



Draft Language: Oregon Administrative Rules Chapter 660, Division 047 – Oregon Homes

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Table of Contents

660-047-0000 Purpose	2
660-047-0010 Definitions	2
660-047-0020 Local Government Review Process	6
660-047-0030 Design Standards	8
660-047-0040 Siting Standards	10
660-047-0050 Tree Standards	11



660-047-0000 Purpose

660-047-0000 Purpose

Summary: This section establishes the purpose of chapter 660 division 47, the Oregon Homes program.

Commentary: The Oregon Homes program establishes criteria for preapproved lots and parcels will be paired with preapproved building types. This program is intended to significantly reduce the time and variability of the permitting and review processes for common residential developments on low barrier sites. DLCD and the Building Codes Division (BCD) of the Department of Consumer and Business Services (DCBS) are directed to coordinate on rulemaking to implement this program. Directed by the bill, building preapproval would go through either BCD's Permit-Ready Plans Program or Statewide master plan review program. Through a third pathway, these rules allow the local government to review and approve building types that meet the requirements listed in these OARs.

The purpose of this division is to establish standards under which local governments shall approve development that meets specified residential development types, Oregon Homes Developments, on lots or parcels under specified conditions.

STATUTORY/OTHER AUTHORITY: ORS 197A.408

STATUTES/OTHER IMPLEMENTED: ORS 197A.400, ORS 197A.408, ORS 197A.420

~~Statutory/Other Authority: ORS 197.040~~

660-047-0010 Definitions

As used in this division, the definitions in ORS 197A.420, apply.

In addition, the following definitions apply:

- (1) "Building ~~H~~height" means the vertical distance from grade plane (measured from the lowest ground surface a maximum of five feet from the building wall) to the average height of the highest roof surface (measured to the tallest point of the roof of the building).
- (2) "DBH" means the diameter of a standing tree at breast height, which is measured as the width of a standing tree at four and one-half feet above the ground on the uphill side, as defined in ORS 90.100.
- (3) "Design standard" means a standard related to the arrangement, orientation, materials, appearance, articulation, or aesthetic of features on a dwelling unit or accessory elements on a site. Design standards include, but are not limited to, standards that regulate entry and dwelling

orientation, façade materials and appearance, window coverage, driveways, parking configuration, pedestrian access, screening, landscaping, and private, open, shared, community, or courtyard spaces.

(4) “Developable area” means the space on the lot not including setbacks, public utility easements, right of way, and any required open space.

(5) “Environmentally sensitive area” means lands protected or designated pursuant to any one of the following statewide planning goals:

(a) Goal 5 Natural Resources, Scenic and Historic Areas, and Open Spaces;

(b) Goal 6 Air, Water and Land Resource Quality;

(c) Goal 15 Willamette River Greenway;

(d) Goal 16 Estuarine Resources;

(e) Goal 17 Coastal Shorelands; and

(f) Goal 18 Beaches and Dunes.

(6) “Final ~~E~~ngineering ~~P~~lans” means the detailed engineering plans and reports for the design or construction of public and private infrastructure improvements that require review and approval following tentative plat approval by a local government before issuing site development permits, including plans and reports for the construction of public and private infrastructure improvements such as grading, water, sewer, stormwater, transportation systems, and utilities.

(7) “Oregon Homes Development” means a residential development type that would be approved to be placed on an Oregon Homes Lot including:

(a) Attached or detached housing, including accessory dwelling units or prefabricated or modular housing;

(b) Types with a buildable area of:

(A) A size of not more than 2,200 square feet per dwelling unit for a single-unit dwelling, accessory dwelling unit, or per dwelling unit for duplex, triplex, quadplex and townhouse; and

(B) An average per-unit size of not more than 1,400 square feet for cottage clusters or a multiunit dwelling;

(c) A multiunit dwelling with more than six and fewer than twelve units;

(d) Housing that complies with the minimum density requirements of the applicable comprehensive plan or land use regulations for the lot or parcel; and

(e) Housing types whose building plans have been approved by Department of Consumer and Business Services pursuant to ORS 455.062, ORS 455.685, or housing types that meet the criteria as ~~listed-provided~~ in subsections 660-047-0010 (75) (a)-(d) and approved through local building code review.



- (8) "Oregon Homes Lot" means a lot or parcel that ~~are~~is:
- (a) ~~A~~Lawfully established units of land;
 - (b) Within an urban growth boundary;
 - (c) Zoned to allow residential use;
 - (d) At least 1,500 square feet;
 - (e) Not larger than 20,000 square feet;
 - (f) Not covered by slopes averaging more than 15 percent; and
 - (g) Not within an area identified in an inventory or map that is part of the local government's comprehensive plan as:
 - (A) Environmentally sensitive or containing significant natural resources;
 - (B) Open space or scenic areas; or
 - (C) Natural hazard areas, including floodplains, river greenways, landslide zones, or wildfire risk areas;
 - (i) ~~if~~ a lot or parcel is otherwise eligible for an Oregon Home's Development, but within an area identified in ~~paragraphs 660-047-0010 (g)-(A)-(C)~~, development of an Oregon Home is still allowed so long as the developable area is wholly outside of the inventoried area, and it's subject protections.
 - (h) Vacant, including a lot or parcel:
 - (A) Created by any lawful division of land, regardless of when the division occurred.
 - (B) On which is sited a nonresidential structure that is nonconforming or not suitable for any lawful use.
 - (C) For which residential units were demolished more than five years prior; or
 - (D) For which residential units were demolished within the previous five years, provided that the approved development would create net additional units and would use a building construction plan approved under Department of Consumer and Business Services pursuant to ORS 455.062, ORS 455.685, or housing types that meet the criteria ~~as listed in section 660-047-0010 (5)~~ and approved through local building code review.
- (9) "Public ~~F~~acilities ~~Plan-plan or Eengineering Mmaster Pplan~~" means a support document or documents to a comprehensive plan. The facility plan describes the water, sewer and transportation facilities which are to support the land uses designated in the appropriate acknowledged comprehensive plans within an urban growth boundary containing a population greater than 2,500.
- (10) "Site ~~P~~lan" means a site or development plan that is drawn accurately to scale and include but are not limited to the following existing and proposed information:
- (a) All property lines with dimensions and total lot area;
 - (b) North arrow and scale of drawing;



- (c) Adjacent streets, access (driveways), curbs, sidewalks, and bicycle routes;
 - (d) Existing ~~Goal-goal Protected-protected Resourcesresources~~, if any are present on the site;
 - (e) Existing and proposed easements and on-site utilities;
 - (f) Existing and proposed development with all dimensions, including floor area and building footprint;
 - (g) Distances of all existing and proposed development to property lines;
 - (h) Types and location of outdoor area(s) and usable open space (if required);
 - (i) Percentage of the site proposed for outdoor area coverage;
 - (j) Motor vehicle and pedestrian access and circulation systems, including connections off-site, and associated dimensions; and
 - (k) Motor vehicle and bicycle parking areas and design, number of spaces, and loading areas.
- (11) "Siting standards" means standards regulating placement of structures on a lot or parcel including setbacks, height, bulk, scale, and lot coverage. Siting standards include, but are not limited to, standards that regulate perimeter setbacks, dimensions, bulk, scale, coverage, minimum and maximum parking requirements, utilities, and public facilities.
- (12) "Traffic ~~Impact-impact Analysisanalysis~~" means a report prepared by a professional engineer that analyzes existing and future roadway conditions.
- (13) "Usable outdoor space" means one of the following:
- (a) Outdoor recreation area surfaced with lawn, groundcover, gravel, or hard surface. The area must be a contiguous ~~and able to fit a~~ 10-foot by 10-foot square;
 - (b) Balconies, terraces, and rooftop decks with seating areas that are available for use by all residents;
 - (c) Tree groves of existing mature trees;
 - (d) Turf or grass play fields;
 - (e) Children's play structure or play area;
 - (f) Sports courts;
 - (g) Swimming or wading pool or hot tub;
 - (h) Walking fitness course;
 - (i) Natural area with benches; or
 - (j) Gardening area with at least 50 square feet of planting area.

STATUTORY/OTHER AUTHORITY: ORS 197A.408

STATUTES/OTHER IMPLEMENTED: ORS 197A.400, ORS 197A.408, ORS 197A.420

Statutory/Other Authority: ~~ORS 197.040~~

Statutes/Other Implemented: ~~ORS 197A.420~~



660-047-0020 Local Government Review Process

660-047-0020 Local Government Review Process

Summary: This section creates the local government review process for the development of Oregon Homes Lots.

Commentary: The policy intent is to make clear local governments cannot create additional standards than as outlined within the rules for Oregon Homes. To ensure the fastest timeline for approval, local governments may review Oregon Homes applications as a completeness check up to a ministerial or Type I review. The burden of proof to demonstrate application completeness is placed on the applicant to shorten the local government staff time required for the review. Adjustments to 660-047-0020 (7) were made with the intention to add clarity for local governments that they may apply standards related to public utilities, water, sewer and other critical infrastructure, engineering standards, and traffic impact analysis to the Oregon Homes Development application. Language clarifying local jurisdictions may apply a review fee to Oregon Homes Development applications. 660-047-0020 (9) was added to provide clear authorization for denial. With the removal of the variances and adjustments section, 660-047-0020 (10) was moved here.

A local government must follow the review process as outlined below for an Oregon Homes Development proposed on an Oregon Homes Lot.

(1) Local governments must issue a land use decision, notwithstanding any comprehensive plan or land use regulations or statewide land use planning goals, approving the development of an Oregon Homes Development on an Oregon Homes Lot if the development proposal meets the applicable standards ~~outlined~~ provided in OAR 660-047-0030 through OAR 660-047-0050.

(2) Local governments shall review ~~A~~ applications for Oregon Homes Development on an Oregon Homes Lot ~~shall be reviewed by the~~ local government through completeness check, being no more rigorous than a ministerial review. Administration of this review shall only be to ensure compliance with standards ~~outlined~~ provided in OAR 660-047-0020 through OAR 660-047-0050 and shall not require the use of discretion, interpretation, or the exercise of policy or legal judgment.

(3) ~~In a local government's r~~Review of an Oregon Homes Development, a local government shall deem an application for an Oregon Homes Development ~~shall be deemed~~ complete when the applicant provides the following information to the local government:

(a) Site plan and exhibits that address requirements ~~as listed~~ provided in OAR ~~6600~~-047-0010, ~~6600~~-047-0030, ~~6600~~-047-0040, and 660-047-0050;



(b) Building plans that are:

(A) ~~approved~~ Approved by the Building Codes Division ~~that as~~ meeting applicable building code standards; or

(B) Building plans that meet the requirements of an Oregon Homes Development ~~as listed~~ provided in OAR 660-047-0010-(5); and

(c) A tree mitigation plan that meets the standards ~~outlined~~ provided in OAR 660-047-0050, as applicable.

(4) A local government shall deem an ~~A~~ application submissions that ~~do~~ es not include information required in this division ~~shall be deemed incomplete by the local government.~~

(5) Applicants shall bear the burden of proof to provide information necessary to determine compliance with the applicable provisions of this division.

(6) A local government shall not require a public notice or hearing in reviewing or approving an application for Oregon Homes Development.

(7) Nothing in this section precludes a local government from applying locally administered public facilities plans, including but not limited to public works design standards, final engineering plans, or requirements resulting from a traffic impact analysis during the development review processes for an Oregon Homes Development application. The order in which a local government applies these locally administered standards or plans during the application or review period is determined by the local government at their discretion. A local government shall not establish public facilities plans, final engineering plans, or traffic impact analysis requirements uniquely for an Oregon Homes Development that exceeds the process applied to all other residential development of the same type.

(8) A local government may charge applications a review fee compatible to similar development applications.

(9) A local government shall deny ~~An~~ Oregon Homes Development application ~~shall be denied~~ if the application does not meet the definitions of an Oregon Homes Lot and Oregon Homes Development ~~as written~~ provided in OAR 660-047-0010 and does not meet the requirements ~~as outlined~~ provided in OAR 660-047-0030 through OAR 660-047-0050.

(10) A local government is not required to grant a request for adjustment under Oregon Laws 2024, chapter 110, sections 38 to 41, compiled as a note after ~~of~~ ORS 197A.395 in approving an application for an Oregon Homes Development.

STATUTORY/OTHER AUTHORITY: ORS 197A.408

STATUTES/OTHER IMPLEMENTED: ORS 197A.400, ORS 197A.408, ORS 197A.420

Statutory/Other Authority: —ORS 197.040



~~Statutes/Other Implemented: ORS 197A.400—~~

660-047-0030 Design Standards

660-047-0030 Design Standards

Summary: This section establishes a set of design standards for an Oregon Homes Lot including entry orientation, garages and driveways, and waste storage facilities.

Commentary: The intent of the proposed design standards is to ensure quality development while not increasing development costs or permitting review times. DCLD has considered OAR 660-046 (Model Code) as reference in the design standards below. RAC members raised concerns that the proposed design standards should vary by dwelling unit type and by size of local government. DLCD considered these adjustments but determined this would not be in alignment with the legislative intent of uniformity in Oregon Homes. The 10 percent variance allowance from 660-047-0030 (2) and (3) has been added to this section.

The following design standards required for the placement of an Oregon Homes Development on an Oregon Homes Lot address essential safety and functional aspects for residents and people that interact with the right-of-way. A local government may apply only the following design standards outlined in this section in reviewing an application for an Oregon Homes Development on an Oregon Homes Lot:

(1) All units within the development, unless an attached or detached accessory dwelling unit, must have their pedestrian entry orientation meet at least one of the following:

- (a) Face the street;
- (b) Be at an angle of up to 45 degrees from the street;
- (c) Face a common open space that is adjacent to the street; or
- (d) Open onto a covered porch or covered patio that is at least 25 square feet in area and have at least one entrance facing the street.

~~(2) Windows or pedestrian entrance doors must be provided on street-facing facades as follows:~~

~~(a) At least one street-facing façade must have a minimum of 15 percent windows or pedestrian entrance doors.—~~

~~(b) All other street-facing facades must have a minimum of 10 percent windows or pedestrian entrance doors.—~~

~~(2c) The following facades are exempt from these standards:—~~

~~(A) Facades separated from the street lot line by a dwelling, or by a buildable lot with a depth of at~~



~~least 20 feet measured from the street lot line.~~

~~(B) Facades that are more than 40 feet from the street lot line.~~

~~(C) Facades facing an alley~~

(23) Garages, carports, or on-site parking or vehicle maneuvering areas are not required. However, if proposed as part of an Oregon Home Development, the combined width of all garages and outdoor on-site parking and vehicle maneuvering areas, as measured at their widest dimension, shall not exceed a total of 50 percent of the street frontage. The following Oregon Homes Development scenarios are excluded from this standard:

(a) Accessible and adaptable units;

(b) Lots that receive vehicular access from an alley; and

(c) Off-street parking areas that are separated from the street lot line by a dwelling.

(34) Storage facilities for trash and recycling receptacles that are located within 20 feet of a street lot line or a lot line abutting residential property shall meet the following standards:

(a) The storage facility shall be screened from street lot lines and abutting residential properties by a wall, solid fence, or evergreen hedge. The screen must be at least 4 feet in height, except as specified in subsection (c) and located no more than 3 feet from the storage facility.

(b) The storage facility must be separated from the street lot line by at least 5 feet.

(c) For lot lines abutting residential properties, the storage facility must either be setback from the lot line by at least 5 feet, or the screen facing the lot line must be at least 6 feet in height.

(45) A local government shall approve an Oregon Homes Development application if the proposed site plan varies not more than 10% ~~percent~~ from the ~~Garage, carports, or on-street parking standards or the trash screening requirements within this section~~ design standards described in this section.

STATUTORY/OTHER AUTHORITY: ORS 197A.408

STATUTES/OTHER IMPLEMENTED: ORS 197A.400, ORS 197A.408, ORS 197A.420

Statutory/Other Authority: ORS 197.040



660-047-0040 Siting Standards

660-047-0040 Siting Standards

Summary: This section establishes a set of siting standards for an Oregon Homes Lot including setbacks, density, and outdoor areas.

Commentary: These rules apply siting standards for Oregon Homes Lots, regardless of the type of Oregon Homes Development. The above siting standards were chosen to ensure development feasibility and an expedited review process. DLCD has considered OAR 660-046 (Model Code) as reference. Similar to design standards, RAC members raised concerns that the proposed siting standards should vary by dwelling unit type and by size of local government. DLCD considered these adjustments but determined this would not be in alignment with the legislative intent of Oregon Homes. The 10 percent variance allowance from 660-047-0040 (1) and (3) has been added to this section.

A local government may apply only the following siting standards in reviewing an application for an Oregon Homes Development on an Oregon Homes Lot as outlined in this section. An Oregon Homes development must:

- (1) Provide a setback of 5 feet on all sides of the building or the distance required for a proposed or existing utility easement. For buildings greater than 35 feet in building height, the setbacks must be 10 feet on all sides. Building height is defined in OAR 660-047-0010.
- (2) Meet the minimum density requirements of the applicable comprehensive plan or land use regulations for the lot or parcel.
- (3) Provide outdoor area that is beyond lot area counted towards setbacks comprised of at least 15 percent of the gross site area and containing one or more of the following features:
 - (a) Areas planted with vegetation (including natural areas and existing trees);
 - (b) Private open space, including balconies attached to individual dwelling units;
 - (c) Pedestrian hardscape;
 - (d) Usable open space being one of the following:
 - (A) Outdoor recreation area surfaced with lawn, groundcover, gravel, or hard surface.
 - (B) Balconies, terraces, and rooftop decks with seating areas that are available for use by all residents;
 - (C) Tree groves of existing mature trees;
 - (D) Turf or grass play fields;
 - (E) Children's play structure or play area;



- (F) Sports courts;
 - (G) Swimming or wading pool or hot tub;
 - (H) Walking fitness course;
 - (I) Natural area with benches; or
 - (J) Gardening area with at least 50 square feet of planting area.
- (4) A local government shall approve an Oregon Homes Development application if the proposed site plan varies not more than 10% ~~percent~~ from the setbacks or outdoor area characteristics requirements within this section.

STATUTORY/OTHER AUTHORITY: ORS 197A.408

STATUTES/OTHER IMPLEMENTED: ORS 197A.400, ORS 197A.408, ORS 197A.420

Statutory/Other Authority: ~~ORS 197.040~~

660-047-0050 Tree Standards

660-047-0050 Tree Standards

Summary: This section establishes standards to guide the preservation, replanting, or replacement of trees on Oregon Homes lots.

Commentary: As proposed, these rules do not add any additional tree removal requirements beyond those outlined in HB 2258. The list of trees that require mitigation if removed similarly does not add any additional requirements beyond statute. The proposed rules add an option for local governments to require a fee in lieu. RAC members expressed that these standards are more restrictive for some local governments and more permissive for other local governments. No edits were made to the standards so that the standards remain in conformity with HB 2258.

A local government must require the applicant to adhere to the following standards to guide the preservation or replacement of trees on an Oregon Homes ~~lot~~Lot.

- (1) Approval of an Oregon Home Development may not result in the removal of trees that are:
 - (a) Designated by the local government as a heritage tree, or
 - (b) 20 inches or greater DBH.
- (2) An applicant for an Oregon Homes Development on an Oregon Homes Lot may propose to remove eligible tree(s) as part of the development application. The applicant shall take mitigating measures outlined in this section for each tree proposed to be removed that is:
 - (a) Designated by the local government through an adopted program, regulations, or ordinances as a



protected species;

(b) Not deemed unhealthy by a certified arborist; and

(c) 12 inches or more DBH.

(3) If all of the criteria listed in OAR 660-047-0050-(2) are met, the applicant must conduct one of the following mitigation measures for tree removal:

(a) The replanting of the removed tree on or adjacent to the Oregon Homes Lot;

(b) The replacement of the removed tree with a tree of the same protected species; or

(c) A payment of a fee-in-lieu as established by local ordinance.

STATUTORY/OTHER AUTHORITY: ORS 197A.408

STATUTES/OTHER IMPLEMENTED: ORS 197A.400, ORS 197A.408, ORS 197A.420

~~Statutory/Other Authority: ORS 197.040~~