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NOTICE OF PROPOSED RULEMAKING INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 660
LAND CONSERVATION AND DEVELOPMENT DEPARTMENT

FILED

09/29/2025 9:33 AM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: Oregon Housing Needs Analysis Program Implementation

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 11/07/2025 11:55 PM

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.

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Filed By:
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HEARING(S)

Auxiliary aids for persons with disabilities are available upon advance request. Notify the contact listed above.

DATE: 10/23/2025

TIME: 8:00 AM

OFFICER: LCDC

REMOTE HEARING DETAILS

MEETING URL: [Click here to join the meeting](#)

PHONE NUMBER: 1-253-215-8782

CONFERENCE ID: 93469079516

SPECIAL INSTRUCTIONS:

Passcode: 346534

Sign up for Public Comment: <https://www.oregon.gov/LCD/Commission/Pages/Public-Comment.aspx>

NEED FOR THE RULE(S)

The Oregon Legislature adopted HB 2001 and HB 2889 during the 2023 session. This bill directed the Land Conservation and Development Commission to adopt rules implementing the Oregon Housing Needs Analysis into the Statewide Land Use Planning program. The Land Conservation and Development Commission is required to adopt these rules by January 1, 2026. Other bills were adopted in later Legislative sessions that impacted this rulemaking in various ways including HB 4064 (2024), SB 1129 (2025), and SB 1564 (2024).

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE

Documents can be found on the Secretary of State website:

Oregon Revised Statute Chapter 197, 197A, 195

Oregon Administrative Rules Chapter 660, Divisions 7, 8, 21, 24, and 38

Enrolled HB 2001 (2023)

Enrolled HB 2889 (2023)

Enrolled HB 4063 (2024)

Enrolled SB 1564 (2024)

Enrolled SB 1129 (2025)

Documents can be found on the Department of Land Conservation and Development website:
Land Conservation and Development Commission Racial Equity Framework For Decision Making

STATEMENT IDENTIFYING HOW ADOPTION OF RULE(S) WILL AFFECT RACIAL EQUITY IN THIS STATE

In 2023, the Land Conservation and Development Commission (LCDC) adopted a Racial Equity Framework for Decision Making. This framework serves as a comprehensive tool to guide department staff in internal projects and processes, as well as with Rules Advisory Committees (RAC).^[1] The framework consists of eight categories with accompanying questions. As part of the Oregon Housing Needs Analysis (OHNA) Rulemaking, department staff have used this framework by highlighting relevant categories and questions based on meeting topics.^[2]

The Department defines Equity in Housing: “Addressing housing needs goes beyond estimating the number of needed units or making them affordable. People have unique housing needs based on their specific circumstances. In addition, Oregon's historically marginalized and underserved populations often face challenges in accessing safe, accessible, and affordable housing in the community of their choice due to unfair historic policies and practices. The Housing Division focuses on creating equitable housing outcomes by facilitating housing^[3] production, affordability, and choice. This aligns with the Goal 10, principles of fair housing, and the urgent housing needs of Oregonians today.^[4]”

For the purposes of this Racial Equity Impact Statement, the following definition is provided by the State of Oregon Diversity, Equity and Inclusion Action Plan.^{[5][6][7]}

^[8]

“Racial Equity: Closing the gaps so that race can no longer predict any person’s success, which simultaneously improves outcomes for all. To achieve racial equity, we must transform our institutions and structures to create systems that provide the infrastructure for communities to thrive. This commitment requires a paradigm shift on our path to recovery through the intentional integration of racial equity in every decision.”^[9]

This Racial Equity Impact Statement provides an analysis of the work to date on the Oregon Housing Needs Analysis rulemaking by the Department and provides the following:^[10]

^[11]

Summary of Rule Intent^[12]

Engagement and Impact on Racial Equity and Racial Groups Subject to this Rule^[13]

Racial Equity Data Considerations^[14]

Unintended Impact and Consequences on Racial Equity in the state^[15]

^[16]

Summary of Rule Intent^[17]

The Oregon Housing Needs Analysis (OHNA) rule amendments aim to address the state’s urgent housing crisis by shifting the focus from simply counting available land to taking deliberate actions that produce equitable housing outcomes. This is a paradigm shift in how the state implements Goals 10 (Housing) and 14 (Urbanization), moving from a supply-capacity approach toward proactive strategies that ensure all communities—particularly those historically excluded from housing opportunities—benefit from growth and investment.²

Key elements²

Contextualized Housing Need (CHN):²

Establishes standardized baselines for housing need, including unit types, affordability levels, size, homeownership opportunities, and accessibility features.²

Ensures consistent statewide minimums while allowing local tailoring to address unique community needs.²

Housing Capacity Analysis (HCA)²

Refines methodologies for estimating housing capacity, including a safe harbor for a Land Market Supply Factor (LMSF) to discount partial capacity of some buildable land.²

Development Ready Land Inventory²

Establishes criteria for inventorying and determining the sufficiency of development-ready land to ensure there is adequate infrastructure, in needed housing locations, to meet a jurisdiction’s housing production target.²

Housing Production Strategies (HPS):²

Requires jurisdictions to adopt actions that meet identified needs to increase capacity in existing neighborhoods.²

Includes affordability incentives, accessibility requirements, and options for larger-family housing.²

Urban Growth Boundary (UGB) refinements:²

Integrate early Tribal consultation into planning processes.²

Promote “complete neighborhoods” in new urbanizable areas to increase fair housing choice.

Statewide monitoring and accountability:²

Creates public dashboards to track housing production, affordability, and equity outcomes annually.²

Incorporates a mid-cycle review and an “Acceleration Program” to intervene if jurisdictions fall behind.²

Engagement and Impact on Racial Equity²

The engagement process for these rules sought to elevate voices from Communities of Color and Tribal Nations while

ensuring that resulting policies address historic inequities in housing access. The intent is to reduce systemic barriers to housing choice, affordability, and stability, particularly for those most impacted by redlining, exclusionary zoning, and displacement.^[2]

Engagement to date:^[2]

DLCD provided opportunities for participation on representative advisory groups:^[2]

The RAC, TAC, and HAWG included members with diverse racial and cultural backgrounds, as well as other marginalized identity groups, including LGBTQ and low-income communities and people with disabilities.^[2] The advisory committees also included representatives from culturally specific housing organizations.^[2]

DLCD engaged with Community-based organization (CBO) partnerships:^[2]

Partnered with trusted local organizations to host focus groups using culturally responsive facilitation methods.^[2]

Provided stipends, interpretation services, and accessible meeting formats to remove participation barriers.^[2]

DLCD invited Government-to-government consultation during rulemaking:

Invited Tribal Nations to consult during UGB study phases to ensure culturally significant lands and community needs are respected.^{[2][2]}

Expected racial equity impacts:^[2]

Increased housing choice in high-opportunity areas:^[2]

Expands housing diversity where Communities of Color have historically been excluded.^[2]

Integrates mixed-use development to reduce reliance on cars and enhance access to amenities.^[2]

Supports the coordination of infrastructure investments that enable near-term development of needed housing types in areas of opportunity.^{[2][2]}

Reduced transportation cost/time burdens:^[2]

Complete neighborhoods and proximity to public transit benefit low-income Black, Indigenous, Latine, LGBTQ, and immigrant households, and people with disabilities.^[2]

Support for homeownership:^[2]

Targets affordable homeownership opportunities to close racial wealth gaps, aligning with HB 2698.^[2]

Anti-displacement protections:^[2]

Embeds strategies in HPS to mitigate displacement risk, especially in neighborhoods undergoing redevelopment.^[2]

Racial Equity Data Considerations^[?]

To ensure the rules result in measurable progress toward racial equity, the department requires the integration of both quantitative data and qualitative lived-experience input for areas outside of compliance pathways. This wholistic approach acknowledges that standard data sources often mask disparities faced by smaller racial and cultural communities and commits to improving data accuracy, disaggregation, and accessibility.^[?]

Data approaches^{[?][?]}

Collection of core equity metrics to assist with policy and decision making^[?]

Disaggregate by race/ethnicity, income, and disability for housing production, affordability, tenure, displacement, and accessibility outcomes.^[?]

Track the geographic distribution of new housing relative to jobs, schools, and transit, pending parcel-specific production data reporting^[?]

Creating and Contributing to Equity Indicators from OHCS and CHN baselines:^[?]

Pair quantitative indicators with community narratives to address limitations of census-based datasets for non-compliance pathway needs^[?]

Include locally gathered qualitative information on culturally specific housing needs.^[?]

Data equity commitments:^[?]

Collect data where available to understand Tribal identities as a subset of Native American identities in common census data sets^[?]

Provide technical assistance for smaller jurisdictions to build capacity in data collection and equity analysis.^[?]

Track results from past UGB expansions and HPS actions to assess effectiveness and prevent repeating inequities.^[?]

Unintended Impacts and Consequences^[?]

While the rule amendments are designed to advance racial equity, policy implementation can have unintended effects if not closely monitored. These risks, if unmitigated, could reinforce existing inequities. The rule framework includes safeguards and companion actions to reduce these harms, but ongoing evaluation is critical. The rules process evaluated potential risks, impacted communities and developed mitigation measures to address unintended consequences.^[?]

Potential Risk 1: Edge-only growth without affordability or mixed uses

Communities most impacted: Households of Color pushed to periphery^[?]

Details: Can increase segregation by siting affordable housing far from opportunity-rich areas.²

Mitigation measures: Encourage complete neighborhoods and increased fair housing choice through promoting affordability, neighborhood scale commercial, and open space in urbanizable areas and areas added to the UGB; evaluate areas recently added to the UGB.²

Potential Risk 2: Displacement from infill/Land Use Efficiency Measures (LUEMs)²

Communities most impacted: Renters, elders, immigrant households LGBTQ households, Black/Latine/Native residents

Details: Redevelopment pressure in existing neighborhoods can lead to gentrification and displacement.

Mitigation measures: Provide guidance on companion measures to prevent displacement of existing residents in areas where LUEMs are focused. This may include tenant protections, right-to-return policies, community preference programs, and disposition of public land for affordable housing.²

Potential Risk 3: Over-discounting infill potential²

Communities most impacted: Close-in Communities of Color

Details: Underestimating capacity in historically disinvested areas may redirect resources to peripheral growth.²

Mitigation measures: Limit Land Market²Supply Factor discounts to partially-vacant land; direct public investment toward equitable infill through Development-Ready Land Inventory and Opportunity Mapping in CHN.

Potential Risk 4: One-size-fits-all CHN baselines²

Communities most impacted: Culturally specific communities with unique need

Details: Baselines may not capture culturally driven housing preferences or multigenerational living needs.

Mitigation measures: Allow cities to exceed statewide baselines based on fair housing issue area analysis

By setting a higher statewide floor for equitable housing planning and requiring transparency in outcomes, these rules create a framework for systemic change. Realizing their full equity potential depends on robust community engagement, timely corrective action when disparities persist, and a sustained focus on restorative justice in housing policy.²

FISCAL AND ECONOMIC IMPACT:

The following are key changes in the draft OHNA administrative rules that have the greatest economic and fiscal impacts:

- Increased specificity in key housing needs local governments will consider as part of their Contextualized Housing Need pursuant to OAR 660-008-0075. Rules describe the quantitative metrics as local governments may, or in some cases, must, incorporate to adequately meet their obligations to plan for a variety of housing types pursuant to ORS 197A.100
- Increased specificity in the actions local governments will consider in their Housing Production Strategy under OAR 660-008-0200 to address key housing needs identified in their Contextualized Housing Need pursuant to OAR 660-008-0075. Rules describe the actions local governments may, or in some cases, must, include as part of their Housing Production Strategy to adequately meet their obligations to take actions in response identified housing needs.
- Clarifications to ensure that the specified actions taken by local governments under OAR 660-008-0200 are operating in congruence with the structure of the Housing Acceleration Program outline in OAR 660-008-0300 and that actions identified as optional in the Housing Production Strategy would be considered required if a local government is referred into the Acceleration Program.
- Clarifications made to the manner in which local governments conduct the various elements of a Housing Capacity Analysis under OAR 660-008-0100 including the Buildable Lands Inventory (OAR 660-008-0110), Residential Lands Needs Analysis (ORS 197A.270), and the Development-Ready Lands Inventory (ORS 197A.210).
- Clarifications made to the assessment local governments conduct in determining which lands may be added to the Urban Growth Boundary when a local government has determined there is a deficit of zoned capacity to meet future housing need under ORS 197A.270.
- Clarifications made to the manner in which local governments consider which lands might be added to an urban reserve under OAR 660-021.

COST OF COMPLIANCE:

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

Costs to State Agencies

Three state agencies have primary responsibilities in the OHNA. The Office of Economic Analysis (OEA) inside the Department of Administrative Services (DAS) will administer the OHNA methodology – an analysis that produces the housing production target information that local governments will incorporate as the basis of into their housing planning. This involves collecting, analyzing, and publishing new housing data each year. The Oregon Housing and Community Services Department (OHCS) will produce a publicly available housing production dashboard and information on housing equity indicators to support local governments in their planning requirements. This involves collecting, analyzing, and publishing new housing data each year. While these agencies and their actions are not directly addressed in the draft administrative rules, the rules rely on new information that they will prepare annually.

DLCD will face the largest fiscal impact from the draft administrative rules. In addition to reviewing local governments' planning documents and ensuring compliance with the program, DLCD staff will be responsible for referring a number of local governments each year to the housing acceleration program audit, conducting the audit including a fact-finding period and public engagement, and working with local governments to reach a housing acceleration agreement. The number of production strategies, midpoint reports, and acceleration audits and agreements will vary depending on

several factors, including the Housing Production Strategy Schedule, DLCD's staffing capacity, and funding to support local implementation at that time. In addition, local governments may voluntarily request that DLCD conduct a non-statutory audit of local, regional, or state barriers to housing production.

When local governments go through the housing acceleration program audit and reach a housing acceleration agreement, DLCD will be required to provide assistance which could take the form of increased regulatory review, financial or technical assistance, or the identification of external resources that can aid in housing production within that jurisdiction. Should local governments not reach an agreement or continue in noncompliance, DLCD staff is responsible for conducting a series of enforcement steps. The new housing accountability components of the draft administrative rules represent a significant increase in staff needs and staff effort relative to current service levels.

Additionally, there is the potential for DLCD to incur Department of Justice legal fees in situations where there are legal disputes between a local government and the agency relating to the housing acceleration program audit process. DLCD is required by law to request an LCDC-issued enforcement order in response to either failure to enter or abide the terms of a housing acceleration agreement, which would incur legal fees and demand a modest increase in staff effort in time to review and compile legal records relative to current service levels.

DLCD also reviews local government adopted Housing Capacity Analyses as part of the typical Post-Acknowledgement Plan Amendment process. The proposed rules are intended to make this Housing Capacity Analysis process more clear and straightforward for local governments. This clarification may incentivize more local governments to conduct these kinds of planning projects leading to an increase in reviews for the department. Conversely, the reviews are likely to be more simple and less time consuming as the regulations are clarified. Finally, HB 2001 (2023) requires local governments to complete a new analysis called the Development-Ready Lands Inventory. The addition of this analysis may lead to slightly longer or more complex reviews by the department, especially in the first few years as local governments and the department become comfortable with the new requirement.

Costs to Local Governments

Oregon cities with populations over 10,000 are required to comply with the draft administrative rules revising Goal 10 housing planning requirements. The draft administrative rules change some planning requirements, add new planning requirements, and heighten local responsibilities for action in response to housing underproduction and equity outcomes. There are new analytical requirements, new processes for selecting actions for Housing Production Strategies, as well as modified requirements for local governments to conduct public engagement (discussed in the next section). DLCD is developing guidance, and OHCS will publish data that will aid local governments in complying with some of the new analytical requirements.

The biggest fiscal impacts resulting from the draft administrative rules will come from a local government's participation in the housing acceleration program. If referred, local governments will have to dedicate staff time to participate and provide contextual information to support a DLCD-led audit to enter an acceleration agreement, and to implement the actions outlined in the acceleration agreement. Per proposed ORS 197A.130(8)(a)(B) actions in the acceleration agreement required to be undertaken by a local government can include:

- Implementing Housing Production Strategy actions, such as changing zoning, policies, or creating a new program
- Dedicating funds for increased local capacity to facilitate housing production, affordability and choice
- Dedicating funds for public facilities and infrastructure necessary to support housing production

- Taking measures that increase the availability of development-ready land
- Amending the development code, approval criteria or procedures to reduce cost or delay to housing production
- Taking emergency temporary measures to support housing production
- Joining any DLCD-initiated mediation or coordination to identify policies and resources from other public bodies that would support housing production in the city

DLCD is producing adoption-ready actions that local governments can adopt in whole or in part by reference that will aid in developing and implementing actions that might be required in the acceleration agreement. The draft administrative rules require DLCD to identify multiple actions a city could take to address a barrier identified in the audit. The city may choose one or more of the options or propose an alternative action to address the barrier, which can have potential impacts on fiscal operations depending on the specific action included in the agreement

For example, if major infrastructure to serve housing developments were identified as a barrier to production, DLCD could identify several options for consideration in the housing acceleration agreement, such as revising system development charges, amending public facilities standards/exactions, or applying for state or federal funding. Additionally, a city could propose an alternative to these options that addresses the barrier. Even with DLCD funding for implementation, each of these options could have potential impacts on city operating revenues and costs that are contingent on both the action and its implementation.

Finally, proposed rules intend to make the process that local governments navigate to complete a Housing Capacity Analysis including a Buildable Lands Inventory, Residential Land Needs Analysis, and Land Use Efficiency Measure selection more clear and straightforward. While this will likely reduce the administrative burden of completing this analysis both in total and for each individual element, there is still likely to be costs incurred by local governments necessary to complete the analysis including staff time, public engagement processes, and formally adopting the conclusions into the local government's Comprehensive Plan.

Costs to Small and Large Businesses

While the operative entity of the proposed rules are local governments subject to conducting Statewide Planning Goal 10 – Housing as part of the state's land use program, there may be impacts to small and large businesses in the state.

Proposed rules identify specific housing need metrics and data that a local government may, or in some cases, must, consider in their housing planning efforts. This data may point the local government to plan for housing needs that they have not previously planned for at this level including accessible, adaptable, and affordable homeownership. In addition to local governments identifying these key needs, the proposed rules also obligate them to take specific land use and zoning actions to facilitate the production of housing to meet these key needs.

Collectively, the proposed rules are likely to have an impact on small and large businesses involved in the development of housing in the state, particularly those development businesses that specialize or focus on development targeted to meet the key housing needs. The net result of the proposed rules will make the development of these housing types more likely and therefore may lead to a positive fiscal impact for these small and large businesses.

Furthermore, the clarifications to the Housing Capacity Analysis program in the proposed rules may have the result of increasing both the development potential inside urban growth boundaries but also the likelihood that unincorporated lands near an urban growth boundary will be brought into the boundary. This may have the impact of increasing land prices as property owners have more development potential of their land to realize. This may increase the likelihood of speculative land purchases in urban-rural transition areas.

Costs to the Public

The draft administrative rules highlight the importance of public engagement conducted as part of Goal 10 planning requirements, which will impact the general public, particularly in the development of the Housing Production Strategy. In adopting a Housing Production Strategy, local governments must engage members of their community in order to identify specific housing needs and to take actions to further housing production, affordability, and choice to address those identified needs. This may result in more time- or resource-intensive requests on the general public.

In the Housing Acceleration Program, the general public may incur costs relating to providing public comment, participating in public engagement, and providing invited feedback to support DLCD’s audit of a city’s barriers to housing production.

Proposed rules clarifying the Housing Capacity Analysis process may have costs to the public in that the rules may incentivize more local governments to conduct a Housing Capacity Analysis, leading to the expenditure of more public funds. Furthermore, should a local government conduct this analysis and find they have a deficit of zoned capacity within their existing Urban Growth Boundary, the city is obligated to remedy such deficiency. The remedies for a deficiency can take different forms, including adopting Land Use Efficiency Measures, amending an Urban Growth Boundary, or a combination. There are typically public costs to both of these remedies in further analysis and formal adoption processes. These costs are typically paid for using public funds.

Finally, the intent of the proposed rules is to facilitate increased housing production, affordability, and choice for current and future residents of the state. Successful implementation of these proposed programs and rules will likely result in more housing, for more people, in more places. The net result of this outcome is that the public will have more options for housing at more affordable prices, reducing both housing costs, but also the cost of transportation to get from their home to the services and amenities they need.

DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):

The Department of Land Conservation and Development convened several Advisory Committees to inform the proposed rules throughout 2023-2025. The department has also hosted other engagement opportunities to gather feedback on the rules and concepts throughout that same timeframe. Representatives from the small business community were involved in each of these engagement activities and provided input to inform the concepts and rules.

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? YES

HOUSING IMPACT STATEMENT:

The draft administrative rules may impact the cost of land or cost of development for a 1,200 square foot single-family home on a 6,000 square foot lot. The draft administrative rules do not directly affect the cost of materials or labor to develop housing. However, there may be some portions of the proposed rules that impact the cost of land within cities in Oregon.

The proposed rules direct local governments to take specific land use and zoning actions to meet key housing needs. The proposed rules direct local governments to make more efficient use of land within their Urban Growth Boundaries. The proposed rules also make more clear which lands a local government may consider urbanizing by bringing it into the Urban Growth Boundary. Collectively, these measures may have the impact of increasing the price of land necessary to build housing. As property owners have more development capability on their land, the value of that capacity is likely to be reflected in the sales price of the land.

The draft administrative rules could impact the administrative and regulatory costs of developing housing. If local governments remove barriers to housing production that are within their control, this could increase the speed, certainty, and/or efficiency of development, thereby reducing costs. The draft administrative rules encourage local governments to select actions in their Housing Production Strategies that remove barriers to housing production. Local governments who participate in the Housing Acceleration Program may agree to undertake additional actions that remove barriers to housing production that increase the speed and/or reduce the cost of housing development.

Additionally, local actions can indirectly affect costs associated with land or development, such as allowing more housing units on land or enabling and incentivizing cheaper construction methods, such as prefabricated housing. Most often, local actions will reduce the costs associated with development, though some actions may include trade-offs that increase development costs in order to deliver other public benefits, such as promoting physical accessibility of housing.

It is not possible to quantify the impact of the rules on the cost of developing a 1,200 square foot single-family home on a 6,000 square foot lot since costs and conditions vary significantly across the state. Additionally, the extent to which local or state actions will reduce administrative and regulatory costs of housing will vary substantially between local governments based on both local market conditions and the types of actions taken.

RULES PROPOSED:

660-007-0000, 660-007-0005, 660-007-0015, 660-007-0018, 660-007-0020, 660-007-0022, 660-007-0030, 660-007-0033, 660-007-0035, 660-007-0037, 660-007-0045, 660-007-0050, 660-007-0060, 660-008-0000, 660-008-0005, 660-008-0045, 660-008-0075, 660-008-0100, 660-008-0110, 660-008-0120, 660-008-0150, 660-008-0180, 660-008-0185, 660-008-0200, 660-008-0210, 660-008-0230, 660-008-0310, 660-008-0315, 660-008-0320, 660-008-0325, 660-008-0330, 660-008-0400, 660-008-0405, 660-008-0410, 660-008-0415, 660-008-0420, 660-008-0425, 660-008-0430, 660-021-0000, 660-021-0010, 660-021-0030, 660-021-0060, 660-024-0010, 660-024-0040, 660-024-0050, 660-024-0060, 660-024-0065, 660-024-0067, 660-024-0070

REPEAL: 660-007-0000

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. 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. .

CHANGES TO RULE:

~~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

REPEAL: 660-007-0005

RULE SUMMARY: This rule describes the technical definitions for the rules in Division 7. 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.

CHANGES TO RULE:

~~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~~

REPEAL: 660-007-0015

RULE SUMMARY: This rule requires clear and objective approval standards for housing development applications. 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.

CHANGES TO RULE:

~~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~~

REPEAL: 660-007-0018

RULE SUMMARY: This rule requires that all buildable land be designated with plan designations. 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.

CHANGES TO RULE:

~~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~~

REPEAL: 660-007-0020

RULE SUMMARY: This rule describes the process for a deferral of rezoning requirements. 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.

CHANGES TO RULE:

~~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~~

REPEAL: 660-007-0022

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

CHANGES TO RULE:

~~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~~

REPEAL: 660-007-0030

RULE SUMMARY: This rule describes requirements on planning for various housing types. 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.

CHANGES TO RULE:

~~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~~

REPEAL: 660-007-0033

RULE SUMMARY: This rule requires local governments to plan for manufactured housing and government assisted housing. 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.

CHANGES TO RULE:

~~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~~

REPEAL: 660-007-0035

RULE SUMMARY: This rule designates minimum densities for new construction across tiers of local governments. 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.

CHANGES TO RULE:

~~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~~

REPEAL: 660-007-0037

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

CHANGES TO RULE:

~~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~~

REPEAL: 660-007-0045

RULE SUMMARY: This rule provides calculation regulation regarding the Buildable Land Inventory. 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.

CHANGES TO RULE:

~~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) $BLI \text{ Acres} \times 6 \text{ Units/Acre} = \text{Num. of Units}$;~~

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

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

~~(iv) $\text{Total Acres (TA)} - \text{Total Units (TU)}$;~~

~~(B) $\text{Total units divided by Total Acres} = \text{New Density Standard}$;~~

~~(C) Example:~~

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

~~(ii) $5200 \text{ units divided by } 600 \text{ acres} = 8.66 \text{ units per acre standard}$.~~

~~(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~~

REPEAL: 660-007-0050

RULE SUMMARY: This rule describes the Metro government’s role in coordinating the region-wide urban growth boundary. 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.

CHANGES TO RULE:

~~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~~

REPEAL: 660-007-0060

RULE SUMMARY: This rule specifies the applicability of the division to periodic review. 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.

CHANGES TO RULE:

~~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~~

AMEND: 660-008-0000

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.

CHANGES TO RULE:

660-008-0000

Purpose ¶

~~(1) The purpose of this division is to ensure opportunity for and promote~~ion of ~~the provision of adequate numbers of needed housing units; and the efficient use of buildable land within urban growth boundaries across all communities in the state; . The division provides greater certainty in the development process so as to reduce housing costs; and 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

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.

CHANGES TO RULE:

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:¶¶

(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).~~¶¶~~

(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), by which a city commits to adoption and implementation.~~¶¶

~~(a) An action~~ Actions included in a housing production strategy may include:¶¶

~~(a) Exploratory work as an initial critical step in order to refine, adopt and implement an action;~~¶¶

~~(b) An action may identify an alternate action that~~ Substantial expansion of existing programming that has proven to 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 city's needed housing types, characteristics, or locations or remedy or mitigate fair housing issues; or¶¶

~~(c) Land use efficiency measures provided a city commits to adoption and implementation.~~¶¶

~~(3) "Adoption-ready action" means an action in that the event explorer department has developed either partially 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 fully for local implementation to reduce local capacity and resource needs for action implementation. Adoption-ready actions are embedded in Attachment by implementation of either the primary or the alternate action.~~¶¶

~~(c) An action may include substantial expansion of existing programming that has proven to meet the city's needed housing types, characteristics, or locations or remedy or mitigate fair housing issue~~ 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.¶¶

~~(34) "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).~~¶¶

~~(45) "Affirmatively furthering fair housing" has the meaning provided in ORS 197A.100(9).~~¶¶

~~(56) "Allocated housing need" has the meaning provided in ORS 197A.015(1).~~¶¶

~~(67) "Buildable Land" means residentially designated land and zoned to allow residential use within the urban growth boundary, including both vacant land 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 use the development of needed housing over a 20-year planning period. Publicly owned land is generally not considered available for 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.~~¶¶

~~(78) "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.¶

~~(89)~~ "City" has the meaning provided in ORS 197A.015(3).¶

~~(910)~~ "Community Action Partnership of Oregon" has the meaning provided in ORS 456.515(2).¶

~~(101)~~ "Community members of needed housing" means any individuals who inhabit or are anticipated to inhabit needed housing.¶

~~(112)~~ "Continuum of Care" has the meaning provided in OAR 813-385-0010(1).¶

~~(123)~~ "Coordinated Care Organization" has the meaning provided in ORS 414.025(8). ¶

~~(134)~~ "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.¶

~~(145)~~ "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.¶

~~(156)~~ "Development-ready lands" has the meaning provided in ORS 197A.015(4).¶

~~(167)~~ "Environmental justice" has the meaning provided in ORS 182.535(3).¶

~~(178)~~ "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.¶

~~(189)~~ "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.¶

~~(1920)~~ "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.¶

~~(201)~~ "Housing Acceleration Agreement" means a document that complies with provisions of ORS 197A.130(6) to (8).¶

~~(212)~~ "Housing Capacity Analysis (HCA)" means a document, incorporated into a city's comprehensive plan by ordinance, which complies with the provisions of ORS 197A.270, 197A.280, 197A.335, and 197A.350. A Housing Capacity Analysis is an assessment of housing need~~residential land need, 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).¶

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

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

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

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

(267) "Housing type" means a category of housing distinguished by its physical form and underlying parcel of land.¶

(28) "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. ¶

(279) "Land Use Efficiency Measure" refers to an action taken by a city via an adopted comprehensive plan amendment or land use regulation consistent with ORS 197.610 to quantifiably reduce the land need.¶

(30) "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.¶

(2831) "Manufactured dwelling park" has the meaning provided in ORS 446.003(20).¶

(2932) "Middle housing" has the meaning provided in ORS 197A.420(1)(c)(A) to (E).¶

(302) "Middle housing" has the meaning provided in ORS 197A.420(1)(c)(A) to (E).¶

(33) "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.¶

(314) "Multi-unit Housing" means housing developed with five units or more where each dwelling unit is not located on a separate lot and is not Middle Housing.¶

(325) "Near-term" means the project will begin construction no later than the applicable HPS cycle minus 2 years (i.e. 8 year HPS cycle = construction begins no later than year 6) ¶

(a) Projects included in an adopted 5-year Capital Improvement Plan used for budgeting purposes may be used to provide near-term commitment. ¶

(b) In the absence of a Plan described in 660-008-0005(35)(a) a subset of projects from each public facility master plan, prorated for the HPS cycle minus 2 years, that are included in an adopted system plan's subset of capital projects may be used to provide near-term commitment.¶

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

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

(348) "Partially vacant land" refers to buildable land with existing development on it where the land area can be further developed within the applicable development regulations.¶

(39) "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.¶
(3540) "Planning boundary" means the area a local government must analyze when planning for needed housing which includes:¶

(a) Lands inside a local government's existing urban growth boundary;¶

(b) For an incorporated city, lands within its current jurisdictional boundary and any lands delegated to the city as specified in an intergovernmental agreement or urban growth management agreement; and¶

(c) For Metro counties, Metro urban unincorporated lands as defined by ORS 197A.015(9) and not included in (b).¶

(41) "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.¶

(3642) "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.¶

(437) "Public body" has the meaning defined in ORS 174.109.¶

(3844) "Public Facilities" means water, wastewater collection, stormwater, and transportation facilities that serve a jurisdiction.¶

(45) "Readily-served" means required 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.¶

(a) If oversizing or improvements extending more than 300 feet are required, there are cost-sharing mechanisms in place to address costs of oversizing and improvements that will serve multiple developments. ¶

(b) A development may be considered readily-served if a developer has agreed through recorded instrument to build the required improvements in the near-term.¶

(46) "Redevelopable land" means land 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.¶

(3947) "Safe harbor" means an optional course of action that a city 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. ¶

(408) "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. ¶

(419) "Single-room occupancy housing" has the meaning provided in ORS 197A.430.¶

(4250) "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.¶

(4351) "Tribe" as defined in ORS 182.162(2) means a government" means the governing body of a federally recognized Indian tribe in Oregon including but not limited to Tribal Council and staff.¶

(4452) "Tribal communities" means tribally affiliated Oregonians including enrolled members of tribes and their households federally recognized Indian tribes and their households. ¶

(53) "Zone to Allow" or "Zoned to Allow" means that the comprehensive plan and implementing zoning allows the

specified housing type(s) and density or densities under clear and objective standards and other requirements specified in ORS 197A.400.

Statutory/Other Authority: ORS 197.040

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

AMEND: 660-008-0045

RULE SUMMARY: This rule describes annually published schedule describing the deadlines, process, and schedule for Housing Capacity Analyses and Housing Production Strategies.

CHANGES TO RULE:

660-008-0045

Update Housing Capacity Analysis Schedule

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 in the year of the adoption of the housing capacity analysis. ¶¶

(8) 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.

Statutory/Other Authority: ORS 197.040

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

RULE SUMMARY: This rule delineates the requirements of the Contextualized Housing Need which 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, feeding both the Housing Capacity Analysis and the Housing Production Strategy

CHANGES TO RULE:

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 that a city must plan for 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. Subsequent housing capacity analyses, and 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.¶¶

(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; 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 analysis of approved urban growth boundary expansion areas to accommodate a residential need, if any, within the last three housing capacity and production cycles or, if a city has not yet had three housing capacity and production cycles, within the last eighteen years.¶¶
- (A) This analysis must be based on the following information:¶¶
- (i) Current zoning; and¶¶
- (ii) All post-acknowledgement comprehensive plan amendments and comprehensive plan map designations regarding housing-related urbanization including approved urban growth boundary expansion areas within the last three housing capacity and production cycles or, if a city has not yet had three housing capacity and production cycles, within the last eighteen years.¶¶
- (B) If a city concludes that land within approved urban growth boundary expansion areas has not been annexed or zoned, the city must take action in their housing production strategy to promote annexation, zoning, and needed housing development in the applicable locations.¶¶
- (f) Description and identification of the housing types, characteristics, and locations needed to:¶¶
- ~~(A) Remedy; or mitigate the fair housing issues identified in subsection (c) in order to, to address (e)(B), and to meet the city's allocated housing need and housing production target while affirmatively furthering fair housing and achieving fair housing choice; and¶¶~~
- ~~(B) Meet the city's housing production target while affirmatively furthering fair housing; 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 to the degree of 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.¶¶
- (C) Needed homeownership housing must be identified at least as the relevant percentage per HB 2698 (2025) and applied to each income bracket of the allocated housing need and the housing production target provided in ORS 184.453(4).¶¶
- (fg) 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) 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; ~~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).¶¶
- (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 (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¶~~
- ~~(nn)~~ 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.¶

¶
(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. ¶

(5)(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 tribeal 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 tribeal 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 tribeal governments. A city satisfies the engagement requirement to center tribal communities in this rule when:¶

(i) Notice has been made to all tribeal 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 tribeal governments regarding the contextualized housing need is complete.¶

(C) A summary of how the city engaged interested parties, communities, and tribeal 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 tribeal 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 tribeal 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.¶¶

(6) Unless a city demonstrates that an alternative method more accurately identifies these local housing needs and affirmatively furthers fair housing and the department finds this alternative method to be sufficient and accurate, a city must use the following methods to identify the following key housing needs. The requirement to identify all housing needs including those which are not included here as key needs remains regardless of use of the following methods to identify the following key needs.¶¶

(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 20percent of the city's housing production target and allocated housing need.¶¶

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

(A) the percentage of households in the city with ambulatory difficulty multiplied by 1.2, or ¶¶

(B) the percentage of households in region with ambulatory difficulty multiplied by 1.2.¶¶

(7) A city may use the methods described below to determine the following key housing needs. Using these methods satisfies the requirements of subsection (1)(e) to determine these key housing needs. A city is required to identify all housing needs including those not identified as key needs in this section pursuant to section (2). ¶¶

(a) Needed adaptable housing identified based on the housing equity indicators as whichever is higher:¶¶

(A) The elderly dependency ratio in the city applied as a percentage of housing need, or ¶¶

(B) The elderly dependency ratio in the region applied as a percentage of housing need.¶¶

(b) Needed larger household housing identified based on the housing equity indicators as whichever is higher: ¶¶

(A) The percentage of households in the city which are family households, or ¶¶

(B) The percentage of households in the region which are family households.

Statutory/Other Authority: ORS 197.040

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

RULE SUMMARY: This 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.

CHANGES TO RULE:

660-008-0100

Housing Capacity Analysis

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

(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 needs based on the needed housing types; and

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

(d) For cities described in ORS 197A.015(3), the housing capacity analysis must also include a comparison of housing capacity and the needed housing locations determined in the contextualized housing need for the purposes of selecting actions under ORS 197A.100. This comparison may not be used to determine sufficiency of land for the purpose of amending an urban growth boundary.

(2) Local governments must determine the needed housing types and densities in the contextualized housing need, for cities subject to ORS 184.455, and the housing capacity analysis. Sufficient buildable land shall be zoned to allow needed housing by type and density range. The local buildable lands inventory must document the amount of buildable land in each residential plan designation in accordance with section (4) of this rule.

(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.

(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 use a discount of 10 percent of total estimated residential capacity for partially vacant land.

(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) 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.

(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 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) is equal to or greater than two times the minimum lot size, it is inventoried as buildable land.

(7) When determining capacity for each residential comprehensive plan designation, 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 and 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 fifty percent for individual lots or parcels that have been inventoried as Development Ready and not yet developed or experienced infill after two HCA cycles, and by one hundred percent after three 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(1):¶

(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.¶

(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(1) 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 applicable. 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 applicable.¶

(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

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. 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.

CHANGES TO RULE:

660-008-0110

Allocation of Buildable Land

(1) The 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

AMEND: 660-008-0120

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.

CHANGES TO RULE:

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(6) 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 on the local needed housing needs projection 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

ADOPT: 660-008-0150

RULE SUMMARY: This rule includes requirements for the adoption of land use efficiency measures (LUEMs). The housing production strategy requires local governments to take actions that ensure and promote the development of needed housing, these include actions that are LUEMs and those that are not. LUEMs must be adopted prior to or concurrent with a UGB decision.

CHANGES TO RULE:

660-008-0150

Land Use Efficiency Measures

As provided in ORS 197A.100, a city must develop and adopt a housing production strategy (HPS) with a list of specific actions that ensure the opportunity for and promote the provision of needed housing. The totality of actions must include both land use efficiency measures (LUEM) and actions that are not LUEMs. Prior to expanding the UGB, a local government must demonstrate that the estimated needs cannot reasonably be accommodated on land already inside the UGB. This includes an analysis of measures to increase the development capacity of land already inside the UGB to accommodate needed housing. ¶

(1) Local governments must adopt land use efficiency measures prior to or concurrent with a UGB expansion decision. In the context of a UGB expansion, local governments may consider the land need impacts of land use efficiency measures adopted after acknowledgement of the prior housing capacity analysis. ¶

(a) For cities described in 197A.015, land use efficiency measures may be adopted by the local government: ¶

(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) For local governments with a population below 10,000, land use efficiency measures in support of a UGB decision must be adopted concurrently with the adoption of the housing capacity analysis or concurrently with the UGB decision. ¶

(c) If not necessary to support a UGB amendment decision, land use efficiency measures may be adopted by a local government at any time. ¶

(2) As a safe harbor for residential land use efficiency, a local government must 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.

Statutory/Other Authority: ORS 197.040

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

ADOPT: 660-008-0180

RULE SUMMARY: This rule provides considerations required of jurisdictions that must perform a Development-Ready Land Inventory.

CHANGES TO RULE:

660-008-0180

Development-Ready Land Inventory

(1) Cities subject to ORS 197A.100 shall perform a Development-Ready Land Inventory as a sub-set of land identified in a jurisdiction'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. As used in this section, "adjacent" means facilities exist within 300 feet from the nearest property line of the site.¶

(b) Parcels identified as development-ready may not be: ¶

(A) Unable to support to the minimum density of residential units of its assigned zoning designation due to physical constraints (OAR 660-008-0005(6)).¶

(B) Limited by public facility capacity in supporting a parcel's minimum density, or¶

(C) Encumbered by Goal 5 resources or associated facilities that require discretionary permitting such that residential development capacity assumed in the jurisdiction's Buildable Land Inventory is rendered unviable in the planning period. ¶

(2) A city shall enumerate development-ready parcels geospatially and in gross acreage, by readiness characteristic, 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) Buildable land zoned to allow residential urban development but only able to achieve minimum density shall be a separately identified category. ¶

(3) A city shall not consider any parcel that is not categorized as provided in subsections 2(a), (b), or (c) 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.015, ORS 197A.100, ORS 197A.210

ADOPT: 660-008-0185

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.

CHANGES TO RULE:

660-008-0185

Sufficiency of Development-Ready Land

(1) A city shall satisfy identified housing production targets (ORS 184.455) consistent with OAR 660-008-0075 (Contextualized Housing Need) through the provision of sufficient development-ready land. A city must:

(a) Calculate capacity of development-ready land consistent with capacity assigned in a jurisdiction'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 be noted.

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

(d) Cities wishing to assume more than 20 percent of housing production target be satisfied by redevelopment must provide quantifiable validation.

(2) If a city's Development-Ready Land Inventory enumerates a deficiency of development-ready land quantity, or development-ready capacity, a jurisdiction shall commit to housing production actions (ORS 197A.100(3)) that 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) Shall explain how the cumulative impact of development-ready land actions taken together will result in sufficient development-ready land.

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

(3) A city may adopt a Development-Ready Land Inventory with the Buildable Land Inventory, or the Development-Ready Land Inventory may be included in submittals for a jurisdiction's Housing Production Strategy.

Statutory/Other Authority: ORS 197.040

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

RULE SUMMARY: This rule describes the required elements and structure of the Housing Production Strategy, including a summary of community engagement and commitments to specific actions.

CHANGES TO RULE:

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 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 tribeal governments 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 tribeal governments 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 tribeal governments regarding the housing production strategy is complete.¶¶

(C) A summary of how the city engaged interested parties, communities, and tribeal 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 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 tribeal governments 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 tribeal governments 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.¶¶

(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 measures and actions that are not land use efficiency measures. 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 ~~published~~adopted by the commission and published by the 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;¶~~

~~(C)~~ 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;¶

~~(D)~~ Identification of whether the action is a land use efficiency measure, and if so, whether it is intended to satisfy a buildable land deficiency in whole or in part as identified in the housing capacity analysis, if applicable;¶

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

(E) An adoption year for the action, if applicable;¶

~~(E)~~ (F) 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.¶

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

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

~~(H)~~ (I) 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;¶

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

~~(J)~~ (K) 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;¶

(iii) The needed housing characteristics the city expects the action to produce, 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 produce, and¶

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

~~(K)~~ (L) 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¶

~~(L)~~ (M) 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) Delinquent Actions—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. Alternate actions, if selected.¶

(A) Alternate actions must:¶

(i) Be associated directly with only one of the primary actions:¶

(ii) Include a title and description:¶

(iii) Include 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:¶

(iv) Include 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:¶

(v) Include a description of how the city will assess and track the results of the action; and¶

(iv) Be commensurate in benefits and logistics as 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.¶

(c) Delinquent Actions - 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.¶

(3) A city must satisfy the requirement to respond to the following needed housing types and characteristics with land use efficiency measures in its housing production strategy under section (2) in compliance with the following subsections. As used in this section "medium city" means a city that has a population of 10,000 to 24,999 or is a jurisdiction named in ORS 197A.015(3) and "large city" means a city that has a population of 25,000 or greater.¶

(a) To plan for a diversity of unit sizes or family sized units with land use efficiency measures a city must allow affordable housing developments to calculate minimum density requirements by bedroom rather than by unit for any minimum density requirement.¶

(b) To plan for middle housing with land use efficiency measures:¶

(A) A medium city must adopt the model ordinances for medium cities for middle housing development types, or zoning or development standards that are demonstrably comparable or no more restrictive than the model ordinance standards, on all buildable residential land in zones subject to middle housing requirements under OAR 660-046-0205.¶

(B) A large city must adopt the model ordinances for large cities for middle housing development types, or zoning or development standards that are demonstrably comparable or no more restrictive than the model ordinance standards, on:¶

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

(ii) 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 (b)(B)(i), 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).¶

(4) A city must satisfy the requirement to respond to the following needed housing characteristics with land use efficiency measures in its housing production strategy under section (2) in compliance with the following subsections or rebut this requirement. Rebuttal of this requirement must demonstrate through analysis that alternative zoning or development standards are comparable or no more restrictive than the model ordinance standards. This section of rule does not apply if the city already taken or exceeded the equivalence of these actions.¶

(a) To plan for affordable housing need with land use efficiency measures a city must adopt the model ordinances appropriate for the city size to incentivize affordable middle and multi-unit housing under OAR 660-008-0425. ¶
(b) To plan for accessible housing need with land use efficiency measures a city must adopt the model ordinances appropriate for the city size to incentivize accessible housing for all housing types available under OAR 660-008-0425. ¶

(c) To plan for adaptable housing need with land use efficiency measures a city must adopt the model ordinances appropriate for the city size to incentivize adaptable housing for all housing types available under OAR 660-008-0425. ¶

(5) As a safe harbor, a city may plan for multi-unit housing need with land use efficiency measures in its housing production strategy under section (2) by adopting the model ordinance appropriate for the city size for multi-unit housing development types on at least 50 percent of buildable residential land with residential zones that allow multi-unit housing; and 100 percent of development-ready land with residential zones that allow multi-unit housing. In determining which lands shall be selected and which shall be omitted to meet the 50 percent of buildable residential land element of this safe harbor, a city must utilize the fair housing issue area analysis and locational need conclusions from the Contextualized Housing Need under OAR 660-008-0075 and clearly illustrate how the locational choices in applying this rule affirmatively further fair housing and do not create or exacerbate fair housing issues.

Statutory/Other Authority: ORS 197.040

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

RULE ATTACHMENTS MAY NOT SHOW CHANGES. PLEASE CONTACT AGENCY REGARDING CHANGES.

Action Ref. Number	Category	Action	Description	Related HPS Menu Item	Related ABA	Mechanism(s)	Overall Production	Types		Characteristics		Affordable Homeownership & Wealth-Building Tenure Options	Locations				Key Needs Met	Key Needs Potentially Met	Impacts			
								Housing Types that Increase Choice	Affordability	Accessible & Adaptable Housing	High-Opportunity Areas		Racially/Ethnically Concentrated Areas of Affluence	Displacement Risk Areas	Racially and Ethnically Concentrated Areas of Poverty	High-Impact Conditions			Medium-Impact Conditions	Low-Impact Conditions	Rationale	
D5-1	Direct Support	Public Land Disposition	Establish a policy to prioritize disposition of surplus land for housing or affordable housing, so long as it is suitable. Identify suitable sites, and make them available for housing or affordable housing development through a Request for Proposals (RFP) or similar process.	F12	1A	Production	Limited	Yes if focused	Yes if focused (jurisdiction determines affordability level)	Yes if focused	Yes if focused	Yes if focused	Yes if focused	Yes if focused	Yes if focused	Housing Types that Increase Choice, Affordability, Accessible & Adaptable Housing, Affordable Homeownership & Wealth-Building Tenure Options. Access to community assets and mitigation of exposure to harms, "Housing stability, anti-displacement and displacement mitigation". Addressing and disrupting patterns of segregation (concentration of affluence and poverty). Permanent housing to resolve homelessness	In High Opportunity Area, in Concentrated Area of Affluence, or an Anti-Displacement action	In Low Opportunity Area and not an Anti-Displacement action				
D5-2	Direct Support	Local Grants/ Low interest Loan Term loans	Offer or fund a partner to offer grants or low interest long term loans for qualifying housing projects using locally controlled funding sources.	D04, D07		Production	Potentially in some markets (may not be appropriate for broad application to all housing development except in very weak markets)	Potentially if focused (may not be appropriate for broad application to all development of a specific housing type without further requirements in all markets)	Yes if focused (jurisdiction determines affordability level)	Yes if focused (e.g., prioritizing development that exceeds accessibility requirements in code). Support could also be used for accessibility upgrades to existing units	Yes if focused	Yes if focused	Yes if focused	Yes if focused	Yes if focused	Housing Types that Increase Choice, Affordability, Accessible & Adaptable Housing, Affordable Homeownership & Wealth-Building Tenure Options. Access to community assets and mitigation of exposure to harms, "Housing stability, anti-displacement and displacement mitigation"						
D5-3	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 housing projects from locally controlled funding sources.	D13	1I	Production	Potentially in some markets (may not be appropriate for broad application to all housing development except in very weak markets)	Potentially if focused (may not be appropriate for broad application to all development of a specific housing type without further requirements in all markets)	Yes if focused (jurisdiction determines affordability level)	Yes if focused (e.g., prioritizing development that exceeds accessibility requirements in code)	Yes if focused	Yes if focused	Yes if focused	Yes if focused	Yes if focused	Housing Types that Increase Choice, Affordability, Accessible & Adaptable Housing, Affordable Homeownership & Wealth-Building Tenure Options. Access to community assets and mitigation of exposure to harms, "Housing stability, anti-displacement and displacement mitigation". Addressing and disrupting patterns of segregation (concentration of affluence and poverty). Permanent housing to resolve homelessness						
D5-4	Direct Support	Infrastructure Support	Fund or build infrastructure required to serve specific categories of housing development(s)	C06, B08		Production	Limited	Potentially if focused	Yes if focused	Yes if focused	Yes if focused	Yes if focused	Yes if focused	Yes if focused	Yes if focused	Affordability, Accessible & Adaptable Housing, Affordable Homeownership & Wealth-Building Tenure Options. Access to community assets and mitigation of exposure to harms, addressing and disrupting patterns of segregation (concentration of affluence and poverty). Permanent housing to resolve homelessness						
D5-5	Direct Support	Local Downpayment Assistance Program	Provide local funding to support affordable homeownership providers to offer downpayment assistance to income-eligible first-time homebuyers.	New	1D	Access	Limited	Potentially if focused	Yes	Yes if focused and provided through a service provider for people with disabilities	Yes	Yes if focused (including greater subsidy in these areas)	Yes if focused	Yes if focused	Yes if focused	Affordability, Affordable Homeownership & Wealth-Building Tenure Options						
D5-6	Direct Support	Fair Housing Testing	Contract to conduct paired testing of specified housing activities (leasing, homebuying, etc.) for specified protected characteristics (race, disability, etc.)	F20		Access	N/A	N/A	Potentially if focused	Yes if focused	Potentially if focused	Yes if focused	Yes if focused	Yes if focused	Yes if focused							
F1-1	Financial Incentives	Nonprofit Low Income Housing Tax Exemptions (City taxes or all taxing districts)	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 (e.g., affordable units, accessible/adaptable units beyond minimum requirements, or other benefits). Exemption applies to the full residential improvement value, and lasts 10 years unless applied to housing with an affordability agreement, in which case it may extend through the duration of the agreement. May be adopted within specific types of areas (e.g., core areas, transit-oriented areas) or otherwise if applied to housing subject to an affordability agreement. Applies only to adopting jurisdictions' laws, unless approved by a sufficient share of other taxing districts. Authorized under CRS 307-625 to 307-627.	E01	3A	Production, Preservation	Limited (not applicable to all housing types)	N/A (applies to any housing type)	Yes (to B06 AM)	N/A (requires additional complementary action)	Potentially could apply to some wealth building tenure options, but largely relevant for rental	N/A (not geographically focused)	N/A (not geographically focused)	N/A (not geographically focused)	N/A (not geographically focused)	Affordability	Affordable Homeownership & Wealth-Building Tenure Options, Permanent housing to resolve homelessness	All taxing districts participate	City taxes only	Nonprofits often partner with housing authorities to avoid property taxes, but this action reduces complexity and ensures access to tax exemption		
F1-2	Financial Incentives	Multiple Unit Property Tax Exemption (MUPE)	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 (e.g., affordable units, accessible/adaptable units beyond minimum requirements, or other benefits). Exemption applies to the full residential improvement value, and lasts 10 years unless applied to housing with an affordability agreement, in which case it may extend through the duration of the agreement. May be adopted within specific types of areas (e.g., core areas, transit-oriented areas) or otherwise if applied to housing subject to an affordability agreement. Applies only to adopting jurisdictions' laws, unless approved by a sufficient share of other taxing districts. Authorized under CRS 307-625 to 307-627.	E04	2C	Production, Preservation	Limited	Yes (multi-unit and/or middle housing)	Yes if focused (jurisdiction determines affordability level)	Yes if focused	Potentially could apply to some wealth building tenure options, but largely relevant for rental	Yes if focused	Yes if focused	Yes if focused	Yes if focused	Housing Types that Increase Choice	Affordability, Accessible & Adaptable Housing, Access to community assets and mitigation of exposure to harms, "Housing stability, anti-displacement and displacement mitigation"	All taxing districts participate	City taxes only			
F1-3	Financial Incentives	Single-Unit Property Tax Exemption	Locally authorized 10-year partial property tax exemption for new or rehabilitated low-cost for-sale housing. Can apply to units sold for less than 120% of the median sale price for the jurisdiction; jurisdictions may add other eligibility criteria. Applies only to adopting jurisdictions' laws, unless approved by a sufficient share of other taxing districts. Authorized under CRS 307-625 to 307-627. (Sometimes referred to as "MUTL", the name of the City of Portland program under this statute.)	E06	3K	Production	Limited	Yes if further focused through local criteria	Somewhat; can be further focused through local criteria (jurisdiction determines affordability level beyond state requirement related to sales price)	Yes if further focused through local criteria	Yes	N/A (not geographically focused)	N/A (not geographically focused)	N/A (not geographically focused)	N/A (not geographically focused)	Affordable Homeownership & Wealth-Building Tenure Options	Housing Types that Increase Choice, Accessible & Adaptable Housing, Affordability	All taxing districts participate	City taxes only			
F1-4	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. Abatement applies to a portion of the improvement value (20 to 80 percent depending on the extent of residential use in the project); additional partial abatement on land value available if the project includes affordable units. May be adopted within specific areas determined by the jurisdiction. Applies to all taxing districts unless they take action to opt out. Authorized under CRS 307-804 to 307-807.	E03	3G	Production	Limited	Yes (multi-unit mixed-use)	Somewhat (to B06 AM); however, additional affordability incentive is small and may not be sufficient to offset affordability	Somewhat; qualifying projects will generally be subject to standard building code requirements for adaptable units.	Potentially could apply to some wealth building tenure options, but largely relevant for rental	Yes if focused	Yes if focused	May not be appropriate to focus in these areas unless paired with complementary strategic, displacement risk assessment required.	May not be appropriate to focus in these areas unless paired with complementary strategies	Housing Types that Increase Choice	Access to community assets and mitigation of exposure to harms					
F1-5	Financial Incentives	Accessory Dwelling Unit and Multiple Tax Exemption	Locally authorized 5-year full property tax exemption available for new ADUs and duplexes, triplexes or quadruplexes that have been newly converted from a single-family dwelling that are owner-occupied or long-term rentals. Requires approval of a sufficient share of other taxing districts to take effect at all (may not be implemented by jurisdiction alone). Authorized under CRS 307-590 to 307-596.	New		Production	Limited	Yes (ADUs, duplexes)	Potentially if further focused through local criteria (jurisdiction determines affordability level)	Potentially if further focused through local criteria	Potentially if further focused through local criteria	Potentially if further focused through local criteria	Potentially if further focused through local criteria	Potentially if further focused through local criteria	Potentially if further focused through local criteria	Housing Types that Increase Choice	Affordability, Accessible & Adaptable Housing, Affordable Homeownership & Wealth-Building Tenure Options. Access to community assets and mitigation of exposure to harms, "Housing stability, anti-displacement and displacement mitigation"					
F1-6	Financial Incentives	System Development Charge (SDC) exemption or reduction	Policy-based exemption or reduction on System Development Charges (SDCs) for qualifying housing developments (e.g., affordable, accessible, or focused housing types)	C01	2A	Production	Limited (may not be appropriate for broad application to all housing development)	Yes if focused (e.g., ADUs, middle housing)	Yes if focused (jurisdiction determines affordability level)	Potentially if focused (not been implemented in this way to date)	Yes if focused	Potentially if focused (e.g., reduction on transportation SDCs for transit-served areas)	N/A (unlikely to align with these geographies)	N/A (unlikely to align with these geographies)	N/A (unlikely to align with these geographies)	Housing Types that Increase Choice, Affordability, Accessible & Adaptable Housing, Affordable Homeownership & Wealth-Building Tenure Options, Accessible & Adaptable Housing. Access to community assets and mitigation of exposure to harms, Permanent housing to resolve homelessness						
F1-7	Financial Incentives	System Development Charge (SDC) deferral	Allow SDCs to be paid at project completion (certificate of occupancy, final inspection, or water meter installed) or later. The deferral could be applicable to all housing or for certain housing types or qualifying housing developments	C01	2B	Production	Yes if broadly available	Yes if focused (e.g., multi-unit, middle housing)	Yes if focused (jurisdiction determines affordability level)	Potentially if focused (not been implemented in this way to date)	Yes if focused	N/A (not geographically focused)	N/A (not geographically focused)	N/A (not geographically focused)	N/A (not geographically focused)	Overall Production, Housing Types that Increase Choice, Affordability, Accessible & Adaptable Housing, Affordable Homeownership & Wealth-Building Tenure Options						
F1-8	Financial Incentives	Scale System Development Charges by unit size	Reduce SDCs for smaller units based on evidence of reduced demand for / impact on infrastructure.	C02		Production	Potentially in some markets	Yes if applicable to these multi-unit housing types	N/A	N/A	N/A	N/A (not geographically focused)	N/A (not geographically focused)	N/A (not geographically focused)	N/A (not geographically focused)	Substantial reduction in total SDCs (e.g., >\$40,000 or >10% difference)	Moderate reduction in total SDCs (e.g., >\$10,000 or >10% difference)	Small reduction in total SDCs				
F1-9	Financial Incentives	Permit fee reductions or waivers	Reduce or waive permit fees for qualifying housing development.	New		Production	Limited (not appropriate for broad application to all housing development)	Potentially if focused (may not be appropriate for broad application to all development of a specific housing type without further requirements in all markets)	Yes if focused	Potentially if focused (not been implemented in this way to date)	Yes if focused	N/A (not geographically focused)	N/A (not geographically focused)	N/A (not geographically focused)	N/A (not geographically focused)							
F1-10	Information / Staff Support	Support housing development on land owned by religious institutions or other public agencies	Complete information on land owned by religious institutions, other public agencies, and others that may not be needed for the current use in the future. Reach out to assess interest in making land available for development; provide staff time or information to support the land development process if desired.	F18, F09		Production	Limited	Yes if focused	Yes if focused	Yes if focused	Yes if focused	Yes if focused	Yes if focused	Yes if focused	Yes if focused	Housing Types that Increase Choice, Overall Production, Affordability, Accessible & Adaptable Housing, Affordable Homeownership & Wealth-Building Tenure Options. Access to community assets and mitigation of exposure to harms, "Housing stability, anti-displacement and displacement mitigation". Addressing and disrupting patterns of segregation (concentration of affluence and poverty). Permanent housing to resolve homelessness	In High Opportunity Area, in Concentrated Area of Affluence, or an Anti-Displacement action	In Low Opportunity Area and not an Anti-Displacement action				
F1-11	Information / Staff Support	Local Affordable Housing Inventory	Compile an inventory of locally-supported affordable housing to track expiring affordability provisions and identify needs and opportunities for preservation.	F19		Preservation	N/A	N/A	Yes, to support preservation of existing affordable housing	Potential to collect information on accessible and adaptable units to prioritize projects with more of these units for preservation	Yes, to support preservation of existing affordable housing	N/A (most relevant jurisdiction-wide)	N/A (most relevant jurisdiction-wide)	N/A (most relevant jurisdiction-wide)	N/A (most relevant jurisdiction-wide)	Affordable homeownership & Wealth-Building Tenure Options	Affordability, "Housing stability, anti-displacement and displacement mitigation"					
F1-12	Information / Staff Support	Advertise regulatory and financial incentives for specific housing categories	Provide clear information on all available local regulatory and financial incentives for qualifying housing online	F07		Production	N/A	Potentially depending on incentives	Yes	Potentially depending on incentives	Potentially depending on incentives	Potentially depending on incentives	Potentially depending on incentives	Potentially depending on incentives	Potentially depending on incentives	Affordability						
F1-13	Information / Staff Support	Developer best practices	Provide clear information on development standards and permitting requirements for multi-unit housing, ADUs, and other types of small	F01		Production	Limited	Yes, to support preservation of existing affordable housing	N/A	N/A	N/A	N/A (most relevant jurisdiction-wide)	N/A (most relevant jurisdiction-wide)	N/A (most relevant jurisdiction-wide)	N/A (most relevant jurisdiction-wide)	Housing Types that Increase Choice						

B-5	Information / Staff Support	Voluntary certification process for Accessible Housing	Create or support a voluntary certification process for evaluating the accessibility and adaptability of existing homes for aging in place. Can provide information on universal/inclusive design practices and standards.	New		Access	N/A	N/A	N/A	Yes	N/A	N/A (most relevant jurisdiction-wide)	N/A (most relevant jurisdiction-wide)	N/A (most relevant jurisdiction-wide)	N/A (most relevant jurisdiction-wide)	Accessible & Adaptable Housing					
B-6	Information / Staff Support	Fast Housing Training	Partner with housing and related agencies training for property owners and managers of rental housing, landlords, and others from locally-identified public housing and private housing development services.	2020-2024		Access	N/A	N/A	Yes if focused	Yes if focused	Yes if focused	Yes if focused	Yes if focused	Yes if focused	Yes if focused						
B-7	Information / Staff Support	Public/Private Partnerships	Partner with public and private housing development services to provide private sector and/or nonprofits to align and leverage financial, staff, or other resources to help communities provide needed housing. This can			Production, Preservation	Limited	Yes if focused	Yes if focused	Yes if focused	Yes if focused	Yes if focused	Yes if focused	Yes if focused	Yes if focused						
B-9	Information / Staff Support	Assist with funding applications	Assist small developers with identifying and applying for state or federal funding for qualifying projects (e.g., affordable housing)		New, but replicates list of specific state and federal funding sources that developers apply for directly	Production	Limited	Potentially if focused	Yes	Yes if focused	Yes if focused	Yes if focused	Yes if focused	Yes if focused	Yes if focused						
B-10	Information / Staff Support	Resource referrals	Provide information and referrals 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 low and moderate-income households.	New		Access	N/A	N/A	Yes if focused	Yes if focused	Yes if focused	Yes if focused	Yes if focused	Yes if focused	Yes if focused						
B-11	Information / Staff Support	Pre-Application Meeting	Offer a free or low-cost meeting with an architect, permitting services that will review an application (including special districts, service providers, public works, etc.) in advance of submitting a full application to clarify	New		Production	Yes if broadly available	Yes if focused	Yes if focused	Yes if focused	Yes if focused	N/A (not geographically focused)	N/A (not geographically focused)	N/A (not geographically focused)	N/A (not geographically focused)						
B-12	Information / Staff Support	SDC estimates	Provide these staff with data on the range of SDCs for rental properties collected by the jurisdiction on behalf of other service providers) and/or provide an SDC estimator tool that applicants can use to estimate the	New		Production	Yes if broadly available	Yes if focused	Potentially if focused	Potentially if focused	Potentially if focused	N/A (not geographically focused)	N/A (not geographically focused)	N/A (not geographically focused)	N/A (not geographically focused)						
B-13	Locally-Controlled Funding Source	Tax Increment Financing (TIF) Set-Aside	When an existing or proposed TIF (aka Urban Renewal) district establish a funding set-aside for affordable housing development programs, as a percentage of total funds or as a dollar amount.	D10		Production, Preservation	Limited	Yes if focused	Yes if focused	Yes if focused	Yes if focused	Yes if focused	Yes if focused	Yes if focused	Yes if focused						
B-14	Locally-Controlled Funding Source	Construction Excise Tax	A Construction Excise Tax (CET) is a tax on the value of new construction projects to raise funds for affordable housing projects. This tax is limited to 1% of the permit value on residential construction with no cap on the rate applied to commercial and industrial construction. The allowed uses for CET funds are governed by state statute but include local housing incentives and affordability programs.	D9	1H	Production, Preservation, Access	N/A (can negatively impact overall production in some cases)	Potentially depending on use of funds	Yes (as percentage of funds are required to go to local affordable housing units) (jurisdiction determines affordability level)	Potentially depending on use of funds	Yes (as percentage of funds are required to go to development assistance for affordable housing (100% ADA under federal law))	Yes if focused	Yes if focused	Yes if focused	Yes if focused		Affordability, Affordable Homeownership & Wealth-Building Future Options	Accessible & Adaptable Housing, Housing Types that Increase Choice, Access to community assets and mitigation of exposure to harms, "Housing stability, anti-displacement and displacement mitigation", Addressing and disrupting patterns of segregation (concentration of affluence and poverty), Permanent housing to resolve homelessness			
B-15	Locally-Controlled Funding Source	General Obligation Bond for Affordable Housing	Local governments, including cities and counties, can 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. These funds can be loaned or granted to both public and privately owned affordable housing projects. Affordability is required to be determined by voters and each jurisdiction, and can be above or below minimum affordability levels established for the federal LIHTC program and other established federal	D16		Production, Preservation	Potentially depending on use of funds	Yes	Yes	Potentially depending on use of funds	Yes if focused	Yes if focused	Yes if focused	Yes if focused	Yes if focused						
B-16	Locally-Controlled Funding Source	HOME program allocation	HOME is a federal program designed to increase affordable housing for low- and very low-income families and individuals. All States and participating jurisdictions receive HOME funds from HUD each year, and may spend HOME on rental construction and rental funds for other housing goals to be used to meet national objectives: direct benefit for low and moderate income households; benefit to predominantly low income areas; elimination of slums and blight. Eligible activities include public works infrastructure, community facilities, new housing development, housing rehabilitation, and public services (counseling, social services & homelessness training, including short-term emergency rent assistance). Eligibility is based upon the levels of low and moderate-income rental units and the number of households receiving further liability support a variety of affordable housing activities. They may be created and administered at the city, county, region, or state level. Housing trust funds are not subject to the restrictions of federal subsidy programs and therefore can be designed specifically to address local priorities and needs. The entity administering the fund determine eligible activities, which can include anything from emergency rent assistance for families	D06		Production, Preservation	N/A	Potentially depending on use of funds	Yes	Potentially depending on use of funds	Yes if focused	Yes if focused	Yes if focused	Yes if focused	Yes if focused						
B-17	Locally-Controlled Funding Source	CSBG allocation	CSBG is a federal program designed to increase affordable housing for low- and very low-income families and individuals. All States and participating jurisdictions receive CSBG funds from HUD each year, and may spend CSBG on rental construction and rental funds for other housing goals to be used to meet national objectives: direct benefit for low and moderate income households; benefit to predominantly low income areas; elimination of slums and blight. Eligible activities include public works infrastructure, community facilities, new housing development, housing rehabilitation, and public services (counseling, social services & homelessness training, including short-term emergency rent assistance). Eligibility is based upon the levels of low and moderate-income rental units and the number of households receiving further liability support a variety of affordable housing activities. They may be created and administered at the city, county, region, or state level. Housing trust funds are not subject to the restrictions of federal subsidy programs and therefore can be designed specifically to address local priorities and needs. The entity administering the fund determine eligible activities, which can include anything from emergency rent assistance for families	D01		Production, Preservation, Access	N/A	Potentially depending on use of funds	Yes	Potentially depending on use of funds	Yes if focused	Yes if focused	Yes if focused	Yes if focused	Yes if focused	Yes if focused					
B-18	Locally-Controlled Funding Source	Local Housing Trust Fund	Local governments, including cities and counties, can 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. These funds can be loaned or granted to both public and privately owned affordable housing projects. Affordability is required to be determined by voters and each jurisdiction, and can be above or below minimum affordability levels established for the federal LIHTC program and other established federal	D03		Production, Preservation, Access	N/A	Potentially depending on use of funds	Yes	Yes if focused	Yes if focused	Yes if focused	Yes if focused	Yes if focused	Yes if focused						
B-19	Regulatory Requirements or Policy	Housing Mix Requirements	Require a mix of housing types and/or inclusion of housing that meets specific needs (e.g., accessible or adaptable units) as part of larger developments	A22		Production	N/A	Yes	Yes if focused	Yes if focused	Yes if focused	Yes if focused	Potentially if focused	N/A	N/A						
B-20	Regulatory Requirements or Policy	Inclusionary Zoning	Require inclusion of affordable units in development with more than 20 units per building. Authorized under CRS 197A-465. The statute, must be paired with financial incentives to offset the cost of the affordability requirements.	A10		Production	N/A (could negatively impact overall production in some cases)	N/A (can negatively impact overall production in some cases)	Yes	N/A	Limited (would only apply to condominium development which)	N/A (not geographically focused)	N/A (not geographically focused)	N/A (not geographically focused)	N/A (not geographically focused)						
B-21	Regulatory Requirements or Policy	Negotiated affordability requirements for new urban areas	Negotiate affordability agreements for larger developments in newly urbanizing areas as part of UGB expansion decisions, annexation agreements, and/or area planning processes.	New		Production	N/A (could negatively impact overall production in some cases)	N/A (can negatively impact overall production in some cases)	Yes	N/A	Yes	Potentially if focused	N/A (likely to be applicable in these areas)	N/A (likely to be applicable in these areas)	N/A (likely to be applicable in these areas)						
B-22	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.	A16		Preservation	N/A	Yes (jurisdiction determines affordability level)	Yes	N/A	Yes	Potentially if focused	N/A (likely to be applicable in these areas)	Yes if focused	Yes if focused						
B-23	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.	A01		Production	Limited	Yes if focused	N/A	N/A	N/A	Potentially if focused	Potentially if focused	May not be appropriate to focus in these areas unless paired with complementary strategies	May not be appropriate to focus in these areas unless paired with complementary strategies						
B-24	Regulatory Requirements or Policy	Leasing Priority for Households with Disabilities	Requirement that landlords offer households with disabilities the opportunity to learn about the availability of safely accessible units and have a chance to apply for them before the general public.	New		Access	N/A	N/A	Yes	N/A	N/A	N/A (not geographically focused)	N/A (not geographically focused)	N/A (not geographically focused)	N/A (not geographically focused)	Accessible & Adaptable Housing					
B-25	Regulatory Requirements or Policy	Affordability Covenants	Using affordability covenants to ensure that affordability commitments are met for properties receiving local funding or other incentives. (Complementary strategy to the funding or incentives.)	A11	1C	Preservation	N/A	N/A	Yes	Potentially if linked with complementary action(s)	Yes	Potentially if linked with complementary action(s)	Potentially if linked with complementary action(s)	Potentially if linked with complementary action(s)	Potentially if linked with complementary action(s)	Affordability					
B-26	Regulatory Requirements or Policy	Affirmative Marketing Requirement	Require that developers who receive any financial incentive or public support participate in a program to affirmatively market available units to members of protected classes, to help ensure these households are aware of affordable housing units when they become available. This	New	1E	Access	N/A	N/A	Yes if focused	Yes if focused	Yes if focused	Yes if focused	Yes if focused	Yes if focused	Yes if focused						
B-27	Regulatory Requirements or Policy	Rental Housing License Program	Jurisdictions could 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. The breadth of data that could be included on the license includes items such as individual applicant information for landlords,	New	1I	Preservation	N/A	N/A	N/A	Yes, if info on accessibility included	N/A	N/A (not geographically focused)	N/A (not geographically focused)	N/A (not geographically focused)	N/A (not geographically focused)	Accessible & Adaptable Housing					
B-28	Regulatory Requirements or Policy	Right to Return Policy	Right to return policies prioritize residents who were displaced, or forced displacement, due to high housing costs or redevelopment projects in their original communities for new affordable housing units in areas that are or have recently experienced gentrification and displacement.	New	1B	Access	N/A	N/A	N/A	N/A	N/A	N/A	N/A	Yes	May not be appropriate to focus in these areas unless paired with complementary strategies	"Housing stability, anti-displacement and displacement mitigation"					
B-29	Regulatory Requirements or Policy	Short-term Rental Limitations	Short-term rentals can be seen as an investment strategy for small investors, but can also remove rental housing supply from the market, in effect driving up rent from the local housing market. To avoid this effect, regulations can include definitions for various forms of short-term rentals, defining use, and occupancy standards, and even setting limits to the number of days that a short-term rental can be in operation in order to mitigate their impact on the local housing market. Short Term Rental Regulation should begin with/include registration requirements for all short-term rentals.	A09		Preservation	Indirect impact on supply of housing for long-term rental	N/A	N/A	N/A	N/A	Yes if focused	Yes if focused	Yes if focused	Yes if focused			Strong demand for short-term rentals in coastal communities and others with strong recreation driving	Moderate demand for short-term rentals	Low demand for short-term rentals	This strategy has greater impact where there is more demand for short-term rentals that may be outcompeted more for long-term rental housing
B-30	Reduce Regulatory and Permitting Barriers	Priority Permit Review	Prioritize permit review for qualifying housing development (e.g., affordable housing, specific housing types)	B03	recommends not to add to list	Production	N/A (would prioritize some types of housing over others)	Potentially if focused (has not been implemented in this way to date)	Yes if focused (jurisdiction determines affordability level)	Potentially if focused (has not been implemented in this way to date)	Yes if focused	N/A (not geographically focused)	N/A (not geographically focused)	N/A (not geographically focused)	N/A (not geographically focused)			Affordability, Affordable Homeownership & Wealth-Building Future Options, Permanent housing to resolve homelessness			
B-31	Reduce Regulatory and Permitting Barriers	Single point of contact for permitting	Provide a single office or individual to oversee the permitting process to best office housing. This could apply to all housing types or just certain qualifying ones.	B03		Production	Potentially if implemented broadly	Yes if focused	Yes if focused (jurisdiction determines affordability level)	Potentially if focused (has not been implemented in this way to date)	Yes if focused	N/A (not geographically focused)	N/A (not geographically focused)	N/A (not geographically focused)	N/A (not geographically focused)			Overall Production, Housing Types that Increase Choice, Affordability, Accessible & Adaptable Housing, Affordable Homeownership & Wealth-Building Future Options, Permanent housing to resolve homelessness			
B-32	Reduce Regulatory and Permitting Barriers	Reduce permitting time	Increase the FTE devoted to staffing the permit "counter" and application review to further expedite review of development applications, or create regional agreements or techniques to expedite permit review more efficiently.	B06		Production	Yes	N/A (broadly applicable)	N/A (broadly applicable)	N/A (broadly applicable)	N/A (broadly applicable)	N/A (not geographically focused)	N/A (not geographically focused)	N/A (not geographically focused)	N/A (not geographically focused)						
B-33	Reduce Regulatory and Permitting Barriers	Permit Ready Plans	Developed by the state for middle housing (e.g. cottage clusters, townhomes, gardenflats, ADUs, and/or single-unit housing that uses universal design principles. Jurisdictions could allow development using state-provided plans in specific zones regardless of local zoning codes or other local requirements (including setbacks, lot coverage, etc.).	A20, A21	3B	Production	Limited	Yes if focused	N/A	Yes if focused	N/A	N/A (not geographically focused)	N/A (not geographically focused)	N/A (not geographically focused)	N/A (not geographically focused)			Housing Types that Increase Choice			
B-34	Reduce Regulatory and Permitting Barriers	Code Audit and Amendments	Conduct an audit of the local code to identify barriers to production of housing standards, design standards, limitations on scale and density, landscaping and open space requirements, and the like and vehicle parking requirements) to identify barriers to production of housing generally of specific housing types, or for affordable housing. Solicit input from the development community and current planning staff on	A12, B05, B17, B23		Production	Yes	Yes if focused	Potentially if focused	Potentially if focused	Potentially if focused	Yes if focused	Yes if focused	May not be appropriate to focus in these areas unless paired with complementary strategies	May not be appropriate to focus in these areas unless paired with complementary strategies						

RB-3	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 undersupplied housing types and/or higher intensity residential development	A2B, B5		Production	Yes	Yes	N/A	N/A	N/A	Yes if focused	Yes if focused	May not be appropriate to focus in these areas unless paired with complementary strategies	May not be appropriate to focus in these areas unless paired with complementary strategies						
RB-8	Reduce Regulatory and Permitting Barriers	Expand residential options in commercial zones	Allow mixed use residential in commercial zones where residential uses 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	A14		Production	Potentially if implemented broadly	Yes if focused	Yes if consistent with or exceeding state law (Covered by state law, but helpful to adopt in local code)	Potentially if focused	Yes if consistent with or exceeding state law (Covered by state law, but helpful to adopt in local code)	Yes if focused	Yes if focused	May not be appropriate to focus in these areas unless paired with complementary strategies	May not be appropriate to focus in these areas unless paired with complementary strategies						
RB-6	Reduce Regulatory and Permitting Barriers	Permitting outcomes review / audit	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. For applications that were reviewed through a discretionary process, determine which clear and objective standard(s) the applicants were seeking to deviate from by taking a discretionary process.	B19		Production	Yes	Yes if focused	Yes if focused	Potentially if focused (information on presence of accessibility features may not be available for all applications)	Potentially if focused (information regarding tenure may not be available for all applications)	Yes if focused	Yes if focused	Yes if focused	Yes if focused						
Z-1	Zoning or Regulatory Incentives	Development Intensity Bonuses	Use incentive zoning that provides more height, density, floor area ratio, and/or building footprint (as applicable) for qualifying housing development.	A03, A23, A35, A17, A25		Production	Limited	Potentially if focused (for middle housing, bonuses would be relative to the minimum standards in middle housing rules)	Yes if consistent with or exceeding state law (Covered by state law, but helpful to adopt in local code)	Yes if focused	Yes if consistent with or exceeding state law (Covered by state law, but helpful to adopt in local code)	Yes if focused	Yes if focused	May not be appropriate to focus in these areas unless paired with complementary strategies	May not be appropriate to focus in these areas unless paired with complementary strategies						
Z-2	Zoning or Regulatory Incentives	Parking Reductions	Offer lower parking ratios for qualifying housing development	B02, A15		Production	Potentially if implemented broadly	Potentially if focused (for middle housing, reductions would be relative to the minimum standards in middle housing rules)	Yes if focused	Yes if focused	Yes if focused	Yes if focused	Yes if focused	May not be appropriate to focus in these areas unless paired with complementary strategies	May not be appropriate to focus in these areas unless paired with complementary strategies						
Z-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, articulation or entrance requirements) for qualifying housing development.	A03, A23, A35, B07		Production	Limited	Yes if focused	Yes if consistent with or exceeding state law (Covered by state law, but helpful to adopt in local code)	Yes if focused	Yes if consistent with or exceeding state law (Covered by state law, but helpful to adopt in local code)	Potentially if focused	Potentially if focused	May not be appropriate to focus in these areas unless paired with complementary strategies	May not be appropriate to focus in these areas unless paired with complementary strategies						



OREGON HOUSING NEEDS ANALYSIS: HOUSING ACTION WORK GROUP

Adoption Ready Actions

June 30, 2025

This memorandum advances seven Adoption Ready Actions (ARAs). It builds on the information shared in the [Draft Adoption Ready Actions packet](#), updated on May 15, 2025, and shared with the Housing Actions Work Group (HAWG) in advance of the May 21, 2025, meeting (#9). Feedback received from HAWG members at that meeting has been incorporated into the ARAs in this document.

As noted in prior documents, an ARA, as defined by the Department of Land Conservation and Development (DLCD), is an action (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), which commits to implementation) that is partially or fully developed and implementable. An ARA is designed to reduce development resource needs while supporting the principles of Goal 10 - Housing. The actions require some elements of universal applicability, but the level of adoption readiness may vary. They are grouped into three levels of adoption readiness:

- a) Level 1: Partially developed but requires substantial local preparation like the development of partnerships;
- b) Level 2: Largely developed but requires some sensitivity, feasibility, and applicability testing; and
- a) Level 3: Immediately adoptable and implementable - requires little or no analysis or design before adoption into local plans, policies, or ordinances.

This memorandum advances seven ARAs representing all three levels of readiness.

#	ARA	Components
1 / 3A	Nonprofit Low Income Housing Property Tax Exemption	<ul style="list-style-type: none">• Model ordinance & municipal code• Example letter to overlapping taxing districts• Model application form
2 / 2A	SDC exemption for Affordable Housing	<ul style="list-style-type: none">• Model Municipal Code
3 / 2B	SDC deferral for housing	<ul style="list-style-type: none">• Model Municipal Code
4 / 2C	Multiple Unit Property Tax Exemption	<ul style="list-style-type: none">• Model Municipal Code
5 / 1I	Rental Housing License Program	<ul style="list-style-type: none">• Model Municipal Code



6 / 1E	Affirmative Marketing Requirement for City-Funded Units	<ul style="list-style-type: none">• Templates (Program Description, Letter of Intent to Implement Affirmative Marketing, Affirmative Marketing Outreach Instructions and Notice, Affirmative Marketing Report)
7 / 1A	Land Disposition for Affordable Housing	<ul style="list-style-type: none">• Model RFP for land for development for affordable housing• Model long-term ground lease for affordable housing

As with the May 15th packet, topics that could be covered by the in-progress model code by housing type and city size directed by SB 1654 (2024) are not listed in this document.

HOW TO READ THIS DOCUMENT

All ARAs include:

- **Summary:** The first page for each ARA is an action sheet summary that provides a description, notes on impact and applicability, relevance to specific housing needs, and level of customization required.
- **Case Studies & Evaluation:** A summary of available examples from Oregon and (where applicable) other states; and a summary of any available studies evaluating impacts or effectiveness of the action
- **Customization & Implementation Considerations:** Areas where local tailoring, analysis, or decisions are needed.

Additional information on these actions can be found in the Housing Production Strategy Menu of Actions.

Text that will need to be inserted by each jurisdiction are found in [brackets and highlighted in grey]. There are some aspects of each adoption ready action that are limited statutorily. This text is written in blue font.

Example affordability covenants and other documents used to ensure affordability for locally supported affordable housing projects are included in Appendix A beginning on page 72. ***These are intended for guidance only and staff should consult legal counsel to draft legal documents for local use.***

**3A) NONPROFIT LOW-INCOME HOUSING TAX EXEMPTION**

Completeness	ARA Components	Key Needs Addressed
Level 3: Can be used with little local customization	<ul style="list-style-type: none">• Model ordinance & municipal code based on statute• Example letter to overlapping taxing districts• Model application form	<ul style="list-style-type: none">• Characteristic: affordability
Description	<p>Property tax exemption enabled under state law and adopted locally for regulated affordable housing owned and operated by a nonprofit as well as land held by a nonprofit for future affordable housing development. Nearly all program parameters are established in statute, with few set locally.</p> <p>Eligible properties must be offered to low-income persons (with incomes at or below 60% of the area median income for the initial year, and at or below 80% of the area median income for subsequent years) or held for the purpose of developing low-income housing. The housing may be new development or existing housing acquired by a nonprofit for the purpose of converting it to income-restricted affordable housing.</p> <p>Applicants must renew their tax exemption applications annually. As long as the housing remains affordable to low-income residents, there is no time limit to the tax exemption.</p>	
Impact	Medium. Reduces operating costs for affordable housing, potentially allowing for deeper affordability or less subsidy required. Many affordable housing developers partner with the local Housing Authority to obtain tax-exempt status, but some have indicated that this program provides a simpler alternative that reduces the complexity of development arrangements.	
Applicability	High. Could work for any jurisdiction. Some have already implemented, others have not.	



Case Studies & Evaluation

Oregon Examples

This program has been adopted in a number of Oregon cities, including [Newport](#), [Beaverton](#), [Portland](#), [Tigard](#), [Forest Grove](#), [Cornelius](#), and [Wilsonville](#).

Available Research and Evaluation

Research indicates a significant correlation between tax exemptions and an increase in the development of affordable housing. The research suggests that tax incentives make development financially viable for developers in areas where they otherwise would not pursue affordable housing projects. Various studies indicated that the correlation is stronger when tied to the following factors:

- High demand for housing in the area and significant development activity
- Rising land prices
- Combined with other tools and regulatory measures (e.g., regulatory bonuses, inclusionary zoning, or LIHTC)

Several published studies have evaluated the development impacts of tax abatement programs and whether they have a measurable effect on the number of affordable housing projects built. These studies often compare outcomes in cities that have implemented such programs to those in cities that have not or assess the effectiveness of various incentives in increasing affordable housing production. Tax abatement programs generally increase the development of affordable housing, particularly in high-demand areas where development might otherwise focus on market-rate housing. The effectiveness of these programs tends to be higher in cities with robust development activity and significant demand for housing.

In some cases, tax incentives combined with other regulatory measures (e.g., inclusionary zoning or LIHTC) were found to have an even greater impact on the quantity of affordable units produced. These studies provide useful insights into how tax incentives and abatements can drive affordable housing development, especially when they are part of a broader set of policy tools.

A few example studies include:

- "The Effectiveness of Property Tax Abatement Programs in Affordable Housing Development" (Urban Institute, 2017): This study examined the effectiveness of property tax abatement programs across a range of U.S. cities, including Seattle, Chicago, and New York. It compared cities with and without such programs to assess whether tax incentives contributed to an increase in affordable housing units. The study found that property tax abatements were effective in increasing the number of affordable housing projects in areas with high demand for housing and significant development activity. The study found that in cities like Chicago and Seattle, tax abatement programs were strongly associated with a higher number of affordable housing developments. However, the impact was less clear in cities with lower development activity or without strong regulatory support for affordable housing.
- "The Impact of Property Tax Incentives on Housing Development" (Journal of Housing Economics, 2019): This peer-reviewed journal article analyzes property tax incentives (including abatements) and their effects on housing development across multiple cities in the U.S. It evaluates whether such incentives increase the number of affordable housing projects relative to what would have been built without the incentives. The study found a clear correlation between the implementation of property tax abatements and an increase in affordable housing production, especially in high-demand urban markets where land prices



were pushing affordable housing out of reach. The research suggests that tax incentives make development financially viable for developers in areas where they otherwise would not pursue affordable housing projects.

- "Incentives for Affordable Housing Development: An Evaluation of Local Programs" (National Low Income Housing Coalition, 2015): This report evaluates the effectiveness of several local tax incentives and abatement programs in increasing affordable housing across the U.S. It compares cities that use these incentives (like San Francisco and Portland) with those that rely solely on market-driven development. The study found that tax incentives were critical in helping to develop affordable housing, particularly in gentrifying areas. Cities with tax abatement programs produced more affordable units than cities without such programs, with some cities achieving significant success in low-income housing production due to these policies.
- "The Effects of Tax Incentives on Affordable Housing Production: Evidence from the Low-Income Housing Tax Credit" (The Journal of Urban Economics, 2018): While this study primarily focuses on the Low-Income Housing Tax Credit (LIHTC), it includes analysis on the role of tax exemptions and abatements in supporting affordable housing production. It compares the outcomes of cities that used both LIHTC and additional property tax incentives versus cities that used LIHTC alone. The study concluded that the combination of tax credits and property tax abatements significantly boosted the construction of affordable rental housing. Cities that employed both mechanisms saw higher numbers of affordable units being built compared to cities with only LIHTC.

Customization & Implementation Considerations

Because the parameters are laid out in statute, there is little need for local customization, though jurisdictions may adopt additional eligibility criteria that do not conflict with the statutory criteria. Codes, ordinances, and application forms are similar across most examples.

Note that some cities have approved the exemption for specific projects, rather than adopting a blanket exemption. If approval of the exemption requires action by City Council every year (due to the annual renewal process embedded in statute), this can increase administrative effort for both the City and the property owner/manager and can decrease certainty about whether the exemption will continue to be granted going forward. It is preferable to set up the program so that confirming eligibility year to year is a simple staff decision based on review of a standardized application form.

There is one program element that jurisdictions could modify if desired (an optional limit on how long the exemption may apply to land held for future affordable housing development). The Model Code for ARA 3A does not set a limit, but includes a 5-year limit with option to extend as an optional component.

Without the cooperation of overlapping taxing districts, a jurisdiction can only adopt an exemption for its own tax levy. Applying the exemption to all taxing districts would require the support of districts representing at least 51% of the total tax rate (including the adopting jurisdiction). Alternatively, an applicant can seek other districts' support on a case-by-case basis.



Model Ordinance Language

Note: In order for this Adoption Ready Action to be helpful to jurisdictions, the state has developed model ordinance language and a model municipal code based on statute.

[JURISDICTION]

ORDINANCE NO. [X]

AN ORDINANCE AMENDING TITLE [X] OF THE

[JURISDICTION] MUNICIPAL CODE RELATING TO AN AFFORDABLE HOUSING

TAX EXEMPTION PROGRAM FOR NON-PROFIT HOUSING PROVIDERS

WHEREAS, State of Oregon statutes ORS 307.540 through 307.548 authorize cities to establish a process for exemption from property tax for non-profit corporation low income housing; and

WHEREAS, [Goal X] is “[applicable Goals supporting the development of affordable housing, including funding and land use tools for the facilitation of this development from the Comprehensive/General Plan]”; and

WHEREAS, [title, date, and relevant findings on low-income housing needs from most recent Contextualized Housing Needs assessment]; and

WHEREAS, the latest [U.S. Census or American Community Survey] data calculate that [relevant data on renter occupied housing and average renter housing income in comparison to countywide median income]; and

WHEREAS, area non-profit housing providers fulfill a critical role in building and maintaining housing which, due to subsidy stipulations contained within their financing framework, are restricted to specifically serve low-income households that need them; and

WHEREAS, Provision of a property tax exemption enabled through Oregon Revised Statutes (ORS) 307.540-548, which applies specifically to non-profit organizations that own or purchase property for use as low-income housing, will encourage further development of much needed low-income housing units in [Jurisdiction]; and

[OPTIONAL: WHEREAS, ORS 307.540 to 307.548 provides that if jurisdictions or special district service providers representing more than 51 percent of a property's total tax obligation resolve to exempt the property from taxation, then the remainder of those taxing districts must follow suit; and]

WHEREAS, [relevant stakeholder discussions and support for the program received during the development of this ordinance]; now therefore



[JURISDICTION] ORDAINS AS FOLLOWS:

Section 1. [Jurisdiction] Municipal Code [Chapter X], Non-Profit Corporation Low Income Housing Tax Exemption, is hereby established as illustrated in Exhibit "A."

Section 2. This ordinance shall take effect 30 days after passage.

Date adopted and read by title only: [X].

Signed by the [Respective Authority, e.g., Mayor] on [X].

X

Mayor

ATTEST:

X

City Recorder

APPROVED AS TO FORM:

**Model Municipal Code**

Note: Model code based on examples from Forest Grove, Newport, Beaverton, and Cornelius.

Note: Much of this model code is already incorporated into statute, [ORS 307.450 to 307.458](#).

Notes, optional items, and text to be filled in by the jurisdiction are shaded in gray and in [brackets].

Chapter [X]**NONPROFIT CORPORATION LOW-INCOME HOUSING TAX EXEMPTION**

Sections:

- [\[X\].010 Definitions](#)
- [\[X\].020 Non-profit corporation low-income housing exemption; criteria](#)
- [\[X\].030 Application for exemption](#)
- [\[X\].040 Determination of eligibility for exemption; notice to County Assessor](#)
- [\[X\].050 Governing Body approval for an extension of time](#)
- [\[X\].060 Termination of exemption](#)
- [\[X\].070 Delegation of administrative authority](#)

[\[X\].010 Definitions.](#)

As used in this Chapter:

- A. “Governing Body” means: [Respective Decision-making body for the Jurisdiction, i.e. City Council, Board of Commissioners, etc.]
- B. “Low-income” means:
 - 1. For the initial year that persons occupy property for which an application is filed under ORS 307.545, income at below 60 percent of the area median income as determined by the Oregon Housing Stability Council based on information from the United State Department of Housing and Urban Development; and
 - 2. For every subsequent consecutive year that the persons occupy the property, income at or below 80 percent of the area median income as determined by the Oregon Housing Stability Council based on information from the United States Department of Housing and Urban Development.

[\[X\].020 Eligibility Criteria.](#)

- A. Property that meets all of the following criteria shall be exempt from taxation as provided in this section:
 - 1. The property is owned or being purchased by a corporation described in Section 501(c)(3) or (4) of the Internal Revenue Code that is exempt from income taxation under Section 501(a) of the Internal Revenue Code.
 - 2. Upon liquidation, the assets of the corporation are required to be applied first in payment of all outstanding obligations, and the balance remaining, in cash and in kind, to be



distributed to corporations exempt from taxation and operated exclusively for religious, charitable, scientific, literary or educational purposes or to the State of Oregon.

3. The property is:

- a. Occupied by low-income persons; or
- b. Held for the purpose of future development of low-income housing [for a period of not more than 5 years. If the corporation requires additional time to develop the property for low-income housing and still seeks an exemption under this chapter, the corporation shall seek approval from the governing body for an extension of time in the manner described in Section [X].050.].

4. The property or portion of the property receiving the exemption is actually and exclusively used for the purposes described in Section 501(c)(3) or (4) of the Internal Revenue Code.

5. [Optional:] The corporation:

- a. Is not presently debarred, suspended, proposed for debarment, or declared ineligible by any Federal or state agency;
- b. Has not, within the three-year period preceding the application, been convicted of or had a civil judgment rendered against it for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public transaction or contract under a public transaction; or been convicted of any Federal or state statutes of embezzlement, theft, forgery, bribery, falsification, destruction of records, making false statements, receiving stolen property, or any other offense indicating a lack of business integrity or business honesty; and
- c. Is not presently indicted for or otherwise criminally or civilly charged by a Federal, state, or local government entity with commission of any of the offenses enumerated in division (A)(5)(b) of this section.

B. For purposes of subsection (A)(1) of this section, a corporation that only has a leasehold interest in property is deemed to be a purchaser of that property if:

- 1. The corporation is obligated under the terms of the lease to pay the ad valorem taxes on the real and personal property used in this activity on that property; or
- 2. The rent payable by the corporation has been established to reflect the savings resulting from the exemption from taxation.

C. For purposes of subsection (A) of this section, a partnership shall be treated the same as a corporation to which this section applies if the corporation is:

- 1. A general partner of the partnership; and
- 2. Responsible for the day-to-day operation of the property that is the subject of the exemption.



[X].030 Application for Exemption

- A. To seek the exemption provided by Section [X].020, the corporation shall file an application for exemption with the governing body for each assessment year the corporation wants the exemption.
- B. The application shall be filed on or before March 1 of the assessment year for which the exemption is applied for, except that when the property designated is acquired after March 1 and before July 1, the claim for that year shall be filed within 30 days after the date of acquisition.
- C. The application shall include the following information, as applicable.
 - 1. A description of the property for which the exemption is requested;
 - 2. A description of the charitable purpose of the project and whether all or a portion of the property is being used for that purpose;
 - 3. A certification of income levels of low-income occupants;
 - 4. A description of how the tax exemption will benefit project residents;
 - 5. A description of the development of the property if the property is being held for future low-income housing development;
 - 6. A declaration certifying that the corporation has been granted exemption from income taxation under Section 501(a) of the Internal Revenue Code as an organization described in Section 501(c)(3) or 501(c)(4) of the Internal Revenue Code; and
 - 7. A certification that the corporation meets the criteria provided in Subsection [X].020(A)(5).
- D. The applicant shall verify the information in the application by oath or affirmation.

[X].040 Determination of Eligibility for Exemption; Notice to County Assessor.

- A. Except as otherwise provided in subsection (B) of this section, within 30 days of the filing of an application under Section [X].030, the governing body shall determine whether the applicant qualifies for the exemption granted under Section [X].020. If the governing body determines the applicant qualifies, then the governing body shall certify to the County Assessor that all or a portion of the property shall be exempt from taxation under the levy of the certifying governing body.
- B. If the governing body has previously determined that the applicant qualified for the exemption granted under this chapter, then the governing body shall use the criteria that were in place when the applicant was first granted the exemption for the property each year the applicant reapplies for the exemption.
- C. Upon receipt of certification under Subsection (A) of this section, the County Assessor shall exempt the property from taxation to the extent certified by the governing body.

[X].050 Governing Body approval for an extension of time.



- A. If a corporation requires additional time to develop the property for low-income housing beyond the time frame provided in Section [X].020(A)(3)(b), and seeks to extend the property tax exemption previously approved by the governing body, then it shall provide a written request to the governing body and include supporting documentation with the request. The written request shall be on a form supplied by the City.
- B. If the corporation submits a written request with supporting documentation, the governing body shall review the request. The governing body may use any of the following factors to determine whether to grant or deny an extension to the corporation including, but not limited to:
 - 1. Whether the corporation has created any designs for the proposed development of low-income housing on the property;
 - 2. Whether the corporation has applied for, or received, any permits relating to development of low-income housing on the property;
 - 3. Whether the corporation has applied for, or received, any private or public funding for development of low-income housing on the property, including any tax credits;
 - 4. Whether the corporation has contracted with another party to begin development of low-income housing on the property;
 - 5. 5. Whether the corporation has made any site improvements towards development of low-income housing on the property; or
 - 6. Whether there was any uncontrollable or unforeseeable act or circumstance beyond the corporation's reasonable control that caused or is causing the delay in developing the low-income housing on the property.
- C. The governing body shall determine whether to grant or deny an extension within 30 days of receiving the written request and supporting documentation from the corporation.

[X].060 Termination of Exemption.

- A. If the governing body determines that property that has received an exemption under this chapter in anticipation of future development of low-income housing is being used for any purposes other than the provision of low-income housing, or that any provision of this chapter is not being complied with, the governing body shall give notice of the proposed termination of the exemption to the owner by mailing the notice to the last known address of the owner, and to every known lender by mailing the notice to the last known address of every known lender. The notice shall state the reasons for the proposed termination and require the owner to appear at a specified time, not less than 20 days after mailing the notice, to show cause, if any, why the exemption should not be terminated.
- B. If the owner fails to appear and show cause why the exemption should not be terminated, the city shall notify every known lender, and shall allow any lender not less than 30 days after the date the notice of failure to appear and show cause is mailed to cure any noncompliance or to provide adequate assurance to the governing body that all noncompliance shall be remedied.



- C. If the owner fails to appear and show cause why the exemption should not be terminated, and the lender fails to cure or give adequate assurance of the cure of noncompliance, the governing body shall adopt an [ordinance or resolution] stating its findings that terminate the exemption. A copy of the [ordinance or resolution] shall be filed within ten days after its adoption with the County Assessor, and a copy shall be sent to the owner at the owner's last known address and to the lender at the last known address of the lender within ten days of its adoption.
- D. Upon the County Assessor's receipt of the governing body's termination findings:
1. The exemption granted to the housing unit or portion under this chapter shall terminate immediately, without right of notice or appeal;
 2. The property shall be assessed and taxed as other property similarly situated is assessed and taxed;
 3. Notwithstanding ORS 311.235, there shall be added to the general property tax roll, for the property in question, for the tax year next following the presentation or discovery, to be collected and distributed in the same manner as other real property tax, an amount equal to the difference between the taxes assessed against the property and the taxes that would have been assessed against the property had it not been exempt under this chapter for each of the years, not to exceed the last ten years, during which the property was exempt from taxation under this chapter.
- E. The assessment and tax rolls shall show potential additional tax liability for each property granted an exemption under this chapter because the property is being held for future development of low-income housing.
- F. Additional taxes collected under this section shall be deemed to have been imposed in the year to which the additional taxes relate.

[X].070 Delegation of Administrative Authority.

The governing body hereby delegates to the [chosen Authority, e.g. City Manager, Mayor, etc.], or designee, all authority necessary to make all determinations and otherwise administer the provisions of this chapter, excepting determinations and actions required to be made or taken by the governing body pursuant to Section [X].060.

**Example Letter**

Note: Example based on letter from City of Scappoose to overlapping taxing districts.

DATE: [xxxx]

TO: [taxing districts]

CC: xxx, City

FROM: xxx

SUBJECT: Request for support of nonprofit affordable housing tax exemption

One of the actions the City is implementing as part of its Housing Production Strategy is a property tax exemption program for non-profit affordable housing, the Nonprofit Low-Income Rental Housing Tax Exemption. To implement this program fully, the City needs the support of several of the overlapping taxing districts. This memo provides additional information about the tax exemption program, including its expected benefits and foregone revenue impacts. The City is requesting support for this proposal from impacted taxing districts.

How it Works

This tax exemption program would apply to rental housing for low-income persons that is owned, being purchased, and/or leased and operated by a nonprofit. It would also apply to land held by a nonprofit for affordable housing development. Land and improvements are exempt for as long as the property meets the criteria, but property owners must reapply every year (using a simple application form) to show that they continue to meet the program criteria.

This program would assist nonprofits providing affordable housing in the community by lowering operating costs. It would also lower holding costs for land intended for future affordable housing development, providing the nonprofit developers more time to arrange funding for development. Affordable housing provided by the Housing Authority is already exempt. Some existing nonprofit affordable housing developments qualified for a tax exemption as charities; however, this option is no longer available for new developments.

To enact this program, the City would need to adopt the provisions of ORS 307.540 to 307.548 to establish the program locally. Governing boards representing 51% of the combined tax rate must agree to the policy of exemption in order for the exemption to apply to all taxing districts. This could be met by the City in combination with [identify other taxing districts whose rate would sum to 51%].

Program Beneficiaries

[Optional: provide examples of entities or projects that could benefit from exemption]

Foregone Revenue by Taxing Districts



[Add estimated impact of foregone revenue from existing example projects expected to benefit from the exemption based on current property tax payments or estimate foregone taxes from a hypothetical future development]

Exhibit 1. Estimated Annual Forgone Revenue, FY XXXX

Entity	Property Taxes
Taxing District	\$XX
Taxing District	\$XX
Taxing District	\$XX
Taxing District	\$XX
....	\$...
....	\$...
....	\$...

Source: xxx analysis based on county tax records

**Note that the state's education funding formula allocates funding to schools on a per-pupil basis, so foregone property tax revenue to the School District is absorbed at the state level and replaced by additional state funding.*

**Model Application Form**

Note: Example based on [City of Portland application form](#).

**NON-PROFIT CORPORATION LOW-INCOME HOUSING TAX
EXEMPTION APPLICATION**

SECTION A - INFORMATION of APPLICANT/NON-PROFIT ORGANIZATION		
PROPERTY TAX EXEMPTION FOR LOW-INCOME HOUSING HELD BY NON-PROFIT ORGANIZATIONS – [FISCAL YEAR] TAX YEAR		
APPLICATION DUE DATE: JANUARY 31, [YEAR]		
ORGANIZATION INFORMATION		
Applicant/Sponsor		
Only submit one application per Non-Profit		
Non-Profit Applicant Name:		Tax ID:
Address:	City/State:	Zip:
Contact Person:	Phone:	Fax:
Email:	Additional Contact Information (if applicable):	
Applicant Type (check one)	Entity Type (check one)	
<input type="checkbox"/> Not-for-Profit	<input type="checkbox"/> 501(c)(3)	
<input type="checkbox"/> Not-for-Profit Community Based Development Organization (CBDO)	<input type="checkbox"/> Partnership	
<input type="checkbox"/> Not-for-Profit Community Housing Development Organization (CHDO)	<input type="checkbox"/> Limited Partnership	
<input type="checkbox"/> Other (specify)	<input type="checkbox"/> Corporation	
	<input type="checkbox"/> Limited Liability Corp. (LLC)	
	<input type="checkbox"/> Community Development Corp. (CDC)	
	<input type="checkbox"/> S-Corporation	
	<input type="checkbox"/> Other (specify)	



SECTION B – PROPERTY TO BE CONSIDERED FOR TAX EXEMPTION

[Provide relevant documentation related to the eligibility of the applicant, property, and proposal] and submit with this document.

Applicants should only submit one packet that contains the required information for all associated properties. If properties that the Non-Profit Applicant is not sure should be included, or may be purchased before July 1, [year], it is best practice to include them as part of the initial Section B submittal with a note of the expected acquisition date.

SECTION C – ELIGIBLE PROPERTY SUPPLEMENTAL QUESTIONS

Instructions: For each relevant property, begin with its Tax ID # and then answer the question. If there are multiple properties for which the question needs to be answered, please create multiple lines allowing a new line for each property.

For example: (1) R292954- Applicant is the Managing Member of ABC, LLC which is the General Partner of ownership entity

(2) R678910- Applicant has a leasehold agreement.

1. For Non-Profit Applicants that are not the property owner, but have an ownership interest in, or are otherwise affiliated with any of the properties listed in Section B. Please describe the Non-Profit Applicant's affiliation:

Required Documentation: Provide an operating agreement, limited partnership agreement, or other documentation showing the Non-Profit Applicant's affiliation with the property owner and how the Non-Profit Applicant is meeting program requirements for any of the R numbers listed above.

2. For Non-Profit Applicants that have a leasehold interest in any of the properties listed in Section B. Please describe the Non-Profit Applicant's interest:

Required Documentation: Provide a current lease agreement describing how the non-profit Applicant, under the terms of the lease, is required to pay the ad valorem taxes on each property or any other contractual management such that the property tax exemption benefits accrue to the nonprofit agency and the residential tenants rather than the owner or corporation from whom you lease.

3. For each property identified in Section B as vacant land being held for the development of low-income housing for residents with incomes at or below 60%AMI, provide the below information and identify each property by Tax Record Number:

A. When did the Applicant originally purchase the land?



B. Describe in detail the plans for each property (identified by Tax Record Number) including the proposed income level restrictions and your estimated time frame for completion of this project. Include building permit application timelines, building permit numbers or any other pertinent information:

Tax ID	Proposed Income Level Restrictions	Estimated Timeframe for Completion	Building Permit #	Timelines & Other Information

If listing additional properties, please list below in the same format:

SECTION D – DECLARATIONS

Instructions: Please read carefully and sign before a notary.

1. I declare that my organization has been granted an exemption from income taxes under 26 U.S.C. Section 501(c)(3) or (4) as amended before December 1, 1984, and submit proof of that status with this application.
2. I have attached documentation as proof of the owner relationship to the name of the applicant.
3. I am aware that the income-qualifying tenants must meet the income guidelines in accordance with 42 U.S.S. Section 1447 (a)(b)(2) as amended. See [Income and Rent Limits chart from Jurisdiction's Housing Bureau or similar]



4. I am aware of all requirements for tax exemption imposed by ORS 307.540 – 307.548 (Chapter 660 Oregon Laws 1985, as amended by Chapter 756 Oregon Laws 1987), and implemented by Chapter [X] of the [Jurisdiction] Code.

5. The above-described properties qualify or will qualify upon completion of any rehabilitation improvement and subsequent occupancy by low-income residents for property tax exemption on or before June 30, [year].

6. All the information in this application is true to the best of my belief and knowledge and is for all purposes of determining eligibility for the tax exemption program authorized by Chapter [X] of the [Jurisdiction] Code.

For: _____

By: _____

Name of Non-Profit Organization

Name of Organization's Chief Executive Officer

X

Signature

Date:

☐ Select if Electronic Signature Used

SUBSCRIBED AND SWORN before me this ____ day of (month), (year).

Notary Public (signature): _____

My Commission Expires: _____



2A) SYSTEM DEVELOPMENT CHARGE EXEMPTION FOR AFFORDABLE HOUSING

Completeness	ARA Components	Key Needs Addressed
Level 2: Requires some sensitivity, feasibility, and applicability testing or customization for the local context	<ul style="list-style-type: none">Model Municipal Code	<ul style="list-style-type: none">Housing affordability
Description	Policy-based exemptions to SDCs (fees on development to recover a proportionate cost of the impact to local infrastructure) for regulated affordable housing projects.	
Impact	Medium. Reduces development costs for affordable housing, potentially allowing for deeper affordability or less subsidy required. The impact depends on the amount exempted and current SDC rates. This ARA has helped support many affordable housing projects. It shows local commitment to affordable housing and sometimes helps close a gap or reduce required subsidy per unit to an extent that makes affordable housing development viable. It is likely to be most valuable and effective where SDCs are highest and when financing costs are highest.	
Applicability	This ARA could work for any jurisdiction that has SDCs that they control.	

Case Studies & Evaluation

Oregon Examples

“Oregon communities that offer SDC exemptions for affordable housing include Portland, Bend, Tigard, Eugene, Salem, Lake Oswego, Ashland, McMinnville, Florence, Newberg, and Forest Grove. Most service providers that offer SDC exemptions/waivers for affordable housing limit it to regulated/income-restricted affordable housing. Some cities and service providers have set a cap on the number of waivers (number of units or dollar amount) they will issue for a given time period, but most do not backfill foregone revenue from other sources.” ([OREGON SYSTEM DEVELOPMENT CHARGES STUDY](#), page 117)

System Development Charges Survey Report (2023): Conducted by the League of Oregon Cities, this survey reported a substantial increase in the number of cities providing SDC exemptions for affordable housing—from 31% to 54% between 2016 and 2022. ([orcities.org](#))

Bend: “Since December 2017, the City of Bend has offered SDC exemptions to all rental and for-sale housing affordable to households making 80 percent or less of area median income (AMI) through a deed restriction.¹ The City’s Affordable Housing Advisory Committee has the authority to approve exemptions on City water, sewer, and transportation SDCs, and can also recommend exemptions for parks SDCs levied by the Bend Park and Recreation District. Upon approval, the exemptions are structured as a forgivable loan at 3 percent annual interest, with no payments due as



long as the property remains affordable for at least five years. If the affordability restrictions are removed within five years of the project's completion, the SDCs become payable, with interest, by the original applicant.² ([OREGON SYSTEM DEVELOPMENT CHARGES STUDY](#), pages 120-121; and [Bend Municipal Code 12.10.120](#))

Eugene: The City provides SDC exemptions for both rental and homeownership affordable housing projects. For rental developments, the income limit is set at 60% of the area median income (AMI), while for homeownership projects, it is 80% of the AMI. The affordability requirement must be maintained for a minimum of five years. The city utilizes a Request for Proposal (RFP) process to allocate these exemptions. ([Eugene Program Description](#) and [Eugene Municipal Code 7.725](#))

Portland: Affordable housing developments are exempt from all system development charges. To be eligible for the program, the applicant must have site control, and the proposed development must meet the affordability requirements. The terms and conditions are outlined in a recorded Regulatory Agreement (requirements differ for rental vs for sale units). (System Development Charge (SDC) Exemption Program | Portland.gov)

Salem: The City provides SDC waivers for affordable housing. Launched in 2019, the waivers for affordable housing have been used by approximately 14 projects that have included a total of nearly 800 housing units as of April 2024. (Existing Housing Policy Review, Potential Actions, Main Barriers, Salem HPS, EConorthwest, December 2024 and [Salem Municipal Code 41.150](#))

Tigard: The City allows for exemption of city transportation and park Systems Development Charges (SDCs) for regulated affordable housing (at or below 80% of median household income for a minimum of 20 years). SDCs for water, sanitary sewer, and stormwater systems are not exempt under this program. (<https://www.tigard-or.gov/home/showpublisheddocument/1410/638015990136470000>)

Available Research and Evaluation

The Oregon System Development Charges Study describes the extent to which SDCs impact the cost of building affordable housing:

- As of 2019, SDCs averaged more than \$8,000 per affordable housing unit on average across the state. (Blue Sky Consulting Group, "Affordable Housing Cost Study: Analysis of the Factors That Influence the Cost of Building Affordable Housing in Oregon" (Oregon Housing and Community Services, June 27, 2019).)
- "Over \$7 million of affordable housing funding has gone towards SDCs over the past 10 years for projects within the City of Hillsboro alone. This represents nearly 6 percent of the total development costs on average." ([OREGON SYSTEM DEVELOPMENT CHARGES STUDY](#), page 85)
- "SDCs represent a small share of overall affordable housing costs; however, given the number of new affordable housing units funded by OHCS each year, the total SDC-related expenditures associated with affordable housing development are likely substantial."

It also describes the benefits of exemptions ([OREGON SYSTEM DEVELOPMENT CHARGES STUDY](#), pages 118-119):

The Oregon System Development Charges Study (2022) identified "two main benefits of SDC exemptions, based on their reduction to development costs: Less funding from state, federal, or local sources is needed to make a given affordable housing development financially feasible. This can mean less time and effort spent securing gap financing, particularly for smaller projects and those



not using typical funding sources... [and] Lower costs help projects score better for competitive funding opportunities, which often score projects based, in part, on costs per unit.” ([OREGON SYSTEM DEVELOPMENT CHARGES STUDY](#), page 118) Additional specific impacts identified based on the funding source(s) and project scale include:

- “Low Income Housing Tax Credit (LIHTC) projects: SDCs are included as an eligible cost in calculating tax credit equity for a given project, which means that waiving SDCs reduces development costs but also reduces the amount of equity available to the project to some extent. (Tax credit equity typically covers roughly 30-70 percent of project costs depending on the specific tax credit program, with the balance coming from loans or gap financing.) While exemptions are still beneficial, and interviews with affordable housing developers suggest that they can make a difference in making projects work, only a portion of the savings translates into reduced need for gap financing or debt. However, some LIHTC funding that is awarded competitively includes a scoring system related to a project’s cost-effectiveness relative to similar projects, so reducing or eliminating SDC costs can help achieve a higher score by reducing the cost per unit.¹⁹⁹
- “Other competitive state funding sources: Many state funding programs for affordable housing have limits on the amount of funding per unit and projects needing less subsidy per unit are scored higher.²⁰⁰ For these projects, all cost reductions are helpful and benefit the project on a dollar-for-dollar basis.
- “Small projects and other funding sources: Smaller affordable projects that may have many smaller funding sources tend to be more sensitive to development cost per unit because of the difficulty of securing funding. This can include affordable middle housing development, some affordable homeownership projects, and other small, innovative projects. For these projects, the primary concern is closing the gap between project costs and what the affordable units will generate in revenue, and waiving SDCs can offer a substantial benefit.”

The study also notes potential drawbacks: “if the funding not provided for SDCs needs to be made up from other state, federal, or local sources, then exemptions shift that cost from one funding source to another. Funds for both affordable housing and local infrastructure investments are in short supply relative to needs.” ([OREGON SYSTEM DEVELOPMENT CHARGES STUDY](#), page 119)

Finally, the study provides examples of the impact of several jurisdictions’ exemption programs:

- “Between 2016 and 2021, Bend granted exemptions on 577 units of affordable housing, for a total value of \$5.2 million. Nearly all of these exemptions have been granted to nonprofit developers of affordable housing. ... For the few projects by market-rate developers in Bend that have been granted SDC exemptions to date, the program achieved only short-term affordability.” ([OREGON SYSTEM DEVELOPMENT CHARGES STUDY](#), pages 120-121)
- Portland’s HOLTE program and associated SDC exemption is noted to have helped deliver over 1,300 units at a range of affordability levels from its inception through 2018, with units from a mix of nonprofit and for-profit developers. The study notes examples of homes built by market-rate developers that have offered a lower price to qualifying buyers than to other buyers, passing on the SDC savings associated with the exemption directly. ([OREGON SYSTEM DEVELOPMENT CHARGES STUDY](#), pages 122-123)

Customization & Implementation Considerations

Since SDC revenues are needed to expand or make infrastructure system improvements, some jurisdictions interpret SDC laws and ratemaking principles to require backfilling foregone revenue.



However, other jurisdictions have implemented SDC exemptions without explicitly backfilling. The Model Municipal Code language included herein only covers the exemption, not alternative sources to replace lost revenue.

To customize this ARA to reflect local needs and circumstances, a jurisdiction will need to make a number of program choices. Each is described below.

- The types of SDCs which are within the jurisdiction's control (e.g., parks, transportation, water, wastewater, and stormwater) and which will be subject to the exemption.
- Whether the jurisdiction will be offering a full exemption or a reduction (or both depending on the qualifications of the project).
- Whether the exemption will apply to all qualified projects (this is the approach taken in the attached Model Municipal Code) or whether the jurisdiction will be establishing a fixed budget (i.e., an annual cap) for its SDC exemptions (the City of Eugene uses this approach, [Eugene Program Description](#)).
 - Setting a “cap” allows a jurisdiction to control the overall financial impact of the exemption, but necessitates additional steps to ensure the equitable distribution of available funds, including:
 - Determining the budget available for the coming fiscal year.
 - Providing notice to affordable housing developers of available funds.
 - Establishing an open and competitive application process including specifying submittal materials, etc.
 - Establishing a selection process, including criteria by which to rank the applicants.
 - Setting a cap also decreases predictability and increases the effort required for applicants, making the program less valuable for affordable housing development.
- The types of projects that should qualify, including:
 - An “automatic” exemption for projects undertaken by the jurisdiction or housing authority or others.
 - Home ownership and/or rental housing (including lease-to-own, cooperative ownership models, or other tenure types).
 - Minimum level of affordability required to qualify for different types of projects.
 - Minimum duration of affordability (e.g., 5 years, 20 years, 30 years, 99 years, etc.).
- The steps that will be taken to ensure that the units remain affordable for the approved duration.
 - The structure of the obligation (e.g., Bend structures SDC exemptions as a forgivable loan, [Bend Municipal Code 12.10.120](#))
 - The covenants or deed restrictions that are needed for rental and ownership projects.

As part of implementing an SDC exemption program, cities should provide clear guidance on their priorities and process to provide developers more certainty on eligibility criteria and priorities if there is a discretionary process to allocate exemption funds.



Model Municipal Code

Note: Model municipal code draws primarily on examples from Bend, Eugene and Salem.

Notes, optional items, and text to be filled in by the jurisdiction are shaded in gray and in [brackets].

Municipal Code Amendments

Amend chapter related to System Development Charges. NOTE: revisions to the SDC methodology may also be required.

XX.XXX Exemptions

The system development charge[s] imposed under this chapter shall not apply to the following:

- A. [Any [affordable housing] development which is, or by agreement will be undertaken by, the City, Oregon; the Housing Authority of the City.]
- B. A unit of [rental or owner-occupied] housing located in a housing project of one or more housing units that meets the following standards:
 1. The housing unit is affordable to households as follows:
 - a. Rental housing units (including lease-to-own) must be affordable to households with an income at or below [insert number] percent of the area median income as determined by the State Housing Council based on information from the United States Department of Housing and Urban Development.
 - b. Owner-occupied housing units (including cooperative ownership models) must be affordable to households with an income at or below [insert number] percent of the area median income as determined by the State Housing Council based on information from the United States Department of Housing and Urban Development.
 2. Eligible units shall meet the criteria in this subsection for a minimum period of [number] years from the date the Certificate of Occupancy is issued.
 3. A deed restriction is recorded that maintains affordability of the property as required in this subsection for not less than the specified number of years [elected for exemption]; and
 4. In the event that the project or portion of the development subject to this subsection is no longer affordable as required in this subsection, the exemption shall terminate, and the City shall make due and payable all previously exempt portions of the system development charges based on rates in effect on the date of submittal of a complete building permit application, plus accrued interest from the date of issuance of the building permit to the date of the termination of the exemption. The City may collect reinstated system development charges by filing a lien in the City's lien docket, or by recording a lien in the lien records of the applicable county.
 5. Upon satisfaction of the covenant for the full duration, continued residential use will be considered an "existing use" for purposes of calculating credits against future SDCs due. No credit for existing use will be provided on redevelopment to a nonresidential use, at any time following satisfaction of the covenant for the full duration.



2B) SYSTEM DEVELOPMENT CHARGE DEFERRAL FOR HOUSING

Completeness	ARA Components	Key Needs Addressed
Level 2: Requires some sensitivity, feasibility, and applicability testing or customization for the local context	<ul style="list-style-type: none">Model municipal code	<ul style="list-style-type: none">Type—housing mixType—stock by tenureOverall productionAffordability
Description	A System Development Charge (SDC) deferral would result in a jurisdiction collecting SDCs later in the development process. SDCs are most commonly collected at Building Permit issuance, but under statute they may be collected at “the time of increased usage of a capital improvement” or “connection to the capital improvement”, which allows flexibility to collect the fees when construction is complete, for example, at final inspection or at issuance of a Certificate of Occupancy. (Oregon System Development Charges Study)	
Impact	Medium. Reduces carrying costs for development, which can particularly benefit smaller developers (both market-rate and affordable). It is likely to be most valuable and effective where SDCs are highest and when financing costs are highest.	
Applicability	This ARA could work for any jurisdiction that has SDCs that they control.	

Case Studies & Evaluation

Oregon Examples

Tigard: SDCs are calculated when a permit application is submitted. Water SDCs are payable at purchase of a water meter; other SDCs are due prior to final inspection or issuance of an occupancy permit, whichever is the city’s final action. No special application or other guarantees are required. ([System Development Charges | City of Tigard](#) and [Tigard Municipal Code Section 3.24.080](#))

Portland: In April 2023, the Portland City Council approved a temporary ordinance allowing developers to defer SDC payments for new housing projects for up to 24 months from the date of permit issuance without interest. ([SDC Announcement | City of Portland](#))

Bend: Effective January 1, 2025, the City of Bend's SDC Deferral Program is available for all residential developments. This program allows developers to defer SDC payments until the Certificate of Occupancy is approved. For multi-family developments, Parks SDCs can be deferred, while for other residential developments, deferrals are available for all SDCs. ([SDC Deferrals | City of Bend](#))

Madras: Subject to the availability of City resources, the City Administrator may enter into an “SDC Deferred Payment Agreement.” Unless a different period is specified in a resolution adopted by the City Council, the deferment shall not exceed one year, issuance of a final certificate of occupancy,



actual occupancy, or initiation of use, whichever occurs first. [3.40.130 Collection of charge | Madras Municipal Code](#)

Sherwood: Provides a deferral only if the total City SDCs (Transportation and Parks) are more than \$50,000. Payment is due by Certificate of Occupancy. [Code of Ordinances | Sherwood, OR | Municode Library](#)

Medford: Single-family residential SDCs may be deferred until time of sale of the home, or time of actual occupancy, whichever is first. Multi-family residential SDCs may be deferred until issuance of certificate of occupancy, time of sale, or time of actual occupancy, whichever is first. For larger projects, there are limits on the amount that may be deferred.
<https://medford.municipal.codes/Code/3.739>

Available Research and Evaluation

The Oregon SDC study provides the following information about the impact and trade-offs associated with SDC deferral ([Oregon System Development Charges Study](#), pages 113-115):[OREGON SYSTEM DEVELOPMENT CHARGES STUDY](#):

- “Many service providers raised concerns about an increase in administrative costs and increased risk of nonpayment. Some testimony points to particular concerns around the potential for deferring SDCs until time of sale rather than certificate of occupancy, because local governments are not involved in the sale transaction.
- “The effort (and cost) required to collect SDCs varies with the public agency’s leverage at different points in the development process. For most public agencies, their moment of maximum leverage is when building permits are issued. If full payment of SDCs is a requirement for obtaining building permits, the public agency need not worry about enforcing payment, because developers are unlikely to begin work before building permits have been issued. While development is required to obtain a certificate of occupancy when the building is constructed prior to its use, some service providers expressed concern that the public agency’s leverage is greatly reduced at this stage, out of concern that some developers may forgo the certificate of occupancy in order to avoid the fee. Other service providers noted that they make scheduling a final inspection contingent on the SDCs being paid, which has avoided these issues.
- “deferral programs have had mixed results in different communities. All noted an increase in administrative effort, but the magnitude ranged from less than an hour of staff time per application to multiple hours for multiple staff, depending on permitting systems and deferral program requirements. The most challenging non-payment issues reported were linked to commercial development, though some reported needing to follow up with residential developers when payment was due (e.g., if there was a time limit on the deferral in addition to a trigger at certificate of occupancy). Several reported little use of the program, while others see (or saw) substantial usage.
- “When a developer must pay SDCs can impact financial feasibility, because SDCs add costs before the value of the development is fully realized. The earlier that SDCs are paid, the longer the developer must “carry” the costs. The total cost of SDCs to developers includes not only the SDC amount but also the added interest payments associated with it if it needs to be financed over the construction period.



- “A delayed or deferred payment of SDCs would reduce the carrying costs and reduce the total cost of housing development at the margin. The likely impact is greater for projects that take longer to build and greater for developers that are less creditworthy and would borrow at a higher interest rate. For developers who opt to pay SDCs from working capital rather than adding them to the construction loan, developer interviews suggest that there is still an opportunity cost associated with tying up the developer’s available funds. Some suggested that this up-front cost means less money is available to pay for other pre-development and early construction costs that can accelerate project delivery.
- “While many developers pointed to timing of SDC payment as a factor that impacts their developments, others expressed indifference at when the cost is paid and whether it is financed, given that the construction loan is generally capped at a fixed percentage of total project costs, and the same amount will need to be financed either way.

Customization & Implementation Considerations

To customize this ARA to reflect local needs and circumstances, a jurisdiction will need to make a number of program choices. Each is described below.

- The types of SDCs which are within the jurisdiction’s control (e.g., parks, transportation, water, wastewater, and stormwater) and which will be subject to the deferral.
- The types of projects that should be eligible for SDC deferrals (e.g., all residential projects, multi-unit projects over a certain number of units, or affordable housing, etc.) and whether all SDCs be available for deferral for all project types.
 - If choosing to limit deferrals to a subset of residential projects, then eligibility criteria will be needed. For jurisdictions that are also implementing ARA 2A, criteria for these two actions should be considered together.
- Whether payment of SDCs at certificate of occupancy will be the standard protocol (see **Model Municipal Code - Option 1**) or only available upon request (see **Model Municipal Code - Option 2**).
- If only available upon request:
 - The amount of time provided by the deferral. The deferrals could be “indefinite” (i.e., payment is due whenever the final approval is issued) or could be a time limit (e.g., 24 months).
 - The administrative fee and or “recovery fee,” if any, that will be charged. The City of Bend add a 2% recovery fee to the total due ([SDC Deferral Program | City of Bend](#)).
 - If deferral is for a limited time, the enforcement mechanism. In the City of Portland failure to pay system development charges in full within 24 months of the issuance of a qualifying building permit results in the accrual of interest at the City’s default interest rate. Penalties and collection charges may also accrue. ([SDC Ordinance | City of Portland](#))
- Whether modifications to the permit tracking procedures or systems are needed to allow for the later payment timeline.



Model Municipal Code

Notes, optional items, and text to be filled in by the jurisdiction are shaded in gray and in [brackets].

Amend chapter related to System Development Charges.

Option 1: Deferred Payment as Standard Protocol

Note: this option based on City of Tigard <https://ecode360.com/43649456#43649512>

XX.XXX Payment.

A. SDCs are calculated and are due and payable as follows:

1. Calculation. SDCs are calculated based on the fees in effect at the time of submission of the complete building or plumbing permit application to which the fees relate. If a building or plumbing permit is not required and a land use decision is required, SDCs are calculated based on the fees in effect at the time of submission of the complete land use application to which the fees relate.

2. Due and Payable.

a. [Water SDCs are due and payable upon purchase of a water meter.]

b. All other SDCs are due and payable prior to the earlier of:

i. Issuance of a temporary certificate of occupancy, if applicable; or

ii. Prior to final inspection or the issuance of a permanent certificate of occupancy, whichever is the city's final action on the building or plumbing permit to which the fees relate.

c. If a building or plumbing permit is not required and a land use decision is required, all other SDCs are due and payable upon issuance of the land use decision to which the fees relate.

B. The city may not issue any certificate of occupancy or final inspection approval or allow a connection to the city's systems until all applicable SDCs have been paid in full unless an exemption has been granted pursuant to Section [XXX] or installment payment arrangements have been made pursuant to Section [XXX].

C. If development commences or a connection is made to the city's [water, sanitary sewer, or stormwater] systems without the required building permit or land use approval, all applicable SDCs will be immediately due and payable



Option 2: Deferred SDC Payment by Request

Note: this example based on City of Bend (<https://bend.municipal.codes/BC/12.10.105>)

XX.XXX Payment Deferral.

A. The City may defer payment of SDCs from the time payment is otherwise due until the time a certificate of occupancy is issued, or final inspection is approved, or the City accepts public infrastructure, as applicable to the particular development for which SDCs are due, subject to the provisions of this section. Deferral is not available for development for which SDCs are applicable and no building permit, certificate of occupancy, or City acceptance of infrastructure is required.

B. The following type(s) of development are eligible for deferral:

1. [All residential development, and the residential components of mixed-use development]
2. [Affordable housing development, as defined in XXX]

C. An application for deferral must be submitted and the deferral approved by the City before the SDC is payable under Section [XXX] or before the building permit or other development approval is accepted. An application for a deferral under this section must be accompanied by and pay a fee established by Council resolution to cover all the City's costs associated with the deferral. The City may charge interest on deferred SDCs, at a rate established by resolution. No additional agreement is necessary to receive a deferral under this section.

D. All deferred SDCs must be paid before the City will issue an occupancy permit or final inspection.

E. Occupancy of the development before payment of the applicable SDCs is prohibited.

F. The amount of SDCs due is the amount due at the time the SDC became payable under Section [XXX], regardless of whether the SDC rates have increased by the time payment is due under a deferral under this section. The amount of SDCs due shall be determined as of the date the occupancy permit is applied for.

**2C) MULTIPLE-UNIT PROPERTY TAX EXEMPTION**

Completeness	ARA Components	Key Needs Addressed
Level 2. Requires some customization for the local context	<ul style="list-style-type: none">• Model ordinance language• Model municipal code	<ul style="list-style-type: none">• Characteristic: Accessibility (can also be applied to address other needs)
Description	<p>The Multiple Unit Property Tax Exemption (MUPTE) is a tax exemption enabled under state law (ORS 307.600 – 307.637) and adopted locally. MUPTE provides a 10-year partial property tax exemption on new or rehabilitated multiple-unit housing (i.e., middle housing, multi-unit/multifamily housing) if the property meets criteria set by the jurisdiction related to design features or other public benefits. The exemption applies to 100% of the residential portion of the property's improvement value but does not apply to the land value. The exemption does not apply to any nonresidential portions of the development unless the nonresidential component is a required feature of the development to qualify for the abatement.</p> <p>The model language in this ARA establishes a property tax exemption (on the adopting jurisdiction's taxes only) for multiple-unit housing that exceeds building code accessibility requirements, with options for other ways to focus the incentive.</p>	
Impact	<p>Medium/High. Reducing property taxes increases the development's feasibility and can encourage more housing of this type to be built. In particular, reducing the property's tax burden can help lower operating costs for the development. MUPTE can provide a powerful financial incentive, depending on the extent of the tax abatement (city taxes only vs. all taxing districts). Depending on the costs associated with exceeding accessibility requirements in building code and how much of the total tax rate is controlled by the city, this could prove to be a valuable incentive for qualifying development. Effectiveness also depends on local market conditions for rental housing development.</p>	
Applicability	<p>High. This ARA could be implemented by both large and small cities. Several cities in Oregon have implemented tax exemption programs under the authorizing statutes, though the program names and requirements vary between jurisdictions.</p>	



Case Studies & Evaluation

Oregon Examples

Several Oregon cities, including [Bend](#), [Salem](#), [Portland](#), [Newport](#), [Corvallis](#), and [Cottage Grove](#), have implemented MUPTe (or a differently named program under the same enabling legislation) in a flexible way that allows projects with a range of public benefits to qualify. Some have added specific provisions related to accessibility:

- [Cottage Grove](#) includes “Facilities for persons with disabilities” as an eligible public benefit in their program, among other features. As of 2022, the program had resulted in six projects (148 dwelling units), including a fourplex that provided a fully ADA accessible unit on the ground floor. (Cottage Grove Housing Implementation Plan Background Report by ECONorthwest, June 2022, page 5)
- [Salem’s MUHTIP](#) program includes “Facilities for the handicapped” as an eligible public benefit in their program, among other features. The program has been used by several developments in the downtown, though data on specific accessibility features of those developments is not readily available.

Available Research and Evaluation

In 2023, the Oregon Legislative Revenue Office released a review titled “Property Tax Exemption Review: 2025 Oregon Legislative Session.” ([Link](#)) This document examines the efficiency and impact of multi-year property tax exemptions, including those for housing. It notes that while these exemptions can make housing projects more financially feasible, there is limited data on their direct impact on the quantity of affordable housing developed. The review also highlights concerns about the potential loss of property tax revenue and the need for alternative funding sources to maintain infrastructure investments.

Customization & Implementation Considerations

To customize this ARA to reflect local needs and circumstances, a jurisdiction will need to make several program choices. Each is summarized below.

- **Eligibility Criteria.** The local jurisdiction determines what features allow multiple unit development to qualify for MUPTe and must specify a geographic area for eligible development.
 - *Geography* – MUPTe must be focused in “core areas” or areas adjacent to transit, but the jurisdiction can choose which specific areas are eligible. The jurisdiction could designate particular zoning districts or overlays, such as core/downtown areas, and/or properties within a certain distance of transit service. (ORS 307.606(2) allows MUPTe to be applied jurisdiction-wide but only when paired with certain affordability requirements.)
 - *Unit Count* – Jurisdictions must specify the minimum number of units in a qualifying structure. (The statute does not dictate minimums or maximums.) Several jurisdictions set the minimum at three dwelling units, thereby qualifying most middle housing types as well as multi-unit (multifamily) housing. Four or more units may be an appropriate threshold if the local focus is on accessible housing, since four units is the threshold for accessibility requirements under the Fair Housing Act (see Accessibility Requirements section below).



- **Specific Accessibility Requirements** – There are a range of possible approaches for required accessibility features. See the Accessibility Requirements and Options section below.
- **Other Public Benefits** – While this ARA targets the MUPTE program to encourage accessibility, jurisdictions could consider additional public benefits that could be required in addition to, or instead of, accessibility. Other potential public benefits include affordability at various income levels, ground-floor commercial space, open space or recreation facilities, child care facilities, transit amenities, pedestrian design elements, and sustainability features. In considering other public benefit criteria, the jurisdiction should consider the relative value of these factors (accessibility vs. other features), as developers may weigh them differently based on feasibility or cost. Offering too many options for public benefits can dilute the impact of the incentive by allowing developers to choose benefits that may not be the city's highest priority and also increases the level of discretion involved in making decisions about whether a given application is providing a sufficient benefit. Other examples of how MUPTE can be used in a focused way to support specific housing needs include:
 - To make mixed- income or fully regulated affordable housing anywhere in the jurisdiction financially feasible. If used for housing with affordability restrictions, the exemption can continue as long as the restrictions remain in place. The statute does not specify affordability criteria, so the jurisdiction has discretion to set the criteria it would use to enter into an affordability contract.
 - As an incentive for rehabilitating and preserving affordability in older multiple-unit housing. Jurisdictions have the option of offering MUPTE as an incentive to property owners of older low-cost market housing to rehabilitate properties and maintain some level of affordability or limit rent increases. This approach is not yet in use in Oregon.
- **Local vs. Overlapping Taxes.** This program applies only to the adopting jurisdiction's share of property taxes unless other taxing districts representing at least 51% of the combined levy (in combination with the adopting jurisdiction) agree to the exemption, in which case taxes from all districts are included. Even if districts representing less than 51% of the combined levy agree, other taxing bodies can choose to join. For example, if the county agreed to participate in the program, county taxes could also be included in the exemption even if it was insufficient to meet the threshold. For simplicity and ease of implementation, the model language in this ARA limits the exemption to the local jurisdiction's tax levy only.
- **Means of Adoption and Decision.** Statute specifies that MUPTE must be adopted by ordinance or resolution after a public hearing. Several of the example cities listed above also make decisions about individual MUPTE applications via resolution, though this is not required.

Context for Establishing Accessibility Requirements and Options

As summarized below, federal law and Oregon's state building code already require a certain number of units in multiple-unit housing and multifamily buildings to have accessibility features. ARA 2C focuses on encouraging housing that exceeds these accessibility requirements.



Existing Building Code Requirements

For multi-unit developments with more than 20 units, the building code requires at least 2% (but not less than one dwelling unit) to be designed as “Type A” units. Type A units are required to have certain features for wheelchair access, including accessible entrances and doorways, maneuvering clearances, and must have certain features that can be modified or added based on the tenants’ needs—such as reinforced walls for adding grab bars in bathrooms.

Multi-unit developments with four or more units are also subject to the Fair Housing Act, which has additional standards for adaptable (“Type B”) units. For buildings with an elevator (typically 4+ story buildings), all units must be Type B units, per the building code; for those without an elevator, all ground floor units must be Type B. (Note that multi-level units such as townhouses are excluded from these requirements.) Type B units are considered “adaptable,” in that they are usable by a person in a wheelchair but are not fully wheelchair friendly. For example, interior doors must allow clear widths for wheelchair access, but only the front door is required to meet the higher accessibility/maneuvering requirements. Other adaptability features must also be included.

Additionally, housing projects receiving public funding—i.e., income-restricted, subsidized housing—are subject to federal laws (Section 504 of the Rehabilitation Act of 1973 and/or Title II of the ADA), which require at least 5% of units to be mobility-accessible.

Exceeding Building Code

A jurisdiction could take various approaches when specifying how MUPTE-qualified developments must exceed the building code accessibility requirements:

- **More Type A units.** The jurisdiction could require more units to be Type A (vs. Type B) units to offer greater levels of accessibility for units that can be reached without stairs. Relying on these existing statewide code standards would be a relatively straightforward approach because the standards are already in place. This is the approach used in the ARA model municipal code, with a specific focus on the Type A standard.

For multi-unit development that is not subject to Fair Housing Act requirements or commercial building code requirements for Type A and/or B units (e.g., cottage housing where units are on a single lot and rented rather than for-sale, townhouse-style multiunit housing, or duplexes and triplexes), jurisdictions could consider alternative approaches to defining accessibility requirements, such as:

- **Meeting Type B standards on the ground floor**, with cooking, sleeping, and bathing facilities on the ground floor.
- **Universal Design.** Organizations such as AARP focus on encouraging “universal design,” which takes a more holistic approach to making housing work for a broad range of people and needs. Universal design is a more qualitative approach that is harder to regulate but could be used as a criterion for a discretionary program such as MUPTE. Also, certain organizations – such as the West Virginia Housing Development Fund – have developed their own [Universal Design Standards](#), which could serve as inspiration for local programs.



- **Visitability** is a design approach for housing that allows anyone who uses a wheelchair or other mobility device to visit the home. Some jurisdictions, such as the City of Portland, have requirements or incentives that focus on making more units (that are not covered by the Fair Housing Act or other code requirements) visitable by those with disabilities. A visitable home typically includes:
 - A zero-step entrance;
 - Wide interior doors; and
 - A half bathroom on the main floor.

The building code's "Type C" standards provide specifications for visitable units, which could be referenced by, or incorporated into, the MUPTE requirements.



Model Ordinance Language

Note: For this Adoption Ready Action to be helpful to jurisdictions, the state has developed model ordinance language and a model municipal code based on statute.

Notes, optional items, and text to be filled in by the jurisdiction are shaded in gray and in [brackets].

[JURISDICTION]

ORDINANCE NO. [X]

**AN ORDINANCE AMENDING TITLE [X] OF THE [JURISDICTION] MUNICIPAL CODE
REGARDING THE ESTABLISHMENT OF A MULTIPLE-UNIT PROPERTY TAX EXEMPTION
PROGRAM WITH ACCESSIBILITY REQUIREMENTS**

WHEREAS, State of Oregon statutes ORS 307.600 through 307.637 authorize cities to establish and design programs to attract new development of multiple-unit housing in core areas and in transit-oriented areas by means of a local property tax exemption; and

WHEREAS, statutes ORS 307.600 through 307.637 allow a jurisdiction to establish eligibility requirements based on design elements which benefit the general public; and

WHEREAS, [Jurisdiction] specifies with the passing of this ordinance that design elements benefitting the general public include housing with accessibility features above and beyond building code requirements; and

WHEREAS, [Goal / Policy X] is “[applicable Goals and Policies supporting the development of housing, multiple-unit housing, housing within the urban core and/or transit-oriented housing, and/or more accessible housing]”; and

WHEREAS, [title, date, and relevant findings on multiple-unit housing and accessible housing needs from most recent Contextualized Housing Needs assessment]; and

WHEREAS, [title, date, and relevant recommendations from the most recent Housing Production Strategy or other housing plan(s)]; and

WHEREAS, the latest [U.S. Census or American Community Survey] data calculate that [relevant data on disability rates, accessibility needs, and accessible housing stock]; and

WHEREAS, a Multiple-Unit Property Tax Exemption enabled through ORS 307.600 to 307.637 will encourage much-needed housing development in [Jurisdiction]; and

WHEREAS, after a public meeting held on [date], the [public hearing body] determined that multiple-unit housing meeting the qualifications of ORS 307.600 to 307.637 would not otherwise be constructed or created without the benefits of a Multiple-unit Property Tax Exemption; now therefore



[JURISDICTION] ORDAINS AS FOLLOWS:

Section 1. [Jurisdiction] Municipal Code [Chapter X], Multiple-Unit Property Tax Exemption, is hereby established as illustrated in Exhibit "A."

Section 2. This amendment is based on [decision-making body, e.g., City Council] determination, after a public hearing, that the adoption of the Multiple-Unit Property Tax Exemption, as detailed in Exhibit "A", is in compliance with ORS 307.600 to 307.637 and with the [Jurisdiction] Housing Element. Its adoption is therefore in the public interest and will serve in the health, safety, and welfare of the residents of [Jurisdiction].

Section 3. This ordinance shall take effect 30 days after passage.

Date adopted and read by title only: [X].

Signed by the [Respective Authority, e.g., Mayor] on [X].

X

Mayor

ATTEST:

X

City Recorder

APPROVED AS TO FORM:

X

City Attorney



Model Municipal code

Notes, optional items, and text to be filled in by the jurisdiction are shaded in gray and in [brackets].

Chapter [X]

MULTIPLE-UNIT PROPERTY HOUSING TAX EXEMPTION

- [X].010 Purpose
- [X].020 Definitions
- [X].030 Duration of Exemption; Inclusions and Exclusions
- [X].040 Eligibility Criteria
- [X].050 Application Procedure
- [X].060 Change of Use
- [X].070 Review of the Application
- [X].080 Termination
- [X].090 Extensions

[X].010 Purpose.

- A. [Jurisdiction] adopts the provisions of Oregon Revised Statutes 307.600 through 307.637, and administers a property tax exemption program for multiple-unit housing development authorized under those provisions referred to as the Multiple-Unit Property Tax Exemption (MUPTE) program.
- B. [In addition to meeting the legislative goals set forth in ORS 307.600, the program also seeks to support the production of housing units that are accessible to individuals with disabilities in numbers that exceed those required by the building code].
- C. Provide transparent and accountable stewardship of public investments.

[X].020 Definitions.

As used in this Chapter:

- A. "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.
- B. "Applicant" means the individual or entity who is either the owner or a representative of the owner who is submitting an application for the tax exemption program.
- C. "Lender" means any person who makes a loan, secured by a recorded mortgage or trust deed, to finance the acquisition, construction, addition or conversion of multiple-unit housing.



[X].030 Duration of Exemption; Inclusions and Exclusions.

- A. Multiple-unit housing granted an exemption under this Chapter may be exempt from ad valorem taxation for up to 10 successive years.
- B. The first year of exemption is the assessment year beginning January 1 immediately following the calendar year in which construction, addition, or conversion is completed, determined by that stage in the construction process when, pursuant to ORS 307.330, the improvement would have gone on the tax rolls in the absence of the exemption.
- C. The exemption may not include the land, nor any improvements located thereon that are not a part of the multiple-unit housing but may include parking constructed as part of the multiple-unit housing construction, addition, or conversion.
- D. In the case of a structure to which stories or other improvements are added or a structure that is converted in whole or in part from other use to dwelling units, the entire multiple-unit housing, including the additions to the structure and converted structures, may be exempt from taxation.
- E. The exemption provided under this Chapter is in addition to any other exemption provided by law. However, no property may be exempt beyond 100 percent of its real market value.

[X].040 Eligibility Criteria.

To be eligible for the property tax exemption provided by this Chapter, multiple-unit housing must be a newly constructed structure(s), stories or other additions to existing structure(s), or structures converted in whole or in part from other uses to housing, and must meet the following criteria:

- A. *Number of Units.* The building must include a minimum of **[four]** housing units that are not used as transient accommodations rented for less than thirty consecutive days (i.e., excluding hotels, motels, and other transient accommodations).
- B. *Timing.* The construction, addition, or conversion of housing units must be completed on or before January 1, 2032, or as specified in ORS 307.637.
- C. *Location.* The property must be located in the designated area, as identified in Map **[adopted map name/number]**. **[Instead of a map, this could also include a written description of the geographic boundaries, the applicable zoning designation(s), and/or description of a "light rail station area" or "transit-oriented area" as defined in ORS 307.603.]**
- D. *Local Regulations.* The development must conform to the **[jurisdiction's]** applicable comprehensive plan and zoning regulations.
- E. *Accessibility.* At least **[10 percent]** of the units on the ground floor and on any upper floor served by an elevator, but no less than two units, must be accessible units.

**[X].050 Application Procedure.**

- A. [Optional:] *Preapplication conference*. The applicant shall request that the [applicable department(s) or director] schedule a preapplication conference no later than [date] of the calendar year immediately prior to the first assessment year for which the exemption is requested.
1. *Preapplication conference request*. Each applicant shall submit in writing, on forms furnished by the [applicable department(s) or director], the following information:
 - a. The applicant's name, address, and telephone number.
 - b. A preliminary sketch, drawn to an approximate scale of one-inch equals twenty feet, which shows the site plan and major features of the proposed development.
 - c. A written statement which generally describes the location of the proposed development; the number, size, and type of dwelling units; dimensions of structures; public and private access; parking and circulation plans; landscaping; uses; and a description of the public benefit(s) the applicant proposes to include in the project.
 2. Prior to the preapplication conference, the [applicable department(s) or director] shall review the information supplied by the applicant and contact, for purposes of facilitating the application process, advisory bodies, departments, or agencies which may be affected by or have an interest in the proposed development.
 3. The applicant shall meet with staff of the [applicable department(s)] in the preapplication conference and discuss the applicant's proposed development. After this conference, the [applicable department(s) or director] shall provide the applicant with a written summary of the meeting, including recommendations to inform and assist the applicant in preparation of the exemption application.
- B. *Application Contents*. The applicant shall apply to the [applicable department(s) or director] no later than [application deadline] of the year for which the exemption is requested. The applicant shall submit an application for exemption in writing on forms furnished by the [applicable department(s) or director] which must show:
1. The applicant's name, address, and telephone number.
 2. A legal description of the property and the assessor's property account number for the site, and indication of site control.
 3. A detailed description of the project, including the number, size, and type of dwelling units; other proposed uses, if applicable; dimensions of structures; parcel size; type of construction; the number, type, and location of accessible units; proposed rental rates or sale prices; and economic feasibility studies or market analysis when appropriate.



4. A description of the existing use of the property, including a justification for the elimination of existing sound or rehabilitable housing, if applicable.
 5. A site plan and supporting materials, drawn to a minimum scale of one-inch equals twenty feet, which shows in detail the development plan of the entire project, showing all structures and major features of the proposed development.
 6. A description and the monetary value of any other public assistance, including, but not limited to, grants, loans, loan guarantees, rent subsidies, fee waivers, or other tax incentives, which the property is receiving or which the applicant plans to seek.
 7. Applicant's sworn verification of application contents.
- C. *Application Fee.* At the time the application is submitted, applicants shall pay an application fee as prescribed by resolution of the [council/commission] after consultation with the county assessor.
1. If the application is approved, [jurisdiction] shall pay the application fee to the county assessor for deposit in the county general fund, after first deducting that portion of the fee attributable to its own administrative costs in processing the application.
 2. If the application is denied, [jurisdiction] shall retain that portion of the application fee attributable to its own administrative costs and shall refund the balance to the applicant.

[X].060 Change of Use [Optional].

Notwithstanding the zone of the property on which the proposed project is to be located, no change of occupancy permit or building permit for change of use of dwelling units constructed under the provisions of this Chapter will be issued unless specifically authorized by the [council/commission]. Such a change may be authorized by the [council/commission] on the basis of the owner's justification of the need to remove the housing resource. No such change of use will be considered within the exemption period approved under ORS 307.612.

[X].070 Review of the Application.

- A. The [council/commission] may approve the application if it finds, in accordance with standards and guidelines adopted by [ordinance or resolution] of the [council/commission], that:
1. The property meets all eligibility criteria as provided in Section [X].040; and
 2. The project is, or will be at the time of completion, in conformance with the comprehensive plan and zoning regulations.
- B. The [council/commission] shall review the application within 180 days of filing and approve, deny, or approve subject to reasonable conditions the application. Final action by the



[council/commission] shall be by resolution that shall contain the owner's name and address, a description of subject multiple-unit housing, either the legal description of the property or the assessor's property account number, and the specific conditions upon which the approval of the application is based. An application not acted upon within 180 days following the date of application shall be deemed approved.

- C. If the application is denied, the resolution and a notice of denial shall be sent to the applicant within 10 days following the denial. The notice shall state the reasons for denial.
- D. If the application is approved, on or before April 1 following approval, the [applicable department(s) or director] shall file with the county assessor and send to the applicant at the applicant's last known address a copy of the resolution approving the application. In addition, for each application which is approved, the [applicable department(s) or director] shall file with the county assessor, on or before April 1 following approval, a document listing the same information otherwise required to be in a resolution approving an application under this Chapter.

[X].080 Termination.

- A. If, after an application has been approved, the [applicable department(s) or director] finds any of the conditions in (a) through (c), the [applicable department(s) or director] shall send a notice of the proposed termination of the exemption to the owner, mailed to the owner's last-known address, and to any known lender, mailed to the lender's last-known address.
 - 1. Construction of eligible multiple-unit housing was not completed on or before January 1, 2032, or as specified in ORS 307.637;
 - 2. Any provision of this Chapter is not being complied with; or
 - 3. Any agreement made by the owner or requirement made by the [council/commission] is not being or has not been complied with.
- B. The notice of termination shall state the reasons for the proposed termination and shall require the owner to appear before the [council/commission] at a specific time, not less than 20 days after mailing the notice, to show cause, if any, why the exemption should not be terminated.
- C. If the owner fails to appear and show cause why the exemption should not be terminated, the [applicable department(s) or director] shall further notify every known lender and shall allow the lender a period of not less than 30 days, beginning with the date that the notice of failure to appear and show cause is mailed to the lender, to cure any noncompliance or to provide assurance that is adequate, as determined by the [applicable department(s) or director], to assure the [jurisdiction] that the noncompliance will be remedied.



- D. If the owner fails to appear and show cause why the exemption should not be terminated, and a lender fails to cure or give adequate assurance that any noncompliance will be cured, the [council/commission] shall adopt a resolution stating its findings and terminating the exemption. A copy of the resolution shall be filed with the county assessor and a copy sent to the owner at the owner's last known address, and to any lender at the lender's last known address, within 10 days after its adoption.
- E. Any exemption granted under this Chapter will terminate immediately, without right of notice or appeal, in the event the county assessor determines that a change of use to other than residential or housing has occurred for the multiple-use housing, or portion thereof. Termination will be in accordance with the provisions of ORS 307.627.

[X].090 Extensions.

Notwithstanding Section [X].080, if the [council/commission] finds that construction or addition of, or conversion to, the multiple-unit housing was not completed on or before January 1, 2032 or as specified in ORS 307.637, due to circumstances beyond the control of the owner, and that the owner has been acting and could reasonably be expected to act in good faith and with due diligence, the [council/commission] may extend the deadline for completion of construction for a period not to exceed 12 consecutive months.



1J) RENTAL HOUSING LICENSE PROGRAM

Completeness	ARA Components	Key Needs Addressed
Level 1: Requires Substantial Local Preparation	<ul style="list-style-type: none">• Model ordinance language	<ul style="list-style-type: none">• Characteristic: affordability• Type-tenure (rental stock)• Could also address AFFH issues
Description	Jurisdictions could 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. The breadth of data that could be included on the registry includes items such as including contact information for landlords, property or information, or information on rent / rent changes. The licensing program could be coupled with an inspection program, and the program could have a fee structure associated with it.	
Impact	Low. Can provide a city information to help track its housing stock and provide an avenue to identify and address housing condition issues but does not on its own materially impact housing needs or issues. However, having access to this information can put the City in a better position to implement other policies that may have greater impact (e.g., landlord education, tracking accessible and adaptable units, etc.).	
Applicability	Medium. Most relevant for medium and larger cities.	

Case Studies & Evaluation

Oregon Examples

[Portland](#) has a residential rental registration program that requires all landlords of residential rental properties to register their rentals annually. The registration must include the address of all residential rental units owned within the City. An annual registration fee is required for all units, except regulated affordable housing. This program does not include an inspection component.

[Eugene](#) has a rental housing code ([EMC 8.400 through 8.440](#)) that includes a requirement for registration as well as standards for health and safety of rental units, information and education requirements, requirements related to screening charges and security deposits, and other renter protections.

[Gresham, Oregon](#) requires a rental housing license to maintain or operate a residential rental property in the city. The program includes licenses for mobile homes, rental homes, duplexes, apartments, condominiums or rooms in a lodging house. Gresham charges a rental license fee instead of its business license fee. The registry of rental housing licenses is used to conduct



random, mandatory inspections as well as complaint-based inspections to ensure that the city's stock of residential rental properties are in good shape. (Gresham Revised Code [Article 9.55](#))

[Tualatin](#) requires a rental housing license for all rental housing, including manufactured dwellings covered by a rental agreement. The city also has rental housing maintenance standards (Municipal Code [Chapter 06-13](#)) and requires landlords to provide information about those standards to tenants.

[Corvallis](#) requires owners of residential rental units to register units and pay a per-unit fee (Municipal Code section [8.03.300.065](#)). Certain deed restricted affordable units and units for specific populations (seniors, people with disabilities) are exempt from the fee.

[Salem](#) requires a license to operate multifamily dwellings (SRC [59.420](#)). This applies to properties with three or more dwelling units in a structure or on a lot (or contiguous lots) with units or bedrooms offered for rent ([SRC 59.010](#)). Housing owned by certain nonprofit organizations that is inspected by HUD is exempt, along with nursing homes, adult foster homes, and certain other types of housing. Units are subject to inspection at least once every five years for compliance with a broader set of housing code requirements ([SRC Chapter 59](#)).

Other National Examples

[Renton WA](#) requires all landlords to annually register their residential rental property and self-certify that their units meet the required standards. The city does not require a license.

[Tacoma WA](#) requires owners of rental housing to secure a business license for all properties in the city. The license fee funds issues like crime prevention training, education, inspection and code enforcement services related to rental properties. Landlords must self-certify that their units meet the required health and safety standards.

Available Research and Evaluation

A study called "Rental Registries and the Business of Providing a Home" by Jane Rongerude found that rental registries can be a useful tool for local governments to monitor their rental housing stock. The information provided in rental registries can help provide transparency about who owns rental housing, increase communication between regulators (cities) and property owners, and can help promote market stability. The study found that registry programs can also be adapted or expanded upon to support a range of housing policy objectives, such as inspections programs to ensure housing meets life, safety, and health standards. (<https://doi.org/10.1080/01944363.2024.2373918>)

The nonprofit Local Housing Solutions also highlights a few studies that demonstrate how the data provided by rental registries can be useful for studying other housing policies. It highlights work by Kuhlmann et al. (2023) and de la Campa et al. (2021) showing how local governments used rental registry data during the COVID-19 pandemic, work by Garboden and Newman (2012) relating to efforts in Baltimore to preserve low-cost rental housing, as well as a study by Preis (2023) examining the locations that landlords live in comparison to the properties they own.



A Health Impact Assessment of the City of Portland's rental housing inspection program compared two inspection models: a standard inspection and an enhanced model piloted in East Portland. The study found that rental housing inspections improved the health of rental housing residents, and that the enhanced inspection program had greater potential to contribute to improved health and health equity. (Rental Housing and Health Equity in Portland, Oregon: A Health Impact Assessment of the City's Rental Housing Inspections Program. Prepared by Oregon Public Health Institute. No date. Available at: <https://www.pewtrusts.org/~media/assets/2012/08/ophihiafinalreport829.pdf>)

An article published by the Network for Public Health Law notes that enforcement of habitability standards for rental housing through an inspection program can be beneficial for tenant health, but that if it reaches the point of condemnation it can contribute to displacement of tenants. ("[Avoiding Condemnation of Rental Housing: Alternative Strategies to Prevent Displacement of Tenants While Protecting Health](#)," May 16, 2022, by Colleen Healy Boufides.)

A study by the Pew Charitable Trusts of rental code enforcement in Philadelphia and comparable policies in other cities found that Philadelphia's program included minimal inspections or other enforcement, and that one of the challenges is a high share of rental housing in single-family structures where there is no visible indication that the units are rented rather than owner-occupied. The study identified potential promising practices from other cities' programs including periodic proactive inspections, inspecting all of an owners' properties if major violations are found at any of the units, and using public funds or private receivers to make repairs for noncompliant owners. ("[Rental Code Enforcement in Philadelphia: How it works, and what other cities are doing](#)," November 18, 2021.)

[A Guide to Proactive Rental Inspections](#) by Change Lab Solutions (2022) highlights the importance of proactive rental housing inspections in improving housing quality, offers guidance to develop such a program, as well as guidance for equitable enforcement.

Customization & Implementation Considerations

Many rental housing licensing programs include a fee to cover administrative costs and/or the cost of inspections or other program requirements. Some cities exempt affordable housing from the fee, even if the housing is subject to the licensing requirements.

Cities will need to determine:

- How much information to collect and what information is most important.
 - Note that cities may not want to collect rent data. Property managers may not want to reveal this information. If collected, the data should be anonymized or should not be made publicly available to improve confidentiality.
- If, when, and in what circumstances to require inspections:
 - What maintenance or quality standards to require (if any)
 - Whether to allow less frequent inspections for those who have a solid track record of passing inspections / no complaints
 - How inspections will be conducted (e.g., providing a list of third-party inspectors)
 - How frequently will inspections occur



- Whether inspections are on a schedule or random (e.g., a lottery)
 - What share of units will be inspected
 - Whether complaints trigger additional inspections
 - Whether to exempt certain types of housing such as those supported with vouchers (which are already subject to inspection) or other affordable housing development
- See studies listed above for additional considerations and cautions related to inspection requirements.

**Model Municipal Code**

This example is drawn largely from the municipal codes of Eugene, Gresham, and Salem.

Notes, optional items, and text to be filled in by the jurisdiction are shaded in gray and in [brackets].

Rental Housing Code**Xxx.010 Registration**

- 1) All rental housing not excluded under xxx.010(3) shall be registered with the city on a form and in a manner to be determined by the [city manager/Director].
- 2) Such application shall include the following information:
 - a) The applicant's name;
 - b) The names and residence addresses of all persons who are principals, partners, and corporate officers for any applicant that is not a natural person;
 - c) The address to which all mail concerning the license may be sent;
 - d) All business addresses maintained or to be maintained by the applicant in the State;
 - e) Telephone number(s) and email address(es) of the applicant;
 - f) If the applicant has a property manager or other registered agent, the property manager or registered agent's name, address, and all contact information;
 - g) A local emergency contact for the property (emergency contact must live within 75 miles of the property);
 - h) A description of the property to be licensed, including the following:
 - i) Its physical address;
 - ii) Total number of rental units on the property;
 - iii) [The number of Type A 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 on the property;]
 - iv) [The number of units meeting Type B adaptability requirements on the property;]
 - v) Whether the owner or designated agent resides in the residential rental property;
 - vi) The name of property (if applicable);
 - i) The signature of the applicant, if a natural person, or the signature of an authorized agent of the applicant, if the applicant is other than a natural person; and
 - j) Such other information as the [city manager/Director] may require.
- 3) The following are not subject to the requirements of xxx.010 through xxx.030:
 - a) Transient lodging;
 - b) Hospitals and other medical facilities;
 - c) Residential care facilities licensed by the State;
 - d) Institutions providing educational, counseling, religious or similar service, but not including residence in off-campus, non-dormitory housing;



- e) Occupancy in a dwelling occupied for no more than 90 days by a purchaser prior to the scheduled closing of a real estate sale or by a seller following the closing of a sale, as permitted under the terms of an agreement for sale of a dwelling unit or the property of which it is a part;
 - f) Occupancy by a member of a fraternal or social organization in a structure operated for the benefit of the organization;
 - g) Occupancy in a dwelling by a squatter;
 - h) Occupancy in a vacation dwelling;
 - i) Occupancy in a dwelling by an employee of a landlord whose right to occupancy is conditional upon employment in and about the premises;
 - j) Occupancy by an owner of a condominium unit or holder of a proprietary lease in a cooperative;
 - k) A person who rents a space for a manufactured dwelling, recreational vehicle, or moorage space for a floating home, but does not rent the actual manufactured dwelling, recreational vehicle, or floating home
 - l) Adult foster homes (any family home or facility in which residential care is provided for five or fewer adults who are not related to the care provider by blood or marriage)
 - m) Homeless shelters (a facility operated by a nonprofit corporation where residence is provided to persons needing emergency shelter on a daily or weekly basis, and where individual bath and cooking facilities may be provided)
 - n) Residential homes (a facility that provides, for five or fewer unrelated individuals with developmental or physical disabilities, residential care in one or more residential structures on contiguous properties)
 - o) Retirement apartments to be occupied by persons 65 years of age or older.
 - p) Approved accessory dwellings, sleeping units, or rooming units, occupied by a person or persons from whom the owner does not collect any monetary or other compensation.
- 4) The owner or designated agent must certify the truthfulness and accuracy of the information that is provided in the residential rental property license application.
 - 5) The application shall be accompanied by a nonrefundable application fee.
 - 6) A license issued under xxx.010 is transferable to a new owner after receipt of the handling fee established by council resolution. The handling fee shall be accompanied by a new rental property license application. The new owner will retain the old license number, transferred to the new owner's name, if applicable.
 - 7) The owner or designated agent must inform the manager of any change concerning the information contained in the residential rental property license application within 30 calendar days of such change.

xxx.020 License term and renewal

- 1) Unless voided, revoked or otherwise suspended, the residential rental property license term shall be for a one-year period commencing from the license issuance date. Upon expiration of the license term or following revocation or suspension of the residential rental property license, the license must be renewed or reinstated, as appropriate, to be effective.



- 2) An application for license renewal shall be accompanied by a nonrefundable license renewal fee and shall include the following information:
 - a) The applicant's name;
 - b) The physical address of the property to be licensed;
 - c) Any changes concerning the registered agent of the applicant or any property manager acting on the applicant's behalf;
 - d) The signature of the applicant, if a natural person, or the signature of an authorized agent of the applicant, if the applicant is other than a natural person.
- 3) An application for license renewal shall be approved and a renewal license issued following receipt of the application unless:
 - a) Any licensing fees for the subject property have not been paid in full;
 - b) The applicant provided any untrue or incomplete information on the application for license renewal; or
 - c) The subject property is in violation of any federal, state, or local law or regulation.

Xxx.030 Fees

- 1) Any person that owns or operates residential rental property shall pay an annual fee set by council resolution. The fee shall be based on the total number of residential rental units.
- 2) The revenues generated by the fee may be used for:
 - a) Offsetting the costs to the city associated with the enforcement of this Rental Housing Code; and
 - b) Costs associated with providing services to tenants and owners and managers of rental housing, including but not limited to a rental housing navigator position, rental housing data collection, tenant support services, and landlord and tenant education services.
- 3) The following unit types shall be exempt from the fee payment requirements:
 - a) Rentals subject to a federal, state, or local affordability agreement with a recorded deed restriction requiring the units to be rented affordably to households at a defined income level; and
 - b) Rentals that have been approved by the city for an exemption from property taxes pursuant to [reference any applicable local tax abatements for rental housing] or that are recognized by the city as exempt from property taxes pursuant to ORS 307.092.
- 4) No refunds will be provided after fees are paid if a dwelling unit:
 - a) Ceases to be a rental; or
 - b) Changes ownership.
- 5) For each month in which the fee is not paid by the date specified in the written notice of payment, a penalty shall be assessed to the owner or the owner's agent. The amount of the penalty shall be set by council resolution.
- 6) The [city manager/Director] may initiate appropriate action to collect the fees due. All costs associated with these actions, including attorney fees, may be assessed to the owner or the owner's agent.



1E) AFFIRMATIVE MARKETING REQUIREMENTS FOR CITY-FUNDED UNITS

Completeness	ARA Components	Key Needs Addressed
Level 1: Actions that are partially developed at the state level but require substantial local customization.	<ul style="list-style-type: none"> Guidance Templates 	<ul style="list-style-type: none"> Expanding housing access and choice across housing characteristics, including: <ul style="list-style-type: none"> Wealth-building opportunities Affordability Accessibility Expanding housing access and choice across locational barriers
Description	<p>Cities can take extra steps to ensure that members of protected classes are aware of affordable housing units when they become available at initial lease-up of new rental developments or sale of lower-cost homes. This could involve partnering with community organizations such as churches, cultural groups, social services organizations, and Head Start Programs.</p> <p>This action requires developers who receive financial incentives (like property tax exemptions, grants, or loans) or direct support (like infrastructure improvements, land) to conduct outreach to help ensure that low-income residents, people of color, people with disabilities, people with limited English proficiency, and others facing challenges when seeking housing have a fair opportunity to apply for it. This approach taps into local social networks and information sources trusted by people who need housing to help get the word out about new housing opportunities. Affirmative marketing typically only applies to the initial lease up of new rental projects and the sale of lower-cost homes. Note that it does not require developers to make units available earlier or to prioritize specific applicants, only to ensure the units are marketed in ways that will reach a range of audiences.</p>	
Impact	<p>Medium. This action helps ensure that new development projects produce fair housing benefits through outreach to organizations serving low-income residents, people of color, people with disabilities, and others seeking housing.</p> <p>This is not a stand-alone action. Instead, it is intended to be paired with other actions that provide direct support or financial incentives that promote the financial viability of a project.</p>	



Applicability

Applicable to jurisdictions providing direct support (provision of land, provision of infrastructure improvements, etc.) or financial incentives (loans, grants, property tax exemptions, etc.) for the development of new projects providing needed housing.

Case Studies & Evaluation

National Examples

The City of Seattle Office of Housing requires certain properties benefiting from local affordable housing incentives to have an Affirmative Marketing Plan. At least two weeks before advertising vacancies to the general public, landlords of participating properties must provide notice to the Seattle Housing authority, advertise on the city sponsored portal, and connect with at least three community-based organizations to solicit applications from potential residents who might otherwise be unlikely to apply for these units. [Mandatory Housing Affordability - Housing | seattle.gov](#)

- **Program Website:** The City of Seattle Office of Housing has an easy-to-understand website that provides information to developers about the program: [Mandatory Housing Affordability - Housing | seattle.gov](#)
- **List of Outreach Partners:** The City of Seattle maintains a list of agencies for developers to choose from in selecting their three Outreach Partners: [Affirmative Marketing - Organization List.xlsx](#)

Available Research and Evaluation

Accessing Opportunity: Affirmative Marketing and Tenant Selection in the LIHTC and Other Housing Programs (Poverty & Race Research Action Council): The 2012 report explains the practice and effectiveness of affirmative marketing efforts. It also makes recommendations for improving these efforts including more precise targeting to underrepresented groups and those least likely to apply.

Customization & Implementation Considerations

Because so much about the success and ease of implementing this action depends on local context, cities will need to make a number of program design choices. The principal ones are described below.

Triggers for Affirmative Marketing

Cities will need to decide which of its incentives trigger Affirmative Marketing requirements for a project. At a minimum, financial incentives and direct support should trigger Affirmative Marketing because they represent significant contributions by the city to the viability of a project. Examples include:

- Public land disposition
- Local grants
- Local long-term loans
- Local short-term loans or revolving loan fund for pre development assistance
- Local infrastructure support
- Down Payment assistance programs
- Tax exemptions, abatements, and reductions
- SDC exemptions and reductions
- Permit fee reductions and waivers



Cities may want to also consider other actions as potential triggers, such as:

- Negotiated affordability requirements for new urban areas
- Upzoned residential land
- Inclusionary zoning
- Incentive zoning
- Parking reductions
- Design and development standard flexibility
- Priority permit review
- Development intensity bonuses

Which Units?

Cities will also need to decide what kind of units in a development should be included in an Affirmative Marketing listing. The City of Seattle only requires that affordable units be included in its Affirmative Marketing Program. Other options include some combination of the following:

- All units
- All rent-restricted units for rental housing
- All price-limited or income-limited units for homebuyer properties
- All units with rents below a city-determined threshold (such as affordable to households earning 80% MFI or less)
- All accessible units (Type A)
- All homebuyer units with accessibility features, such as: at least one zero-step entrance; clear, wide circulation paths; at least one accessible bathroom and bedroom on the main floor; and an adaptable kitchen.
- All units with other specified characteristics, such as those having 3 or more bedrooms.

Cities should consider exempting units already subject to affirmative marketing requirements as part of state or federal funding programs.

Outreach Partners

The city should start by identifying which organizations and entities might be interested in helping to get the word out about new housing opportunities. This might include organizations such as Community Action Agencies, Head Start programs, agencies serving people with disabilities, culturally-specific organizations, tribal organizations, the local housing authority, senior centers, Habitat for Humanity chapters and other organizations serving potential first-time homebuyers. Depending on local circumstances, local employers, faith-based entities, and school guidance counselors could also play a role.

The city should provide materials to Outreach Partners that describe the program, the kinds of information that they may receive from developers, and what the city is asking them to do when they receive that material. The city should also confirm the following information for each Outreach Partner:

- Entity name
- Phone number
- Mailing address
- Website address



- Contact person (or how to direct communications)
- Email address for transmitting information electronically
- Population served

The city will use this information to generate a list of Outreach Partners that it can provide to developers. See the City of Seattle's list of Outreach Partners here: [Affirmative Marketing - Organization List.xlsx](#). The city should refresh its list of Outreach Partners at least annually.

Information Provided by Developers to Outreach Partners

Cities can customize the kind of information that cities provide to marketing partners. It could be as simple as an overall description of the project. However, the more information provided—number of units, number of bedrooms, accessibility features, rent, key application criteria—the more likely Outreach Partners are to send developers appropriate applicants.

Forms that Developers Submit

The proposed approach includes a program description plus three documents that developers submit. Templates for the following documents are attached:

- Program Description
- Letter of Intent to Implement Affirmative Marketing: Submitted to the city when the developer applies for the incentive
- Special Outreach for Affirmative Marketing: Sent to selected Outreach Partners at least two weeks before general marketing for rental housing and at least 90 days before general marketing for homeowner projects. The developer must keep a record demonstrating that the information was sent, such as copies of emails.
- Affirmative Marketing Report: A short summary sent to the city before requesting a final Certificate of Occupancy. This provides a way to ensure that the developer followed through on the Affirmative Marketing commitment.

Smaller cities with fewer qualifying projects may find ways to streamline this process further. Optionally, larger cities may want to request that developers collect anonymized demographic data about occupants of included units to evaluate the effectiveness of the program overall.

If cities do not exempt units subject to state or federal affirmative marketing requirements, they should try to use consistent forms, so developers do not have to submit different documents.

Methods of Ensuring Compliance

Developers should provide evidence that they followed through on their commitment to undertake affirmative marketing. This model suggests that the developer submit a report before receiving a final Certificate of Occupancy for the project. Cities may find another point in the process (such as release of funding or final award of tax exemption or abatement) that may work as well as the final Certificate of Occupancy for submission of the report.



Templates

The following templates are modeled on those of the City of Seattle Office of Housing [Mandatory Housing Affordability - Housing | seattle.gov](#)

1. Program Description
2. Letter of Intent to Implement Affirmative Marketing
3. Affirmative Marketing Outreach Instructions and Notice
4. Affirmative Marketing Report



Program Description: [Your City] Affirmative Marketing Requirements for Housing Incentive Programs

Do these requirements apply to your property?

Properties participating in the [name the incentives or programs that trigger affirmative marketing] are required to implement Affirmative Marketing. See Triggers for the Affirmative Marketing section of Guidance.

Why is this required?

Individuals of similar economic levels in the same housing market should have available to them a similar range of housing choices regardless of their race, color, religion, sex, national origin, familial status, disability, or other protected class status. The Affirmative Marketing requirements detailed in this document are consistent with state and federal fair housing laws.

What is an Affirmative Marketing Plan?

Successful implementation of Affirmative Marketing will help individuals and households otherwise unlikely to apply for housing:

- Know about rental vacancies and affordable homes for sale;
- Feel welcome to apply; and
- Have the opportunity to rent units and purchase affordable homes.

Participation Requirements

Program participation begins with the submission of a Letter of Intent - Affirmative Marketing form, which includes a declaration of intent to implement affirmative marketing requirements and comply with record-keeping standards. This form must be submitted with the developer's application for [the incentives or programs which trigger Affirmative Marketing].

Requirements Due at Least Two Weeks Before Lease-Up for Rental Properties

At least two weeks prior to lease-up for the general public, participating properties are required to conduct special outreach as follows:

1. Complete the Outreach for Affirmative Marketing Notice. This form includes information on the number of relevant units at the property, features of those units; leasing and tenant selection criteria; and how the property intends to advertise vacancies;
2. Identify [insert number; Seattle uses three plus the Housing Authority] Outreach Partners to help spread the word and encourage applications from households who otherwise might be unlikely to apply for housing at the property. A list of Outreach Partners is available at [insert link to list of Outreach Partners].



3. After identifying [insert number] entities, send them information about vacancies and the leasing process using the Special Outreach for Affirmative Marketing form at least two weeks before marketing to the general public;
4. Document your efforts using the Affirmative Marketing Report. Note this report requires records of your email correspondence. The Affirmative Marketing Report is a required attachment to the [Final Certificate of Occupancy or other way the city would like to ensure compliance].

Requirements Due 90 Days Before Sale for Affordable Homeownership Properties

1. Complete the Affirmative Marketing Outreach Notice. This form includes information on the number of participating units at the property and [the income- and rent-restrictions on those units and home buyer criteria or other information the city specifies];
2. Identify [number or a specific Outreach Partners] to encourage applications from households who otherwise might be unlikely to apply for housing at the property.
3. Supply [Outreach Partners] with information about available homes using the Special Outreach for Affirmative Marketing form at least ninety days before you make the homes available to the general public;
4. Document your efforts using the Affirmative Marketing Report. Note this report requires records of your email correspondence. The Affirmative Marketing Report is a required attachment to the [Final Certificate of Occupancy or other way the city would like to ensure compliance].

Record Keeping Standards

Owners of participating properties must record dates and retain documentation showing that special outreach was performed in advance of general marketing for both rental and homeownership properties.

Where can I learn more about fair housing laws?

- [Fair Housing Council Of Oregon - Home - Fair Housing Council of Oregon](#) has a wealth of information about fair housing in Oregon in a variety of formats and languages. Search for resources here: [Resources - Fair Housing Council of Oregon](#)
- [Insert information about local resources and websites here.]

Contact

Whom may I contact if I have questions about Affirmative Marketing for Affordable Housing Incentive Programs?

[Insert local contact information here].

**[City Name] Letter of Intent to Implement Affirmative Marketing**

Developers seeking to utilize the following programs or incentives must submit this form to [city department] before [deadline, such as issuance of first building permit or perhaps simultaneously with the application for the program or incentive]:

- [Incentive 1]
- [Incentive 2, etc.]

Please return this form to [insert return information].

If you have any questions, please contact [city contact].

Owner Information	
Name of Owner	
Address	
Phone	
E-mail	
Owner's representative, if applicable:	
Address	
Phone	
E-mail	
Property Information	
County Assessor's Parcel Number	
Street Address	
Project Information	
Project Name	
Estimated Construction Start Date	
Estimated Completion Date	
Incentives applied for (check all that apply)	[List "triggering" programs and incentives here]
Anything else you'd like us to know about this project?	



Certifications

1. Special Outreach and Advertising in Advance of General Marketing

I/we hereby indicate by my/our initials below that, prior to initiating any advertising or marketing efforts to solicit applications from the general public, I/we will:

- Contact [number] Outreach Partners from a list provided by the [city department] to inform and solicit applications from households who otherwise might be unlikely to apply for housing at the property but some of whom could reasonably be expected to meet our applicant requirements. This outreach will occur at least two weeks before general marketing for initial lease-up of rental properties and ninety days before general marketing for homeownership projects.
- [If applicable: Contact specific agency, such as housing authority]
- Document this effort using the Affirmative Marketing Report, which must be submitted prior to receiving [final Certificate of Occupancy or other permit from the city] for this project.

Owner's initials _____

2. Record Keeping

I/we hereby indicate by my/our initials below that I/we will document our Affirmative Marketing efforts and submit copies with the Affirmative Marketing Report.

- My/our records shall include documentation showing that [number] Outreach Partners [and any designated agency from above, such as housing authority, if applicable] were contacted and provided notice of vacancies via a completed Affirmative Marketing Outreach form at least two weeks prior to general marketing for rental properties and 90 days prior to general marketing for homeownership properties.
- Documentation may consist of a copy of dated emails sent to the Outreach Partners, which will be submitted with a copy of the completed Outreach for Affirmative Marketing form.

Owner's initials _____

[Optional Certification, should city choose to include this step in their process.]

3. Resident Demographic Information

I/we hereby indicate by my/our initials below that I/we will offer each resident the opportunity to disclose demographic information on the Resident Demographic Form prior to the point of move-in for rentals or at sale of unit. We will retain those forms for a period of [two years] and make them available at the city's request.

Owner's initials _____]



Declaration of Intent to Implement

As owner(s) of the property described in this Letter of Intent, I/we declare our intent to implement the Affirmative Marketing Requirements, as stated above.

Owner's Signature

Date

Printed Name

Owner's Signature

Date

Printed Name



[City] Instructions for the Affirmative Marketing Outreach Notice

Rental Property Leasing Agents: The attached Affirmative Marketing Outreach Notice must be completed and sent to the following parties **at least two weeks** prior to marketing the units to the general public:

- [Number] local Outreach Partners chosen from the list provided by [city department] and found here [link to website to access the list].
- [If relevant, any entity that must be contacted, such as the housing authority]

If you have any questions about completing this form or complying with affirmative marketing requirements, contact [contact].

Be sure to keep a copy of the completed Affirmative Marketing Outreach Notice and dated emails that document which Outreach Partners were selected and that the materials were sent by the deadline. These materials will be submitted with an Affirmative Marketing Report prior to issuance of [final certificate of occupancy or other relevant permit].

Developers and/or Marketing Agents of Homebuyer Projects: The attached Affirmative Marketing Outreach Notice must be completed and sent to the following parties **at least 90 days** prior to marketing the units to the general public:

- [Number] local Outreach Partners chosen from the list provided by [city department] and found here [link to website to access the list].
- [If relevant, any entity that must be contacted for homebuyer projects, such as the local Habitat for Humanity program or an agency providing homebuyer assistance].

General Information: If you have any questions about completing this form or complying with affirmative marketing requirements, contact [contact].

Be sure to save a copy of the completed Affirmative Marketing Outreach Notice and dated emails that document which Outreach Partners were selected and that the materials were sent by the deadline. These materials will be submitted with an Affirmative Marketing Report prior to issuance of [final certificate of occupancy or other relevant permit].

***Affirmative Marketing Outreach Notice***

Date _____

Greetings, Outreach Partner:

You are receiving this form because your [agency/business/place of worship] agreed to help spread the word about new housing opportunities to your [customers, clients, congregation, employees] before the information is available to the general public. We encourage you to get information about this opportunity out as quickly as possible to households who may possibly meet the selection criteria and who are looking for housing like this. Please also share this information through your networks and colleagues.

Thank you for your assistance.

Property Information

Property Name:

Property Address:

Date Applications Will First be Accepted:

Projected Opening Date for Project:

Total Number of Units to Be Available:

Contact Information

Property Leasing Manager or Sales Representative:

Company:



Email:

Contact for Program at City of [xx]:

Email:

Overview of Available Units by Type

Unit Type	Number of Units	Income Limit	Minimum Income, if Relevant	Approximate Monthly Rent or Sales Price

Unit type includes [number of bedrooms, level of accessibility to people experiencing mobility impairments or other specified disabilities, or Permanent Supportive Housing. Example: 1 BR, Type A Accessible, PSH]



Tenant/Home Buyer Selection Criteria

1. What criteria will be used to screen applicants or prospective home buyers? What is the minimum standard an applicant will need to meet to move forward in the screening process?
2. What information, documentation, and submissions must applicants provide to determine whether they meet the criteria above?
3. How can applicants obtain a copy of the application? Attach a copy or link to a relevant website, if available.

Attach copies of relevant marketing materials.



Affirmative Marketing Report

Instructions for Developers: This report documents how you fulfilled your commitments as stated in your Letter of Intent to Undertake Affirmative Marketing. Submit this report to [city contact] by [when due, such as prior to anticipated issuance of final certificate of occupancy]. If you have questions, please contact [contact information].

Property Information

Property Name:

Property Address:

Date Project Began General Public Marketing Efforts:

Date Applications Became Available:

Date of Submission of this Affirmative Marketing Report

Affirmative Marketing Documentation

Did you provide notice of new affordable homes to [three] Outreach Partners using the Affirmative Marketing Outreach Form in advance of general marketing to the public?

☐ Yes ☐ No

Copy of Affirmative Marketing Outreach Form attached (required)? ☐ Yes ☐ No

Organization 1:

Contact Person and/or E-Mail Address: _____

Date Contacted: _____

E-mail correspondence attached to this (required)? ☐ Yes ☐ No

Organization 2:

Contact Person and/or E-Mail Address: _____

Date Contacted: _____



E-mail correspondence attached to this (required)? ☐ Yes ☐ No

Organization 3:

Contact Person and/or E-Mail Address: _____

Date Contacted: _____

E-mail correspondence attached to this (required)? ☐ Yes ☐ No

Documentation Submitted by:

Name: _____

Company: _____

E-mail: _____

Phone: _____

I attest that the information submitted in this document is accurate and true, to the best of my abilities.

Signature _____

Date _____

Approval of this document by [city department] indicates City acknowledgement of fulfilment of commitments made by the Developer in the Letter of Intent to Implement Affirmative Marketing.

**1A) LAND DISPOSITION FOR HOUSING**

Completeness	ARA Components	Key Needs Addressed
Level 1: Requires Substantial Local Preparation	<ul style="list-style-type: none">• Model RFP for land for development for affordable housing• Model language addressing specific needs to respond to, including accessibility, affirmative marketing, etc.• Model long-term ground lease for affordable housing	<ul style="list-style-type: none">• Characteristic: affordability• Location: high opportunity area
Description	<p>Establish a policy to prioritize disposition of surplus land for affordable housing, so long as it is suitable, identify suitable sites, and make them available for affordable housing development through a Request for Proposals (RFP) or similar process. Cities can transfer full ownership or enter into a ground lease.</p> <p>Oregon Revised Statute 221.725-729 establishes procedures for cities to sell their land for a variety of purposes; ORS 221.729 specifically addresses sale of land for affordable housing. ORS 271.330 authorizes local governments to relinquish title to surplus properties without payment (rather than selling them) for specific purposes provided the property is no longer needed by the locality. This statute authorizes political subdivisions to relinquish the title of any of their properties to a municipal corporation or qualifying nonprofit corporation for use as low-income housing, social services, or childcare services. However, cities can prioritize affordable housing above other uses, either on a case-by-case basis, or through a more formalized policy. Tribal governments do not appear to be eligible for public land disposition ORS 271 but could be buyers under ORS 221.</p> <p>Oregon Revised Statute 457.230 authorizes urban renewal agencies to transfer land for broader uses by public agencies or private enterprises, in accordance with the urban renewal plan.</p>	
Impact	<p>High: Strategy can be highly impactful, if available land is suitable for housing and does not require costly infrastructure investments or environmental remediation prior to development. It can have particular benefit in high-opportunity areas and areas of concentrated affluence where land costs may be higher. Regardless of location, it can be an effective</p>	



	strategy for increasing the overall supply of affordable housing or other types of housing.
Applicability	Could work for any jurisdiction that has surplus property. Some have already implemented, others have not.

Case Studies & Evaluation

Oregon Examples

Several cities in Oregon have used surplus land for affordable housing:

- Following a competitive RFP process, the City of Tigard transferred surplus land to a nonprofit developer through a ground lease to develop an [affordable senior housing development](#).
- Hillsboro donated six acres of land for a bond-supported [affordable housing community](#) geared for immigrant farmworkers.
- Beaverton sold a vacant parcel to a developer to construct a mixed-use complex adjacent to a light-rail station. The subsequent [230-unit apartment community](#), with 15 affordable units, opened in 2019.
- Cottage Grove worked with the school board to transform a [former elementary school](#) into apartments.
- In April 2025, Hood River closed on a deal to develop [130-units of affordable housing](#), along with a public park, on a seven-acre city-owned site.

Other Oregon jurisdictions have taken steps to identify and make land available for housing, or established policy intention to do so:

- In 2022, the City of Portland issued a [resolution](#) to establish key strategies to increase affordable housing construction, which included building a landbank of up to 400 publicly-owned sites that could be suitable for multifamily housing with minimal investment or legislative action.
- In 2023, Clatsop County prepared an inventory of surplus County-owned property, conducted preliminary evaluation of suitability for housing development, and established a process for expressions of interest in developing the properties.
<https://www.clatsopcounty.gov/county/page/clatsop-county-frees-surplus-land-housing>

Other National Examples

San Francisco [requires](#) surplus city-owned land to be considered for affordable housing development before it is offered to private developers for other uses. The city's Affordable Housing Requirements Ordinance mandates that affordable housing be prioritized when surplus public lands become available (San Francisco Administrative Code, Section 23.A).

Seattle [employs](#) a Request for Proposals (RFP) process for the disposal of surplus land. The city prioritizes developers who propose affordable housing projects, offering financial incentives such as reduced land prices. This approach is designed to make affordable housing projects more financially feasible for developers.



Washington DC [requires](#) residential developers who purchased land -owned by the city to reserve up to 20 to 30 percent of units for low and very low-income residents.

Available Research and Evaluation

A 2019 [report](#) from Enterprise Community Partners presents the prospects of utilizing publicly owned land for affordable housing. It provides examples of several existing programs administered by cities and public transit agencies. After thoroughly assessing benefits and challenges, the report concludes with several recommendations for identifying sites, soliciting developers, structuring agreements, and providing additional tools as necessary. The authors also suggest that jurisdictions can explore options for co-locating affordable housing with community facilities.

Customization & Implementation Considerations

The League of Oregon Cities provides general [guidance on land disposition](#) as part of its Oregon Municipal Handbook, as well as an [FAQ document](#) on land disposition and a Model Policy for Public Contracting & Purchasing that includes a section on dealing with surplus property.

Local governments can inventory all property owned by the jurisdiction to determine suitability of affordable housing, then prioritize which properties to make available. They can also assess development readiness for potential buyers including Level 1 environmental review. Cities should provide available documentation about land readiness, such as environmental assessments, hazardous materials, or geotechnical reports, with any RFPs or other land disposition activities.

This policy could be paired with predevelopment assistance, SDC waivers, and other housing incentives and programs. In addition, jurisdictions should consider inventorying properties owned by other public entities within their boundaries.

Some land disposition deals will need to be structured carefully for tax purposes. For example, for development using low-income housing tax credits (LIHTCs), properties should be directly transferred to the nonprofit who would then sell or donate it to the limited partnership so as not to be subject to gift taxes.



Model request for proposals for land disposition for housing development

Note: Model RFP draws primarily on examples from Metro and the City of Beaverton as well as Deschutes County.

A jurisdiction looking to dispose of land for housing development would typically create a request for proposals (RFP) for development. The RFP would describe the program under which development is authorized, the site, and desired outcomes. A typical RFP might have the following content sections.

1. Introduction, Purpose, and Goals
 - a. Dates and timeline (including date issued, due date for questions, and due date for submissions)
 - b. Contact information for the issuer (including name, phone, email, and the website where more information can be found)
 - c. Entities involved (including who is disposing of the land, partners, or other stakeholders with interest or rights to the site)
 - d. Purpose of the development solicitation (including the intention of the land disposition, goals for the site, and other relevant context)
2. Program Description
 - a. Program information (including the authority to dispose of the land, program that the land disposition fits into, funding sources, etc.)
 - b. Affordability requirements (if required, depth and number of units set aside, terms, etc.)
 - c. Development vision (including populations intended to be served, development goals such as height, unit count / density, parking,
3. Neighborhood context
 - a. Description of the city (including its geographic location, population characteristics, development context, and proximity to relevant features such as major arterials, (air)ports, recreation areas, or metropolitan areas)
 - b. Neighborhood context (including nearby amenities such as transit type and frequency, parks, employers, grocery stores, schools, etc.)
4. Site information
 - a. Site map and conditions (including property boundaries, slopes, wetlands, adjacent properties or developments)
 - b. Zoning (including general information as well as bonuses and incentives)
 - c. Access and connectivity (including cross streets, authority of cross streets, access by different modes of transportation, sidewalk information, etc.)
 - d. Development constraints (including rights-of-way, easements, access requirements, turning restrictions, power lines, etc.)
 - e. Environmental information (including results of any phase 1 or phase 2 environmental assessments and required actions)
5. Financial incentives (if any)
 - a. Existing funding commitments (if applicable)
 - b. Additional funding opportunities (if applicable and the development is eligible)



- c. Requirements (including affordability requirements, public use requirements such as plazas, or size and type requirements)
- 6. Solicitation process
 - a. Where to find information (including registration, addendums, questions and answers, etc.)
 - b. Detailed timeline (including questions deadline, submission deadline, deadline to appeal, review period, interviews if planned, expected date of MOUs or negotiating agreements, expected funding cycles, etc.)
 - c. Submission requirements (including submission sections, team composition, qualifications, format, page limits, etc.)
 - d. Submission scoring (including scoring criteria, review process, interviews/advisory committees, total scores, priorities etc.)
 - e. Other information (including right to appeal, confidentiality, disclaimers, etc.)



Model long-term ground lease for affordable housing

Note: Language is based on agreements from the Cities of [Tigard](#) and [Milwaukie](#).

Disposition and Development Agreement

THIS DISPOSITION AND DEVELOPMENT AGREEMENT ("Agreement") is made and entered this ___ day of _____, 20xx (the "Effective Date"), by and between the [city], a municipal corporation of the State of Oregon ("City") and [developer], an Oregon nonprofit corporation ("Developer"). City and Developer may be referred to jointly in this Agreement as the "Parties" and individually as a "Party."

- A. City owns property at [address], referred to as "the Property"
- B. The city wants to facilitate the development of affordable housing and has determined that the Property can accommodate the development of such housing
- C. In furtherance of this development objective, City issued [title] Request for Information issued on [date] ("RFI").
- D. Pursuant to the RFI, City selected Developer to develop and operate such senior affordable housing on the Property, and City and Developer entered into negotiations for conveyance of a ground lease in a portion of the Property as agreed upon by City and Developer (the "Site") for Developer's development and operation of such affordable housing.
- E. The Parties have completed their negotiations and now desire to enter into this Agreement setting forth the terms and conditions under which City will convey a leasehold interest in a portion of the Property to Developer for development of the Project as further described in Exhibit.
- F. The completion of the Project according to the terms of this Agreement, including the Project Plan, Development Budget and the Development Timeline is a material inducement to City to enter into this Agreement;
- G. City finds that the fulfillment of this Agreement, and the intentions set forth herein, is in the vital and best interest of the City and the health, safety, and welfare of its residents, and is in accord with the public purposes and provisions of applicable state and federal laws

I. Table of Contents

- 1) General Terms of Conveyance
- 2) Representations and Warranties
- 3) Conditions Precedent to Closing
- 4) Infrastructure, Utilities, and Land Condition
- 5) Development
- 6) 6 Environmental Conditions and Developer Indemnity
- 7) Assignment and Transfer Provisions
- 8) Subleasing Requirements and Restrictions
- 9) Post-Closing Obligations
- 10) Continuing Covenants Surviving Termination of Agreement or Completion of Construction
- 11) Mortgagee Protection Provisions



12) Default and Remedies

13) Miscellaneous Provisions

Executed in multiple counterparts as of the day and year first above written.

CITY:

CITY OF (CITY NAME)

By: _____

Name: _____

Title: _____

APPROVED AS TO FORM:

City Attorney

DEVELOPER:

NAME,

By: _____

Name: _____

Title _____



Appendix A: Templates and Example Supporting Documents

DLCD to add supporting documents as desired, many are listed here:

<https://drive.google.com/drive/u/0/folders/1acYGUJnuoSc-V8JT3i6BGsavhZavOfVy>

REPEAL: 660-008-0210

RULE SUMMARY: This rule directs the Land Conservation and Development Commission to adopt adoption-ready actions in 2025. This rule was temporary in nature and is being executed by this rulemaking. The role of adoption-ready actions in the Housing Production Strategy and Housing Acceleration programs is made clear by the rules regulating those programs. This rule no longer serves a unique purpose and is recommended for repeal.

CHANGES TO RULE:

~~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~~

AMEND: 660-008-0230

RULE SUMMARY: This rule describes the midpoint reporting requirements and Department review regarding the Housing Production Strategy's implementation.

CHANGES TO RULE:

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 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 of the actions to meet current and future housing need ~~on per~~ the schedule in the city's 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 ~~and a~~. The city may also 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

AMEND: 660-008-0310

RULE SUMMARY: This rule describes referral for noncompliance with adoption of a required Goal 10 product and includes actions the Department may take to remediate delinquency prior to referral, and process by which a city may be referred.

CHANGES TO RULE:

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 ~~not~~¶

(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), or¶

(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 ~~sub~~section (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

AMEND: 660-008-0315

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

CHANGES TO RULE:

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

AMEND: 660-008-0320

RULE SUMMARY: 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.

CHANGES TO RULE:

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 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 ~~H~~ousing Acceleration program, the department will consider the severity of underproduction at each of the following income levels:¶

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

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

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

(~~iv~~D) 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

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.

CHANGES TO RULE:

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 tribeal 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 subsection (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 tribeal governments, specific and direct outreach to each of the tribeal 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;¶

(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, 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, 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) ~~Adoption-ready actions under OAR 660-008-0210 to address identified barriers to housing production, affordability, and choice.~~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.¶

(ed) Barriers to housing production in climate-friendly areas under OAR 660-012-0310;¶

(de) 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:¶

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

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

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

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

(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 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. The department must consider existing and expected local barriers as they relate 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. The department must consider existing and expected local, and¶

(B) Identification of the barrier as one of the following key barriers as it relates to identified fair housing issues in the contextualized housing need analysis under OAR 660-008-0075, if applicable:¶

(i) Development or zoning code that does not meet the applicable standards represented in OAR 660-008-0200(3) per OAR 660-008-0425(5)¶

(ii) Non-adoption of applicable incentives in OAR 660-008-0200(3) or incentives that are of commensurate in impact.¶

(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

AMEND: 660-008-0330

RULE SUMMARY: This rule sets out the framework, structure, and commitments outlined in a Housing Acceleration Agreement.

CHANGES TO RULE:

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 ~~p~~.¶

(A) Provide for at least a 90-day period for city review of a draft agreement before the deadline under this section.
~~The department must g~~¶

(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 alternate 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(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

ADOPT: 660-008-0400

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.”

CHANGES TO RULE:

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 this rule.

Statutory/Other Authority: ORS 197.040

Statutes/Other Implemented: ORS 197.335

ADOPT: 660-008-0405

RULE SUMMARY: This rule contains definitions specific to Model Ordinances.

CHANGES TO RULE:

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) "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 Section 1, Senate Bill 1537 (2024 Session).

(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 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 standard contained within a model ordinance that represents promising practice but allows for optional deviation where 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;

(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

ADOPT: 660-008-0410

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.

CHANGES TO RULE:

660-008-0410

Model Ordinances

The Commission adopts the following model ordinances:¶

(1) A model ordinance targeted for cities with a population of less than 2,500;¶

(2) A model ordinance targeted for cities with a population of 2,500 or greater and less than 25,000; ¶

(3) A model ordinance targeted for cities with a population of 25,000 or greater; and¶

(4) A model ordinance under this rule:¶

(a) Does not amend nor affect locally-adopted and acknowledged 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, including mixed-use residential; and¶

(d) May not apply on lands that are not zoned for residential use, except where otherwise required by a housing law;¶

(5) The adoption or application of a model ordinance:¶

(a) Does not require a local government to amend or repeal locally-applicable land use regulations; ¶

(b) Does not prohibit a local government from amending locally-applicable land use regulations;¶

(c) Does not affect the applicability of protective measures adopted and applied pursuant to a statewide planning goal;¶

(d) Does not 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) Does not trigger a requirement to adopt or update a housing capacity analysis or housing production strategy as provided in OAR 660-008-0045.¶

(6) 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.¶

(7) Where a model ordinance, module, or modules are amended by subsequent rulemaking, those amended provisions are applicable as provided in ORS 227.178 and ORS 215.427

Statutory/Other Authority: ORS 197.040

Statutes/Other Implemented: SB 1564 (2024 Session), ORS 197.335

RULE ATTACHMENTS MAY NOT SHOW CHANGES. PLEASE CONTACT AGENCY REGARDING CHANGES.

Notice: The Model Code is currently under refinement for inclusion in LCDC's October Meeting Packet. This version was originally published in June and is included in the Secretary of State's notice as a placeholder for the final rule attachment. You will be able to find the updated Model Code published alongside other LCDC meeting materials at the following link when it is published: <https://www.oregon.gov/lcd/Commission/Pages/Meetings.aspx>

Draft Housing Model Code

How to Read this Model Code

As described in the “Model Code Discussion Memo,” DLCD is directed to produce Model Codes under SB 1564 for three city sizes: small cities (< 2,500), medium cities (2,500 - 25,000), and large cities (25,000+). Each Model Code must address four specific housing types: detached single-unit, accessory dwelling unit, middle housing, and multi-unit dwellings.

Since many of the draft standards are similar for all three city sizes, for ease of review and comparison, this draft consolidates code language for all three city sizes into a single document. Requirements that are unique to a city size are noted as such. This consolidation means the draft is lengthy, even though the regulatory standards applied to a given housing type in a given city size are relatively brief and simple. Ultimately, there will be three separate Model Codes (one for each city size), with separate sections for each housing type, which could be adopted separately by reference.

The draft Model Code is written as a regulatory document and may be challenging to navigate for non-code experts. The “Model Code Discussion Memo” helps explain how the code is intended to function. In addition, reviewers may benefit by reviewing Section 10.1 (Measurement Methodologies) before starting on the standards for each housing type. This will provide helpful context for the development standards.

Most importantly, this Model Code is a draft and intended as a starting point for discussion. Substantial refinement and calibration of the standards will occur prior to the final version, to ensure that the standards facilitate the policy objectives for the broader program. The Housing Action Work Group’s input is an important part of that effort.

Formatting notes:

Gray highlighted text

Where commentary and background information about the standards are provided within the draft, they are highlighted in gray. This text is

[Text in brackets]

Text that could potentially be included in the final Model Code but that is not essential to the standards. In addition, there are a few numeric ranges that have yet to be specified that are also shown in brackets. Please keep in mind that most numeric standards are initial

Text noted as
“Recommended”

To help find a balance between promising practice and useability (especially for smaller cities where use of the Model Code will be optional), certain standards are noted as “recommended.” In these cases, a city could specify alternative standards when adopting the Model Code by reference.

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Chapter I – General Provisions

Sections:

- I.1 Purpose
- I.2 Applicability
- I.3 Relationship to Other Regulations
- I.4 Conversions

I.1. Purpose

The Housing Model Code is intended to serve multiple functions:

- To provide guidance and promising practices to local governments in facilitating housing production, affordability, and choice under Goal 10.
- Fulfill statutory direction to provide model codes that local governments can adopt in full or in part, by reference. These codes must provide clear and objective standards for the development of the following housing types: detached single-unit (DSU) housing, middle housing (MH), accessory dwelling units (ADU), and multi-unit housing (MU). The code must be segmented by city population size, including cities with populations below 2,500, cities with populations between 2,500 and 25,000, and cities with populations greater than 25,000.
- Provide a compliance and regulatory tool that:
 - Establishes promising practices related to model codes by which local governments may comply with housing laws and to remedy identified violations of housing laws for use by the Housing Accountability and Production Office (HAPO).
 - Apply directly to residential development for cities with a population of 10,000 or greater that LCDRC has issued an enforcement order for failure to enter or abide the terms of a housing acceleration agreement.

I.2 Applicability

- A. Applicability to Development.** The standards apply to new residential development in all zones that allow residential uses.
- B. 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.
- C. Adjustments.** An applicant may request an adjustment to any quantitative standard in this code in accordance with the applicable city procedures for adjustments or modifications. **Note, Mandatory Adjustments, per SB 1537, may be added as a future Model Code module.**

I – General Provisions

I.3 Relationship to Other Regulations

- Subsection (A)(2) is intended to allow applicants the option of choosing a city's existing development standard(s) if that would allow more housing (e.g., a city has smaller setbacks than specified in the Model Code). In order to encourage walkable design, this exception would not allow an applicant to opt out of the design standards in the Model Code even if a city does not have a similar requirement for that housing type.
- Subsection (B) recognizes the Model Code needs to be usable for cities adopting by reference – especially small cities. The provisions in (B) explain that certain standards are "recommended" which allows small cities to specify alternative standards when adopting code.
- The list in (C) clarifies the types of regulations that the Model Code does not supersede and is generally based on SB 1537 (Adjustments).

A. Conflicts.

1. Except as provided in subsections 2, 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.
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 and/or units), an applicant may comply with either the standard in this Model Code or the locally adopted standard.

B. Recommendations when Adopting Model Code by Reference. Where a code provision in this Model Code is identified as "recommended" a city may specify alternative standards when adopting and applying the Model Code by reference. Where the city does not specify an alternative standard, the "recommended" standard applies.

C. 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 standards. 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:
 - i. Tree protection, retention and planting.
 - ii. Landscaping design, installation and maintenance including, but not limited to, materials and planting requirements.
 - iii. Parking lot design and installation, including, but not limited to, shading, screening, materials, and layout.
 - iv. Sustainability and greenhouse gas reduction.

D. Exceptions. In no case shall the requirements of this Model Code supersede requirements related to:

I – General Provisions

1. Health and safety, including, but not limited to, fire ingress or egress and vehicle access.
2. 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.
3. 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 Conversions

The Middle Housing Model Code allows conversions of a detached single-unit dwelling to a duplex, and conversion of a detached single-unit dwelling or a duplex to a triplex or quadplex. With the passage of HB 2138, this section will likely need to be updated to reflect the following requirements:

(4)(a) Each city required to allow middle housing under subsection (2) or (3) of this section, excluding urban unincorporated land not within Metro, shall allow the lot or parcel to include existing housing consisting of:

(A) One single-unit dwelling;

(B) One single-unit dwelling plus one accessory dwelling unit; or

(C) One duplex.

(b) The city may require only the new units, and not the existing units, to comply with siting and design standards adopted under subsection (5) of this section.

When these provisions are incorporated into the final Model Code, additional revisions to clarify the relationship of housing type definitions, development standards such as scaled FAR, and bonus provisions in Chapter 8 will also be made.

Additions to, or conversions of, an existing detached single-unit dwelling or duplex into a duplex, 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.

Chapter 2 – Detached Single-Unit and Duplex

Note, the Model Code is intended to be organized so that a city can adopt by reference the standards for a single type of housing. The final version of the code may need to break apart the single-unit and duplex provisions, or otherwise clarify how they can be adopted separately, by reference.

Sections:

2.1 Development Standards - Detached Single-Units and Duplex

2.2 Design Standards - Detached Single-Unit and Duplex

2.1 Development Standards - Detached Single-Unit and Duplex

The development standards in Table 2.1 apply to Detached Single-Unit and Duplex. 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. For qualified projects, the standards in Table 2.1 may be modified by the applicable bonuses in Chapter 8.

Large Cities:

TABLE 2.1 DEVELOPMENT STANDARDS - DETACHED SINGLE-UNIT AND DUPLEX: LARGE CITIES	
Minimum Size for New Lots (see Section 10.1.1) Section 10.1.1 includes details about how lot size is determined as well as exceptions. Minimum lot size would apply to the creation of new lots only (excluding through middle housing land divisions). Housing development on existing lots would not be subject to this standard, although minimum density and maximum FAR would still apply. Lot size averaging would also be allowed.	5,000 sf
Maximum Floor Area Ratio (FAR) (see Section 10.1.2) The draft approach increases FAR by the number of units on a site, creating more flexibility and effectively giving a bonus for more housing units. Note (1) allows up to 1,000 sf of floor area for an added unit (ADU or second unit in a duplex), even if maximum FAR is exceeded. Chapter 8 offers additional FAR bonuses for affordable and/or accessible projects. FAR includes area dedicated to garages. See Section 10.1.2 for additional details about how FAR is calculated as well as exceptions (e.g., accessory structures under a certain size.)	
<ul style="list-style-type: none"> 1 total dwelling unit 	0.6 to 1
<ul style="list-style-type: none"> 2 to 3 total dwelling units (Duplex or DSU + up to 2 ADUs) (1) 	0.9 to 1
Maximum Building/Structure Height (see Section 10.1.3) Section 10.1.3 includes details about how height is calculated (vertical distance from the grade plane to the average height of the highest roof structure) and well as alternative measurements for steeply sloped lots and exceptions for appurtenances such as roof mounted solar panels.	35 ft
Minimum Density (see Section 10.1.4) The minimum density shown is the equivalent of 8 units/net acre. In order to avoid penalizing sites with constrained lands minimum density is based on the net site area. Section 10.1.4 includes details about how minimum density is calculated. Affordable housing projects would have the option of calculating density on a “per bedroom” basis.	1 unit per 5,700 sf of net site area
Minimum Setbacks (see Section 10.1.5) Section 10.1.5 includes details about how setbacks are measured. Exceptions are provided	

2 – Detached Single-Unit and Duplex

TABLE 2.1 DEVELOPMENT STANDARDS - DETACHED SINGLE-UNIT AND DUPLEX: LARGE CITIES	
for a range of building elements (e.g., eaves, trim, bay windows, ramps, etc.) and could be provided for covered porches and entrances as well. To encourage alleys, where a rear lot line abuts an alley, one half of the width of the alley will count toward meeting the rear setback. Garage entrance setbacks apply to front and street side lot lines, not alley lot lines.	
<ul style="list-style-type: none"> • Front building setback 	5 ft
<ul style="list-style-type: none"> • Side building setback 	5 ft
<ul style="list-style-type: none"> • Rear building setback 	5 ft
<ul style="list-style-type: none"> • Garage entrance setback 	18 ft
Required Outdoor Area and Usable Open Space (see Section 10.1.6) Section 10.1.6 includes details about how required outdoor area and usable open space are calculated. The intention is to keep the list very flexible. All areas not covered by building or vehicle parking/circulation could be counted toward required outdoor area. Useable open space is not required for detached single-unit dwellings and duplexes.	
<ul style="list-style-type: none"> • Required Outdoor Area 	15% of lot area
<ul style="list-style-type: none"> • Usable Open Space 	None
Vehicle Parking (see Section 10.1.7) Section 10.1.7 includes details about how off-street vehicle parking spaces are measured and calculated. For parking minimums (if any), there would be a credit for adjacent on-street spaces.	
<ul style="list-style-type: none"> • Minimum number of off-street spaces 	None
<ul style="list-style-type: none"> • Maximum number of off-street spaces 	2 spaces per unit
Minimum Number of Bicycle Parking Spaces (see Section 10.1.8)	
<ul style="list-style-type: none"> • Short-term Spaces 	None
<ul style="list-style-type: none"> • Long-term Spaces 	None
NOTES: (1) If an additional unit is added to a lot with an existing dwelling unit that has been in place for at least 5 years, and the existing unit will be retained, up to 1,000 square feet of floor area is permitted even if it exceeds the maximum FAR.	

2 – Detached Single-Unit and Duplex

Medium Cities: – Recommended for cities below 10,000 population

TABLE 2.1 DEVELOPMENT STANDARDS - DETACHED SINGLE-UNIT AND DUPLEX: MEDIUM CITIES	
Minimum Size for New Lots (see Section 10.1.1)	5,000 sf
Maximum Floor Area Ratio (FAR) (see Section 10.1.2)	
• 1 total dwelling unit	0.6 to 1
• 2 to 3 total dwelling units (Duplex or DSU + up to 2 ADUs)	0.8 to 1
Maximum Building/Structure Height (see Section 10.1.3)	35 ft
Minimum Density (see Section 10.1.4) Equivalent to 8 units / net acre	1 unit per 5,700 sf of net site area
Minimum Setbacks (see Section 10.1.5)	
• Front building setback	5 ft
• Side building setback	5 ft
• Rear building setback	5 ft
• Garage entrance setback	18 ft
Required Outdoor Area and Usable Open Space (see Section 10.1.6)	
• Required Outdoor Area	15% of lot area
• Usable Open Space	None
Vehicle Parking (see Section 10.1.7)	
• Minimum number of off-street spaces (affordable housing, ADUs, and dwelling units 1,000 sf or less in size are exempt)	1 space per unit
• Maximum number of off-street spaces	None
Minimum Number of Bicycle Parking Spaces (see Section 10.1.8)	
• Short-term Spaces	None
• Long-term Spaces	None
NOTES: (1) If an additional unit is added to a lot with an existing dwelling unit that has been in place for at least 5 years, and the existing unit will be retained, up to 1,000 square feet of floor area is permitted even if it exceeds the maximum FAR.	

2 – Detached Single-Unit and Duplex

Small Cities: – Recommended

TABLE 2.1 DEVELOPMENT STANDARDS - DETACHED SINGLE-UNIT AND DUPLEX: SMALL CITIES	
Minimum Size for New Lots (see Section 10.1.1)	5,000 sf
Maximum Floor Area Ratio (FAR) (see Section 10.1.2)	
• 1 total dwelling unit	0.6 to 1
• 2 total dwelling units (Duplex or DSU + ADU)	0.7 to 1
Maximum Building/Structure Height (see Section 10.1.3)	35 ft
Minimum Density (see Section 10.1.4)	None
Minimum Setbacks (see Section 10.1.5)	
• Front building setback	5 ft
• Side building setback	5 ft
• Rear building setback	5 ft
• Garage entrance setback	18 ft
Required Outdoor Area and Usable Open Space (see Section 10.1.6)	
• Required Outdoor Area	20% of lot area
• Usable Open Space	None
Vehicle Parking (see Section 10.1.7)	
• Minimum number of off-street spaces (affordable housing, ADUs, and dwelling units 1,000 sf or less in size are exempt)	1 space per unit
• Maximum number of off-street spaces	None
Minimum Number of Bicycle Parking Spaces (see Section 10.1.8)	
• Short-term Spaces	None
• Long-term Spaces	None
NOTES: (1) If an additional unit is added to a lot with an existing dwelling unit that has been in place for at least 5 years, and the existing unit will be retained, up to 1,000 square feet of floor area is permitted even if it exceeds the maximum FAR.	

2 – Detached Single-Unit and Duplex

2.2 Design Standards - Detached Single-Unit and Duplex

2.2.1 Entry Orientation and Pedestrian Connectivity

A. Standard. At least one main entrance for each residential structure must meet the following standards:

1. Be no more than 8 feet further back, as measured from the front lot line, than the plane of the longest street-facing wall of the front facade of the structure, and must:
 - 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 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; and
 - iii. If a covered patio is used to meet this standard, it must be at-grade and barrier-free and access must be available via an accessible pathway.
2. Connect to the sidewalk by a hard-surfaced pathway other than a driveway. Where there is no sidewalk abutting the property, the pathway may terminate at the street lot line.

B. Exceptions.

1. Any detached structure for which more than 50 percent of its street-facing facade is separated from the street property line by a dwelling or buildable lot is exempt from meeting these standards.
2. Accessory dwelling units are exempt from meeting these standards.

2 – Detached Single-Unit and Duplex

Note, in the final Model Code, steps will be removed from all diagrams to avoid implying that stairs are encouraged or required.

Figure 2.2.1.a. Main Entrance Facing the Street

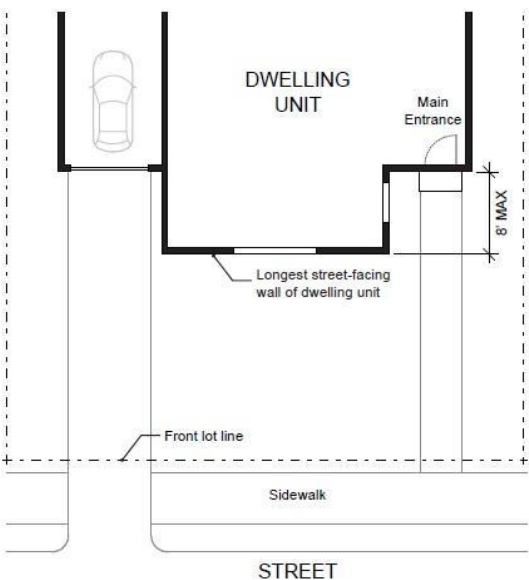


Figure 2.2.1.b. Main Entrance at 45° Angle from the Street

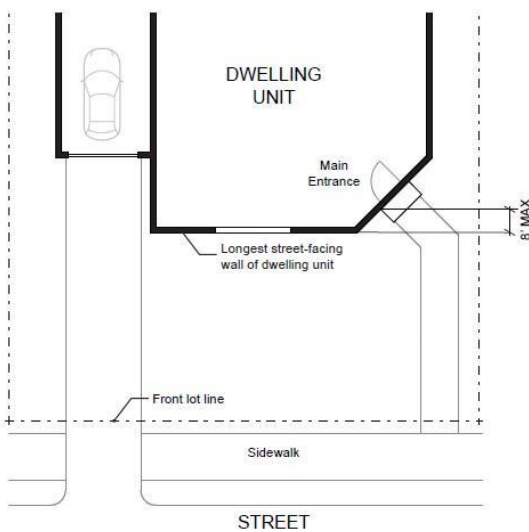
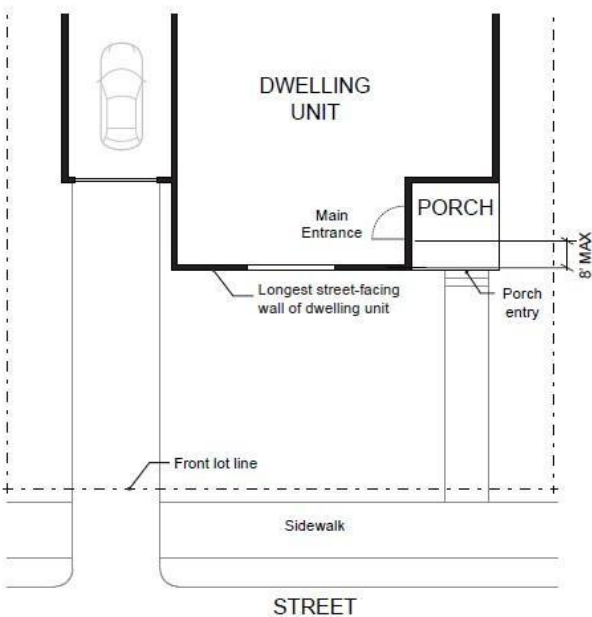


Figure 2.2.1.c. Main Entrance Opening onto a Porch



2 – Detached Single-Unit and Duplex

For discussion – additional standards from Climate-Friendly & Equitable Communities (CFEC) Walkable Design Standards.

[X.X.X 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. The main entrance must be set back at least 5 feet from the street lot line and have at least two of the following within the setback:

1. A wall or fence that is 18 to 36 inches high;
2. Landscaping that meets the [local planting standard];
3. For each street-facing entrance, one small canopy tree between 1.5 and 6 inches in diameter, that will achieve a mature canopy spread of at least 10 feet;
4. Common or private open space outdoor area of at least 48 square feet designed so that a 4-foot by 6-foot dimension will fit entirely within it.]

2.2.2 Windows and Doors

- A. Standard.** A minimum of 15 percent of the area of all street-facing facades (other than those facing an alley) must include windows or entrance doors. See Section 10.1.9 for measurement methodology.
- B. Exceptions.** Facades separated from the street property line by a dwelling or buildable lot are exempt from meeting this standard.

2.2.3 Off-Street Parking Areas

A. Standards.

1. Garages and off-street parking areas shall not be located between a building and a public street (other than an alley), except in compliance with the standards in subsections (a) or (b).
 - a. The garage or off-street parking area is separated from the street property line by a dwelling; or
 - b. The combined width of all garages and outdoor on-site parking and maneuvering areas does not exceed a total of 50 percent of the street frontage (see Figure 2.2.3.a).
2. The total width of all driveway approaches must not exceed 32 feet, as measured at the property lines.

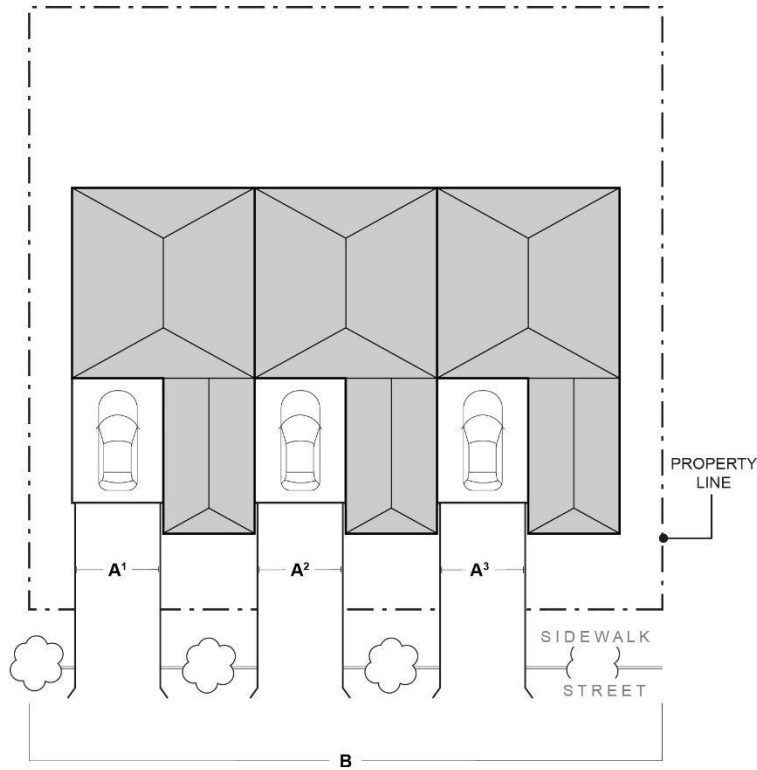
B. Exceptions.

1. Accessible or adaptable dwellings are exempt from Standard (A)(1). This exemption allows accessible or adaptable dwellings to have wider driveways to accommodate vans and loading space.
2. Alley-access lots or parcels are exempt from Standard (A)(2).

2 – Detached Single-Unit and Duplex

Figure 2.2.3.a. Width of Garages and Parking Areas

Note, an updated figure will be needed if the final Model Code includes this standard for DSU and duplex.



- (A) Garage and on-site parking and maneuvering areas
- (B) Total street frontage

$$\frac{A^1 + A^2 + A^3}{B} \leq 50\%$$

2.2.4 Unit Configuration

The Model Code enables additional flexibility to allow detached duplex configurations where certain size, affordability, or adaptability standards are met. The current draft allows one detached unit (an ADU or duplex unit) provided it's a small unit under 1,000 sf. Larger detached units are allowed if they are affordable or accessible, per bonus options in Chapter 8.

A. Standard.

- I. Duplex units must be attached to each other except as provided in subsection (B).

2 – Detached Single-Unit and Duplex

2. Accessory dwelling units may be attached to a single-unit dwelling or detached in accordance with Chapter 7.

B. Exceptions. Detached duplex units are permitted only where:

1. No more than one detached unit on the lot exceeds 1,000 square feet; or
2. The unit(s) are qualified projects in accordance with the bonus provisions in Chapter 8.

Chapter 3 – Triplex and Quadplex

Note, the Model Code is intended to be organized so that a city can adopt by reference the standards for a single type of housing. The final version of the code may need to break apart the Triplex and Quadplex provisions, or otherwise clarify how they can be adopted separately, by reference.

Sections:

3.1 Development Standards – Triplex and Quadplex

3.2 Design Standards – Triplex and Quadplex

3.1 Development Standards

The development standards in Table 3.1 apply to Triplexes and Quadplexes. 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. For qualified projects, the standards in Table 3.1 may be modified by the applicable bonuses in Chapter 8.

Large Cities:

TABLE 3.1 DEVELOPMENT STANDARDS - TRIPLEX AND QUADPLEX: LARGE CITIES	
Minimum Size for New Lots (see Section 10.1.1)	
• Triplex or Quadplex	5,000 sf
Maximum Floor Area Ratio (FAR) (see Section 10.1.2)	
• 3 total dwelling units (Triplex) On a 5,000 sf lot, this translates to an average unit size of ~1,833 sf	1.1 to 1
• 4 total dwelling units (Quadplex)	1.4 to 1
Maximum Building/Structure Height (see Section 10.1.3)	35 ft
Minimum Density (see Section 10.1.4) This is the equivalent of approximately 16 units / net acre	1 unit per 2,720 sq ft. of net site area
Minimum Setbacks (see Section 10.1.5)	
• Front building setback	5 ft
• Side building setback	5 ft
• Rear building setback	5 ft
• Garage entrance setback	5/18 ft
Required Outdoor Area and Usable Open Space (see Section 10.1.6)	
• Required Outdoor Area	15% of lot area
• Usable Open Space	None
Vehicle Parking (see Section 10.1.7)	
• Minimum number of off-street spaces	None
• Maximum number of off-street spaces	2 spaces per unit

3 – Triplex and Quadplex

TABLE 3.1 DEVELOPMENT STANDARDS - TRIPLEX AND QUADPLEX: LARGE CITIES	
Minimum Number of Bicycle Parking Spaces (see Section 10.1.8)	
• Short-term Spaces	None
• Long-term Spaces	None

Medium Cities: – Recommended for cities below 10,000 population

TABLE 3.1 DEVELOPMENT STANDARDS - TRIPLEX AND QUADPLEX: MEDIUM CITIES	
Minimum Size for New Lots (see Section 10.1.1)	
• Triplex or Quadplex	5,000 sf
Maximum Floor Area Ratio (FAR) (see Section 10.1.2)	
• 3 total dwelling units (Triplex)	1.1 to 1
• 4 total dwelling units (Quadplex)	1.2 to 1
Maximum Building/Structure Height (see Section 10.1.3)	35 ft
Minimum Density (see Section 10.1.4) This is the equivalent of approximately 12 units / net acre	1 unit per 3,630 sf of net site area
Minimum Setbacks (see Section 10.1.5)	
• Front building setback	5 ft
• Side building setback	5 ft
• Rear building setback	5 ft
• Garage entrance setback	18 ft
Required Outdoor Area and Usable Open Space (see Section 10.1.6)	
• Required Outdoor Area	15% of lot area
• Usable Open Space	None
Vehicle Parking (see Section 10.1.7)	
• Minimum number of off-street spaces (affordable housing and dwelling units 1,000 sf or less in size are exempt) This is generally aligned with the Middle Housing Model Code.	1 space per triplex 2 spaces per quadplex
• Maximum number of off-street spaces	None
Minimum Number of Bicycle Parking Spaces (see Section 10.1.8)	
• Short-term Spaces	None
• Long-term Spaces	None

3 – Triplex and Quadplex

Small Cities: - Recommended

TABLE 3.1 DEVELOPMENT STANDARDS – TRIPLEX AND QUADPLEX: SMALL CITIES	
Minimum Size for New Lots (see Section 10.1.1)	
<ul style="list-style-type: none"> • Triplex or Quadplex 	5,000 sf
Maximum Floor Area Ratio (FAR) (see Section 10.1.2)	
<ul style="list-style-type: none"> • 3 total dwelling units (Triplex) 	1.0 to 1
<ul style="list-style-type: none"> • 4 total dwelling units (Quadplex) 	1.1 to 1
Maximum Building/Structure Height (see Section 10.1.3)	35 ft
Minimum Density (see Section 10.1.4)	None
Minimum Setbacks (see Section 10.1.5)	
<ul style="list-style-type: none"> • Front building setback 	5 ft
<ul style="list-style-type: none"> • Side building setback 	5 ft
<ul style="list-style-type: none"> • Rear building setback 	5 ft
<ul style="list-style-type: none"> • Garage entrance setback 	18 ft
Required Outdoor Area and Usable Open Space (see Section 10.1.6)	
<ul style="list-style-type: none"> • Required Outdoor Area 	20% of lot area
<ul style="list-style-type: none"> • Usable Open Space 	None
Vehicle Parking (see Section 10.1.7)	
<ul style="list-style-type: none"> • Minimum number of off-street spaces (affordable housing and dwelling units 1,000 sf or less in size are exempt) 	1 space per triplex 2 spaces per quadplex
<ul style="list-style-type: none"> • Maximum number of off-street spaces 	None
Minimum Number of Bicycle Parking Spaces (see Section 10.1.8)	
<ul style="list-style-type: none"> • Short-term Spaces 	None
<ul style="list-style-type: none"> • Long-term Spaces 	None

3 – Triplex and Quadplex

3.2 Design Standards - Triplex and Quadplex

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:

1. Be no more than 8 feet further back, as measured from the front lot line, than the plane of the longest street-facing wall of the front facade of the structure.
2. Be oriented to:
 - 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
 - c. Open onto a covered porch or 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; and
 - iii. If a covered patio is used to meet this standard, it must be at-grade and barrier-free and access must be available via an accessible pathway.
3. Connect to the sidewalk by a hard-surfaced pathway other than a driveway. Where there is no sidewalk abutting the property, the pathway may terminate at the street lot line.

B. Exceptions.

1. Any detached structure for which more than 50 percent of its street-facing facade is separated from the street property line by a dwelling or buildable lot is exempt from meeting these standards.

3 – Triplex and Quadplex

Note, in the final Model Code, steps will be removed from all diagrams to avoid implying that stairs are encouraged or required.

Figure 3.2.1.a. Main Entrance Facing the Street

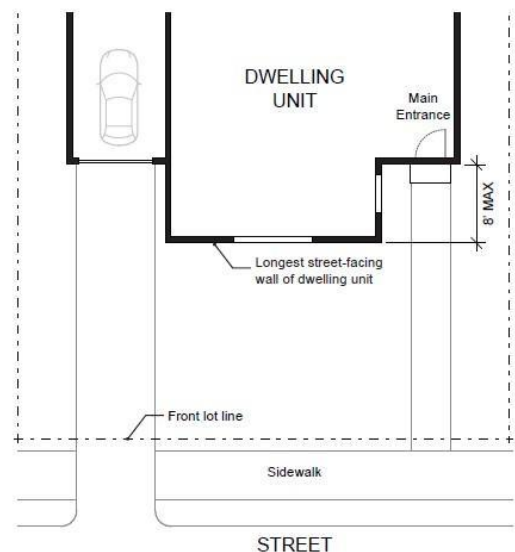


Figure 3.2.1.b. Main Entrance at 45° Angle from the Street

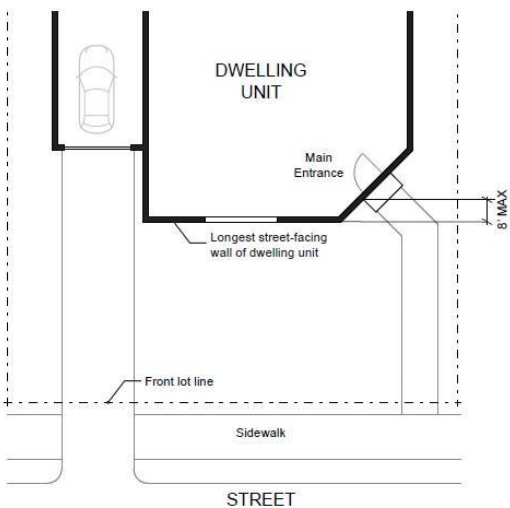


Figure 3.2.1.c. Main Entrance Opening onto a Porch

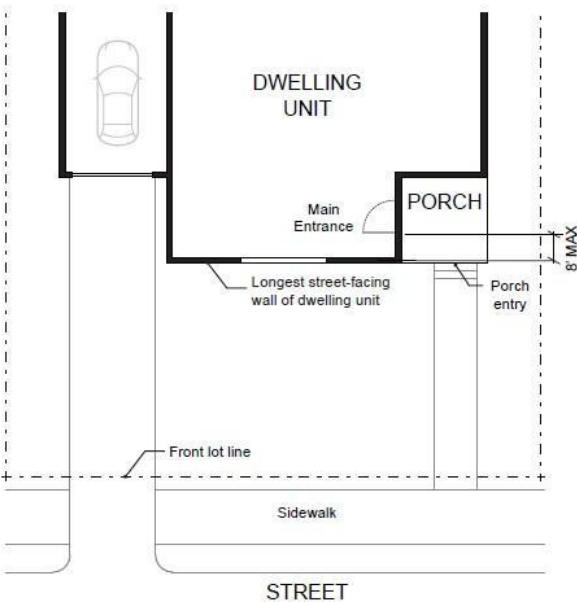
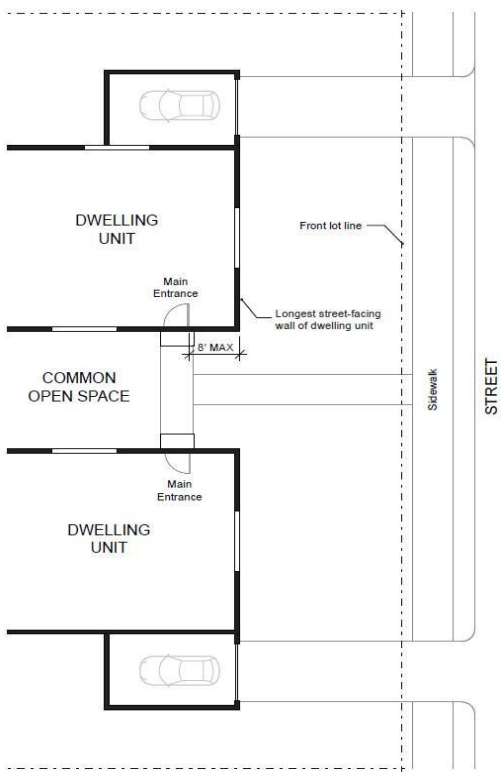


Figure 3.2.1.d. Main Entrance Facing Common Open Space



3 – Triplex and Quadplex

For discussion – additional standards from CFEC Walkable Design Standards Model Code.

[X.X.X 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. The main entrance must be set back at least 5 feet from the street lot line and have at least two of the following within the setback:

1. A wall or fence that is 18 to 36 inches high;
2. Landscaping that meets the [local planting standard];
3. For each street-facing entrance, one small canopy tree between 1.5 and 6 inches in diameter, that will achieve a mature canopy spread of at least 10 feet;
4. Common or private open space outdoor area of at least 48 square feet designed so that a 4-foot by 6-foot dimension will fit entirely within it.]

3.2.2 Windows and Doors

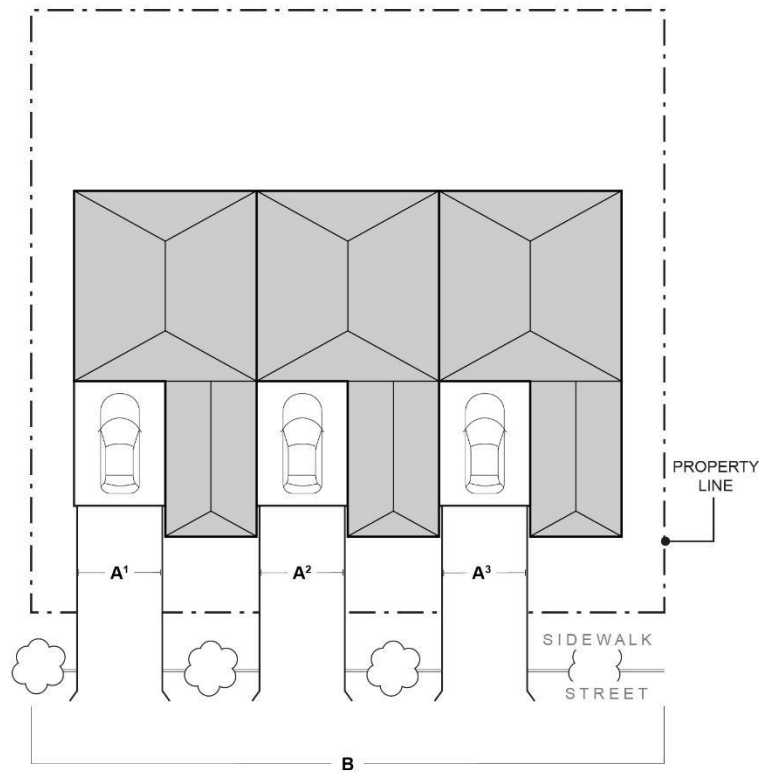
- A. Standard.** A minimum of 15 percent of the area of all street-facing facades (other than those facing an alley) must include windows or entrance doors. See Section 10.1.9 for measurement methodology.
- B. Exceptions.** Facades separated from the street property line by a dwelling or buildable lot are exempt from meeting this standard.

3.2.3 Garages and Off-Street Parking Areas

- A. Standard.** Garages and off-street parking areas shall not be located between a building and a public street (other than an alley), except in compliance with the standards in subsections (1) or (2).
 1. The garage or off-street parking area is separated from the street property line by a dwelling; or
 2. The combined width of all garages and outdoor on-site parking and maneuvering areas does not exceed a total of 50 percent of the street frontage (see Figure 3.2.3.a).
- B. Exceptions.**
 1. Accessible dwellings are exempt from meeting this standard.

3 – Triplex and Quadplex

Figure 3.2.3.a. Width of Garages and Parking Areas



- (A) Garage and on-site parking and maneuvering areas
- (B) Total street frontage

$$\frac{A^1 + A^2 + A^3}{B} \leq 50\%$$

3.2.4 Driveway Approach

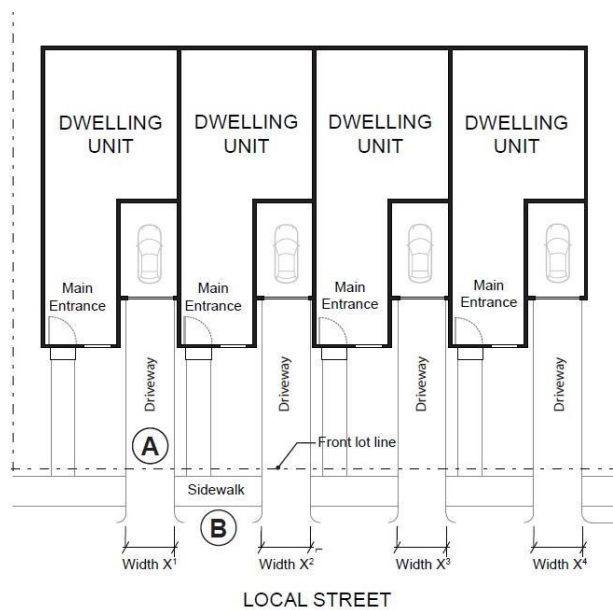
A. Standard. Driveway approaches must comply with the following:

1. The total width of all driveway approaches must not exceed 32 feet per frontage, as measured at the property line (see Figure 3.2.4.a). For lots or parcels 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 jurisdiction's driveway spacing standards applicable to local streets.
3. In addition, lots or parcels with more than one frontage must comply with the following:

3 – Triplex and Quadplex

- a. Lots or parcels must access the street with the lowest transportation classification for vehicle traffic. For lots or parcels abutting an improved alley (defined as an alley that meets the jurisdiction's standards for width and pavement), access must be taken from the alley (see b).
- b. Lots or parcels with frontages only on collectors and/or arterial streets must meet the jurisdiction's access standards applicable to collectors and/or arterials.
- c. Triplexes and quadplexes on lots or parcels with frontages only on local streets may have either:
 - i. Two driveway approaches not exceeding 32 feet in total width on one frontage; or
 - ii. One maximum 16-foot-wide driveway approach per frontage (see Figure 3.2.4.c).

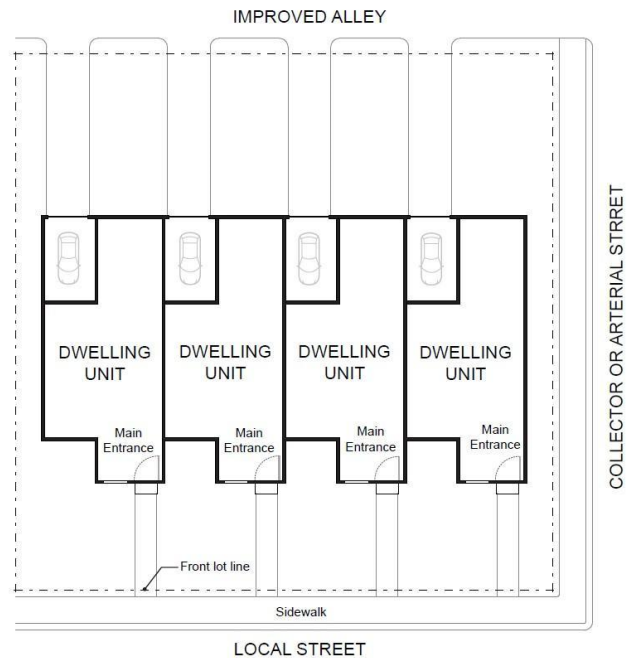
Figure 3.2.4.a. Driveway Approach Width and Separation on Local Street



(A) $X^1 + X^2 + X^3 + X^4$ must not exceed 32 feet per frontage,

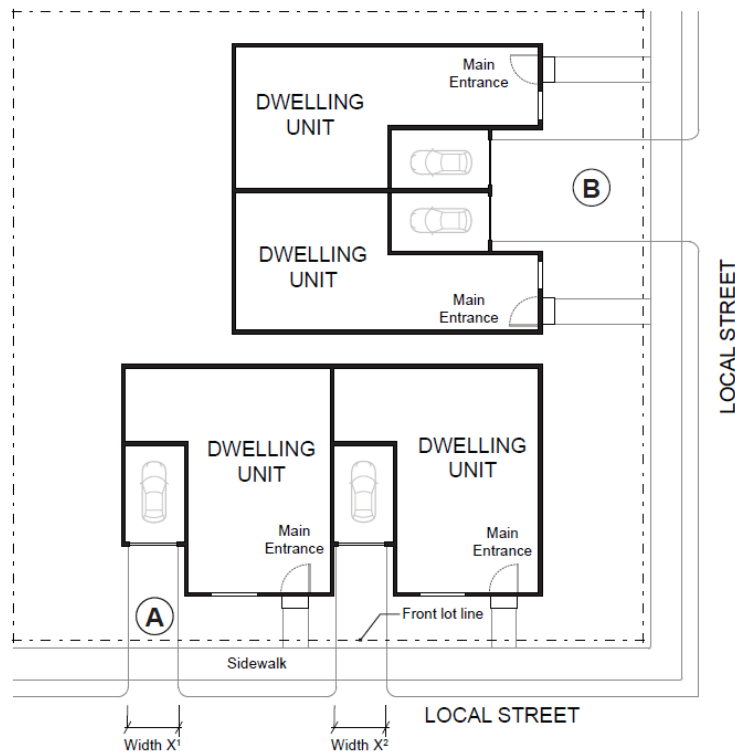
(B) Driveway approaches may be separated when located on a local street

Figure 3.2.4.b. Alley Access



3 – Triplex and Quadplex

Figure 3.2.4.c. Driveway Approach Options for Multiple Local Street Frontages



Options for site with more than one frontage on local streets:

- (A)** Two driveway approaches not exceeding 32 feet in total width on one frontage (as measured $X1 + X2$); or
- (B)** One maximum 16-foot-wide driveway approach per frontage.

(Note: Both options are depicted here for illustrative purposes only. The standards do not allow both Options A and B on the same site.)

B. Exceptions.

- I. Accessible dwellings are exempt from meeting the standards in subsections I and 3.c.

3.2.5 Trash Storage

A. Standard.

- I. Unless stored within a building, shared storage facilities for trash receptacles and recycling shall be oriented away from building entrances, separated from residences on abutting properties by at least 5 feet, and shall be screened with an evergreen hedge or solid fence or wall of not less than 5 feet in height.

B. Exceptions. None.

3 – Triplex and Quadplex

3.2.6 Unit Configuration

- A. Standard.** The units in a triplex or quadplex must be attached to each other except as provided in subsection (B).
- B. Exceptions.** Detached triplex or quadplex units are permitted only where:
 - 1. No more than one detached unit on the lot exceeds 1,000 square feet; or
 - 2. The unit(s) qualify for a bonus in accordance with the provisions in Chapter 8.

Chapter 4 – Townhouse

Sections:

4.1 Development Standards – Townhouse

4.2 Design Standards – Townhouse

4.1 Development Standards

The development standards in Table 4.1 apply to Townhouses. FAR, minimum density, and outdoor area standards are calculated based on the entire townhouse project (not each townhouse lot). For qualified projects, the standards in Table 4.1 may be modified by the applicable bonuses in Chapter 8.

Large Cities:

TABLE 4.1 DEVELOPMENT STANDARDS - TOWNHOUSE: LARGE CITIES	
Minimum Size for New Lots (see Section 10.1.1) See allowances for lot size averaging in 10.1.1	1,250 sf
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 10.1.2)	1.4 to 1
Maximum Building/Structure Height (see Section 10.1.3)	35 ft
Maximum Number of Attached Townhouses per Structure	6 Townhouses
Minimum Density (see Section 10.1.4) This is the equivalent of approximately 16 units / net acre	1 unit per 2,720 sq ft. of net site area
Minimum Setbacks (see Section 10.1.5)	
• Front building setback	5 ft
• Side building setback (common wall lot line where units are attached is 0 feet)	0 / 5 ft
• Rear building setback	5 ft
• Garage entrance setback	5/18 ft
Required Outdoor Area and Usable Open Space (see Section 10.1.6)	
• Required Outdoor Area	15% of site area
• Usable Open Space	None
Vehicle Parking (see Section 10.1.7)	
• Minimum number of off-street spaces	None
• Maximum number of off-street spaces	2 spaces per unit
Minimum Number of Bicycle Parking Spaces (see Section 10.1.8)	
• Short-term Spaces	None
• Long-term Spaces	None

4 – Townhouse

TABLE 4.1 DEVELOPMENT STANDARDS - TOWNHOUSE: LARGE CITIES

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 jurisdiction prior to issuance of a building permit.

Medium Cities: – Recommended for cities below 10,000

TABLE 4.1 DEVELOPMENT STANDARDS - TOWNHOUSE: MEDIUM CITIES

Minimum Size for New Lots (see Section 10.1.1)	1,500 sf
Maximum Floor Area Ratio (FAR) (see Section 10.1.2)	1.2 to 1
Maximum Building/Structure Height (see Section 10.1.3)	35 ft
Maximum Number of Attached Townhouses per Structure	6 Townhouses
Minimum Density (see Section 10.1.4) This is the equivalent of approximately 12 units / net acre	1 unit per 3,630 sf of net site area
Minimum Setbacks (see Section 10.1.5)	
• Front building setback	5 ft
• Side building setback (common wall lot line where units are attached is 0 feet)	0 / 5 ft
• Rear building setback	5 ft
• Garage entrance setback	5/18 ft
Required Outdoor Area and Usable Open Space (see Section 10.1.6)	
• Required Outdoor Area	15% of site area
• Usable Open Space	None
Vehicle Parking (see Section 10.1.7)	
• Minimum number of off-street spaces (affordable housing and dwelling units 1,000 sf or less in size are exempt)	1 space per unit
• Maximum number of off-street spaces	None
Minimum Number of Bicycle Parking Spaces (see Section 10.1.8)	
• Short-term Spaces	None
• Long-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 jurisdiction prior to issuance of a building permit.	

Small Cities: – Recommended

TABLE 4.1 DEVELOPMENT STANDARDS – TOWNHOUSE: SMALL CITIES

Minimum Size for New Lots (see Section 10.1.1)	1,800 sf
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4 – Townhouse

TABLE 4.1 DEVELOPMENT STANDARDS – TOWNHOUSE: SMALL CITIES	
Maximum Floor Area Ratio (FAR) (see Section 10.1.2)	1.0 to 1
Maximum Building/Structure Height (see Section 10.1.3)	35 ft
Maximum Number of Attached Townhouses per Structure	4 Townhouses
Minimum Density (see Section 10.1.4)	None
Minimum Setbacks (see Section 10.1.5)	
• Front building setback	5 ft
• Side building setback (common wall lot line where units are attached is 0 feet)	0 / 5 ft
• Rear building setback	5 ft
• Garage entrance setback	18 ft
Required Outdoor Area and Usable Open Space (see Section 10.1.6)	
• Required Outdoor Area	20% of site area
• Usable Open Space	None
Vehicle Parking (see Section 10.1.7)	
• Minimum number of off-street spaces (affordable housing and dwelling units 1,000 sf or less in size are exempt)	1 space per unit
• Maximum number of off-street spaces	None
Minimum Number of Bicycle Parking Spaces (see Section 10.1.8)	
• Short-term Spaces	None
• Long-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 jurisdiction prior to issuance of a building permit.	

4.2 Design Standards - Townhouse

4.2.1 Entry Orientation and Pedestrian Connectivity

A. Standard. The main entrance of each townhouse must comply with the all the following standards:

1. Be no more than 8 feet further back, as measured from the front lot line, than the plane of the longest street-facing wall of the front facade of the structure.
2. Be oriented to:
 - a. Face the street (see Figure 4.2.1.a),
 - b. Be at an angle of up to 45 degrees from the street (see Figure 4.2.1.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 4.2.1.c); or
 - d. Open onto a covered porch or patio (see Figure 4.2.1.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.
 - iii. If a covered patio is used to meet this standard, it must be at-grade and barrier-free and access must be available via an accessible pathway.
3. Connect to the sidewalk by a hard-surfaced pathway other than the driveway. Where there is no sidewalk abutting the property, the pathway may terminate at the street lot line.

B. Exceptions.

1. Townhouses on lots that do not have public street frontage are exempt from meeting these standards.

4 – Townhouse

Note, in the final Model Code, steps will be removed from all diagrams to avoid implying that stairs are encouraged or required.

Figure 4.2.1.a. Main Entrance Facing the Street

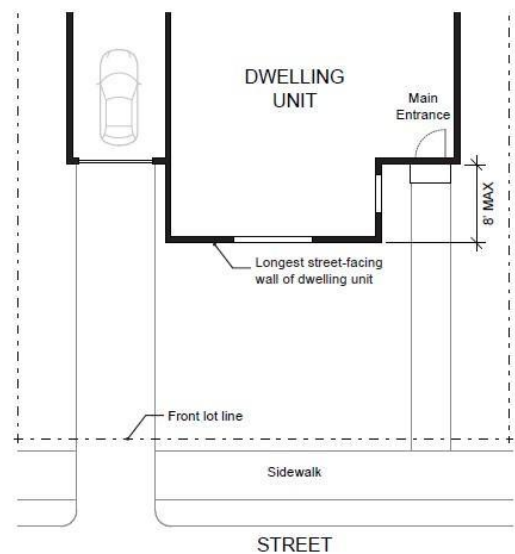
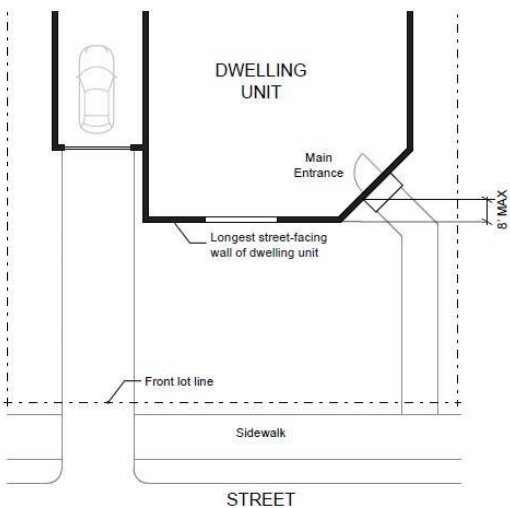


Figure 4.2.1.b. Main Entrance at 45° Angle from the Street



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Figure 4.2.1.c. Main Entrance Opening onto a Porch

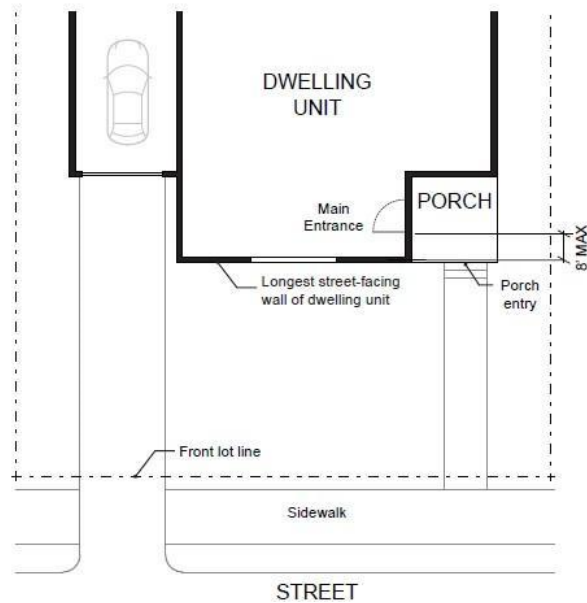
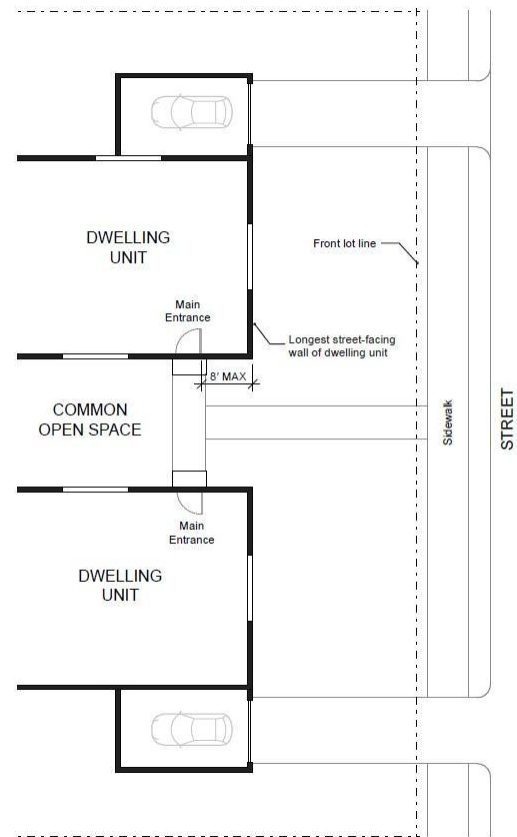


Figure 4.2.1.d. Main Entrance Facing Common Open Space



For discussion – additional standards from CFEC Walkable Design Standards.

[X.X.X 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. The main entrance must be set back at least 5 feet from the street lot line and have at least two of the following within the setback:

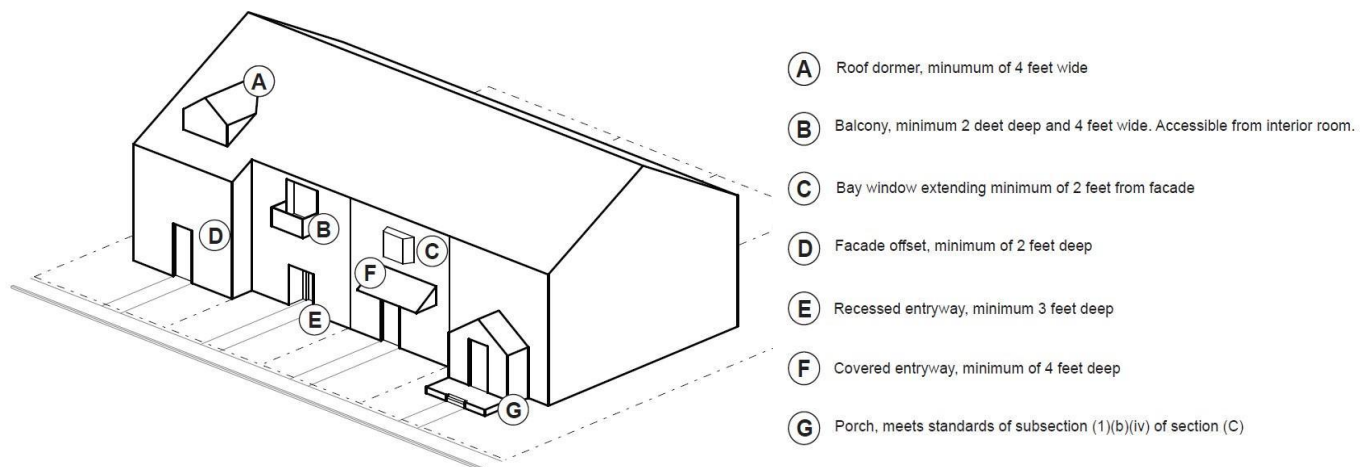
1. A wall or fence that is 18 to 36 inches high;
2. Landscaping that meets the [local planting standard];
3. For each street-facing entrance, one small canopy tree between 1.5 and 6 inches in diameter, that will achieve a mature canopy spread of at least 10 feet;
4. Common or private outdoor area of at least 48 square feet designed so that a 4-foot by 6-foot dimension will fit entirely within it.]

4 – Townhouse

4.2.2 Unit definition

- A. Standard.** Each townhouse must include at least one of the following on at least one street-facing façade (see Figure 4.2.2.a):
1. A roof dormer a minimum of 4 feet in width.
 2. A balcony a minimum of 2 feet in depth and 4 feet in width and accessible from an interior room.
 3. A bay window that extends from the facade a minimum of 2 feet.
 4. An offset of the facade of a minimum of 2 feet in depth, either from the neighboring townhouse or within the façade of a single townhouse.
 5. An entryway that is recessed a minimum of 3 feet.
 6. A covered entryway with a minimum depth of 4 feet.
 7. A porch meeting the standards of subsection 4.2.1(A)(2)(d).
- B. Exceptions.** Facades separated from the street property line by a dwelling are exempt from meeting this standard.

Figure 4.2.2.a. Townhouse Unit Definition



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4.2.3 Windows and Doors

- A. Standard.** A minimum of 15 percent of the area of all street-facing facades (other than those facing an alley) on each individual unit must include windows or entrance doors. See Section 10.1.9 for measurement methodology.
- B. Exceptions.** Facades separated from the street property line by a dwelling or buildable lot are exempt from meeting this standard.

4.2.4 Driveway Access and Parking

The standards in this section are adapted from the Middle Housing Model Code. However, other model codes and locally-adopted standards may also provide acceptable approaches for driveway width and spacing.

- A. Standard.** Townhouses with frontage on a public street shall either meet the standards in subsection (1) or subsection (2).
 - 1. Where garage entrances, off-street parking areas and driveways are located on the front façade, in the front yard, or in front of a townhouse the following standards shall be met (see Figure 4.2.4.a).
 - a. Each townhouse lot shall at least 15 feet of street frontage on a local street, as designated in the city's adopted Transportation System Plan.
 - b. A maximum of one driveway approach is allowed for every townhouse. Driveway approaches and/or driveways may be shared.
 - c. Outdoor on-site parking and maneuvering areas shall not exceed 12 feet wide on any lot.
 - d. The garage width shall not exceed 12 feet, as measured from the inside of the garage door frame.
 - e. This standard does not supersede a city's local driveway separation standards.
 - 2. For all other configurations of driveway access and parking, the following standards shall be met.
 - a. Off-street parking areas shall be accessed on the back façade or located in the rear yard. No off-street parking shall be allowed in the front yard or side yard of a townhouse.
 - b. 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.
 - c. Townhouse projects that do not include a corner lot shall consolidate access for all lots into a single driveway. The driveway and approach are not allowed in the area directly between the front façade and front lot line of any of the townhouses. See Figure 4.2.4.c.
 - d. A townhouse project that includes consolidated access or shared driveways shall grant access easements to allow normal vehicular access and emergency access.

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- B. Exceptions.** Townhouse projects in which vehicular access for all units is exclusively from a rear alley are exempt from compliance with this standard.

4.2.5 Trash Storage

A. Standard.

- I. Unless stored within a building, shared storage facilities for trash receptacles and recycling shall be oriented away from building entrances, separated from residences on abutting properties by at least 5 feet, and shall be screened with an evergreen hedge or solid fence or wall of not less than 5 feet in height.

- B. Exceptions.** None.

4 – Townhouse

Figure 4.2.4.a. Townhouses with Parking in Front Yard

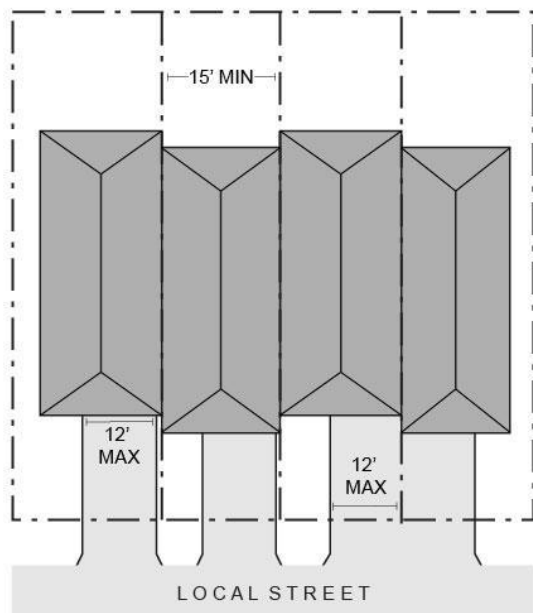


Figure 4.2.4.b. Townhouses on Corner Lot with Shared Access

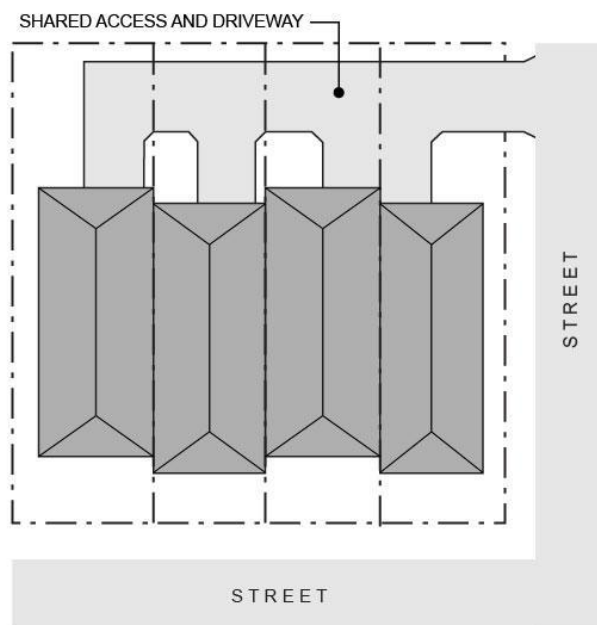
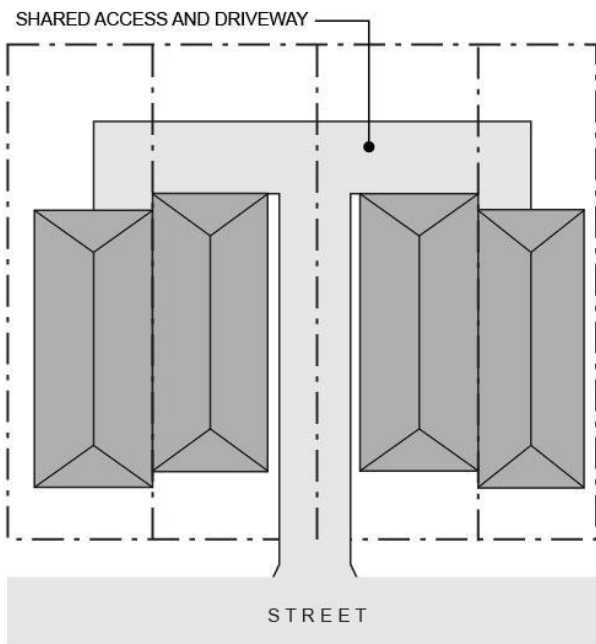


Figure 4.24.c. Townhouses with Consolidated Access



5 – Cottage Cluster

Chapter 5 – Cottage Cluster

Sections:

5.1 Development Standards – Cottage Cluster

5.2 Design Standards - Cottage Cluster

5.1 Development Standards - Cottage Cluster

The development standards in Table 5.1 apply to Cottage Clusters. 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. For qualified projects, the standards in Table 5.1 may be modified by the applicable bonuses in Chapter 8.

Large Cities:

TABLE 5.1 DEVELOPMENT STANDARDS - COTTAGE CLUSTER: LARGE CITIES	
Minimum Size for New Lots (see Section 10.1.1)	5,000 sf
Maximum Number of Cottages per Cottage Cluster	12 cottages
Maximum Floor Area Ratio (FAR) (see Section 10.1.2)	None
Maximum Average Floor Area per Dwelling Unit. Average of dwelling units and community buildings within the cottage cluster.	1,400 sf
Maximum Cottage Footprint	900 sf
Maximum Building/Structure Height (see Section 10.1.3)	25 ft or 2 stories whichever is greater
Minimum Density (see Section 10.1.4)	4 units/ac
Minimum Setbacks (see Section 10.1.5)	
• Front building setback	5 ft
• Side building setback	5 ft
• Rear building setback	5 ft
Required Open Space - Courtyard (see Section 5.2.2)	150 sf/cottage
Vehicle Parking (see Section 10.1.7)	
• Minimum number of off-street spaces	None
• Maximum number of off-street spaces	None
Minimum Number of Bicycle Parking Spaces (see Section 10.1.8)	
• Short-term Spaces	None
• Long-term Spaces	None
Areas Owned in Common	
This is a requirement for townhouses in the Middle Housing Model Code but may also be applicable to cottage clusters.	
[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	

5 – Cottage Cluster

TABLE 5.1 DEVELOPMENT STANDARDS - COTTAGE CLUSTER: LARGE CITIES

must be recorded and provided to the jurisdiction prior to issuance of a building permit.]

Medium Cities: – Recommended for cities below 10,000 population

TABLE 5.1 DEVELOPMENT STANDARDS - COTTAGE CLUSTER: MEDIUM CITIES

Minimum Size for New Lots (see Section 10.1.1)	5,000 sf
Maximum Number of Cottages per Cottage Cluster	10 cottages
Maximum Floor Area Ratio (FAR) (see Section 10.1.2)	None
Maximum Average Floor Area per Dwelling Unit. Average of dwelling units and community buildings within the cottage cluster.	1,400 sf
Maximum Cottage Footprint	900 sf
Maximum Building/Structure Height (see Section 10.1.3)	25 ft or 2 stories whichever is greater
Minimum Density (see Section 10.1.4)	4/ac
Minimum Setbacks (see Section 10.1.5)	
• Front building setback	5 ft
• Side building setback	5 ft
• Rear building setback	5 ft
Required Open Space - Courtyard (see Section 5.2.2)	150 sf/cottage
Vehicle Parking (see Section 10.1.7)	
• Minimum number of off-street spaces (affordable housing and dwelling units 1,000 sf or less in size are exempt)	1 space per unit
• Maximum number of off-street spaces	None
Minimum Number of Bicycle Parking Spaces (see Section 10.1.8)	
• Short-term Spaces	None
• Long-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 jurisdiction prior to issuance of a building permit.]	

Small Cities: – Recommended

TABLE 5.1 DEVELOPMENT STANDARDS - COTTAGE CLUSTER: SMALL CITIES

Minimum Size for New Lots (see Section 10.1.1)	5,000 sf
Maximum Number of Cottages per Cottage Cluster	8 cottages
Maximum Floor Area Ratio (FAR) (see Section 10.1.2)	None

5 – Cottage Cluster

TABLE 5.1 DEVELOPMENT STANDARDS - COTTAGE CLUSTER: SMALL CITIES	
Maximum Average Floor Area per Dwelling Unit. Average of dwelling units and community buildings within the cottage cluster. Since the scale of cottages is limited, no maximum FAR is included for cottage clusters.	1,400 sf
Maximum Building Cottage Footprint	900 sf
Maximum Building/Structure Height (see Section 10.1.3)	25 ft or 2 stories whichever is greater
Minimum Density (see Section 10.1.4)	4/ac
Minimum Setbacks (see Section 10.1.5)	
• Front building setback	5 ft
• Side building setback	5 ft
• Rear building setback	5 ft
Required Open Space - Courtyard (see Section 5.2.2)	150 sf/cottage
Vehicle Parking (see Section 10.1.7)	
• Minimum number of off-street spaces (affordable housing and dwelling units 1,000 sf or less in size are exempt)	1 space per unit
• Maximum number of off-street spaces	None
Minimum Number of Bicycle Parking Spaces (see Section 10.1.8)	
• Short-term Spaces	None
• Long-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 jurisdiction prior to issuance of a building permit.]	

5.2 Design Standards - Cottage Cluster

Cottage clusters shall meet the design standards in subsections 5.2.1 through 5.2.8. No other design standards shall apply to cottage clusters unless noted in this section. Mandates for construction of a garage or carport and any other design standards are invalid, except as specified in this Section.

5.2.1 Cottage Orientation

A. Standard. Cottages must be clustered around a common courtyard, meaning they abut the associated common courtyard or are directly connected to it by a pedestrian path, and must meet the following standards (see Figure 5.2.1.a):

1. Each cottage within a cluster must either abut the common courtyard or must be directly connected to it by a pedestrian path.
2. A minimum of 50 percent of cottages within a cluster must be oriented to the common courtyard and must:

5 – Cottage Cluster

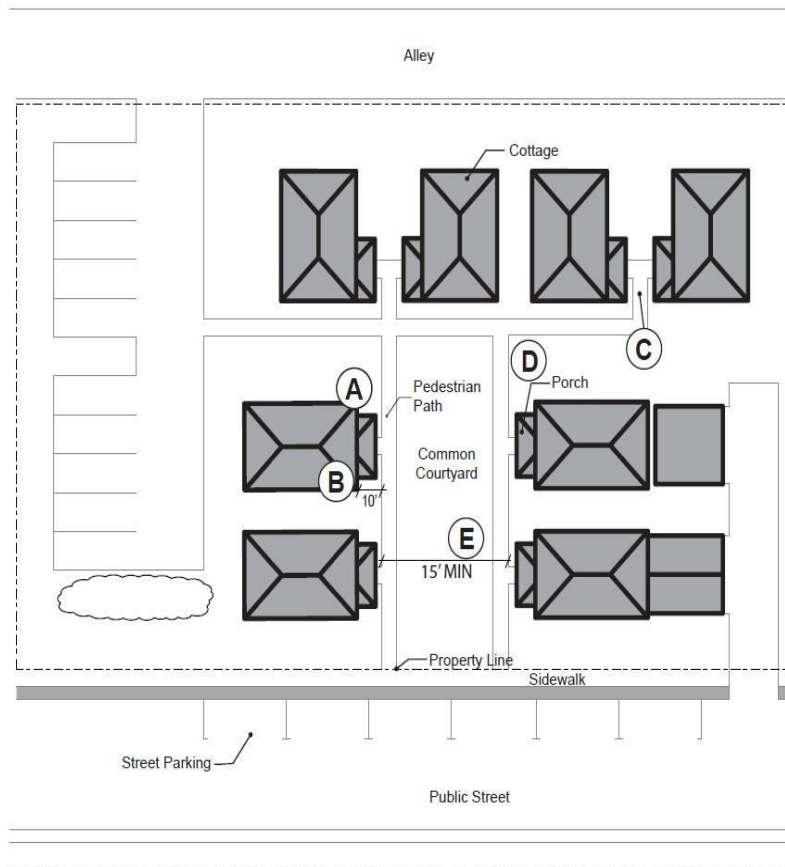
- a. Have a main entrance facing the common courtyard;
 - b. Be within 10 feet from the common courtyard, measured from the façade of the cottage that includes the main entrance to the nearest edge of the common courtyard; and
 - c. Be connected to the common courtyard by a pedestrian path.
3. Cottages within 20 feet of a street property line may have their entrances facing the street, provided the overall cluster meets the 50 percent standard in subsection (A)(2).
 4. Cottages not facing the common courtyard or the street must have their main entrances facing a pedestrian path that is directly connected to the common 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 in order to provide a sense of openness and community of residents. Common courtyards must meet the following standards (see Figure 5.2.2.a):
1. The common courtyard must be a single, contiguous piece.
 2. Cottages must abut the common courtyard on at least two sides of the courtyard.
 3. The common courtyard must contain a minimum of 150 square feet per cottage sharing the courtyard.
 4. The common courtyard must be a minimum of 15 feet wide at its narrowest dimension.
 5. The common courtyard shall be developed with a mix of landscaping, lawn area, pedestrian paths, and/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.
 6. Pedestrian paths must be included in a common courtyard. Paths 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** A minimum of 50% of cottages must be oriented to the common courtyard.
- B** Cottages oriented to the common courtyard must be within 10 feet of the courtyard.
- C** Cottages must be connected to the common courtyard by a pedestrian path.
- D** Cottages must abut the courtyard on at least two sides of the courtyard.
- E** The common courtyard must be at least 15 feet wide at its narrowest width.

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:

5 – Cottage Cluster

1. Each cottage cluster is permitted one community building, which shall count towards the maximum average floor area, pursuant to Table 5.1.
2. If a community building meets the definition of a dwelling unit and has a footprint that exceeds 900 square feet and/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. An accessible pedestrian path must be provided that connects the main entrance of each cottage to the following:

1. An accessible pedestrian path must be provided that connects 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 site or rights-of-way if there are no sidewalks.
2. The pedestrian path must be hard-surfaced and a minimum of 4 feet wide.

B. Exceptions. None.

5.2.5 Windows and Doors

A. Standard. Cottages within 20 feet of a street property line (other than an alley) must include windows or entrance doors on a minimum of 15 percent of the area of all street-facing facades. See Section 10.1.9 for measurement methodology.

B. Exceptions. Facades separated from the street property line by a dwelling or buildable lot are exempt from meeting this standard.

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.

5 – Cottage Cluster

- 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 from any street property line, except alley property lines;
 - ii. Between a street property line and the front façade of cottages located closest to the street property line. This standard does not apply to alleys.
 - b. Off-street parking spaces shall not be located within 10 feet of any other property line, except alley property lines. Driveways and drive aisles are permitted within 10 feet of other property 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.

5.2.7. Accessory Structures

A. Standard. Accessory structures must not exceed 400 square feet in floor area.

B. Exceptions. None.

5.2.8. Existing Structures

A. Standard. On a lot or parcel to be used for a cottage cluster project, an existing detached single family 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 and/or footprint of this code may not be expanded.

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3. The floor area of the existing dwelling shall not count towards the maximum average floor area of a cottage cluster.

B. Exceptions. None.

5.2.9 Trash Storage

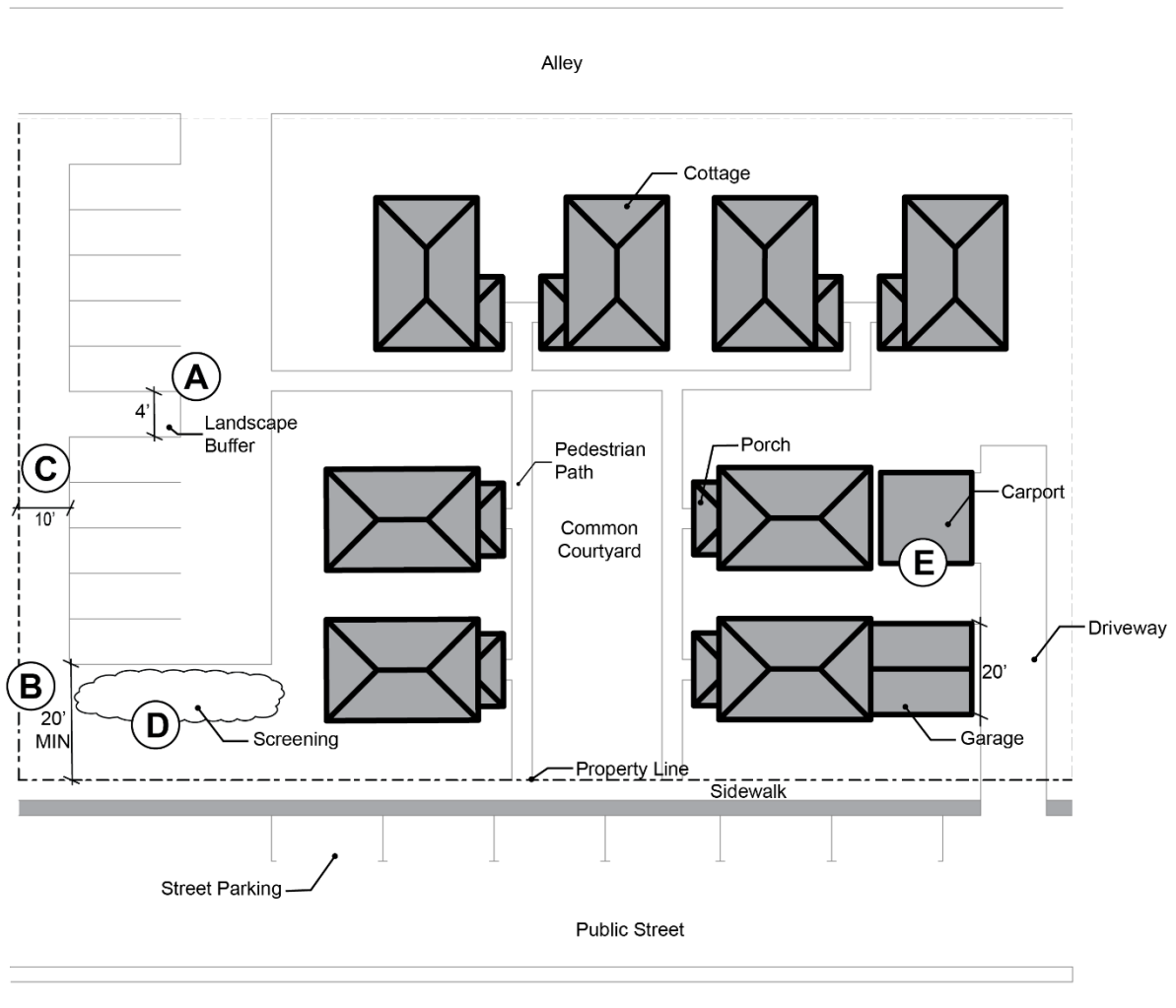
A. Standard.

1. Unless stored within a building, shared storage facilities for trash receptacles and recycling shall be oriented away from building entrances, separated from residences on abutting properties by at least 5 feet, and shall be screened with an evergreen hedge or solid fence or wall of not less than 5 feet in height.

B. Exceptions. None.

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Figure 5.2.6.a. Cottage Cluster Parking Design Standards



- (A)** Parking allowed in clusters of up to 5 spaces. Clusters separated by minimum 4 feet of landscaping.
- (B)** No parking or vehicle area within 20 feet from street property line (except alley).
- (C)** No parking within 10 feet from other property lines (except alley). Driveways and drive aisles permitted within 10 feet.
- (D)** Screening required between clustered parking areas or parking structures and public streets or common courtyards.
- (E)** Garages and carports must not abut common courtyards. Garage doors for individual garages must not exceed 20 feet in width.

Chapter 6 – Multi-Unit Housing

Sections:

6.1 Development Standards – Multi-Unit Housing

6.2 Design Standards – Multi-Unit Housing

Regarding the concept of allowing development across multiple lots: This draft Model Code includes a definition of “site”/“development site” and other provisions that allow for development of multiple lots/parcels under the same ownership, so that FAR, setbacks, etc. would be based on site (not lot). Please note that the building code would also require a recorded restrictive covenant where a building crosses lot lines.

<https://www.oregon.gov/bcd/codes-stand/Documents/interp-22-05-buildingacrosslotlines.pdf>

6.1 Development Standards

The development standards in Table 6.1 apply to multi-unit housing projects. For qualified projects, the standards in Table 6.1 may be modified by the applicable bonuses in Chapter 8.

Large Cities:

TABLE 6.1 DEVELOPMENT STANDARDS - MULTI-UNIT: LARGE CITIES	
Maximum Floor Area Ratio (FAR) (see Section 10.1.2) This approach varies FAR based on site size in order to address the varying circumstances of urban infill vs suburban/greenfield. Section 10.2 includes a definition of “site” / “development site” to address development of multiple lots/parcels under the same ownership, so that FAR, setbacks, etc. would be based on site (not lot). The FAR standards are also intended to allow room for affordability/accessibility bonuses (see Chapter 8).	
<ul style="list-style-type: none"> Site size: less than 10,000 sf 	2.5 to 1
<ul style="list-style-type: none"> Site size: 10,000 sf to 50,000 sf 	2 to 1
<ul style="list-style-type: none"> Site size: greater than 50,000 sf 	1 to 1
Maximum Building/Structure Height (see Section 10.1.3)	3 story / 40 feet
Minimum Density (see Section 10.1.4) The minimum density shown is the equivalent of 20 units/net acre. In order to avoid penalizing sites with constrained lands minimum density is based on the net site area. Section 10.1.4 includes details about how minimum density is calculated. Affordable housing projects would have the option of calculating density on a “per bedroom” basis.	1 unit per 2,178 sq. ft. of net site area
Minimum Setbacks (see Section 10.1.5) Section 10.1.5 includes details about how setbacks are measured. For multi-unit housing and cottage clusters proposed on a site that includes more than one lot or parcel, setbacks are calculated based on the property lines of the overall site, rather than individual lots or parcels. Note, no maximum setbacks are proposed, although the design standards will restrict parking between the building and the street.	
<ul style="list-style-type: none"> Front building setback 	5 ft.
<ul style="list-style-type: none"> Side building setback 	5 ft.

6 – Multi-Unit Housing

TABLE 6.1 DEVELOPMENT STANDARDS - MULTI-UNIT: LARGE CITIES	
<ul style="list-style-type: none"> • Rear building setback 	5 ft.
<ul style="list-style-type: none"> • Garage entrance setback 	5/18 ft.
<p>Required Outdoor Area and Usable Open Space (see Sections 6.2.5 and 10.1.6)</p> <p>Section 10.1.6 includes details about how required outdoor area and usable open space are calculated. The intention is to keep the list very flexible, including things like landscaping, balconies, rooftop decks, and patios. All areas not covered by building or vehicle parking/circulation could be counted toward required outdoor area as well as balconies and rooftop decks, and potentially indoor recreation space and ADA accessible parking spaces.</p> <p>Design standards in Section 6.2.5 provide more details related to usable open space. For large multi-unit sites (e.g., 50K+ sf), a percentage of required outdoor area would need to be usable open space, but the list of options could be broad.</p>	
<ul style="list-style-type: none"> • Required Outdoor Area 	15% of site area
<ul style="list-style-type: none"> • Usable Open Space 	See Section 6.2.5
<p>Vehicle Parking (see Section 10.1.7)</p> <p>Section 10.1.7 includes details about how off-street vehicle parking spaces are measured and calculated. For parking minimums, there would be a credit for adjacent on-street spaces. The parking maximums in this draft are based on TPR requirements in OAR 660-012-0415 which applies to climate-friendly areas, areas and within one-half mile walking distance of priority transit corridor and Metro Region 2040 centers in cities with populations over 100,000, counties with populations over 100,000 outside city limits but within the urban growth boundary, and cities with populations over 25,000 within the Portland Metropolitan Area. ADA accessible parking spaces would be exempt from the parking maximums. Non-surface parking could also be exempt.</p>	
<ul style="list-style-type: none"> • Minimum number of off-street spaces 	None
<ul style="list-style-type: none"> • Maximum number of off-street spaces 	
<ul style="list-style-type: none"> <ul style="list-style-type: none"> ○ Studio Unit 	1.2 spaces per unit
<ul style="list-style-type: none"> <ul style="list-style-type: none"> ○ Non-Studio Unit 	2.0 spaces per unit
<p>Minimum Number of Bicycle Parking Spaces (see Section 10.1.8)</p> <p>Section 10.1.8 includes details about how bicycle parking spaces are measured and calculated. The standards for multi-unit bicycle parking reflect OAR 660-012-0630(3) which requires a minimum of one-half of a covered bicycle parking space per unit for multi-unit and mixed-use residential uses. The OAR doesn't specify that the spaces must be long-term, but the stated requirements suggest that they work for long-term (e.g. secure, covered, etc.). The Model Code allows a certain percentage of spaces to be in dwelling units (up to 100% of spaces for smaller developments (e.g., 12 du or less)), it also exempts certain types of projects.</p>	
<ul style="list-style-type: none"> • Short-term Spaces 	None
<ul style="list-style-type: none"> <ul style="list-style-type: none"> ○ Site size: Less than 10,000 sf 	1.0 space per site
<ul style="list-style-type: none"> <ul style="list-style-type: none"> ○ Site size: 10,000 sf or larger 	2.0 spaces per site, or 1.0 space per 20 units
<ul style="list-style-type: none"> • Long-term Spaces 	1.0 space per unit

6 – Multi-Unit Housing

Medium Cities; – Recommended for cities below 10,000

TABLE 6.1 DEVELOPMENT STANDARDS - MULTI-UNIT: MEDIUM CITIES	
Maximum Floor Area Ratio (FAR) (see Section 10.1.2)	
• Site size: less than 10,000 sf	2 to 1
• Site size: 10,000 sf to 50,000 sf	1.5 to 1
• Site size: greater than 50,000 sf	1 to 1
Maximum Building/Structure Height (see Section 10.1.3)	3 story / 40 feet
Minimum Density (see Section 10.1.4) This is approximately equivalent to 20 units/net acre.	1 unit per 2,178 sq. ft. of net site area
Minimum Setbacks (see Section 10.1.5)	
• Front building setback	5 ft.
• Side building setback	5 ft.
• Rear building setback	5 ft.
• Garage entrance setback	18 ft.
Required Outdoor Area and Usable Open Space (see Sections 6.2.5 and 10.1.6)	
• Required Outdoor Area	15% of site area
• Usable Open Space	See Section 6.2.5
Vehicle Parking (see Section 10.1.7)	
• Minimum number of off-street spaces (affordable housing and dwelling units 1,000 sf or less in size are exempt)	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 10.1.8)	
• Short-term Spaces	None
○ Site size: Less than 10,000 sf	1.0 space per site
○ Site size: 10,000 sf or larger	2.0 spaces per site, or 1.0 space per 20 units
• Long-term Spaces	0.5 spaces per unit

Small Cities; – Recommended

TABLE 6.1 DEVELOPMENT STANDARDS - MULTI-UNIT: SMALL CITIES	
Maximum Floor Area Ratio (FAR) (see Section 10.1.2)	
• Site size: less than 10,000 sf	1.5 to 1
• Site size: 10,000 sf to 50,000 sf	1 to 1

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TABLE 6.1 DEVELOPMENT STANDARDS - MULTI-UNIT: SMALL CITIES

• Site size: greater than 50,000 sf	0.5 to 1
Maximum Building/Structure Height (see Section 10.1.3)	35 feet
Minimum Density (see Section 10.1.4) This is approximately equivalent to 16 units/net acre.	1 unit per 2,720 sq. ft. of net site area
Minimum Setbacks (see Section 10.1.5)	
• Front building setback	5 ft.
• Side building setback	5 ft.
• Rear building setback	5 ft.
• Garage entrance setback	18 ft.
Required Outdoor Area and Usable Open Space (see Sections 6.2.5 and 10.1.6)	
• Required Outdoor Area	15% of site area
• Usable Open Space	See Section 6.2.5
Vehicle Parking (see Section 10.1.7)	
• Minimum number of off-street spaces (affordable housing and dwelling units 1,000 sf or less in size are exempt)	1 space per unit
• Maximum number of off-street spaces	None
Minimum Number of Bicycle Parking Spaces (see Section 10.1.8)	
• Short-term Spaces	None
• Long-term Spaces	0.5 spaces per unit

6.2 Design Standards – Multi-Unit

Multi-unit housing projects shall meet the design standards in subsections 6.2.1 through 6.2.6. Townhouse style multi-unit housing is subject to the design standards in Section 4.2 rather than the standards of this Section 6.2. Townhouse style developments are those where 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. Consistent with the draft Model Code's approach to regulating building form (versus things like density), this draft applies the townhouse design standards to townhouse-style multi-unit housing. The multi-unit design standards are optimized for stacked forms of multi-unit housing, whose form can be quite different from townhouse style.

6.2.1 Entry Orientation

These draft standards incorporate aspects of the CFEC Walkable Design Standards Model Code but modified to be less restrictive. One main entrance to a building is required to be oriented toward, and within a certain distance of, a street lot line. However, there is no maximum setback.

The code also includes exceptions for very busy arterials to allow buildings to be setback further from those sources of noise and exhaust. The intent is to mitigate potential harm that this standard can create for multi-unit

6 – Multi-Unit Housing

housing that is adjacent to a wide, car-dependent arterial, given the additional noise and pollution that these environments generate. Also see Section 6.2.7 for draft screening standards.

A. Standard.

- 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 street classification in the city's adopted Transportation System Plan.
 - 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 vehicle travel lanes.
2. The main entrance meeting standard (A)(I), must:
 - a. Be no more than 8 feet further back, as measured from the front lot line, than the plane of the longest street-facing wall of the front facade of the structure.
 - b. Be oriented to:
 - 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 that is at least 25 square feet in area.
 - c. Connect to the sidewalk by an ADA accessible walkway in conformance with Section 6.2.2(A)(2).

B. Exceptions.

- I. If a site abuts only one street, and the abutting street is an arterial with 4 or more vehicle travel lanes, a building facade with ground floor dwelling units may be set further back than 20 feet, provided the screening standards in Section 6.2.7 are met, except as specified in subsection 6.2.7(B).

Note, an option to request a discretionary adjustment to the entry orientation standards could be included in a future draft, once an Adjustments module is added to the Model Code.

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For discussion – additional standards from CFEC Walkable Design Standards.

[X.X.X 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. The main entrance must be set back at least 5 feet from the street lot line and have at least two of the following within the setback:

1. A wall or fence that is 18 to 36 inches high;
2. Landscaping that meets the [local planting standard];
3. For each street-facing entrance, one small canopy tree between 1.5 and 6 inches in diameter, that will achieve a mature canopy spread of at least 10 feet;
4. Common or private open space outdoor area of at least 48 square feet designed so that a 4-foot by 6-foot dimension will fit entirely within it.]

6.2.2 Pedestrian Connections

A. Standard.

The draft pedestrian connections standards are from the CFEC Model Code (but streamlined), and require a system of walkways connecting main entrances, public sidewalks, and common areas of a site. The standards also specify the material and width of walkways and required treatment at crossings.

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.

[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.]
2. Walkway Design.
 - a. Materials and Width. All walkways must be hard surfaced (paved). 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, the minimum width is 3 feet (increased to 4 feet at turns and curves).
 - 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,

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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. Note, an option to request a discretionary adjustment to the pedestrian connection standards could be included in a future draft, once an Adjustments module is added to the Model Code.

For discussion – additional façade or entry standards.

The model code team's initial recommendation is not to include façade/architectural standards for multi-unit buildings. However, since the Middle Housing Model Code includes unit definition standards for townhouses, we have included similar standards for discussion. These standards could potentially be included as an option in future drafts of the Model Code.

[X.X.X Building [or Entry] Definition

A. Standard. Each building must include at least one from the following list on at least one street-facing façade:

1. A roof dormer a minimum of 4 feet in width.
2. A balcony a minimum of 2 feet in depth and 4 feet in width and accessible from an interior room.
3. A bay window that extends from the facade a minimum of 2 feet.
4. An offset of the facade of a minimum of 2 feet in depth within the façade.
5. An entryway that is recessed a minimum of 3 feet.
6. A covered entryway with a minimum depth of 4 feet.

B. Exceptions. Facades separated from the street property line by another building are exempt from meeting this standard.]

6.2.4 Windows and Doors

The draft window coverage standards for multi-unit housing are consistent with the requirements that apply to middle housing in the Middle Housing Model Code.

A. Standard. A minimum of 15 percent of the area of all street-facing facades (other than those facing an alley) must include windows or entrance doors. See Section 10.1.9 for measurement methodology.

B. Exceptions. Facades separated from the street property line by another building or buildable lot are exempt from meeting this standard.

6.2.5 Required Outdoor Area and Usable Open Space

A. Standard.

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The concept in this section is to provide a flexible “outdoor area” standard that could be met in various ways, including landscaping, private open space, shared open space, etc. The details of what may and may not count as outdoor area are specified in 10.1.6, so these sections should be reviewed in tandem. The intent is to offer a “menu” of amenity options, while ensuring there is usable recreation/relaxation space for larger sites.

1. **Minimum Outdoor Area.** Except as specified in subsection (B), a minimum of 15% of the gross site area must be provided as outdoor area meeting the description in Section 10.1.6.
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% of the required outdoor area must be usable open space
 - b. For sites 50,000 square feet or larger, at least 50% 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 10.1.6(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 20 feet.
 - c. Indoor recreation and community facilities, as specified in Section 10.1.6(C)(1), accessible to all residents, may be provided in lieu of usable open space, as follows:
 - i. For affordable housing, 100% of the required usable open space may be provided as indoor recreation or community space.
 - ii. For all other housing, up to 50% of the required usable open space may be provided as indoor recreation or community space.

B. Exceptions.

1. For sites under 50,000 square feet in size, 100% of the required outdoor area may be met by a rooftop garden provided it is accessible to all of the residents or by private open space.
2. Sites that are under 50,000 square feet in size and located within one-quarter mile walking distance of a public park are exempt from the outdoor area and usable open space requirement. Walking distance is measured along a route utilizing streets, trails, or pedestrian accessways that are existing or will be constructed with the development.

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6.2.6 Parking Location and Design

A. Standard.

Standards below (adapted from the CFEC Model Code) allow surface parking to the side or back of a building provided it's screened from view.

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 at a minimum as follows:
 - 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. 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 10.1.7.

B. Exceptions. None. Note, an option to request a discretionary adjustment to the parking location and design standards could be included in a future draft, once an Adjustments module is added to the Model Code.

6.2.7 Screening

A. Standard.

Multi-unit sites that abut an arterial street with 4 or more vehicle travel lanes shall provide screening within the minimum setback area between any street-facing facade and street property line abutting the arterial road. 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.

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6.2.8 Trash Storage

A. Standard.

- I. Unless stored within a building, shared storage facilities for trash receptacles and recycling shall be oriented away from building entrances, separated from residences on abutting properties by at least 5 feet, and shall be screened with an evergreen hedge or solid fence or wall of not less than 5 feet in height.

B. Exceptions. None.

Chapter 7 – Accessory Dwelling Unit

Note, the Model Code is intended to be organized so that a city can adopt by reference the standards for a single type of housing. Therefore, ADUs have their own chapter. However, because the ADU standards are closely related to the single-unit dwelling standards, as an alternative, the standards could be included as a subsection of Chapter 2 (Detached Single-Unit and Duplex).

Sections:

7.1 Development Standards – Accessory Dwelling Unit

7.2 Design Standards – Accessory Dwelling Unit

7.1 Development Standards - Accessory Dwelling Unit

7.1.1 Development Standards, Generally

A. Standards. Except as provided in this chapter and in subsection (B), accessory dwelling units shall meet the same development standards that apply to detached single-unit dwellings (Table 2.1). For qualified projects, the standards may be modified by the applicable bonuses in Chapter 8.

B. Exceptions.

- I. The following development standards in Table 2.1 do not apply to accessory dwelling units:
 - a. Required Outdoor Area and Useable Open Space;
 - b. Minimum and Maximum Vehicle Parking; and
 - c. Minimum and Maximum Bicycle 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 exceeds the maximum FAR that applies to the lot.
4. Setbacks.

Note, the following flexibilities are only relevant if the city relies on its own setback standards for ADUs. The Model Code's side and rear setback standards are already 5 feet.

- a. Accessory dwelling units that are accessed from an alley may be located within 5 feet of the lot line abutting the alley.
- b. 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

This section incorporates the policy suggestion to tier ADU allowances by city size, and to allow a bonus unit if it's adaptable for accessibility.

Large Cities:

- 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.

Medium Cities: – Recommended for cities below 10,000

- 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:
 - 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.

Small Cities: - Recommended

- 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.** Up to 2 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 unit must be detached from the primary dwelling.

7.1.3 Maximum Floor Area

The maximum floor area standards would apply to cities of all sizes. Note, the Model Code does not limit the size of an ADU relative to the primary dwelling.

- A. Standard.** The maximum floor area for an accessory dwelling unit is 1,000 square feet.

7 – Accessory Dwelling Unit

- 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 10.1.2(B)(2).

Chapter 8 – Bonuses

Sections:

- 8.1 Bonuses, Generally
- 8.2 Bonuses by Housing Type

8.1 Bonuses, Generally

- A. Purpose.** Bonuses provide reductions in minimum lot size and required outdoor area and increases in the number of units, the maximum floor area, the maximum building height.
- B. Categories.**
- As described in Table 8.1, there are 5 categories of housing that qualify for bonuses:
 - Affordability Categories
 - Cat. 1A - 10-Year Affordable Homeownership Unit based on HB 2138
 - Cat. 1B - 10-Year Mixed-Income Housing
 - Cat. 1C - 30-Year Affordable Housing based on ORS 197A.445
 - Accessibility Categories
 - Cat. 2A - Accessible Unit based on HB 2138
 - Cat. 2B - Adaptable unit
 - An individual unit can count toward meeting up to one affordability category (Cat. 1A – 1C) and one accessibility category (Cat. 2A – 2B). 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.

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. This category is based on HB 2138. To make this more implementable for small (and some medium) cities, a template of the covenant will need to be available as well as instructions on how to determine what sale price will be “affordable to purchase and own” so cities can easily communicate to applicants what the sale price limit will be once the house is completed.
Cat. 1B	10-Year Mixed-Income Housing. Residential property:

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	<p>(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; and</p> <p>(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.</p> <p>This category uses the affordability and set-aside that can be required through an Inclusionary Zoning program under state law (ORS 197A.465). The 10-year duration is because many of the authorized tax abatement programs run for only 10 years and it's more complicated and harder on the development finances if the affordability obligation outlasts the tax abatement. This doesn't guarantee it will be paired with a tax abatement, but it's set up to make that easier. It can also be described as a "voluntary inclusionary" incentive.</p>
Cat. 1C	<p>30-Year Affordable Housing. Residential property:</p> <p>(A) In which:</p> <ul style="list-style-type: none"> (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 <p>(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.</p>
Accessibility Categories	
Cat. 2A	<p>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.</p> <p>This category is based on HB 2138. The cited building code standard is ICC A117.1-2017.</p>
Cat. 2B	<p>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 multi-story dwelling units, the "Type B" requirements are only required on the ground floor, provided a kitchen, bathroom and bedroom are available on the ground floor. Note, the provisions regarding accessibility for multi-story units will need to be further refined, potentially specifying things like bathrooms with accessible showers on the ground floor.</p>

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 Requirement	The base requirement for the housing type based on the Model Code's development standards tables. Where a housing type is not included in a Model Code development 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 by 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.

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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.

For DSUs this means that either the primary dwelling or ADU must meet the criteria. The draft Model Code doesn't yet address standard land divisions; however, in the future, the Model Code could also include a standard for land divisions (e.g. 25% of lots in a land division). In that case, it would need to clarify whether the bonus FAR and height apply to all lots or just the accessible or affordable ones.

2. Category 1B and 1C. 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. 100% of units 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.

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).

TABLE 8.2-1: BONUSES FOR DETACHED SINGLE-UNIT OR DUPLEX: LARGE CITIES

Bonus Type	Base Requirement	Bonuses by Category				Cap (Max. with Bonuses)
		Cat. 1A & 1B	Cat. 1C	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
Reduce Minimum Lot Size	5,000 sf	- 1,000 sf	- 2,000 sf	- 1,000 sf	-800	3,000 sf
Increase Maximum Floor Area Ratio of DSU or duplex project						
• 1 total dwelling unit	0.6 to 1	+0.15	+0.3	+0.15	+0.1	0.9 to 1

8 – Bonuses

TABLE 8.2-1: BONUSSES FOR DETACHED SINGLE-UNIT OR DUPLEX: LARGE CITIES

Bonus Type	Base Requirement	Bonuses by Category				Cap (Max. with Bonuses)
		Cat. 1A & 1B	Cat. 1C	Cat. 2A	Cat. 2B	
<ul style="list-style-type: none"> 2 to 4 total dwelling units (1) 	0.9 to 1	+0.15	+0.3	+0.15	+0.1	1.2 to 1
Increase Maximum Building/Structure Height	35 ft	+5 ft	+5 ft	+5 ft	--	40 ft
Allow Detached Units: Duplex	No	Yes	Yes	Yes	Yes	Yes

NOTES:
 (1) If an additional unit is added to a lot with an existing dwelling unit that has been in place for at least 5 years, and the existing unit will be retained, up to 1,000 square feet of floor area is permitted even if it exceeds the maximum FAR.

TABLE 8.2-1: BONUSSES FOR DETACHED SINGLE-UNIT OR DUPLEX: MEDIUM CITIES

Bonus Type	Base Requirement	Qualifying Categories				Cap (Max. with Bonuses)
		Cat. 1A & 1B	Cat. 1C	Cat. 2A	Cat. 2B	
Increase Number of Units	2 units	+1 unit	+1 unit	+1 unit	--	3 units
<ul style="list-style-type: none"> Duplex 	2 units	+1 unit	+1 unit	+1 unit	--	3 units
<ul style="list-style-type: none"> Additional ADU 	2 ADUs	+1 ADU	+1 ADU	+1 ADU	--	3 ADUs
Reduce Minimum Lot Size	5,000 sf	- 800 sf	- 1,600 sf	- 800 sf	-500	3,400 sf
Increase Maximum Floor Area Ratio of DSU or duplex project						
<ul style="list-style-type: none"> 1 total dwelling unit 	0.6 to 1	+0.15	+0.3	+0.15	+0.1	0.9 to 1
<ul style="list-style-type: none"> 2 to 4 total dwelling units (1) 	0.8 to 1	+0.15	+0.3	+0.15	+0.1	1.1 to 1
Increase Maximum Building/Structure Height	35 ft	+5 ft	+5 ft	+5 ft	--	40 ft
Allow Detached Units: Duplex	No	Yes	Yes	Yes	Yes	Yes

NOTES:
 (1) If an additional unit is added to a lot with an existing dwelling unit that has been in place for at least 5 years, and the existing unit will be retained, up to 1,000 square feet of floor area is permitted even if it exceeds the maximum FAR.

TABLE 8.2-1: BONUSSES FOR DETACHED SINGLE-UNIT OR DUPLEX: SMALL CITIES

Bonus Type	Base Requirement	Qualifying Categories				Cap (Max. with Bonuses)
		Cat. 1A & 1B	Cat. 1C	Cat. 2A	Cat. 2B	
Increase Number of Units: Duplex	2 units	--	--	--	--	2 units
Reduce Minimum Lot Size	5,000 sf	- 800 sf	- 1,600 sf	- 800 sf	-500	3,400 sf
Increase Maximum Floor Area Ratio of DSU or duplex project						

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TABLE 8.2-1: BONUS FOR DETACHED SINGLE-UNIT OR DUPLEX: SMALL CITIES

Bonus Type	Base Requirement	Qualifying Categories				Cap (Max. with Bonuses)
		Cat. 1A & 1B	Cat. 1C	Cat. 2A	Cat. 2B	
<ul style="list-style-type: none"> 1 total dwelling unit 	0.6 to 1	+0.1	+0.2	+0.1	+0.05	0.8 to 1
<ul style="list-style-type: none"> 2 total dwelling units (DSU + ADU or duplex) or 3 dwelling units (duplex + additional unit) (1) 	0.7 to 1	+0.1	+0.2	+0.1	+0.05	0.9 to 1
Increase Maximum Building/Structure Height	35 ft	+5 ft	+5 ft	+5 ft	--	40 ft
Allow Detached Units: Duplex	No	Yes	Yes	Yes	Yes	Yes
NOTES: (1) If an additional unit is added to a lot with an existing dwelling unit that has been in place for at least 5 years, and the existing unit will be retained, up to 1,000 square feet of floor area is permitted even if it exceeds the maximum FAR.						

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 and 1C. 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. 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. Alternatively, the code could require that the standard be met by all ground floor units.

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).

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TABLE 8.2-2: BONUSES FOR TRIPLEX OR QUADPLEX: LARGE CITIES

Bonus Type	Base Requirement	Qualifying Categories				Cap (Max. with Bonuses)
		Cat. 1A & 1B	Cat. 1C	Cat. 2A	Cat. 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 to 1	+0.15	+0.3	+0.15	+0.1	1.4 to 1
• 4 total dwelling units	1.2 to 1	+0.15	+0.3	+0.15	+0.1	1.5 to 1
• 5 - 6 total dwelling units (with bonus)	1.2 to 1	+0.2	+0.4	+0.2	+0.15	1.6 to 1
Increase Maximum Building/Structure Height	35 ft	+5 ft	+5 ft	+5 ft	--	40 ft
Allow Detached Units: Triplex / Quadplex	No	Yes	Yes	Yes	Yes	Yes

TABLE 8.2-2: BONUSES FOR TRIPLEX OR QUADPLEX: MEDIUM CITIES

Bonus Type	Base Requirement	Qualifying Categories				Cap (Max. with Bonuses)
		Cat. 1A & 1B	Cat. 1C	Cat. 2A	Cat. 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 to 1	+0.15	+0.3	+0.15	+0.1	1.3 to 1
• 4 total dwelling units	1.1 to 1	+0.15	+0.3	+0.15	+0.1	1.4 to 1
• 5 - 6 total dwelling units (with bonus)	1.1 to 1	+0.2	+0.4	+0.2	+0.15	1.5 to 1
Increase Maximum Building/Structure Height	35 ft	+5 ft	+5 ft	+5 ft	--	40 ft
Allow Detached Units: Triplex / Quadplex	No	Yes	Yes	Yes	Yes	Yes

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TABLE 8.2-2: BONUS FOR TRIPLEX OR QUADPLEX: SMALL CITIES

Bonus Type	Base Requirement	Qualifying Categories				Cap (Max. with Bonuses)
		Cat. 1A & 1B	Cat. 1C	Cat. 2A	Cat. 2B	
Increase Number of Units:						
• Triplex	3 units	--	--	--	--	3 units
• Quadplex	4 units	--	--	--	--	4 units
Increase Maximum Floor Area Ratio per Triplex or Quadplex Project						
• 3 total dwelling units	0.8 to 1	+0.1	+0.2	+0.1	+0.05	1.0 to 1
• 4 total dwelling units	0.9 to 1	+0.1	+0.2	+0.1	+0.05	1.1 to 1
• 5 - 6 total dwelling units	NA	--	--	--	--	--
Increase Maximum Building/Structure Height	35 ft	+5 ft	+5 ft	+5 ft	--	40 ft
Allow Detached Units: Triplex / Quadplex	No	No	Yes	No	No	Yes

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 and 1C. 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. 75% of 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 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.

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3. The “cap” is the maximum that is allowed for a townhouse project (inclusive of applicable bonuses).

The draft Model Code does not require any minimum dimensions for townhouses other than lot size. For large cities, the minimum lot size is 1,250 sf. Four townhouses would require 5,000 sf; therefore, to allow 6 townhouses on the same site, the lot size would need to be reduced to 833.33 sf or less. Alternatively, the applicant could switch to attached stacked duplexes on townhouse lots – this approach will require a definition and also clarification of whether the townhouse design standards still apply even though the structure is no longer a townhouse.

TABLE 8.2-3: BONUSES FOR TOWNHOUSES: LARGE CITIES

Bonus Type	Base Requirement	Qualifying Categories				Cap (Max. with Bonuses)
		Cat. 1A & 1B	Cat. 1C	Cat. 2A	Cat. 2B	
Increase Number of Units (1)	--	+1 to 2 units	+2 units	+1 to 2 units	--	1 to 2 bonus units
Reduce Minimum Lot Size	1,250 sf	-200 sf	-400 sf	-200 sf	-100 sf	830 sf
Increase Maximum Floor Area Ratio	1.2 to 1	+0.2	+0.4	+0.2	+0.1	1.6 to 1
Increase Maximum Building/Structure Height	35 ft	+5 ft	+5 ft	+5 ft	--	40 ft

NOTES:

(1) Townhouse projects with 2 to 5 townhouses can earn a bonus of one additional unit. Projects with 6 or more units can earn a bonus of 2 units for every group of 6 units that meets the criteria. Bonus units can be provided as townhouses on their own townhouse lots or added to townhouse lots as attached stacked duplexes or ADUs.

TABLE 8.2-3: BONUSES FOR TOWNHOUSES: MEDIUM CITIES

Bonus Type	Base Requirement	Qualifying Categories				Cap (Max. with Bonuses)
		Cat. 1A & 1B	Cat. 1C	Cat. 2A	Cat. 2B	
Increase Number of Units (1)	--	+1 to 2 units	+ 2 units	+1 to 2 units	--	1 to 2 bonus units
Reduce Minimum Lot Size	1,500 sf	-200 sf	-400 sf	-200 sf	-100 sf	1,100 sf
Increase Maximum Floor Area Ratio	1.1 to 1	+0.2	+0.4	+0.2	+0.1	1.5 to 1
Increase Maximum Building/Structure Height	35 ft	+5 ft	+5 ft	+5 ft	--	40 ft

NOTES:

(1) Townhouse projects with 2 to 5 townhouses can earn a bonus of one additional unit. Projects with 6 or more units can earn a bonus of 2 units for every group of 6 units that meets the criteria. Bonus units can be provided as townhouses on their own townhouse lots or added to townhouse lots as attached stacked duplexes or ADUs.

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TABLE 8.2-3: BONUSES FOR TOWNHOUSES: SMALL CITIES

Bonus Type	Base Requirement	Qualifying Categories				Cap (Max. with Bonuses)
		Cat. 1A & 1B	Cat. 1C	Cat. 2A	Cat. 2B	
Increase Number of Units	--	--	--	--	--	--
Reduce Minimum Lot Size (1)	1,800 sf	-200 sf	-500 sf	-200 sf	-100 sf	1,300 sf
Increase Maximum Floor Area Ratio	0.9 to 1	+0.1	+0.2	+0.1	+0.05	1.1 to 1
Increase Maximum Building/Structure Height	35 ft	+5 ft	+5 ft	+5 ft	--	40 ft
NOTES:						

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.

The definition of a “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.

2. Category 1B and 1C. 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. 75% of cottages within a cottage cluster project 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).

For large cities, the minimum lot size for cottage clusters is 5,000 sf for new lots and allows 12 cottages (416.66 sf per cottage). Given that, a further reduction in lot size probably isn't a meaningful bonus and is not included here.

8 – Bonuses

TABLE 8.2-4: BONUS FOR COTTAGE CLUSTER: LARGE CITIES

Bonus Type	Base Requirement	Qualifying Categories				Cap (Max. with Bonuses)
		Cat. 1A & 1B	Cat. 1C	Cat. 2A	Cat. 2B	
Increase Number of Cottages per Cluster	12 cottages	+2 unit	+2 unit	+2 unit	--	14 units
Increase Maximum Average Floor Area per Dwelling Unit	1,400 sf	+100 sf	+400 sf	+100 sf	+100 sf	1,600 sf
Increase Maximum Building (Cottage) Footprint	900 sf	+50 sf	+100 sf	+50 sf	+50 sf	1,000 sf
Reduce Required Open Space - Courtyard	150 sf / cottage	-30 sf / cottage	-70 sf / cottage	-30 sf / cottage	-20 sf / cottage	80 sf
Increase Maximum Building/Structure Height	25 ft or 2 stories	+5 ft	+10 ft	+5 ft	--	35 ft

TABLE 8.2-4: BONUS FOR COTTAGE CLUSTER: MEDIUM CITIES

Bonus Type	Base Requirement	Qualifying Categories				Cap (Max. with Bonuses)
		Cat 1A/1B	Cat 1C	Cat 2A	Cat. 2B	
Increase Number of Cottages per Cluster	10 cottages	+2 unit	+2 unit	+2 unit	--	12 units
Increase Maximum Average Floor Area per Dwelling Unit	1,400 sf	+100 sf	+400 sf	+100 sf	+100 sf	1,600 sf
Increase Maximum Building (Cottage) Footprint	900 sf	+50 sf	+100 sf	+50 sf	+50 sf	1,000 sf
Reduce Required Open Space - Courtyard	150 sf / cottage	-30 sf / cottage	-70 sf / cottage	-30 sf / cottage	-20 sf / cottage	80 sf
Increase Maximum Building/Structure Height	25 ft or 2 stories	+5 ft	+10 ft	+5 ft	--	35 ft

TABLE 8.2-4: BONUS FOR COTTAGE CLUSTER: SMALL CITIES

Bonus Type	Base Requirement	Qualifying Categories				Cap (Max. with Bonuses)
		Cat. 1A & 1B	Cat. 1C	Cat. 2A	Cat. 2B	
Increase Number of Cottages per Cluster	8 cottages	+2 unit	+2 unit	+2 unit	--	10 units
Increase Maximum Average Floor Area per Dwelling Unit	1,400 sf	+100 sf	+200 sf	+100 sf	+100 sf	1,600 sf
Increase Maximum Building (Cottage) Footprint	900 sf	+50 sf	+100 sf	+50 sf	+50 sf	1,000 sf
Reduce Required Open Space - Courtyard	150 sf / cottage	-30 sf / cottage	-70 sf / cottage	-30 sf / cottage	-20 sf / cottage	80 sf

8 – Bonuses

Increase Maximum Building/Structure Height	25 ft or 2 stories	+5 ft	+10 ft	+5 ft	--	35 ft
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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 and 1C. The multi-unit project must meet the criteria in Table 8-1 to qualify for these bonuses
2. Category 2A. The following number of units must meet the criteria in Table 8-1 for the multi-unit project to qualify for this bonus: At least 10 percent of the units on the ground floor, and on any upper floor served by an elevator, but no less than one more unit than would be required by the Building Code. This is aligned with the draft model language in the Multiple Unit Property Tax Exemption (MUPTe) Adoption-Ready Action for accessibility.

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. The “cap” is the maximum that is allowed for development (inclusive of applicable bonuses).

Since the draft development standards allow ADA parking to count toward required outdoor area, the tables below offer only a limited/no reduction in outdoor area for Cat. 2A and 2B.

The bonuses in Cat 1C reflect those in ORS 197.445, including a 36’ height bonus for property with existing maximum density of 46 or more units per acre. However, this additional height may not be feasible in some small cities depending on firefighting capabilities. (Section 1.3 specifies that nothing in this code supersedes certain regulatory standards, including life/safety and fire. So, if fire code restricts heights based on firefighting capabilities, that regulation supersedes anything in this code.)

TABLE 8.2-5: BONUSES FOR MULTI-UNIT HOUSING: LARGE CITIES: LARGE CITIES					
Bonus Type	Base Requirement	Qualifying Categories			Cap (Max. with Bonuses)
		Cat 1B	Cat 1C	Cat 2A	
Increase Maximum Floor Area Ratio					
Site size: less than 10,000 sf	2.5 to 1	+1 to 1	+2 to 1	+1 to 1	[4.5 or 6] to 1
Site size: 10,000 sf to 50,000 sf	2 to 1	+0.7 to 1	+1.5 to 1	+0.7 to 1	3.5 to 1
Site size: greater than 50,000 sf	1 to 1	+0.5 to 1	+1 to 1	+0.5 to 1	2 to 1

8 – Bonuses

TABLE 8.2-5: BONUSES FOR MULTI-UNIT HOUSING: LARGE CITIES: LARGE CITIES

Bonus Type	Base Requirement	Qualifying Categories			Cap (Max. with Bonuses)
		Cat 1B	Cat 1C	Cat 2A	
Increase Maximum Building/Structure Height	40 ft or 3 stories	+10 ft	+36 ft	+10 ft	76 ft
Reduce Required Outdoor Area	15%	-7%	-15%	-5%	0%

TABLE 8.2-5: BONUSES FOR MULTI-UNIT HOUSING: LARGE CITIES: MEDIUM CITIES

Bonus Type	Base Requirement	Qualifying Categories			Cap (Max. with Bonuses)
		Cat 1B	Cat 1C	Cat 2A	
Increase Maximum Floor Area Ratio					
Site size: less than 10,000 sf	2 to 1	+1 to 1	+2 to 1	+1 to 1	4 to 1
Site size: 10,000 sf to 50,000 sf	1.5 to 1	+0.7 to 1	+1.5 to 1	+0.7 to 1	3 to 1
Site size: greater than 50,000 sf	1 to 1	+0.5 to 1	+1 to 1	+0.5 to 1	2 to 1
Increase Maximum Building/Structure Height	40 ft or 3 stories	+10 ft	+36 ft	+10 ft	76 ft
Reduce Required Outdoor Area	15%	-7%	-15%	-5%	0%

TABLE 8.2-5: BONUSES FOR MULTI-UNIT HOUSING: LARGE CITIES: SMALL CITIES

Bonus Type	Base Requirement	Qualifying Categories			Cap (Max. with Bonuses)
		Cat 1B	Cat 1C	Cat 2A	
Increase Maximum Floor Area Ratio					
Site size: less than 10,000 sf	1.5 to 1	+1 to 1	+2 to 1	+1 to 1	3.5 to 1
Site size: 10,000 sf to 50,000 sf	1 to 1	+0.7 to 1	+1.5 to 1	+0.7 to 1	2.5 to 1
Site size: greater than 50,000 sf	0.5 to 1	+0.5 to 1	+1 to 1	+0.5 to 1	1.5 to 1
Increase Maximum Building/Structure Height	35 ft	+5 ft	+36 ft	+5 ft	76 ft
Reduce Required Outdoor Area	15%	-7%	-15%	-5%	0%

Chapter 9 – Procedures and Applications

Sections:

9.1 Type I Zoning Review

9.2 Type II Review

9.3 Middle Housing Land Division

State law requires the Model Code to provide a ministerial and expedited review process as one of LCDC's enforcement tools. For the most part, this code will allow housing via a ministerial approval process. See the placeholder for Limited Land Use Review in Section 9.2 for additional comments.

9.1 Zoning Review

Zoning Reviews are subject to a ministerial review procedure, applicants would be able to choose whether they submit the full building permit application or just submit a site plan for planning review prior to the building permit submittal.

- A. Method of review.** Zoning Reviews are subject to ministerial review. Ministerial reviews are nondiscretionary reviews. The decision is made by the City Planning Official, or their designee, without public notice and without a public hearing. The decision of the City Planning Official is final. There is no local appeal process.
- B. Requirements.** Zoning Reviews are generally processed in conjunction with obtaining a building permit but may be submitted in advance of the building permit. In either case, a building permit shall not be issued until the City 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 Zoning Review submitted concurrently with a building permit application does not require a separate application form;
 - b. A site plan as specified in subsection (D) which provides sufficient detail to determine the standards are met; and
 - c. 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 Requirements.** 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;

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- Adjacent streets, access (driveways), curbs, sidewalks, and bicycle routes;
- Existing Goal Protected Resources, if any are present on the site;
- The location, size, and species of adjacent street trees, and all onsite trees 6 inches and larger in diameter. Trees proposed to be preserved, including protection methods, and trees proposed to be removed;
- Easements and on-site utilities;
- Existing and proposed development with all dimensions, including floor area;
- Building elevations showing entries and windows;
- Distances of all existing and proposed development to property lines;
- Types and location of landscape area and required usable open space (if required);
- Percentage of the site proposed for landscaping coverage;
- Motor vehicle and pedestrian access and circulation systems, including connections off-site;
- Motor vehicle and bicycle parking areas and design, number of spaces, and loading areas; and
- Service provider letters stating that adequate infrastructure is available to serve the development or will be available prior to occupancy.

E. Completeness Review.

Although a Zoning Review is not a “permit, limited land use decision or zone change,” meaning ORS 227.178 does not apply, this draft includes a 30-day completeness review timeline from that statute for consistency.

1. The City 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 the application was complete when first submitted, or within 180 days of the date the application was first submitted, the applicant submits the requested additional information or informs the city that no further information will be provided, approval or denial of the application shall be based:
 - a. Upon the standards and criteria that were applicable at the time the application was first submitted; or
 - b. At the request of the applicant, upon those standards and criteria that are operative at the time of the request. If an applicant requests review under different standards:
 - i. Any applicable timelines for completeness review and final decisions restart as if a new application were submitted on the date of the request; and
 - ii. Submission of additional information may be required if the request affects or changes information in the application.
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 (1) and has not submitted the information.

F. Criteria and Decision. The City Planning Official’s evaluation of a Zoning Review will determine whether minimum code requirements are met and whether any other land use permit or approval is required prior to issuance of a building permit.

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1. Approvals of Zoning Reviews are based on the information submitted. If the information relied upon to grant the approval is incorrect, the approval may be voided.
 2. The City Planning Official shall approve, approve with conditions, or deny an application subject to a Type I procedure within 60 days after the application was determined to be complete.
- G. Effective Date.** Decisions made by the City Planning Official, or their designee, are final. A Zoning Review decision is final on the date it is signed by the City Planning Official. There is no opportunity for further local appeal.
- H. 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.

9.2 Limited Land Use Review

This is a placeholder for a future Model Code module. One policy idea that's been discussed is to add a threshold (e.g., gross floor area) above which the Limited Land Use process would be required. Possible threshold: the square footage of a 3-story apartment building on a 5,000 sf lot (roughly 10,000 – 15,000 sf). The Model Code could also include expedited approval for certain qualifying housing (e.g., affordable housing).

9.3 Middle Housing Land Divisions

Middle housing land division is a required process for medium and large cities subject to ORS 197A.420. For small cities, it is recommended to provide MHLD as a process that they can choose to opt into.

- A. Purpose.** A middle housing land division (MHLD) is 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). For medium and large cities, this will need to be updated with HB 2138 rulemaking since it expands the applicability to existing units. The bill references “section 3 of this 2025 Act,” which will need to be replaced with the ORS reference.

Recommended for Small Cities: A middle housing land division (MHLD) is a partition or subdivision of a lot or parcel on which middle housing is developed or proposed.

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.**

Eligible zoning districts and housing will depend on the ORS requirements for middle housing and MHLDs in the three city sizes, or whether a city chooses to allow MHLD beyond ORS requirements.

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Large Cities:

1. **Eligible Zoning Districts.** MHLDS are available in zoning districts subject to the middle housing requirements of ORS 197A.420(2).
2. **Eligible Housing.** Middle housing development that is eligible for an MHLDS may consist of:
 - a. A single duplex, triplex, quadplex, cottage cluster, or structure containing townhouses;
 - b. Additional “bonus” units as allowed by Sections 8.2.1 through 8.2.4; and From HB 2138, “(B) Additional units as allowed by section 3 (3) of this 2025 Act.”
 - c. Any retained or rehabilitated existing units on the lot or parcel, as allowed by ORS 197A.420(4), including: From HB 2138.
 - i. One single-unit dwelling;
 - ii. One single-unit dwelling plus one accessory dwelling unit; or
 - iii. One duplex.

Medium Cities:

1. **Eligible Zoning Districts.** MHLDS are available in zoning districts subject to the middle housing requirements of ORS 197A.420(3).

Recommended: MHLDS are available in zoning districts where middle housing is permitted.
2. **Eligible Housing.** Middle housing development that is eligible for an MHLDS may consist of:
 - a. A single duplex or a structure containing two townhouses;

Recommended: A single triplex, quadplex, cottage cluster, or structure containing three or more townhouses;
 - b. Additional “bonus” units as allowed by Section 8.2.1 [or 8.2.1 through 8.2.4 if allowing MHLDS for all middle housing]; and
 - c. Any retained or rehabilitated existing units on the lot or parcel, as allowed by ORS 197A.420(4).

This will depend on whether the code allows MHLDS for all middle housing types. Also, the bonus option complicates how many existing units could be retained.

Small Cities: Recommended

1. **Eligible Zoning Districts.** MHLDS are available in zoning districts where middle housing is permitted.
2. **Eligible Housing.** Middle housing development that is eligible for an MHLDS may consist of:
 - a. A single duplex, triplex, quadplex, cottage cluster, or structure containing townhouses;
 - b. Additional “bonus” units as allowed by Sections 8.2.1 through 8.2.4; and
 - c. Any retained or rehabilitated existing units on the lot or parcel.

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All City Sizes:

3. Application Timing and Sequencing.

- a. An application for a tentative plan for an MHL D may be submitted before, after, or at the same time as the submission of an application for building permits for the middle housing. **HB 2138** clarifies that this is required.
- b. An application for a tentative plan for an MHL D may be submitted at the same time as an application for a standard subdivision or partition. The standard land division would create the parent lot(s), and the MHL D would further subdivide the lot(s) into middle housing child lots. *This is also added via HB 2138, Section 15: 92.044(1)(c) The procedures must provide for: (C) A method by which the city or county may approve a plan or plat that includes further division of one or more of the resulting lots or parcels via concurrently submitted applications for middle housing land divisions under ORS 92.031, all to be approved within the timelines provided under ORS 215.427 or 227.178.*
- c. An application of one or more than one MHL D submitted at the same time as an application for a standard subdivision or partition will be consolidated into a single application subject to the procedural requirements for the standard subdivision or partition.
- 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.

C. Applicability of Middle Housing Regulations. An MHL D creates 2 or more lots or parcels from a single parent lot on which middle housing is developed or proposed. After an MHL D is completed, the resulting lots or parcels are “child lots” or “middle housing lots.” The development is still subject to the requirements and standards that applied to the parent lot prior to the MHL D. In other words, the middle housing development is still defined and regulated as the original middle housing type after an MHL D is completed (e.g., a duplex that undergoes an MHL D does not become a townhouse development; the structure and property are still subject to requirements/standards for a duplex).

D. Tentative Plan Approval Criteria. Approval of a tentative plan for an MHL D will be granted if the City 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. The middle housing development, including all existing and proposed structures, 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

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- b. Lots or parcels with an existing detached single-unit dwelling and accessory dwelling unit or an existing duplex, as allowed under Section 9.3(B)(2)(b). Such existing units shall be considered a single middle housing unit for the purposes of the MHL. **This is an HB 2138 addition.**

- 3. Separate utility service connections will be provided for each child lot.

In lieu of more comprehensive promising practice to allow shared utility configurations, the draft code does not allow shared utility connections. Current statute requires separate utilities for each lot as an MHL approval criterion. While HB 2138 removes this requirement specifically for water and wastewater connections, it adds: *(4) In reviewing an application for a middle housing land division, a city or county ... (g) May require separate water and wastewater utilities for each dwelling unit.*

If the Model Code is revised to allow shared utilities, then the following wording could be considered: [If shared utility facilities, such as onsite stormwater facilities, water, and/or wastewater connections are proposed, the applicant shall record a Covenant, Condition, or Restriction (CC&R) outlining the shared maintenance obligations of individual owners, which may include shared maintenance 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;
 - 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 codes 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.

E. Tentative Plan Submittal Requirements. An application for an MHL 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 Section 9.3(D).
- 3. Copies of approved building permits or building permit applications, or comparable information necessary to demonstrate compliance with building code standards, and an accompanying site plan demonstrating compliance with criteria in Sections 9.3(D)(1) and (5).

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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. Separate utility connections for each dwelling unit, demonstrating compliance with approval criterion 9.3(D)(3).
 - b. Existing or proposed easements necessary for each dwelling unit on the plan, demonstrating compliance with the criterion 9.3(D)(4).
5. Draft copies of all necessary easements for review by the city attorney.

F. 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 if the applicable minimum density requirements are not met. This reflects a new provision from HB 2138, Section 14.
 - 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 MHL D.
 - iii. Accessory dwelling units are not permitted on resulting child lots.

Recommended: However, accessory dwelling units may be permitted if the applicable minimum density requirements are not met. This reflects a new provision from HB 2138, Section 14.
 - c. Require that all public improvements and site improvements that are required to satisfy approval criteria in Section 9.3(D) and applicable standards of the city's code are constructed prior to issuance of a Certificate of Occupancy for the development. This provision is in a city's authority to require under ORS 92.031(4)(b), and is intended to ensure that all improvements – including on-site improvements such as landscaping and pedestrian paths – will be delivered in a timely fashion.
2. The preliminary approval of an MHL D is void if and only if a final MHL D plat is not approved within 3 years of the preliminary approval.

G. 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 subdivision or partition will be consolidated into a single application subject to the procedural requirements for the standard subdivision or partition.

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2. **Expedited Procedure.** Unless the applicant requests to use the city's standard land division procedure, the city shall apply the procedure used for an expedited land division, 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. This incorporates HB 2138's revised provisions for MHL D and expedited land divisions. The bill specifies: *(a) Shall apply the procedures under ORS 197.360 to 197.380 applicable to an expedited land division under ORS 197.365, if requested by the applicant and without regard to the criteria in ORS 197.360 (1).*
- a. The City 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 as described in ORS 227.178. Notice shall not be provided to any other person.
 - b. The MHL D review process does not include a hearing and the city does not accept public comment from third parties.
 - c. The city shall issue a written determination of compliance or noncompliance with the approval criteria in subsection (D). An approval may include conditions of approval pursuant to subsection (F) to ensure that the application meets all applicable requirements.
 - d. 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.
 - e. The applicant shall pay a fee according to the city's fee schedule. Note, the final Model Code will need to consider how to legally handle cities without MHL Ds in their fee schedule. The fee cannot exceed the estimated full cost of processing an application based on the estimated average cost of such applications.
 - f. Only the applicant may appeal a decision for an MHL D processed as an expedited land division made under this section.

H. 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 subdivision or partition final plat.

Chapter 10 – Measurement Methodologies and Definitions

Sections:

10.1 Measurement Methodologies

10.2 Definitions

10.1 Measurement Methodologies

10.1.1 Minimum Size for New Lots

Minimum lot size would apply to the creation of new lots only. Housing development on existing lots would not be subject to the standard, although minimum density and maximum FAR would still apply.

- A. Standard.** Minimum lot size requirements for each housing type are stated in Tables 2.1 - 6.1. These standards apply to the creation of new lots through a standard 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 the child lots created through a Middle Housing Land Division.
 - 3. Minimum lot size does not apply to tracts for private streets, pedestrian facilities, stormwater facilities, open space, or other common areas.
 - 4. Within a land division, individual lots or parcels may be as small as 60% of the required minimum lot size, provided the average size of all of the lots or parcels within the land division meets the minimum lot size.

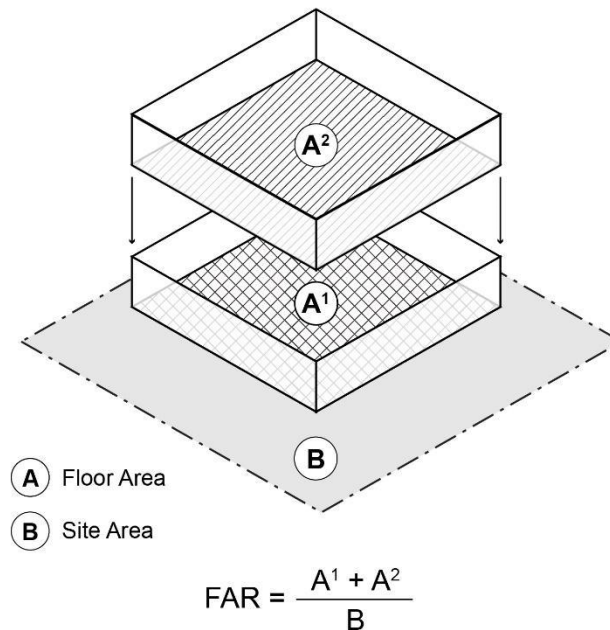
10.1.2 Floor Area Ratio

- A. Standard.** Maximum floor area ratios (FAR) for each housing type are stated in Tables 2.1 - 7.1. 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 Ratio.** Floor area ratio is the amount of floor area of a building or structure in relation to the amount of site area, expressed in square feet. For example, a floor area ratio of 0.7 to 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 10.1.2.a).

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The maximum floor area ratio for all buildings on a site, cumulatively. When calculating FAR, the site area for townhouses and middle housing is the entire parent parcel or townhouse project.

Figure 10.1.2.a. Floor Area Ratio (FAR) Calculation



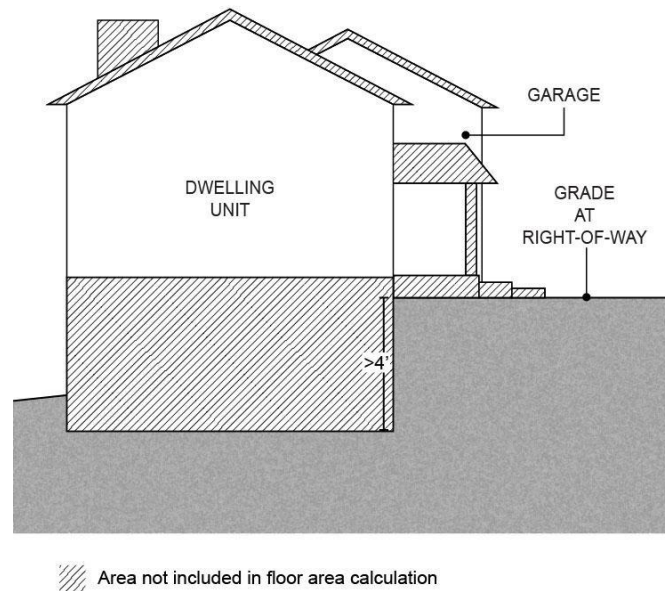
2. **Floor Area.** Floor area is measured for each floor from the exterior faces of a building or structure. Floor area includes stairwells, ramps, shafts, chases, and the area devoted to garages and structured parking.

Floor area does not include the following (see Figure 10.1.2.b):

- Areas where the elevation of the floor is 4 feet or more below the adjacent right-of way, as measured at the property line;
- Roof area, including roof top parking;
- Roof top mechanical equipment; and
- 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.
- Stairwells are only counted as floor area on one level.

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Figure 10.1.2.b. Areas Excluded from Floor Area Calculation



C. 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 6.2.5.
3. Accessory structures under 15 feet high and less than 200 square feet.

10.1.3 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 FAR, setback and landscape 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.

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- 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.

10.1.4 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 to 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 the applicable zone. When calculating density, the site area for townhouses and middle housing is the entire parent parcel or townhouse project. In order to avoid penalizing sites with constrained lands, minimum density is based on the net site area.

Minimum Density = Net site area / minimum area per dwelling unit in Tables 2.1 - 6.1.

- Fractions of units are rounded down.
- 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 and land within utility easements.

C. Exceptions to Minimum Density.

- I. For affordable housing developments meeting the definition in Section 10.2, applicants may choose to calculate and meet the minimum density requirement on a “per bedroom” basis rather than complying with the “per unit” basis required by Tables 2.1 - 6.1.

Minimum density calculation on a “per bedroom” basis:

- Step 1: Start with the **net site area per unit** required to meet minimum density in Tables 2.1 - 6.1.
- Step 2: Determine the **minimum area per bedroom** – divide by 2 the **net site area per unit**.
- Step 3: Divide the **net site area** by the **minimum area per bedroom**.

Example: 1 unit per 1,450 sq. ft. of net site area = 1 bedroom per 725 sf.

A 20,000 sf. net site would have a minimum density of 27 bedrooms (rather than 13 units).

These bedrooms could be arranged in nine 3-bedroom apartments or any other combination that meets the minimum density. Studio apartments are counted as one-bedroom.

10.1.5 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 landscape requirements to control the overall bulk and placement of buildings.

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1. Garage Entrance Setbacks. Where Tables 2.1 – 6.1 provide two options for the garage entrance setback, the garage entrance must be either 5 feet or closer to the street lot line, or 18 feet or farther from the street lot line.
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.
2. For multi-unit housing proposed on a site that includes more than one lot or parcel, setbacks are calculated based on the property lines of the overall site, rather than individual lots or parcels.



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.

Recommendation for Small Cities: The rear setback in the development standards tables (Tables 2.1 – 6.1) is 5 feet. However, cities which choose to require a larger rear setback should consider including the following: 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. Minimum garage entrance setbacks in Tables 2.1 – 6.1 apply to front and street side lot lines (except alleys). Where a garage is accessed from a rear alley, the standard rear setback applies.
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.

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- 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.

10.1.6 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 in subsection (C), 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.

- I. 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).

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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, 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;
 - Gardening area with at least 50 square feet of planting area; or
 - An applicant may propose alternative open space amenities, provided the applicant demonstrates the usable open space provides equal or greater benefit for active or passive recreational use or provides culturally-sensitive amenities for use by residents. Note, the intent here is to provide flexibility to accommodate culturally sensitive design; however, further detail will be needed to make this standard clear and objective. Alternatively, the code could allow the use of this discretionary option with a limited land use decision.
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)(3). Covered outdoor areas are subject to the applicable setback standards.

C. Exceptions.

1. Balconies attached to individual dwelling units may count toward the minimum required outdoor area.
2. Balconies, terraces and rooftop decks with seating areas that are available for use by all residents may count toward the minimum required usable open space.
3. Indoor recreation and community spaces. As provided in Section 6.2.5(A)(2)(c), some or all 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; and
 - Occupational facilities, such as shared remote or live-work facilities.
 - If providing alternative open space amenities as provided in subsection (B)(2), indoor facilities that provide culturally-sensitive amenities for residents.

Indoor common areas that are not recreational facilities or community rooms, such as lobbies, hallways, laundry facilities, storage rooms, and vehicle or bicycle facilities do not qualify.

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10.1.7 Vehicle Parking

A. Standard. The minimum and maximum amount of off-street vehicle parking required for each housing type is stated in Tables 2.1 - 6.1. Exceptions to the minimum and maximum parking requirements are stated in subsection (C).

B. Vehicle Parking.

1. 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. 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 jurisdiction;
 - c. The space must be a minimum of 22 feet long; and
 - d. The space must not obstruct a required sight distance area.
3. 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.

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10.1.8 Bicycle Parking

A. Standard. The minimum and maximum amount of bicycle parking required for each housing type is stated in Tables 2.1 - 6.1. Exceptions to the bicycle parking requirements are stated in subsection (C).

The Oregon Administrative Rule requirements below apply to long-term bicycle parking. This draft also requires some short-term bicycle parking for multi-unit housing in medium and large cities.

660-012-0630 (3) *Cities and counties shall require a minimum of one-half of a covered bicycle parking space per unit for multi-unit and mixed-use residential uses. Cities and counties may:*

(a) Allow for reductions or exemptions to the minimum parking requirement based on development-specific considerations; and

(b) Exempt or reduce the minimum parking requirement for certain types of residential uses that are likely to have less future demand for bicycle parking.

(4) Cities and counties shall adopt development regulations requiring all required bicycle parking provided must:

(a) Either allow ways to lock at least two points on a bicycle, or be within a lockable space only available to authorized users;

(b) Be installed in a manner to allow space for the bicycle to be maneuvered to a position where it may be secured without conflicts from stairs, other parked bicycles, walls, or other obstructions;

(c) Be in a location that is convenient and well-lit; and

(d) Include bicycle parking spaces to accommodate large bicycles, including family and cargo bicycles.

B. Long-Term Bicycle Parking.

- I. 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.

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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 10,000 square feet, short-term bicycle parking spaces may be provided on-site or within the public sidewalk, provided the space does not obstruct required minimum sidewalk widths or access to doorways.
 - b. For sites that are 10,000 square feet or larger, bicycle parking shall be provided on-site.
 - c. If bicycle parking is provided on-site, it must be located:
 - A. At the same grade as the sidewalk or at a location that can be reached by an accessible route; and
 - B. 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.

C. Exceptions.

1. Senior housing projects (those restricted for occupancy by households in which at least one member is aged 55 years or older) are exempt from the [long-term] bicycle parking requirements.

10.1.9 Windows and Doors

A. Standard. The minimum amount of window and door area required for each housing type is stated in Tables 2.1 - 6.1.

B. Measurement Methodology. Areas that qualify for the window and door coverage calculation are subject to the following (See Figure 10.1.9.a):

1. Windows and entrance doors may be used to meet this standard as provided in subsections (2) and (3), below.
2. Except as provided below, window area is the aggregate area of the glass within each window, including any interior grids, mullions, or transoms.
 - a. Half of the window area in the door of an attached garage may count toward meeting this standard.

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- b. 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.

Figure 10.1.9.a. Window Coverage



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.

- I. “Accessible Housing” means...
 - a. “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. **This is the definition in HB 2138.**
 - b. “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.
2. “Accessory Dwelling Unit” means an interior, attached, or detached residential structure that is used in connection with, or that is accessory to, a single-unit dwelling.
3. “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:
 - (A) Makes the unit available and affordable to purchase and to own for families [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.
 - b. 20-Year Affordable Housing. Residential property:
 - (A) In which the average of all units on the property is made available to own or rent to families [households] with incomes of 80 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 20 years.
 - c. 30-Year Affordable Housing. Residential property:
 - (A) In which:
 - (i) Each unit on the property is made available to own or rent to families [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 families [households] with incomes of 60 percent or less of the area median income; and

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(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.

4. “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.
5. “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 paths, lawn, groundcover, trees, shrubs, patios, benches, or gazebos.
6. “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.
7. “Cottage” means an individual dwelling unit that is part of a cottage cluster.
8. “Cottage cluster” means a grouping dwelling units:
 - a. That are detached or attached in subgroupings of up to 4 units in any configuration; per HB 2138 revisions
 - b. That have a common courtyard; and
 - c. That each have a footprint of less than 900 square feet. Note, HB 2138 modifies this as “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.”
9. “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.
10. “Detached single-unit (DSU)” means a detached structure on a lot or parcel that is comprised of a single dwelling unit. Detached single-units may be constructed off-site, e.g., manufactured dwellings or prefabricated homes.
11. “Driveway approach” means the edge of a driveway where it abuts a public right-of-way.
12. “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. This incorporates the revised definition, per HB 2138. Same for triplex and quadplex. In instances where a development can meet the definition of a duplex and also meets the definition of a primary dwelling unit with an accessory dwelling unit (ADU), the applicant shall specify at the time of application review whether the development is considered a duplex or a primary dwelling unit with an ADU.

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13. “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.
14. “Façade” means The vertical wall face of a building, or the sum of multiple vertical faces, facing the street.
15. “Facade, front” means all of the wall area shown on the front elevation of the building plans.
16. “Floor area” and “Floor area ratio” – see Section 10.1.2.
17. “Frontage” means the portion of a lot or parcel that abuts a street.
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. “Lot or parcel” means any legally created unit of land. Lot may also be used generically to refer to units of land created through partitions.
20. “Main entrance” means the entrance to a building that is designed to facilitate ingress and egress for the highest volume of building users. Generally, each building has one main entrance, but if design features do not make it possible to determine which entrance is the main entrance, all entrances providing the same capacity of ingress and egress shall be treated as main entrances.
21. “Manufactured dwelling” means a residential trailer, mobile home, or manufactured home, as defined in ORS.446.003.
22. “Middle housing” means housing that consists of duplexes, triplexes, quadplexes, cottage clusters, or townhouses.
23. “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).

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- 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.”

This will need to be updated once HB 2138 is codified, since it adds: “... or section 3 of this 2025 Act.”

24. “Prefabricated dwelling” means prefabricated structure, as defined in ORS 455.010, that is designed for residential occupancy in accordance with [city]’s building regulations.
25. “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.
26. “Regulated housing” means residential dwelling units of the following types: Detached Single-Unit (DSU), Duplex, Triplex, Quadplex, Townhouse, Cottage Cluster, Multi-Unit Housing, and Accessory Dwelling Unit (ADU). This is a new definition which is used when referring to all housing types covered by the Model Code. See I.4 for usage.
27. “Site” or “development site” means a property (or group of abutting parcels or lots under the same ownership) that is subject to a development application.
28. “Site area” means the total area of a development site calculated after subtracting any required or planned dedication of public rights-of-way and/or designation of private rights-of-way.
29. “Story” means a portion of a building between the surface of any floor and the surface of the floor next above it, or, if there is no floor above it, the space between such floor and the ceiling next above it, provided that the following shall not be deemed a story:
 - A basement or cellar if the height from finished grade at the exterior perimeter of the building to the finish floor elevation above is 6 feet or less for at least 50 percent of the perimeter and does not exceed 12 feet above grade at any point;
 - An attic or similar space under a gable, hip, or gambrel roof, the wall plates of which on at least 2 opposite exterior walls are not more than 2 feet above the floor of such space.
30. “Sufficient Infrastructure” means the following level of public services to serve new Triplexes, Quadplexes, Townhouses, or Cottage Cluster 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.

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31. “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.”
32. “Townhouse project” means one or more townhouse structures 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.
33. “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.

ADOPT: 660-008-0415

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.

CHANGES TO RULE:

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 or designated 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 elect to apply the standards for one or multiple housing types.¶

(B) Nothing in this subsection 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 any standards that apply in lieu of one or more recommended standards, if any.¶

(2) In adopting a model ordinance, module, or modules, a city:¶

(a) May adopt a module or modules to allow one or more housing types that meet or exceed the allowed density or intensity of lands zoned or designated to allow residential uses; and¶

(b) May not adopt a model ordinance to allow a housing type on lands that either:¶

(A) Are not zoned for residential use; or¶

(B) Are 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(7): ¶

(a) The city is not required to readopt the module; and¶

(b) 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: SB 1564 (2024 Session)

ADOPT: 660-008-0420

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.

CHANGES TO RULE:

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, 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 applicable 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

ADOPT: 660-008-0425

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.

CHANGES TO RULE:

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 or housing acceleration agreement, a city may demonstrate that locally-applied land use regulations facilitate comparable development outcomes to the model ordinance. The city must demonstrate that:

- (1) Siting standards allow for the same or greater maximum scale, intensity, and density as permitted in the model ordinance. Minimum density requirements in the model ordinance are not a requirement nor a consideration under this section.
- (2) Design standards impose a comparable proportional cost to development as provided in OAR 660-046-0235;
- (3) Zoning, use, and procedural regulations allow the development under comparable procedural requirements and development review timelines;
- (4) Other applicable land use regulations do not create unreasonable cost or delay to the development of housing as provided in ORS 197A.400; and
- (5) Incentives or bonuses to encourage accessible, adaptable, or affordable housing provide comparable or improved economic and feasibility benefits to residential development through clear and objective standards, conditions, and procedures considering:
 - (a) The total additional floor area, density, height, and building envelope allowed under applicable land use regulations; and
 - (b) Provisions or flexibilities to local land use regulations that reduce cost and delay to or increase projected revenue from development

Statutory/Other Authority: ORS 197.040

Statutes/Other Implemented: ORS 197A.100

ADOPT: 660-008-0430

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.

CHANGES TO RULE:

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 shall notify existing and prospective applicants for the development of housing of their eligibility to utilize a model ordinance applied under this subsection.¶

(4) The model ordinance is effective until the terms of the order issued under ORS 197.335 are addressed or satisfied.

Statutory/Other Authority: ORS 197.040

Statutes/Other Implemented: ORS 197.335

AMEND: 660-021-0000

RULE SUMMARY: This rule describes the purpose of the division lists the Oregon Revised Statutes interpreted under Division 21 of Chapter 660.

CHANGES TO RULE:

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 ~~areas~~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

AMEND: 660-021-0010

RULE SUMMARY: This rule lists the definitions that apply to Division 21.

CHANGES TO RULE:

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" refers to both residential and nonresidential land and means land that is not severely constrained by natural hazards or designated or zoned to protect natural resources as provided in OAR 660-024-0065(4) 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.

Statutory/Other Authority: ORS 197.040

Statutes/Other Implemented: ORS 197A.245

AMEND: 660-021-0030

RULE SUMMARY: This rule includes the process and requirements for including land within urban reserves, including how local governments should prioritize land for inclusion.

CHANGES TO RULE:

660-021-0030

Determination of Urban Reserve ¶

(1) ~~Urban reserves~~A city considering adopting or amending a URA shall include an amount of land estimated to be at least a ~~120-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 reserves~~a URA shall adopt findings specifying the particular number of years over which designated urban reserves are intended to provide a supply of land. ¶

(2) Inclusion of land within an urban reserve 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 for inclusion within urban reserves, as measured by the factors and criteria set forth in this section. Local governments shall then designate, for inclusion within urban reserves, that suitable land which satisfies the priorities in section (3) of this rule. ¶

(3) Land found suitable for an urban reserve ~~may be included within an urban reserve only according to the following priorities:~~ ¶

~~(a) First priority goes to~~oust consider factors including, but not limited to, whether land proposed for designation as urban reserves, alone or in conjunction with land inside the UGB: ¶

(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. ¶

(4) Priority of land for inclusion in a URA. 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 adjacent to, or nearby, an urban growth boundary and identified in~~subject to an acknowledged comprehensive plan as an exception area or nonresource land-exception under ORS 197.732 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) If land of higher priority is inadequate to accommodate the amount of~~First priority land may be given lower priority compared to other nonresource land or land within an exception area if the land contains land estimated in section ned developments or subdivisions with a subdivision plat, as defined in ORS 92.010(18) of this rule, and the lots are smaller than five acres. ¶

~~(b) Second p~~Priority goes to~~is~~ land designated as marginal land pursuant to form under ORS 197.247 (1991 edition); ¶

~~(c) If land of higher priority is inadequate to accommodate the amount of land estimated in section in an acknowledged comprehensive plan;~~ ¶

(c) Third Priority is to land designated in an acknowledged comprehensive plan for agriculture or forestry, or both. Lands considered under this subsection may not include high-value farmland as defined in ORS 195.300(10) of this rule, third pr high value forestland as defined in ORS 195.300(11). ¶

(d) Fourth Priority goes to~~is~~ land designated in an acknowledged comprehensive plan for agriculture or forestry, or both. 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. ¶

~~(4) Land of lower priority under section (3) of this rule may be included if land of higher priority is found to be inadequate to accommodate the amount of land estimated-~~Lands considered under this subsection may include

those lands under ORS 195.300(10) and (11) if not predominantly comprised of prime and unique soils listed in ORS 215.710(2) to (4) or predominantly comprised of Class I and II soils, as defined by the United States Department of Agriculture Natural Resources Conservation Services (USDA NRCS).¶

(e) Fifth priority is land designated in an acknowledged comprehensive plan for agriculture or forestry, or both, allowing for those lands excluded in (d), if the city provides findings that no other lands are available to fill the need.¶

(f) In selecting agricultural lands within the same priority level, the city must use the agricultural land capability classification system or the cubic foot site class system, as appropriate for the acknowledged comprehensive plan designation, to select lower capability or cubic foot site class lands first.¶

(5) Notwithstanding section (1) of this rule for one or more of the following reasons:¶

(a) Future urban services could not reasonably be provided to the higher priority area due to topographical or other physical constraints; or¶
(4) (d) through (f) of this rule, land that would otherwise be excluded from a URA may be included if:¶

(a) Provision of future urban services, as defined in ORS 195.065, is not reasonable or cost effective due to:¶

(A) Topographical or other physical constraints; or¶

(B) Existing or planned future public infrastructure investments.¶

(b) Maximum efficiency of land uses within a proposed urban reserve requires inclusion of lower priority lands in order to include or to provide services to higher priority lands.¶

(5) 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

AMEND: 660-021-0060

RULE SUMMARY: This rule describes how lands within urban reserves shall be considered for inclusion within an urban growth boundary.

CHANGES TO RULE:

660-021-0060

Urban Growth Boundary Expansion ¶¶

(1) All lands within urban reserves 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; and¶¶

(2) At least eighty percent of land from the original acknowledged urban reserve area or previous expansion areas of an urban reserve must be included in the urban growth boundary before the inclusion of subsequent urban reserve areas from more recent amendments to the urban reserve.

Statutory/Other Authority: ORS 197.040

Statutes/Other Implemented: ORS 197A.245

AMEND: 660-024-0010

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.

CHANGES TO RULE:

660-024-0010

Definitions ¶¶

In this division, the definitions in the statewide goals and the following definitions apply:¶¶

~~(1) "Buildable Land" is a term applying to residential land only. "Allocated housing need" has the meaning provided in ORS 197A.015(1).¶¶~~

~~(2) "Buildable Land" has the same meaning as provided in OAR 660-008-0005(27).¶¶~~

~~(23) "Density" means the number of dwelling units per net buildable acre.¶¶~~

~~(4) "EOA" means an economic opportunities analysis carried out under OAR 660-009-0015.¶¶~~

~~(35) "Housing need" or "housing need analysis" refers to a local determination as to the needed amount, types and densities of housing that will be.¶¶~~

~~(a) Commensurate with the financial capabilities of present and future area residents of all income levels during the 20-year planning period;¶¶~~

~~(b) 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~~
"Needed housing" has the meaning provided in ORS 197A as follows: (a) For local governments outside Metro, "needed housing" has the meaning provided in ORS 197A.018.(b) For Metro and local governments within Metro, "needed housing" has the meaning provided in ORS 197A.348.¶¶

~~(46) "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 in ORS 197.015(13).¶¶~~

~~(68) "Neighborhood-serving Commercial" refers to pedestrian-oriented, small-scale commercial development intended to serve surrounding residential areas.¶¶~~

~~(9) "Net Buildable Acre" consists of 43,560 square feet of residentially designated buildable land after excluding future rights-of-way for streets and roads.¶¶~~

~~(710) "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.¶¶~~

~~(811) "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."¶¶~~

~~(912) "UGB" means "urban growth boundary."¶¶~~

~~(103) "Urban area" means the land within a UGB.~~

Statutory/Other Authority: ORS 197.040, Statewide Planning Goal 14

Statutes/Other Implemented: ORS 195.036, ORS 197.015, 197.295 – 197.314, 197.610 – 197.650, 197.764, ORS 197.610 - 197.650, ORS 197.478, ORS 197A.015, ORS 197A.20, ORS 197A.200, ORS 197A.215, ORS 197A.278, ORS 197A.348 - 197A.355, ORS 197A.362, ORS 197A.370 - 197A.400, ORS 197A.425, ORS 197A.445, ORS 197A.465, ORS 197A.470

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. [?]

CHANGES TO RULE:

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.29670, 197A.280, or 197A.350 requires a different date for local governments subject to that ~~those~~ 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 184.453, and with the requirements for determining needed housing in Goals 10 and 14, OAR chapter 660, division 8, and applicable provisions of ORS 197A.270 to 197A.325 and 197.475 to 197.493. [?]
- (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 needs in Goals 10 and 14, OAR chapter 660, division ~~7 or~~ 8, and applicable provisions of ORS ~~197.29A.335 to 197A.314 and 197.475 to 197.49072.~~ [?]
- (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. [?]
- ~~(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 A local government may apply the following safe harbors to determine its employment needs 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 purposes of a UGB amendment under this rule, Goal 9, OAR chapter 660, division 9, Goal 14 and, if applicable, ORS 197A.350.¶¶

(ea) 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 us may estimate that the current number of jobs ing 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 All urban area will grow during the 20-year planning period at a rate equal to either:¶¶

(A) The county or regional job grow 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 evalu 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 for 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, aecast determined under rules in OAR chapter 660, division 32.¶¶

(b) 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 dwelling 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 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 sectors other than retail and service commercial.¶¶

(D) "Coordinated 20-year Population Forecast" and "20-year Population Forecast" under Column A of the Tables refers to A local government with 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 greater than 10,000 may estimate that 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 shd needs for neighborhood-serving commercial will require an additional allow the specified housing types and densities under clear and objective standards and other requirements specified in ORS 197.307(4) and (6).¶¶

(9) 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 197.296.¶¶

(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 amount of land no more than five percent of the net buildable acres determined for residential land needs under section (4) of this rule. This safe harbor may not be used to determine employment land needs for use sectors other than retail and neighborhood-serving commercial.¶¶

(10) 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(6).

Statutory/Other Authority: ORS 197.040, Statewide Planning Goal 14, ORS 195.033(10)

Statutes/Other Implemented: ORS 195.036, ORS 197.015, ORS 197.295 – 197.314, ORS 197.610 – 197.650 610 - 197.650, ORS 195.033, OL 2013 Ch. 574 Sec. 3, ORS 197.478, ORS 197A.015, ORS 197A.020, ORS 197A.200, ORS 197A.215, ORS 197.764A.278, ORS 195.033 7A.348 - 197A.355, ORS 195.07A.362, OL 2013 Ch. 574 Sec. 3RS 197A.370 - 197A.400, ORS 197A.425, ORS 197A.445, ORS 197A.465, ORS 197A.470

AMEND: 660-024-0050

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.

CHANGES TO RULE:

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 and redevelopable land, and be conducted in accordance with OAR ~~660-007-0045 or 660-008-0010, whichever is applicable~~Q, and ORS ~~197A.29670 or 197A.350~~ for local governments subject to ~~those~~those statutes. For employment land, the inventory must include suitable vacant and developed land designated for industrial or other employment use, and must be conducted in accordance with OAR 660-009-0015.¶¶

(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.¶¶~~

~~(3) 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.¶¶~~

~~(4) 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.29670 and 197A.350 where applicable. 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.¶¶~~

~~(5) 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 (4) of this rule.¶¶~~

~~(6) When land is added to the UGB, the local government must assign appropriate urban ~~plan~~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 ~~197.296A.350~~ regarding planning and zoning also apply when local governments specified in that statute add land to the UGB.¶¶~~

~~(7) Lands included within a UGB pursuant to OAR 660-024-0065(3) 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.¶¶~~

~~(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 density and mix~~land use efficiency~~ safe harbors in OAR 660-024-0040~~8-0150~~(82) is deemed to have met the Goal 14 efficiency requirements under:¶¶~~

- (a) Sections (1) and (4) 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, 197A.305, ~~197A.320 & 197.235~~, Statewide Planning Goal 14, ORS 197.235, ORS 197A.285

Statutes/Other Implemented: ORS 195.036, 197.015, ~~197.295~~610 - 197.650, 197A.300 - 197A.314, 197.610 - 197.650, 197.764, 25, ORS 197.478, ORS 197A.015, ORS 197A.020, ORS 197A.200, ORS 197A.215, ORS 197A.278, ORS 197A.362, ORS 197A.370 - 197A.400, ORS 197A.425, ORS 197A.445, ORS 197A.465, ORS 197A.470, ORS 197A.300~~48 - 197A.32~~55

AMEND: 660-024-0060

RULE SUMMARY: This rule provides criteria for evaluating and prioritizing land in a study area for inclusion in Metro's UGB

CHANGES TO RULE:

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 197.298A.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 197.298A.355(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 197.298A.355, "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 197.298A.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 197.298A.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, ORS 197A.305, ORS 197A.320 & 197.235, Statewide Planning Goal 14, ORS 197.235

Statutes/Other Implemented: ORS 195.036, ORS 197.015, ~~197.295~~ ORS 197.610 - 197.650, ORS 197A.300 - 197A.314, ~~197.610 - 197.650, 197.764, 197A.300 - 25~~, ORS 197.478, ORS 197A.015, ORS 197A.020, ORS 197A.200, ORS 197A.215, ORS 197A.278, ORS 197A.348 - 197A.355, ORS 197A.362, ORS 197A.370 - 197A.400, ORS ~~197A.3425~~, ORS 197A.445, ORS 197A.465, ORS 197A.470

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.

CHANGES TO RULE:

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(43), 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;¶¶
 - (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.¶¶
- (3) 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.¶¶
- (4) The city may exclude land from the preliminary study area if it determines that:¶¶
- (a) Based on the standards in section (78) 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.¶¶
- (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;¶
- ~~(d) The land is owned by the federal government and managed primarily for rural uses.¶~~
- (5H) Lands identified by a Tribal government as not suitable for urbanization because they consist of significant scenic, natural, cultural, or recreational resources.¶
- (d) The land is owned by the federal government and managed primarily for rural uses.¶
- (5) 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.¶
- (6) After excluding land from the preliminary study area under section (4), 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(4) or, if applicable, twice the particular land need described in section (3). Such adjustment shall be made by expanding the distance specified under the applicable section (1) or (2) and applying section (4) to the expanded area.¶
- (67) 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), (2) or (3) of this rule after adjustments to the area based on sections (4) 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 (4)(a) through (c) of this rule can reasonably accommodate the park use.¶
- (78) For purposes of subsection (4)(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(4)(c), that would prohibit or substantially impede the placement or construction of necessary public facilities and services.¶

(8d) 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.¶

(9) 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).¶

(910) Notwithstanding OAR 660-024-0050(43) 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(43), provided the amendment complies with all other applicable requirements.

Statutory/Other Authority: ORS 197.040, ORS 197A.305, ORS 197A.320 & 197.235, Statewide Planning Goal 14, ORS 197.235

Statutes/Other Implemented: ORS 195.036, 197.015, 197.~~295~~610 - 197.650, 197A.300 - 197A.314, 197.610-197.650, 197.764, 197A.300-25, ORS 197.478, ORS 197A.015, ORS 197A.020, ORS 197A.200, ORS 197A.215, ORS 197A.278, ORS 197A.348 - 197A.355, ORS 197A.362, ORS 197A.370 - 197A.400, ORS 197A.3425, ORS 197A.445, ORS 197A.465, ORS 197A.470

RULE SUMMARY: This rule provides criteria for evaluating and prioritizing land in a study area for inclusion in the UGB.

CHANGES TO RULE:

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~~10).~~¶¶~~

(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.~~¶¶~~

(2) Priority of Land for inclusion in a UGB:~~¶¶~~

~~(a) First Priority is 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 (f. 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:¶¶~~

~~(A)–L is land designated as an urban reserve under OAR chapter 660, division 21, in an acknowledged comprehensive plan;¶¶~~

~~(Bb) Land that is Second Priority is land adjacent to, or nearby, an urban growth boundary and subject to an acknowledged exception under ORS 197.732; and¶¶~~

~~(C)–L land that is nonresource land as defined in OAR 660-021-0010(3).¶¶~~

~~(bc) Secon Third Priority is marginal land: land within the study area that is land designated as marginal land under ORS 197.247 (1991 Edition) in thean acknowledged comprehensive plan;¶¶~~

~~(ed) ThirdFourth Priority is forest or farm land that is not predominantly land designated in an acknowledged comprehensive plan for agriculture or forestry, or both. Lands considered under this subsection may not include high-value farm-land: land within the study area that is designated for forest or agriculture uses in the acknowledged comprehensiv as defined in ORS 195.300(10) or high value forestland as defined in ORS 195.300(11). ¶¶~~

~~(e) Fifth Priority is land designated in an acknowledged comprehensive plan for agriculture or forestry, or both. Lands considered under this subsection may include those plands under ORS 95.300(10) and that(11) isf not predominantly high-value farmland as defined in ORS 195.300, or that does not consistcomprised of prime and unique soils listed in ORS 215.710(2) to (4) or predominantly of prime or uniquecomprised of Class I and II soils, as determfned 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 land capability classification system or the cubic foot site class system, as appropriate for the¶¶~~

~~(f) Sixth priority is land designated in an acknowledged comprehensive plan designation, to select lower capability or cubic foot site class lands first.¶¶~~

~~(d) Fourth Priority is agricultural land that is predominantly high-value farmland: land within the study area that is designated as agricultural land in an acknowledged comprehensive plan and is predominantly high-value farmland as defined in ORS 195.300. 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 landfor agriculture or forestry, or both, allowing for those lands excluded in (d), if the city provides findings that no other lands are available to fill the need.¶¶~~

~~(g) In selecting which lands to include to satisfy the needagricultural lands within the same priority level, the city~~

must use the agricultural land capability classification system or the cubic foot site class system, as appropriate for the acknowledged comprehensive plan designation, to select lower capability or cubic foot site class lands first.¶

(3) Notwithstanding subsections (2)(ed) or through (df) 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~~ 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~~ fourth or ~~four~~ 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 suitable acres may be grouped together and studied as a single unit of land;¶

(b) Areas of land larger than 100 suitable 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;¶

(d) 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(4) 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(3), 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.¶

(6) 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~~ shall 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 shall project half (50 percent) the assumed residential capacity due to existing development patterns such that the land cannot be reasonably redeveloped or infilled within the planning period as a result of the location of existing structures and infrastructure, unless a city provides quantifiable validation.(c) 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.¶

(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.¶

(10d) In the context of residential development, the cost to serve a sub-area relative to potential yield of housing units.¶

(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.¶

(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.¶

(12) In applying Goal 14 Boundary Location Factor 3, the city may prioritize areas including but not limited to areas that have been conceptually planned to include regulated affordable housing, commercial uses and open space.¶

(13) 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, ORS 197A.305, ORS 197A.320 & ~~197.235~~, Statewide Planning Goal 14, ORS 197.235

Statutes/Other Implemented: ORS 195.036, ORS 197.015, ORS 197.295 - 197.314, ORS 197.610 - 197.650, ORS 197.764, ORS 197A.300 - 197A.325

AMEND: 660-024-0070

RULE SUMMARY: This rule specifies how a local government may adjust the UGB by removing or exchanging land from the existing boundary.

CHANGES TO RULE:

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 197.298~~A.335 apply when land is added to the UGB, including land added in exchange for land removed. The requirements of ORS 197.296A.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 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 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~~ An identified housing need is within ten percent of the amount of buildable residential land removed, or land removed from an urban area (as measured by acres or estimated capacity). ¶

~~(B) The amount of employment land added to the UGB to meet an employment need is substantially equivalent to the amount of employment~~ 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) For local governments within Metro, only urbanizable land may be exchanged to meet land removed, and~~ ¶

~~(b) The identified housing need.~~ ¶

(b) The appropriate 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 at the same or higher housing density as the land removed from the UGB.~~ ¶

(4) Notwithstanding sections (1) and (2) of this rule, a local government considering an exchange of nonresidential 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, and¶

(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) 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).¶

(c) 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.

Statutory/Other Authority: ORS 197.040, ORS 197A.305, ORS 197A.320 & 197.235, Statewide Planning Goal 14, ORS 197.235

Statutes/Other Implemented: ORS 195.036, ORS 197.015, ~~197.295~~ ORS 197.610 - 197.650, ORS 197A.300 - 197A.314, ~~197.610 - 197.650, 197.764, 197A.300 - 25,~~ ORS 197.478, ORS 197A.015, ORS 197A.020, ORS 197A.200, ORS 197A.215, ORS 197A.278, ORS 197A.348 - 197A.355, ORS 197A.362, ORS 197A.370 - 197A.400, ORS 197A.3425, ORS 197A.445, ORS 197A.465, OrS 197A.470