patterns;
- Roof decoration, form or materials;
- Accessories, materials or finishes for entry doors or garages;
- Window elements such as trim, shutters or grids;
- Fence type, design or finishes;
- Architectural details, such as ornaments, railings, cornices and columns;
- Size and design of porches or balconies;
- Variety of design or floorplan; or
- Front or back yard area landscaping materials or vegetation.

2 – Detached Single-Unit and Duplex

Chapter 2 – Detached Single-Unit and Duplex

Sections:

- 2.1 Development Standards - Detached Single-Units and Duplex
- 2.2 Design Standards - Detached Single-Unit and Duplex
- 2.3 Unit Configuration and Conversions - Duplex

2.1 Siting Standards – Detached Single-Unit and Duplex

The siting standards in Table 2.1 apply to the development of a detached single-unit or duplex dwelling on a lot, with the following clarifications:

- A.** Standards applicable to a lot (i.e., FAR, minimum density, setbacks, and outdoor area) apply to the parent lot, not child lots created by a Middle Housing Land Division.
- B.** For qualified projects, the standards in Table 2.1 may be modified by the applicable bonuses in Chapter 8.
- C.** Per Section 1.4, retained units within middle housing development are not subject to these standards, and do not count toward maximum floor area ratio.

TABLE 2.1 SITING STANDARDS - DETACHED SINGLE-UNIT AND DUPLEX	
Maximum Floor Area Ratio (FAR) (see Section 10.1.1)	
• 1 total dwelling unit	0.6:1
• 2 to 3 total dwelling units	0.8:1
Maximum Building/Structure Height (see Section 10.1.2)	35 ft
Minimum Density (see Section 10.1.3)	1 unit per 5,700 sf of net site area
Minimum Setbacks (see Section 10.1.4)	
• Front building setback	5 ft
• Side building setback	5 ft
• Rear building setback	5 ft
• Garage entrance setback (driveway length)	18 ft
Minimum Required Outdoor Area and Usable Open Space (see Section 10.1.5)	
• Required Outdoor Area	15% of lot area
• Usable Open Space	None
Vehicle Parking (see Section 10.1.6)	
• Minimum number of off-street spaces	1 space per unit
• Maximum number of off-street spaces	None

2 – Detached Single-Unit and Duplex

TABLE 2.1 SITING STANDARDS - DETACHED SINGLE-UNIT AND DUPLEX	
Minimum Number of Bicycle Parking Spaces (see Section 10.1.7)	
• Long-term Spaces	None
• Short-term Spaces	None
NOTES: (1) If an additional unit is added to a lot with an existing, retained dwelling unit that has been in place for at least 5 years, the maximum FAR may be exceeded by up to 1,000 square feet of new floor area.	

2.2 Design Standards – Detached Single-Unit and Duplex

Except as provided in Section 1.5, the design standards in this section apply to the development of a detached single-unit or duplex dwelling on a lot.

2.2.1 Entry Orientation and Pedestrian Connectivity

A. Standard. At least one main entrance for each residential structure must meet the following standards. The entrance must:

1. Be no more than 8 feet farther from the front lot line than the structure's longest wall that faces the front lot line.
2. Meet at least one of the following:
 - a. Face the street (see Figure 2.2.1.a);
 - b. Be at an angle of up to 45 degrees from the street (see Figure 2.2.1.b); or
 - c. Open onto a covered porch or covered patio (see Figure 2.2.1.c). The porch or patio must:
 - i. Be at least 25 square feet in area; and
 - ii. Have at least one entrance facing the street.
3. Connect to the sidewalk by a hard-surfaced walkway other than a driveway. The walkway shall have a minimum width of 2 feet (see Figure 2.2.1.a). The walkway may abut the driveway (see Figure 2.2.1.c). Where there is no sidewalk abutting the property, the walkway shall extend to the street lot line.

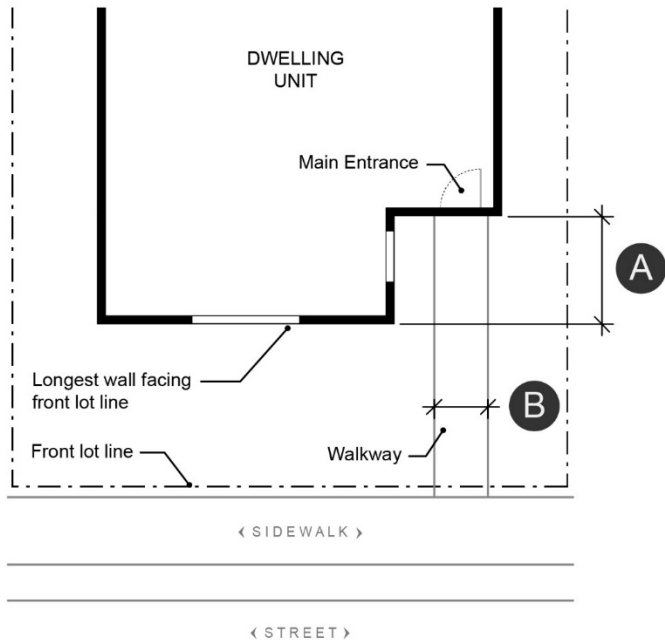
B. Exceptions. The following are exempt from these standards:

1. Any detached structure for which more than 50 percent of its street-facing façade is separated from the street lot line by:
 - a. A dwelling; or
 - b. A buildable lot with a depth of at least 20 feet measured from the street lot line.

2 – Detached Single-Unit and Duplex

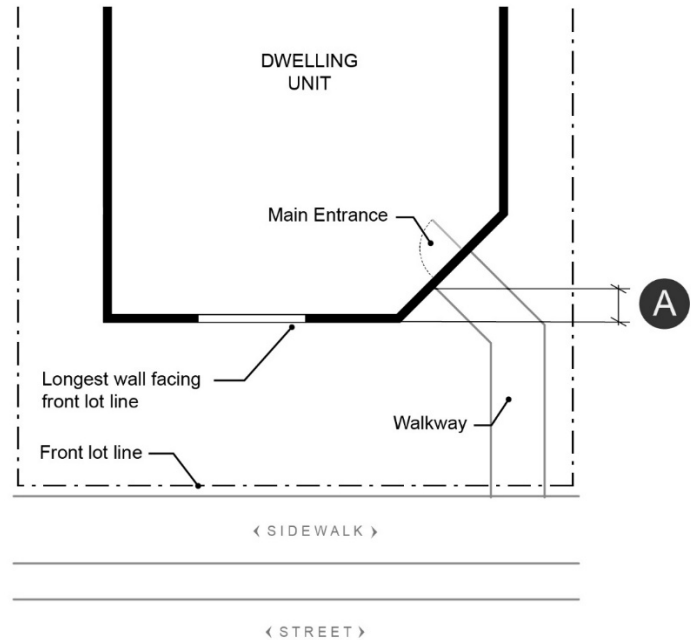
2. Accessory dwelling units.
3. Accessible or adaptable units, provided the main entrance is connected to the public sidewalk by an accessible walkway.

Figure 2.2.1.a. Main Entrance Facing the Street



- A** Maximum 8 feet from entry to longest wall facing front lot line
- B** Walkway width minimum 2 feet

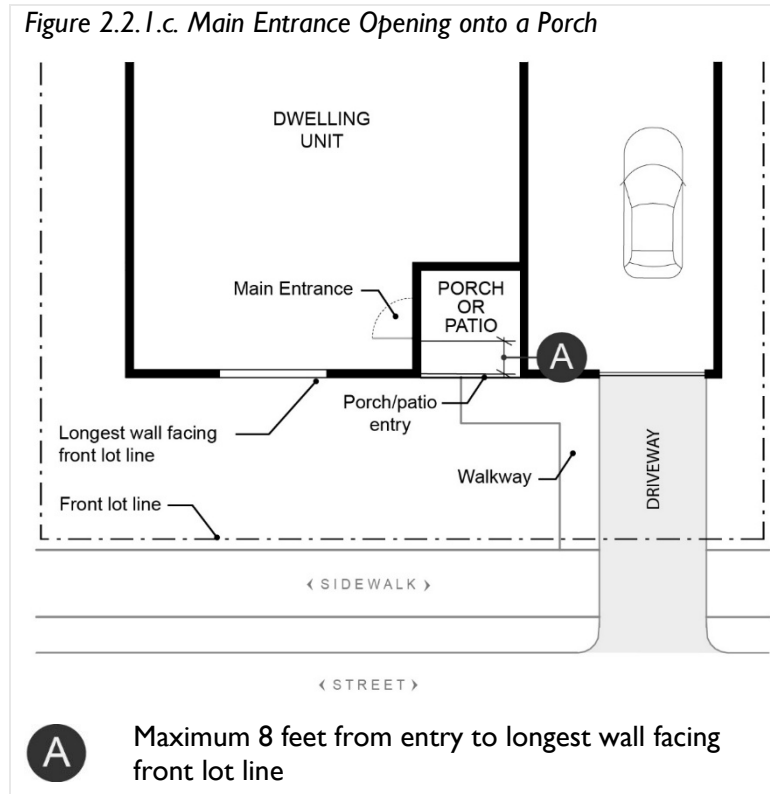
Figure 2.2.1.b. Main Entrance at 45° Angle from the Street



- A** Maximum 8 feet from entry to longest wall facing front lot line

2 – Detached Single-Unit and Duplex

Figure 2.2.1.c. Main Entrance Opening onto a Porch



2.2.2 Transitions to Residential Entrances

The following standards apply to each main entrance that is 10 feet or closer to a street lot line.

A. Standard. The main entrance must have at least two of the following within the setback:

1. A wall or fence that is 18 to 36 inches high and at least 4 feet wide.
2. Landscaping that meets the city's planting standards.
3. For each street-facing entrance, one canopy tree that is at least 1.5 inches in diameter, or at least 4 feet in height when planted, and that will achieve a mature canopy spread of at least 10 feet. An existing, retained tree may be used to meet this standard.
4. Common or private outdoor area of at least 48 square feet designed so that a 4-foot by 6-foot dimension will fit entirely within it.

B. Exceptions. None.

2 – Detached Single-Unit and Duplex

2.2.3 Windows and Doors

A. Standard.

1. Windows or pedestrian entrance doors must be provided on street-facing facades as follows:
 - a. At least one street-facing façade must have a minimum of 15 percent windows or pedestrian entrance doors.
 - b. All other street-facing facades must have a minimum of 10 percent windows or pedestrian entrance doors.
2. See Section 10.1.8 for measurement methodology.

B. Exceptions. The following facades are exempt from these standards:

1. Facades separated from the street lot line by a dwelling, or by a buildable lot with a depth of at least 20 feet measured from the street lot line.
2. Facades that are more than 40 feet from the street lot line.
3. Facades facing an alley.

2.2.4 Off-Street Parking Areas

The following standards apply to the parent lot, not child lots created by a Middle Housing Land Division.

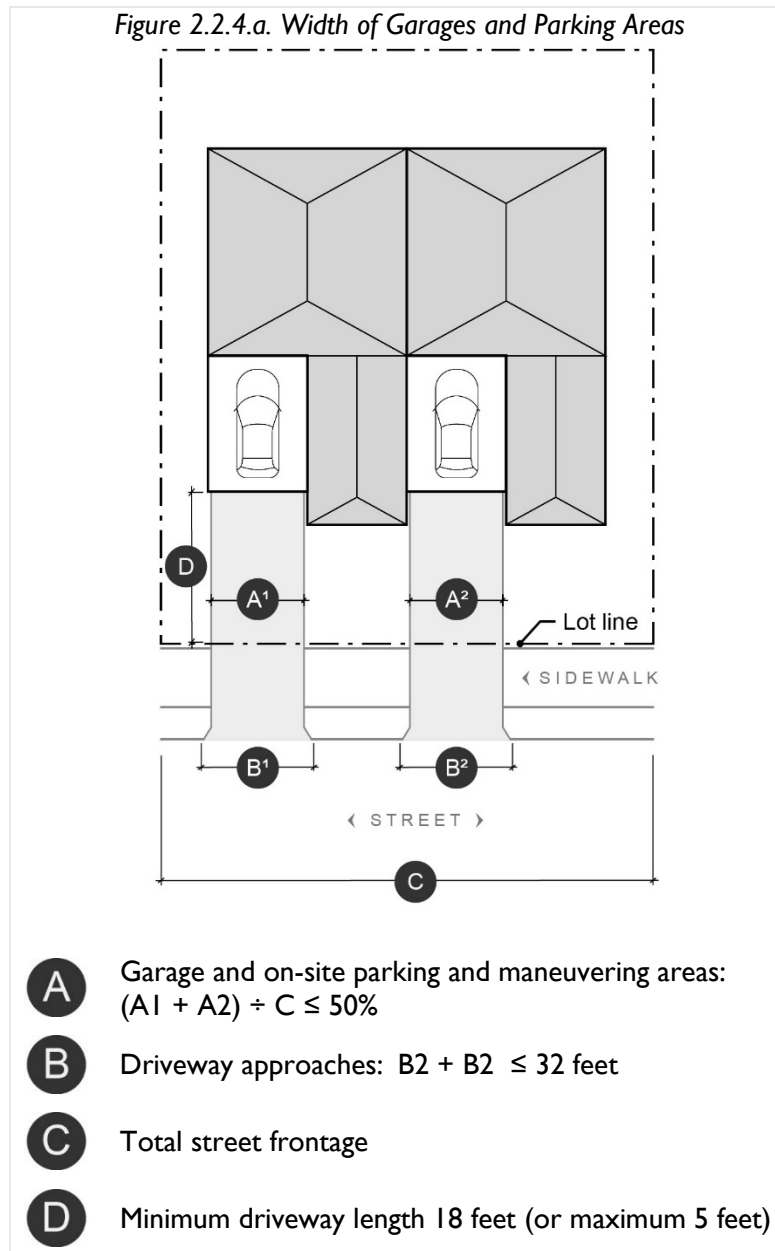
A. Standards.

1. The combined width of all garages and outdoor on-site parking and maneuvering areas, as measured at their widest dimension, shall not exceed a total of 50 percent of the street frontage (see Figure 2.2.4.a). Walkways abutting a driveway are excluded from this calculation.
2. The total width of all driveway approaches must not exceed 32 feet, as measured at the lot lines.

B. Exceptions.

1. The following are exempt from these standards:
 - a. Accessible or adaptable units.
 - b. Lots that receive vehicular access only from an alley.
2. Garages or off-street parking areas that are separated from the street lot line by a dwelling or that are more than 40 feet from the street lot line are exempt from subsection (A)(1).

2 – Detached Single-Unit and Duplex



2.3 Unit Configuration and Conversions – Duplex

2.3.1 Unit Configuration

A. Standard.

1. Duplex units may be attached to each other.
2. Duplex units may be detached where:

2 – Detached Single-Unit and Duplex

- a. The units are sited on a lot with retained units under Section 1.4;
 - b. No more than one detached unit on the lot exceeds 1,200 square feet; or
 - c. The unit(s) qualify for at least one bonus category, as provided in Chapter 8.
3. Accessory dwelling units may be attached to a single-unit dwelling or detached in accordance with Chapter 7.
4. Where units are added to a lot with a retained dwelling unit(s), pursuant to Section 1.4, one added unit with a floor area of 1,000 square feet or less may qualify as an accessory dwelling unit under the standards in Chapter 7.

B. Exceptions. None.

2.3.2 Conversions

Additions to, or conversions of, an existing detached single-unit dwelling into a duplex is allowed, provided that the addition or conversion does not increase nonconformance with applicable siting and design standards of this Model Code, unless increasing nonconformance is otherwise permitted by the city's development regulations.

3 – Triplex and Quadplex

Chapter 3 – Triplex and Quadplex

Sections:

- 3.1 Siting Standards – Triplex and Quadplex
- 3.2 Design Standards – Triplex and Quadplex
- 3.3 Unit Configuration and Conversions – Triplex and Quadplex

3.1 Siting Standards – Triplex and Quadplex

The siting standards in Table 3.1 apply to the development of a triplex or quadplex on a lot, with the following clarifications:

- A.** Standards applicable to a lot (i.e., FAR, minimum density, setbacks, and outdoor area) apply to the parent lot, not child lots created by a Middle Housing Land Division.
- B.** For qualified projects, the standards in Table 3.1 may be modified by the applicable bonuses in Chapter 8.
- C.** Per Section 1.4, retained units within middle housing development are not subject to these standards, and do not count toward maximum floor area ratio.

TABLE 3.1 SITING STANDARDS - TRIPLEX AND QUADPLEX	
Maximum Floor Area Ratio (FAR) (see Section 10.1.1)	
• 3 total dwelling units (Triplex)	1.1:1
• 4 total dwelling units (Quadplex)	1.2:1
Maximum Building/Structure Height (see Section 10.1.2)	35 ft
Minimum Density (see Section 10.1.3)	1 unit per 3,630 sf of net site area
Minimum Setbacks (see Section 10.1.4)	
• Front building setback	5 ft
• Side building setback	5 ft
• Rear building setback	5 ft
• Garage entrance setback (driveway length)	18 ft
Minimum Required Outdoor Area and Usable Open Space (see Section 10.1.5)	
• Required Outdoor Area	15% of lot area
• Usable Open Space	None
Vehicle Parking (see Section 10.1.6)	
• Minimum number of off-street spaces	1 space per triplex 2 spaces per quadplex

3 – Triplex and Quadplex

TABLE 3.1 SITING STANDARDS - TRIPLEX AND QUADPLEX	
Maximum number of off-street spaces	None
Minimum Number of Bicycle Parking Spaces (see Section 10.1.7)	
Long-term Spaces	None
Short-term Spaces	None

3.2 Design Standards – Triplex and Quadplex

Except as provided in Section 1.5, the design standards in this section apply to the development of a triplex or quadplex on a lot.

3.2.1 Entry Orientation and Pedestrian Connectivity

A. Standard. At least one main entrance for each residential structure must comply with all the following standards. The entrance must:

1. Be no more than 8 feet farther from the front lot line than the structure's longest wall that faces the front lot line.
2. Meet at least one of the following:
 - a. Face the street (see Figure 3.2.1.a),
 - b. Be at an angle of up to 45 degrees from the street (see Figure 3.2.1.b);
 - c. Face a common open space that is adjacent to the street and is abutted by dwellings on at least two sides (see Figure 3.2.1.c); or
 - d. Open onto a covered porch or covered patio (see Figure 3.2.1.d). The porch or patio must:
 - i. Be at least 25 square feet in area; and
 - ii. Have at least one entrance facing the street.
3. Connect to the sidewalk by a hard-surfaced walkway other than a driveway. The walkway shall have a minimum width of 2 feet (see Figure 3.2.1.a). The walkway may abut the driveway (see Figure 3.2.1.d). Where there is no sidewalk abutting the property, the walkway shall extend to the street lot line.

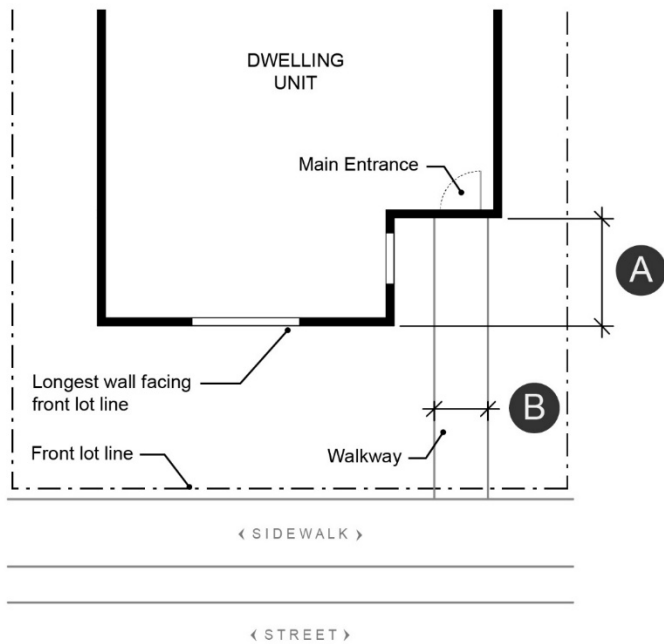
B. Exceptions. The following are exempt from these standards:

1. Any detached structure for which more than 50 percent of its street-facing facade is separated from the street lot line by:
 - a. A dwelling; or
 - b. A buildable lot with a depth of at least 20 feet measured from the street lot line.

3 – Triplex and Quadplex

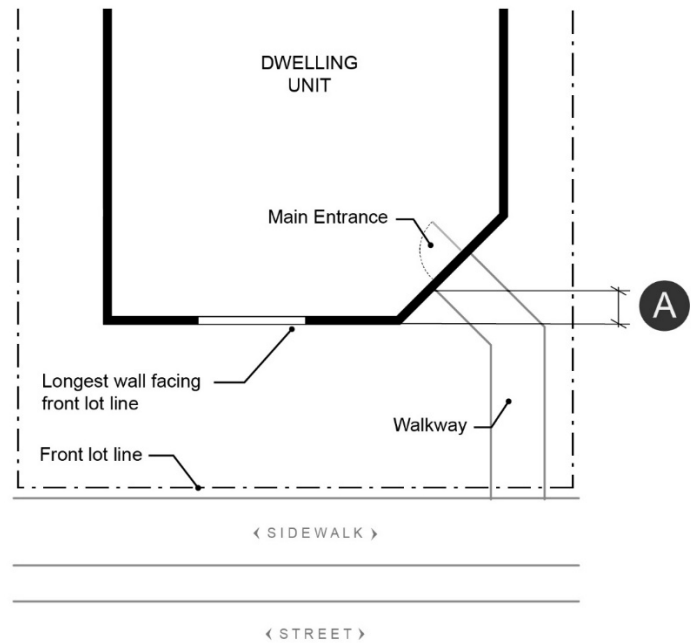
2. Accessible or adaptable units, provided the main entrance is connected to the public sidewalk by an accessible walkway.

Figure 3.2.1.a. Main Entrance Facing the Street



- A Maximum 8 feet from entry to longest wall facing front lot line
- B Walkway width minimum 2 feet

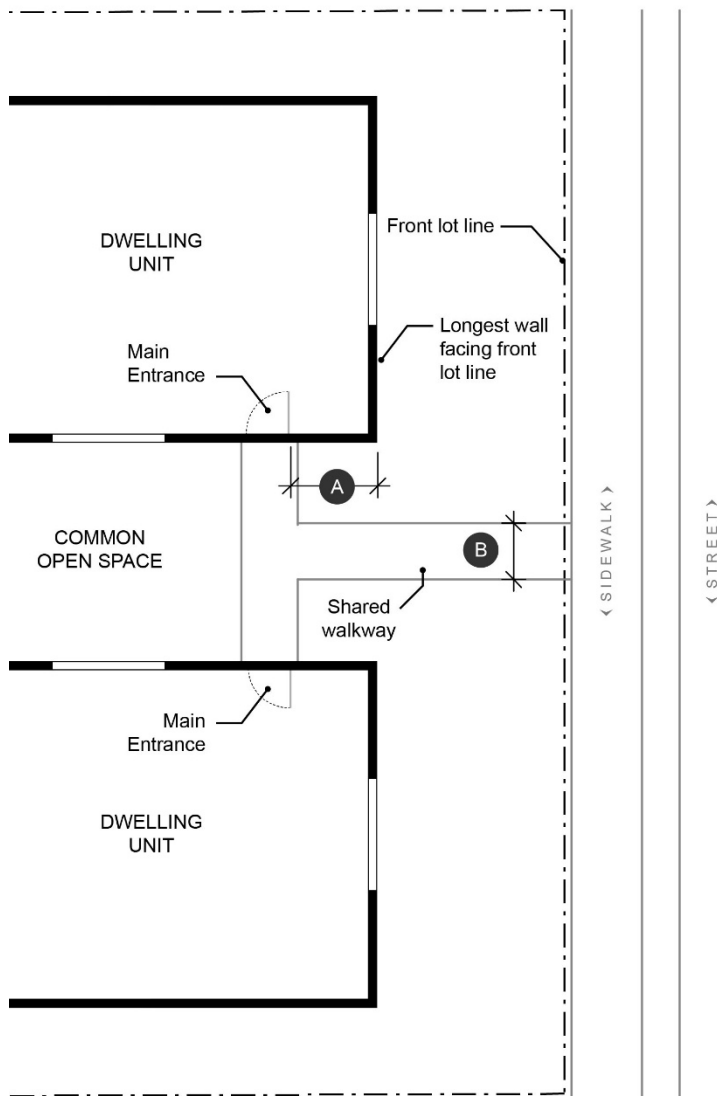
Figure 3.2.1.b. Main Entrance at 45° Angle from the Street



- A Maximum 8 feet from entry to longest wall facing front lot line

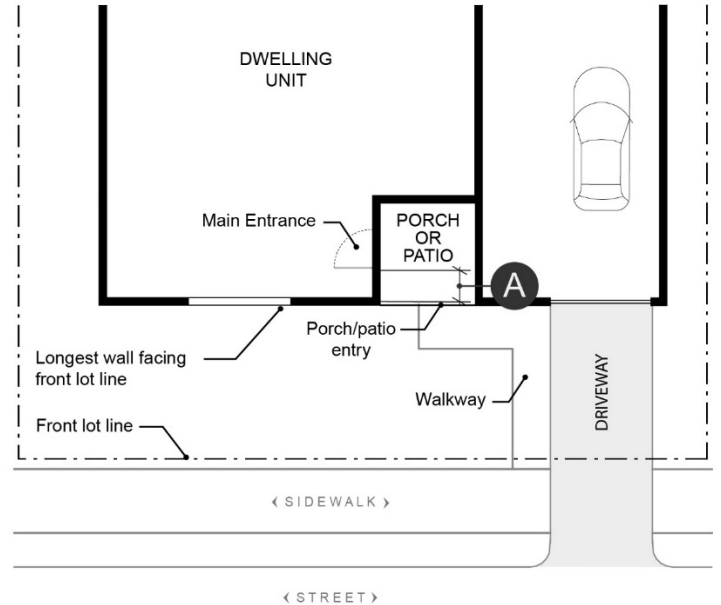
3 – Triplex and Quadplex

Figure 3.2.1.c. Main Entrance Facing Common Open Space



- A** Maximum 8 feet from entry to longest wall facing front lot line
- B** Walkway width minimum 2 feet

Figure 3.2.1.d. Main Entrance Opening onto a Porch



- A** Maximum 8 feet from entry to longest wall facing front lot line

3 – Triplex and Quadplex

3.2.2 Transitions to Residential Entrances

The following standards apply to each main entrance that is 10 feet or closer to a street lot line and provides direct access to a dwelling unit.

A. Standards. The main entrance must have at least two of the following within the setback:

1. A wall or fence that is 18 to 36 inches high and at least 4 feet wide.
2. Landscaping that meets the city's planting standards.
3. For each street-facing entrance, one canopy tree that is at least 1.5 inches in diameter, or at least 4 feet in height when planted, and that will achieve a mature canopy spread of at least 10 feet. An existing, retained tree may be used to meet this standard.
4. Common or private outdoor area of at least 48 square feet designed so that a 4-foot by 6-foot dimension will fit entirely within it.

B. Exceptions. None.

3.2.3 Windows and Doors

A. Standard.

1. Windows or pedestrian entrance doors must be provided on street-facing facades as follows:
 - a. At least one street-facing façade must have a minimum of 15 percent windows or pedestrian entrance doors.
 - b. All other street-facing facades must have a minimum of 10 percent windows or pedestrian entrance doors.
2. See Section 10.1.8 for measurement methodology.

B. Exceptions. The following facades are exempt from these standards:

1. Facades separated from the street lot line by a dwelling, or by a buildable lot with a depth of at least 20 feet measured from the street lot line.
2. Facades that are more than 40 feet from the street lot line.
3. Facades facing an alley.

3.2.4 Off-Street Parking Areas

The following standards apply to the parent lot, not child lots created by a Middle Housing Land Division.

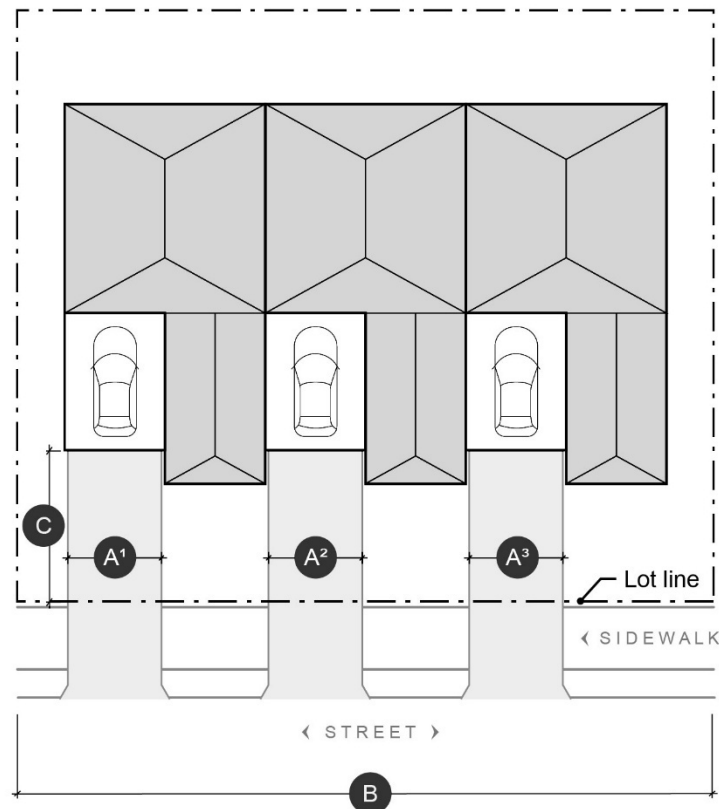
A. Standard. The combined width of all garages and outdoor on-site parking and maneuvering areas, as measured at their widest dimension, shall not exceed a total of 50 percent of the street frontage (see Figure 3.2.4.a). Walkways abutting a driveway are excluded from this calculation.

B. Exceptions. The following are exempt from these standards:

3 – Triplex and Quadplex

1. Accessible or adaptable units.
2. Lots that receive vehicular access from an alley.
3. Garages or off-street parking areas that are separated from the street lot line by a dwelling.

Figure 3.2.4.a. Width of Garages and Parking Areas



- A** Garage and on-site parking and maneuvering areas: $(A1 + A2 + A3) \div B \leq 50\%$
- B** Total street frontage
- C** Minimum driveway length 18 feet (or maximum 5 feet)

3 – Triplex and Quadplex

3.2.5 Driveway Approach

A. Standard. Driveway approaches must comply with the following:

1. The total width of all driveway approaches must not exceed 32 feet per frontage, as measured at the lot line (see Figures 3.2.5.a and 3.2.5.c). For lots with more than one frontage, see subsection (3).
2. Driveway approaches may be separated when located on a local street (see Figure 3.2.5.a). If approaches are separated, they must meet the city's driveway spacing standards applicable to local streets.
3. In addition, lots with more than one frontage must comply with the following:
 - a. Lots must access the street with the lowest transportation classification for vehicle traffic. For lots abutting an alley that meets the city's standards for width and pavement, access must be taken from the alley (see Figure 3.2.5.b).
 - b. Lots with frontages only on collectors or arterial streets must meet the city's access standards applicable to collectors or arterials.
 - c. Triplexes and quadplexes on lots with frontages only on local streets may have either:
 - i. Two driveway approaches not exceeding 32 feet in total width on one frontage (see Figure 3.2.5.d); or
 - ii. One maximum 16-foot-wide driveway approach per frontage (see Figure 3.2.5.e).

B. Exceptions. Accessible or adaptable units are exempt from the standards in subsections (A)(1) and (A)(3)(c).

3 – Triplex and Quadplex

Figure 3.2.5.a. Driveway Approach Width and Separation on Local Street

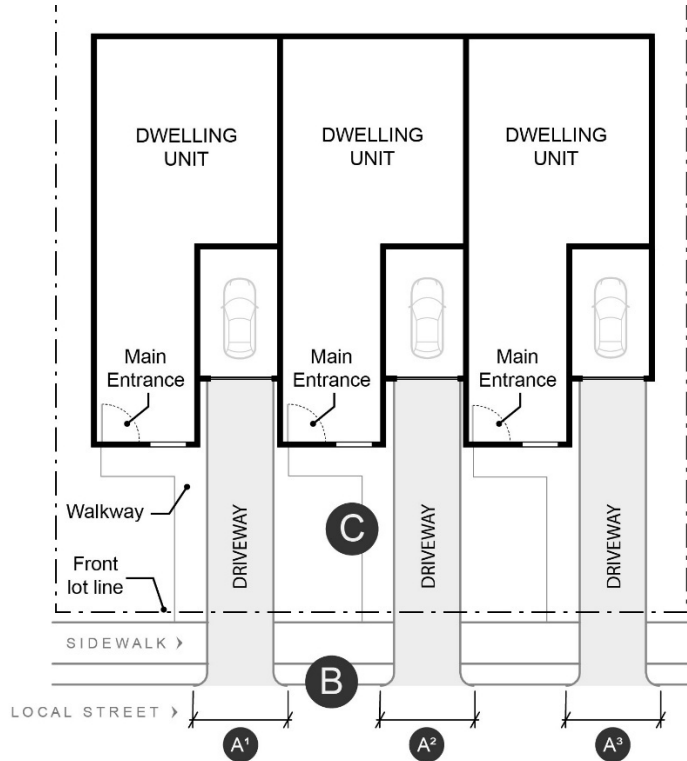
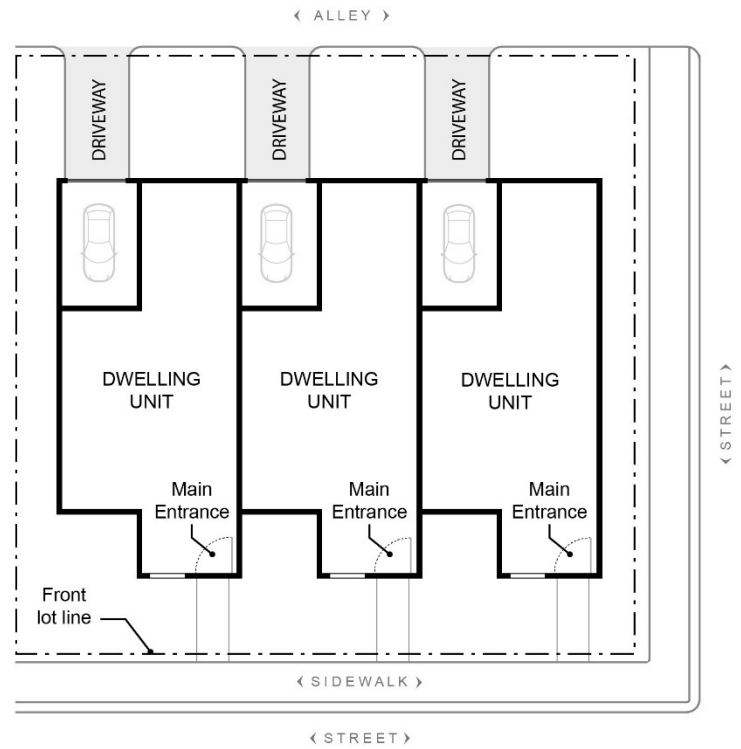


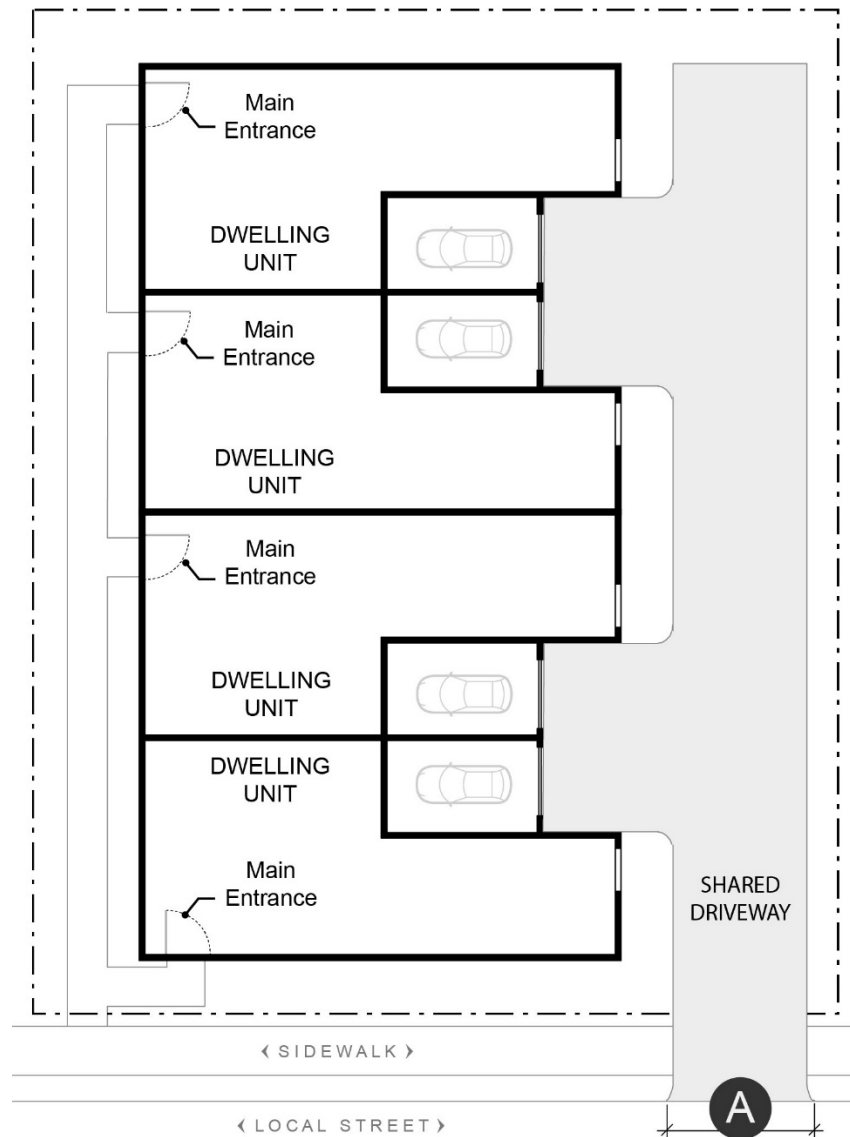
Figure 3.2.5.b. Alley Access



- A** $A^1 + A^2 + A^3 \leq 32$ feet
- B** Driveway approaches must meet separation standards for a local street.
- C** Walkway may abut driveway

3 – Triplex and Quadplex

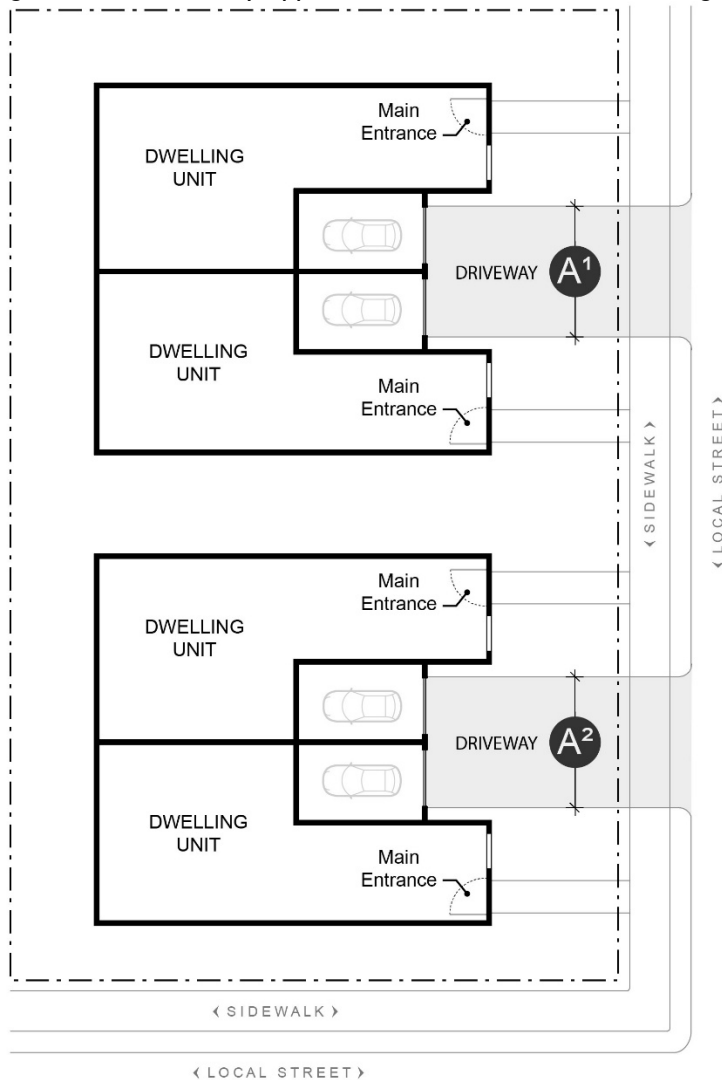
Figure 3.2.5.c. Driveway Approach Width on Local Street – Shared Driveway



- A** Maximum width of driveway approach(es) 32 feet

3 – Triplex and Quadplex

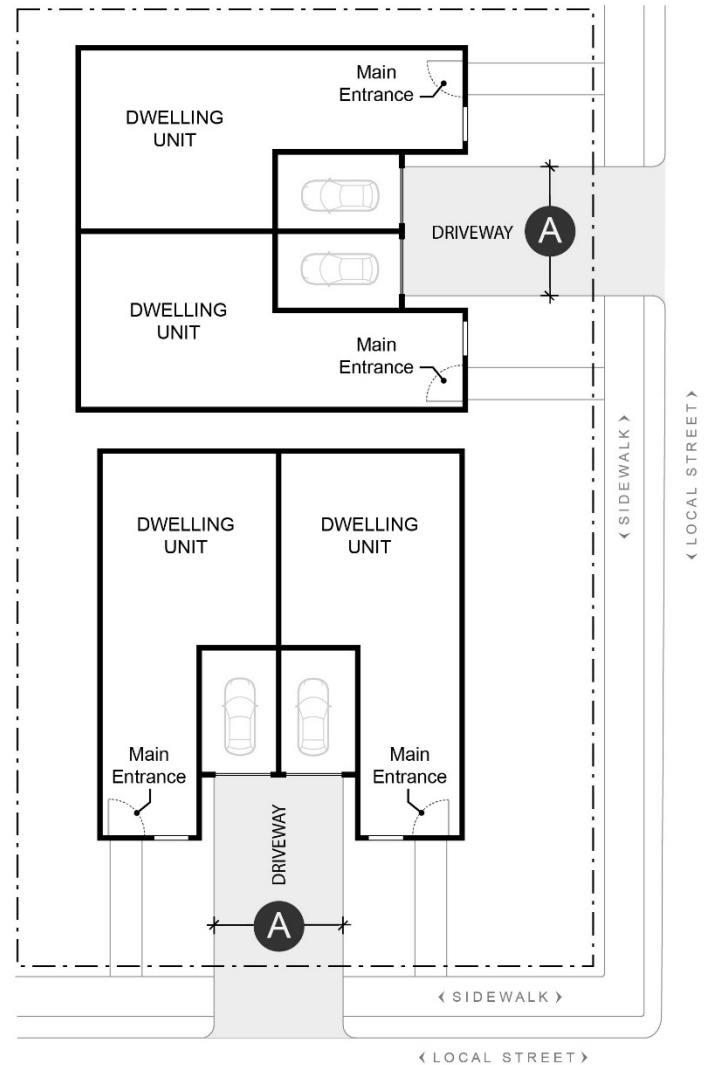
Figure 3.2.5.d. Driveway Approaches on One Local Street Frontage



A

One maximum 16-foot-wide driveway approach per frontage

Figure 3.2.5.e. Driveway Approaches on Two Local Street Frontages



A

Two driveway approaches on one frontage:
 $A^1 + A^2 \leq 32$ feet

3 – Triplex and Quadplex

3.2.6 Trash Storage

- A. Standard.** Shared storage facilities for trash and recycling receptacles that are located within 20 feet of a street lot line or a lot line abutting residential property shall meet the following standards:
1. The storage facility shall be screened from street lot lines and abutting residential properties by a wall, solid fence, or evergreen hedge. Except as specified in subsection (3), the screen must be at least 4 feet in height and located no more than 3 feet from the storage facility.
 2. The storage facility must be separated from the street lot line by at least 5 feet.
 3. For lot lines abutting residential properties, the storage facility must either be setback from the lot line by at least 5 feet, or the screen facing the lot line must be at least 6 feet in height.
- B. Exceptions.** Trash and recycling receptacles stored within a building are exempt from these standards.

3.3 Unit Configuration and Conversions – Triplex and Quadplex

3.3.1 Unit Configuration

- A. Standard.**
1. The units in a triplex or quadplex may be attached to each other.
 2. The units in a triplex or quadplex may be detached where:
 - a. The units are sited on a lot with retained units under Section 1.4;
 - b. No more than one detached unit on the lot exceeds 1,200 square feet; or
 - c. The unit(s) qualify for at least one bonus category, as provided in Chapter 8.
- B. Exceptions.** None.

3.3.2 Conversions

Additions to, or conversions of, an existing detached single-unit dwelling or duplex into a triplex or quadplex is allowed, provided that the addition or conversion does not increase nonconformance with applicable standards of this Model Code, unless increasing nonconformance is otherwise permitted by the city's development regulations.

4 – Townhouse

Chapter 4 – Townhouse

Sections:

4.1 Siting Standards – Townhouse

4.2 Design Standards – Townhouse

4.1 Siting Standards – Townhouse

The siting standards in Table 4.1 apply to Townhouses, with the following clarifications:

- A.** FAR, minimum density, and outdoor area standards are calculated based on a townhouse site, not each townhouse lot (refer to the “site” definition in Section 10.2).
- B.** For qualified projects, the standards in Table 4.1 may be modified by the applicable bonuses in Chapter 8.
- C.** Per Section 1.4, retained units within middle housing development are not subject to these standards, and do not count toward maximum floor area ratio.

TABLE 4.1 SITING STANDARDS - TOWNHOUSE	
Maximum Floor Area Ratio (FAR) (see Section 10.1.1)	1.2:1
Maximum Building/Structure Height (see Section 10.1.2)	35 ft
Maximum Number of Attached Townhouses per Structure	6 Townhouses
Minimum Density (see Section 10.1.3)	1 unit per 3,630 sf of net site area
Minimum Setbacks (see Section 10.1.4)	
• Front building setback	5 ft
• Common wall setback (along lot line where units are attached)	0 ft
• Side building setback	5 ft
• Rear building setback	5 ft
• Garage entrance setback (driveway length)	18 ft (or max. 5 ft)
Minimum Required Outdoor Area and Usable Open Space (see Section 10.1.5)	
• Required Outdoor Area	15% of site area
• Usable Open Space	None
Vehicle Parking (see Section 10.1.6)	
• Minimum number of off-street spaces	1 space per unit
• Maximum number of off-street spaces	None
Minimum Number of Bicycle Parking Spaces (see Section 10.1.7)	

4 – Townhouse

TABLE 4.1 SITING STANDARDS - TOWNHOUSE	
• Long-term Spaces	None
• Short-term Spaces	None
Areas Owned in Common Common areas must be maintained by a homeowners association or other legal entity. Such legal entity may also be responsible for exterior building maintenance. A copy of any applicable covenants, restrictions and conditions must be recorded and provided to the city prior to issuance of a building permit.	

4.2 Design Standards – Townhouse

Except as provided in Section 1.5, the design standards in this section apply to the development of townhouses.

4.2.1 Entry Orientation and Pedestrian Connectivity

A. Standard. A main entrance to each townhouse must comply with all the following standards (see Figure 4.2.1.a). The entrance must:

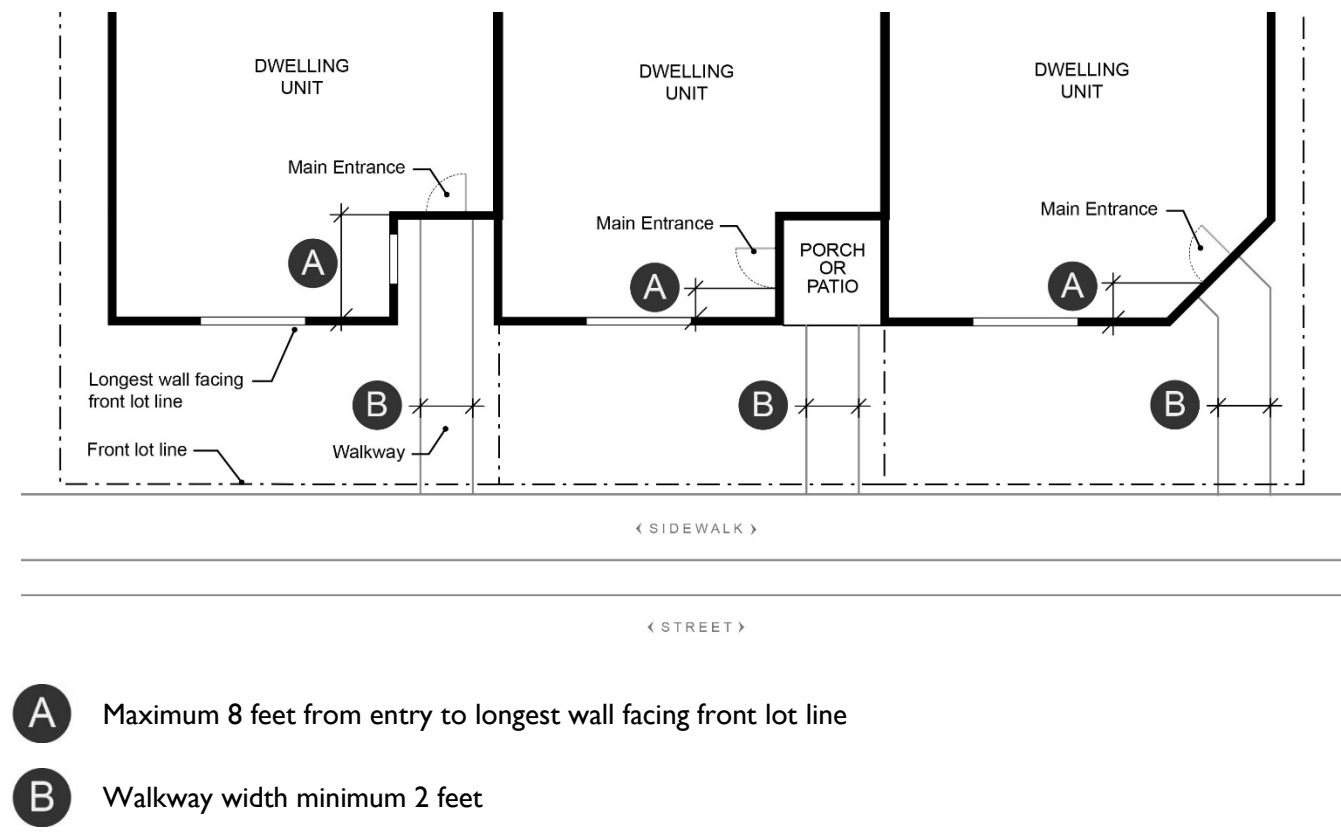
1. Be no more than 8 feet farther from the front lot line than the dwelling unit's longest wall that faces the front lot line.
2. Meet at least one of the following:
 - a. Face the street,
 - b. Be at an angle of up to 45 degrees from the street; or
 - c. Open onto a covered porch or covered patio. The porch or patio must:
 - i. Be at least 25 square feet in area; and
 - ii. Have at least one entrance facing the street.
3. Connect to the sidewalk by a hard-surfaced walkway other than the driveway. The walkway shall have a minimum width of 2 feet. The walkway may abut the driveway. Where there is no sidewalk abutting the property, the walkway shall extend to the street lot line.

B. Exceptions. The following are exempt from these standards:

1. Townhouses on townhouse lots that do not have public street frontage.
2. Townhouses with ground levels that are designed as accessible or adaptable, provided the main entrance is connected to the public sidewalk by an accessible walkway.

4 – Townhouse

Figure 4.2.1.a. Main Entrance Facing the Street, at 45° Angle, or Opening onto a Porch



4.2.2 Transitions to Residential Entrances

The following standards apply to each main entrance that is 10 feet or closer to a street lot line.

A. Standards. The main entrance must have at least two of the following within the setback:

1. A wall or fence that is 18 to 36 inches high and at least 4 feet wide.
2. Landscaping that meets the city's planting standards.
3. For each street-facing entrance, one canopy tree that is at least 1.5 inches in diameter, or at least 4 feet in height when planted, and that will achieve a mature canopy spread of at least 10 feet. An existing, retained tree may be used to meet this standard.
4. Common or private outdoor area of at least 48 square feet designed so that a 4-foot by 6-foot dimension will fit entirely within it.

B. Exceptions. None.

4 – Townhouse

4.2.3 Windows and Doors

A. Standard.

1. Windows or pedestrian entrance doors must be provided on street-facing facades on each individual unit as follows:
 - a. At least one street-facing façade must have a minimum of 15 percent windows or pedestrian entrance doors.
 - b. All other street-facing facades must have a minimum of 10 percent windows or pedestrian entrance doors.
2. See Section 10.1.8 for measurement methodology.

B. Exceptions. The following facades are exempt from these standards:

1. Facades separated from the street lot line by a dwelling, or by a buildable lot with a depth of at least 20 feet measured from the street lot line.
2. Facades that are more than 40 feet from the street lot line.
3. Facades facing an alley.

4.2.4 Driveway Access and Parking

A. Standard. Townhouse lots with frontage on a public street shall either meet the standards in subsection (1) or subsection (2). Townhouse lots without frontage on a public street are subject to subsection (3).

1. Where garage entrances, off-street parking areas, or driveways are located between a townhouse and a public street (other than an alley), the following standards shall be met (see Figure 4.2.4.a).
 - a. The townhouse lot shall have at least 15 feet of street frontage on a local street.
 - b. A maximum of one driveway approach is allowed for every townhouse. Driveway approaches or driveways may be shared.
 - c. On each townhouse lot, the width of the following features shall not exceed 12 feet, or 60 percent of the lot frontage width, whichever is less:
 - i. Outdoor on-site parking and maneuvering areas; and
 - ii. Garages, as measured from the inside of the garage door frame.
 - d. This standard does not supersede a city's driveway separation standards.
2. For all other configurations of driveway access and parking, the following standards shall be met.

4 – Townhouse

- a. A townhouse project that includes a corner lot shall take access from a single driveway approach on the side of the corner lot. See Figure 4.2.4.b.
 - b. Townhouse projects that do not include a corner lot shall consolidate access for all lots into a single driveway. See Figure 4.2.4.c.
 - c. A townhouse project that includes consolidated access or shared driveways shall grant access easements to allow normal vehicular access and emergency access. Driveway and approach widths are subject to the city's public works standards.
3. Townhouse lots that do not have public street frontage may be accessed from a shared driveway located within an access easement or tract that allows normal vehicular access and emergency access. See Figure 4.2.4.d.

B. Exceptions.

1. Townhouse projects in which vehicular access for all units is exclusively from a rear alley are exempt from these standards.
2. Townhouses with ground levels that are designed as accessible or adaptable are exempt from subsection (A)(1)(c).

4.2.5 Trash Storage

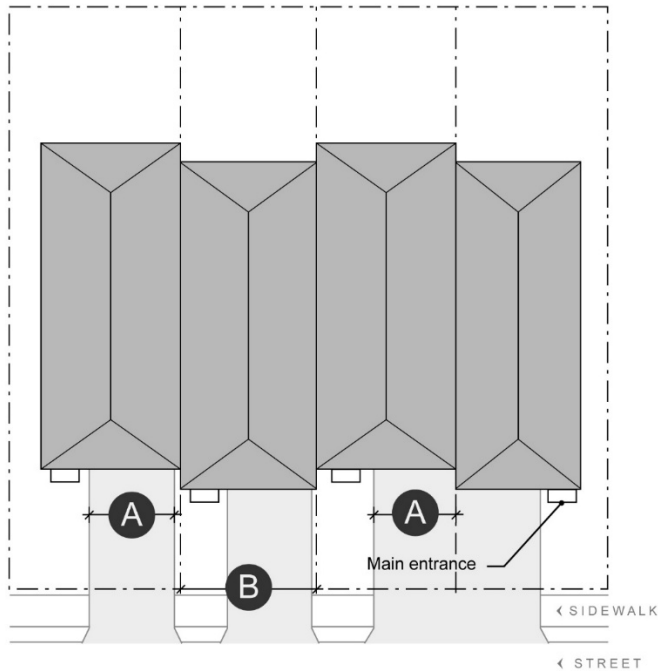
A. Standard. Shared storage facilities for trash and recycling receptacles that are located within 20 feet of a street lot line or a lot line abutting residential property shall meet the following standards:

1. The storage facility shall be screened from street lot lines and abutting residential properties by a wall, solid fence, or evergreen hedge. Except as specified in subsection (3), the screen must be at least 4 feet in height and located no more than 3 feet from the storage facility.
2. The storage facility must be separated from the street lot line by at least 5 feet.
3. For lot lines abutting residential properties, the storage facility must either be setback from the lot line by at least 5 feet, or the screen facing the lot line must be at least 6 feet in height.

B. Exceptions. Trash and recycling receptacles stored within a building are exempt from these standards.

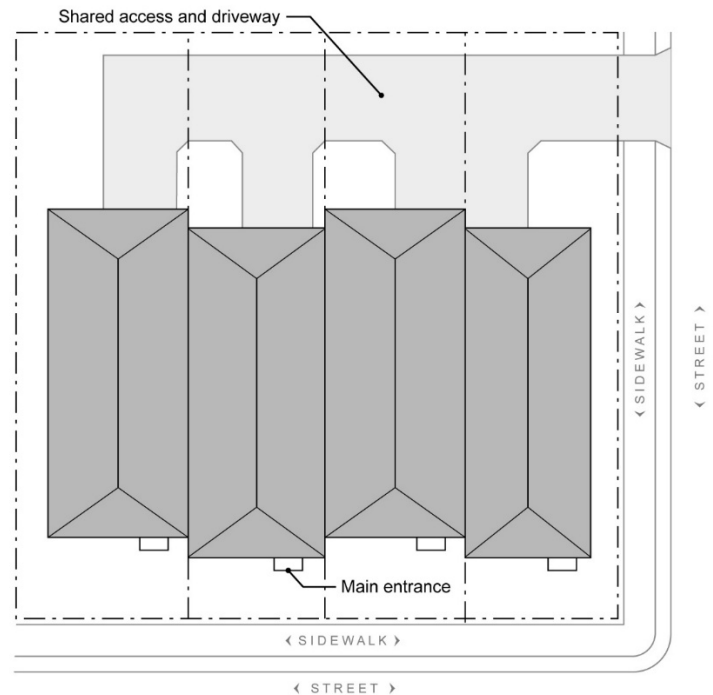
4 – Townhouse

Figure 4.2.4.a. Townhouses with Parking in Front Yard



- A** Maximum width of driveway, parking or maneuvering area, or garage: 12 feet or 60% of lot frontage width, whichever is less
- B** Minimum 15 feet of street frontage

Figure 4.2.4.b. Townhouses on Corner Lot with Shared Access



4 – Townhouse

Figure 4.2.4.c. Townhouses with Consolidated Access

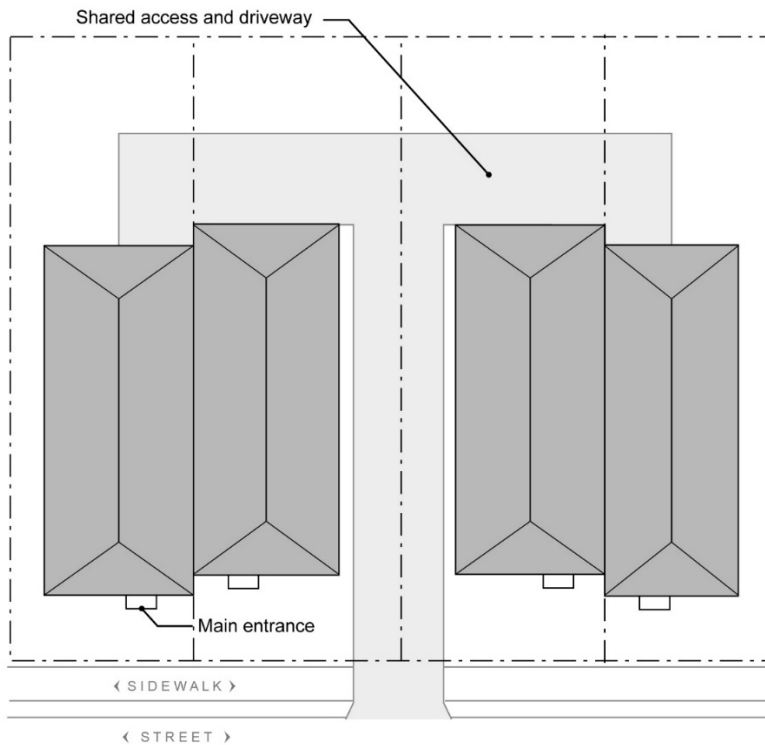
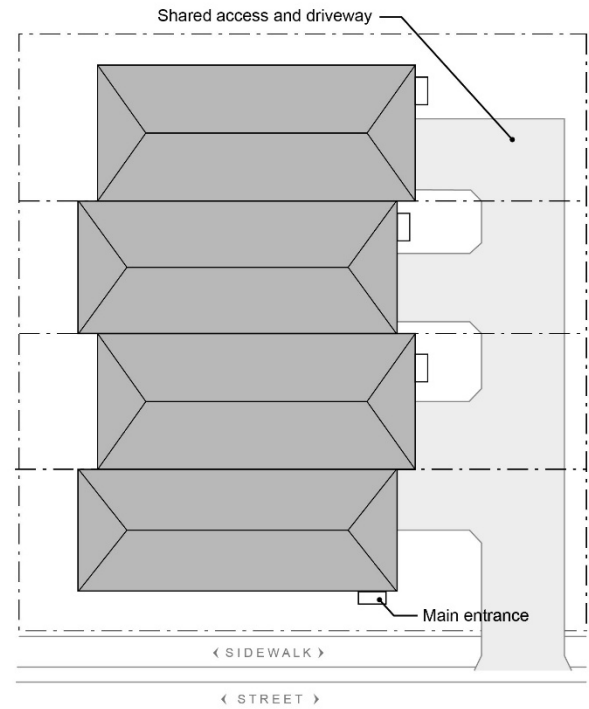


Figure 4.2.4.d. Townhouses with Access from Shared Driveway and Access Easement/Tract



5 – Cottage Cluster

Chapter 5 – Cottage Cluster

Sections:

- 5.1 Siting Standards – Cottage Cluster
- 5.2 Design Standards - Cottage Cluster

5.1 Siting Standards – Cottage Cluster

The siting standards in Table 5.1 apply to the development of a cottage cluster, with the following clarifications:

- A.** Standards applicable to a lot (i.e., minimum density, setbacks, and outdoor area) apply to the parent lot, not child lots created by a Middle Housing Land Division.
- B.** For qualified projects, the standards in Table 5.1 may be modified by the applicable bonuses in Chapter 8.
- C.** Per Section 1.4, retained units within middle housing development are not subject to these standards.

TABLE 5.1 SITING STANDARDS - COTTAGE CLUSTER	
Maximum Number of Cottages per Cottage Cluster	10 cottages
Maximum Floor Area Ratio (FAR) (see Section 10.1.1)	None
Average Cottage Size. Based on average floor area of all cottages and community buildings within the cottage cluster (see Section 10.1.1).	1,400 sf or less
Average Cottage Footprint	
• Average of cottages with height of 15 feet or less	1,400 sf or less
• Average of cottages with height over 15 feet	900 sf or less
Maximum Building/Structure Height (see Section 10.1.2)	25 ft
Minimum Density (see Section 10.1.3)	1 unit per 3,630 sf of net site area
Minimum Setbacks (see Section 10.1.4)	
• Front building setback	5 ft
• Side building setback	5 ft
• Rear building setback	5 ft
• Garage entrance setback (driveway length)	18 ft (or max. 5 ft)
Minimum Required Open Space - Courtyard (see Section 5.2.2)	150 sf per cottage
Vehicle Parking (see Section 10.1.6)	
• Minimum number of off-street spaces	1 space per unit
• Maximum number of off-street spaces	None
Minimum Number of Bicycle Parking Spaces (see Section 10.1.7)	

5 – Cottage Cluster

TABLE 5.1 SITING STANDARDS - COTTAGE CLUSTER	
• Long-term Spaces	None
• Short-term Spaces	None
Areas Owned in Common Common areas must be maintained by a homeowners association or other legal entity. Such legal entity may also be responsible for exterior building maintenance. A copy of any applicable covenants, restrictions and conditions must be recorded and provided to the city prior to issuance of a building permit.	

5 – Cottage Cluster

5.2 Design Standards – Cottage Cluster

Except as provided in Section 1.5, the design standards in this section apply to the development of cottage clusters.

5.2.1 Cottage Orientation

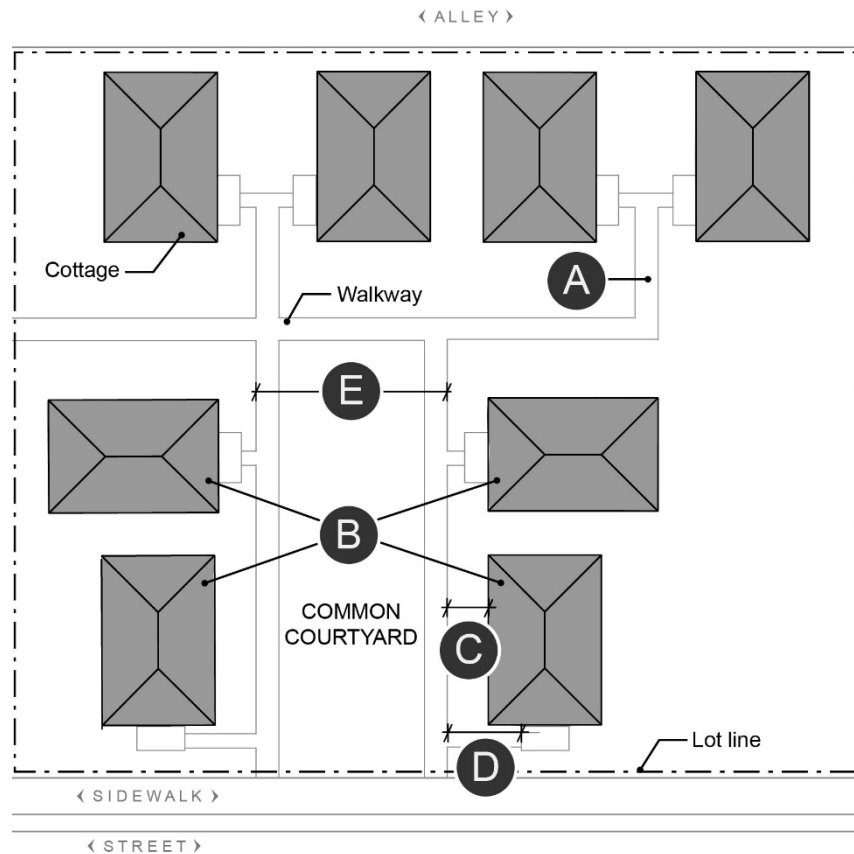
- A. Standard.** Cottages must be clustered around a common courtyard, as demonstrated by meeting the following standards (see Figure 5.2.2.a):
1. Each cottage within a cluster must have a main entrance that is directly connected to the common courtyard by a pedestrian walkway.
 2. A minimum of 50 percent of cottages within a cluster must:
 - a. Be within 10 feet from the common courtyard, measured from the nearest façade of the cottage to the nearest edge of the common courtyard; and
 - b. Have a main entrance that either faces the common courtyard or is no more than 20 feet from the common courtyard.
 3. Cottages must abut the common courtyard on at least two sides of the courtyard.
- B. Exceptions.** An existing dwelling or dwellings included within a cottage cluster pursuant to Section 5.2.8 may be excluded from the calculation of cottages oriented toward the common courtyard at the applicant's option.

5.2.2 Common Courtyard Design Standards

- A. Standard.** Each cottage cluster must share a common courtyard that meets the following standards (see Figure 5.2.2.a):
1. The common courtyard must be a single, contiguous piece.
 2. The common courtyard must be a minimum of 15 feet wide at its narrowest dimension and must meet the minimum area standard in Table 5.1.
 3. The common courtyard shall be developed with a mix of landscaping, lawn area, pedestrian walkways, or paved courtyard area, and may also include recreational amenities. Impervious elements of the common courtyard shall not exceed 75 percent of the total common courtyard area.
 4. Common courtyards must include pedestrian walkways. Walkways that are contiguous to a courtyard shall count toward the courtyard's minimum dimension and area. Parking areas, required setbacks, and driveways do not qualify as part of a common courtyard.
- B. Exceptions.** None.

5 – Cottage Cluster

Figure 5.2.2.a. Cottage Cluster Orientation and Common Courtyard Standards



- A** All cottages connected to courtyard by walkway.
- B** Minimum 50% of cottages meet the orientation requirements illustrated by **C** and **D**.
- C** Maximum 10 feet from cottage to courtyard.
- D** Maximum 20 feet from entry to courtyard.
- E** Minimum 15 feet width at narrowest dimension.

5 – Cottage Cluster

5.2.3 Community Buildings

- A. Standard.** Cottage cluster projects may include community buildings for the shared use of residents that provide space for accessory uses such as community meeting rooms, guest housing, exercise rooms, day care, or community eating areas. Community buildings must meet the following standards:
1. Each cottage cluster is permitted one community building, which shall count towards the maximum average cottage size, pursuant to Table 5.1.
 2. Community buildings shall not include individual storage spaces for residents. However, storage areas for shared equipment or supplies is permitted.
- [Recommended: 3. If a community building meets the definition of a dwelling unit and has a footprint that exceeds the maximum footprint in Table 5.1 or would exceed the maximum number of cottages in a cottage cluster, a covenant must be recorded against the property stating that the structure is not a legal dwelling unit and will not be used as a primary dwelling.]

B. Exceptions. None.

5.2.4 Pedestrian Access

- A. Standard.**
1. A walkway must connect the main entrance of each cottage to the following:
 - a. The common courtyard;
 - b. Shared parking areas;
 - c. Community buildings; and
 - d. Sidewalks in public rights-of-way abutting the lot or rights-of-way if there are no sidewalks.
 2. The walkway must be hard-surfaced and a minimum of 4 feet wide.
 3. An accessible walkway must connect the main entrance of each accessible or adaptable unit to:
 - a. A sidewalk abutting the lot, or a right-of-way if there is no sidewalk; and
 - b. At least one ADA parking space, if provided.

B. Exceptions. None.

5.2.5 Windows and Doors

- A. Standards.** Cottages within 20 feet of a street lot line must meet the following standards:
1. At least one street-facing façade must have a minimum of 15 percent windows or pedestrian entrance doors.
 2. All other street-facing facades must have a minimum of 10 percent windows or pedestrian entrance doors.

5 – Cottage Cluster

3. See Section 10.1.8 for measurement methodology.

B. Exceptions. The following facades are exempt from these standards:

1. Facades separated from the street lot line by a dwelling, or by a buildable lot with a depth of at least 20 feet measured from the street lot line.
2. Facades facing an alley.

5.2.6 Parking Design

A. Standards. (see Figure 5.2.6.a).

1. Clustered parking. Off-street parking may be arranged in clusters, subject to the following standards:
 - a. Cottage cluster projects with fewer than 16 cottages are permitted parking clusters of not more than 5 contiguous spaces.
 - b. Cottage cluster projects with 16 cottages or more are permitted parking clusters of not more than 8 contiguous spaces.
 - c. Parking clusters must be separated from other spaces by at least 4 feet of landscaping.
 - d. Clustered parking areas may be covered.
2. Parking location and access.
 - a. Off-street parking spaces and vehicle maneuvering areas shall not be located:
 - i. Within of 20 feet of any street lot line, except alley lot lines; or
 - ii. Between a street lot line and the front façade of cottages located closest to the street lot line. This standard does not apply to alleys.
 - b. Off-street parking spaces shall not be located within 10 feet of any other lot line, except alley lot lines. Driveways and drive aisles are permitted within 10 feet of other lot lines.
3. Screening. Landscaping, fencing, or walls at least 3 feet tall shall separate clustered parking areas and parking structures from common courtyards and public streets.
4. Garages and carports.
 - a. Garages and carports (whether shared or individual) must not abut common courtyards.
 - b. Individual attached garages up to 200 square feet shall be exempted from the calculation of maximum building footprint for cottages.
 - c. Individual detached garages must not exceed 400 square feet in floor area.
 - d. Garage doors for attached and detached individual garages must not exceed 20 feet in width.

B. Exceptions. None.

5 – Cottage Cluster

5.2.7 Accessory Structures

- A. Standard.** Accessory structures (excluding community buildings) must not exceed 400 square feet in floor area.
- B. Exceptions.** None.

5.2.8 Existing Structures

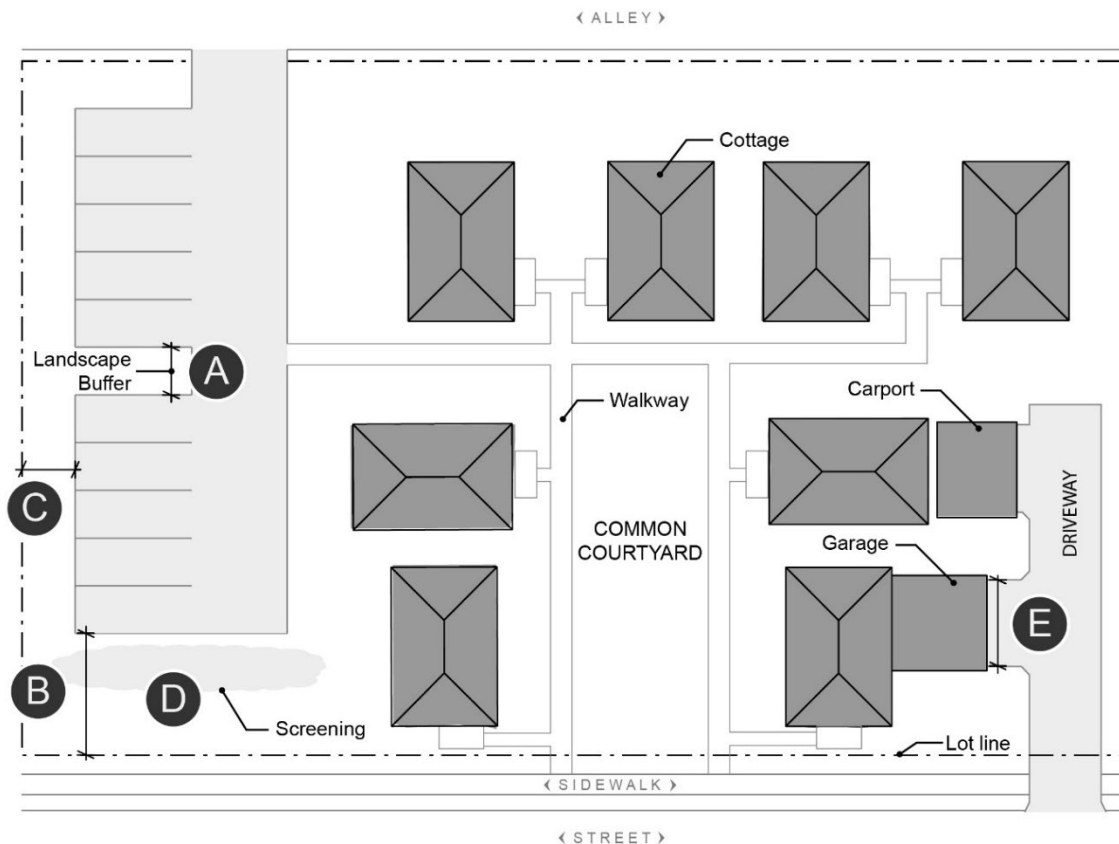
- A. Standard.** On a lot to be used for a cottage cluster project, existing units retained under Section 1.4 may remain within the cottage cluster project area under the following conditions:
 - 1. The retained unit(s) may be nonconforming with respect to the requirements of this code.
 - 2. The retained unit(s) may be expanded up to the maximum height or the maximum building footprint in Table 5.1; however, retained units that exceed the maximum height or footprint of this code may not be expanded.
 - 3. An applicant may choose to exclude the floor area of the retained unit(s) when calculating the average cottage size of a cottage cluster.
- B. Exceptions.** None.

5.2.9 Trash Storage

- A. Standard.** Shared storage facilities for trash and recycling receptacles that are located within 20 feet of a street lot line or a lot line abutting residential property shall meet the following standards:
 - 1. The storage facility shall be screened from street lot lines and abutting residential properties by a wall, solid fence, or evergreen hedge. Except as specified in subsection (3), the screen must be at least 4 feet in height and located no more than 3 feet from the storage facility.
 - 2. The storage facility must be separated from the street lot line by at least 5 feet.
 - 3. For lot lines abutting residential properties, the storage facility must either be setback from the lot line by at least 5 feet, or the screen facing the lot line must be at least 6 feet in height.
- B. Exceptions.** Trash and recycling receptacles stored within a building are exempt from these standards.

5 – Cottage Cluster

Figure 5.2.6.a. Cottage Cluster Parking Design Standards



- A** Parking clusters separated by minimum 4 feet of landscaping.
- B** No parking within 20 feet of street lot line.
- C** No parking within 10 feet of lot line other than street or alley.
- D** Screening required between parking areas or parking structures and public streets or common courtyards.
- E** Maximum 20 feet garage door width.

6 – Multi-Unit Housing

Chapter 6 – Multi-Unit Housing

Sections:

6.1 Siting Standards – Multi-Unit Housing

6.2 Design Standards – Multi-Unit Housing

6.1 Siting Standards – Multi-Unit

The siting standards in Table 6.1 apply to the development of multi-unit housing. For qualified projects, the standards in Table 6.1 may be modified by the applicable bonuses in Chapter 8.

TABLE 6.1 SITING STANDARDS - MULTI-UNIT	
Maximum Floor Area Ratio (FAR) (see Section 10.1.1)	
• Site size: less than 20,000 sf	2:1
• Site size: 20,000 sf to 50,000 sf	1.5:1
• Site size: greater than 50,000 sf	1:1
Maximum Building/Structure Height (see Section 10.1.2)	40 feet
Minimum Density (see Section 10.1.3)	1 unit per 2,178 sf of net site area
Minimum Setbacks (see Section 10.1.4)	
• Front building setback	5 ft
• Side building setback	5 ft
• Rear building setback	5 ft
• Garage entrance setback (driveway length)	18 ft
Minimum Required Outdoor Area and Usable Open Space (see Sections 6.2.6 and 10.1.5)	
• Required Outdoor Area	15% of site area
• Usable Open Space	See Section 6.2.6
Vehicle Parking (see Section 10.1.6)	
• Minimum number of off-street spaces	0.5 spaces per unit
• Maximum number of off-street spaces	
○ Studio Unit	1.2 spaces per unit
○ Non-Studio Unit	2.0 spaces per unit
Minimum Number of Bicycle Parking Spaces (see Section 10.1.7)	
• Long-term Spaces	0.5 spaces per unit

6 – Multi-Unit Housing

TABLE 6.1 SITING STANDARDS - MULTI-UNIT	
Short-term Spaces	2.0 spaces per site, or 1.0 space per 20 units, whichever is greater

6.2 Design Standards – Multi-Unit

The design standards in this section apply to the development of multi-unit housing. In sections 6.2.2 and 6.2.8, townhouse style multi-unit housing is subject to different standards than other forms of multi-unit housing. Townhouse style developments are those in which the units have individual ground floor entries, share one or more common walls with one or more other units, and do not share common floors/ceilings with another unit.

6.2.1 Entry Orientation – Non-Townhouse Style

Multi-unit housing other than townhouse style development is subject to the following standards.

A. Standards.

- I. At least one building façade containing a main entrance to a building must be located within 20 feet of a street lot line. If the site abuts more than one street, the building façade meeting this standard must be located in accordance with the following hierarchy:
 - a. Except as provided in (c), if transit is available on one or more abutting streets, within 20 feet of the street lot line of the street with the highest level of transit service.
 - b. Except as provided in (c), if none of the abutting streets have transit service, then within 20 feet of the street lot line of the street with the highest classification in the city's adopted Transportation System Plan (or in the applicable functional classification map or public works or engineering standards).
 - c. In the following circumstances, the applicant may choose the street-facing façade that will contain the main entrance:
 - i. The abutting streets have equal levels of transit service and equal street classifications; or
 - ii. The highest transit service street or highest classification street is an arterial street that includes 4 or more travel lanes designed for through movement of vehicles.
2. The main entrance meeting standard (A)(I), must:
 - a. Be no more than 8 feet farther from the front lot line than the structure's longest wall that faces the front lot line.
 - b. Meet at least one of the following:
 - i. Face the street;

6 – Multi-Unit Housing

- ii. Be at an angle of up to 45 degrees from the street;
 - iii. Face a courtyard, provided the courtyard is no less than 15 feet in width and abuts the street; or
 - iv. Open onto a covered porch or covered patio that is at least 25 square feet in area.
- c. Connect to the sidewalk by an accessible walkway in conformance with Section 6.2.4(A)(2). Where there is no sidewalk abutting the property, the walkway shall extend to the street lot line.

B. Exception. If a site abuts only one street, and the abutting street is an arterial with 4 or more travel lanes designed for through movement of vehicles, a building facade with ground floor dwelling units may be set further back than 20 feet, provided the screening standards in Section 6.2.9 are met, except as specified in subsection 6.2.9(B).

6.2.2 Entry Orientation – Townhouse Style

Townhouse style multi-unit housing is subject to the following standards.

- A. Standards.** A main entrance of each unit that is within 40 feet of a public street lot line must comply with all the following standards (see Figure 4.2.1.a). The entrance must:
- 1. Be no more than 8 feet farther from the front lot line than the dwelling unit's longest wall that faces the front lot line
 - 2. Meet at least one of the following:
 - a. Face the street;
 - b. Be at an angle of up to 45 degrees from the street; or
 - c. Open onto a covered porch or covered patio. The porch or patio must:
 - i. Be at least 25 square feet in area; and
 - ii. Have at least one entrance facing the street.
 - 3. Connect to the sidewalk by a hard-surfaced walkway other than the driveway. The walkway shall have a minimum width of 2 feet. The walkway may abut the driveway. Where there is no sidewalk abutting the property, the walkway shall extend to the street lot line.

B. Exceptions. None.

6 – Multi-Unit Housing

6.2.3 Transitions to Residential Entrances.

The following standards apply to each main entrance that is 10 feet or closer to a street lot line and provides direct access to a dwelling unit.

A. Standards. The main entrance must have at least two of the following within the setback:

1. A wall or fence that is 18 to 36 inches high and at least 4 feet wide.
2. Landscaping that meets the city's planting standard.
3. For each street-facing entrance, one canopy tree that is at least 1.5 inches in diameter, or at least 4 feet in height when planted, and that will achieve a mature canopy spread of at least 10 feet. An existing, retained tree may be used to meet this standard.
4. Common or private outdoor area of at least 48 square feet designed so that a 4-foot by 6-foot dimension will fit entirely within it.

B. Exceptions. None.

6.2.4 Pedestrian Connections

A. Standard.

1. Internal Connections. A system of walkways must connect all main entrances on the site and provide connections to abutting sidewalks, parking areas, bicycle parking, and common outdoor areas. Where there is no sidewalk abutting the property, the walkway shall extend to the street lot line.
2. For sites greater than 50,000 square feet, on-site walkways must connect or be stubbed to allow for an extension to the abutting property in the following circumstances:
 - a. There is an existing walkway on the abutting property that is located in a public right-of-way or public access tract or easement; or
 - b. There is a planned walkway on the abutting property, as identified in the city's adopted Transportation System Plan.
3. Walkway Design.
 - a. Materials and Width. All walkways must be hard surfaced. Except as provided in subsections (i) and (ii), walkways must be at least 5 feet in unobstructed width.
 - i. Walkway width must be increased to 8 feet if the walkway abuts perpendicular or angled parking spaces, unless the spaces are equipped with wheel stops.
 - ii. Where a walkway leads to 4 or fewer individual unit entries, it may have an unobstructed width of 3 feet, increased to at least 4 feet at turns and curves, provided it also meets other ADA standards for accessible walkways, including standards related to passing spaces and slope.

6 – Multi-Unit Housing

- b. Crossings with Vehicle Areas. Where the walkway crosses driveways, drive aisles, parking areas, and loading areas, the walkway must be clearly identifiable through the use of elevation changes, a different paving material, or other similar method. Striping does not meet this requirement. Elevation changes for crossings must be at least 4 inches high.
- c. Walkways Adjacent to Vehicle Areas. Where the walkway is parallel and adjacent to a parking space, driveway, or drive aisle, the walkway must be a raised path or be separated from the vehicular space by a raised curb, bollards, landscaping, or other physical barrier. If a raised path is used, it must be at least 4 inches high. Bollard spacing must be no further apart than 5 feet on center.

B. Exceptions. None.

6.2.5 Windows and Doors

A. Standard. A minimum of 15 percent of the area of all street-facing facades must include windows or pedestrian entrance doors. See Section 10.1.8 for measurement methodology.

B. Exceptions. The following facades are exempt from this standard:

- 1. Facades separated from the street lot line by another building, or by a buildable lot with a depth of at least 20 feet measured from the street lot line.
- 2. Facades that are more than 40 feet from the street lot line.
- 3. Facades facing an alley.

6.2.6 Required Outdoor Area and Usable Open Space

A. Standard.

- 1. Minimum Outdoor Area. Except as specified in subsection (B), a minimum of 15 percent of the gross site area must be provided as outdoor area meeting the description and standards in Section 10.1.5.
- 2. Minimum Usable Open Space. For sites over 20,000 square feet in gross site area, a percentage of the required outdoor area must be permanently reserved as shared, usable open space available for use by the residents:
 - a. For sites between 20,000 and 50,000 square feet, at least 25 percent of the required outdoor area must be usable open space.
 - b. For sites 50,000 square feet or larger, at least 50 percent of the required outdoor area must be usable open space.
- 3. Usable Open Space Standards. The usable open space shall meet the following criteria:
 - a. The usable open space shall contain one or more of the features specified in Section 10.1.5(B)(2).

6 – Multi-Unit Housing

- b. In order to be counted as eligible toward the minimum usable open space area, such areas shall have dimensions of not less than 10 feet.
- c. Up to 50 percent of the required usable open space may be provided as indoor recreation or community space provided it is accessible to all residents.

B. Exceptions.

- 1. For sites under 20,000 square feet in size, 100 percent of the required outdoor area may be met by:
 - a. A rooftop garden provided it is accessible to all of the residents; or
 - b. Private open space.
- 2. Sites that are under 20,000 square feet in size and located within one-quarter mile walking distance of a public park that is at least 1 acre in size are exempt from the usable open space requirement. Walking distance is measured along a route utilizing sidewalks or other public pedestrian facilities that are existing or will be constructed with the development.
- 3. For townhouse style multi-unit housing, 100 percent of the required usable open space may be provided as private yards for each unit.

6.2.7 Parking Location and Design

The following standards apply to parking areas for multi-unit housing. For townhouse style developments, see Section 6.2.8.

A. Vehicle Parking Standards.

- 1. No area between a building and the street lot line (other than an alley) shall be used for vehicle parking or circulation, except for the following:
 - a. A driveway providing access to a shared parking garage.
 - b. A passenger drop-off or loading zone, provided the main building entrance must connect to an adjacent street by a pedestrian walkway.
- 2. Screening of surface parking areas. The city's parking area screening standards shall apply, if any, otherwise the following standards shall apply. Surface parking areas with more than 8 spaces must be screened from view of the street by a landscaped area that includes the following, at a minimum:
 - a. Evergreen shrubs that will grow to a minimum height of 30 inches within two years and form continuous screening. Areas within the vision clearance triangle must include plantings that do not exceed 3 feet; and
 - b. At least one tree for every 30 linear feet; and
 - c. Evergreen ground cover must cover the remaining landscape area.
 - d. A minimum 30 inch tall wall or fence may be substituted for evergreen shrubs.
- 3. Additional parking area design and landscaping standards are provided in Section 10.1.6.

6 – Multi-Unit Housing

B. Bicycle Parking Standards. Bicycle parking location and design standards are provided in Section 10.1.7.

C. Exceptions. None.

6.2.8 Driveway Access and Parking – Townhouse Style

For townhouse style units that have garage entrances, off-street parking areas, or driveways located between a dwelling unit and a public street (other than an alley), the following standards shall be met. For all other units, the standards in Section 6.2.7 shall be met.

A. Standards.

1. Access must be taken from a local street.
2. A maximum of one driveway approach is allowed for every townhouse style unit. Driveway approaches or driveways may be shared.
3. Outdoor on-site parking and maneuvering areas shall not exceed 12 feet wide for any unit.
4. The garage width shall not exceed 12 feet, as measured from the inside of the garage door frame.
5. This standard does not supersede a city's driveway separation standards.

B. Bicycle Parking Standards. Bicycle parking location and design standards are provided in Section 10.1.7.

C. Exceptions. None.

6.2.9 Screening from Arterials

A. Standard.

The following standards apply to multi-unit sites that abut an arterial street with 4 or more vehicle travel lanes designed for through movement of vehicles. Screening shall be provided within the setback area between any street-facing facade and the street lot line abutting the arterial street. The screening shall meet the following standards:

1. At least two rows of evergreen trees shall be planted. Each row shall have a minimum of one tree for every 20 linear feet of street frontage. Tree planting shall be staggered, with a maximum spacing of 20 feet on center for trees within the same row and 15 feet on center for trees within different rows.
2. Trees shall be at least 6 feet tall at the time of planting.

B. Exception. This standard does not apply to arterial streets with frequent transit service.

6 – Multi-Unit Housing

6.2.10 Trash Storage

- A. Standard.** Shared storage facilities for trash and recycling receptacles that are located within 20 feet of a street lot line or a lot line abutting residential property shall meet the following standards:
1. The storage facility shall be screened from street lot lines and abutting residential properties by a wall, solid fence, or evergreen hedge. Except as specified in subsection (3), the screen must be at least 4 feet in height and located no more than 3 feet from the storage facility.
 2. The storage facility must be separated from the street lot line by at least 5 feet.
 3. For lot lines abutting residential properties, the storage facility must either be setback from the lot line by at least 5 feet, or the screen facing the lot line must be at least 6 feet in height.
- B. Exceptions.** Trash and recycling receptacles stored within a building are exempt from these standards.

7 – Accessory Dwelling Unit

Chapter 7 – Accessory Dwelling Unit

Sections:

7.1 Siting Standards – Accessory Dwelling Unit

7.2 Design Standards – Accessory Dwelling Unit

7.1 Siting Standards – Accessory Dwelling Unit

7.1.1 Siting Standards, Generally

A. Standards. Except as provided in this chapter and in subsection (B), accessory dwelling units shall meet the same siting standards that apply to detached single-unit dwellings (Table 2.1 if applicable, or in the city's development code). For qualified projects, the standards may be modified by the applicable bonuses in Chapter 8.

B. Exceptions.

1. The following siting standards do not apply to accessory dwelling units:
 - a. Minimum Density;
 - b. Minimum Required Outdoor Area and Useable Open Space;
 - c. Minimum and Maximum Vehicle Parking; and
 - d. Minimum Bicycle Parking.
2. Conversion of an existing legal nonconforming accessory structure into an accessory dwelling unit is allowed, provided that the conversion does not increase the nonconformity. For example, a garage that does not meet the minimum setback standard in the zoning district may be converted to an accessory dwelling unit, provided the footprint of the building within the setback area does not increase in size.
3. If an accessory dwelling unit is added to a lot with an existing dwelling unit that has been in place for at least 5 years, up to 1,000 square feet of floor area is permitted even if it exceeds the maximum FAR or lot coverage that applies to the lot.
4. Setbacks.
 - a. Where an accessory dwelling unit is accessed from an alley and the city's locally adopted setback standard exceeds 5 feet, the minimum setback from the alley lot line shall be 5 feet.
 - b. Detached accessory dwelling units that do not exceed 12 feet in height may be located within 5 feet of a side or rear lot line (excluding street lot lines other than alleys).

7.1.2 Number of Units and Configuration

A. Standard. A maximum of 2 accessory dwelling units are allowed per legal detached single-unit dwelling (referred to as the primary dwelling). If two accessory dwelling units are proposed:

7 – Accessory Dwelling Unit

1. One of the units must be detached from the primary dwelling, either in a separate detached building or in a portion of a detached accessory building (e.g., above a garage or workshop); and
 2. One of the units must be attached or interior to the primary dwelling (e.g., an addition or the conversion of an existing floor).
- B. Exception.** Up to 3 accessory dwelling units are permitted for projects which qualify for a bonus pursuant to Section 8.2.1. One unit must be attached/interior to the primary dwelling and the other 2 units must be detached from the primary dwelling and from each other.

7.1.3 Maximum Floor Area

- A. Standard.** The maximum floor area for an accessory dwelling unit is 1,000 square feet.
- B. Exceptions.** The maximum floor area standard does not apply when an entire floor of a primary dwelling (e.g., a basement) is converted to an accessory dwelling unit and the primary dwelling has been on the site for at least 5 years.
- C. Measurement.** Floor area is measured as provided in subsection 10.1.1(B)(1).

7.2 Design Standards – Accessory Dwelling Unit

Accessory dwelling units are exempt from design standards.

8 – Bonuses

Chapter 8 – Bonuses

Sections:

8.1 Bonuses, Generally

8.2 Bonuses by Housing Type

8.1 Bonuses, Generally

A. Purpose. Bonuses provide reductions in required outdoor area and increases in the number of units, the maximum floor area, or the maximum building height, in order to incentivize the provision of affordable or accessible housing that market rate development may not otherwise produce. Nothing in this chapter implements ORS 197A.465.

B. Categories.

1. As described in Table 8.1, there are 6 categories of housing that qualify for bonuses:

Affordability Categories

- Cat. 1A - 10-Year Affordable Homeownership Unit
- Cat. 1B - 10-Year Mixed-Income Housing
- Cat. 1C - 30-Year Affordable Housing
- Cat. 1D - 90-Year Moderate Income Cooperative Housing

Accessibility Categories

- Cat. 2A - Accessible Unit
- Cat. 2B - Adaptable Unit

2. An individual unit can count toward meeting up to one affordability category (Cat. 1A – 1D) and one accessibility category (Cat. 2A – 2B). In other words, a unit that is both affordable and accessible would receive bonuses from both categories. This is not intended to preclude other units within the same development from meeting other categories where possible in order to increase the bonuses available to the development, up to the maximum allowed.

8 – Bonuses

TABLE 8.1: QUALIFYING CATEGORIES	
Category	Category Criteria
Affordability Categories	
Cat. 1A	10-Year Affordable Homeownership Unit. A unit of housing subject to an affordable housing covenant, as described in ORS 456.270 to 456.295, that: (A) Makes the unit available and affordable to purchase and to own for households with incomes of 120 percent or less of the area median income; and (B) Is enforceable for a duration of not less than 10 years from the date of the certificate of occupancy.
Cat. 1B	10-Year Mixed-Income Housing. Residential property: (A) In which at least 20 percent of units on the property or development site (rounded up to the nearest unit) are made available to own or rent to households with incomes of 80 percent or less of the area median income; <u>[Recommended]</u> or in which at least 10 percent of units on the property or development site (rounded up to the nearest unit) are made available to own or rent to households with incomes of 60 percent or less of the area median income;] (B) Whose affordability, including affordability under a covenant as described in ORS 456.270 to 456.295, is enforceable for a duration of no less than 10 years; and (C) In which the affordable units meet the following criteria: (i) The average number of bedrooms and bathrooms per unit for all affordable units is the same or greater than the average number of bedrooms and bathrooms per unit for all market rate units. For the purpose of this calculation, studio units shall count as having 0.5 bedrooms; and (ii) The average floor area per unit for all affordable units is no less than at least 90% of the average floor area per unit of all market rate units.
Cat. 1C	30-Year Affordable Housing. Residential property: (A) In which: (i) Each unit on the property is made available to own or rent to households with incomes of 80 percent or less of the area median income; or (ii) The average of all units on the property is made available to households with incomes of 60 percent or less of the area median income; and (B) Whose affordability, including affordability under a covenant as described in ORS 456.270 to 456.295, is enforceable for a duration of no less than 30 years.
Cat. 1D	90-Year Moderate Income Cooperative Housing. Residential property in which all of the units are subject to a zero equity, limited equity, or shared equity ownership model including resident-owned cooperatives and community land trusts making them affordable to moderate income households as described in ORS 456.270 to 456.295 for a period of 90 years.
Accessibility Categories	
Cat. 2A	Accessible Unit. A unit of housing that complies with the “Type A” requirements applicable to units as set forth in the Standard for Accessible and Usable Buildings and Facilities published by the International Code Council and as referenced by the state building code.
Cat. 2B	Adaptable unit. A unit of housing that complies with the “Type B” requirements applicable to units as set forth in the Standard for Accessible and Usable Buildings and Facilities published by the International Code Council and as referenced by the state building code. For dwelling units with 2 or more stories not otherwise required to provide Type B units under state or federal regulations (e.g., 2-story townhouse), the “Type B” requirements are only required on the ground floor, provided a kitchen, bathroom and bedroom are available on the ground floor.

8 – Bonuses

8.2 Bonuses by Housing Type

In the following sections, there is a bonus table for each housing type. Each of the 5 tables includes the following:

Column 1: Bonus Type	A description of the type of bonus (e.g., increase in the number of units). Subcategories are included if the bonus varies in specific circumstances.
Column 2: Base Allowance	The base allowance for the housing type, based on the Model Code's siting standards tables. Where a housing type is not included in a Model Code siting standards table, the cell is blank (e.g., 5 – 6 unit quadplexes).
Columns 3-6: Bonus by Category	These columns include the amount of bonus that is earned for a qualifying category. The values in these columns are the increment that is added or subtracted. The number of columns varies by housing type as not all categories are applicable to all housing types.
Final Column: Cap (Max with Bonuses)	The maximum development entitlement available to a development or project including all bonuses. This column represents a "Cap" – a project or development cannot exceed this amount (except as otherwise noted for specific housing types).

8.2.1 Bonuses for Detached Single-Unit or Duplex

The bonuses in Table 8.2-1 are available to qualified detached single-unit (DSU) or duplex projects. For the purposes of this section, a "DSU or duplex project" means one parent lot and a proposed detached single-unit, detached single-unit with an accessory dwelling unit(s), or duplex (attached or detached).

A. Qualified Projects.

1. Category 1A. At least one unit on the parent lot must meet the applicable category criteria in Table 8.1 to qualify for this bonus.
2. Category 1B, 1C, and 1D. The DSU or duplex project must meet the applicable category criteria in Table 8-1 to qualify for these bonuses.
3. Category 2A. At least one unit on the parent lot must meet the applicable category criteria in Table 8.1 for the DSU or duplex project to qualify for this bonus.
4. Category 2B. All new units on the parent lot that have ground floor entries must meet the applicable category criteria in Table 8.1 for the DSU or duplex project to qualify for this bonus.

B. Bonuses Earned.

1. A DSU or duplex project may qualify for more than one category provided that each individual unit may only count toward meeting one affordability and one accessibility category.
2. Within a DSU or duplex project, all bonuses earned may be used individually or in combination.
3. The "cap" is the maximum that is allowed for the DSU or duplex project (inclusive of applicable bonuses), except as provided in Section 1.4 for retained units within middle housing development.

8 – Bonuses

TABLE 8.2-1: BONUSES FOR DETACHED SINGLE-UNIT OR DUPLEX						
Bonus Type	Base Allowance	Qualifying Categories				Cap (Max. with Bonuses)
		Cat. 1A & 1B	Cat. 1C & 1D	Cat. 2A	Cat. 2B	
Increase Number of Units	2 units	+1 unit	+1 unit	+1 unit	--	3 units
• Duplex	2 units	+1 unit	+1 unit	+1 unit	--	3 units
• Additional ADU	2 ADUs	+1 ADU	+1 ADU	+1 ADU	--	3 ADUs
Increase Maximum Floor Area Ratio of DSU or duplex project						
• 1 total dwelling unit	0.6:1	+0.15	+0.3	+0.15	+0.1	0.9:1
• 2 to 4 total dwelling units (1)	0.8:1	+0.15	+0.3	+0.15	+0.1	1.1:1
Increase Maximum Building/Structure Height	35 ft	+10 ft	+10 ft	+10 ft	--	45 ft
Reduce Minimum Density	1 unit / 5,700 sf	--	--	+2,300 sf per unit	+2,300 sf per unit	1 unit / 8,000 sf
NOTES: (1) If an additional unit is added to a lot with an existing, retained dwelling unit that has been in place for at least 5 years, the maximum FAR may be exceeded by up to 1,000 square feet of new floor area.						

8.2.2 Bonuses for Triplex or Quadplex

The bonuses in Table 8.2-2 are available to qualified triplex or quadplex projects. For the purposes of this section, a “triplex or quadplex project” means one parent lot and a proposed triplex or quadplex.

A. Qualified Projects.

1. Category 1A. At least one unit on the parent lot must meet the applicable category criteria in Table 8-1 for the triplex or quadplex project to qualify for this bonus.
2. Category 1B, 1C, and 1D. A triplex or quadplex project must meet the applicable category criteria in Table 8-1 to qualify for these bonuses.
3. Category 2A. At least one unit on the parent lot must meet the applicable category criteria in Table 8-1 for the triplex or quadplex project to qualify for these bonuses.
4. Category 2B. All new units on the parent lot that have ground floor entries must meet the applicable category criteria in Table 8-1 for the triplex or quadplex project to qualify for this bonus.

B. Bonuses Earned.

1. A triplex or quadplex project may qualify for more than one category provided that each individual unit may only count toward meeting one affordability and one accessibility category.
2. Within a triplex or quadplex project, all bonuses earned may be used individually or in combination.
3. The “cap” is the maximum that is allowed for a triplex or quadplex project (inclusive of applicable bonuses), except as provided in Section 1.4 for retained units within middle housing development.

8 – Bonuses

TABLE 8.2-2: BONUSES FOR TRIPLEX OR QUADPLEX

Bonus Type	Base Allowance	Qualifying Categories			Cap (Max. with Bonuses)
		Cat. 1A & 1B	Cat. 1C & 1D	Cat. 2A & 2B	
Increase Number of Units:					
• Triplex	3 units	+1 unit	+1 unit	+1 unit	4 units
• Quadplex	4 units	+2 unit	+2 unit	+2 unit	6 units
Increase Maximum Floor Area Ratio per Triplex or Quadplex Project					
• 3 total dwelling units	1.0:1	+0.15	+0.3	+0.15	1.3:1
• 4 total dwelling units	1.1:1	+0.15	+0.3	+0.15	1.4:1
• 5 - 6 total dwelling units (with bonus)	1.1:1	+0.2	+0.4	+0.2	1.5:1
Increase Maximum Building/Structure Height	35 ft	+10 ft	+10 ft	+10 ft	45 ft
Reduce Minimum Density	1 unit / 3,630 sf	--	--	+1,370 sf per unit	1 unit / 5,000 sf

8.2.3 Bonuses for Townhouses

The bonuses in Table 8.2-3 are available to qualified townhouse projects.

A. Qualified Projects.

1. Category 1A. At least one out of every 6 units, but in no case less than one unit, within a townhouse project must meet the applicable category criteria in Table 8-1 for the townhouse project to qualify for this bonus.
2. Category 1B, 1C, and 1D. A townhouse project must meet the applicable category criteria in Table 8-1 to qualify for these bonuses.
3. Category 2A. At least one out of every 6 units, but in no case less than one unit, within a townhouse project must meet the applicable category criteria in Table 8-1 for the townhouse project to qualify for this bonus.
4. Category 2B. All units within a townhouse project must meet the applicable category criteria in Table 8-1 for the townhouse project to qualify for this bonus.

B. Bonuses Earned.

1. A townhouse project may qualify for more than one bonus provided that each individual unit may only count toward meeting one affordability and one accessibility category. For Categories 1A and 2A, the bonus is calculated for, and applied to, each group of 6 units regardless of the number of

8 – Bonuses

townhouses in the project or attached to each other (e.g., a 12-unit townhouse project can earn separate bonuses for two groups of 6 units).

2. Within a townhouse project, all bonuses earned may be used individually or in combination.
3. The “cap” is the maximum that is allowed for a townhouse project (inclusive of applicable bonuses) , except as provided in Section 1.4 for retained units within middle housing development.

TABLE 8.2-3: BONUSES FOR TOWNHOUSES

Bonus Type	Base Allowance	Qualifying Categories			Cap (Max. with Bonuses)
		Cat. 1A & 1B	Cat. 1C & 1D	Cat. 2A & 2B	
Increase Number of Units (I)	--	+1 to 2 units	+ 2 units	+1 to 2 units	1 to 2 bonus units
Increase Maximum Floor Area Ratio	1.1:1	+0.2	+0.4	+0.2	1.5:1
Increase Maximum Building/Structure Height	35 ft	+10 ft	+10 ft	+10 ft	45 ft

8.2.4 Bonuses for Cottage Cluster

The bonuses in Table 8.2-4 are available to qualified cottage cluster projects.

A. Qualified Projects.

1. Category 1A. At least one out of every 6 cottages, but in no case less than one cottage, within each cottage cluster must meet the applicable Category Criteria in Table 8-1 for the cottage cluster project to qualify for this bonus.
2. Category 1B, 1C, and 1D. A cottage cluster must meet the applicable category criteria in Table 8-1 to qualify for these bonuses.
3. Category 2A. At least one out of every 6 cottages, but in no case less than one cottage, within each cottage cluster must meet the applicable Category Criteria in Table 8-1 for the cottage cluster project to qualify for this bonus.
4. Category 2B. All cottages within a cottage cluster project that have ground floor entries must meet the criteria in Table 8-1 for the cottage cluster project to qualify for this bonus.

B. Bonuses Earned.

1. A cottage cluster project may qualify for more than one bonus provided that each individual unit may only count toward meeting one affordability category and one accessibility category.
2. Within a cottage cluster project, all bonuses earned may be used individually or in combination.
3. The “cap” is the maximum that is allowed for the development (inclusive of applicable bonuses), except as provided in Section 1.4 for retained units within middle housing development.

8 – Bonuses

TABLE 8.2-4: BONUSSES FOR COTTAGE CLUSTER

Bonus Type	Base Allowance	Qualifying Categories			Cap (Max. with Bonuses)
		Cat 1A & 1B	Cat 1C & 1D	Cat 2A & 2B	
Increase Number of Cottages per Cluster	10 cottages	+2 unit	+2 unit	+2 unit	12 units
Increase Average Cottage Size	1,400 sf	+100 sf	+400 sf	+100 sf	1,600 sf
Increase Average Cottage Footprint					
• Cottages with height of 15 feet or less	1,400 sf or less	+50 sf	+100 sf	+50 sf	1,500 sf
• Cottages with height over 15 feet	900 sf or less	+50 sf	+100 sf	+50 sf	1,000 sf
Reduce Required Open Space - Courtyard	150 sf / cottage	-30 sf / cottage	-70 sf / cottage	-30 sf / cottage	80 sf
Increase Maximum Building/Structure Height	25 ft or 2 stories	+5 ft	+10 ft	+5 ft	35 ft

8.2.5 Bonuses for Multi-Unit Housing

The bonuses in Table 8.2-5 are available to qualified multi-unit projects as follows. For the purposes of this section, a “multi-unit project” means multi-unit housing on a single development site.

A. Qualifying Categories.

1. Categories 1B, 1C, and 1D. The multi-unit project must meet the criteria in Table 8-1 to qualify for these bonuses
2. Category 2A. At least 10 percent of units, but no less than one more unit than would be required by the Building Code, must meet the criteria in Table 8-1 for the multi-unit project to qualify for these bonuses.

B. Bonuses Earned.

1. A multi-unit project may qualify for more than one bonus provided that each individual unit can only count toward meeting one affordability category and one accessibility category.
2. Within a multi-unit project, all bonuses earned may be used individually or in combination.
3. A “double bonus” for Cat. 2A (i.e., two times the amount indicated in Table 8.2-5 for this category) is provided to multi-unit projects where at least 20 percent of the units and at least two more units than would be required by the Building Code meet the criteria in Table 8-1.
4. The “cap” is the maximum that is allowed for development (inclusive of applicable bonuses).

8 – Bonuses

TABLE 8.2-5: BONUSSES FOR MULTI-UNIT HOUSING					
Bonus Type	Base Allowance	Qualifying Categories			Cap (Max. with Bonuses)
		Cat 1B	Cat 1C & ID	Cat 2A*	
Increase Maximum Floor Area Ratio					
Site size: less than 20,000 sf	2:1	+1:1	+2:1	+1:1	4:1
Site size: 20,000 sf to 50,000 sf	1.5:1	+0.7:1	+1.5:1	+0.7:1	3:1
Site size: greater than 50,000 sf	1:1	+0.5:1	+1:1	+0.5:1	2:1
Increase Maximum Building/Structure Height	40 ft	+10 ft	+36 ft	+10 ft	76 ft
Reduce Required Outdoor Area	15%	-5%	-15%	-5%	10% for Cat 1B or 2A; 0% for Cat 1C or ID
* The bonuses provided for Cat. 2A shall be two times the amount shown in this column for multi-unit projects meeting the criteria in Section 8.2.5(B)(3).					

9 – Procedures and Applications

Chapter 9 – Procedures and Applications

Sections:

- 9.1 Procedures and Applications, Generally
- 9.2 Procedure - Ministerial Decisions
- 9.3 Procedure - Limited Land Use Decisions
- 9.4 Application - Zoning Review
- 9.5 Application - Modifications
- 9.6 Application and Procedure - Middle Housing Land Division

9.1 Procedures and Applications, Generally

- A. Time Periods.** In computing time periods prescribed or allowed by this chapter, the day of the act or event from which the designated period of time begins shall not be included. The last day of the period shall be included, unless it is a Saturday, Sunday, or a legal holiday, in which case the period runs until the end of the next day that is not on a weekend or legal holiday.
- B. Consolidated Review of Applications.** When an applicant applies for more than one type of land use or development permit for the same one or more contiguous parcels of land, the applicant may request that the proceedings be consolidated for review and decision. When proceedings are consolidated, required notices may be consolidated, provided the notice shall identify each application to be decided.
- C. Basis of Approval.** Approvals are based on the information submitted. If the information relied upon to grant the approval is incorrect, the approval may be voided.

9.2 Procedure – Ministerial Decision

Ministerial Decisions are made following a review that does not require use of discretion, based on land use standards that do not require interpretation or the exercise of policy or legal judgment. The decision is made by the Planning Official, without public notice and without a public hearing.

A. Application Requirements.

- 1. **Application Forms.** Requests for approval of development subject to Ministerial Review shall be made on forms provided by the Planning Official. An application submitted concurrently with a building permit application does not require a separate application form.
- 2. **Application Requirements.** Applications shall include the following information:
 - a. The information requested on the application form;
 - b. Plans and exhibits required for the specific approval(s) being sought; and
 - c. The required fee.

9 – Procedures and Applications

B. Completeness Review.

1. The Planning Official shall review the application submittal and advise the applicant in writing whether the application is complete or incomplete within 30 calendar days after the city receives the application submittal.
2. If an application for a Ministerial Decision is incomplete, the Planning Official shall notify the applicant in writing of exactly what information is missing within 30 days of receipt of the application and allow the applicant to submit the missing information. The application shall be deemed complete upon receipt by the Planning Official of:
 - a. All of the missing information;
 - b. Some of the missing information and written notice from the applicant that no other information will be provided; or
 - c. Written notice from the applicant that none of the missing information will be provided.
3. On the 181st day after first being submitted, the application is void if the applicant has been notified of the missing information as required under subsection (2) and has not submitted some or all of the information or provided written notice that none of the missing information will be provided.

C. Criteria and Decision. The Planning Official's review determines whether minimum code requirements are met. The Planning Official shall approve, approve with conditions, or deny an application within 60 days after receiving a complete application.

D. Effective Date. A Ministerial Decision is final on the date it is signed by the Planning Official.

E. Appeal of a Ministerial Decision. A Ministerial Decision may be appealed to Circuit Court. There is no opportunity for local appeal.

9.3 Procedure – Limited Land Use Decision

A. Method of review. Limited Land Use Decisions are subject to administrative review. The decision is made by the Planning Official with public notice and an opportunity to appeal.

B. Time allowed. The City shall complete its review within the timeframes specified in subsections (C) through (G), below, provided that in all cases the City shall take final action on Limited Land Use applications, including resolution of all appeals, within the number of days specified in the table below, unless the applicant requests an extension in writing. The total of all extensions may not exceed 245 days except to allow for mediation in accordance with ORS 227.178(11).

9 – Procedures and Applications

Project Type	Maximum Days*
Limited Land Use Decisions for affordable housing projects meeting the following criteria: - Multi-unit residential building containing five or more residential units within the urban growth boundary; and - At least 50 percent of the residential units included in the development will be sold or rented as affordable housing that is affordable to households with incomes equal to or less than 60 percent of the median family income for the county in which the development is built or for the state, whichever is greater, that is subject to an affordable housing covenant, as provided in ORS 456.270 to 456.295, that maintains the affordability for a period of not less than 60 years from the date of the certificate of occupancy.	100 days from the date the Planning Official deems the application complete for purposes of processing,
All other Limited Land Use Decisions	120 days from the date the Planning Official deems the application complete for purposes of processing,
* A city may extend these periods by no more than seven days in order to assure the sufficiency of its final order where the city has tentatively approved the application for development of residential structures.	

C. Application Requirements.

1. Application Forms. Applications subject to Limited Land Use Review shall be made on forms provided by the Planning Official.
2. Submittal Information. At a minimum, the application shall include all of the following information:
 - a. The information requested on the application form;
 - b. Plans and exhibits required for the specific approval(s) being sought; and
 - c. The required fee.

D. Completeness Review.

1. The Planning Official shall review the application submittal and advise the applicant in writing whether the application is complete or incomplete within 30 calendar days after the city receives the application submittal.
2. If an application for a Limited Land Use Decision is incomplete, the Planning Official shall notify the applicant in writing of exactly what information is missing within 30 days of receipt of the application and allow the applicant to submit the missing information. The application shall be deemed complete upon receipt by the Planning Official of:

9 – Procedures and Applications

- a. All of the missing information;
 - b. Some of the missing information and written notice from the applicant that no other information will be provided; or
 - c. Written notice from the applicant that none of the missing information will be provided.
3. If an applicant requests review under different standards as provided in subsection (E)(2) the applicable timelines for completeness review restart as if a new application were submitted on the date of the request. The application shall not be deemed complete until the Planning Official determines that additional information is not required under subsection (2) of this section or the applicant makes a submission under subsection (2) of this section in response to a Planning Official's request.
 4. On the 181st day after first being submitted, the application is void if the applicant has been notified of the missing information as required under subsection (2) and has not submitted some or all of the information or provided written notice that none of the missing information will be provided.

E. Applicable Standards and Criteria. Approval or denial of an application shall be based upon the applicable standards and criteria as follows.

1. Except as provided in subsection (2), the approval or denial of an application that was complete when first submitted or deemed complete pursuant to subsection (D)(3) shall be based upon the standards and criteria that were applicable at the time the application was first submitted.
2. Up to the issuance of Notice of Pending Limited Land Use Decision (subsection (F)), an applicant may submit a written request to apply newly adopted standards (those operative at the time of the request) to a submitted land use application. If an applicant requests review under newly adopted standards:
 - a. Any applicable timelines for completeness review and final decisions restart as if a new application were submitted on the date of the request.
 - b. Submission of additional information may be required if the request affects or changes information in the application.
 - c. Additional fees may be required to cover those additional costs incurred by the city to accommodate the request.
 - d. The applicant may not make more than one request under this subsection (E)(2).

F. Notice of Pending Limited Land Use Decision. The purpose of the notice of pending decision is to provide a 14-day comment period during which nearby property owners and affected agencies can submit written comments on the application before the Planning Official issues their decision.

1. The Planning Official shall mail notice of a pending Limited Land Use Decision to the following individuals and agencies.
 - a. All owners of record of real property within a minimum of 100 feet of the of the entire contiguous site for which the application is made;

9 – Procedures and Applications

- b. Any neighborhood or community organization recognized by the governing body and whose boundaries include the site; and
 - c. Any governmental agency that is entitled to notice under an intergovernmental agreement entered into with the City and any other affected agencies. The failure of another agency to respond with written comments on a pending application shall not invalidate an action or permit approval made by the City under this Code.
2. The notice of pending Limited Land Use Decision shall briefly summarize the local decision making process for the Limited Land Use Decision being made and shall contain all of the following information:
- a. Deadline (date and time) for submitting written comments, which must be at least 14 days prior to the scheduled decision date, the place where written comments are to be submitted, and the name and phone number of the city's contact person;
 - b. Street address or other easily understood geographical reference to the subject property;
 - c. List, by commonly used citation, of the applicable criteria for the decision;
 - d. Statement that all evidence relied upon by the Planning Official to make their decision is in the public record and is available for public review. Copies of this evidence can be obtained at a reasonable cost from the City;
 - e. Statement explaining that issues which may provide the basis for an appeal to the Land Use Board of Appeals must be raised in writing prior to the expiration of the comment period. Such issues must be raised with sufficient specificity to enable the decision maker to respond to the issue; and
 - f. Statement that after the comment period closes, the City will issue its decision and the decision shall be mailed to the applicant and to anyone else who submitted written comments or who is otherwise legally entitled to notice.
3. The Planning Official shall cause an affidavit of mailing the notice to be prepared and made a part of the file. The affidavit shall show the date the notice was mailed and demonstrate that the notice was mailed to the parties listed in subsection (1) and was mailed within the time required by law.
- G. Notice of Decision.** At the conclusion of the comment period, the Planning Official shall review the comments received and prepare a decision approving, approving with conditions, or denying the application based on the applicable standards and criteria. Within 7 days of making a Limited Land Use Decision, the Planning Official shall mail a notice of that decision.
1. The Planning Official shall mail notice of a Limited Land Use Decision to the following individuals and agencies.
- a. Applicant;
 - b. Property owner (if different);
 - c. Building Official;

9 – Procedures and Applications

- d. Those individuals or agencies who provided written comments on the proposal; and
 - e. Those individuals or agencies who requested a copy of the decision.
2. The Notice of Decision shall contain all of the following information:
- a. A description of the applicant's proposal and the City's decision on the proposal, which may be a summary, provided it references the specifics of the proposal and conditions of approval in the public record;
 - b. The address or other geographic description of the property proposed for development, including a map of the property in relation to the surrounding area (a copy of assessor's map may be used);
 - c. A statement of where the City's decision can be obtained;
 - d. The date the decision shall become final, unless appealed; and
 - e. A statement that all persons entitled to notice may appeal the decision to City's appeal body pursuant to subsection (H) by the date specified on the notice.
- H. Effective Date.** Unless the conditions of approval specify otherwise, a Limited Land Use Decision becomes effective 14 days after the City mails the decision notice, unless the decision is appealed.
- I. Appeal of a Limited Land Use Decision.** A Limited Land Use Decision made by the Planning Official may be appealed to the Appeal Body designated by the City to hear appeals of decisions made by the Planning Official.
1. Who may appeal. The following people have legal standing to appeal Limited Land Use Decision:
- a. The applicant or owner of the subject property;
 - b. Any person who was entitled to written notice of the decision; and
 - c. Any other person who participated in the proceeding by submitting written comments on the application to the City by the specified deadline.
2. Appeal filing procedure.
- a. Notice of appeal. Any person with standing to appeal, as provided in subsection (I), above, may appeal a Limited Land Use Decision by filing a Notice of Appeal according to the following procedures.
 - b. Time for filing. A Notice of Appeal shall be filed with the Planning Official within the timeframe specified on the Notice of Decision.
 - c. Content of Notice of Appeal. The Notice of Appeal shall be accompanied by the required filing fee and shall contain:
 - i. An identification of the decision being appealed, including the date of the decision;
 - ii. A statement demonstrating the person filing the Notice of Appeal has standing to appeal;

9 – Procedures and Applications

- iii. A statement explaining the specific issues being raised on appeal; and
 - iv. If the appellant is not the applicant, a statement demonstrating that the appeal issues were raised during the comment period.
3. Scope of appeal. The appeal of a Limited Land Use Decision shall be a hearing de novo before the Appeal Body. The appeal shall not be limited to the application materials, evidence and other documentation, and specific issues raised in the review leading up to the Limited Land Use Decision, but may include other relevant evidence and arguments. The hearing Appeal Body shall allow additional evidence, testimony, or argument concerning any relevant standard, criterion, condition, or issue.
4. Appeal Hearing Procedure. Hearings on appeals of Limited Land Use Decisions shall follow the city's procedures used for public hearings.

9.4 Application – Zoning Review

A. Method of review.

- 1. Limited Land Use Decision. Zoning Review applications for proposed developments meeting one or more of the following criteria require Limited Land Use approval:
 - a. Development with more than 50 units;
 - b. Site size greater than 1 acre (43,560 square feet) in size; or
 - c. Applicant is requesting a Modification pursuant to Section 9.5.
- 2. Ministerial Decision. Zoning Review applications for all other proposed developments require Ministerial approval.

B. Requirements. Zoning Reviews may be processed concurrently with a building permit application or submitted in advance of a building permit application. In either case, a building permit shall not be issued until the Planning Official has approved a Zoning Review for the proposed project.

C. Zoning Review Application Requirements.

- 1. The applicant has the responsibility to obtain the property owner's permission for the request.
- 2. Applicants must submit information showing that the proposal complies with this Code, including:
 - a. Information requested on the application form. A Ministerial Zoning Review submitted concurrently with a building permit application does not require a separate application form;
 - b. The applicable housing type. In instances where a development can meet the definition of more than one housing type, the applicant shall specify the housing type on the application;
 - c. A site plan and elevations as specified in subsection (D) which provides sufficient detail to determine the standards are met; and

9 – Procedures and Applications

- d. Service provider letters or other documentation demonstrating that sufficient infrastructure is available or will be available prior to certificate of occupancy to serve the proposed development, based on applicable public works standards.

3. Applications must be filed with the required fee, based on the applicable local fee schedule.

D. Site Plan and Building Elevation Requirements.

1. The site or development plan must be drawn accurately to scale and must show the following existing and proposed information:
 - All property lines with dimensions and total lot area;
 - North arrow and scale of drawing;
 - Adjacent streets, access (driveways), curbs, sidewalks, and bicycle routes;
 - Existing Goal Protected Resources, if any are present on the site;
 - Easements and on-site utilities;
 - Existing and proposed development with all dimensions, including floor area and building footprint (if applicable);
 - Distances of all existing and proposed development to property lines;
 - Types and location of outdoor area and required usable open space (if required);
 - Percentage of the site proposed for outdoor area coverage;
 - Motor vehicle and pedestrian access and circulation systems, including connections off-site, and associated dimensions; and
 - Motor vehicle and bicycle parking areas and design, number of spaces, and loading areas.
2. Building elevations showing required entries and windows and associated dimensions.

- E. Criteria.** The Planning Official's evaluation of a Zoning Review application will determine whether minimum code requirements have been or will be met.

F. Expiration of Approvals. An approval under this section expires if:

1. Within 2 years of the date of the final decision, a building permit has not been issued for approved development.
2. Within 2 years of the date of the issuance of a building permit, if the approved development has not commenced.

- G. Extension.** The Planning Official, upon written request by the applicant, may grant an extension of the approval period not to exceed one year; provided that:

1. No changes are made on the original approved plan;
2. The applicant provides evidence demonstrating substantial progress toward commencing construction on the site within the next year; and
3. The applicant provides evidence demonstrating that failure to obtain building permits and substantially begin construction within 2 years of Zoning Review approval was beyond the applicant's control.

9 – Procedures and Applications

9.5 Application – Modification

- A. Method of review.** An applicant may request one or Modifications of the standards in this Model Code. The approval criteria for a Modification requires the use of discretion, therefore applications for Modifications are subject to the Limited Land Use Decision procedure in Section 9.3. Nothing in this section implements Oregon Laws 2024, Chapter 110, Section 38.

Requested Modifications shall be submitted and reviewed concurrently with a Zoning Review application.

B. Modification Application Requirements.

1. In addition to the information required for the Zoning Review application, applicants requesting one or more Modifications must submit a written statement for each requested Modification explaining how the application satisfies each and all of the relevant criteria and standards in sufficient detail.
2. Applications must be filed with the required fee, based on the applicable local fee schedule.

C. Criteria. A Modification to a standard will be approved if the applicant demonstrates that the following criteria have been met.

1. Granting the Modification will equally or better facilitate housing production, affordability, and choice under Goal 10.
2. Granting the Modification will not impact the provision of sufficient infrastructure.
3. The proposed development will equally or better address all of the considerations in Table 9.5 applicable to the standard(s) to be modified.
4. Any significant negative impacts resulting from the Modification are mitigated to the extent practical.

TABLE 9.5: CONSIDERATIONS FOR GRANTING A MODIFICATION	
For Modifications of standards relating to:	Considerations for granting a Modification include:
Setbacks, building height, building floor area, and floor area ratio	The proposed modification(s) do not decrease setbacks or increase building height, building floor area, or floor area ratio by more than 5 percent, except as otherwise permitted by one or more bonuses in Chapter 8. In addition, the impact of the mass/bulk of proposed buildings on neighboring uses, including opportunities to minimize those impacts through design. For garage entrance setbacks (driveway length), the impact of the driveway on the public right-of-way and pedestrian environment. Bonuses in Chapter 8 may not be modified, and modifications under this section do not limit bonuses in Chapter 8.
Minimum density	Whether the proposal will help the city meet its housing production, affordability, and accessibility goals.

9 – Procedures and Applications

TABLE 9.5: CONSIDERATIONS FOR GRANTING A MODIFICATION	
For Modifications of standards relating to:	Considerations for granting a Modification include:
Minimum or maximum vehicle parking	Whether the reduction or increase in parking will help the city meet its transportation, environmental, housing production, affordability, and accessibility goals.
Bicycle parking, amount and design and location of spaces	Whether the reduction in amount or changes in design ensure bicycle parking that is adequate and user-friendly; or why the standard(s) are not appropriate for the proposed project context or location.
Entry orientation and pedestrian access	Opportunities to support pedestrian friendly neighborhoods, on-site pedestrian access, and pedestrian connections to the street.
Entry orientation and required percentage of windows and doors	How the proposed building façade(s) will contribute to a safe and comfortable pedestrian-oriented environment on the abutting street or why this is not appropriate in this location.
Cottage orientation	Opportunities to ensure that an adequate number of cottages have a direct relationship to the common courtyard and that the common courtyard provides shared community space for the cottage cluster.
Transitions to residential entrances	Opportunities to provide separation and transitions between private entrance areas and the public realm.
Off-street parking design; driveway and garage design	The impact of parking and vehicle access on the public right-of-way and pedestrian environment on- and off-site, and opportunities to minimize those impacts through design.
Required outdoor area and usable open space; common courtyards	Ensuring livable design for residents, including access to light, air, open space, and active or passive recreation amenities; supporting shared community space for residents; and enabling culturally-sensitive amenities.
Screening of parking areas and trash storage	Opportunities to minimize the impact of parking areas or trash storage on the pedestrian environment; and, for trash storage, opportunities to minimize the impact on abutting residential properties.
Screening from arterials	Opportunities to minimize noise and air quality impacts from abutting transportation facilities on residents.

D. Expiration of Approvals. An approval under this section expires if:

1. Within 2 years of the date of the final decision, a building permit has not been issued for approved development.
2. Within 2 years of the date of the issuance of a building permit, if the approved development has not commenced.

9 – Procedures and Applications

9.6 Middle Housing Land Division

- A. Purpose.** A Middle Housing Land Division (MHL) is a partition or subdivision of a lot on which the development of middle housing is allowed under ORS 197A.420 (2) or (3) or under Oregon Laws 2025, Chapter 476, Section 3.

MHLs are regulated by this Code and ORS 92.031. The purpose of an MHL is to provide a simplified and expedited process for subdividing or partitioning lots with middle housing so that each unit is on a separate property, which enables the units to be sold and owned individually.

B. Applicability.

1. **Eligible Housing.** Any lot (parent lot) developed, or proposed to be developed, with middle housing pursuant to ORS 197A.420(3) is eligible for an MHL. [Recommended Alternative: Any lot (parent lot) developed, or proposed to be developed, with middle housing is eligible for an MHL.] Middle housing development that is eligible for an MHL may consist of:
 - a. A single duplex or a single structure containing two townhouses;
[Recommended Alternative: A single triplex, quadplex, cottage cluster, or a single structure containing three or more townhouses;]
 - b. Additional “bonus” units as allowed by Section 8.2 or by Oregon Laws 2025, Chapter 476, Section 3 (3), as applicable; and
 - c. Any retained or rehabilitated existing units on the lot, as allowed by Section 1.4, including:
 - i. One detached single-unit dwelling;
 - ii. One detached single-unit dwelling plus one accessory dwelling unit; or
 - iii. One duplex.
2. **Applicability of Middle Housing Regulations.** An MHL creates 2 or more lots from a single parent lot on which middle housing is developed or proposed. After an MHL is completed, the resulting lots are “child lots.” The development is still subject to the requirements and standards that applied to the parent lot prior to the MHL. In other words, the middle housing development is still defined and regulated as the original middle housing type after an MHL is completed. For example, an attached triplex that undergoes an MHL does not become a townhouse development; the structure and property are still subject to requirements/standards for a triplex.
3. **Application Timing and Sequencing.**
 - a. An application for a tentative plan for an MHL may be submitted before, after, or at the same time as the submission of an application for building permits for the middle housing.
 - b. An application for a tentative plan for an MHL may be submitted at the same time as an application for a standard land division, subject to the following:
 - i. The standard land division creates the parent lots, and the MHL further subdivides the lots into middle housing child lots.

9 – Procedures and Applications

- ii. The parent lots must meet the city's requirements applicable to lots created by a standard land division.
- iii. For a townhouse project, each townhouse structure must be on its own parent lot. Lots for individual townhouses may be created concurrently through an MHL D.
- iv. For a cottage cluster project, each cottage cluster must be on its own parent lot. Lots for individual cottages may be created concurrently through an MHL D.
- c. An application of one or more MHL Ds submitted at the same time as an application for a standard land division will be consolidated into a single application subject to the procedural requirements for the standard land division.
- d. Within the same calendar year as an original partition that was not an MHL D, one or more of the resulting vacant parcels may be further partitioned into not more than 3 parcels through an MHL D.

[4. **Recommended: Further Division of Child Lots.** Middle housing child lots may be further divided by a subsequent MHL D if at least one of the following conditions is met:

- a. The child lot is two or more times larger than the minimum lot size of the zone, meaning that it could be divided through a standard land division into two or more lots that meet the minimum lot size; or
- b. Further division of the child lot would enable the applicable minimum density requirement to be met.]

C. Tentative Plan Approval Criteria. Approval of a tentative plan for an MHL D will be granted if the Planning Official finds that the applicant has met all of the criteria in subsections (1) through (7), below. The city's standard tentative plan approval criteria do not apply.

- 1. Except as provided in Section 1.4, the middle housing development complies with:
 - a. The Oregon Residential Specialty Code; and
 - b. The middle housing regulations applicable to the parent lot, including but not limited to, the provisions in this Code and any applicable provisions in the city's development code.
- 2. Exactly one dwelling unit will be located on each resulting child lot except for:
 - a. Lots, parcels, or tracts used as common areas, on which no dwelling units will be permitted; or
 - b. Lots with 2 retained or rehabilitated existing units, as allowed under Section 1.4. Such retained units shall be considered a single middle housing unit for the purposes of the MHL D.
- 3. Separate utility service connections will be provided for each child lot, [Recommended: unless the applicant records a Covenant, Condition, or Restriction (CC&R) outlining the shared maintenance obligations of individual owners for all shared utilities. Shared maintenance obligations may be through a homeowners association or other legal entity.]
- 4. Easements will be provided as necessary for each dwelling unit on the site for:

9 – Procedures and Applications

- a. Locating, accessing, replacing, and servicing all utilities;
 - b. Pedestrian access from each dwelling unit to a private or public road;
 - c. Access to any common use areas or shared building elements; and
 - d. Access to any dedicated driveways or parking.
5. Buildings or structures on a resulting child lot will comply with applicable building code provisions relating to new property lines.
 6. Notwithstanding the creation of new child lots, all structures or buildings located on the newly created lots will comply with the Oregon Residential Specialty Code.
 7. Where a resulting child lot abuts a street that does not meet city standards, street frontage improvements will be constructed and, if necessary, additional right-of-way will be dedicated, pursuant to the city's public works standards and design and construction specifications.

D. Tentative Plan Submittal Requirements. An application for an MHL D tentative plan shall include the following:

1. Any information required by the city for a standard land division.
2. A description of the manner in which the proposed land division will satisfy the approval criteria in subsection (C).
3. Copies of approved building permits, building permit applications, or comparable information necessary to demonstrate compliance with building code standards, and an accompanying site plan demonstrating compliance with criteria in subsections (C)(1), (5), and (6).
4. In addition to the items required by the city to be shown on a tentative plan or preliminary plat for a standard land division, the MHL D tentative plan shall show the following details:
 - a. Utility connections for each dwelling unit, demonstrating compliance with approval criterion (C)(3).
 - b. Existing or proposed easements necessary for each dwelling unit on the plan, demonstrating compliance with the criterion (C)(4).
5. Draft copies of all necessary easements required by criterion (C)(4).

E. Tentative Plan Conditions of Approval.

1. The city may attach conditions of approval of a tentative plan for an MHL D to:
 - a. Prohibit further division of the resulting child lots. [Recommended: However, further division of the child lots may be permitted as provided in subsection (B)(4).]
 - b. Require that a notation appear on the final plat indicating:
 - i. The approval was given under ORS 92.031.

9 – Procedures and Applications

- ii. The type of middle housing approved on the subject site and noting that this middle housing type shall not be altered by the MHL D.
 - iii. Accessory dwelling units are not permitted on resulting child lots. [Recommended: except as provided below.
 - (A) The child lots are used to create housing that is at or above the applicable minimum density standard; or
 - (B) The accessory dwelling unit is provided as a bonus unit under Section 8.2.]
 - c. Require that all public improvements and site improvements that are required to satisfy approval criteria in subsection (C) and applicable standards of the city's code are constructed prior to issuance of a Certificate of Occupancy for the development.
2. The tentative approval of an MHL D is void if and only if a final MHL D plat is not approved within 3 years of the tentative approval.

F. Tentative Plan Procedure.

- 1. **Standard Procedure.** Unless the applicant requests to use the procedure for an expedited land division as provided in subsection (2), the city shall review an MHL D under the same procedure that applies to a standard land division. An application of one or more than one MHL D submitted at the same time as an application for a standard land division will be consolidated into a single application subject to the procedural requirements for the standard land division.
- 2. **Expedited Procedure.** If requested by the applicant, the procedure used for an expedited land division shall apply to the review and approval of an MHL D, as provided below and in ORS 197.365. A decision for an MHL D processed under ORS 197.365 is not subject to the requirements of ORS 197.797.
 - a. The applicant shall pay a filing fee according to the city's fee schedule, or as otherwise specified by the city in accordance with ORS 197.365(2)(e).
 - b. The Planning Official shall follow the procedure specified in Section 9.3(D) for determination and notification of a complete application.
 - c. The Planning Official shall make a decision to approve or deny the application and shall provide notice of the decision to the applicant within 63 days of receiving a completed application. Notice shall not be provided to any other person.
 - d. The MHL D review process does not include a hearing and the city does not accept public comment from third parties.
 - e. The city shall issue a written determination of compliance or noncompliance with the approval criteria in subsection (C). An approval may include conditions of approval pursuant to subsection (E) to ensure that the application meets all applicable requirements.

9 – Procedures and Applications

- f. The written determination shall include a summary statement explaining the determination and an explanation of the applicant's right to appeal the determination under ORS 197.830 to 197.855.
 - g. Only the applicant may appeal a decision for an MHL D processed as an expedited land division made under this section.
- G. Final Plat Requirements.** An application for an MHL D final plat shall meet the city's requirements and approval criteria that apply to a standard land division final plat, unless those requirements conflict with statutory requirements for MHL Ds, in which case the statutory requirements apply.

10 – Measurement Methodologies and Definitions

Chapter 10 – Measurement Methodologies and Definitions

Sections:

10.1 Measurement Methodologies

10.2 Definitions

10.1 Measurement Methodologies

10.1.1 Floor Area and Floor Area Ratio

A. Standard.

1. Average cottage size (i.e., average floor area) for cottage clusters is specified in Table 5.1.
2. Maximum floor area for accessory dwelling units is specified in Section 7.1.3.
3. Maximum floor area ratios for other housing types are stated in Tables 2.1 - 4.1 and 6.1. Floor area ratio works with height, setback, and outdoor area requirements to control the overall bulk and placement of buildings.

B. Measurement Methodology.

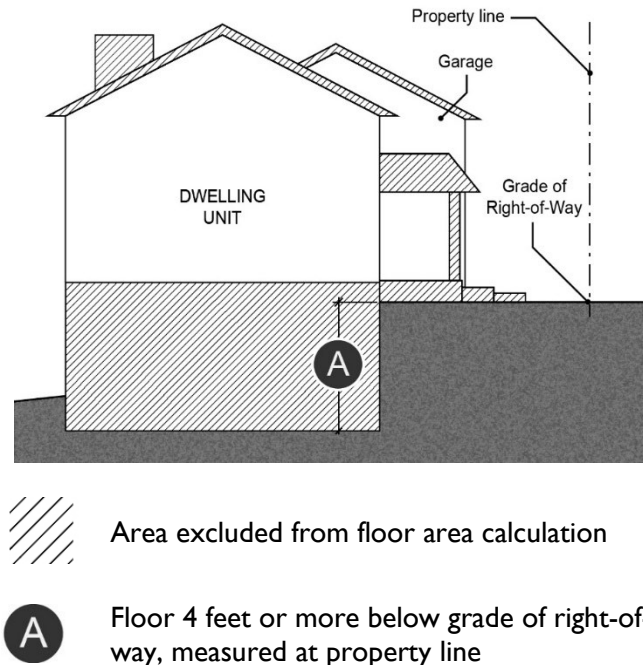
1. **Floor Area.** Floor area is measured for each floor from the exterior faces of a building. Floor area includes stairwells, ramps, shafts, chases, and the area devoted to garages and structured parking.

Floor area does not include the following (see Figure 10.1.1.a):

- Areas where the elevation of the floor is 4 feet or more below the adjacent right-of way, as measured at the property line;
- Basements. For the purposes of the floor area calculation, basement area includes the portion of a building that is partly or completely below grade. A minimum of 50 percent of the total combined area of the basement walls must be below grade to be considered a basement;
- Areas where the ceiling height is less than 6 feet 8 inches;
- Roof area, including roof top parking;
- Roof top mechanical equipment;
- Roofed outdoor living areas that are structurally attached to the building (e.g., porches and exterior balconies), unless they are enclosed by walls that are more than 42 inches in height for 75 percent or more of their perimeter; and
- Covered carports.
- Stairwells are only counted as floor area on one level.

10 – Measurement Methodologies and Definitions

Figure 10.1.1.a. Areas Excluded from Floor Area Calculation

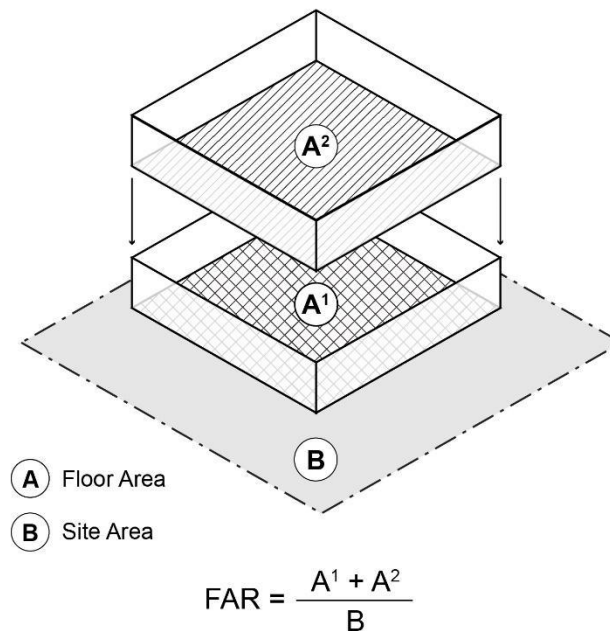


2. **Average Cottage Size.** Within each cottage cluster, the average cottage size is calculated as follows:
 - a. Total floor area of all cottages and community buildings within the cluster divided by the number of cottages and community buildings within the cluster.
 - b. The average floor area within a cluster may not exceed the maximum stated in Table 5.1.
 - c. Where dwelling units are attached, the floor area of each dwelling unit is calculated separately.
 - d. An applicant may choose to exclude existing structures retained under Section 5.2.8 from the calculation.
 - e. For cottage cluster projects with multiple clusters, the average cottage size is calculated for each cluster separately.
3. **Floor Area Ratio (FAR).** FAR is the amount of floor area of a building or structure in relation to the amount of site area. FAR is expressed as a ratio of X:1, where X represents the total building floor area permitted for each square foot of site area. For example, FAR of 0.7:1 means 0.7 square feet of floor area for every one square foot of site area. FAR is calculated by dividing the total floor area of all buildings on a site by the total site area (See Figure 10.1.1.b).

The maximum FAR applies to all buildings on a site, cumulatively. Refer to Section 10.2 for the definition of “site.”

10 – Measurement Methodologies and Definitions

Figure 10.1.1.b. Floor Area Ratio (FAR) Calculation



C. FAR Exceptions. The following are not included in the calculation of FAR.

1. Floor area for required long term bicycle parking that is not located in a dwelling unit.
2. Floor area for indoor common area used to meet the requirements of Section 6.2.6.
3. Accessory structures under 15 feet high and less than 200 square feet.

10.1.2 Height

A. Standard. Maximum building/structure height allowed for each housing type are stated in Tables 2.1 - 6.1. It is intended to work with FAR, setback, and outdoor area requirements to control the overall bulk and placement of buildings. Exceptions to the maximum height are stated in subsection (C).

B. Measuring Building Height. Building height shall be calculated in accordance with the applicable building code.

C. Exceptions.

1. Chimneys, vents, flag poles, satellite receiving dishes and other projecting items with a width, depth, or diameter of 3 feet or less may extend above the height limit, as long as they are attached to a building and do not exceed 5 feet above the top of the highest point of the roof. If they are greater than 3 feet in width, depth, or diameter, they are subject to the height limit.
2. Roof mounted solar panels are not included in height calculations.
3. For buildings over 3 floors in height, rooftop mechanical equipment and stairwell enclosures that provide rooftop access may extend above the height limit as follows, provided that the equipment and enclosures are set back at least 15 feet from all roof edges on street-facing facades.

10 – Measurement Methodologies and Definitions

- a. Elevator mechanical equipment may extend up to 16 feet above the height limit; and
- b. Other mechanical equipment and stairwell enclosures that cumulatively cover no more than 10 percent of the roof area may extend up to 10 feet above the height limit.

10.1.3 Minimum Density

- A. Standard.** The minimum density standard for each housing type is stated in Tables 2.1 - 6.1. Minimum density ensures more efficient use of available residential land and helps ensure sufficient residential capacity to accommodate growth. Exceptions to minimum density are stated in subsection (C).
- B. Calculating Density.** Density is a measurement of the number of dwelling units in relationship to a specified amount of land, based on the minimum area per dwelling unit required by this Model Code. Density is calculated based on the area of a site (refer to the definition of “site” in Section 10.2). In order to avoid penalizing sites with constrained lands, minimum density is based on the net site area. Minimum Density is expressed in Tables 2.1 - 6.1 as the maximum amount of land (net site area) allowed per unit.

Minimum Density (i.e., maximum amount of land per unit) = Net site area / number of dwelling units.

- To calculate the number of units required to meet the minimum density standard, divide the net site area by the maximum land area per unit.
- For affordable housing developments meeting the definition in Section 10.2, dwelling units with three or more bedrooms may be counted as 2 units for the purposes of complying with minimum density.
- For the purpose of calculating minimum density, “net site area” equals the site area less constrained lands. Applicants may choose to classify the following as constrained land: goal protected lands; land with slopes of 25 percent or greater; land within utility easements; and for multi-unit housing developed on a site on which existing unit(s) will be retained, the building footprint and any required setbacks for those unit(s).

C. Exceptions.

1. Where the application of the minimum density standard to a site would result in a fraction of a unit, the number of units required may be rounded down to the nearest whole unit.
2. The following developments are exempt from meeting the minimum density requirements:
 - a. The conversion of an existing dwelling unit into two or more units;
 - b. The addition of accessory dwelling unit(s) to a lot;
 - c. The addition of middle housing to a lot with retained units pursuant to Section 1.4; and
 - d. Mixed-use developments, provided at least 5 percent of the total floor area is dedicated to commercial uses.

10 – Measurement Methodologies and Definitions

10.1.4 Building Setbacks

A. Standard. The minimum setbacks required for each housing type are stated in Tables 2.1 - 6.1.

Minimum setbacks work with FAR, height, and outdoor area requirements to control the overall bulk and placement of buildings.

1. Garage Entrance Setbacks (Driveway Length).

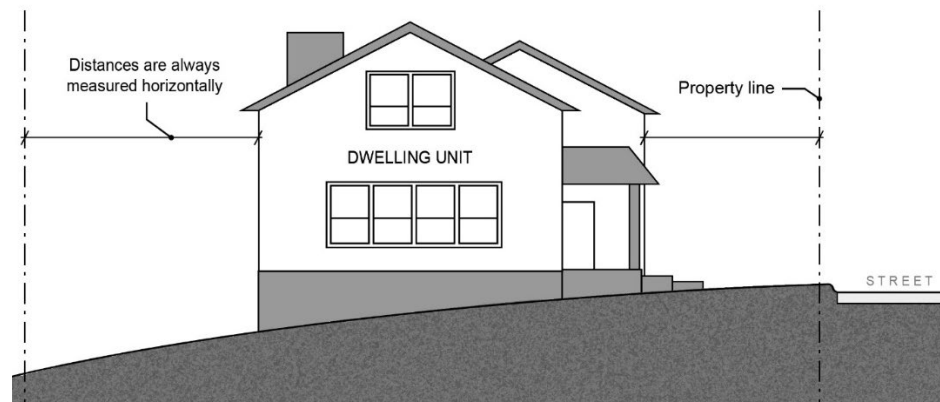
- a. Where Tables 3.1 – 6.1 specify either a minimum or maximum garage entrance setback, the garage entrance must be either 18 feet or farther from the street lot line or 5 feet or closer to the street lot line.
- b. If there is a driveway but no garage, the driveway length must be at least 18 feet. This includes driveways covered by a carport.
- c. Driveways accessed from an alley are exempt from garage entrance setback standards.

2. Exceptions to the minimum setbacks are stated in subsection (C).

B. Measuring Building Setbacks.

1. Setback distances are measured along a horizontal plane from the appropriate property line to the edge of the building (see Figure 10.1.4.a).

Figure 10.1.4.a. Setback Measurements



2. For multi-unit housing proposed on a site that includes more than one lot, setbacks are calculated based on the property lines of the overall site, rather than individual lots.
3. For lots divided by a Middle Housing Land Division, setbacks apply to the parent lot, not to child lots.
4. Where the subject property line abuts an existing right-of-way whose width is substandard based on the roadway classification in the city's adopted Transportation System Plan, the setback shall be based on the future right-of-way line after dedication.
5. Measurements are made to the closest wall of the structure. Projections into setbacks allowed pursuant to subsection (C)(4) are not included when determining the closest wall of the structure.

10 – Measurement Methodologies and Definitions

C. Exceptions to Building Setbacks.

1. The interior side lot line between two attached dwelling units is not subject to the minimum side setback standard in Table 4.1 (Townhouses).
2. Alley lot lines are exempt from minimum garage entrance setbacks (driveway length).
3. Portions of structures that are entirely underground are not included in measuring required distances.
4. Projections into Setbacks.
 - a. Building eaves may project up to 2 feet into a required setback, provided the eave is at least 3 feet from a lot line.
 - b. Canopies and awnings may extend up to 5 feet into a required setback along a street lot line.
 - c. The following minor features may extend into entire required building setbacks:
 - i. Utility connections attached to the building that are required to provide services, such as water electricity and other similar utility services;
 - ii. Gutters and downspouts that drain stormwater off a roof of the structure;
 - iii. Stormwater planters that are no more than 2-1/2 feet above the ground;
 - iv. Water collection cisterns that are 6 feet or less in height;
 - v. Attached decks, stairs, and ramps that are no more than 2-1/2 feet above the ground. However, stairways and wheelchair ramps that lead to one entrance on the street-facing facade of a building are allowed to extend into the required street setbacks regardless of height above ground; and
 - vi. On lots that slope down from the street, vehicular or pedestrian entry bridges that are no more than 2-1/2 feet above the average sidewalk elevation.
 - vii. Balconies and bay windows may encroach into a required street-facing setback area.
 - d. The following features of a building may extend into a required building setback up to 20 percent of the depth of the setback, except as indicated. However, the feature must be at least 3 feet from a lot line.
 - i. Chimneys, fireplace inserts and vents, mechanical equipment, and fire escapes;
 - ii. Wheelchair ramps, water collection cisterns and stormwater planters that do not meet the standards of subsection (C)(4)(c); and
 - iii. Decks, stairways, that do not meet the standard for subsection (C)(4)(c), but only along a street lot line.

10 – Measurement Methodologies and Definitions

10.1.5 Required Outdoor Area and Usable Open Space

A. Standard. The minimum amount of outdoor area and usable open space (if applicable) required for each housing type is stated in Tables 2.1 – 6.1. Exceptions to the minimum required outdoor area and usable open space are stated in subsection (C). Except as specified below, site area covered by enclosed buildings or used for vehicle parking and circulation shall not be counted as required outdoor area or usable open space.

B. Measurement Methodology.

1. Required Outdoor Area. Areas which can be counted toward the required outdoor area include:
 - Areas planted with vegetation (including natural areas and existing trees);
 - Private open space, including balconies attached to individual dwelling units;
 - Pedestrian hardscape; and
 - Usable open space pursuant to subsection (B)(2).
2. Usable Open Space. Where usable open space is required, it must include one or more of the following:
 - Outdoor recreation area surfaced with lawn, groundcover, gravel, or hard surface. The area must be contiguous and able to fit a 10-foot by 10-foot square;
 - Balconies, terraces, and rooftop decks with seating areas that are available for use by all residents;
 - Tree grove (e.g., existing mature trees);
 - Turf or grass play fields;
 - Children's play structure or play area;
 - Sports courts;
 - Swimming or wading pool or hot tub;
 - Walking fitness course;
 - Natural area with benches;
 - Gardening area with at least 50 square feet of planting area; or
 - Indoor recreation and community spaces, as provided in subsection (C).
3. Enclosure. Required outdoor areas may be covered, such as a covered patio or gazebo, but they may not be fully enclosed, except as provided in subsection (C). Covered outdoor areas are subject to the applicable setback standards.

C. Exceptions. As provided in Section 6.2.6(A)(3)(c), some of the required usable open space may be provided as shared indoor recreation or community space. Eligible spaces include:

- Community rooms, including exercise, entertainment, cooking/dining, or meeting facilities;
- Day care facilities;
- Support services offices/facilities; and
- Occupational facilities, such as shared remote or live-work facilities.

Indoor common areas that are not recreational or community spaces, such as lobbies, hallways, laundry facilities, storage rooms, and vehicle or bicycle facilities, do not qualify.

10 – Measurement Methodologies and Definitions

10.1.6 Vehicle Parking

A. Standards.

1. The minimum and maximum amount of off-street vehicle parking required for each housing type is stated in Tables 2.1 - 6.1.
2. Fractions. In calculating the required number of vehicle parking spaces, fractions equal to or more than 0.5 shall be rounded up to the nearest whole number and fractions less than 0.5 shall be rounded down to the nearest whole number.
3. Exceptions to the minimum and maximum parking requirements are stated in subsection (C).

B. Vehicle Parking.

1. Parking Location and Design. Off-street vehicle parking spaces required to meet minimum quantity requirements must meet the following standards:
 - a. Located on a hard-surfaced area.
 - b. Minimum space size:
 - Standard:
 - Width: 8.5 feet
 - Depth: 18 feet
 - Compact:
 - Width: 7.5 feet
 - Depth: 16 feet
 - c. Up to 20 percent of parking stalls in shared parking areas may be compact spaces.
 - d. Spaces may be covered or uncovered.
 - e. Spaces may be provided on individual lots or in a shared parking area on a common tract.
 - f. ADA parking spaces must be provided on site; all other required parking must be provided on site or within 200 feet of the site.
 - g. Except for ADA parking spaces, a credit for on-street parking shall be granted for some or all of the required off-street parking as provided in subsection (2).
2. On-Street Parking. If on-street parking spaces meet all the standards in subsections (a)-(d) below, they shall be counted toward the minimum off-street parking requirement.
 - a. The space must be abutting the subject site;
 - b. The space must be in a location where on-street parking is allowed by the city;
 - c. The space must be a minimum of 22 feet long; and
 - d. The space must not obstruct a required sight distance area.

10 – Measurement Methodologies and Definitions

3. **Maximum Parking.** Except as provided in subsection (C)(1), the maximum parking requirement applies to all parking on site, including visitor parking.

C. Exceptions.

1. ADA parking spaces and tandem parking spaces are exempt from the maximum limit on parking spaces.
2. The following are exempt from minimum required parking spaces:
 - a. Affordable housing as defined in Section 10.2;
 - b. Dwelling units 1,000 square feet or less in size; and
 - c. Dwelling units created through the conversion of an existing structure.

10.1.7 Bicycle Parking

A. Standards.

1. The minimum amount of bicycle parking required for each housing type is stated in Tables 2.1 - 6.1.
2. **Fractions.** In calculating the required number of bicycle parking spaces, fractions equal to or more than 0.5 shall be rounded up to the nearest whole number and fractions less than 0.5 shall be rounded down to the nearest whole number.
3. Exceptions to the bicycle parking requirements are stated in subsection (D).

B. Long-Term Bicycle Parking.

1. Long-term bicycle parking must be provided in one or more of the following locations.
 - a. Within a restricted access, lockable room outside of dwelling units with securely anchored racks that allow users to lock at least two points on a bicycle.
 - b. Within dwelling units that are at least 400 square feet, in the following circumstances:
 - i. Sites containing 12 or fewer dwelling units may provide up to 100 percent of required bicycle parking spaces in the dwelling units.
 - ii. Sites containing more than 12 dwelling units where all units above the ground floor have elevator access may provide up to 50 percent of the required bicycle parking spaces in dwelling units.
 - iii. Sites containing more than 12 dwelling units where all units above the ground floor do not have elevator access may provide required bicycle parking spaces in ground floor dwelling units only.
 - c. Within bicycle lockers that are fully enclosed, lockable, and securely anchored to the ground.
2. The area devoted to bicycle parking must be hard surfaced and lighting must be provided for nighttime use.

10 – Measurement Methodologies and Definitions

3. Bicycle parking spaces shall meet the following dimensional standards:

- a. At least 10 percent of spaces must be large spaces (designed to accommodate large bicycles, including family and cargo bicycles). Each large bicycle space must be a minimum of 3 feet wide, 7 feet long and 3 feet 4 inches tall.
- b. Up to 90 percent of required spaces can be standard spaces. Each standard bicycle space must be a minimum of 2 feet wide, 6 feet long and 3 feet 4 inches tall.

C. Short-Term Bicycle Parking. Short-term bicycle parking shall meet the following standards:

1. Location standards.

- a. For sites that are smaller than 20,000 square feet, short-term bicycle parking spaces may be provided on-site or within the public sidewalk, as allowable under the city's public works standards, provided the space does not obstruct required minimum sidewalk widths or access to doorways.
- b. For sites that are 20,000 square feet or larger, bicycle parking shall be provided on-site.
- c. If bicycle parking is provided on-site, it must be located:
 - i. At the same grade as the sidewalk or at a location that can be reached by an accessible route; and
 - ii. Within 50 feet of a main entrance to the building, as measured along the most direct pedestrian access route.

2. Dimensional standards. Each short-term bicycle space must be a minimum of 2 feet wide, 6 feet long and 3 feet 4 inches tall.

D. Exceptions. The following are exempt from the long-term bicycle parking requirements:

1. Senior housing projects (those restricted for occupancy by households in which at least one member is aged 55 years or older).
2. Accessible units and any bonus units that are provided in a development where an accessibility bonus is triggered pursuant to Section 8.2.

10.1.8 Windows and Doors

A. Standard. The minimum amount of window and door area required for each housing type is stated in the applicable design standards.

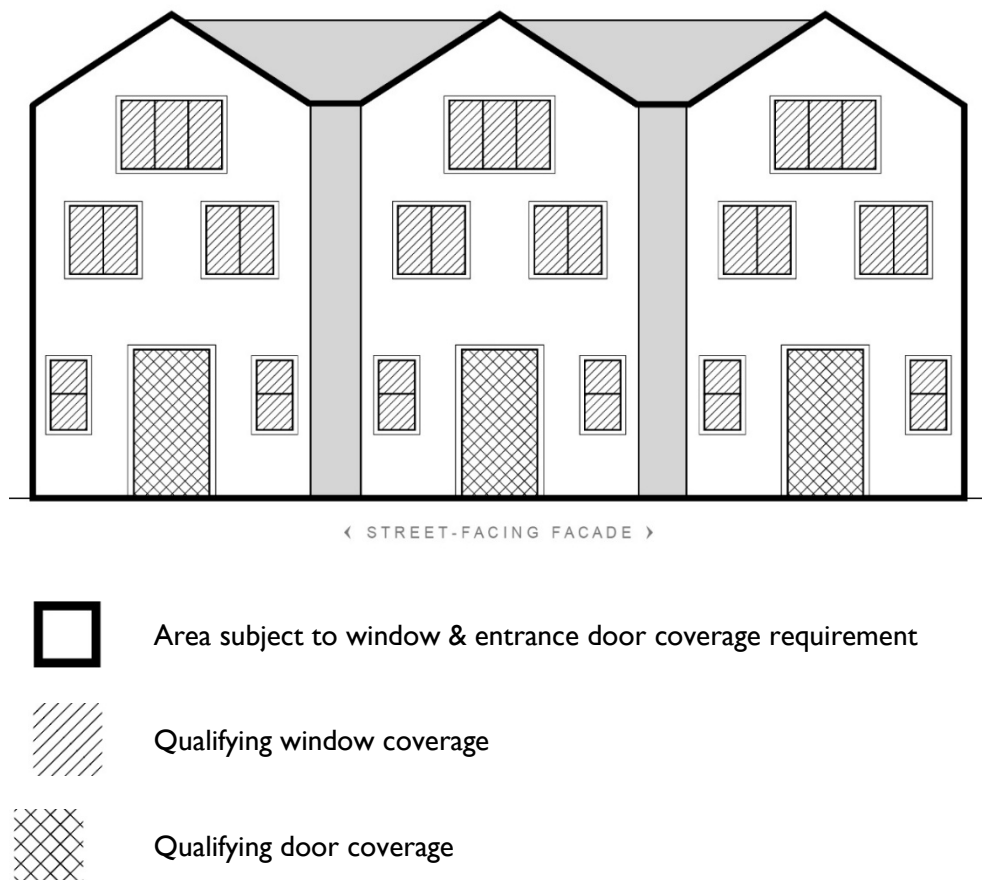
B. Measurement Methodology. Areas that qualify for the window and door coverage calculation are subject to the following (See Figure 10.1.8.a):

1. Windows and pedestrian entrance doors may be used to meet this standard as provided in subsections (2) and (3), below.

10 – Measurement Methodologies and Definitions

2. Window area is the aggregate area of the glass within each window, including any interior grids, mullions, or transoms. Windows into storage areas, mechanical and utility areas, and garbage and recycling areas do not qualify.
3. Door area is the area of the portion of an entrance door (other than a garage door) that moves and does not include the frame. For multi-unit housing, doors that provide access to dwelling units (either shared or individual access) and community spaces qualify, but all other doors (e.g., into storage areas or mechanical areas) do not qualify.

Figure 10.1.8.a. Window and Door Coverage



I0 – Measurement Methodologies and Definitions

10.2 Definitions

A. Applicability. The following definitions shall apply for the purposes of this Model Code, notwithstanding other definitions in a locally adopted development code.

B. Definitions.

1. “Accessible unit” means a unit of housing that complies with the “Type A” requirements applicable to units as set forth in the Standard for Accessible and Usable Buildings and Facilities published by the International Code Council and as referenced by the state building code.
2. “Accessible walkway” means a walkway designed and built according to the Americans with Disabilities Act (ADA) standards to ensure it is usable by people with disabilities, particularly those who use mobility devices.
3. “Accessory Dwelling Unit” – see “Housing Type.”
4. “Adaptable unit” means a unit of housing that complies with the “Type B” requirements applicable to units as set forth in the Standard for Accessible and Usable Buildings and Facilities published by the International Code Council and as referenced by the state building code.
5. “Affordable Housing” means income-restricted housing in one of the following categories, as provided in Chapter 8:
 - a. 10-Year Affordable Homeownership Unit. A unit of housing is subject to an affordable housing covenant, as described in ORS 456.270 to 456.295, that:
 - i. Makes the unit available and affordable to purchase and to own for households with incomes of 120 percent or less of the area median income; and
 - ii. Is enforceable for a duration of not less than 10 years from the date of the certificate of occupancy.
 - b. 20-Year Affordable Housing. Residential property:
 - i. In which the average of all units on the property is made available to own or rent to households with incomes of 80 percent or less of the area median income; and
 - ii. Whose affordability, including affordability under a covenant as described in ORS 456.270 to 456.295, is enforceable for a duration of no less than 20 years.
 - c. 30-Year Affordable Housing. Residential property:
 - i. In which:
 - (A) Each unit on the property is made available to own or rent to households with incomes of 80 percent or less of the area median income; or
 - (B) The average of all units on the property is made available to households with incomes of 60 percent or less of the area median income; and

I0 – Measurement Methodologies and Definitions

- ii. Whose affordability, including affordability under a covenant as described in ORS 456.270 to 456.295, is enforceable for a duration of no less than 30 years.
- d. 90-Year Moderate Income Cooperative Housing: Residential property in which all of the units are subject to a zero equity, limited equity, or shared equity ownership model including resident-owned cooperatives and community land trusts making them affordable to moderate income households as described in ORS 456.270 to 456.295 for a period of 90 years.
- 6. “Appeal Body” means the local decision-making authority designated by a City to hear and decide appeals of land use decisions and Limited Land Use Decisions. The Appeal Body for an appeal of a decision made by a Planning Official may be a Hearings Officer, Planning Commission, or City Council.
- 7. “Building footprint” means the horizontal area as seen in plan, measured from outside of all exterior walls and supporting columns. It includes dwellings and any area of attached garage that exceeds 200 square feet. It does not include detached garages or carports; accessory structures; trellises; patios; areas of porch, deck, and balcony less than 30 inches from finished grade; cantilevered covers, porches or projections; or ramps and stairways required for access. For attached housing, building footprint is measured for each dwelling unit separately, and is measured to the center of any common walls.
- 8. “Common courtyard” means a common area for use by residents of a cottage cluster. A common courtyard may function as a community yard. Hard and soft landscape features may be included in a common courtyard, such as pedestrian walkways, lawn, groundcover, trees, shrubs, patios, benches, or gazebos.
- 9. “Common wall” means a wall or set of walls in a single structure shared by two or more dwelling units. The common wall must be shared for at least 25 percent of the length of the side of the building of the dwelling units. The common wall may be any wall of the building, including the walls of attached garages.
- 10. “Cottage” means an individual dwelling unit that is part of a cottage cluster.
- 11. “Cottage cluster” – see “Housing Type.”
- 12. “Cottage cluster project” means a development site with one or more cottage clusters. Each cottage cluster as part of a cottage cluster project must have its own common courtyard.
- 13. “Detached single-unit” – see “Housing Type.”
- 14. “Driveway approach” means the edge of a driveway where it abuts a public right-of-way.
- 15. “Duplex” – see “Housing Type.”
- 16. “Dwelling unit” means a building, or a portion of a building, that has independent living facilities including provisions for sleeping, cooking, and sanitation, and that is designed for residential occupancy by a group of people. Buildings with more than one set of cooking facilities are considered to contain multiple dwelling units or accessory dwelling units, as applicable, unless the additional cooking facilities are clearly accessory to the primary use, such as an outdoor grill or wet bar.

10 – Measurement Methodologies and Definitions

17. “Façade” means the vertical wall face of a building, or the sum of multiple vertical faces, facing the same lot line.
18. “Floor area” and “Floor area ratio” – see Section 10.1.1.
19. “Frontage” means the portion of a lot or parcel that abuts a street.
20. “Goal Protected Lands” means lands protected or designated pursuant to any one of the following statewide planning goals:
 - Goal 5 Natural Resources, Scenic and Historic Areas, and Open Spaces;
 - Goal 6 Air, Water, and Land Resource Quality
 - Goal 7 Areas Subject to Natural Hazards;
 - Goal 9 Economic Development;
 - Goal 15 Willamette River Greenway;
 - Goal 16 Estuarine Resources;
 - Goal 17 Coastal Shorelands; or
 - Goal 18 Beaches and Dunes.
21. “Hard surfaced,” in the context of pedestrian walkways, means built with a durable, solid material that provides a firm, stable, and smooth walking surface, which may include concrete, asphalt, or pavers or bricks set in mortar or compacted base.
22. “Housing Type” means one of the following. (In instances where a development can meet the definition of more than one housing type, the applicant shall specify the housing type on the development application.)
 - a. “Accessory Dwelling Unit” or “ADU” means an interior, attached, or detached residential structure that is used in connection with, or that is accessory to, a primary dwelling.
 - b. “Cottage cluster” means a grouping of dwelling units that share a common courtyard. Each dwelling unit has a small footprint or floor area. The dwelling units may be detached or attached, provided no one building or structure contains more than 4 dwelling units. Cottage cluster may also be known as “cluster housing,” “cottage housing,” “bungalow court,” “cottage court,” “courtyard housing,” “garden apartments,” or “pocket neighborhood.”
 - c. “Detached single-unit” or “DSU” means a detached structure on a lot or parcel that is comprised of a single dwelling unit. Detached single-units may be constructed on-site or off-site (e.g., manufactured dwellings or prefabricated homes).
 - d. “Duplex” means two attached or detached dwelling units in any configuration on a lot or parcel, other than a lot or parcel created by a Middle Housing Land Division.
 - e. “Middle housing” means housing that consists of duplexes, triplexes, quadplexes, cottage clusters, or townhouses. “Middle housing” includes retained units under Section 1.4 and additional “bonus” units allowed by Sections 8.2.1 through 8.2.4 or by Oregon Laws 2025, Chapter 476, Section 3 (3), as applicable.
 - f. “Multi-unit housing” means 5 or more dwelling units located on the same lot or development site, not including middle housing.

10 – Measurement Methodologies and Definitions

- g. “Quadplex” means 4 attached or detached dwelling units in any configuration on a lot or parcel, other than a lot or parcel created by a Middle Housing Land Division.
 - h. “Townhouse” means a dwelling unit constructed in a row of 2 or more attached units, where each dwelling unit is located on an individual lot or parcel and shares at least one common wall with an adjacent unit. A townhouse is also commonly called a “rowhouse,” “attached house,” “townhome,” or “common-wall house.”
 - i. “Triplex” means 3 attached or detached dwelling units in any configuration on a lot or parcel, other than a lot or parcel created by a Middle Housing Land Division.
23. “Local street” means a street designated as a local street in a city’s adopted Transportation System Plan, in the applicable functional classification map, or in the city’s public works or engineering standards. Where street classifications have not been established, “local street” means a street that serves primarily local access to property and circulation within neighborhoods or specific areas.
24. “Lot” or “lot or parcel” means any lawfully established unit of land, as defined in ORS 92.010. Lot may also be used generically to refer to units of land created through partitions.
25. “Main entrance” means the ground floor (or first floor) exterior pedestrian door through which residents and visitors enter a residential building or dwelling unit. For buildings where access to some or all dwelling units is via shared hallways, a main entrance is one that enters the lobby or common circulation space. A building may have more than one main entrance meeting these criteria. For buildings in which all units have individual exterior entrances, each entrance to a dwelling unit is considered a main entrance.
26. “Middle housing” – see “Housing Type.”
27. “Middle housing land division (MHLD)” means a partition or subdivision of a lot or parcel on which the development of middle housing is allowed under ORS 197A.420 (2) or (3) or Oregon Laws 2025, Chapter 476, Section 3.
- a. “Parent Lot” in relation to a Middle Housing Land Division means a lot or parcel which is developed or is proposed to be developed with a middle housing development.
 - b. “Child Lot” in relation to a Middle Housing Land Division means the unit(s) of land created from a parent lot as the result of a Middle Housing Land Division. A “child lot” may also be referred to as a “middle housing lot.”
28. “Multi-unit housing” – see “Housing Type.”
29. “Planning Official” means the person(s) or body (including designees) designated by the governing body of a city to administer the city’s comprehensive plan, land use regulations, and related requirements. Typically, the Planning Official is an individual employed by a city (e.g., Planning Director or designees) but may be the Planning Commission or City Council.
30. “Primary dwelling” means a principal dwelling on a lot or site that constitutes the main residential use of the property. Where a dwelling unit:

I0 – Measurement Methodologies and Definitions

- a. Is added to a lot with an existing dwelling that has been in place for at least 5 years, the existing dwelling is designated as the primary dwelling.
 - b. Is constructed within 5 years of the primary dwelling, the larger unit is designated as the primary dwelling.
 - c. Could meet the definition of either a primary or accessory dwelling unit, the applicant may designate which dwelling shall serve as the primary dwelling.
31. “Quadplex” – see “Housing Type.”
32. “Regulated housing” means residential dwelling units of the following types: Detached Single-Unit, Duplex, Triplex, Quadplex, Townhouse, Cottage Cluster, Multi-Unit Housing, and Accessory Dwelling Unit.
33. “Site” has different meanings depending on the housing type, as provided below. “Development site” has the same meaning as “site.”
 - a. For detached single-unit, duplex, triplex, quadplex, and cottage cluster, “site” means a single lot (other than a middle housing child lot) on which the housing unit or units is proposed.
 - b. For townhouse, “site” refers to all the lots underlying a single townhouse structure.
 - c. For multi-unit housing, “site” refers to a property (or group of abutting parcels or lots under the same ownership) that is subject to a development application.
34. “Site area” means the total area of a development site calculated after subtracting any required or planned dedication of public rights-of-way or designation of private rights-of-way.
35. “Standard land division” means a subdivision or partition other than a Middle Housing Land Division.
36. “Sufficient Infrastructure” means the following level of public services to serve a new housing development:
 - Connection to a public sewer system capable of meeting established service levels.
 - Connection to a public water system capable of meeting established service levels.
 - Access via public or private streets meeting adopted emergency vehicle access standards to a city’s public street system.
 - Storm drainage facilities capable of meeting established service levels for storm drainage.
37. “Townhouse” – see “Housing Type.”
38. “Townhouse project” means one or more townhouse structures (i.e., structures formed by attached townhouses) constructed, or proposed to be constructed, together with the development site where the land has been divided, or is proposed to be divided, to reflect the townhouse property lines and any commonly owned property.

10 – Measurement Methodologies and Definitions

39. “Townhouse style multi-unit housing” means developments in which the units have individual ground floor entries, share one or more common walls with one or more other units, and do not share common floors/ceilings with another unit.
40. “Triplex” – see “Housing Type.”

Housing Model Code – Large Cities

Table of Contents

Chapter 1 – General Provisions	4
1.1 Purpose	4
1.2 Applicability	4
1.3 Relationship to Other Regulations	5
1.4 Retention of Existing Units with Middle Housing	6
1.5 Exception to Certain Design Standards	7
Chapter 2 – Detached Single-Unit and Duplex	8
2.1 Siting Standards – Detached Single-Unit and Duplex	8
2.2 Design Standards – Detached Single-Unit and Duplex	9
2.2.1 Entry Orientation and Pedestrian Connectivity	9
2.2.2 Transitions to Residential Entrances	11
2.2.3 Windows and Doors	12
2.2.4 Off-Street Parking Areas	12
2.3 Unit Configuration and Conversions – Duplex	13
2.3.1 Unit Configuration	13
2.3.2 Conversions	14
Chapter 3 – Triplex and Quadplex	15
3.1 Siting Standards – Triplex and Quadplex	15
3.2 Design Standards – Triplex and Quadplex	16
3.2.1 Entry Orientation and Pedestrian Connectivity	16
3.2.2 Transitions to Residential Entrances	19
3.2.3 Windows and Doors	19
3.2.4 Off-Street Parking Areas	19
3.2.5 Driveway Approach	21
3.2.6 Trash Storage	25
3.3 Unit Configuration and Conversions – Triplex and Quadplex	25
3.3.1 Unit Configuration	25
3.3.2 Conversions	25
Chapter 4 – Townhouse	26
4.1 Siting Standards – Townhouse	26
4.2 Design Standards – Townhouse	27
4.2.1 Entry Orientation and Pedestrian Connectivity	27
4.2.2 Transitions to Residential Entrances	28

Table of Contents

4.2.3	Windows and Doors	29
4.2.4	Driveway Access and Parking	29
4.2.5	Trash Storage	30
Chapter 5	Cottage Cluster	33
5.1	Siting Standards – Cottage Cluster	33
5.2	Design Standards – Cottage Cluster	35
5.2.1	Cottage Orientation	35
5.2.2	Common Courtyard Design Standards	35
5.2.3	Community Buildings	37
5.2.4	Pedestrian Access	37
5.2.5	Windows and Doors	37
5.2.6	Parking Design	38
5.2.7	Accessory Structures	39
5.2.8	Existing Structures	39
5.2.9	Trash Storage	39
Chapter 6	Multi-Unit Housing	41
6.1	Siting Standards – Multi-Unit	41
6.2	Design Standards – Multi-Unit	42
6.2.1	Entry Orientation – Non-Townhouse Style	42
6.2.2	Entry Orientation – Townhouse Style	43
6.2.3	Transitions to Residential Entrances.	43
6.2.4	Pedestrian Connections	44
6.2.5	Windows and Doors	45
6.2.6	Required Outdoor Area and Usable Open Space	45
6.2.7	Parking Location and Design	46
6.2.8	Driveway Access and Parking – Townhouse Style	46
6.2.9	Screening from Arterials	47
6.2.10	Trash Storage	47
Chapter 7	Accessory Dwelling Unit	48
7.1	Siting Standards – Accessory Dwelling Unit	48
7.1.1	Siting Standards, Generally	48
7.1.2	Number of Units and Configuration	49
7.1.3	Maximum Floor Area	49
7.2	Design Standards – Accessory Dwelling Unit	49
Chapter 8	Bonuses	50
8.1	Bonuses, Generally	50
8.2	Bonuses by Housing Type	52
8.2.1	Bonuses for Detached Single-Unit or Duplex	52
8.2.2	Bonuses for Triplex or Quadplex	53
8.2.3	Bonuses for Townhouses	54
8.2.4	Bonuses for Cottage Cluster	55
8.2.5	Bonuses for Multi-Unit Housing	56

Table of Contents

9.2	Procedure – Ministerial Decision	58
9.3	Procedure – Limited Land Use Decision	59
9.4	Application – Zoning Review	64
9.5	Application – Modification	66
9.6	Middle Housing Land Division	68
Chapter 10	– Measurement Methodologies and Definitions	73
10.1	Measurement Methodologies	73
10.1.1	Floor Area and Floor Area Ratio	73
10.1.2	Height	75
10.1.3	Minimum Density	76
10.1.4	Building Setbacks	77
10.1.5	Required Outdoor Area and Usable Open Space	79
10.1.6	Vehicle Parking	80
10.1.7	Bicycle Parking	81
10.1.8	Windows and Doors	82
10.2	Definitions	84

I – General Provisions

Chapter I – General Provisions

Sections:

- I.1 Purpose
- I.2 Applicability
- I.3 Relationship to Other Regulations
- I.4 Retention of Existing Units with Middle Housing
- I.5 Exception to Certain Design Standards

I.1 Purpose

The Housing Model Code for Large Cities provides standards for a range of housing types that are clear and objective, consistent with Housing law, and encourage and facilitate housing production, affordability, and choice as provided in ORS 197A.025.

I.2 Applicability

- A. Applicability to Development.** The standards apply to new dwelling units, including the addition of dwelling units to sites with existing dwelling units. Existing residential development shall not be deemed nonconforming solely on the basis that it does not conform to the standards of this Model Code.
- B. Location.** The Model Code is not a zoning ordinance. The applicability of the standards to a particular location or zone within a city must be specified as provided in OAR 660-008-0400 to 0430.
- C. Exceptions.** The standards in the Model Codes do not allow the following:
 - 1. The development of housing on Goal Protected Lands, unless otherwise permitted by a city's development code through clear and objective standards, criteria, and procedures.
 - 2. The development of housing on lands that do not allow residential uses unless otherwise allowed by statute.
- D. Adoption by Reference.** A city may choose to adopt by reference the entire Model Code or one or more individual modules. Modules are identified in Table I.1. When adopting one or more individual modules, the following requirements apply:
 - 1. All modules are subject to the provisions in the following sections: *Applicability* (Section 1.2), *Relationship to Other Regulations* (Section 1.3), and *Definitions and Measurement Methodology* (Chapter 10).
 - 2. All middle housing modules (Chapters 2-5) are subject to the provisions in *Retention of Existing Units with Middle Housing* (Section 1.4).
 - 3. All detached single-unit and middle housing modules (Chapters 2-5) are subject to the provisions in *Exception to Certain Design Standards* (Section 1.5).
 - 4. Each module under "Procedures and Applications" is subject to the provisions in *Procedures and Applications, Generally* (Section 9.1).

I – General Provisions

- Some modules can only be applied in conjunction with another module. Where this is the case, a city adopting a module by reference must also adopt any modules identified as “Required” in the “Related Code Sections” column in Table I.1.

TABLE I.1 MODEL CODE MODULES		
Module	Model Code Chapter / Section	Related Code Sections
<i>General Provisions</i>		
Retention of Existing Units with Middle Housing	Section 1.4	Chapters 2-5
<i>Housing Types</i>		
Detached Single-Unit and Duplex	Chapter 2	Bonuses for Detached Single-Unit or Duplex (Section 8.2.1)
Triplex and Quadplex	Chapter 3	Bonuses for Triplex or Quadplex (Section 8.2.2)
Townhouse	Chapter 4	Bonuses for Townhouses (Section 8.2.3)
Cottage Cluster	Chapter 5	Bonuses for Cottage Cluster (Section 8.2.4)
Multi-Unit Housing	Chapter 6	Bonuses for Multi-Unit Housing (Section 8.2.5)
Accessory Dwelling Unit	Chapter 7	
<i>Procedures and Applications</i>		
Procedure - Ministerial Decision	Section 9.2	
Procedure - Limited Land Use Decision	Section 9.3	
Application - Zoning Review	Section 9.4	Required: Sections 9.2 and 9.3
Application - Modification	Section 9.5	Required: Section 9.3
Middle Housing Land Division	Section 9.6	Section 1.4; Chapters 2-5

I.3 Relationship to Other Regulations

A. Conflicts.

- For a city that has opted to adopt or apply the Model Code or has been directed to apply the Model Code by the Commission as provided in OAR 660-008-0430, and except as provided in section (2) or subsections (B) or (C) below, in the event of a conflict between this Model Code and other development and design standards applicable to regulated housing, the standards of this Model Code control.
- If a locally adopted land use development standard conflicts with this Model Code but it would allow the development of more housing (additional square footage or units), an applicant may comply with either the standard in this Model Code or the locally adopted standard.

I – General Provisions

B. Additional Standards Applicable to Regulated Housing. In addition to the standards identified in this Model Code, a city may only apply the following locally adopted land use regulations to regulated housing:

1. Public works and public utilities standards, provided exceptions granted to single-unit dwellings shall also be granted to duplexes.
2. Protective measures (plans, policies, or regulations) adopted pursuant to statewide land use planning goals (e.g., environmental and natural hazard protections).
3. Regulations related to the following:
 - a. Tree protection, retention and planting.
 - b. Landscaping design, installation and maintenance including, but not limited to, materials and planting requirements.
 - c. Parking lot design and installation, including, but not limited to, shading, screening, materials, and layout.
 - d. Sustainability and greenhouse gas reduction.
4. Land division standards and procedures, except that:
 - a. The regulations may not preclude development from meeting the minimum density requirements established in this Model Code; and
 - b. Middle Housing Land Divisions are governed by the provisions of Section 9.6.

C. Exceptions. In no case shall the requirements of this Model Code supersede requirements related to:

1. Health and safety, including, but not limited to, fire ingress or egress and emergency vehicle access.
2. Public works standards ensuring safe vehicle access onto the public street system, including but not limited to standards for clear vision areas and driveway/intersection spacing and alignment. This exception does not include minimum driveway width standards.
3. Hazardous or contaminated site clean-up, wildlife protection, or statewide land use planning goals relating to natural resources, natural hazards, the Willamette River Greenway, estuarine resources, coastal shorelands, beaches and dunes or ocean resources.
4. Implementation of fire or building codes, federal or state air, water quality or surface, ground or stormwater requirements or requirements of any federal, state or local law other than a land use regulation.

I.4 Retention of Existing Units with Middle Housing

A. Development of middle housing is allowed on a lot with up to two existing dwelling units, which may be retained on the lot along with the new units. The retained units may consist of:

1. One detached single-unit dwelling;

I – General Provisions

2. One detached single-unit dwelling plus one accessory dwelling unit; or
 3. One duplex.
- B.** In order to qualify for the allowances in subsection (A), the retained units must have been in place for at least 5 years prior to the proposal for new middle housing units.
- C.** The retained units do not count toward the maximum number of units allowed on a lot.
- D.** The retained units may be nonconforming with respect to the applicable siting and design standards in this Model Code or in the city's local housing regulations. In other words, only the new units, and not the retained units, are required to comply with the applicable regulations.
- E.** Retained units on the lot may be separated from the new units by a Middle Housing Land Division, pursuant to Section 9.6 or ORS 197A.420(4)(c), as applicable.

I.5 Exception to Certain Design Standards

In accordance with Oregon Laws 2025, Chapter 330, Section 8, housing development that includes detached single-unit, duplex, triplex, quadplex, townhouse, or cottage cluster housing that includes 20 or more units in housing types listed in subsection (A) is exempt from any residential design standard that is intended to preserve the desired character, architectural expression, decoration or aesthetic quality of new homes; this includes design standards regulating the features listed in subsection (B). All other design and siting standards in this Model Code shall apply.

A. Applicable Housing Types:

- Detached single-unit;
- Duplex;
- Triplex;
- Quadplex;
- Townhouse; or
- Cottage cluster housing.

B. Residential Design Features:

- Facade materials, colors or patterns;
- Roof decoration, form or materials;
- Accessories, materials or finishes for entry doors or garages;
- Window elements such as trim, shutters or grids;
- Fence type, design or finishes;
- Architectural details, such as ornaments, railings, cornices and columns;
- Size and design of porches or balconies;
- Variety of design or floorplan; or
- Front or back yard area landscaping materials or vegetation.

2 – Detached Single-Unit and Duplex

Chapter 2 – Detached Single-Unit and Duplex

Sections:

- 2.1 Development Standards - Detached Single-Units and Duplex
- 2.2 Design Standards - Detached Single-Unit and Duplex
- 2.3 Unit Configuration and Conversions - Duplex

2.1 Siting Standards – Detached Single-Unit and Duplex

The siting standards in Table 2.1 apply to the development of a detached single-unit or duplex dwelling on a lot, with the following clarifications:

- A.** Standards applicable to a lot (i.e., FAR, minimum density, setbacks, and outdoor area) apply to the parent lot, not child lots created by a Middle Housing Land Division.
- B.** For qualified projects, the standards in Table 2.1 may be modified by the applicable bonuses in Chapter 8.
- C.** Per Section 1.4, retained units within middle housing development are not subject to these standards, and do not count toward maximum floor area ratio.

TABLE 2.1 SITING STANDARDS - DETACHED SINGLE-UNIT AND DUPLEX	
Maximum Floor Area Ratio (FAR) (see Section 10.1.1)	
• 1 total dwelling unit	0.6:1
• 2 to 3 total dwelling units (1)	0.9:1
Maximum Building/Structure Height (see Section 10.1.2)	35 ft
Minimum Density (see Section 10.1.3)	1 unit per 5,700 sf of net site area
Minimum Setbacks (see Section 10.1.4)	
• Front building setback	5 ft
• Side building setback	5 ft
• Rear building setback	5 ft
• Garage entrance setback (driveway length)	18 ft (or max. 5 ft)
Minimum Required Outdoor Area and Usable Open Space (see Section 10.1.5)	
• Required Outdoor Area	15% of lot area
• Usable Open Space	None
Vehicle Parking (see Section 10.1.6)	
• Minimum number of off-street spaces	None
• Maximum number of off-street spaces	2 spaces per unit

2 – Detached Single-Unit and Duplex

TABLE 2.1 SITING STANDARDS - DETACHED SINGLE-UNIT AND DUPLEX	
Minimum Number of Bicycle Parking Spaces (see Section 10.1.7)	
• Long-term Spaces	None
• Short-term Spaces	None
NOTES: (1) If an additional unit is added to a lot with an existing, retained dwelling unit that has been in place for at least 5 years, the maximum FAR may be exceeded by up to 1,000 square feet of new floor area.	

2.2 Design Standards – Detached Single-Unit and Duplex

Except as provided in Section 1.5, the design standards in this section apply to the development of a detached single-unit or duplex dwelling on a lot.

2.2.1 Entry Orientation and Pedestrian Connectivity

A. Standard. At least one main entrance for each residential structure must meet the following standards. The entrance must:

1. Be no more than 8 feet farther from the front lot line than the structure's longest wall that faces the front lot line.
2. Meet at least one of the following:
 - a. Face the street (see Figure 2.2.1.a);
 - b. Be at an angle of up to 45 degrees from the street (see Figure 2.2.1.b); or
 - c. Open onto a covered porch or covered patio (see Figure 2.2.1.c). The porch or patio must:
 - i. Be at least 25 square feet in area; and
 - ii. Have at least one entrance facing the street.
3. Connect to the sidewalk by a hard-surfaced walkway other than a driveway. The walkway shall have a minimum width of 2 feet (see Figure 2.2.1.a). The walkway may abut the driveway (see Figure 2.2.1.c). Where there is no sidewalk abutting the property, the walkway shall extend to the street lot line.

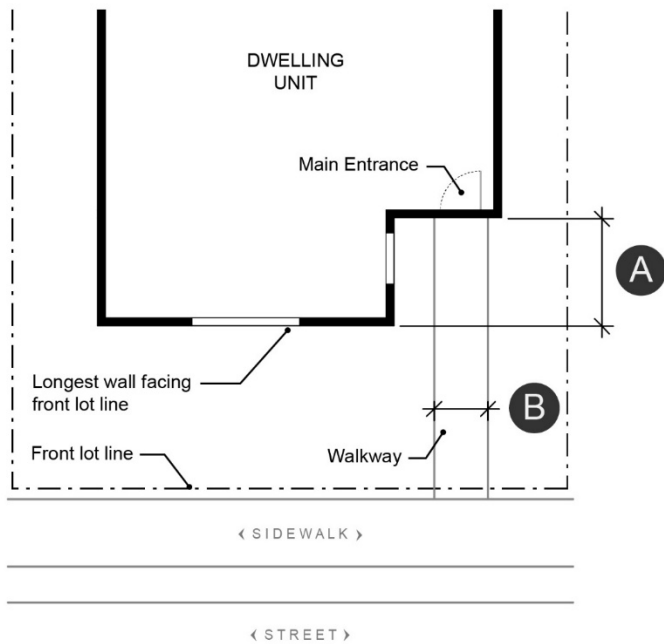
B. Exceptions. The following are exempt from these standards:

1. Any detached structure for which more than 50 percent of its street-facing façade is separated from the street lot line by:
 - a. A dwelling; or
 - b. A buildable lot with a depth of at least 20 feet measured from the street lot line.
2. Accessory dwelling units.

2 – Detached Single-Unit and Duplex

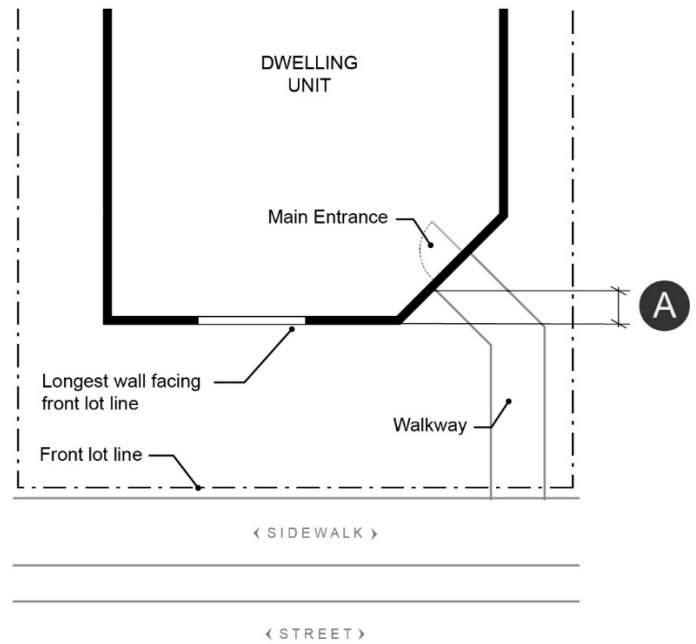
3. Accessible or adaptable units, provided the main entrance is connected to the public sidewalk by an accessible walkway.

Figure 2.2.1.a. Main Entrance Facing the Street



- A Maximum 8 feet from entry to longest wall facing front lot line
- B Walkway width minimum 2 feet

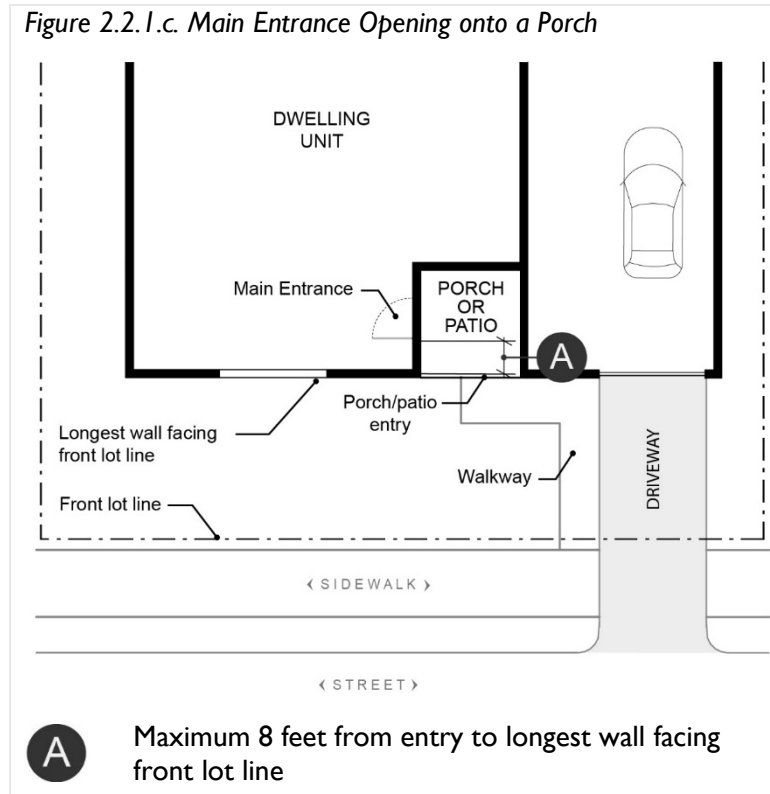
Figure 2.2.1.b. Main Entrance at 45° Angle from the Street



- A Maximum 8 feet from entry to longest wall facing front lot line

2 – Detached Single-Unit and Duplex

Figure 2.2.1.c. Main Entrance Opening onto a Porch



2.2.2 Transitions to Residential Entrances

The following standards apply to each main entrance that is 10 feet or closer to a street lot line.

A. Standard. The main entrance must have at least two of the following within the setback:

1. A wall or fence that is 18 to 36 inches high and at least 4 feet wide.
2. Landscaping that meets the city's planting standards.
3. For each street-facing entrance, one canopy tree that is at least 1.5 inches in diameter, or at least 4 feet in height when planted, and that will achieve a mature canopy spread of at least 10 feet. An existing, retained tree may be used to meet this standard.
4. Common or private outdoor area of at least 48 square feet designed so that a 4-foot by 6-foot dimension will fit entirely within it.

B. Exceptions. None.

2 – Detached Single-Unit and Duplex

2.2.3 Windows and Doors

A. Standard.

1. Windows or pedestrian entrance doors must be provided on street-facing facades as follows:
 - a. At least one street-facing façade must have a minimum of 15 percent windows or pedestrian entrance doors.
 - b. All other street-facing facades must have a minimum of 10 percent windows or pedestrian entrance doors.
2. See Section 10.1.8 for measurement methodology.

B. Exceptions. The following facades are exempt from these standards:

1. Facades separated from the street lot line by a dwelling, or by a buildable lot with a depth of at least 20 feet measured from the street lot line.
2. Facades that are more than 40 feet from the street lot line.
3. Facades facing an alley.

2.2.4 Off-Street Parking Areas

The following standards apply to the parent lot, not child lots created by a Middle Housing Land Division.

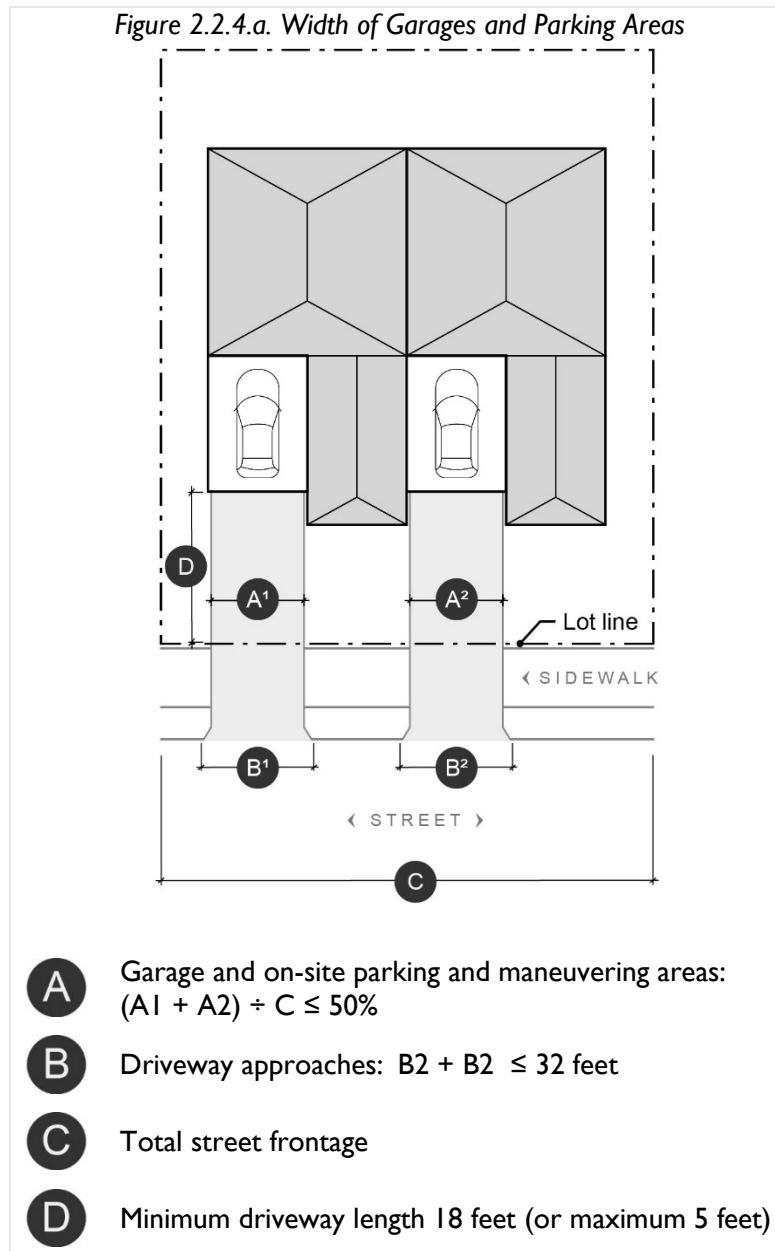
A. Standards.

1. The combined width of all garages and outdoor on-site parking and maneuvering areas, as measured at their widest dimension, shall not exceed a total of 50 percent of the street frontage (see Figure 2.2.4.a). Walkways abutting a driveway are excluded from this calculation.
2. The total width of all driveway approaches must not exceed 32 feet, as measured at the lot lines.

B. Exceptions.

1. The following are exempt from these standards:
 - a. Accessible or adaptable units.
 - b. Lots that receive vehicular access only from an alley.
2. Garages or off-street parking areas that are separated from the street lot line by a dwelling or that are more than 40 feet from the street lot line are exempt from subsection (A)(1).

2 – Detached Single-Unit and Duplex



2.3 Unit Configuration and Conversions – Duplex

2.3.1 Unit Configuration

A. Standard.

1. Duplex units may be attached to each other.
2. Duplex units may be detached where:

2 – Detached Single-Unit and Duplex

- a. The units are sited on a lot with retained units under Section 1.4;
 - b. No more than one detached unit on the lot exceeds 1,200 square feet; or
 - c. The unit(s) qualify for at least one bonus category, as provided in Chapter 8.
3. Accessory dwelling units may be attached to a single-unit dwelling or detached in accordance with Chapter 7.
 4. Where units are added to a lot with a retained dwelling unit(s), pursuant to Section 1.4, one added unit with a floor area of 1,000 square feet or less may qualify as an accessory dwelling unit under the standards in Chapter 7.

B. Exceptions. None.

2.3.2 Conversions

Additions to, or conversions of, an existing detached single-unit dwelling into a duplex is allowed, provided that the addition or conversion does not increase nonconformance with applicable siting and design standards of this Model Code, unless increasing nonconformance is otherwise permitted by the city's development regulations.

3 – Triplex and Quadplex

Chapter 3 – Triplex and Quadplex

Sections:

- 3.1 Siting Standards – Triplex and Quadplex
- 3.2 Design Standards – Triplex and Quadplex
- 3.3 Unit Configuration and Conversions – Triplex and Quadplex

3.1 Siting Standards – Triplex and Quadplex

The siting standards in Table 3.1 apply to the development of a triplex or quadplex on a lot, with the following clarifications:

- A.** Standards applicable to a lot (i.e., FAR, minimum density, setbacks, and outdoor area) apply to the parent lot, not child lots created by a Middle Housing Land Division.
- B.** For qualified projects, the standards in Table 3.1 may be modified by the applicable bonuses in Chapter 8.
- C.** Per Section 1.4, retained units within middle housing development are not subject to these standards, and do not count toward maximum floor area ratio.

TABLE 3.1 SITING STANDARDS - TRIPLEX AND QUADPLEX	
Maximum Floor Area Ratio (FAR) (see Section 10.1.1)	
• 3 total dwelling units (Triplex)	1.1:1
• 4 total dwelling units (Quadplex)	1.4:1
Maximum Building/Structure Height (see Section 10.1.2)	35 ft
Minimum Density (see Section 10.1.3)	1 unit per 3,630 sf of net site area
Minimum Setbacks (see Section 10.1.4)	
• Front building setback	5 ft
• Side building setback	5 ft
• Rear building setback	5 ft
• Garage entrance setback (driveway length)	18 ft (or max. 5 ft)
Minimum Required Outdoor Area and Usable Open Space (see Section 10.1.5)	
• Required Outdoor Area	15% of lot area
• Usable Open Space	None
Vehicle Parking (see Section 10.1.6)	
• Minimum number of off-street spaces	None
• Maximum number of off-street spaces	2 spaces per unit

3 – Triplex and Quadplex

TABLE 3.1 SITING STANDARDS - TRIPLEX AND QUADPLEX

Minimum Number of Bicycle Parking Spaces (see Section 10.1.7)	
• Long-term Spaces	None
• Short-term Spaces	None

3.2 Design Standards – Triplex and Quadplex

Except as provided in Section 1.5, the design standards in this section apply to the development of a triplex or quadplex on a lot.

3.2.1 Entry Orientation and Pedestrian Connectivity

A. Standard. At least one main entrance for each residential structure must comply with all the following standards. The entrance must:

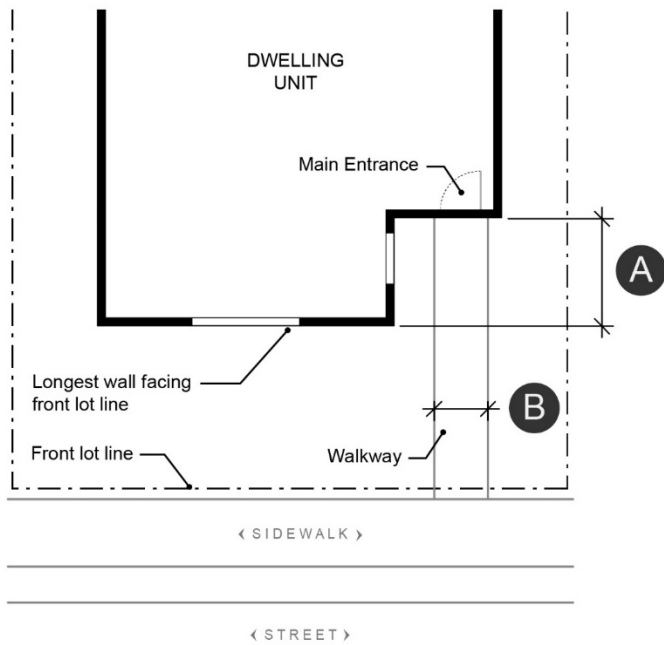
1. Be no more than 8 feet farther from the front lot line than the structure's longest wall that faces the front lot line.
2. Meet at least one of the following:
 - a. Face the street (see Figure 3.2.1.a),
 - b. Be at an angle of up to 45 degrees from the street (see Figure 3.2.1.b);
 - c. Face a common open space that is adjacent to the street and is abutted by dwellings on at least two sides (see Figure 3.2.1.c); or
 - d. Open onto a covered porch or covered patio (see Figure 3.2.1.d). The porch or patio must:
 - i. Be at least 25 square feet in area; and
 - ii. Have at least one entrance facing the street.
3. Connect to the sidewalk by a hard-surfaced walkway other than a driveway. The walkway shall have a minimum width of 2 feet (see Figure 3.2.1.a). The walkway may abut the driveway (see Figure 3.2.1.d). Where there is no sidewalk abutting the property, the walkway shall extend to the street lot line.

B. Exceptions. The following are exempt from these standards:

1. Any detached structure for which more than 50 percent of its street-facing facade is separated from the street lot line by:
 - a. A dwelling; or
 - b. A buildable lot with a depth of at least 20 feet measured from the street lot line.
2. Accessible or adaptable units, provided the main entrance is connected to the public sidewalk by an accessible walkway.

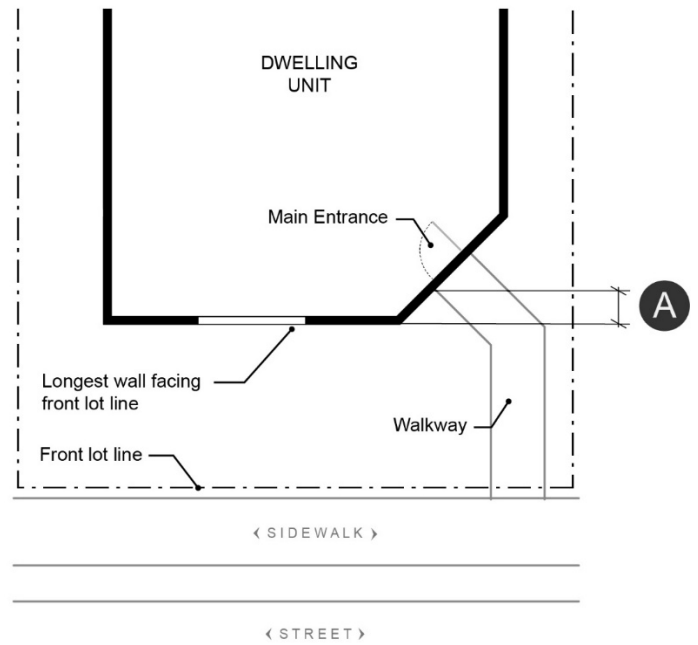
3 – Triplex and Quadplex

Figure 3.2.1.a. Main Entrance Facing the Street



- A** Maximum 8 feet from entry to longest wall facing front lot line
- B** Walkway width minimum 2 feet

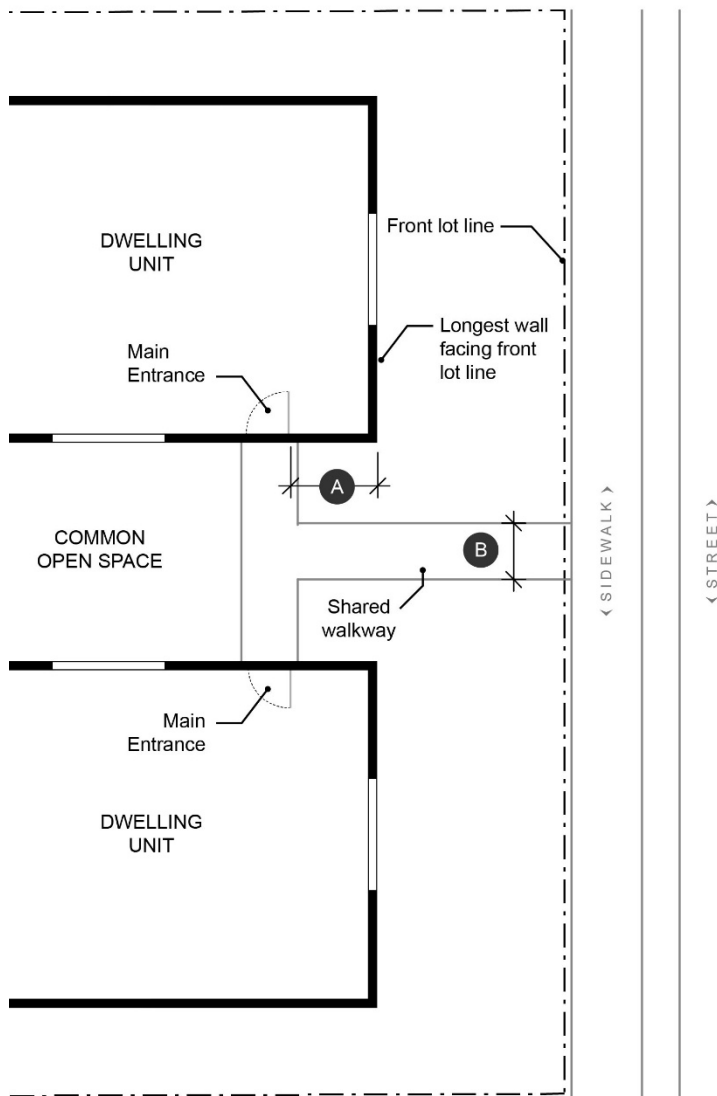
Figure 3.2.1.b. Main Entrance at 45° Angle from the Street



- A** Maximum 8 feet from entry to longest wall facing front lot line

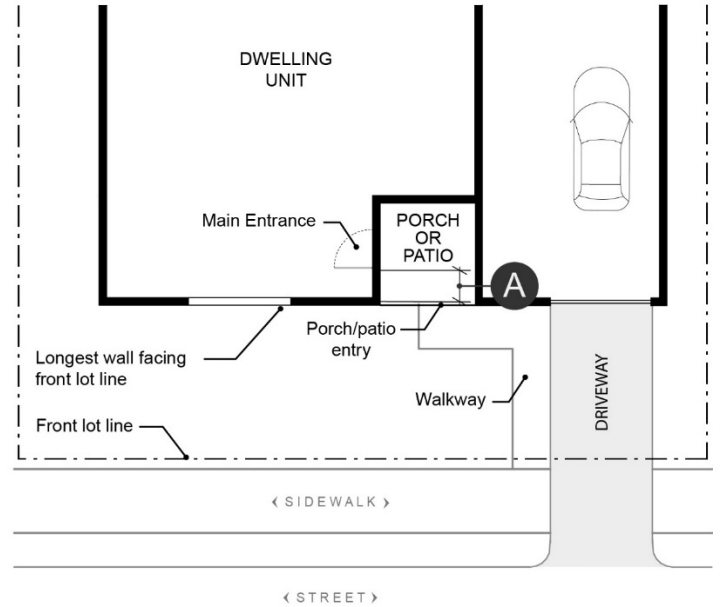
3 – Triplex and Quadplex

Figure 3.2.1.c. Main Entrance Facing Common Open Space



- A** Maximum 8 feet from entry to longest wall facing front lot line
- B** Walkway width minimum 2 feet

Figure 3.2.1.d. Main Entrance Opening onto a Porch



- A** Maximum 8 feet from entry to longest wall facing front lot line

3 – Triplex and Quadplex

3.2.2 Transitions to Residential Entrances

The following standards apply to each main entrance that is 10 feet or closer to a street lot line and provides direct access to a dwelling unit.

A. Standards. The main entrance must have at least two of the following within the setback:

1. A wall or fence that is 18 to 36 inches high and at least 4 feet wide.
2. Landscaping that meets the city's planting standards.
3. For each street-facing entrance, one canopy tree that is at least 1.5 inches in diameter, or at least 4 feet in height when planted, and that will achieve a mature canopy spread of at least 10 feet. An existing, retained tree may be used to meet this standard.
4. Common or private outdoor area of at least 48 square feet designed so that a 4-foot by 6-foot dimension will fit entirely within it.

B. Exceptions. None.

3.2.3 Windows and Doors

A. Standard.

1. Windows or pedestrian entrance doors must be provided on street-facing facades as follows:
 - a. At least one street-facing façade must have a minimum of 15 percent windows or pedestrian entrance doors.
 - b. All other street-facing facades must have a minimum of 10 percent windows or pedestrian entrance doors.
2. See Section 10.1.8 for measurement methodology.

B. Exceptions. The following facades are exempt from these standards:

1. Facades separated from the street lot line by a dwelling, or by a buildable lot with a depth of at least 20 feet measured from the street lot line.
2. Facades that are more than 40 feet from the street lot line.
3. Facades facing an alley.

3.2.4 Off-Street Parking Areas

The following standards apply to the parent lot, not child lots created by a Middle Housing Land Division.

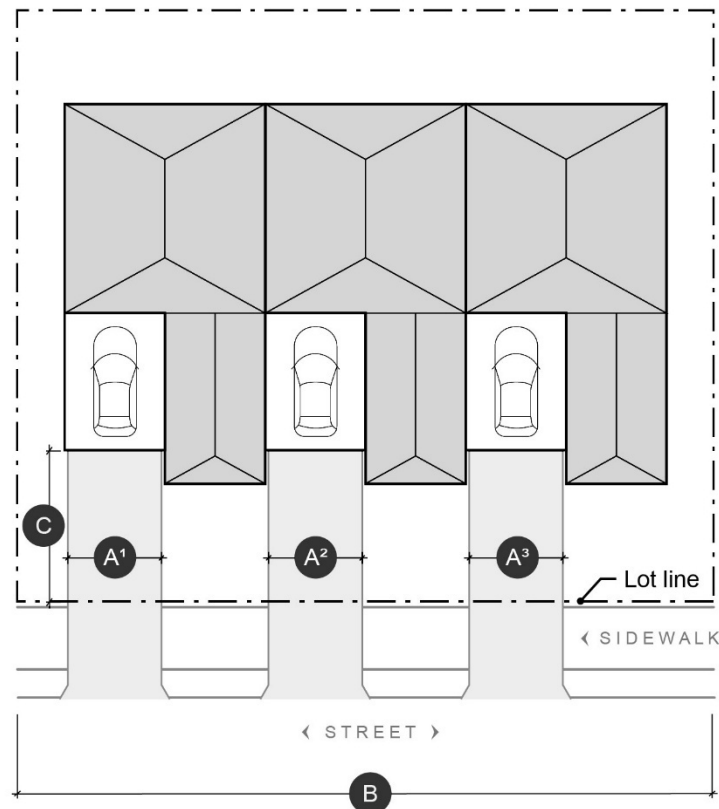
A. Standard. The combined width of all garages and outdoor on-site parking and maneuvering areas, as measured at their widest dimension, shall not exceed a total of 50 percent of the street frontage (see Figure 3.2.4.a). Walkways abutting a driveway are excluded from this calculation.

B. Exceptions. The following are exempt from these standards:

3 – Triplex and Quadplex

1. Accessible or adaptable units.
2. Lots that receive vehicular access from an alley.
3. Garages or off-street parking areas that are separated from the street lot line by a dwelling.

Figure 3.2.4.a. Width of Garages and Parking Areas



- A** Garage and on-site parking and maneuvering areas: $(A1 + A2 + A3) \div B \leq 50\%$
- B** Total street frontage
- C** Minimum driveway length 18 feet (or maximum 5 feet)

3 – Triplex and Quadplex

3.2.5 Driveway Approach

A. Standard. Driveway approaches must comply with the following:

1. The total width of all driveway approaches must not exceed 32 feet per frontage, as measured at the lot line (see Figures 3.2.5.a and 3.2.5.c). For lots with more than one frontage, see subsection (3).
2. Driveway approaches may be separated when located on a local street (see Figure 3.2.5.a). If approaches are separated, they must meet the city's driveway spacing standards applicable to local streets.
3. In addition, lots with more than one frontage must comply with the following:
 - a. Lots must access the street with the lowest transportation classification for vehicle traffic. For lots abutting an alley that meets the city's standards for width and pavement, access must be taken from the alley (see Figure 3.2.5.b).
 - b. Lots with frontages only on collectors or arterial streets must meet the city's access standards applicable to collectors or arterials.
 - c. Triplexes and quadplexes on lots with frontages only on local streets may have either:
 - i. Two driveway approaches not exceeding 32 feet in total width on one frontage (see Figure 3.2.5.d); or
 - ii. One maximum 16-foot-wide driveway approach per frontage (see Figure 3.2.5.e).

B. Exceptions. Accessible or adaptable units are exempt from the standards in subsections (A)(1) and (A)(3)(c).

3 – Triplex and Quadplex

Figure 3.2.5.a. Driveway Approach Width and Separation on Local Street

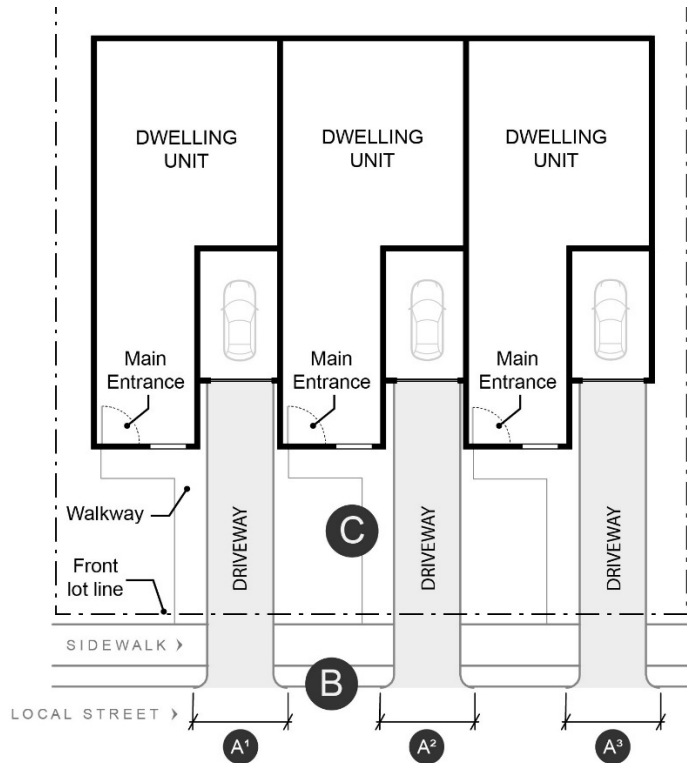
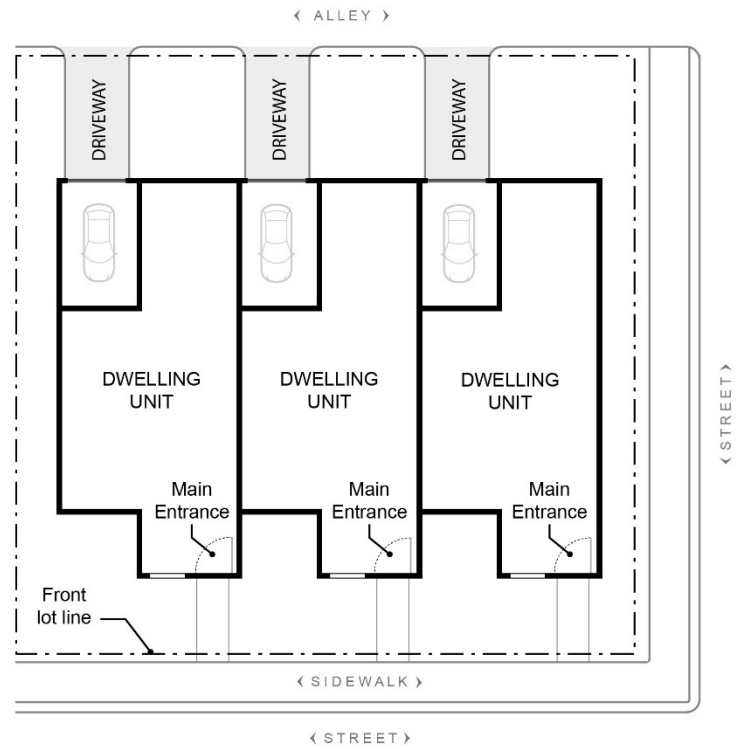


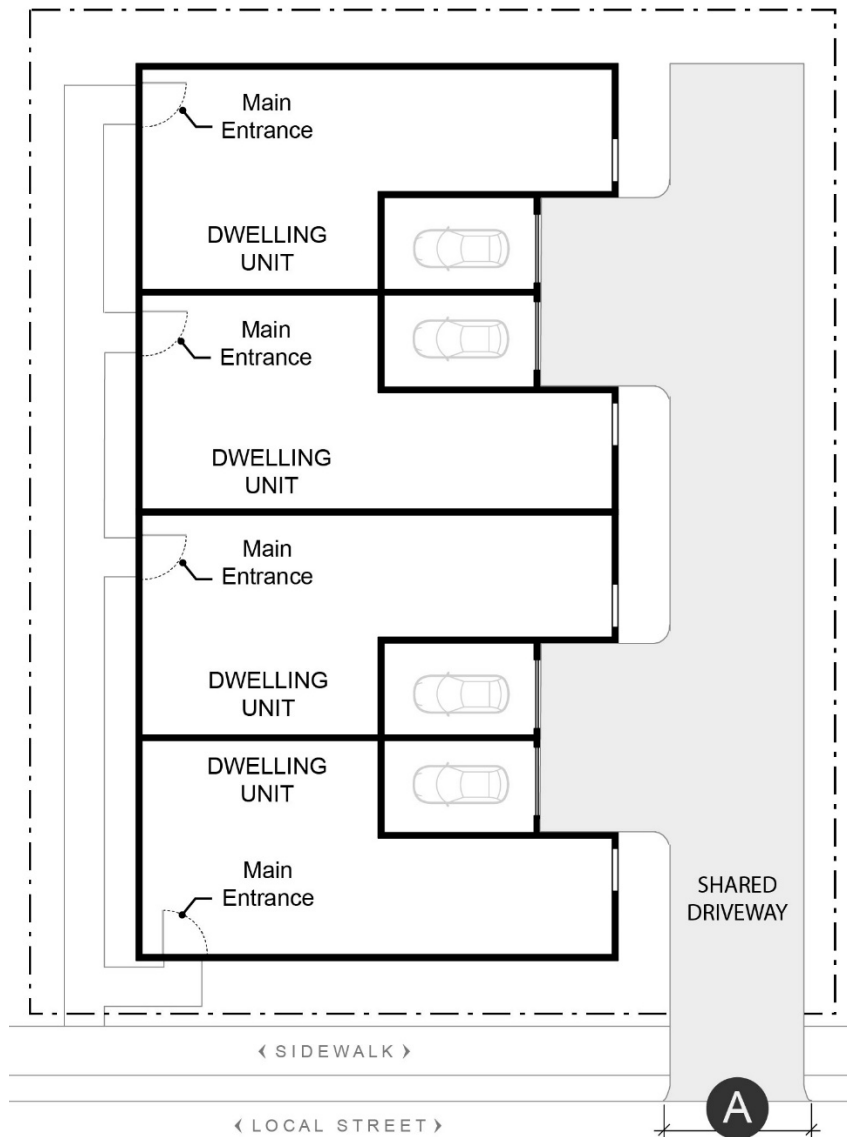
Figure 3.2.5.b. Alley Access



- A** $A^1 + A^2 + A^3 \leq 32$ feet
- B** Driveway approaches must meet separation standards for a local street.
- C** Walkway may abut driveway

3 – Triplex and Quadplex

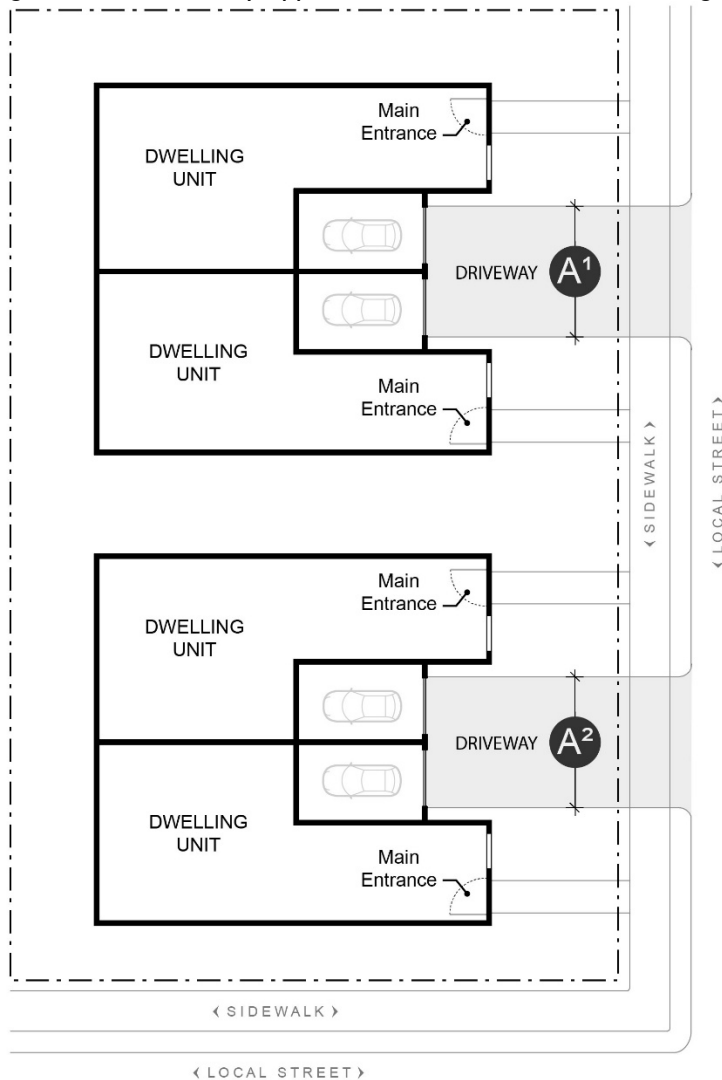
Figure 3.2.5.c. Driveway Approach Width on Local Street – Shared Driveway



- A** Maximum width of driveway approach(es) 32 feet

3 – Triplex and Quadplex

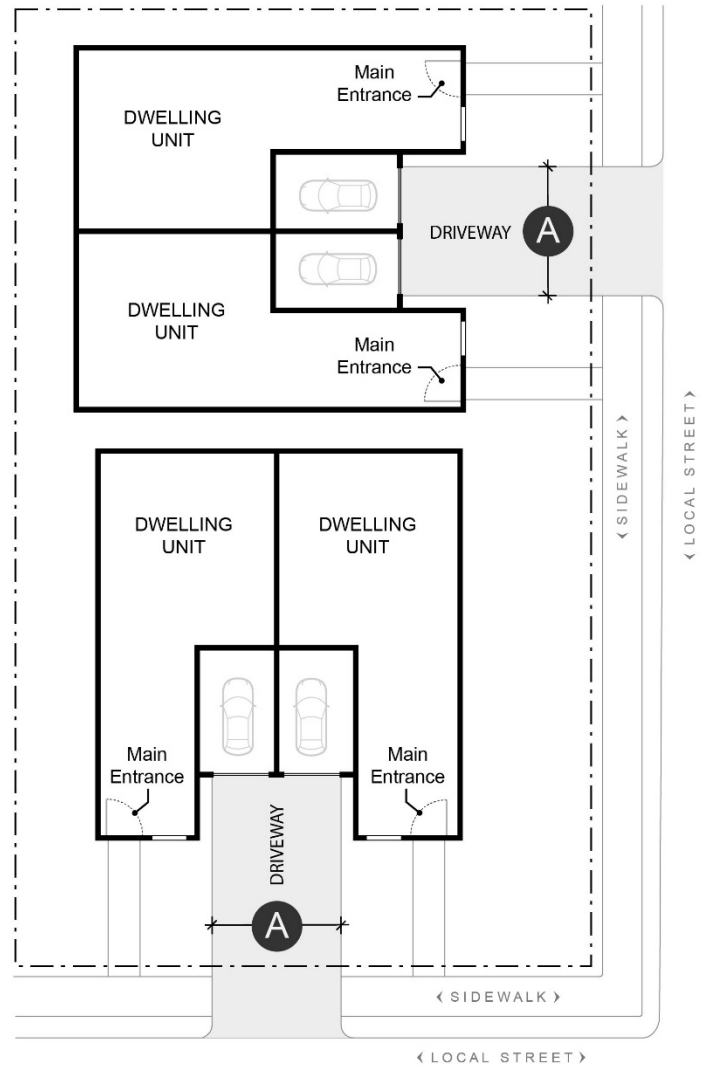
Figure 3.2.5.d. Driveway Approaches on One Local Street Frontage



A

One maximum 16-foot-wide driveway approach per frontage

Figure 3.2.5.e. Driveway Approaches on Two Local Street Frontages



A

Two driveway approaches on one frontage:
 $A^1 + A^2 \leq 32$ feet

3 – Triplex and Quadplex

3.2.6 Trash Storage

- A. Standard.** Shared storage facilities for trash and recycling receptacles that are located within 20 feet of a street lot line or a lot line abutting residential property shall meet the following standards:
1. The storage facility shall be screened from street lot lines and abutting residential properties by a wall, solid fence, or evergreen hedge. Except as specified in subsection (3), the screen must be at least 4 feet in height and located no more than 3 feet from the storage facility.
 2. The storage facility must be separated from the street lot line by at least 5 feet.
 3. For lot lines abutting residential properties, the storage facility must either be setback from the lot line by at least 5 feet, or the screen facing the lot line must be at least 6 feet in height.
- B. Exceptions.** Trash and recycling receptacles stored within a building are exempt from these standards.

3.3 Unit Configuration and Conversions – Triplex and Quadplex

3.3.1 Unit Configuration

- A. Standard.**
1. The units in a triplex or quadplex may be attached to each other.
 2. The units in a triplex or quadplex may be detached where:
 - a. The units are sited on a lot with retained units under Section 1.4;
 - b. No more than one detached unit on the lot exceeds 1,200 square feet; or
 - c. The unit(s) qualify for at least one bonus category, as provided in Chapter 8.
- B. Exceptions.** None.

3.3.2 Conversions

Additions to, or conversions of, an existing detached single-unit dwelling or duplex into a triplex or quadplex is allowed, provided that the addition or conversion does not increase nonconformance with applicable standards of this Model Code, unless increasing nonconformance is otherwise permitted by the city's development regulations.

4 – Townhouse

Chapter 4 – Townhouse

Sections:

4.1 Siting Standards – Townhouse

4.2 Design Standards – Townhouse

4.1 Siting Standards – Townhouse

The siting standards in Table 4.1 apply to Townhouses, with the following clarifications:

- A.** FAR, minimum density, and outdoor area standards are calculated based on a townhouse site, not each townhouse lot (refer to the “site” definition in Section 10.2).
- B.** For qualified projects, the standards in Table 4.1 may be modified by the applicable bonuses in Chapter 8.
- C.** Per Section 1.4, retained units within middle housing development are not subject to these standards, and do not count toward maximum floor area ratio.

TABLE 4.1 SITING STANDARDS - TOWNHOUSE	
Minimum Street Frontage for Townhouse Lots with Individual Driveway Access onto a Public Street (see Section 4.2.4)	15 feet
Maximum Floor Area Ratio (FAR) (see Section 10.1.1)	1.4:1
Maximum Building/Structure Height (see Section 10.1.2)	35 ft
Maximum Number of Attached Townhouses per Structure	6 Townhouses
Minimum Density (see Section 10.1.3)	1 unit per 2,720 sf of net site area
Minimum Setbacks (see Section 10.1.4)	
• Front building setback	5 ft
• Common wall setback (along lot line where units are attached)	0 ft
• Side building setback	5 ft
• Rear building setback	5 ft
• Garage entrance setback (driveway length)	18 ft (or max. 5 ft)
Minimum Required Outdoor Area and Usable Open Space (see Section 10.1.5)	
• Required Outdoor Area	15% of site area
• Usable Open Space	None
Vehicle Parking (see Section 10.1.6)	
• Minimum number of off-street spaces	None
• Maximum number of off-street spaces	2 spaces per unit

4 – Townhouse

TABLE 4.1 SITING STANDARDS - TOWNHOUSE	
Minimum Number of Bicycle Parking Spaces (see Section 10.1.7)	
• Long-term Spaces	None
• Short-term Spaces	None
Areas Owned in Common Common areas must be maintained by a homeowners association or other legal entity. Such legal entity may also be responsible for exterior building maintenance. A copy of any applicable covenants, restrictions and conditions must be recorded and provided to the city prior to issuance of a building permit.	

4.2 Design Standards – Townhouse

Except as provided in Section 1.5, the design standards in this section apply to the development of townhouses.

4.2.1 Entry Orientation and Pedestrian Connectivity

A. Standard. A main entrance to each townhouse must comply with all the following standards (see Figure 4.2.1.a). The entrance must:

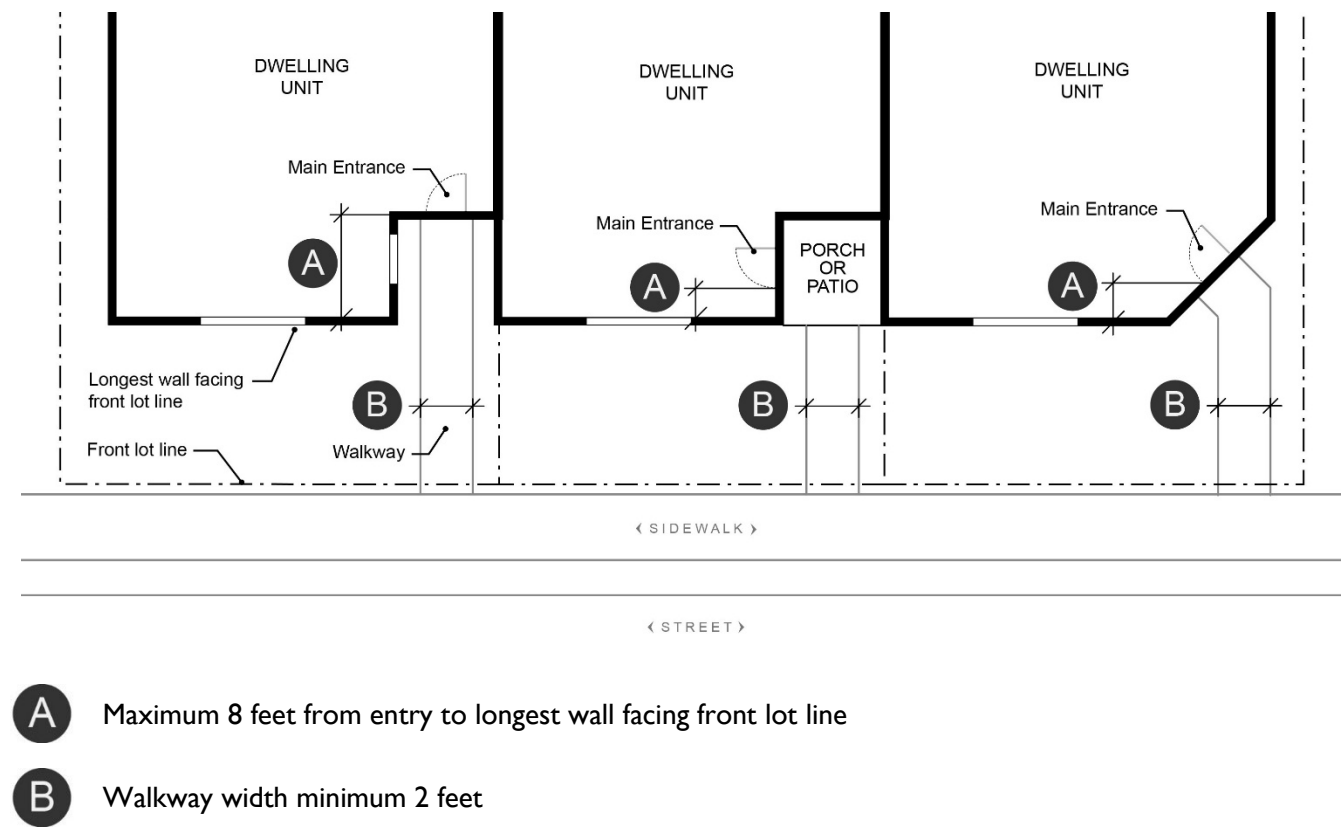
1. Be no more than 8 feet farther from the front lot line than the dwelling unit's longest wall that faces the front lot line.
2. Meet at least one of the following:
 - a. Face the street,
 - b. Be at an angle of up to 45 degrees from the street; or
 - c. Open onto a covered porch or covered patio. The porch or patio must:
 - i. Be at least 25 square feet in area; and
 - ii. Have at least one entrance facing the street.
3. Connect to the sidewalk by a hard-surfaced walkway other than the driveway. The walkway shall have a minimum width of 2 feet. The walkway may abut the driveway. Where there is no sidewalk abutting the property, the walkway shall extend to the street lot line.

B. Exceptions. The following are exempt from these standards:

1. Townhouses on townhouse lots that do not have public street frontage.
2. Townhouses with ground levels that are designed as accessible or adaptable, provided the main entrance is connected to the public sidewalk by an accessible walkway.

4 – Townhouse

Figure 4.2.1.a. Main Entrance Facing the Street, at 45° Angle, or Opening onto a Porch



4.2.2 Transitions to Residential Entrances

The following standards apply to each main entrance that is 10 feet or closer to a street lot line.

A. Standards. The main entrance must have at least two of the following within the setback:

1. A wall or fence that is 18 to 36 inches high and at least 4 feet wide.
2. Landscaping that meets the city's planting standards.
3. For each street-facing entrance, one canopy tree that is at least 1.5 inches in diameter, or at least 4 feet in height when planted, and that will achieve a mature canopy spread of at least 10 feet. An existing, retained tree may be used to meet this standard.
4. Common or private outdoor area of at least 48 square feet designed so that a 4-foot by 6-foot dimension will fit entirely within it.

B. Exceptions. None.

4 – Townhouse

4.2.3 Windows and Doors

A. Standard.

1. Windows or pedestrian entrance doors must be provided on street-facing facades on each individual unit as follows:
 - a. At least one street-facing façade must have a minimum of 15 percent windows or pedestrian entrance doors.
 - b. All other street-facing facades must have a minimum of 10 percent windows or pedestrian entrance doors.
2. See Section 10.1.8 for measurement methodology.

B. Exceptions. The following facades are exempt from these standards:

1. Facades separated from the street lot line by a dwelling, or by a buildable lot with a depth of at least 20 feet measured from the street lot line.
2. Facades that are more than 40 feet from the street lot line.
3. Facades facing an alley.

4.2.4 Driveway Access and Parking

A. Standard. Townhouse lots with frontage on a public street shall either meet the standards in subsection (1) or subsection (2). Townhouse lots without frontage on a public street are subject to subsection (3).

1. Where garage entrances, off-street parking areas, or driveways are located between a townhouse and a public street (other than an alley), the following standards shall be met (see Figure 4.2.4.a).
 - a. The townhouse lot shall have at least 15 feet of street frontage on a local street.
 - b. A maximum of one driveway approach is allowed for every townhouse. Driveway approaches or driveways may be shared.
 - c. On each townhouse lot, the width of the following features shall not exceed 12 feet, or 60 percent of the lot frontage width, whichever is less:
 - i. Outdoor on-site parking and maneuvering areas; and
 - ii. Garages, as measured from the inside of the garage door frame.
 - d. This standard does not supersede a city's driveway separation standards.
2. For all other configurations of driveway access and parking, the following standards shall be met.

4 – Townhouse

- a. A townhouse project that includes a corner lot shall take access from a single driveway approach on the side of the corner lot. See Figure 4.2.4.b.
 - b. Townhouse projects that do not include a corner lot shall consolidate access for all lots into a single driveway. See Figure 4.2.4.c.
 - c. A townhouse project that includes consolidated access or shared driveways shall grant access easements to allow normal vehicular access and emergency access. Driveway and approach widths are subject to the city's public works standards.
3. Townhouse lots that do not have public street frontage may be accessed from a shared driveway located within an access easement or tract that allows normal vehicular access and emergency access. See Figure 4.2.4.d.

B. Exceptions.

1. Townhouse projects in which vehicular access for all units is exclusively from a rear alley are exempt from these standards.
2. Townhouses with ground levels that are designed as accessible or adaptable are exempt from subsection (A)(1)(c).

4.2.5 Trash Storage

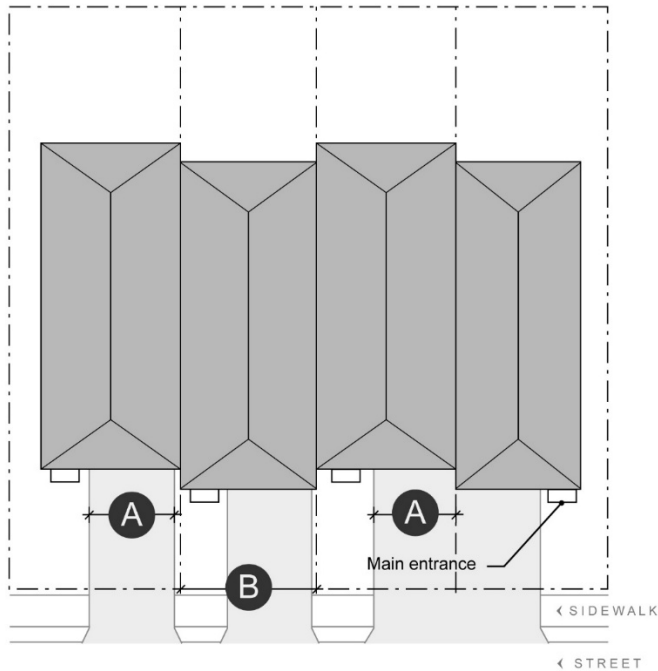
A. Standard. Shared storage facilities for trash and recycling receptacles that are located within 20 feet of a street lot line or a lot line abutting residential property shall meet the following standards:

1. The storage facility shall be screened from street lot lines and abutting residential properties by a wall, solid fence, or evergreen hedge. Except as specified in subsection (3), the screen must be at least 4 feet in height and located no more than 3 feet from the storage facility.
2. The storage facility must be separated from the street lot line by at least 5 feet.
3. For lot lines abutting residential properties, the storage facility must either be setback from the lot line by at least 5 feet, or the screen facing the lot line must be at least 6 feet in height.

B. Exceptions. Trash and recycling receptacles stored within a building are exempt from these standards.

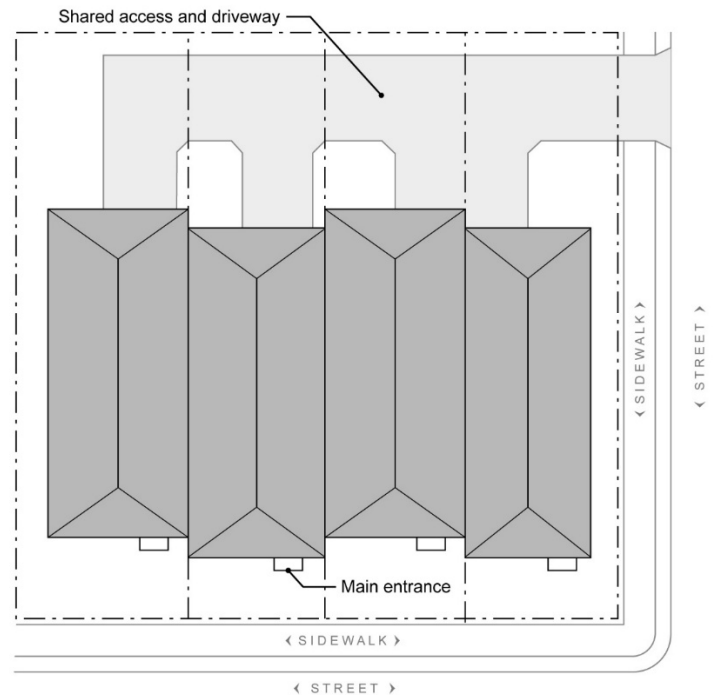
4 – Townhouse

Figure 4.2.4.a. Townhouses with Parking in Front Yard



- A** Maximum width of driveway, parking or maneuvering area, or garage: 12 feet or 60% of lot frontage width, whichever is less
- B** Minimum 15 feet of street frontage

Figure 4.2.4.b. Townhouses on Corner Lot with Shared Access



4 – Townhouse

Figure 4.2.4.c. Townhouses with Consolidated Access

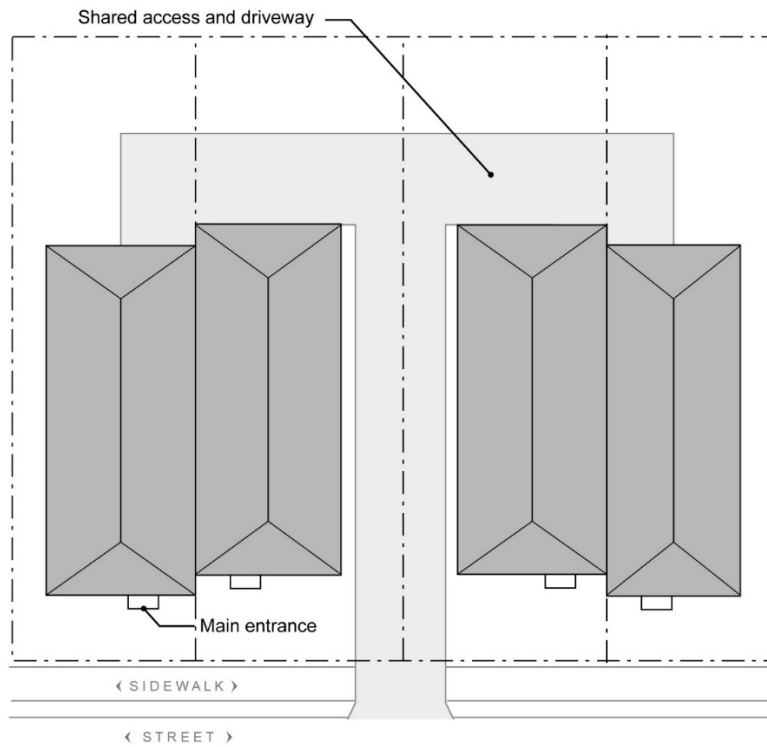
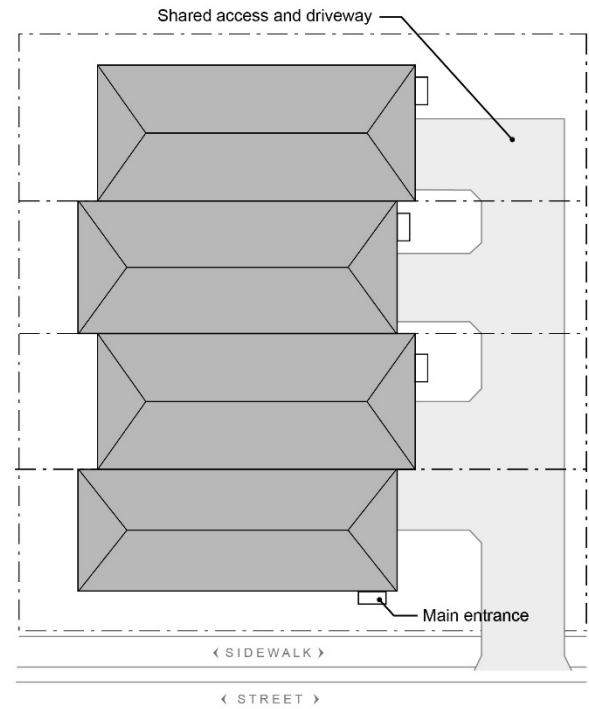


Figure 4.2.4.d. Townhouses with Access from Shared Driveway and Access Easement/Tract



5 – Cottage Cluster

Chapter 5 – Cottage Cluster

Sections:

- 5.1 Siting Standards – Cottage Cluster
- 5.2 Design Standards - Cottage Cluster

5.1 Siting Standards – Cottage Cluster

The siting standards in Table 5.1 apply to the development of a cottage cluster, with the following clarifications:

- A.** Standards applicable to a lot (i.e., minimum density, setbacks, and outdoor area) apply to the parent lot, not child lots created by a Middle Housing Land Division.
- B.** For qualified projects, the standards in Table 5.1 may be modified by the applicable bonuses in Chapter 8.
- C.** Per Section 1.4, retained units within middle housing development are not subject to these standards.

TABLE 5.1 SITING STANDARDS - COTTAGE CLUSTER	
Maximum Number of Cottages per Cottage Cluster	12 cottages
Maximum Floor Area Ratio (FAR) (see Section 10.1.1)	None
Average Cottage Size. Based on average floor area of all cottages and community buildings within the cottage cluster (see Section 10.1.1).	1,400 sf or less
Average Cottage Footprint	
• Average of cottages with height of 15 feet or less	1,400 sf or less
• Average of cottages with height over 15 feet	900 sf or less
Maximum Building/Structure Height (see Section 10.1.2)	25 ft
Minimum Density (see Section 10.1.3)	1 unit per 3,630 sf of net site area
Minimum Setbacks (see Section 10.1.4)	
• Front building setback	5 ft
• Side building setback	5 ft
• Rear building setback	5 ft
• Garage entrance setback (driveway length)	18 ft (or max. 5 ft)
Minimum Required Open Space - Courtyard (see Section 5.2.2)	150 sf per cottage
Vehicle Parking (see Section 10.1.6)	
• Minimum number of off-street spaces	None
• Maximum number of off-street spaces	None

5 – Cottage Cluster

TABLE 5.1 SITING STANDARDS - COTTAGE CLUSTER	
Minimum Number of Bicycle Parking Spaces (see Section 10.1.7)	
• Long-term Spaces	None
• Short-term Spaces	None
Areas Owned in Common Common areas must be maintained by a homeowners association or other legal entity. Such legal entity may also be responsible for exterior building maintenance. A copy of any applicable covenants, restrictions and conditions must be recorded and provided to the city prior to issuance of a building permit.	

5 – Cottage Cluster

5.2 Design Standards – Cottage Cluster

Except as provided in Section 1.5, the design standards in this section apply to the development of cottage clusters.

5.2.1 Cottage Orientation

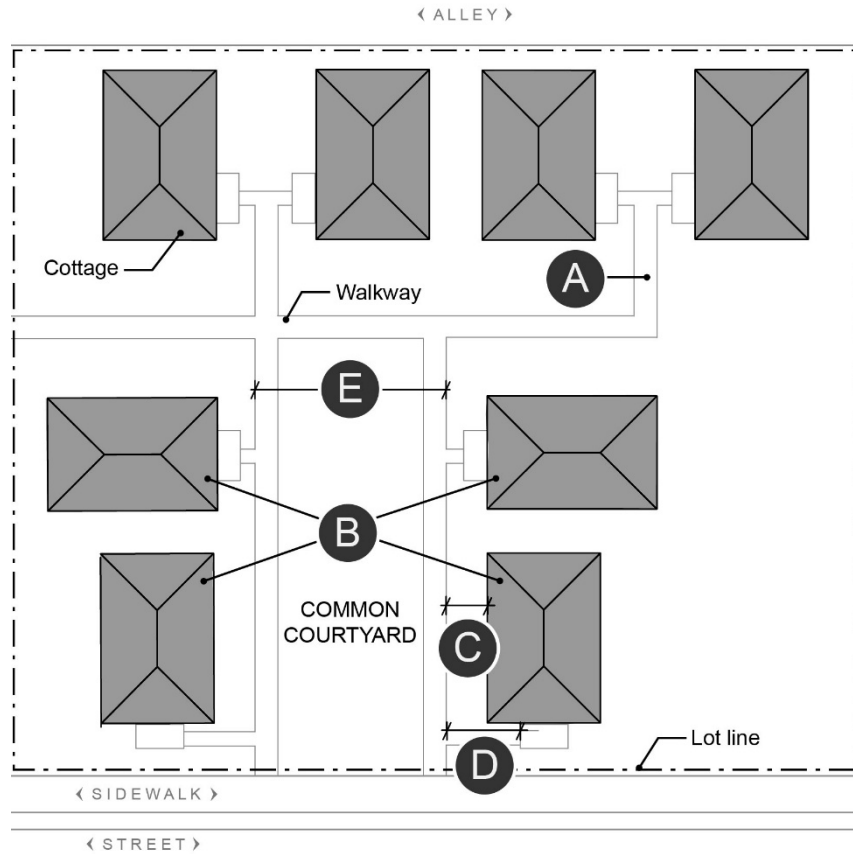
- A. Standard.** Cottages must be clustered around a common courtyard, as demonstrated by meeting the following standards (see Figure 5.2.2.a):
1. Each cottage within a cluster must have a main entrance that is directly connected to the common courtyard by a pedestrian walkway.
 2. A minimum of 50 percent of cottages within a cluster must:
 - a. Be within 10 feet from the common courtyard, measured from the nearest façade of the cottage to the nearest edge of the common courtyard; and
 - b. Have a main entrance that either faces the common courtyard or is no more than 20 feet from the common courtyard.
 3. Cottages must abut the common courtyard on at least two sides of the courtyard.
- B. Exceptions.** An existing dwelling or dwellings included within a cottage cluster pursuant to Section 5.2.8 may be excluded from the calculation of cottages oriented toward the common courtyard at the applicant's option.

5.2.2 Common Courtyard Design Standards

- A. Standard.** Each cottage cluster must share a common courtyard that meets the following standards (see Figure 5.2.2.a):
1. The common courtyard must be a single, contiguous piece.
 2. The common courtyard must be a minimum of 15 feet wide at its narrowest dimension and must meet the minimum area standard in Table 5.1.
 3. The common courtyard shall be developed with a mix of landscaping, lawn area, pedestrian walkways, or paved courtyard area, and may also include recreational amenities. Impervious elements of the common courtyard shall not exceed 75 percent of the total common courtyard area.
 4. Common courtyards must include pedestrian walkways. Walkways that are contiguous to a courtyard shall count toward the courtyard's minimum dimension and area. Parking areas, required setbacks, and driveways do not qualify as part of a common courtyard.
- B. Exceptions.** None.

5 – Cottage Cluster

Figure 5.2.2.a. Cottage Cluster Orientation and Common Courtyard Standards



- A** All cottages connected to courtyard by walkway.
- B** Minimum 50% of cottages meet the orientation requirements illustrated by **C** and **D**.
- C** Maximum 10 feet from cottage to courtyard.
- D** Maximum 20 feet from entry to courtyard.
- E** Minimum 15 feet width at narrowest dimension.

5 – Cottage Cluster

5.2.3 Community Buildings

- A. Standard.** Cottage cluster projects may include community buildings for the shared use of residents that provide space for accessory uses such as community meeting rooms, guest housing, exercise rooms, day care, or community eating areas. Community buildings must meet the following standards:
1. Each cottage cluster is permitted one community building, which shall count towards the maximum average cottage size, pursuant to Table 5.1.
 2. Community buildings shall not include individual storage spaces for residents. However, storage areas for shared equipment or supplies is permitted.
- [Recommended: 3. If a community building meets the definition of a dwelling unit and has a footprint that exceeds the maximum footprint in Table 5.1 or would exceed the maximum number of cottages in a cottage cluster, a covenant must be recorded against the property stating that the structure is not a legal dwelling unit and will not be used as a primary dwelling.]

B. Exceptions. None.

5.2.4 Pedestrian Access

- A. Standard.**
1. A walkway must connect the main entrance of each cottage to the following:
 - a. The common courtyard;
 - b. Shared parking areas;
 - c. Community buildings; and
 - d. Sidewalks in public rights-of-way abutting the lot or rights-of-way if there are no sidewalks.
 2. The walkway must be hard-surfaced and a minimum of 4 feet wide.
 3. An accessible walkway must connect the main entrance of each accessible or adaptable unit to:
 - a. A sidewalk abutting the lot, or a right-of-way if there is no sidewalk; and
 - b. At least one ADA parking space, if provided.

B. Exceptions. None.

5.2.5 Windows and Doors

- A. Standards.** Cottages within 20 feet of a street lot line must meet the following standards:
1. At least one street-facing façade must have a minimum of 15 percent windows or pedestrian entrance doors.
 2. All other street-facing facades must have a minimum of 10 percent windows or pedestrian entrance doors.

5 – Cottage Cluster

3. See Section 10.1.8 for measurement methodology.

B. Exceptions. The following facades are exempt from these standards:

1. Facades separated from the street lot line by a dwelling, or by a buildable lot with a depth of at least 20 feet measured from the street lot line.
2. Facades facing an alley.

5.2.6 Parking Design

A. Standards. (see Figure 5.2.6.a).

1. Clustered parking. Off-street parking may be arranged in clusters, subject to the following standards:
 - a. Cottage cluster projects with fewer than 16 cottages are permitted parking clusters of not more than 5 contiguous spaces.
 - b. Cottage cluster projects with 16 cottages or more are permitted parking clusters of not more than 8 contiguous spaces.
 - c. Parking clusters must be separated from other spaces by at least 4 feet of landscaping.
 - d. Clustered parking areas may be covered.
2. Parking location and access.
 - a. Off-street parking spaces and vehicle maneuvering areas shall not be located:
 - i. Within of 20 feet of any street lot line, except alley lot lines; or
 - ii. Between a street lot line and the front façade of cottages located closest to the street lot line. This standard does not apply to alleys.
 - b. Off-street parking spaces shall not be located within 10 feet of any other lot line, except alley lot lines. Driveways and drive aisles are permitted within 10 feet of other lot lines.
3. Screening. Landscaping, fencing, or walls at least 3 feet tall shall separate clustered parking areas and parking structures from common courtyards and public streets.
4. Garages and carports.
 - a. Garages and carports (whether shared or individual) must not abut common courtyards.
 - b. Individual attached garages up to 200 square feet shall be exempted from the calculation of maximum building footprint for cottages.
 - c. Individual detached garages must not exceed 400 square feet in floor area.
 - d. Garage doors for attached and detached individual garages must not exceed 20 feet in width.

B. Exceptions. None.

5 – Cottage Cluster

5.2.7 Accessory Structures

- A. Standard.** Accessory structures (excluding community buildings) must not exceed 400 square feet in floor area.
- B. Exceptions.** None.

5.2.8 Existing Structures

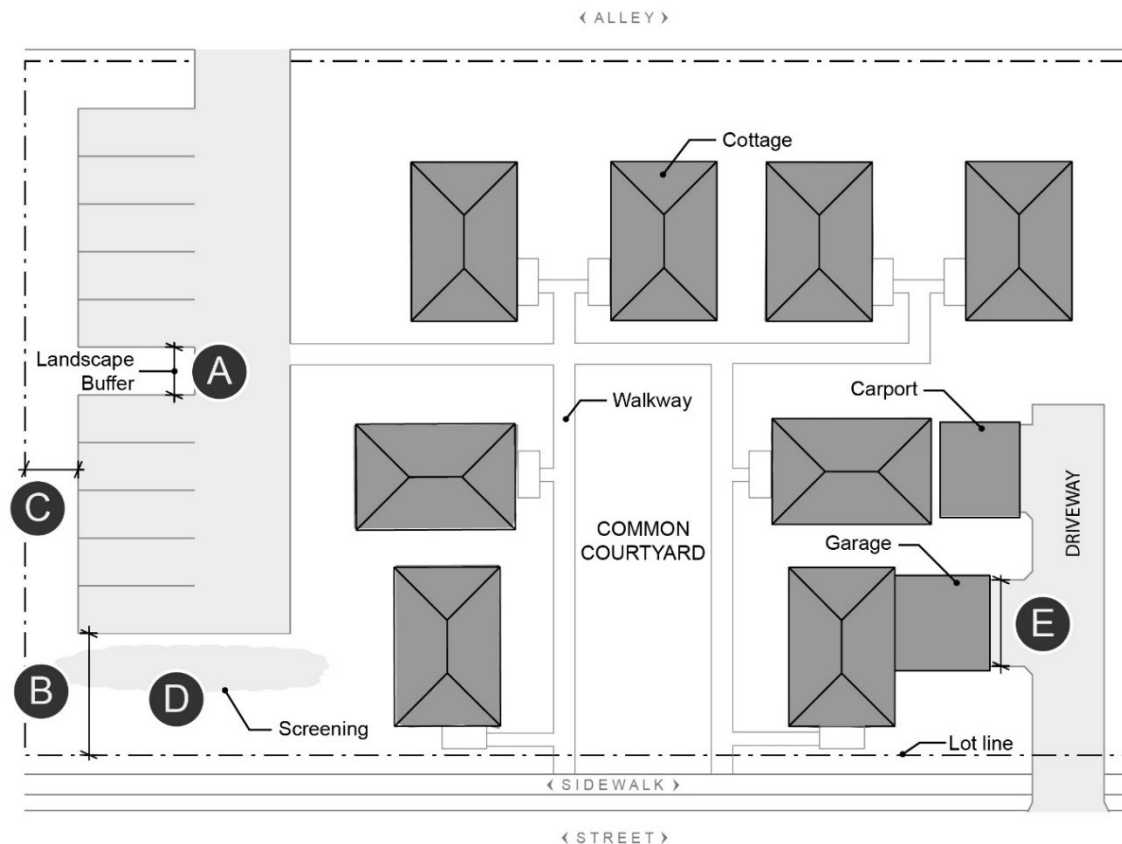
- A. Standard.** On a lot to be used for a cottage cluster project, existing units retained under Section 1.4 may remain within the cottage cluster project area under the following conditions:
 - 1. The retained unit(s) may be nonconforming with respect to the requirements of this code.
 - 2. The retained unit(s) may be expanded up to the maximum height or the maximum building footprint in Table 5.1; however, retained units that exceed the maximum height or footprint of this code may not be expanded.
 - 3. An applicant may choose to exclude the floor area of the retained unit(s) when calculating the average cottage size of a cottage cluster.
- B. Exceptions.** None.

5.2.9 Trash Storage

- A. Standard.** Shared storage facilities for trash and recycling receptacles that are located within 20 feet of a street lot line or a lot line abutting residential property shall meet the following standards:
 - 1. The storage facility shall be screened from street lot lines and abutting residential properties by a wall, solid fence, or evergreen hedge. Except as specified in subsection (3), the screen must be at least 4 feet in height and located no more than 3 feet from the storage facility.
 - 2. The storage facility must be separated from the street lot line by at least 5 feet.
 - 3. For lot lines abutting residential properties, the storage facility must either be setback from the lot line by at least 5 feet, or the screen facing the lot line must be at least 6 feet in height.
- B. Exceptions.** Trash and recycling receptacles stored within a building are exempt from these standards.

5 – Cottage Cluster

Figure 5.2.6.a. Cottage Cluster Parking Design Standards



- A** Parking clusters separated by minimum 4 feet of landscaping.
- B** No parking within 20 feet of street lot line.
- C** No parking within 10 feet of lot line other than street or alley.
- D** Screening required between parking areas or parking structures and public streets or common courtyards.
- E** Maximum 20 feet garage door width.

6 – Multi-Unit Housing

Chapter 6 – Multi-Unit Housing

Sections:

6.1 Siting Standards – Multi-Unit Housing

6.2 Design Standards – Multi-Unit Housing

6.1 Siting Standards – Multi-Unit

The siting standards in Table 6.1 apply to the development of multi-unit housing. For qualified projects, the standards in Table 6.1 may be modified by the applicable bonuses in Chapter 8.

TABLE 6.1 SITING STANDARDS - MULTI-UNIT	
Maximum Floor Area Ratio (FAR) (see Section 10.1.1)	
• Site size: less than 20,000 sf	2.5:1
• Site size: 20,000 sf to 50,000 sf	2:1
• Site size: greater than 50,000 sf	1.5:1
Maximum Building/Structure Height (see Section 10.1.2)	40 feet
Minimum Density (see Section 10.1.3)	1 unit per 2,178 sf of net site area
Minimum Setbacks (see Section 10.1.4)	
• Front building setback	5 ft
• Side building setback	5 ft
• Rear building setback	5 ft
• Garage entrance setback (driveway length)	18 ft (or max. 5 ft)
Minimum Required Outdoor Area and Usable Open Space (see Sections 6.2.6 and 10.1.5)	
• Required Outdoor Area	15% of site area
• Usable Open Space	See Section 6.2.6
Vehicle Parking (see Section 10.1.6)	
• Minimum number of off-street spaces	None
• Maximum number of off-street spaces	
○ Studio Unit	1.2 spaces per unit
○ Non-Studio Unit	2.0 spaces per unit
Minimum Number of Bicycle Parking Spaces (see Section 10.1.7)	
• Long-term Spaces	1.0 space per unit
• Short-term Spaces	2.0 spaces per site, or

6 – Multi-Unit Housing

TABLE 6.1 SITING STANDARDS - MULTI-UNIT

	1.0 space per 20 units, whichever is greater

6.2 Design Standards – Multi-Unit

The design standards in this section apply to the development of multi-unit housing. In sections 6.2.2 and 6.2.8, townhouse style multi-unit housing is subject to different standards than other forms of multi-unit housing. Townhouse style developments are those in which the units have individual ground floor entries, share one or more common walls with one or more other units, and do not share common floors/ceilings with another unit.

6.2.1 Entry Orientation – Non-Townhouse Style

Multi-unit housing other than townhouse style development is subject to the following standards.

A. Standards.

- I. At least one building façade containing a main entrance to a building must be located within 20 feet of a street lot line. If the site abuts more than one street, the building façade meeting this standard must be located in accordance with the following hierarchy:
 - a. Except as provided in (c), if transit is available on one or more abutting streets, within 20 feet of the street lot line of the street with the highest level of transit service.
 - b. Except as provided in (c), if none of the abutting streets have transit service, then within 20 feet of the street lot line of the street with the highest classification in the city's adopted Transportation System Plan (or in the applicable functional classification map or public works or engineering standards).
 - c. In the following circumstances, the applicant may choose the street-facing façade that will contain the main entrance:
 - i. The abutting streets have equal levels of transit service and equal street classifications; or
 - ii. The highest transit service street or highest classification street is an arterial street that includes 4 or more travel lanes designed for through movement of vehicles.
2. The main entrance meeting standard (A)(I), must:
 - a. Be no more than 8 feet farther from the front lot line than the structure's longest wall that faces the front lot line.
 - b. Meet at least one of the following:
 - i. Face the street;
 - ii. Be at an angle of up to 45 degrees from the street;

6 – Multi-Unit Housing

- iii. Face a courtyard, provided the courtyard is no less than 15 feet in width and abuts the street; or
- iv. Open onto a covered porch or covered patio that is at least 25 square feet in area.
- c. Connect to the sidewalk by an accessible walkway in conformance with Section 6.2.4(A)(2). Where there is no sidewalk abutting the property, the walkway shall extend to the street lot line.

B. Exception. If a site abuts only one street, and the abutting street is an arterial with 4 or more travel lanes designed for through movement of vehicles, a building facade with ground floor dwelling units may be set further back than 20 feet, provided the screening standards in Section 6.2.9 are met, except as specified in subsection 6.2.9(B).

6.2.2 Entry Orientation – Townhouse Style

Townhouse style multi-unit housing is subject to the following standards.

- A. Standards.** A main entrance of each unit that is within 40 feet of a public street lot line must comply with all the following standards (see Figure 4.2.1.a). The entrance must:
- 1. Be no more than 8 feet farther from the front lot line than the dwelling unit's longest wall that faces the front lot line
 - 2. Meet at least one of the following:
 - a. Face the street;
 - b. Be at an angle of up to 45 degrees from the street; or
 - c. Open onto a covered porch or covered patio. The porch or patio must:
 - i. Be at least 25 square feet in area; and
 - ii. Have at least one entrance facing the street.
 - 3. Connect to the sidewalk by a hard-surfaced walkway other than the driveway. The walkway shall have a minimum width of 2 feet. The walkway may abut the driveway. Where there is no sidewalk abutting the property, the walkway shall extend to the street lot line.

B. Exceptions. None.

6.2.3 Transitions to Residential Entrances.

The following standards apply to each main entrance that is 10 feet or closer to a street lot line and provides direct access to a dwelling unit.

- A. Standards.** The main entrance must have at least two of the following within the setback:
- 1. A wall or fence that is 18 to 36 inches high and at least 4 feet wide.
 - 2. Landscaping that meets the city's planting standard.

6 – Multi-Unit Housing

3. For each street-facing entrance, one canopy tree that is at least 1.5 inches in diameter, or at least 4 feet in height when planted, and that will achieve a mature canopy spread of at least 10 feet. An existing, retained tree may be used to meet this standard.
4. Common or private outdoor area of at least 48 square feet designed so that a 4-foot by 6-foot dimension will fit entirely within it.

B. Exceptions. None.

6.2.4 Pedestrian Connections

A. Standard.

1. Internal Connections. A system of walkways must connect all main entrances on the site and provide connections to abutting sidewalks, parking areas, bicycle parking, and common outdoor areas. Where there is no sidewalk abutting the property, the walkway shall extend to the street lot line.
2. For sites greater than 50,000 square feet, on-site walkways must connect or be stubbed to allow for an extension to the abutting property in the following circumstances:
 - a. There is an existing walkway on the abutting property that is located in a public right-of-way or public access tract or easement; or
 - b. There is a planned walkway on the abutting property, as identified in the city's adopted Transportation System Plan.
3. Walkway Design.
 - a. Materials and Width. All walkways must be hard surfaced. Except as provided in subsections (i) and (ii), walkways must be at least 5 feet in unobstructed width.
 - i. Walkway width must be increased to 8 feet if the walkway abuts perpendicular or angled parking spaces, unless the spaces are equipped with wheel stops.
 - ii. Where a walkway leads to 4 or fewer individual unit entries, it may have an unobstructed width of 3 feet, increased to at least 4 feet at turns and curves, provided it also meets other ADA standards for accessible walkways, including standards related to passing spaces and slope.
 - b. Crossings with Vehicle Areas. Where the walkway crosses driveways, drive aisles, parking areas, and loading areas, the walkway must be clearly identifiable through the use of elevation changes, a different paving material, or other similar method. Striping does not meet this requirement. Elevation changes for crossings must be at least 4 inches high.
 - c. Walkways Adjacent to Vehicle Areas. Where the walkway is parallel and adjacent to a parking space, driveway, or drive aisle, the walkway must be a raised path or be separated from the vehicular space by a raised curb, bollards, landscaping, or other physical barrier. If a raised path is used, it must be at least 4 inches high. Bollard spacing must be no further apart than 5 feet on center.

6 – Multi-Unit Housing

B. Exceptions. None.

6.2.5 Windows and Doors

A. Standard. A minimum of 15 percent of the area of all street-facing facades must include windows or pedestrian entrance doors. See Section 10.1.8 for measurement methodology.

B. Exceptions. The following facades are exempt from this standard:

1. Facades separated from the street lot line by another building, or by a buildable lot with a depth of at least 20 feet measured from the street lot line.
2. Facades that are more than 40 feet from the street lot line.
3. Facades facing an alley.

6.2.6 Required Outdoor Area and Usable Open Space

A. Standard.

1. Minimum Outdoor Area. Except as specified in subsection (B), a minimum of 15 percent of the gross site area must be provided as outdoor area meeting the description and standards in Section 10.1.5.
2. Minimum Usable Open Space. For sites over 20,000 square feet in gross site area, a percentage of the required outdoor area must be permanently reserved as shared, usable open space available for use by the residents:
 - a. For sites between 20,000 and 50,000 square feet, at least 25 percent of the required outdoor area must be usable open space.
 - b. For sites 50,000 square feet or larger, at least 50 percent of the required outdoor area must be usable open space.
3. Usable Open Space Standards. The usable open space shall meet the following criteria:
 - a. The usable open space shall contain one or more of the features specified in Section 10.1.5(B)(2).
 - b. In order to be counted as eligible toward the minimum usable open space area, such areas shall have dimensions of not less than 10 feet.
 - c. Up to 50 percent of the required usable open space may be provided as indoor recreation or community space provided it is accessible to all residents.

B. Exceptions.

1. For sites under 50,000 square feet in size, 100 percent of the required outdoor area may be met by:
 - a. A rooftop garden provided it is accessible to all of the residents; or
 - b. Private open space.

6 – Multi-Unit Housing

2. Sites that are under 20,000 square feet in size and located within one-quarter mile walking distance of a public park that is at least 1 acre in size are exempt from the usable open space requirement. Walking distance is measured along a route utilizing sidewalks or other public pedestrian facilities that are existing or will be constructed with the development.
3. For townhouse style multi-unit housing, 100 percent of the required usable open space may be provided as private yards for each unit.

6.2.7 Parking Location and Design

The following standards apply to parking areas for multi-unit housing. For townhouse style developments, see Section 6.2.8.

A. Vehicle Parking Standards.

1. No area between a building and the street lot line (other than an alley) shall be used for vehicle parking or circulation, except for the following:
 - a. A driveway providing access to a shared parking garage.
 - b. A passenger drop-off or loading zone, provided the main building entrance must connect to an adjacent street by a pedestrian walkway.
2. Screening of surface parking areas. The city's parking area screening standards shall apply, if any, otherwise the following standards shall apply. Surface parking areas with more than 8 spaces must be screened from view of the street by a landscaped area that includes the following, at a minimum:
 - a. Evergreen shrubs that will grow to a minimum height of 30 inches within two years and form continuous screening. Areas within the vision clearance triangle must include plantings that do not exceed 3 feet; and
 - b. At least one tree for every 30 linear feet; and
 - c. Evergreen ground cover must cover the remaining landscape area.
 - d. A minimum 30 inch tall wall or fence may be substituted for evergreen shrubs.
3. Additional parking area design and landscaping standards are provided in Section 10.1.6.

B. Bicycle Parking Standards. Bicycle parking location and design standards are provided in Section 10.1.7.

C. Exceptions. None.

6.2.8 Driveway Access and Parking – Townhouse Style

For townhouse style units that have garage entrances, off-street parking areas, or driveways located between a dwelling unit and a public street (other than an alley), the following standards shall be met. For all other units, the standards in Section 6.2.7 shall be met.

6 – Multi-Unit Housing

A. Standards.

1. Access must be taken from a local street.
2. A maximum of one driveway approach is allowed for every townhouse style unit. Driveway approaches or driveways may be shared.
3. Outdoor on-site parking and maneuvering areas shall not exceed 12 feet wide for any unit.
4. The garage width shall not exceed 12 feet, as measured from the inside of the garage door frame.
5. This standard does not supersede a city's driveway separation standards.

B. Bicycle Parking Standards. Bicycle parking location and design standards are provided in Section 10.1.7.

C. Exceptions. None.

6.2.9 Screening from Arterials

A. Standard.

The following standards apply to multi-unit sites that abut an arterial street with 4 or more vehicle travel lanes designed for through movement of vehicles. Screening shall be provided within the setback area between any street-facing facade and the street lot line abutting the arterial street. The screening shall meet the following standards:

1. At least two rows of evergreen trees shall be planted. Each row shall have a minimum of one tree for every 20 linear feet of street frontage. Tree planting shall be staggered, with a maximum spacing of 20 feet on center for trees within the same row and 15 feet on center for trees within different rows.
2. Trees shall be at least 6 feet tall at the time of planting.

B. Exception. This standard does not apply to arterial streets with frequent transit service.

6.2.10 Trash Storage

A. Standard. Shared storage facilities for trash and recycling receptacles that are located within 20 feet of a street lot line or a lot line abutting residential property shall meet the following standards:

1. The storage facility shall be screened from street lot lines and abutting residential properties by a wall, solid fence, or evergreen hedge. Except as specified in subsection (3), the screen must be at least 4 feet in height and located no more than 3 feet from the storage facility.
2. The storage facility must be separated from the street lot line by at least 5 feet.
3. For lot lines abutting residential properties, the storage facility must either be setback from the lot line by at least 5 feet, or the screen facing the lot line must be at least 6 feet in height.

B. Exceptions. Trash and recycling receptacles stored within a building are exempt from these standards.

7 – Accessory Dwelling Unit

Chapter 7 – Accessory Dwelling Unit

Sections:

7.1 Siting Standards – Accessory Dwelling Unit

7.2 Design Standards – Accessory Dwelling Unit

7.1 Siting Standards – Accessory Dwelling Unit

7.1.1 Siting Standards, Generally

- A. Standards.** Except as provided in this chapter and in subsection (B), accessory dwelling units shall meet the same siting standards that apply to detached single-unit dwellings (Table 2.1 if applicable, or in the city's development code). For qualified projects, the standards may be modified by the applicable bonuses in Chapter 8.
- B. Exceptions.**
1. The following siting standards do not apply to accessory dwelling units:
 - a. Minimum Density;
 - b. Minimum Required Outdoor Area and Useable Open Space;
 - c. Minimum and Maximum Vehicle Parking; and
 - d. Minimum Bicycle Parking.
 2. Conversion of an existing legal nonconforming accessory structure into an accessory dwelling unit is allowed, provided that the conversion does not increase the nonconformity. For example, a garage that does not meet the minimum setback standard in the zoning district may be converted to an accessory dwelling unit, provided the footprint of the building within the setback area does not increase in size.
 3. If an accessory dwelling unit is added to a lot with an existing dwelling unit that has been in place for at least 5 years, up to 1,000 square feet of floor area is permitted even if it exceeds the maximum FAR or lot coverage that applies to the lot.
 4. Setbacks.
 - a. Where an accessory dwelling unit is accessed from an alley and the city's locally adopted setback standard exceeds 5 feet, the minimum setback from the alley lot line shall be 5 feet.
 - b. Detached accessory dwelling units that do not exceed 12 feet in height may be located within 5 feet of a side or rear lot line (excluding street lot lines other than alleys).

7 – Accessory Dwelling Unit

7.1.2 Number of Units and Configuration

- A. Standard.** A maximum of 2 accessory dwelling units are allowed per legal detached single-unit dwelling (referred to as the primary dwelling). If 2 accessory dwelling units are proposed, either:
1. Both units must be detached from the primary dwelling and from each other; or
 2. One unit must be detached and one unit must be attached/interior to the primary dwelling.
- B. Exception.** Up to 3 accessory dwelling units are permitted for projects which qualify for a bonus pursuant to Section 8.2.1. One unit must be attached/interior to the primary dwelling and the other 2 units must be detached from the primary dwelling and from each other.

7.1.3 Maximum Floor Area

- A. Standard.** The maximum floor area for an accessory dwelling unit is 1,000 square feet.
- B. Exceptions.** The maximum floor area standard does not apply when an entire floor of a primary dwelling (e.g., a basement) is converted to an accessory dwelling unit and the primary dwelling has been on the site for at least 5 years.
- C. Measurement.** Floor area is measured as provided in subsection 10.1.1(B)(1).

7.2 Design Standards – Accessory Dwelling Unit

Accessory dwelling units are exempt from design standards.

8 – Bonuses

Chapter 8 – Bonuses

Sections:

8.1 Bonuses, Generally

8.2 Bonuses by Housing Type

8.1 Bonuses, Generally

A. Purpose. Bonuses provide reductions in required outdoor area and increases in the number of units, the maximum floor area, or the maximum building height, in order to incentivize the provision of affordable or accessible housing that market rate development may not otherwise produce. Nothing in this chapter implements ORS 197A.465.

B. Categories.

1. As described in Table 8.1, there are 6 categories of housing that qualify for bonuses:

Affordability Categories

- Cat. 1A - 10-Year Affordable Homeownership Unit
- Cat. 1B - 10-Year Mixed-Income Housing
- Cat. 1C - 30-Year Affordable Housing
- Cat. 1D - 90-Year Moderate Income Cooperative Housing

Accessibility Categories

- Cat. 2A - Accessible Unit
- Cat. 2B - Adaptable Unit

2. An individual unit can count toward meeting up to one affordability category (Cat. 1A – 1D) and one accessibility category (Cat. 2A – 2B). In other words, a unit that is both affordable and accessible would receive bonuses from both categories. This is not intended to preclude other units within the same development from meeting other categories where possible in order to increase the bonuses available to the development, up to the maximum allowed.

8 – Bonuses

TABLE 8.1: QUALIFYING CATEGORIES	
Category	Category Criteria
Affordability Categories	
Cat. 1A	10-Year Affordable Homeownership Unit. A unit of housing subject to an affordable housing covenant, as described in ORS 456.270 to 456.295, that: (A) Makes the unit available and affordable to purchase and to own for households with incomes of 120 percent or less of the area median income; and (B) Is enforceable for a duration of not less than 10 years from the date of the certificate of occupancy.
Cat. 1B	10-Year Mixed-Income Housing. Residential property: (A) In which at least 20 percent of units on the property or development site (rounded up to the nearest unit) are made available to own or rent to households with incomes of 80 percent or less of the area median income; <u>[Recommended]</u> or in which at least 10 percent of units on the property or development site (rounded up to the nearest unit) are made available to own or rent to households with incomes of 60 percent or less of the area median income;] (B) Whose affordability, including affordability under a covenant as described in ORS 456.270 to 456.295, is enforceable for a duration of no less than 10 years; and (C) In which the affordable units meet the following criteria: (i) The average number of bedrooms and bathrooms per unit for all affordable units is the same or greater than the average number of bedrooms and bathrooms per unit for all market rate units. For the purpose of this calculation, studio units shall count as having 0.5 bedrooms; and (ii) The average floor area per unit for all affordable units is no less than at least 90% of the average floor area per unit of all market rate units.
Cat. 1C	30-Year Affordable Housing. Residential property: (A) In which: (i) Each unit on the property is made available to own or rent to households with incomes of 80 percent or less of the area median income; or (ii) The average of all units on the property is made available to households with incomes of 60 percent or less of the area median income; and (B) Whose affordability, including affordability under a covenant as described in ORS 456.270 to 456.295, is enforceable for a duration of no less than 30 years.
Cat. 1D	90-Year Moderate Income Cooperative Housing. Residential property in which all of the units are subject to a zero equity, limited equity, or shared equity ownership model including resident-owned cooperatives and community land trusts making them affordable to moderate income households as described in ORS 456.270 to 456.295 for a period of 90 years.
Accessibility Categories	
Cat. 2A	Accessible Unit. A unit of housing that complies with the “Type A” requirements applicable to units as set forth in the Standard for Accessible and Usable Buildings and Facilities published by the International Code Council and as referenced by the state building code.
Cat. 2B	Adaptable unit. A unit of housing that complies with the “Type B” requirements applicable to units as set forth in the Standard for Accessible and Usable Buildings and Facilities published by the International Code Council and as referenced by the state building code. For dwelling units with 2 or more stories not otherwise required to provide Type B units under state or federal regulations (e.g., 2-story townhouse), the “Type B” requirements are only required on the ground floor, provided a kitchen, bathroom and bedroom are available on the ground floor.

8 – Bonuses

8.2 Bonuses by Housing Type

In the following sections, there is a bonus table for each housing type. Each of the 5 tables includes the following:

Column 1: Bonus Type	A description of the type of bonus (e.g., increase in the number of units). Subcategories are included if the bonus varies in specific circumstances.
Column 2: Base Allowance	The base allowance for the housing type, based on the Model Code's siting standards tables. Where a housing type is not included in a Model Code siting standards table, the cell is blank (e.g., 5 – 6 unit quadplexes).
Columns 3-6: Bonus by Category	These columns include the amount of bonus that is earned for a qualifying category. The values in these columns are the increment that is added or subtracted. The number of columns varies by housing type as not all categories are applicable to all housing types.
Final Column: Cap (Max with Bonuses)	The maximum development entitlement available to a development or project including all bonuses. This column represents a "Cap" – a project or development cannot exceed this amount (except as otherwise noted for specific housing types).

8.2.1 Bonuses for Detached Single-Unit or Duplex

The bonuses in Table 8.2-1 are available to qualified detached single-unit (DSU) or duplex projects. For the purposes of this section, a "DSU or duplex project" means one parent lot and a proposed detached single-unit, detached single-unit with an accessory dwelling unit(s), or duplex (attached or detached).

A. Qualified Projects.

1. Category 1A. At least one unit on the parent lot must meet the applicable category criteria in Table 8.1 to qualify for this bonus.
2. Category 1B, 1C, and 1D. The DSU or duplex project must meet the applicable category criteria in Table 8-1 to qualify for these bonuses.
3. Category 2A. At least one unit on the parent lot must meet the applicable category criteria in Table 8.1 for the DSU or duplex project to qualify for this bonus.
4. Category 2B. All new units on the parent lot that have ground floor entries must meet the applicable category criteria in Table 8.1 for the DSU or duplex project to qualify for this bonus.

B. Bonuses Earned.

1. A DSU or duplex project may qualify for more than one category provided that each individual unit may only count toward meeting one affordability and one accessibility category.
2. Within a DSU or duplex project, all bonuses earned may be used individually or in combination.
3. The "cap" is the maximum that is allowed for the DSU or duplex project (inclusive of applicable bonuses), except as provided in Section 1.4 for retained units within middle housing development.

8 – Bonuses

TABLE 8.2-1: BONUSSES FOR DETACHED SINGLE-UNIT OR DUPLEX						
Bonus Type	Base Allowance	Bonuses by Category				Cap (Max. with Bonuses)
		Cat. 1A & 1B	Cat. 1C & 1D	Cat. 2A	Cat. 2B	
Increase Number of Units:						
• Duplex	2 units	+1 unit	+1 unit	+1 unit	--	3 units
• Additional ADU	2 ADUs	+1 ADU	+1 ADU	+1 ADU	--	3 ADUs
Increase Maximum Floor Area Ratio of DSU or duplex project						
• 1 total dwelling unit	0.6:1	+0.15	+0.3	+0.15	+0.1	0.9:1
• 2 to 4 total dwelling units (1)	0.9:1	+0.15	+0.3	+0.15	+0.1	1.2:1
Increase Maximum Building/Structure Height	35 ft	+10 ft	+10 ft	+10 ft	--	45 ft
Reduce Minimum Density	1 unit / 5,700 sf	--	--	+2,300 sf per unit	+2,300 sf per unit	1 unit / 8,000 sf
NOTES: (1) If an additional unit is added to a lot with an existing, retained dwelling unit that has been in place for at least 5 years, the maximum FAR may be exceeded by up to 1,000 square feet of new floor area.						

8.2.2 Bonuses for Triplex or Quadplex

The bonuses in Table 8.2-2 are available to qualified triplex or quadplex projects. For the purposes of this section, a “triplex or quadplex project” means one parent lot and a proposed triplex or quadplex.

A. Qualified Projects.

1. Category 1A. At least one unit on the parent lot must meet the applicable category criteria in Table 8-1 for the triplex or quadplex project to qualify for this bonus.
2. Category 1B, 1C, and 1D. A triplex or quadplex project must meet the applicable category criteria in Table 8-1 to qualify for these bonuses.
3. Category 2A. At least one unit on the parent lot must meet the applicable category criteria in Table 8-1 for the triplex or quadplex project to qualify for these bonuses.
4. Category 2B. All new units on the parent lot that have ground floor entries must meet the applicable category criteria in Table 8-1 for the triplex or quadplex project to qualify for this bonus.

B. Bonuses Earned.

1. A triplex or quadplex project may qualify for more than one category provided that each individual unit may only count toward meeting one affordability and one accessibility category.
2. Within a triplex or quadplex project, all bonuses earned may be used individually or in combination.

8 – Bonuses

- The “cap” is the maximum that is allowed for a triplex or quadplex project (inclusive of applicable bonuses), except as provided in Section 1.4 for retained units within middle housing development.

TABLE 8.2-2: BONUSSES FOR TRIPLEX OR QUADPLEX					
Bonus Type	Base Allowance	Qualifying Categories			Cap (Max. with Bonuses)
		Cat. 1A & 1B	Cat. 1C & 1D	Cat. 2A & 2B	
Increase Number of Units:					
• Triplex	3 units	+1 unit	+1 unit	+1 unit	4 units
• Quadplex	4 units	+2 unit	+2 unit	+2 unit	6 units
Increase Maximum Floor Area Ratio per Triplex or Quadplex Project					
• 3 total dwelling units	1.1:1	+0.15	+0.3	+0.15	1.4:1
• 4 total dwelling units	1.2:1	+0.15	+0.3	+0.15	1.5:1
• 5 - 6 total dwelling units (with bonus)	1.2:1	+0.2	+0.4	+0.2	1.6:1
Increase Maximum Building/Structure Height	35 ft	+10 ft	+10 ft	+10 ft	45 ft
Reduce Minimum Density	1 unit / 3,630 sf	--	--	+1,370 sf per unit	1 unit / 5,000 sf

8.2.3 Bonuses for Townhouses

The bonuses in Table 8.2-3 are available to qualified townhouse projects.

A. Qualified Projects.

- Category 1A. At least one out of every 6 units, but in no case less than one unit, within a townhouse project must meet the applicable category criteria in Table 8-1 for the townhouse project to qualify for this bonus.
- Category 1B, 1C, and 1D. A townhouse project must meet the applicable category criteria in Table 8-1 to qualify for these bonuses.
- Category 2A. At least one out of every 6 units, but in no case less than one unit, within a townhouse project must meet the applicable category criteria in Table 8-1 for the townhouse project to qualify for this bonus.
- Category 2B. All units within a townhouse project must meet the applicable category criteria in Table 8-1 for the townhouse project to qualify for this bonus.

8 – Bonuses

B. Bonuses Earned.

1. A townhouse project may qualify for more than one bonus provided that each individual unit may only count toward meeting one affordability and one accessibility category. For Categories 1A and 2A, the bonus is calculated for, and applied to, each group of 6 units regardless of the number of townhouses in the project or attached to each other (e.g., a 12-unit townhouse project can earn separate bonuses for two groups of 6 units).
2. Within a townhouse project, all bonuses earned may be used individually or in combination.
3. The “cap” is the maximum that is allowed for a townhouse project (inclusive of applicable bonuses) , except as provided in Section 1.4 for retained units within middle housing development.

TABLE 8.2-3: BONUSSES FOR TOWNHOUSES					
Bonus Type	Base Allowance	Qualifying Categories			Cap (Max. with Bonuses)
		Cat. 1A & 1B	Cat. 1C & 1D	Cat. 2A & 2B	
Increase Number of Units (I)	--	+1 to 2 units	+2 units	+1 to 2 units	1 to 2 bonus units
Increase Maximum Floor Area Ratio	1.2:1	+0.2	+0.4	+0.2	1.6:1
Increase Maximum Building/Structure Height	35 ft	+10 ft	+10 ft	+10 ft	45 ft

8.2.4 Bonuses for Cottage Cluster

The bonuses in Table 8.2-4 are available to qualified cottage cluster projects.

A. Qualified Projects.

1. Category 1A. At least one out of every 6 cottages, but in no case less than one cottage, within each cottage cluster must meet the applicable Category Criteria in Table 8-1 for the cottage cluster project to qualify for this bonus.
2. Category 1B, 1C, and 1D. A cottage cluster must meet the applicable category criteria in Table 8-1 to qualify for these bonuses.
3. Category 2A. At least one out of every 6 cottages, but in no case less than one cottage, within each cottage cluster must meet the applicable Category Criteria in Table 8-1 for the cottage cluster project to qualify for this bonus.
4. Category 2B. All cottages within a cottage cluster project that have ground floor entries must meet the criteria in Table 8-1 for the cottage cluster project to qualify for this bonus.

B. Bonuses Earned.

1. A cottage cluster project may qualify for more than one bonus provided that each individual unit may only count toward meeting one affordability category and one accessibility category.
2. Within a cottage cluster project, all bonuses earned may be used individually or in combination.

8 – Bonuses

- The “cap” is the maximum that is allowed for the development (inclusive of applicable bonuses), except as provided in Section 1.4 for retained units within middle housing development.

TABLE 8.2-4: BONUSES FOR COTTAGE CLUSTER					
Bonus Type	Base Allowance	Qualifying Categories			Cap (Max. with Bonuses)
		Cat. 1A & 1B	Cat. 1C & 1D	Cat. 2A & 2B	
Increase Number of Cottages per Cluster	12 cottages	+2 unit	+2 unit	+2 unit	14 units
Increase Average Cottage Size	1,400 sf or less	+100 sf	+400 sf	+100 sf	1,600 sf
Increase Average Cottage Footprint					
Cottages with height of 15 feet or less	1,400 sf or less	+50 sf	+100 sf	+50 sf	1,500 sf
Cottages with height over 15 feet	900 sf or less	+50 sf	+100 sf	+50 sf	1,000 sf
Reduce Required Open Space - Courtyard	150 sf / cottage	-30 sf / cottage	-70 sf / cottage	-30 sf / cottage	80 sf
Increase Maximum Building/Structure Height	25 ft or 2 stories	+5 ft	+10 ft	+5 ft	35 ft

8.2.5 Bonuses for Multi-Unit Housing

The bonuses in Table 8.2-5 are available to qualified multi-unit projects as follows. For the purposes of this section, a “multi-unit project” means multi-unit housing on a single development site.

A. Qualifying Categories.

- Categories 1B, 1C, and 1D. The multi-unit project must meet the criteria in Table 8-1 to qualify for these bonuses
- Category 2A. At least 10 percent of units, but no less than one more unit than would be required by the Building Code, must meet the criteria in Table 8-1 for the multi-unit project to qualify for these bonuses.

B. Bonuses Earned.

- A multi-unit project may qualify for more than one bonus provided that each individual unit can only count toward meeting one affordability category and one accessibility category.
- Within a multi-unit project, all bonuses earned may be used individually or in combination.

8 – Bonuses

3. A “double bonus” for Cat. 2A (i.e., two times the amount indicated in Table 8.2-5 for this category) is provided to multi-unit projects where at least 20 percent of the units and at least two more units than would be required by the Building Code meet the criteria in Table 8-1.
4. The “cap” is the maximum that is allowed for development (inclusive of applicable bonuses).

TABLE 8.2-5: BONUSES FOR MULTI-UNIT HOUSING					
Bonus Type	Base Allowance	Qualifying Categories			Cap (Max. with Bonuses)
		Cat 1B	Cat 1C & ID	Cat 2A*	
Increase Maximum Floor Area Ratio					
Site size: less than 20,000 sf	2.5:1	+1:1	+2:1	+1:1	5:1
Site size: 20,000 sf to 50,000 sf	2:1	+0.7:1	+1.5:1	+0.7:1	3.5:1
Site size: greater than 50,000 sf	1.5:1	+0.5:1	+1:1	+0.5:1	2.5:1
Increase Maximum Building/Structure Height	40 ft	+10 ft	+36 ft	+10 ft	76 ft
Reduce Required Outdoor Area	15%	-5%	-15%	-5%	10% for Cat 1B or 2A; 0% for Cat 1C or ID
* The bonuses provided for Cat. 2A shall be two times the amount shown in this column for multi-unit projects meeting the criteria in Section 8.2.5(B)(3).					

9 – Procedures and Applications

Chapter 9 – Procedures and Applications

Sections:

- 9.1 Procedures and Applications, Generally
- 9.2 Procedure - Ministerial Decisions
- 9.3 Procedure - Limited Land Use Decisions
- 9.4 Application - Zoning Review
- 9.5 Application - Modifications
- 9.6 Application and Procedure - Middle Housing Land Division

9.1 Procedures and Applications, Generally

- A. Time Periods.** In computing time periods prescribed or allowed by this chapter, the day of the act or event from which the designated period of time begins shall not be included. The last day of the period shall be included, unless it is a Saturday, Sunday, or a legal holiday, in which case the period runs until the end of the next day that is not on a weekend or legal holiday.
- B. Consolidated Review of Applications.** When an applicant applies for more than one type of land use or development permit for the same one or more contiguous parcels of land, the applicant may request that the proceedings be consolidated for review and decision. When proceedings are consolidated, required notices may be consolidated, provided the notice shall identify each application to be decided.
- C. Basis of Approval.** Approvals are based on the information submitted. If the information relied upon to grant the approval is incorrect, the approval may be voided.

9.2 Procedure – Ministerial Decision

Ministerial Decisions are made following a review that does not require use of discretion, based on land use standards that do not require interpretation or the exercise of policy or legal judgment. The decision is made by the Planning Official, without public notice and without a public hearing.

A. Application Requirements.

- 1. **Application Forms.** Requests for approval of development subject to Ministerial Review shall be made on forms provided by the Planning Official. An application submitted concurrently with a building permit application does not require a separate application form.
- 2. **Application Requirements.** Applications shall include the following information:
 - a. The information requested on the application form;
 - b. Plans and exhibits required for the specific approval(s) being sought; and
 - c. The required fee.

9 – Procedures and Applications

B. Completeness Review.

1. The Planning Official shall review the application submittal and advise the applicant in writing whether the application is complete or incomplete within 30 calendar days after the city receives the application submittal.
2. If an application for a Ministerial Decision is incomplete, the Planning Official shall notify the applicant in writing of exactly what information is missing within 30 days of receipt of the application and allow the applicant to submit the missing information. The application shall be deemed complete upon receipt by the Planning Official of:
 - a. All of the missing information;
 - b. Some of the missing information and written notice from the applicant that no other information will be provided; or
 - c. Written notice from the applicant that none of the missing information will be provided.
3. On the 181st day after first being submitted, the application is void if the applicant has been notified of the missing information as required under subsection (2) and has not submitted some or all of the information or provided written notice that none of the missing information will be provided.

C. Criteria and Decision. The Planning Official's review determines whether minimum code requirements are met. The Planning Official shall approve, approve with conditions, or deny an application within 60 days after receiving a complete application.

D. Effective Date. A Ministerial Decision is final on the date it is signed by the Planning Official.

E. Appeal of a Ministerial Decision. A Ministerial Decision may be appealed to Circuit Court. There is no opportunity for local appeal.

9.3 Procedure – Limited Land Use Decision

A. Method of review. Limited Land Use Decisions are subject to administrative review. The decision is made by the Planning Official with public notice and an opportunity to appeal.

B. Time allowed. The City shall complete its review within the timeframes specified in subsections (C) through (G), below, provided that in all cases the City shall take final action on Limited Land Use applications, including resolution of all appeals, within the number of days specified in the table below, unless the applicant requests an extension in writing. The total of all extensions may not exceed 245 days except to allow for mediation in accordance with ORS 227.178(11).

9 – Procedures and Applications

Project Type	Maximum Days*
Limited Land Use Decisions for affordable housing projects meeting the following criteria: - Multi-unit residential building containing five or more residential units within the urban growth boundary; and - At least 50 percent of the residential units included in the development will be sold or rented as affordable housing that is affordable to households with incomes equal to or less than 60 percent of the median family income for the county in which the development is built or for the state, whichever is greater, that is subject to an affordable housing covenant, as provided in ORS 456.270 to 456.295, that maintains the affordability for a period of not less than 60 years from the date of the certificate of occupancy.	100 days from the date the Planning Official deems the application complete for purposes of processing,
All other Limited Land Use Decisions	120 days from the date the Planning Official deems the application complete for purposes of processing,
* A city may extend these periods by no more than seven days in order to assure the sufficiency of its final order where the city has tentatively approved the application for development of residential structures.	

C. Application Requirements.

1. Application Forms. Applications subject to Limited Land Use Review shall be made on forms provided by the Planning Official.
2. Submittal Information. At a minimum, the application shall include all of the following information:
 - a. The information requested on the application form;
 - b. Plans and exhibits required for the specific approval(s) being sought; and
 - c. The required fee.

D. Completeness Review.

1. The Planning Official shall review the application submittal and advise the applicant in writing whether the application is complete or incomplete within 30 calendar days after the city receives the application submittal.
2. If an application for a Limited Land Use Decision is incomplete, the Planning Official shall notify the applicant in writing of exactly what information is missing within 30 days of receipt of the application and allow the applicant to submit the missing information. The application shall be deemed complete upon receipt by the Planning Official of:

9 – Procedures and Applications

- a. All of the missing information;
 - b. Some of the missing information and written notice from the applicant that no other information will be provided; or
 - c. Written notice from the applicant that none of the missing information will be provided.
3. If an applicant requests review under different standards as provided in subsection (E)(2) the applicable timelines for completeness review restart as if a new application were submitted on the date of the request. The application shall not be deemed complete until the Planning Official determines that additional information is not required under subsection (2) of this section or the applicant makes a submission under subsection (2) of this section in response to a Planning Official's request.
 4. On the 181st day after first being submitted, the application is void if the applicant has been notified of the missing information as required under subsection (2) and has not submitted some or all of the information or provided written notice that none of the missing information will be provided.

E. Applicable Standards and Criteria. Approval or denial of an application shall be based upon the applicable standards and criteria as follows.

1. Except as provided in subsection (2), the approval or denial of an application that was complete when first submitted or deemed complete pursuant to subsection (D)(3) shall be based upon the standards and criteria that were applicable at the time the application was first submitted.
2. Up to the issuance of Notice of Pending Limited Land Use Decision (subsection (F)), an applicant may submit a written request to apply newly adopted standards (those operative at the time of the request) to a submitted land use application. If an applicant requests review under newly adopted standards:
 - a. Any applicable timelines for completeness review and final decisions restart as if a new application were submitted on the date of the request.
 - b. Submission of additional information may be required if the request affects or changes information in the application.
 - c. Additional fees may be required to cover those additional costs incurred by the city to accommodate the request.
 - d. The applicant may not make more than one request under this subsection (E)(2).

F. Notice of Pending Limited Land Use Decision. The purpose of the notice of pending decision is to provide a 14-day comment period during which nearby property owners and affected agencies can submit written comments on the application before the Planning Official issues their decision.

1. The Planning Official shall mail notice of a pending Limited Land Use Decision to the following individuals and agencies.
 - a. All owners of record of real property within a minimum of 100 feet of the of the entire contiguous site for which the application is made;

9 – Procedures and Applications

- b. Any neighborhood or community organization recognized by the governing body and whose boundaries include the site; and
 - c. Any governmental agency that is entitled to notice under an intergovernmental agreement entered into with the City and any other affected agencies. The failure of another agency to respond with written comments on a pending application shall not invalidate an action or permit approval made by the City under this Code.
2. The notice of pending Limited Land Use Decision shall briefly summarize the local decision making process for the Limited Land Use Decision being made and shall contain all of the following information:
- a. Deadline (date and time) for submitting written comments, which must be at least 14 days prior to the scheduled decision date, the place where written comments are to be submitted, and the name and phone number of the city's contact person;
 - b. Street address or other easily understood geographical reference to the subject property;
 - c. List, by commonly used citation, of the applicable criteria for the decision;
 - d. Statement that all evidence relied upon by the Planning Official to make their decision is in the public record and is available for public review. Copies of this evidence can be obtained at a reasonable cost from the City;
 - e. Statement explaining that issues which may provide the basis for an appeal to the Land Use Board of Appeals must be raised in writing prior to the expiration of the comment period. Such issues must be raised with sufficient specificity to enable the decision maker to respond to the issue; and
 - f. Statement that after the comment period closes, the City will issue its decision and the decision shall be mailed to the applicant and to anyone else who submitted written comments or who is otherwise legally entitled to notice.
3. The Planning Official shall cause an affidavit of mailing the notice to be prepared and made a part of the file. The affidavit shall show the date the notice was mailed and demonstrate that the notice was mailed to the parties listed in subsection (1) and was mailed within the time required by law.
- G. Notice of Decision.** At the conclusion of the comment period, the Planning Official shall review the comments received and prepare a decision approving, approving with conditions, or denying the application based on the applicable standards and criteria. Within 7 days of making a Limited Land Use Decision, the Planning Official shall mail a notice of that decision.
1. The Planning Official shall mail notice of a Limited Land Use Decision to the following individuals and agencies.
- a. Applicant;
 - b. Property owner (if different);
 - c. Building Official;

9 – Procedures and Applications

- d. Those individuals or agencies who provided written comments on the proposal; and
 - e. Those individuals or agencies who requested a copy of the decision.
2. The Notice of Decision shall contain all of the following information:
- a. A description of the applicant's proposal and the City's decision on the proposal, which may be a summary, provided it references the specifics of the proposal and conditions of approval in the public record;
 - b. The address or other geographic description of the property proposed for development, including a map of the property in relation to the surrounding area (a copy of assessor's map may be used);
 - c. A statement of where the City's decision can be obtained;
 - d. The date the decision shall become final, unless appealed; and
 - e. A statement that all persons entitled to notice may appeal the decision to City's appeal body pursuant to subsection (H) by the date specified on the notice.
- H. Effective Date.** Unless the conditions of approval specify otherwise, a Limited Land Use Decision becomes effective 14 days after the City mails the decision notice, unless the decision is appealed.
- I. Appeal of a Limited Land Use Decision.** A Limited Land Use Decision made by the Planning Official may be appealed to the Appeal Body designated by the City to hear appeals of decisions made by the Planning Official.
1. Who may appeal. The following people have legal standing to appeal Limited Land Use Decision:
- a. The applicant or owner of the subject property;
 - b. Any person who was entitled to written notice of the decision; and
 - c. Any other person who participated in the proceeding by submitting written comments on the application to the City by the specified deadline.
2. Appeal filing procedure.
- a. Notice of appeal. Any person with standing to appeal, as provided in subsection (I), above, may appeal a Limited Land Use Decision by filing a Notice of Appeal according to the following procedures.
 - b. Time for filing. A Notice of Appeal shall be filed with the Planning Official within the timeframe specified on the Notice of Decision.
 - c. Content of Notice of Appeal. The Notice of Appeal shall be accompanied by the required filing fee and shall contain:
 - i. An identification of the decision being appealed, including the date of the decision;
 - ii. A statement demonstrating the person filing the Notice of Appeal has standing to appeal;

9 – Procedures and Applications

- iii. A statement explaining the specific issues being raised on appeal; and
 - iv. If the appellant is not the applicant, a statement demonstrating that the appeal issues were raised during the comment period.
3. Scope of appeal. The appeal of a Limited Land Use Decision shall be a hearing de novo before the Appeal Body. The appeal shall not be limited to the application materials, evidence and other documentation, and specific issues raised in the review leading up to the Limited Land Use Decision, but may include other relevant evidence and arguments. The hearing Appeal Body shall allow additional evidence, testimony, or argument concerning any relevant standard, criterion, condition, or issue.
4. Appeal Hearing Procedure. Hearings on appeals of Limited Land Use Decisions shall follow the city's procedures used for public hearings.

9.4 Application – Zoning Review

A. Method of review.

- 1. Limited Land Use Decision. Zoning Review applications for proposed developments meeting one or more of the following criteria require Limited Land Use approval:
 - a. Development with more than 50 units;
 - b. Site size greater than 1 acre (43,560 square feet) in size; or
 - c. Applicant is requesting a Modification pursuant to Section 9.5.
- 2. Ministerial Decision. Zoning Review applications for all other proposed developments require Ministerial approval.

B. Requirements. Zoning Reviews may be processed concurrently with a building permit application or submitted in advance of a building permit application. In either case, a building permit shall not be issued until the Planning Official has approved a Zoning Review for the proposed project.

C. Zoning Review Application Requirements.

- 1. The applicant has the responsibility to obtain the property owner's permission for the request.
- 2. Applicants must submit information showing that the proposal complies with this Code, including:
 - a. Information requested on the application form. A Ministerial Zoning Review submitted concurrently with a building permit application does not require a separate application form;
 - b. The applicable housing type. In instances where a development can meet the definition of more than one housing type, the applicant shall specify the housing type on the application;
 - c. A site plan and elevations as specified in subsection (D) which provides sufficient detail to determine the standards are met; and

9 – Procedures and Applications

- d. Service provider letters or other documentation demonstrating that sufficient infrastructure is available or will be available prior to certificate of occupancy to serve the proposed development, based on applicable public works standards.

3. Applications must be filed with the required fee, based on the applicable local fee schedule.

D. Site Plan and Building Elevation Requirements.

1. The site or development plan must be drawn accurately to scale and must show the following existing and proposed information:
 - All property lines with dimensions and total lot area;
 - North arrow and scale of drawing;
 - Adjacent streets, access (driveways), curbs, sidewalks, and bicycle routes;
 - Existing Goal Protected Resources, if any are present on the site;
 - Easements and on-site utilities;
 - Existing and proposed development with all dimensions, including floor area and building footprint (if applicable);
 - Distances of all existing and proposed development to property lines;
 - Types and location of outdoor area and required usable open space (if required);
 - Percentage of the site proposed for outdoor area coverage;
 - Motor vehicle and pedestrian access and circulation systems, including connections off-site, and associated dimensions; and
 - Motor vehicle and bicycle parking areas and design, number of spaces, and loading areas.
2. Building elevations showing required entries and windows and associated dimensions.

- E. Criteria.** The Planning Official's evaluation of a Zoning Review application will determine whether minimum code requirements have been or will be met.

- F. Expiration of Approvals.** An approval under this section expires if:

1. Within 2 years of the date of the final decision, a building permit has not been issued for approved development.
2. Within 2 years of the date of the issuance of a building permit, if the approved development has not commenced.

- G. Extension.** The Planning Official, upon written request by the applicant, may grant an extension of the approval period not to exceed one year; provided that:

1. No changes are made on the original approved plan;
2. The applicant provides evidence demonstrating substantial progress toward commencing construction on the site within the next year; and
3. The applicant provides evidence demonstrating that failure to obtain building permits and substantially begin construction within 2 years of Zoning Review approval was beyond the applicant's control.

9 – Procedures and Applications

9.5 Application – Modification

- A. Method of review.** An applicant may request one or Modifications of the standards in this Model Code. The approval criteria for a Modification requires the use of discretion, therefore applications for Modifications are subject to the Limited Land Use Decision procedure in Section 9.3. Nothing in this section implements Oregon Laws 2024, Chapter 110, Section 38.

Requested Modifications shall be submitted and reviewed concurrently with a Zoning Review application.

B. Modification Application Requirements.

1. In addition to the information required for the Zoning Review application, applicants requesting one or more Modifications must submit a written statement for each requested Modification explaining how the application satisfies each and all of the relevant criteria and standards in sufficient detail.
2. Applications must be filed with the required fee, based on the applicable local fee schedule.

- C. Criteria.** A Modification to a standard will be approved if the applicant demonstrates that the following criteria have been met.

1. Granting the Modification will equally or better facilitate housing production, affordability, and choice under Goal 10.
2. Granting the Modification will not impact the provision of sufficient infrastructure.
3. The proposed development will equally or better address all of the considerations in Table 9.5 applicable to the standard(s) to be modified.
4. Any significant negative impacts resulting from the Modification are mitigated to the extent practical.

TABLE 9.5: CONSIDERATIONS FOR GRANTING A MODIFICATION	
For Modifications of standards relating to:	Considerations for granting a Modification include:
Setbacks, building height, building floor area, and floor area ratio	The proposed modification(s) do not decrease setbacks or increase building height, building floor area, or floor area ratio by more than 5 percent, except as otherwise permitted by one or more bonuses in Chapter 8. In addition, the impact of the mass/bulk of proposed buildings on neighboring uses, including opportunities to minimize those impacts through design. For garage entrance setbacks (driveway length), the impact of the driveway on the public right-of-way and pedestrian environment. Bonuses in Chapter 8 may not be modified, and modifications under this section do not limit bonuses in Chapter 8.
Minimum density	Whether the proposal will help the city meet its housing production, affordability, and accessibility goals.

9 – Procedures and Applications

TABLE 9.5: CONSIDERATIONS FOR GRANTING A MODIFICATION	
For Modifications of standards relating to:	Considerations for granting a Modification include:
Minimum or maximum vehicle parking	Whether the reduction or increase in parking will help the city meet its transportation, environmental, housing production, affordability, and accessibility goals.
Bicycle parking, amount and design and location of spaces	Whether the reduction in amount or changes in design ensure bicycle parking that is adequate and user-friendly; or why the standard(s) are not appropriate for the proposed project context or location.
Entry orientation and pedestrian access	Opportunities to support pedestrian friendly neighborhoods, on-site pedestrian access, and pedestrian connections to the street.
Entry orientation and required percentage of windows and doors	How the proposed building façade(s) will contribute to a safe and comfortable pedestrian-oriented environment on the abutting street or why this is not appropriate in this location.
Cottage orientation	Opportunities to ensure that an adequate number of cottages have a direct relationship to the common courtyard and that the common courtyard provides shared community space for the cottage cluster.
Transitions to residential entrances	Opportunities to provide separation and transitions between private entrance areas and the public realm.
Off-street parking design; driveway and garage design	The impact of parking and vehicle access on the public right-of-way and pedestrian environment on- and off-site, and opportunities to minimize those impacts through design.
Required outdoor area and usable open space; common courtyards	Ensuring livable design for residents, including access to light, air, open space, and active or passive recreation amenities; supporting shared community space for residents; and enabling culturally-sensitive amenities.
Screening of parking areas and trash storage	Opportunities to minimize the impact of parking areas or trash storage on the pedestrian environment; and, for trash storage, opportunities to minimize the impact on abutting residential properties.
Screening from arterials	Opportunities to minimize noise and air quality impacts from abutting transportation facilities on residents.

D. Expiration of Approvals. An approval under this section expires if:

1. Within 2 years of the date of the final decision, a building permit has not been issued for approved development.
2. Within 2 years of the date of the issuance of a building permit, if the approved development has not commenced.

9 – Procedures and Applications

9.6 Middle Housing Land Division

- A. Purpose.** A Middle Housing Land Division (MHLD) is a partition or subdivision of a lot on which the development of middle housing is allowed under ORS 197A.420 (2) or (3) or under Oregon Laws 2025, Chapter 476, Section 3.

MHLDs are regulated by this Code and ORS 92.031. The purpose of an MHLD is to provide a simplified and expedited process for subdividing or partitioning lots with middle housing so that each unit is on a separate property, which enables the units to be sold and owned individually.

B. Applicability.

1. **Eligible Housing.** Any lot (parent lot) developed, or proposed to be developed, with middle housing pursuant to ORS 197A.420(2) is eligible for an MHLD. [Recommended Alternative: Any lot (parent lot) developed, or proposed to be developed, with middle housing is eligible for an MHLD.] Middle housing development that is eligible for an MHLD may consist of:
 - a. A single duplex, triplex, quadplex, cottage cluster, or a single structure containing townhouses;
 - b. Additional “bonus” units as allowed by Section 8.2 or by Oregon Laws 2025, Chapter 476, Section 3 (3), as applicable; and
 - c. Any retained or rehabilitated existing units on the lot, as allowed by Section 1.4, including:
 - i. One detached single-unit dwelling;
 - ii. One detached single-unit dwelling plus one accessory dwelling unit; or
 - iii. One duplex.
2. **Applicability of Middle Housing Regulations.** An MHLD creates 2 or more lots from a single parent lot on which middle housing is developed or proposed. After an MHLD is completed, the resulting lots are “child lots.” The development is still subject to the requirements and standards that applied to the parent lot prior to the MHLD. In other words, the middle housing development is still defined and regulated as the original middle housing type after an MHLD is completed. For example, an attached triplex that undergoes an MHLD does not become a townhouse development; the structure and property are still subject to requirements/standards for a triplex.
3. **Application Timing and Sequencing.**
 - a. An application for a tentative plan for an MHLD may be submitted before, after, or at the same time as the submission of an application for building permits for the middle housing.
 - b. An application for a tentative plan for an MHLD may be submitted at the same time as an application for a standard land division, subject to the following:
 - i. The standard land division creates the parent lots, and the MHLD further subdivides the lots into middle housing child lots.
 - ii. The parent lots must meet the city’s requirements applicable to lots created by a standard land division.

9 – Procedures and Applications

- iii. For a townhouse project, each townhouse structure must be on its own parent lot. Lots for individual townhouses may be created concurrently through an MHL D.
 - iv. For a cottage cluster project, each cottage cluster must be on its own parent lot. Lots for individual cottages may be created concurrently through an MHL D.
 - c. An application of one or more MHL Ds submitted at the same time as an application for a standard land division will be consolidated into a single application subject to the procedural requirements for the standard land division.
 - d. Within the same calendar year as an original partition that was not an MHL D, one or more of the resulting vacant parcels may be further partitioned into not more than 3 parcels through an MHL D.
- [4. **Recommended: Further Division of Child Lots.** Middle housing child lots may be further divided by a subsequent MHL D if at least one of the following conditions is met:
- a. The child lot is two or more times larger than the minimum lot size of the zone, meaning that it could be divided through a standard land division into two or more lots that meet the minimum lot size; or
 - b. Further division of the child lot would enable the applicable minimum density requirement to be met.]

C. Tentative Plan Approval Criteria. Approval of a tentative plan for an MHL D will be granted if the Planning Official finds that the applicant has met all of the criteria in subsections (1) through (7), below. The city's standard tentative plan approval criteria do not apply.

- 1. Except as provided in Section 1.4, the middle housing development complies with:
 - a. The Oregon Residential Specialty Code; and
 - b. The middle housing regulations applicable to the parent lot, including but not limited to, the provisions in this Code and any applicable provisions in the city's development code.
- 2. Exactly one dwelling unit will be located on each resulting child lot except for:
 - a. Lots, parcels, or tracts used as common areas, on which no dwelling units will be permitted; or
 - b. Lots with 2 retained or rehabilitated existing units, as allowed under Section 1.4. Such retained units shall be considered a single middle housing unit for the purposes of the MHL D.
- 3. Separate utility service connections will be provided for each child lot, [Recommended: unless the applicant records a Covenant, Condition, or Restriction (CC&R) outlining the shared maintenance obligations of individual owners for all shared utilities. Shared maintenance obligations may be through a homeowners association or other legal entity.]
- 4. Easements will be provided as necessary for each dwelling unit on the site for:
 - a. Locating, accessing, replacing, and servicing all utilities;
 - b. Pedestrian access from each dwelling unit to a private or public road;

9 – Procedures and Applications

- c. Access to any common use areas or shared building elements; and
- d. Access to any dedicated driveways or parking.
- 5. Buildings or structures on a resulting child lot will comply with applicable building code provisions relating to new property lines.
- 6. Notwithstanding the creation of new child lots, all structures or buildings located on the newly created lots will comply with the Oregon Residential Specialty Code.
- 7. Where a resulting child lot abuts a street that does not meet city standards, street frontage improvements will be constructed and, if necessary, additional right-of-way will be dedicated, pursuant to the city's public works standards and design and construction specifications.

D. Tentative Plan Submittal Requirements. An application for an MHLD tentative plan shall include the following:

- 1. Any information required by the city for a standard land division.
- 2. A description of the manner in which the proposed land division will satisfy the approval criteria in subsection (C).
- 3. Copies of approved building permits, building permit applications, or comparable information necessary to demonstrate compliance with building code standards, and an accompanying site plan demonstrating compliance with criteria in subsections (C)(1), (5), and (6).
- 4. In addition to the items required by the city to be shown on a tentative plan or preliminary plat for a standard land division, the MHLD tentative plan shall show the following details:
 - a. Utility connections for each dwelling unit, demonstrating compliance with approval criterion (C)(3).
 - b. Existing or proposed easements necessary for each dwelling unit on the plan, demonstrating compliance with the criterion (C)(4).
- 5. Draft copies of all necessary easements required by criterion (C)(4).

E. Tentative Plan Conditions of Approval.

- 1. The city may attach conditions of approval of a tentative plan for an MHLD to:
 - a. Prohibit further division of the resulting child lots. [Recommended: However, further division of the child lots may be permitted as provided in subsection (B)(4).]
 - b. Require that a notation appear on the final plat indicating:
 - i. The approval was given under ORS 92.031.
 - ii. The type of middle housing approved on the subject site and noting that this middle housing type shall not be altered by the MHLD.
 - iii. Accessory dwelling units are not permitted on resulting child lots. [Recommended: except as provided below.

9 – Procedures and Applications

- (A) The child lots are used to create housing that is at or above the applicable minimum density standard; or
- (B) The accessory dwelling unit is provided as a bonus unit under Section 8.2.]
- c. Require that all public improvements and site improvements that are required to satisfy approval criteria in subsection (C) and applicable standards of the city's code are constructed prior to issuance of a Certificate of Occupancy for the development.
- 2. The tentative approval of an MHL D is void if and only if a final MHL D plat is not approved within 3 years of the tentative approval.

F. Tentative Plan Procedure.

- 1. **Standard Procedure.** Unless the applicant requests to use the procedure for an expedited land division as provided in subsection (2), the city shall review an MHL D under the same procedure that applies to a standard land division. An application of one or more than one MHL D submitted at the same time as an application for a standard land division will be consolidated into a single application subject to the procedural requirements for the standard land division.
- 2. **Expedited Procedure.** If requested by the applicant, the procedure used for an expedited land division shall apply to the review and approval of an MHL D, as provided below and in ORS 197.365. A decision for an MHL D processed under ORS 197.365 is not subject to the requirements of ORS 197.797.
 - a. The applicant shall pay a filing fee according to the city's fee schedule, or as otherwise specified by the city in accordance with ORS 197.365(2)(e).
 - b. The Planning Official shall follow the procedure specified in Section 9.3(D) for determination and notification of a complete application.
 - c. The Planning Official shall make a decision to approve or deny the application and shall provide notice of the decision to the applicant within 63 days of receiving a completed application. Notice shall not be provided to any other person.
 - d. The MHL D review process does not include a hearing and the city does not accept public comment from third parties.
 - e. The city shall issue a written determination of compliance or noncompliance with the approval criteria in subsection (C). An approval may include conditions of approval pursuant to subsection (E) to ensure that the application meets all applicable requirements.
 - f. The written determination shall include a summary statement explaining the determination and an explanation of the applicant's right to appeal the determination under ORS 197.830 to 197.855.
 - g. Only the applicant may appeal a decision for an MHL D processed as an expedited land division made under this section.

9 – Procedures and Applications

- G. Final Plat Requirements.** An application for an MHL D final plat shall meet the city’s requirements and approval criteria that apply to a standard land division final plat, unless those requirements conflict with statutory requirements for MHL Ds, in which case the statutory requirements apply.

10 – Measurement Methodologies and Definitions

Chapter 10 – Measurement Methodologies and Definitions

Sections:

10.1 Measurement Methodologies

10.2 Definitions

10.1 Measurement Methodologies

10.1.1 Floor Area and Floor Area Ratio

A. Standard.

1. Average cottage size (i.e., average floor area) for cottage clusters is specified in Table 5.1.
2. Maximum floor area for accessory dwelling units is specified in Section 7.1.3.
3. Maximum floor area ratios for other housing types are stated in Tables 2.1 - 4.1 and 6.1. Floor area ratio works with height, setback, and outdoor area requirements to control the overall bulk and placement of buildings.

B. Measurement Methodology.

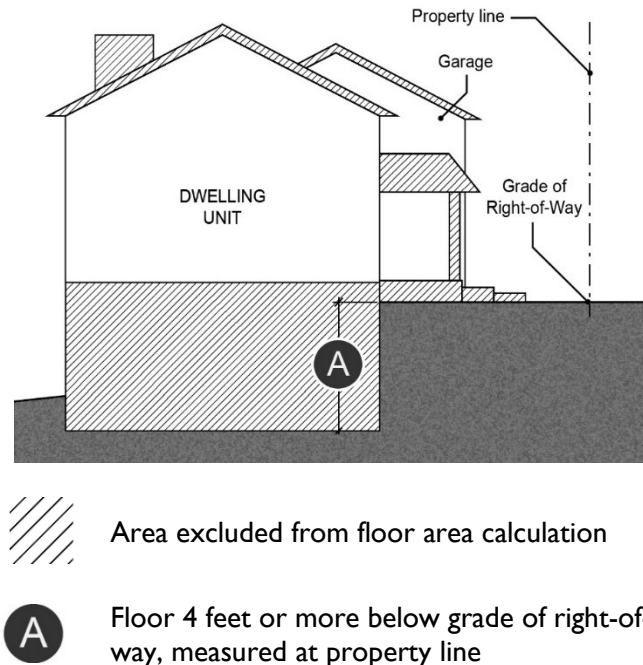
1. **Floor Area.** Floor area is measured for each floor from the exterior faces of a building. Floor area includes stairwells, ramps, shafts, chases, and the area devoted to garages and structured parking.

Floor area does not include the following (see Figure 10.1.1.a):

- Areas where the elevation of the floor is 4 feet or more below the adjacent right-of way, as measured at the property line;
- Basements. For the purposes of the floor area calculation, basement area includes the portion of a building that is partly or completely below grade. A minimum of 50 percent of the total combined area of the basement walls must be below grade to be considered a basement;
- Areas where the ceiling height is less than 6 feet 8 inches;
- Roof area, including roof top parking;
- Roof top mechanical equipment;
- Roofed outdoor living areas that are structurally attached to the building (e.g., porches and exterior balconies), unless they are enclosed by walls that are more than 42 inches in height for 75 percent or more of their perimeter; and
- Covered carports.
- Stairwells are only counted as floor area on one level.

10 – Measurement Methodologies and Definitions

Figure 10.1.1.a. Areas Excluded from Floor Area Calculation

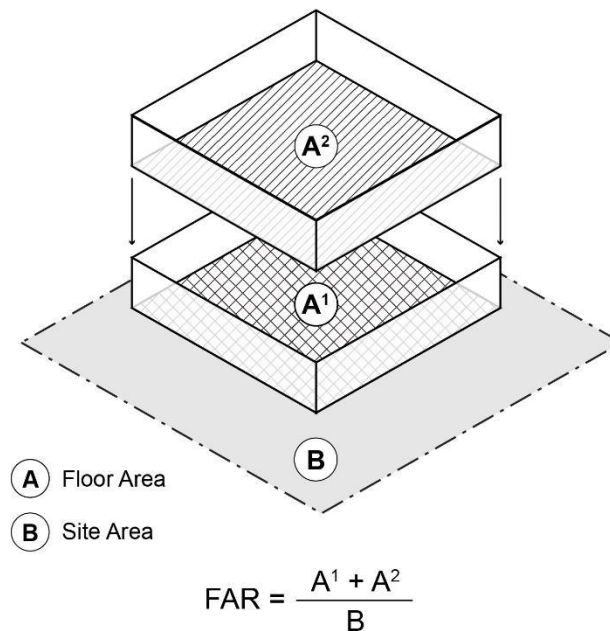


2. **Average Cottage Size.** Within each cottage cluster, the average cottage size is calculated as follows:
 - a. Total floor area of all cottages and community buildings within the cluster divided by the number of cottages and community buildings within the cluster.
 - b. The average floor area within a cluster may not exceed the maximum stated in Table 5.1.
 - c. Where dwelling units are attached, the floor area of each dwelling unit is calculated separately.
 - d. An applicant may choose to exclude existing structures retained under Section 5.2.8 from the calculation.
 - e. For cottage cluster projects with multiple clusters, the average cottage size is calculated for each cluster separately.
3. **Floor Area Ratio (FAR).** FAR is the amount of floor area of a building or structure in relation to the amount of site area. FAR is expressed as a ratio of X:1, where X represents the total building floor area permitted for each square foot of site area. For example, FAR of 0.7:1 means 0.7 square feet of floor area for every one square foot of site area. FAR is calculated by dividing the total floor area of all buildings on a site by the total site area (See Figure 10.1.1.b).

The maximum FAR applies to all buildings on a site, cumulatively. Refer to Section 10.2 for the definition of “site.”

10 – Measurement Methodologies and Definitions

Figure 10.1.1.b. Floor Area Ratio (FAR) Calculation



C. FAR Exceptions. The following are not included in the calculation of FAR.

1. Floor area for required long term bicycle parking that is not located in a dwelling unit.
2. Floor area for indoor common area used to meet the requirements of Section 6.2.6.
3. Accessory structures under 15 feet high and less than 200 square feet.

10.1.2 Height

A. Standard. Maximum building/structure height allowed for each housing type are stated in Tables 2.1 - 6.1. It is intended to work with FAR, setback, and outdoor area requirements to control the overall bulk and placement of buildings. Exceptions to the maximum height are stated in subsection (C).

B. Measuring Building Height. Building height shall be calculated in accordance with the applicable building code.

C. Exceptions.

1. Chimneys, vents, flag poles, satellite receiving dishes and other projecting items with a width, depth, or diameter of 3 feet or less may extend above the height limit, as long as they are attached to a building and do not exceed 5 feet above the top of the highest point of the roof. If they are greater than 3 feet in width, depth, or diameter, they are subject to the height limit.
2. Roof mounted solar panels are not included in height calculations.
3. For buildings over 3 floors in height, rooftop mechanical equipment and stairwell enclosures that provide rooftop access may extend above the height limit as follows, provided that the equipment and enclosures are set back at least 15 feet from all roof edges on street-facing facades.

10 – Measurement Methodologies and Definitions

- a. Elevator mechanical equipment may extend up to 16 feet above the height limit; and
- b. Other mechanical equipment and stairwell enclosures that cumulatively cover no more than 10 percent of the roof area may extend up to 10 feet above the height limit.

10.1.3 Minimum Density

- A. Standard.** The minimum density standard for each housing type is stated in Tables 2.1 - 6.1. Minimum density ensures more efficient use of available residential land and helps ensure sufficient residential capacity to accommodate growth. Exceptions to minimum density are stated in subsection (C).
- B. Calculating Density.** Density is a measurement of the number of dwelling units in relationship to a specified amount of land, based on the minimum area per dwelling unit required by this Model Code. Density is calculated based on the area of a site (refer to the definition of “site” in Section 10.2). In order to avoid penalizing sites with constrained lands, minimum density is based on the net site area. Minimum Density is expressed in Tables 2.1 - 6.1 as the maximum amount of land (net site area) allowed per unit.

Minimum Density (i.e., maximum amount of land per unit) = Net site area / number of dwelling units.

- To calculate the number of units required to meet the minimum density standard, divide the net site area by the maximum land area per unit.
- For affordable housing developments meeting the definition in Section 10.2, dwelling units with three or more bedrooms may be counted as 2 units for the purposes of complying with minimum density.
- For the purpose of calculating minimum density, “net site area” equals the site area less constrained lands. Applicants may choose to classify the following as constrained land: goal protected lands; land with slopes of 25 percent or greater; land within utility easements; and for multi-unit housing developed on a site on which existing unit(s) will be retained, the building footprint and any required setbacks for those unit(s).

C. Exceptions.

1. Where the application of the minimum density standard to a site would result in a fraction of a unit, the number of units required may be rounded down to the nearest whole unit.
2. The following developments are exempt from meeting the minimum density requirements:
 - a. The conversion of an existing dwelling unit into two or more units;
 - b. The addition of accessory dwelling unit(s) to a lot;
 - c. The addition of middle housing to a lot with retained units pursuant to Section 1.4; and
 - d. Mixed-use developments, provided at least 5 percent of the total floor area is dedicated to commercial uses.

10 – Measurement Methodologies and Definitions

10.1.4 Building Setbacks

A. Standard. The minimum setbacks required for each housing type are stated in Tables 2.1 - 6.1.

Minimum setbacks work with FAR, height, and outdoor area requirements to control the overall bulk and placement of buildings.

1. Garage Entrance Setbacks (Driveway Length).

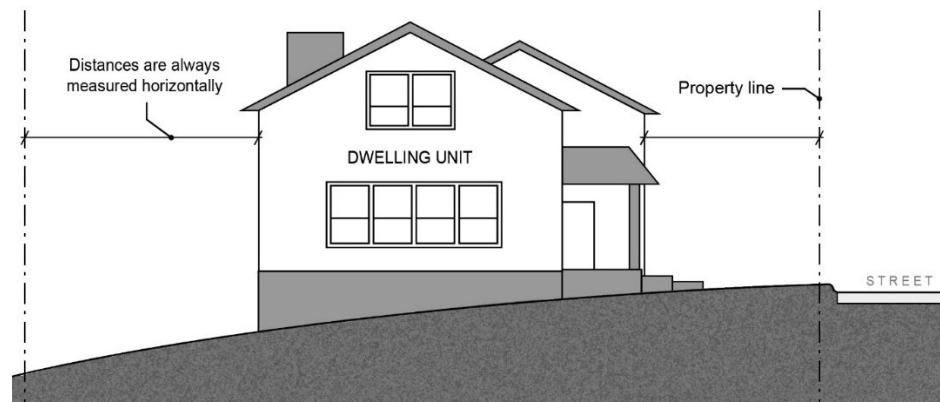
- a. Where Tables 3.1 – 6.1 specify either a minimum or maximum garage entrance setback, the garage entrance must be either 18 feet or farther from the street lot line or 5 feet or closer to the street lot line.
- b. If there is a driveway but no garage, the driveway length must be at least 18 feet. This includes driveways covered by a carport.
- c. Driveways accessed from an alley are exempt from garage entrance setback standards.

2. Exceptions to the minimum setbacks are stated in subsection (C).

B. Measuring Building Setbacks.

1. Setback distances are measured along a horizontal plane from the appropriate property line to the edge of the building (see Figure 10.1.4.a).

Figure 10.1.4.a. Setback Measurements



2. For multi-unit housing proposed on a site that includes more than one lot, setbacks are calculated based on the property lines of the overall site, rather than individual lots.
3. For lots divided by a Middle Housing Land Division, setbacks apply to the parent lot, not to child lots.
4. Where the subject property line abuts an existing right-of-way whose width is substandard based on the roadway classification in the city's adopted Transportation System Plan, the setback shall be based on the future right-of-way line after dedication.
5. Measurements are made to the closest wall of the structure. Projections into setbacks allowed pursuant to subsection (C)(4) are not included when determining the closest wall of the structure.

10 – Measurement Methodologies and Definitions

C. Exceptions to Building Setbacks.

1. The interior side lot line between two attached dwelling units is not subject to the minimum side setback standard in Table 4.1 (Townhouses).
2. Alley lot lines are exempt from minimum garage entrance setbacks (driveway length).
3. Portions of structures that are entirely underground are not included in measuring required distances.
4. Projections into Setbacks.
 - a. Building eaves may project up to 2 feet into a required setback, provided the eave is at least 3 feet from a lot line.
 - b. Canopies and awnings may extend up to 5 feet into a required setback along a street lot line.
 - c. The following minor features may extend into entire required building setbacks:
 - i. Utility connections attached to the building that are required to provide services, such as water electricity and other similar utility services;
 - ii. Gutters and downspouts that drain stormwater off a roof of the structure;
 - iii. Stormwater planters that are no more than 2-1/2 feet above the ground;
 - iv. Water collection cisterns that are 6 feet or less in height;
 - v. Attached decks, stairs, and ramps that are no more than 2-1/2 feet above the ground. However, stairways and wheelchair ramps that lead to one entrance on the street-facing facade of a building are allowed to extend into the required street setbacks regardless of height above ground; and
 - vi. On lots that slope down from the street, vehicular or pedestrian entry bridges that are no more than 2-1/2 feet above the average sidewalk elevation.
 - vii. Balconies and bay windows may encroach into a required street-facing setback area.
 - d. The following features of a building may extend into a required building setback up to 20 percent of the depth of the setback, except as indicated. However, the feature must be at least 3 feet from a lot line.
 - i. Chimneys, fireplace inserts and vents, mechanical equipment, and fire escapes;
 - ii. Wheelchair ramps, water collection cisterns and stormwater planters that do not meet the standards of subsection (C)(4)(c); and
 - iii. Decks, stairways, that do not meet the standard for subsection (C)(4)(c), but only along a street lot line.

10 – Measurement Methodologies and Definitions

10.1.5 Required Outdoor Area and Usable Open Space

A. Standard. The minimum amount of outdoor area and usable open space (if applicable) required for each housing type is stated in Tables 2.1 – 6.1. Exceptions to the minimum required outdoor area and usable open space are stated in subsection (C). Except as specified below, site area covered by enclosed buildings or used for vehicle parking and circulation shall not be counted as required outdoor area or usable open space.

B. Measurement Methodology.

1. Required Outdoor Area. Areas which can be counted toward the required outdoor area include:
 - Areas planted with vegetation (including natural areas and existing trees);
 - Private open space, including balconies attached to individual dwelling units;
 - Pedestrian hardscape; and
 - Usable open space pursuant to subsection (B)(2).
2. Usable Open Space. Where usable open space is required, it must include one or more of the following:
 - Outdoor recreation area surfaced with lawn, groundcover, gravel, or hard surface. The area must be contiguous and able to fit a 10-foot by 10-foot square;
 - Balconies, terraces, and rooftop decks with seating areas that are available for use by all residents;
 - Tree grove (e.g., existing mature trees);
 - Turf or grass play fields;
 - Children's play structure or play area;
 - Sports courts;
 - Swimming or wading pool or hot tub;
 - Walking fitness course;
 - Natural area with benches;
 - Gardening area with at least 50 square feet of planting area; or
 - Indoor recreation and community spaces, as provided in subsection (C).
3. Enclosure. Required outdoor areas may be covered, such as a covered patio or gazebo, but they may not be fully enclosed, except as provided in subsection (C). Covered outdoor areas are subject to the applicable setback standards.

C. Exceptions. As provided in Section 6.2.6(A)(3)(c), some of the required usable open space may be provided as shared indoor recreation or community space. Eligible spaces include:

- Community rooms, including exercise, entertainment, cooking/dining, or meeting facilities;
- Day care facilities;
- Support services offices/facilities; and
- Occupational facilities, such as shared remote or live-work facilities.

Indoor common areas that are not recreational or community spaces, such as lobbies, hallways, laundry facilities, storage rooms, and vehicle or bicycle facilities, do not qualify.

10 – Measurement Methodologies and Definitions

10.1.6 Vehicle Parking

A. Standards.

1. The minimum and maximum amount of off-street vehicle parking required for each housing type is stated in Tables 2.1 - 6.1.
2. Fractions. In calculating the required number of vehicle parking spaces, fractions equal to or more than 0.5 shall be rounded up to the nearest whole number and fractions less than 0.5 shall be rounded down to the nearest whole number.
3. Exceptions to the minimum and maximum parking requirements are stated in subsection (C).

B. Vehicle Parking.

1. Parking Location and Design. Off-street vehicle parking spaces required to meet minimum quantity requirements must meet the following standards:
 - a. Located on a hard-surfaced area.
 - b. Minimum space size:
 - Standard:
 - Width: 8.5 feet
 - Depth: 18 feet
 - Compact:
 - Width: 7.5 feet
 - Depth: 16 feet
 - c. Up to 20 percent of parking stalls in shared parking areas may be compact spaces.
 - d. Spaces may be covered or uncovered.
 - e. Spaces may be provided on individual lots or in a shared parking area on a common tract.
 - f. ADA parking spaces must be provided on site; all other required parking must be provided on site or within 200 feet of the site.
 - g. Except for ADA parking spaces, a credit for on-street parking shall be granted for some or all of the required off-street parking as provided in subsection (2).
2. On-Street Parking. If on-street parking spaces meet all the standards in subsections (a)-(d) below, they shall be counted toward the minimum off-street parking requirement.
 - a. The space must be abutting the subject site;
 - b. The space must be in a location where on-street parking is allowed by the city;
 - c. The space must be a minimum of 22 feet long; and
 - d. The space must not obstruct a required sight distance area.

10 – Measurement Methodologies and Definitions

3. **Maximum Parking.** Except as provided in subsection (C)(1), the maximum parking requirement applies to all parking on site, including visitor parking.

C. Exceptions.

1. ADA parking spaces and tandem parking spaces are exempt from the maximum limit on parking spaces.
2. The following are exempt from minimum required parking spaces:
 - a. Affordable housing as defined in Section 10.2;
 - b. Dwelling units 1,000 square feet or less in size; and
 - c. Dwelling units created through the conversion of an existing structure.

10.1.7 Bicycle Parking

A. Standards.

1. The minimum amount of bicycle parking required for each housing type is stated in Tables 2.1 - 6.1.
2. **Fractions.** In calculating the required number of bicycle parking spaces, fractions equal to or more than 0.5 shall be rounded up to the nearest whole number and fractions less than 0.5 shall be rounded down to the nearest whole number.
3. Exceptions to the bicycle parking requirements are stated in subsection (D).

B. Long-Term Bicycle Parking.

1. Long-term bicycle parking must be provided in one or more of the following locations.
 - a. Within a restricted access, lockable room outside of dwelling units with securely anchored racks that allow users to lock at least two points on a bicycle.
 - b. Within dwelling units that are at least 400 square feet, in the following circumstances:
 - i. Sites containing 12 or fewer dwelling units may provide up to 100 percent of required bicycle parking spaces in the dwelling units.
 - ii. Sites containing more than 12 dwelling units where all units above the ground floor have elevator access may provide up to 50 percent of the required bicycle parking spaces in dwelling units.
 - iii. Sites containing more than 12 dwelling units where all units above the ground floor do not have elevator access may provide required bicycle parking spaces in ground floor dwelling units only.
 - c. Within bicycle lockers that are fully enclosed, lockable, and securely anchored to the ground.
2. The area devoted to bicycle parking must be hard surfaced and lighting must be provided for nighttime use.

10 – Measurement Methodologies and Definitions

3. Bicycle parking spaces shall meet the following dimensional standards:

- a. At least 10 percent of spaces must be large spaces (designed to accommodate large bicycles, including family and cargo bicycles). Each large bicycle space must be a minimum of 3 feet wide, 7 feet long and 3 feet 4 inches tall.
- b. Up to 90 percent of required spaces can be standard spaces. Each standard bicycle space must be a minimum of 2 feet wide, 6 feet long and 3 feet 4 inches tall.

C. Short-Term Bicycle Parking. Short-term bicycle parking shall meet the following standards:

1. Location standards.

- a. For sites that are smaller than 20,000 square feet, short-term bicycle parking spaces may be provided on-site or within the public sidewalk, as allowable under the city's public works standards, provided the space does not obstruct required minimum sidewalk widths or access to doorways.
- b. For sites that are 20,000 square feet or larger, bicycle parking shall be provided on-site.
- c. If bicycle parking is provided on-site, it must be located:
 - i. At the same grade as the sidewalk or at a location that can be reached by an accessible route; and
 - ii. Within 50 feet of a main entrance to the building, as measured along the most direct pedestrian access route.

2. Dimensional standards. Each short-term bicycle space must be a minimum of 2 feet wide, 6 feet long and 3 feet 4 inches tall.

D. Exceptions. The following are exempt from the long-term bicycle parking requirements:

1. Senior housing projects (those restricted for occupancy by households in which at least one member is aged 55 years or older).
2. Accessible units and any bonus units that are provided in a development where an accessibility bonus is triggered pursuant to Section 8.2.

10.1.8 Windows and Doors

A. Standard. The minimum amount of window and door area required for each housing type is stated in the applicable design standards.

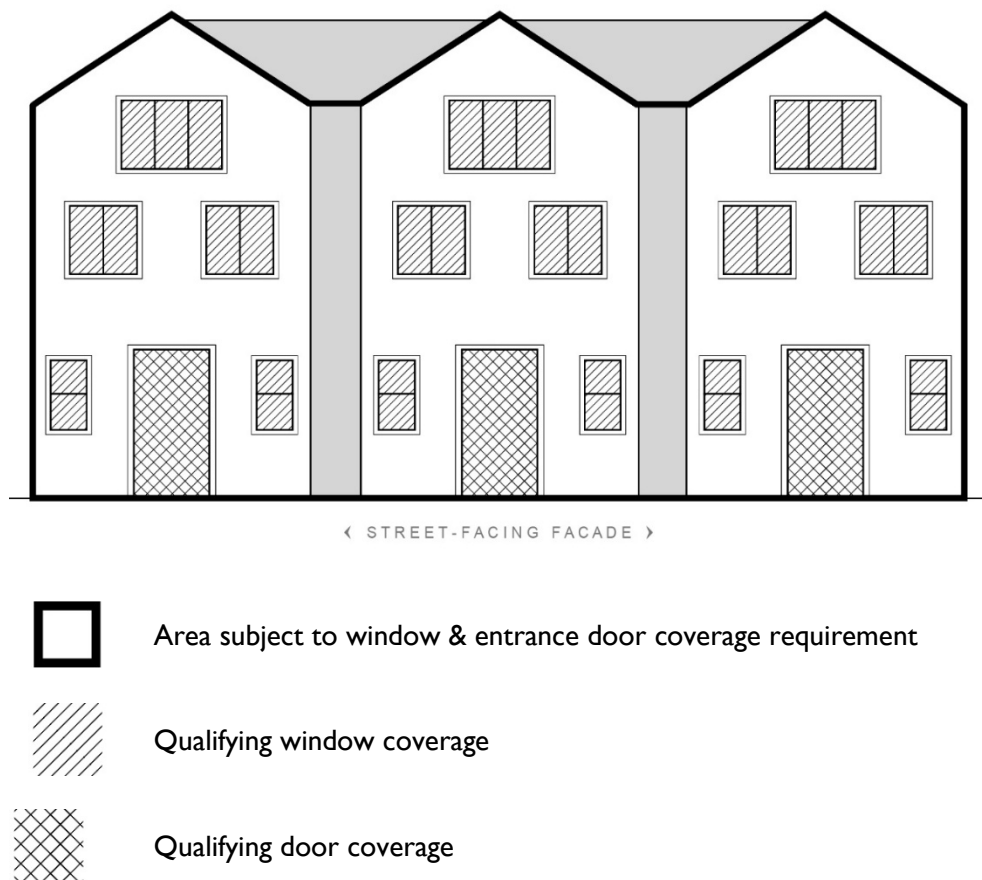
B. Measurement Methodology. Areas that qualify for the window and door coverage calculation are subject to the following (See Figure 10.1.8.a):

1. Windows and pedestrian entrance doors may be used to meet this standard as provided in subsections (2) and (3), below.

10 – Measurement Methodologies and Definitions

2. Window area is the aggregate area of the glass within each window, including any interior grids, mullions, or transoms. Windows into storage areas, mechanical and utility areas, and garbage and recycling areas do not qualify.
3. Door area is the area of the portion of an entrance door (other than a garage door) that moves and does not include the frame. For multi-unit housing, doors that provide access to dwelling units (either shared or individual access) and community spaces qualify, but all other doors (e.g., into storage areas or mechanical areas) do not qualify.

Figure 10.1.8.a. Window and Door Coverage



I0 – Measurement Methodologies and Definitions

10.2 Definitions

A. Applicability. The following definitions shall apply for the purposes of this Model Code, notwithstanding other definitions in a locally adopted development code.

B. Definitions.

1. “Accessible unit” means a unit of housing that complies with the “Type A” requirements applicable to units as set forth in the Standard for Accessible and Usable Buildings and Facilities published by the International Code Council and as referenced by the state building code.
2. “Accessible walkway” means a walkway designed and built according to the Americans with Disabilities Act (ADA) standards to ensure it is usable by people with disabilities, particularly those who use mobility devices.
3. “Accessory Dwelling Unit” – see “Housing Type.”
4. “Adaptable unit” means a unit of housing that complies with the “Type B” requirements applicable to units as set forth in the Standard for Accessible and Usable Buildings and Facilities published by the International Code Council and as referenced by the state building code.
5. “Affordable Housing” means income-restricted housing in one of the following categories, as provided in Chapter 8:
 - a. 10-Year Affordable Homeownership Unit. A unit of housing is subject to an affordable housing covenant, as described in ORS 456.270 to 456.295, that:
 - i. Makes the unit available and affordable to purchase and to own for households with incomes of 120 percent or less of the area median income; and
 - ii. Is enforceable for a duration of not less than 10 years from the date of the certificate of occupancy.
 - b. 20-Year Affordable Housing. Residential property:
 - i. In which the average of all units on the property is made available to own or rent to households with incomes of 80 percent or less of the area median income; and
 - ii. Whose affordability, including affordability under a covenant as described in ORS 456.270 to 456.295, is enforceable for a duration of no less than 20 years.
 - c. 30-Year Affordable Housing. Residential property:
 - i. In which:
 - (A) Each unit on the property is made available to own or rent to households with incomes of 80 percent or less of the area median income; or
 - (B) The average of all units on the property is made available to households with incomes of 60 percent or less of the area median income; and

I0 – Measurement Methodologies and Definitions

- ii. Whose affordability, including affordability under a covenant as described in ORS 456.270 to 456.295, is enforceable for a duration of no less than 30 years.
 - d. 90-Year Moderate Income Cooperative Housing: Residential property in which all of the units are subject to a zero equity, limited equity, or shared equity ownership model including resident-owned cooperatives and community land trusts making them affordable to moderate income households as described in ORS 456.270 to 456.295 for a period of 90 years.
- 6. “Appeal Body” means the local decision-making authority designated by a City to hear and decide appeals of land use decisions and Limited Land Use Decisions. The Appeal Body for an appeal of a decision made by a Planning Official may be a Hearings Officer, Planning Commission, or City Council.
- 7. “Building footprint” means the horizontal area as seen in plan, measured from outside of all exterior walls and supporting columns. It includes dwellings and any area of attached garage that exceeds 200 square feet. It does not include detached garages or carports; accessory structures; trellises; patios; areas of porch, deck, and balcony less than 30 inches from finished grade; cantilevered covers, porches or projections; or ramps and stairways required for access. For attached housing, building footprint is measured for each dwelling unit separately, and is measured to the center of any common walls.
- 8. “Common courtyard” means a common area for use by residents of a cottage cluster. A common courtyard may function as a community yard. Hard and soft landscape features may be included in a common courtyard, such as pedestrian walkways, lawn, groundcover, trees, shrubs, patios, benches, or gazebos.
- 9. “Common wall” means a wall or set of walls in a single structure shared by two or more dwelling units. The common wall must be shared for at least 25 percent of the length of the side of the building of the dwelling units. The common wall may be any wall of the building, including the walls of attached garages.
- 10. “Cottage” means an individual dwelling unit that is part of a cottage cluster.
- 11. “Cottage cluster” – see “Housing Type.”
- 12. “Cottage cluster project” means a development site with one or more cottage clusters. Each cottage cluster as part of a cottage cluster project must have its own common courtyard.
- 13. “Detached single-unit” – see “Housing Type.”
- 14. “Driveway approach” means the edge of a driveway where it abuts a public right-of-way.
- 15. “Duplex” – see “Housing Type.”
- 16. “Dwelling unit” means a building, or a portion of a building, that has independent living facilities including provisions for sleeping, cooking, and sanitation, and that is designed for residential occupancy by a group of people. Buildings with more than one set of cooking facilities are considered to contain multiple dwelling units or accessory dwelling units, as applicable, unless the additional cooking facilities are clearly accessory to the primary use, such as an outdoor grill or wet bar.

10 – Measurement Methodologies and Definitions

17. “Façade” means the vertical wall face of a building, or the sum of multiple vertical faces, facing the same lot line.
18. “Floor area” and “Floor area ratio” – see Section 10.1.1.
19. “Frontage” means the portion of a lot or parcel that abuts a street.
20. “Goal Protected Lands” means lands protected or designated pursuant to any one of the following statewide planning goals:
 - Goal 5 Natural Resources, Scenic and Historic Areas, and Open Spaces;
 - Goal 6 Air, Water, and Land Resource Quality
 - Goal 7 Areas Subject to Natural Hazards;
 - Goal 9 Economic Development;
 - Goal 15 Willamette River Greenway;
 - Goal 16 Estuarine Resources;
 - Goal 17 Coastal Shorelands; or
 - Goal 18 Beaches and Dunes.
21. “Hard surfaced,” in the context of pedestrian walkways, means built with a durable, solid material that provides a firm, stable, and smooth walking surface, which may include concrete, asphalt, or pavers or bricks set in mortar or compacted base.
22. “Housing Type” means one of the following. (In instances where a development can meet the definition of more than one housing type, the applicant shall specify the housing type on the development application.)
 - a. “Accessory Dwelling Unit” or “ADU” means an interior, attached, or detached residential structure that is used in connection with, or that is accessory to, a primary dwelling.
 - b. “Cottage cluster” means a grouping of dwelling units that share a common courtyard. Each dwelling unit has a small footprint or floor area. The dwelling units may be detached or attached, provided no one building or structure contains more than 4 dwelling units. Cottage cluster may also be known as “cluster housing,” “cottage housing,” “bungalow court,” “cottage court,” “courtyard housing,” “garden apartments,” or “pocket neighborhood.”
 - c. “Detached single-unit” or “DSU” means a detached structure on a lot or parcel that is comprised of a single dwelling unit. Detached single-units may be constructed on-site or off-site (e.g., manufactured dwellings or prefabricated homes).
 - d. “Duplex” means two attached or detached dwelling units in any configuration on a lot or parcel, other than a lot or parcel created by a Middle Housing Land Division.
 - e. “Middle housing” means housing that consists of duplexes, triplexes, quadplexes, cottage clusters, or townhouses. “Middle housing” includes retained units under Section 1.4 and additional “bonus” units allowed by Sections 8.2.1 through 8.2.4 or by Oregon Laws 2025, Chapter 476, Section 3 (3), as applicable.
 - f. “Multi-unit housing” means 5 or more dwelling units located on the same lot or development site, not including middle housing.

10 – Measurement Methodologies and Definitions

- g. “Quadplex” means 4 attached or detached dwelling units in any configuration on a lot or parcel, other than a lot or parcel created by a Middle Housing Land Division.
 - h. “Townhouse” means a dwelling unit constructed in a row of 2 or more attached units, where each dwelling unit is located on an individual lot or parcel and shares at least one common wall with an adjacent unit. A townhouse is also commonly called a “rowhouse,” “attached house,” “townhome,” or “common-wall house.”
 - i. “Triplex” means 3 attached or detached dwelling units in any configuration on a lot or parcel, other than a lot or parcel created by a Middle Housing Land Division.
23. “Local street” means a street designated as a local street in a city’s adopted Transportation System Plan, in the applicable functional classification map, or in the city’s public works or engineering standards. Where street classifications have not been established, “local street” means a street that serves primarily local access to property and circulation within neighborhoods or specific areas.
24. “Lot” or “lot or parcel” means any lawfully established unit of land, as defined in ORS 92.010. Lot may also be used generically to refer to units of land created through partitions.
25. “Main entrance” means the ground floor (or first floor) exterior pedestrian door through which residents and visitors enter a residential building or dwelling unit. For buildings where access to some or all dwelling units is via shared hallways, a main entrance is one that enters the lobby or common circulation space. A building may have more than one main entrance meeting these criteria. For buildings in which all units have individual exterior entrances, each entrance to a dwelling unit is considered a main entrance.
26. “Middle housing” – see “Housing Type.”
27. “Middle housing land division (MHLD)” means a partition or subdivision of a lot or parcel on which the development of middle housing is allowed under ORS 197A.420 (2) or (3) or Oregon Laws 2025, Chapter 476, Section 3.
- a. “Parent Lot” in relation to a Middle Housing Land Division means a lot or parcel which is developed or is proposed to be developed with a middle housing development.
 - b. “Child Lot” in relation to a Middle Housing Land Division means the unit(s) of land created from a parent lot as the result of a Middle Housing Land Division. A “child lot” may also be referred to as a “middle housing lot.”
28. “Multi-unit housing” – see “Housing Type.”
29. “Planning Official” means the person(s) or body (including designees) designated by the governing body of a city to administer the city’s comprehensive plan, land use regulations, and related requirements. Typically, the Planning Official is an individual employed by a city (e.g., Planning Director or designees) but may be the Planning Commission or City Council.
30. “Primary dwelling” means a principal dwelling on a lot or site that constitutes the main residential use of the property. Where a dwelling unit:

I0 – Measurement Methodologies and Definitions

- a. Is added to a lot with an existing dwelling that has been in place for at least 5 years, the existing dwelling is designated as the primary dwelling.
 - b. Is constructed within 5 years of the primary dwelling, the larger unit is designated as the primary dwelling.
 - c. Could meet the definition of either a primary or accessory dwelling unit, the applicant may designate which dwelling shall serve as the primary dwelling.
31. “Quadplex” – see “Housing Type.”
32. “Regulated housing” means residential dwelling units of the following types: Detached Single-Unit, Duplex, Triplex, Quadplex, Townhouse, Cottage Cluster, Multi-Unit Housing, and Accessory Dwelling Unit.
33. “Site” has different meanings depending on the housing type, as provided below. “Development site” has the same meaning as “site.”
- a. For detached single-unit, duplex, triplex, quadplex, and cottage cluster, “site” means a single lot (other than a middle housing child lot) on which the housing unit or units is proposed.
 - b. For townhouse, “site” refers to all the lots underlying a single townhouse structure.
 - c. For multi-unit housing, “site” refers to a property (or group of abutting parcels or lots under the same ownership) that is subject to a development application.
34. “Site area” means the total area of a development site calculated after subtracting any required or planned dedication of public rights-of-way or designation of private rights-of-way.
35. “Standard land division” means a subdivision or partition other than a Middle Housing Land Division.
36. “Sufficient Infrastructure” means the following level of public services to serve a new housing development:
- Connection to a public sewer system capable of meeting established service levels.
 - Connection to a public water system capable of meeting established service levels.
 - Access via public or private streets meeting adopted emergency vehicle access standards to a city’s public street system.
 - Storm drainage facilities capable of meeting established service levels for storm drainage.
37. “Townhouse” – see “Housing Type.”
38. “Townhouse project” means one or more townhouse structures (i.e., structures formed by attached townhouses) constructed, or proposed to be constructed, together with the development site where the land has been divided, or is proposed to be divided, to reflect the townhouse property lines and any commonly owned property.

10 – Measurement Methodologies and Definitions

39. “Townhouse style multi-unit housing” means developments in which the units have individual ground floor entries, share one or more common walls with one or more other units, and do not share common floors/ceilings with another unit.
40. “Triplex” – see “Housing Type.”

Overview of Changes to the Final Housing Model Codes November 12, 2025

This memorandum summarizes the substantive changes that were made to the Draft Housing Model Codes between the Public Comment Draft released in October 2025 and the Final Draft for consideration by the Land Conservation and Development Commission. Note: The Public Comment Draft combined the codes for Medium and Large Cities for easier review, but now the Model Codes for the three city sizes are entirely separated.

The following table provides an overview of the substantive changes to the drafts. These changes were largely made in response to public comments, but also include refinements recommended by the Model Code team for better clarity and usability.

The revised draft also includes updated figures that:

- Better match the wording of the standards,
- Further clarify some of the provisions,
- Provide a more consistent graphic style across figures, and
- Include editable figure keys.

CODE SECTION	MEDIUM & LARGE CITIES MODEL CODES	SMALL CITIES MODEL CODE
Chapter 1 – General Provisions		
<i>1.1 Purpose</i>	No substantive changes.	No substantive changes.
<i>1.2 Applicability</i>	Revised the “Adoption by Reference” section to identify “Retention of Existing Units with Middle Housing” as an individual module.	Change not applicable to Small Cities.
<i>1.3 Relationship to Other Regulations</i>	• Clarified applicability of Model Ordinance conflicts to reference rules that allow cities to optionally adopt/apply the code or where the code is mandatorily applied by an LCDC enforcement order (OAR 660-008-0430). • Added a reference to local land division standards and procedures (except for Middle Housing Land Divisions),	Same changes as Medium & Large Cities.

CODE SECTION	MEDIUM & LARGE CITIES MODEL CODES	SMALL CITIES MODEL CODE
	provided they don't preclude minimum density from being met.	
<i>1.4 Retention of Existing Units with Middle Housing</i>	No substantive changes.	Section not applicable to Small Cities.
<i>1.5 Exception to Certain Design Standards</i>	Clarified applicability.	Same changes as Medium & Large Cities.
Chapter 2 – Detached Single-Unit and Duplex		
<i>2.1 Siting Standards</i>	Clarified exceptions for retained units with middle housing, per Section 1.4.	Change not applicable to Small Cities.
<i>2.2 Design Standards - Detached Single-Unit and Duplex</i>		
<i>2.2.1 Entry Orientation and Pedestrian Connectivity</i>	Clarified a few of the requirements and exceptions, and updated the figures.	Same changes as Medium & Large Cities.
<i>2.2.2 Transitions to Residential Entrances</i>	Specified a minimum wall/fence width.	Section not applicable to Small Cities.
<i>2.2.3 Windows and Doors</i>	Clarified one of the exceptions.	[2.2.2] Same changes as Medium & Large Cities.
<i>2.2.4 Off-Street Parking Areas</i>	Clarified the standards and updated the figure.	[2.2.3] Same changes as Medium & Large Cities.
<i>2.3 Unit Configuration and Conversions - Duplex</i>	No substantive changes.	No substantive changes.
Chapter 3 – Triplex and Quadplex		
<i>3.1 Siting Standards - Triplex and Quadplex</i>	(Same changes as for single-unit and duplex.)	Change not applicable to Small Cities.
<i>3.2 Design Standards - Triplex and Quadplex</i>		
<i>3.2.1 Entry Orientation and Pedestrian Connectivity</i>	(Same changes as for single-unit and duplex.)	Same changes as Medium & Large Cities.
<i>3.2.2 Transitions to Residential Entrances</i>	(Same changes as for single-unit and duplex.)	Section not applicable to Small Cities.

CODE SECTION	MEDIUM & LARGE CITIES MODEL CODES	SMALL CITIES MODEL CODE
<i>3.2.3 Windows and Doors</i>	(Same changes as for single-unit and duplex.)	[3.2.2] Same changes as Medium & Large Cities.
<i>3.2.4 Off-Street Parking Areas</i>	(Same changes as for single-unit and duplex.)	[3.2.3] Same changes as Medium & Large Cities.
<i>3.2.5 Driveway Approach</i>	Clarified standards and updated the figures, including a new figure to illustrate one driveway serving of the units.	[3.2.4] Same changes as Medium & Large Cities.
<i>3.2.6 Trash Storage</i>	Based on a public comment about separation from abutting residences, revised to offer two choices: either provide a 5' setback from the abutting lot line or provide a taller (6') screen.	[3.2.5] Same changes as Medium & Large Cities.
<i>3.3 Unit Configuration and Conversions – Triplex and Quadplex</i>	No substantive changes.	No substantive changes.
Chapter 4 – Townhouse		
<i>4.1 Siting Standards – Townhouse –</i>	(Same changes as for single-unit/duplex and triplex/quadplex.)	Change not applicable to Small Cities.
<i>4.2 Design Standards – Townhouse</i>		
<i>4.2.1 Entry Orientation and Pedestrian Connectivity</i>	(Same changes as for single-unit/duplex and triplex/quadplex.) Revised figures to better reflect townhouse (vs. single-unit or plex) configurations.	Same changes as Medium & Large Cities.
<i>4.2.2 Transitions to Residential Entrances</i>	(Same changes as for single-unit/duplex and triplex/quadplex.)	Section not applicable to Small Cities.
<i>4.2.3 Windows and Doors</i>	(Same changes as for single-unit/duplex and triplex/quadplex.)	[4.2.2] Same changes as Medium & Large Cities.
<i>4.2.4 Driveway Access and Parking –</i>	- Made a number of revisions to clarify these standards and to remove redundant or unnecessary provisions. - Also provided more clarity for townhouse configurations in which the units don't have street frontage and take access from a shared driveway and access easement/tract. Added a new figure to illustrate this configuration.	[4.2.3] Same changes as Medium & Large Cities.

CODE SECTION	MEDIUM & LARGE CITIES MODEL CODES	SMALL CITIES MODEL CODE
4.2.5 <i>Trash Storage</i>	(Same changes as for triplex/quadplex.)	[4.2.4] Same changes as Medium & Large Cities.
Chapter 5 – Cottage Cluster		
5.1 <i>Siting Standards – Cottage Cluster</i>	(Same changes as for single-unit and other middle housing types.)	Change not applicable to Small Cities.
5.2 <i>Design Standards – Cottage Cluster</i>		
5.2.1 <i>Cottage Orientation</i>	Clarified a few of the standards. Updated the figure.	Same changes as Medium & Large Cities.
5.2.2 <i>Common Courtyard Design Standards</i>	Clarified a few of the standards. Updated the figure.	Same changes as Medium & Large Cities.
5.2.3 <i>Community Buildings</i>	In response to a public comment, the revised draft clarified that community buildings may not provide individual storage spaces, but may provide storage for shared equipment or supplies.	Same changes as Medium & Large Cities.
5.2.4 <i>Pedestrian Access</i>	The prior version of these standards required “accessible” walkways connecting key features of a cottage cluster site. To make this more flexible, especially for sloped sites, the revised draft limits the requirement so an accessible walkway is only required when connecting to accessible/adaptable units and ADA parking spaces.	Same changes as Medium & Large Cities.
5.2.5 <i>Windows and Doors</i>	(Same changes as for single-unit and other middle housing types.)	Same changes as Medium & Large Cities.
5.2.6 <i>Parking Design</i>	Updated the figure.	Same changes as Medium & Large Cities.
5.2.7 <i>Accessory Structures</i>	Clarified that the 400-SF limit does not apply to community buildings.	Same changes as Medium & Large Cities.
5.2.8 <i>Existing Structures</i>	In response to a public comment, the revised draft added flexibility by allowing the applicant to choose whether existing structures are included in the average cottage size calculation.	Same changes as Medium & Large Cities.
5.2.9 <i>Trash Storage</i>	(Same changes as for triplex/quadplex and townhouse.)	Same changes as Medium & Large Cities.
Chapter 6 – Multi-Unit Housing		

CODE SECTION	MEDIUM & LARGE CITIES MODEL CODES	SMALL CITIES MODEL CODE
6.1 <i>Siting Standards</i>	In response to a public comment, the revised draft simplified and clarified the short-term bicycle parking standards so the same standard applies regardless of site size.	Change not applicable to Small Cities.
6.2 Design Standards – Multi-Unit		
6.2.1 <i>Entry Orientation – Non-Townhouse Style</i>	Clarified a few of the standards.	Same changes as Medium & Large Cities.
6.2.2 <i>Entry Orientation – Townhouse Style</i>	Clarified a few of the standards.	Same changes as Medium & Large Cities.
6.2.3 <i>Transitions to Residential Entrances</i>	(Same changes as for other housing types.)	Section not applicable to Small Cities.
6.2.4 <i>Pedestrian Connections –</i>	No substantive changes.	[6.2.3] Same changes as Medium & Large Cities.
6.2.5 <i>Windows and Doors</i>	(Same changes as for other housing types.)	[6.2.4] Same changes as Medium & Large Cities.
6.2.6 <i>Required Outdoor Area and Usable Open Space</i>	<u>Usable Open Space</u> – The prior draft allowed interior community spaces to count toward usable open space requirements – up to 100% for affordable housing and up to 50% for all other housing. Because affordable housing is already allowed reductions to outdoor area requirements via bonuses (Section 8.2.5), this additional allowance is not necessary. The revised draft retains the 50% allowance for all housing, but removes the 100% allowance for affordable housing.	[6.2.5] Change not applicable to Small Cities.
6.2.7 <i>Parking Location and Design</i>	Clarified a few of the standards.	[6.2.6] Same changes as Medium & Large Cities.
6.2.8 <i>Driveway Access and Parking – Townhouse Style</i>	Updated the wording consistent with updates to the townhouse driveway access and parking standards.	[6.2.7] Same changes as Medium & Large Cities.
6.2.9 <i>Screening from Arterials</i>	Clarified the standards.	[6.2.8] Same changes as Medium & Large Cities.
6.2.10 <i>Trash Storage</i>	(Same changes as for other housing types.)	[6.2.9] Same changes as Medium & Large Cities.

CODE SECTION	MEDIUM & LARGE CITIES MODEL CODES	SMALL CITIES MODEL CODE
Chapter 7 – Accessory Dwelling Unit		
<i>All standards</i>	Clarified the provisions for setbacks from alleys.	Same changes as Medium & Large Cities.
Chapter 8 – Bonuses		
<i>8.1 Bonuses, Generally</i>	- Updated the purpose statement to reflect the purpose of incentivizing affordable and accessible housing. - In response to a public comment, added a “Recommended” affordability option under Category 1B, 10-Year Mixed-Income Housing, to provide the same bonus for development in which 10% of units are available at 60% AMI. - Also added provisions to Category 1B to ensure the affordable units are roughly equivalent to market rate units in terms of size and number of bedrooms and bathrooms. The affordable units must have the same average number of bedrooms and bathrooms as the market rate units, and must have average unit sizes that are at least 90% of market rate units.	Chapter not applicable to Small Cities.
<i>8.2 Bonuses by Housing Type</i>	No substantive changes.	
<i>8.2.1 Bonuses for Detached Single-Unit or Duplex</i>	Clarified that retained units with middle housing (per HB 2138) are excluded from the bonus “cap.” Increased height bonuses from 5ft to 10ft.	
<i>8.2.2 Bonuses for Triplex or Quadplex</i>	Same changes as 8.2.1. Increased height bonuses from 5ft to 10ft.	
<i>8.2.3 Bonuses for Townhouses</i>	Same changes as 8.2.1. Increased height bonuses from 5ft to 10ft.	
<i>8.2.4 Bonuses for Cottage Cluster</i>	Same changes as 8.2.1.	
<i>8.2.5 Bonuses for Multi-Unit Housing</i>	Modified the “Reduce Required Outdoor Area” bonus so that Categories 1B and 2A are capped at a 10% outdoor area	

CODE SECTION	MEDIUM & LARGE CITIES MODEL CODES	SMALL CITIES MODEL CODE
	requirement, rather than allowing them to reduce to 0% outdoor area.	
Chapter 9 – Procedures and Applications		
<i>9.2 Procedure - Ministerial Decision</i>	No changes.	No changes
<i>9.3 Procedure - Limited Land Use Decision</i>	Corrected the requirement for an affidavit of mailed notice so it aligns with statute.	Same changes as Medium & Large Cities.
<i>9.4 Application - Zoning Review</i>	Added an option for a 1-year extension of a Zoning Review approval with review by the Planning Official.	In a response to a public comment, the revised draft reduces the threshold in Small Cities that triggers a Limited Land Use Decision – from 50 units to 20 units. The rationale is that larger-scale developments are less common in smaller cities and it may be more appropriate for those applications to require notice and have the opportunity for local appeal. The Medium & Large Cities threshold remains at 50 units.
<i>9.5 Application – Modification</i>	- Added a clarification that this section does not implement the Mandatory Adjustments statute. - For modifications of setback, building height, building floor area, and FAR standards, capped any modification at 5% of the standard. This was in response to a public comment that these modifications would erode the utility of the bonus system. The changes clarify that bonuses cannot be modified, and the 5% modification limit does not affect bonuses.	Same changes as Medium & Large Cities except that modification for setbacks, required outdoor area, building height, and building floor area are capped at 10% since the bonus system does not apply.
<i>9.6 Middle Housing Land Divisions</i>	In response to public comments: In the “Application Timing and Sequencing” section, clarified the relationship of middle housing land divisions with	Not included, not applicable to Small Cities.

CODE SECTION	MEDIUM & LARGE CITIES MODEL CODES	SMALL CITIES MODEL CODE
	concurrent, standard land divisions (per HB 2138). Also added a definition of “standard land division” to Section 10.2. In the “Final Plat Requirements” section, clarified that where local requirements for final plats conflict with the MHLD statute, the statutory requirements apply.	
Chapter 10 – Measurement Methodologies and Definitions		
<i>10.1 Measurement Methodologies</i>		
<i>10.1.1 Floor Area and Floor Area Ratio</i>	For the Floor Area calculation, excluded basements and areas where the ceiling height is less than 6 feet 8 inches. Also updated the figure. Further clarified FAR provisions.	Small Cities Only: 10.1.1 Minimum Lot Size for New Lots – No changes. [10.1.2] Same changes as Medium & Large Cities except that FAR provisions do not apply.
<i>10.1.2 Height</i>	No changes.	[10.1.3] No changes.
<i>10.1.3 Minimum Density</i>	Clarified the calculation methodology and exceptions related to existing retained units.	Section not applicable to Small Cities.
<i>10.1.4 Building Setbacks</i>	Clarified minimum garage entrance setbacks. Updated the figure.	Same changes as Medium & Large Cities.
<i>10.1.5 Required Outdoor Area and Usable Open Space</i>	No changes.	No changes.
<i>10.1.6 Vehicle Parking</i>	No changes.	No changes.
<i>10.1.7 Bicycle Parking</i>	Added a reference to local public works standards, for when short-term bicycle parking is located within the public sidewalk.	Change not applicable to Small Cities.
<i>10.1.8 Windows and Doors</i>	In response to a public comment, removed the option to include some of the window area in a garage, as it tends to encourage more vehicle parking. Updated the figure.	Same changes as Medium & Large Cities
<i>10.2 Definitions</i>	- Added definitions for: - Primary dwelling – to clarify how it is distinguished from an ADU. - Standard land division	Same changes as Medium & Large Cities except definition of “standard land division” not necessary for Small Cities code.

CODE SECTION	MEDIUM & LARGE CITIES MODEL CODES	SMALL CITIES MODEL CODE
	• Clarified definitions for: ○ Façade ○ Main entrance – to be clear and objective. ○ Townhouse project – to clarify what is considered a “townhouse structure”	

Housing Production Strategy Guidance for Cities "HPS Menu 2.0"
Description

Action Ref Number	Category	Action	Description
DS-1	Direct Support	Local Grants/ Low-interest Long-Term loans	Offer or fund a partner to offer grants or low-interest long-term loans for qualifying needed housing projects. Loans can apply to production, rehabilitation, and preservation/conversion to resident ownership.
DS-2	Direct Support	Local short-term loans or revolving loan fund for predevelopment	Provide or fund a partner to provide short term loans for land acquisition and preconstruction activities for qualifying needed housing projects from locally controlled funding sources.
DS-3	Direct Support	Local Government as Developer	Cities or counties or their affiliated housing authorities directly act as an affordable housing developer for 0-30% AMI, 31-60% AMI, and 61-80% AMI.
DS-4	Direct Support	Local Downpayment Assistance Program	Provide local funding to support affordable needed housing (0-30% AMI, 31-60% AMI, and 61-80% AMI) via homeownership providers to offer downpayment assistance to income-eligible first-time homebuyers.
DS-5	Direct Support	Fair Housing Testing	Contract to conduct paired testing of specified housing activities (leasing, homebuying, etc.) for specified protected classes (race, disability, national origin, etc.) to determine the forms of discrimination occurring in the jurisdiction.
DS-6	Direct Support	Public Land Disposition	Establish a policy to prioritize disposition of suitable surplus land for needed housing. Identify suitable sites, rezone, and make them available for needed housing development through a Request for Proposals (RFP) or similar process.
DS-7	Direct Support	Land Banking	Public purchasing of vacant/under-utilized sites of land for future housing development.
DS-8	Direct Support	Infrastructure Support	Plan for, fund and build infrastructure required to serve specific categories of needed housing development, based on CIP and infrastructure planning documents.
DS-9	Direct Support	Facilitate Annexation Eligibility	To facilitate annexation, city jurisdictionally transfers right-of-way to provide for contiguous properties to increase annexation eligibility.
DS-10	Direct Support	Facilitate Annexation	City participates in infrastructure improvements that would otherwise be exacted from private development/owners (i.e. funding, construction, permitting, et al) to facilitate annexation of eligible properties.
DS-11	Direct Support	Facilitate Annexation Process	City will participate in process improvements, such as streamlining Annexation Agreements, city-initiated annexations, to facilitate annexation of eligible properties.
FI-1	Financial Incentives	Nonprofit Low Income Housing Tax Exemptions	Locally authorized full property tax exemption for regulated affordable housing owned and operated by a nonprofit as well as land held by a nonprofit for future regulated affordable housing development.
FI-2	Financial Incentives	Multiple Unit Property Tax Exemption (MUPTe)	Locally authorized 10-year partial property tax abatement on new or rehabilitated multi-unit housing development that provides public benefits specified by the adopting jurisdiction
FI-3	Financial Incentives	Single-Unit Property Tax Exemption	Locally authorized 10-year partial property tax exemption for new or rehabilitated 0-30% AMI, 31-60% AMI, 61-80% AMI, and/or 81-120% AMI affordable for-sale housing.
FI-4	Financial Incentives	Vertical Housing Development Zone Tax abatement	Locally authorized 10-year partial property tax abatement on new or rehabilitated multi-story mixed-use development.
FI-5	Financial Incentives	Accessory Dwelling Unit and Multiplex Tax Exemption	Locally authorized 5-year full property tax exemption available for both new construction ADUs and newly converted duplexes, triplexes, or quadplexes that were single-unit dwellings and that are owner occupied or long-term rentals.
FI-6	Financial Incentives	System Development Charge (SDC) exemption, reduction, or transfer	Exemption or reduction on System Development Charges (SDCs) for qualified needed housing developments.
FI-7	Financial Incentives	System Development Charge (SDC) deferral	Allow SDCs to be paid at project completion (certificate of occupancy, final inspection, or water meter installation) or later.
FI-8	Financial Incentives	Scale System Development Charges by unit size	Adopt new System Development Charge (SDC) fee structure that scales by unit size, likely decreasing SDC fees for smaller units.
FI-9	Financial Incentives	Expand "Qualified Public Improvements" for Production	Expand eligibility of project components that qualify for SDC reimbursement.
FI-10	Financial Incentives	Permit fee reductions or waivers	Reduce or waive permit fees for qualified needed housing development.
IS-1	Information / Staff Support	Support housing development on land owned by institutions or other public agencies	Solicit development on land owned by faith-based institutions, other public agencies, and others in areas zoned for needed housing development. Provide staff time or information to support the land disposition process.
IS-2	Information / Staff Support	Local Affordable Housing Inventory	Use OHCS Oregon Affordable Housing Inventory to track expiring affordability provisions and identify needs and opportunities for preservation. Supplement Oregon Affordable Housing Inventory with additional data (including expiration for non- OHCS properties) and identify additional units like naturally occurring affordable housing that may also need preservation support.
IS-3	Information / Staff Support	Vacant Property Inventory	Vacant property inventories provide a list of vacant properties and associated characteristics, such as the date they became vacant, whether it is a commercial or residential property, and the name and contact information for the owner.
IS-4	Information / Staff Support	Resource referrals	Provide information and referrals for residents to local housing providers and nonprofits that provide affordable housing, emergency rent vouchers, weatherization or other home repair, eviction prevention, foreclosure prevention, utility assistance, and/or other related stabilization and support services for 0-30% AMI, 31-60% AMI, 61-80% AMI, and/or 81-120% AMI, households as applicable.
IS-5	Information / Staff Support	Advertise incentives for specific housing developments	Provide clear information on all available local regulatory and financial development incentives for qualifying housing online and in other local media.
IS-6	Information / Staff Support	Developer fact sheets	Provide clear and concise information on development standards and permitting requirements for specific types of needed housing.

Action Ref Number	Category	Action	Description
IS-7	Information / Staff Support	SDC estimates	Publish and make readily available to applicants estimates or typical ranges of SDCs per unit for all applicable SDCs (including those collected by the jurisdiction on behalf of other service providers) and/or provide an SDC estimator tool that applicants can use to estimate the SDCs that will apply to their project. Include clear information on available discounts, exemptions, and credit for advance use.
IS-8	Information / Staff Support	Voluntary certification process for Accessible Housing	Create or support a voluntary certification process for owners/property managers to evaluate the accessibility and adaptability of existing homes. Provide information on universal/inclusive design practices and standards.
IS-9	Information / Staff Support	Fair Housing Training	Fund or provide Fair Housing and tenant rights training for property owners and managers of rental housing, tenants, and others from locally-controlled funding sources.
IS-10	Information / Staff Support	Pro-Housing Staff Training	Provide pro-housing training for staff, commissioners, councilors, and other local officials to support collective understanding of housing issues and opportunities in the community related to development process, affirmatively furthering fair housing (AFFH), locational fair housing choice, anti-displacement, and other topics.
PP-1	Partnerships	Partner with Developers	Align and leverage financial, staff, or other resources to work with market rate and affordable developers help communities provide needed housing.
PP-2	Partnerships	Partner with Employers	Align and leverage financial, staff, or other resources with employers to help communities provide needed housing. May include specific significant employers (hospitals, universities, etc.) or industries/groups (medical, education, tech, etc.).
PP-3	Partnerships	Partner with Special Districts	Partner with special districts related to infrastructure planning and provision. Improve service agreements with special districts when infrastructure is owned and maintained by special districts.
PP-4	Partnerships	Partner with Critical Path Landowners	Align and leverage financial, staff, or other resources to work with landowners to proactively recruit land to be annexed by offering a few "smooth pathways" to annex into city limits. Use intentional criteria to determine that participating with a landowner is in the public interest to provide housing.
PP-5	Partnerships	Publicly Traded REIT	Partner with publicly traded investment trusts that specialize in residential real estate. This collaboration allows local governments to access private capital for housing development.
LF-1	Locally-Controlled Funding Source	Tax Increment Financing (TIF)	Within an existing or proposed TIF (aka Urban Renewal) district, use funds to support needed housing development.
LF-2	Locally-Controlled Funding Source	Local Improvement District	Establish a district to fund eligible infrastructure project work
LF-3	Locally-Controlled Funding Source	Reimbursement District	Establish a district to reimburse responsible parties for eligible infrastructure work that serves multiple current or future users.
LF-4	Locally-Controlled Funding Source	Construction Excise Tax	Adopt a Construction Excise Tax (CET) to raise funds for affordable (0-30%, 31-60%, or 61-80% AMI) housing developments by taxing the value of new construction projects.
LF-5	Locally-Controlled Funding Source	General Obligation Bond for Affordable Housing	Issue voter-approved general obligation bonds to provide direct funding for construction and other capital costs associated with the development and construction of affordable housing.
LF-6	Locally-Controlled Funding Source	Local Housing Trust Fund	Housing Trust Funds are a flexible source of funding that can be used to support a variety of affordable housing (0-30%, 31-60%, or 61-80%, and/or 81-120% activities.
LF-7	Locally-Controlled Funding Source	Demolition Taxes	Establish demolition taxes and condo conversion fees to generate revenue to reinvest in needed housing through locally controlled funding streams.
LF-8	Locally-Controlled Funding Source	Apply for HUD Funding	Apply for HUD funding which may include HOME, CDBG or other programs.
RR-1	Regulatory Requirements or Policy	Inclusionary Zoning	Require inclusion of affordable (0-30%, 31-60%, or 61-80% AMI) units in development with more than 20 units per building. Per statute, must be paired with financial incentives to offset the cost of the affordability requirements.
RR-2	Regulatory Requirements or Policy	Manufactured Housing Community Preservation Zone	Change the zoning of existing manufactured housing communities to be preserved to a single-use zone that only allows manufactured housing communities.
RR-3	Regulatory Requirements or Policy	Minimum Densities	Establish minimum density standards, prohibit new single-family detached housing in high density zones, and/or allow single-family detached homes in medium density zones only if they meet minimum density or maximum lot size requirements.
RR-4	Regulatory Requirements or Policy	Conversion Limitations	Ensure that conversions do not result in fewer residential units. For example, prohibit a duplex from being converted into a single-family home
RR-5	Regulatory Requirements or Policy	Short-term Rental Regulations	Measure the impact of short-term rentals within a community and apply the appropriate regulatory response for the circumstances.
RR-6	Regulatory Requirements or Policy	Leasing Priority for Households with Disabilities	Require that landlords offer households with disabilities the opportunity to learn about the availability of suitably accessible units and have a chance to apply for them before the general public.
RR-7	Regulatory Requirements or Policy	Affirmative Marketing Requirement for City-Funded Units	Require that developments that receive city financial incentives or direct support participate in a program to affirmatively market available units to members of protected classes, to help ensure these households are aware of housing units when they become available.
RR-8	Regulatory Requirements or Policy	Rental Housing License Program	Create a rental housing licensing program to license, register, and track the stock of rental housing. This type of program yields valuable data on the rental stock, and can be customized to meet the needs of the jurisdiction.
RR-9	Regulatory Requirements or Policy	Right to Return Policy	Establish right to return policies to prioritize residents who were displaced, or faced displacement, due to high housing costs, redevelopment projects or natural hazards in their original communities for new affordable housing units in areas that are or have recently experienced gentrification and displacement.

Housing Production Strategy Guidance for Cities "HPS Menu 2.0"
Description

Action Ref Number	Category	Action	Description
RR-10	Regulatory Requirements or Policy	Community Benefits Agreements (Affordability Provisions)	Draft or facilitate community benefits agreements (CBAs) related to new development or redevelopment can incorporate affordability requirements (0-30%, 31-60%, or 61-80%,and/or 81-120% AMI) .
RR-11	Regulatory Requirements or Policy	Negotiated requirements for needed types in new urban areas	Negotiate agreements for needed types within larger developments in newly urbanizing areas as part of UGB expansion decisions, annexation agreements, and/or area planning processes.
RB-1	Reduce Regulatory and Permitting Barriers	Priority Permit Review	Prioritize permit review for needed housing types.
RB-2	Reduce Regulatory and Permitting Barriers	Single point of contact for permitting	Provide a single office or individual to oversee the permitting process to reduce timeline and improve efficiency for development approvals.
RB-3	Reduce Regulatory and Permitting Barriers	Reduce permitting time	Increase the FTE devoted to staffing the permit "counter" and application review to facilitate quicker review of development applications, or update processes, procedures, or technology to make permit review more efficient and faster.
RB-4	Reduce Regulatory and Permitting Barriers	Permit Ready Plans	Allow development of housing units using a pre-approved set of plans for housing types that increase choice and needed housing characteristics
RB-5	Reduce Regulatory and Permitting Barriers	Permitting outcomes review / audit and process revisions	Analyze the share of development applications that were reviewed through a discretionary vs. clear and objective process, and the share that were approved, approved with conditions, or denied through each process. Revise permit process based on findings within audit.
RB-6	Reduce Regulatory and Permitting Barriers	Code Audit and Amendments	Conduct an audit of the development code to identify barriers to production of housing generally for locally-specific barriers and/or for needed housing types. Based on findings, adjust development code requirements to reduce barriers.
RB-7	Reduce Regulatory and Permitting Barriers	Upzone residential land	Rezone buildable residential land or modify existing zoning regulations (including maximum density, height limits, allowed housing types, minimum lot sizes, maximum lot coverage, and floor area ratio, as applicable) to allow, encourage, or require needed housing types and/or higher intensity residential development
RB-8	Reduce Regulatory and Permitting Barriers	Expand residential options in commercial zones	Allow mixed use residential in commercial zones where residential use is appropriate; allow stand-alone residential use in commercial zones or areas where commercial use is not essential to meeting local goals and land needs.
ZI-1	Zoning or Regulatory Incentives	Development Intensity Bonuses	Use incentive zoning that provides more height, density (units, including multiple ADUs), floor area ratio, and/or building footprint (as applicable) for needed housing types.
ZI-2	Zoning or Regulatory Incentives	Parking Reductions	Offer lower parking ratios for needed housing types.
ZI-3	Zoning or Regulatory Incentives	Design and Development Standard Flexibility	Offer additional flexibility on design and development standards other than those listed for development intensity (such as setbacks, landscaping or open space requirements, public works & access requirements, articulation or entrance requirements) for needed housing types.
A-1	Advocacy	Luxury Tax	Advocate for Oregon State sales tax on luxury items, 2nd homes, etc. dedicated to providing funds for needed housing.
A-2	Advocacy	Land Value Tax	Advocate for a land value tax to generate tax revenue for needed housing by taxing vacant or underutilized land inside city limits.
A-3	Advocacy	Residential Vacancy Tax	Advocate for allowing a tax on vacant or seasonally vacant units to generate revenue for needed housing.
A-4	Advocacy	Homestead Tax	Advocate for a Homestead Tax to create a differential taxing structure for primary dwellings v. secondary dwellings. New revenue can be used to invest in needed housing.
A-5	Advocacy	Property Tax Exemption for Affordable Housing Tied to Level of Affordability	Advocate for a Property Tax Exemption for affordable housing that is tied to level of affordability (0-30%, 31-60%, or 61-80%) instead of the ownership structure. For example, grant a property tax exemption for affordable housing that serves households making less than 60% of AMI at initial lease up.
A-6	Advocacy	Delayed Tax Exemptions	Advocate for allowing housing to be built and operated at market rate while allowing developers to choose a path that maintains or reduces rents over time. Once the property falls below 80%AMI (but maintains HUD quality standards), tax exemptions would kick in.

Action Ref Number	Action	Adoption-Ready Action Available	Land Use Efficiency Measure	Climate-Smart	Development Ready Land	Mechanism(s)	Types	Characteristics			Locations			
							Housing Types that Increase Choice	Affordability (Extremely Low, Very Low, Low, or Moderate Income)	Accessible & Adaptable Housing	Affordable Homeownership & Wealth-Building Tenure Options	High-Asset, Low-Harm Areas	Racially/Ethnically Concentrated Areas of Affluence	Displacement Risk Areas	Racially and Ethnically Concentrated Areas of Poverty
DS-1	Local Grants/ Low-interest Long-Term loans					Production, Preservation	Maybe	Maybe	Maybe	Maybe	Maybe	Maybe	Maybe	Maybe
DS-2	Local short-term loans or revolving loan fund for predevelopment					Production	Maybe	Maybe	Maybe	Maybe	Maybe	Maybe	Maybe	Maybe
DS-3	Local Government as Developer					Production	Maybe	0-30%, 31-60%, 61-80%AMI	Maybe	Maybe	Maybe	Maybe	Maybe	Maybe
DS-4	Local Downpayment Assistance Program					Access	Maybe	0-30%, 31-60%, 61-80%AMI	Maybe	Yes	Maybe	Maybe	Maybe	Maybe
DS-5	Fair Housing Testing					Access	No	Maybe	Maybe	Maybe	Maybe	Maybe	Maybe	Maybe
DS-6	Public Land Disposition	Yes			Yes	Production	Maybe	Maybe	Maybe	Maybe	Maybe	Maybe	Maybe	Maybe
DS-7	Land Banking				Yes	Production	Maybe	Maybe	Maybe	Maybe	Maybe	Maybe	Maybe	Maybe
DS-8	Infrastructure Support				Yes	Production	Maybe	Maybe	Maybe	Maybe	Maybe	Maybe	Maybe	Maybe
DS-9	Facilitate Annexation Eligibility				Yes	Production	Maybe	Maybe	Maybe	Maybe	Maybe	Maybe	Maybe	Maybe
DS-10	Facilitate Annexation				Yes	Production	Maybe	Maybe	Maybe	Maybe	Maybe	Maybe	Maybe	Maybe
DS-11	Facilitate Annexation Process				Yes	Production	Maybe	Maybe	Maybe	Maybe	Maybe	Maybe	Maybe	Maybe
FI-1	Nonprofit Low Income Housing Tax Exemptions	Yes		Yes		Production, Preservation	No	0-30%, 31-60%, 61-80% AMI	No	Maybe	Maybe	Maybe	Maybe	Maybe
FI-2	Multiple Unit Property Tax Exemption (MUPTE)	Yes		Yes	Yes	Production, Preservation	Yes	Maybe	Maybe	Maybe	Maybe	Maybe	Assess Risk	Assess Risk
FI-3	Single-Unit Property Tax Exemption					Production	Maybe	0-30%, 31-60%, 61-80%, 81-120% AMI	Maybe	Yes	Maybe	Maybe	Assess Risk	Assess Risk
FI-4	Vertical Housing Development Zone Tax abatement			Yes		Production	Yes	Maybe	Maybe	Maybe	Maybe	Maybe	Assess Risk	Assess Risk
FI-5	Accessory Dwelling Unit and Multiplex Tax Exemption			Yes	Yes	Production	Yes	Maybe	Maybe	Maybe	Maybe	Maybe	Maybe	Maybe
FI-6	System Development Charge (SDC) exemption, reduction, or transfer	Yes		Yes	Maybe	Production	Maybe	Maybe	Maybe	Maybe	Maybe	Maybe	Maybe	Maybe

Action Ref Number	Action	Adoption-Ready Action Available	Land Use Efficiency Measure	Climate-Smart	Development Ready Land	Mechanism(s)	Types	Characteristics			Locations			
							Housing Types that Increase Choice	Affordability (Extremely Low, Very Low, Low, or Moderate Income)	Accessible & Adaptable Housing	Affordable Homeownership & Wealth-Building Tenure Options	High-Asset, Low-Harm Areas	Racially/Ethnically Concentrated Areas of Affluence	Displacement Risk Areas	Racially and Ethnically Concentrated Areas of Poverty
FI-7	System Development Charge (SDC) deferral	Yes		Yes		Production	Maybe	Maybe	Maybe	Maybe	Maybe	Maybe	Maybe	Maybe
FI-8	Scale System Development Charges by unit size			Yes	Maybe	Production	Maybe	No	No	No	No	No	No	No
FI-9	Expand "Qualified Public Improvements" for Production				Yes	Production	Maybe	Maybe	Maybe	Maybe	Maybe	Maybe	Maybe	Maybe
FI-10	Permit fee reductions or waivers					Production	Maybe	Maybe	Maybe	Maybe	No	No	No	No
IS-1	Support housing development on land owned by institutions or other public agencies				Yes	Production	Maybe	Maybe	Maybe	Maybe	Maybe	Maybe	Maybe	Maybe
IS-2	Local Affordable Housing Inventory					Preservation	No	0-30%, 31-60%, 61-80%, 81-120% AMI	Maybe	Yes	No	No	No	No
IS-3	Vacant Property Inventory				Yes	Production	No	Maybe	Maybe	Maybe	No	No	No	No
IS -4	Resource referrals					Access	No	0-30%, 31-60%, 61-80%, 81-120% AMI	Maybe	Maybe	Maybe	Maybe	Maybe	Maybe
IS-5	Advertise incentives for specific housing developments					Production	Maybe	0-30%, 31-60%, 61-80%, 81-120% AMI	Maybe	Maybe	Maybe	Maybe	Maybe	Maybe
IS-6	Developer fact sheets					Production	Maybe	Maybe	Maybe	Maybe	No	No	No	No
IS-7	SDC estimates				yes	Production	Maybe	Maybe	Maybe	Maybe	No	No	No	No
IS-8	Voluntary certification process for Accessible Housing					Access	No	No	Yes	No	No	No	No	No
IS-9	Fair Housing Training					Access	No	Maybe	Maybe	Maybe	Maybe	Maybe	Maybe	Maybe
IS-10	Pro-Housing Staff Training					Production, Preservation, Access	Maybe	Maybe	Maybe	Maybe	No	No	No	No
PP-1	Partner with Developers				Yes	Production, Preservation	Maybe	Maybe	Maybe	Maybe	Maybe	Maybe	Maybe	Maybe
PP-2	Partner with Employers				Yes	Production, Preservation	Maybe	Maybe	Maybe	Maybe	Maybe	Maybe	Maybe	Maybe

Action Ref Number	Action	Adoption-Ready Action Available	Land Use Efficiency Measure	Climate-Smart	Development Ready Land	Mechanism(s)	Types	Characteristics			Locations			
							Housing Types that Increase Choice	Affordability (Extremely Low, Very Low, Low, or Moderate Income)	Accessible & Adaptable Housing	Affordable Homeownership & Wealth-Building Tenure Options	High-Asset, Low-Harm Areas	Racially/Ethnically Concentrated Areas of Affluence	Displacement Risk Areas	Racially and Ethnically Concentrated Areas of Poverty
PP-3	Partner with Special Districts				Yes	Production	Maybe	Maybe	Maybe	Maybe	Maybe	Maybe	Maybe	Maybe
PP-4	Partner with Critical Path Landowners				Yes	Production	Maybe	Maybe	Maybe	Maybe	Maybe	Maybe	Maybe	Maybe
PP-5	Publicly Traded REIT				Yes	Production	Maybe	Maybe	Maybe	Maybe	Maybe	Maybe	Maybe	Maybe
LF-1	Tax Increment Financing (TIF)				Yes	Production, Preservation, Access	Maybe	Maybe	Maybe	Maybe	Maybe	Maybe	Assess Risk	Assess Risk
LF-2	Local Improvement District				Yes	Production	Maybe	Maybe	Maybe	Maybe	Maybe	Maybe	Maybe	Maybe
LF-3	Reimbursement District				Yes	Production	Maybe	Maybe	Maybe	Maybe	Maybe	Maybe	Maybe	Maybe
LF-4	Construction Excise Tax					Production, Preservation, Access	Maybe	0-30%, 31-60%, 61-80% AMI	Maybe	Yes	Maybe	Maybe	Maybe	Maybe
LF-5	General Obligation Bond for Affordable Housing			Yes	Yes	Production, Preservation	Maybe	0-30%, 31-60%, 61-80%, 81-120% AMI	Maybe	Maybe	Maybe	Maybe	Maybe	Maybe
LF-6	Local Housing Trust Fund					Production, Preservation, Access	Maybe	0-30%, 31-60%, 61-80%, 81-120% AMI	Maybe	Maybe	Maybe	Maybe	Maybe	Maybe
LF-7	Demolition Taxes					Production, Preservation	Maybe	Maybe	Maybe	Maybe	Maybe	Maybe	Maybe	Maybe
LF-8	Apply for HUD Funding					Production, Preservation	Maybe	0-30%, 31-60%, 61-80%, 81-120% AMI	Maybe	Maybe	Maybe	Maybe	Maybe	Maybe
RR-1	Inclusionary Zoning					Production	Maybe	0-30%, 31-60%, 61-80% AMI	No	No	Maybe	Maybe	Maybe	Maybe
RR-2	Manufactured Housing Community Preservation Zone					Preservation	Yes	0-30%, 31-60%, 61-80%, 81-120% AMI	No	Yes	Maybe	No	Maybe	Maybe
RR-3	Minimum Densities		Yes	Yes		Production	Maybe	Maybe	Maybe	No	Maybe	Maybe	Assess Risk	Assess Risk
RR-4	Conversion Limitations					Preservation	Yes	Maybe	No	Maybe	Maybe	No	Maybe	Maybe
RR-5	Short-term Rental Regulations		Yes			Preservation	No	No	No	No	Maybe	Maybe	Maybe	Maybe

Action Ref Number	Action	Adoption-Ready Action Available	Land Use Efficiency Measure	Climate-Smart	Development Ready Land	Mechanism(s)	Types	Characteristics			Locations			
							Housing Types that Increase Choice	Affordability (Extremely Low, Very Low, Low, or Moderate Income)	Accessible & Adaptable Housing	Affordable Homeownership & Wealth-Building Tenure Options	High-Asset, Low-Harm Areas	Racially/Ethnically Concentrated Areas of Affluence	Displacement Risk Areas	Racially and Ethnically Concentrated Areas of Poverty
RR-6	Leasing Priority for Households with Disabilities					Access	No	No	Yes	No	No	No	No	No
RR-7	Affirmative Marketing Requirement for City-Funded Units	Yes				Access	No	Maybe	Maybe	Maybe	Maybe	Maybe	Maybe	Maybe
RR-8	Rental Housing License Program	Yes				Preservation	No	No	Maybe	No	No	No	No	No
RR-9	Right to Return Policy					Access	No	No	No	No	No	No	Yes	No
RR-10	Community Benefits Agreements (Affordability Provisions)					Production, Preservation, Access	Maybe	0-30%, 31-60%, 61-80%, 81-120% AMI	Maybe	Maybe	Maybe	Maybe	Maybe	Maybe
RR-11	Negotiated requirements for needed types in new urban areas				Yes	Production	Maybe	0-30%, 31-60%, 61-80%, 81-120% AMI	No	Maybe	Maybe	No	No	No
RB-1	Priority Permit Review					Production	Maybe	Maybe	Maybe	Maybe	No	No	No	No
RB-2	Single point of contact for permitting					Production	Maybe	Maybe	Maybe	Maybe	No	No	No	No
RB-3	Reduce permitting time					Production	No	No	No	No	No	No	No	No
RB-4	Permit Ready Plans			Yes		Production	Maybe	No	Maybe	No	No	No	No	No
RB-5	Permitting outcomes review / audit and process revisions					Production	Maybe	Maybe	Maybe	Maybe	Maybe	Maybe	Maybe	Maybe
RB-6	Code Audit and Amendments		Yes		Maybe	Production	Maybe	Maybe	Maybe	Maybe	Maybe	Maybe	Assess Risk	Assess Risk
RB-7	Upzone residential land		Yes		Yes	Production	Yes	Maybe	Maybe	No	Maybe	Maybe	No	No
RB-8	Expand residential options in commercial zones		Yes	Yes	Yes	Production	Maybe	Maybe	Maybe	Maybe	Maybe	Maybe	Assess Risk	Assess Risk
ZI-1	Development Intensity Bonuses		Yes	Yes	Yes (qualified)	Production	Maybe	Maybe	Maybe	Maybe	Maybe	Maybe	Maybe	Maybe
ZI-2	Parking Reductions		Yes	Yes	Yes (qualified)	Production	Maybe	Maybe	Maybe	Maybe	Maybe	Maybe	Assess Risk	Assess Risk
ZI-3	Design and Development Standard Flexibility		Yes		Yes (qualified)	Production	Maybe	Maybe	Maybe	Maybe	Maybe	Maybe	Assess Risk	Assess Risk

Action Ref Number	Action	Adoption-Ready Action Available	Land Use Efficiency Measure	Climate- Smart	Development Ready Land	Mechanism(s)	Types	Characteristics			Locations			
							Housing Types that Increase Choice	Affordability (Extremely Low, Very Low, Low, or Moderate Income)	Accessible & Adaptable Housing	Affordable Homeownership & Wealth- Building Tenure Options	High- Asset, Low- Harm Areas	Racially/Ethni- cally Concentrated Areas of Affluence	Displacement Risk Areas	Racially and Ethnically Concentrated Areas of Poverty
A-1	Luxury Tax					Production, Preservation, Access	Maybe	Maybe	Maybe	Maybe	No	No	No	No
A-2	Land Value Tax					Production, Preservation, Access	Maybe	Maybe	Maybe	Maybe	No	No	No	No
A-3	Residential Vacancy Tax					Production, Preservation, Access	Maybe	Maybe	Maybe	Maybe	No	No	No	No
A-4	Homestead Tax					Production, Preservation, Access	No	Maybe	Maybe	Maybe	No	No	No	No
A-5	Property Tax Exemption for Affordable Housing Tied to Level of Affordability					Production	Maybe	0-30%, 31- 60%, 61-80%	Maybe	No	No	No	No	No
A-6	Delayed Tax Exemptions					Production	Maybe	0-30%, 31- 60%, 61-80%	Maybe	No	No	No	No	No

November 21st, 2025

To | Thea Chroman, Ethan Stuckmayer & Celestina Teva, Department of Land Conservation and Development
From | Melissa Graciosa, Rebecca Lewis, & Jay Matonte, Institute for Policy Research and Engagement
SUBJECT | **HOUSING PRODUCTION STRATEGY (HPS) MENU 2.0 – HOW TO GUIDE**

The Housing Production Strategy Guidance for Cities (OAR 660-008 Attachment B) or *HPS Menu 2.0* spreadsheet details actions that cities can reference in the creation and drafting of their Housing Production Strategy. The Department of Land Conservation and Development (DLCD) updated and refined this menu between 2024 and 2025 in partnership with the University of Oregon’s Institute for Policy Research and Engagement (IPRE) and ECONorthwest. This updated menu seeks to:

- Improve and expand searchability of actions by housing need;
- Re-organize and clarify housing actions, descriptions, and applicability; and
- Add additional housing actions identified through background research, including consideration of existing recommendations from agency staff, members of the Housing Actions Work Group (HAWG), and other interested parties.

Housing Actions

All housing actions in the *HPS Menu 2.0* include a reference number, action name, and description, and are organized by the following categories:

- Direct Support (DS)
- Financial Incentives (FI)
- Information/Staff Support (IS),
- Partnerships (PP),
- Locally-Controlled Funding Source (LF),
- Regulatory Requirements or Policy (RR),
- Reduce Regulatory and Permitting Barriers (RB),
- Zoning or Regulatory Incentives (ZI), and
- Advocacy (A)

Additionally, all housing actions in the *HPS Menu 2.0* include information that can be used to sort and identify housing actions. These include:

- **Category**
- Indication of alignment with the following:
 - **Adoption Ready Actions (ARA)**
 - **Land Use Efficiency Measures (LUEM)**
 - **Climate-Smart actions**
 - **Development Ready Lands (DRL)**
- **Mechanism:** relationship of action to housing access, housing production, or housing preservation.
- **Type:** relationship of action to expanding fair housing choice by diversifying available housing types
- **Characteristic:** relationship of action to affordability need, accessible and adaptable housing, affordable homeownership, and wealth-building tenure options
- **Location:** relationship of action to high-asset/low-harm areas, racially/ethnically concentrated areas of affluence, displacement risk areas, and racially/ethnically concentrated areas of poverty.

Type, Characteristic, and Location are coded and sub-coded to indicate whether the action can support fair housing choice through providing a diversity of key housing types and characteristics in needed locations. The codes are “Yes, Maybe, No, and Assess Risk.” Actions coded as “Maybe” or “Assess Risk” may be appropriate for an area if implemented in a particular way or paired with companion actions to ensure needed outcomes or mitigate potential unintended consequences.

The spreadsheet will be supplemented with hyperlinked **Action Sheets** that provided further details about implementation considerations, example code language, research, and descriptions of companion actions.

HOW TO USE THE SPREADSHEET

The HPS Menu 2.0 spreadsheet allows you to filter data in a table using clickable buttons as shown in Figure 1 utilizing a Microsoft Excel visual filter tool called a slicer. The HPS Menu 2.0 spreadsheet includes multiple slicer tools to allow you to filter for multiple criteria.

Upon opening the spreadsheet, all filterable data will be selected and display the full menu. You have two options for sorting including:

- Filtering actions using the **filters only tab** and viewing results in the **HPS menu tab**, or
- Using the slicer tools within the **HPS Menu tab** to select options. This allows users to select options in the slicer tools and see the menu update simultaneously.

The slicer tools in both tabs of the spreadsheet are linked; Options selected in one tab will be automatically reflected in the other.

You can sort the housing actions by clicking on various buttons within the slicer tools. When options are selected, they will be reflected in blue and all other options will turn white as shown in Figure 2.

Hold **crtl** (for windows) or **command** (for macs) to select multiple non-adjacent options within one slicer tool. Hold **shift** to select multiple adjacent options.

You can clear the selection by clicking the icon symbolized by a filter with a red x on the upper right corner of the slicer tool.

Figure 1 - Slicer Tool for Selecting Action Category

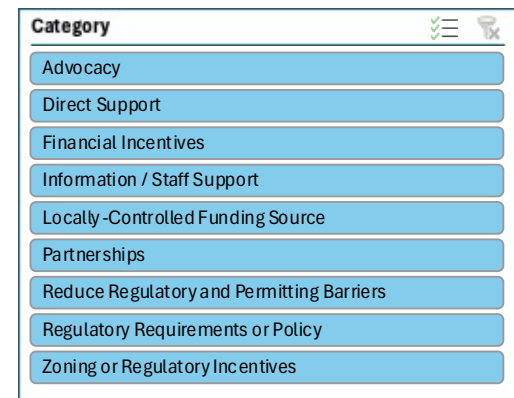
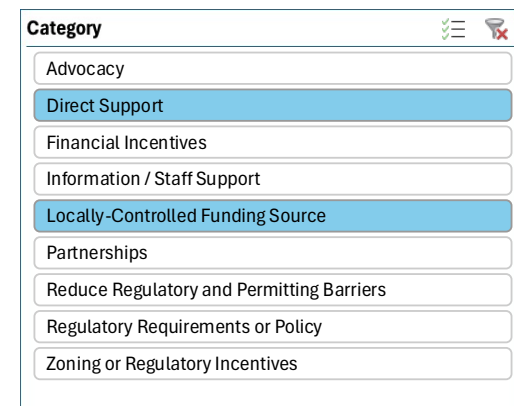


Figure 2 – Direct Support and Locally-Controlled Funding Source Actions are Selected in the Slicer Tool



The functionality of the HPS Menu 2.0 will allow you to conduct tailored searches. Figure 3 shows a search example for housing actions that align with land use efficiency measures focused on production that can be tailored to address choice and affordability.

Figure 3 - Tailored Search Example of the HPS Menu 2.0

Action Ref Number	Category	Action	Description
RB-6	Reduce Regulatory and Permitting Barriers	Code Audit and Amendments	Conduct an audit of the development code to identify barriers to production of housing generally for locally-specific barriers and/or for needed housing types. Based on findings, adjust development code requirements to reduce barriers.
RB-8	Reduce Regulatory and Permitting Barriers	Expand residential options in commercial zones	Allow mixed use residential in commercial zones where residential use is appropriate; allow stand-alone residential use in commercial zones or areas where commercial use is not essential to meeting local goals and land needs.
ZI-1	Zoning or Regulatory Incentives	Development Intensity Bonuses	Use incentive zoning that provides more height, density (units, including multiple ADUs), floor area ratio, and/or building footprint (as applicable) for needed housing types.
ZI-2	Zoning or Regulatory Incentives	Parking Reductions	Offer lower parking ratios for needed housing types.
ZI-3	Zoning or Regulatory Incentives	Design and Development Standard Flexibility	Offer additional flexibility on design and development standards other than those listed for development intensity (such as setbacks, landscaping or open space requirements, public works & access requirements, articulation or entrance requirements) for needed housing types.

Category

- Reduce Regulatory and Permitting Barriers
- Zoning or Regulatory Incentives
- Advocacy
- Direct Support
- Financial Incentives
- Information / Staff Support
- Locally-Controlled Funding Source
- Partnerships
- Regulatory Requirements or Policy

Mechanism (Production)

- Production
- Access
- Preservation
- (blank)

Land Use Efficiency Measure

- Yes
- (blank)

Housing Types that Increase Choice

- Maybe
- No
- Yes

Affordability (Maybe)

- Maybe
- No
- Yes
- (blank)