



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

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**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 pared 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

660-047-0010 Definitions

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

In addition, the following definitions apply:

- (1) "Building height" as defined in the Oregon Residential Specialty Code or Oregon Structural Specialty Code, whichever is applicable, including the applicable code's definition of "Grade Plane" used to measure height.
- (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) “Buildable area” means the space on the lot or parcel not including setbacks, public utility easements, right of way, and any required open space. The buildable area does not include garages or driveways.

(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 engineering plans” 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 approved to be placed on an Oregon Homes Lot including:

(a) Allowed housing types:

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

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

(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;

(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 provided in subsections (a) to (d) and approved through local building code review.

- (8) "Oregon Homes Lot" means a lot or parcel that is:
- (a) A lawfully established unit 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;
 - (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, coastal erosion, or wildfire risk areas. Including areas identified as one or more of the above referenced areas in DOGAMI Interpretive Map Series (IMS), Open-File Reports (OFR) and Statewide Landslide Information Database (SLIDO) and mapped Areas of Special Flood Hazard identified on adopted FEMA Flood Insurance Rate Maps.
 - (D) If a lot or parcel is otherwise eligible for an Oregon Home's Development, but within an area identified in paragraphs (A) to (C), development of an Oregon Home is still allowed so long as the developable area is wholly outside of the inventoried area, and its subject protections; and
 - (h) Vacant, including a lot or parcel:
 - (A) Created by any lawful division of land, regardless of when the division occurred, in accordance with ORS chapter 92.
 - (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 in section (5) and approved through local building code review.
- (9) "Public facilities plan or engineering master plan" 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) “Public Facilities Requirements” refers to the development requirements applicable to public and private infrastructure improvements such as grading, water, sewer, stormwater, transportation systems, and utilities.

(11) “Site plan” means a site or development plan that is drawn accurately to scale and includes the following existing and proposed information at a minimum:

- (a) All property lines with dimensions and total lot or parcel area;
- (b) North arrow and scale of drawing;
- (c) Adjacent streets, access (driveways), curbs, sidewalks, and bicycle routes;
- (d) Existing goal protected resources, 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.

(12) “Siting standards” means a standard related to the position, bulk, scale, or form of a structure.. Siting standards include, but are not limited to, standards that regulate perimeter setbacks, dimensions, bulk, scale, lot coverage, parking requirements, utilities, and public facilities.

(13) “Traffic impact analysis” means a report prepared by a professional engineer that analyzes existing and future roadway conditions.

(14) “Utility easements” means an easement that allows a public utility as defined in ORS 757.005 the right to use and access specific areas of another’s property for constructing or maintaining gas, electric, telecommunication, fiberoptic, water, stormwater, and sewer lines.

STATUTORY/OTHER AUTHORITY: ORS 197A.408

STATUTES/OTHER IMPLEMENTED: ORS 197A.400, ORS 197A.408, 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 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. A provision was added to provide clear authorization for denial. With the removal of the variances and adjustments section, allowances for variances was moved here.

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

- (1) Local governments must issue a 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 provided in OAR 660-047-0030 through OAR 660-047-0050.
- (2) Local governments shall review applications for Oregon Homes Development on an Oregon Homes Lot through a completeness and compliance check and shall be no more rigorous than a ministerial review. Administration of this review shall only be to ensure compliance with standards provided in this division and shall not require the use of discretion, interpretation, or the exercise of policy or legal judgment.
- (3) Nothing in this division prohibits an applicant from submitting an application for an eligible Oregon Home Lot from utilizing otherwise applicable standards and processes.
- (4) Review of an Oregon Homes Development, a local government shall deem an application complete when the applicant provides the following information to the local government:
 - (a) Site plan and exhibits that address requirements provided in OAR 660-047-0010, 660-047-0030, 660-047-0040, and 660-047-0050;
 - (b) Building plans that:
 - (A) Are approved by the Building Codes Division as meeting applicable building code standards; or
 - (B) Meet the requirements of an Oregon Homes Development provided in OAR 660-047-0010(5); and

- (c) A tree mitigation plan that meets the standards provided in OAR 660-047-0050, as applicable.
- (5) A local government shall deem an application submission that does not include information required in this division incomplete.
- (6) Applicants shall bear the burden of proof to provide information necessary to determine compliance with the applicable provisions of this division.
- (7) In reviewing or approving an application for Oregon Homes Development, a local government shall not provide public notice or hold a hearing i.
- (8) Nothing in this rule precludes a local government from applying locally administered public facilities requirements, 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 local government may determine the order in which it applies these locally administered standards or plans during the application or review period is determined by the local government at their discretion.
- (9) A local government shall not require public facilities requirements, final engineering plans, or traffic impact analysis requirements uniquely for an Oregon Homes Development that exceeds the process or requirements applied to all other residential development of the same type.
- (10) Local governments that have adopted the Oregon State Fire Marshall's defensible space model code where applicable according to ORS 476.392, can use defensible space code standards to review an Oregon Homes Development.
- (11) A local government may charge applications a review fee comparable to similar development applications.
- (12) If the application submitted under the Oregon Homes program does not meet the definitions of an Oregon Homes Lot and Oregon Homes Development provided in OAR 660-047-0010 and does not meet the requirements provided in OAR 660-047-0020 through OAR 660-047-0050, the local government may deem the application as incomplete or reject the application.
- (13) 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* ORS 197A.395 in approving an application for an Oregon Homes Development.
- (14) An approved Oregon Homes Development is a conforming development for the purposes of local land use regulations. Nothing in this section prohibits a local government from regulating subsequent alterations, remodels, additions, or changes of use or occupancy in conformance with local regulations, unless a subsequent application for development on that lot is for a Oregon Homes Development.

STATUTORY/OTHER AUTHORITY: ORS 197A.408

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

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 shall apply the following design standards 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) 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 or parcels that receive vehicular access from an alley; and
- (c) Off-street parking areas that are separated from the street lot line by a dwelling.
- (3) Storage facilities for trash and recycling receptacles are not required. For developments over four units with common storage areas 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 four feet in height and located no more than three feet from the storage facility.
 - (b) The storage facility must be separated from the street lot line by at least five feet.
 - (4) A local government shall approve an Oregon Homes Development application if the proposal varies not more than 10 percent from the numerical standards described in this section.

STATUTORY/OTHER AUTHORITY: ORS 197A.408

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

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 shall apply only the following siting standards in reviewing an application for an Oregon Homes Development on an Oregon Homes Lot. An Oregon Homes Development must:

- (1) Provide a setback of five feet on all sides of the building. A local government may require an additional setback for proposed or existing utility easements, minimum defensible space requirements as detailed in Oregon State Fire Marshal's model code for defensible space in ORS 476.392, or easements required in traffic impact analyses. For buildings greater than 35 feet in building height,

the setbacks must be 10 feet along the street frontage and five feet on the sides and rear. Building height is defined in OAR 660-047-0010. If an Oregon Homes Development includes a garage, the face of the garage must be setback 20 feet from the street frontage.

(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 comprised of at least 15 percent of the gross site area, excluding the setback area. The outdoor area must be at least a contiguous 10-foot by 10-foot square or greater, 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 and terraces 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. The area must be at least a contiguous 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.

(4) For multi-unit buildings, the required 15 percent outdoor space area may alternatively be met with balconies attached to individual units and is not required to be a 10-foot by 10-foot square.

(5) A local government shall approve an Oregon Homes Development application if the proposal varies not more than 10 percent from the numerical standards described in this section.

STATUTORY/OTHER AUTHORITY: ORS 197A.408

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

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.

(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 provided in section (3) 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) Twelve 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