



PERMANENT ADMINISTRATIVE ORDER

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LAND CONSERVATION AND DEVELOPMENT DEPARTMENT

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RULES:

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REPEAL: 660-007-0000

RULE TITLE: Statement of Purpose

NOTICE FILED DATE: 09/29/2025

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 This rule is proposed to be repealed based in part on obsolescence and in part on duplication with the recent and pending revisions in Division 8 such that Division 8 will cover all Goal 10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

RULE TEXT:

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 TITLE: Definitions

NOTICE FILED DATE: 09/29/2025

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 This rule is proposed to be repealed based in part on obsolescence and in part on duplication with the recent and pending revisions in Division 8 such that Division 8 will cover all Goal 10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

RULE TEXT:

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 TITLE: Clear and Objective Approval Standards Required

NOTICE FILED DATE: 09/29/2025

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.

RULE TEXT:

- (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 TITLE: Specific Plan Designations Required

NOTICE FILED DATE: 09/29/2025

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.

RULE TEXT:

(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 TITLE: The Rezoning Process

NOTICE FILED DATE: 09/29/2025

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.

RULE TEXT:

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 TITLE: Restrictions on Housing Tenure

NOTICE FILED DATE: 09/29/2025

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.

RULE TEXT:

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 TITLE: New Construction Mix

NOTICE FILED DATE: 09/29/2025

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.

RULE TEXT:

(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 TITLE: Consideration of Other Housing Types

NOTICE FILED DATE: 09/29/2025

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.

RULE TEXT:

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 TITLE: Minimum Residential Density Allocation for New Construction

NOTICE FILED DATE: 09/29/2025

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.

RULE TEXT:

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 TITLE: Alternate Minimum Residential Density Allocation for New Construction

NOTICE FILED DATE: 09/29/2025

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.

RULE TEXT:

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 TITLE: Computation of Buildable Lands

NOTICE FILED DATE: 09/29/2025

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.

RULE TEXT:

- (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) $\text{BLI Acres} \times 6 \text{ Units/Acre} = \text{Num. of Units}$;
- (ii) $\text{BLI Acres} \times 8 \text{ Units/Acre} = \text{Num. of Units}$;
- (iii) $\text{BLI Acres} \times 10 \text{ Units/Acre} = \text{Num. of Units}$;
- (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: $(200 \times 8 = 1600 \text{ units})$; 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 TITLE: Regional Coordination

NOTICE FILED DATE: 09/29/2025

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.

RULE TEXT:

(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 TITLE: Applicability

NOTICE FILED DATE: 09/29/2025

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.

RULE TEXT:

(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 TITLE: Purpose

NOTICE FILED DATE: 09/29/2025

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.

RULE TEXT:

The purpose of this division is to ensure opportunity for and promotion of the provision of adequate numbers of needed housing units and the efficient use of land within urban growth boundaries across all communities in the state. The division ensures significant predictability in the development process so as to reduce housing costs and offers 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.

STATUTORY/OTHER AUTHORITY: ORS 197.040

STATUTES/OTHER IMPLEMENTED: ORS 197.475 - 197.493, ORS 197A.015 - 197A.470

AMEND: 660-008-0005

RULE TITLE: Definitions

NOTICE FILED DATE: 09/29/2025

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.

RULE TEXT:

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, in alignment with ORS 197A.100(3) and (4), including land use efficiency measures, by which a city commits to adoption and implementation. Actions in a housing production strategy may include:
 - (a) Exploratory work as an initial critical step in order to refine, adopt and implement an action; or
 - (b) 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 issues.
- (3) "Adoption-ready action" means an action that the department has developed, either partially or fully, for local implementation to reduce time and resource needs for action implementation. Adoption-ready actions are embedded in Attachment B, Housing Production Strategy Guidance for Cities, with demarcations of actions that have been developed for adoption-readiness and appendices to the menu with adoption-ready materials.
- (4) "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).
- (5) "Affirmatively furthering fair housing" has the meaning provided in ORS 197A.100(9).
- (6) "Allocated housing need" has the meaning provided in ORS 197A.015(1).
- (7) "Buildable Land" means land designated or zoned to allow residential use within the planning boundary, including vacant land, partially vacant land, and developed land likely to be redeveloped, that is suitable, available, and necessary for 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.
- (8) "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.
- (9) "City" has the meaning provided in ORS 197A.015(3).
- (10) "Community Action Partnership of Oregon" has the meaning provided in ORS 456.515(2).
- (11) "Community members of needed housing" means any individuals who inhabit or are anticipated to inhabit needed housing.
- (12) "Continuum of Care" has the meaning provided in OAR 813-385-0010(1).
- (13) "Coordinated care organization" has the meaning provided in ORS 414.025(8).
- (14) "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.
- (15) "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.
- (16) "Development-ready lands" has the meaning provided in ORS 197A.015(4).
- (17) "Environmental justice" has the meaning provided in ORS 182.535(3).
- (18) "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.
- (19) "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;
 - (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.
- (20) "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.

- (21) "Housing acceleration agreement" means a document that complies with provisions of ORS 197A.130(6) to (8).
- (22) "Housing Capacity Analysis (HCA)" means a document, incorporated into a local government's comprehensive plan by ordinance, which complies with the provisions of ORS 197A.270, 197A.280, and 197A.335. A Housing Capacity Analysis is an assessment of residential land capacity, based on the allocated housing need and contextualized housing need if applicable, that includes the inventory, determination, and analysis required under ORS 197A.270(3) to (4).
- (23) "Housing equity indicators" means the information annually produced by the Housing and Community Services Department under ORS 456.602.
- (24) "Housing Production Strategy (HPS)" has the meaning provided in ORS 197A.015(7).
- (25) "Housing production dashboard" means the information annually produced by the Housing and Community Services Department under ORS 456.601.
- (26) "Housing production target" has the meaning provided in ORS 184.455.
- (27) "Housing type" means a category of housing distinguished by its physical form and relationship to its underlying parcel of land, including but not limited to:
- (a) Middle housing and its component subtypes of housing, and
 - (b) Multi-unit housing and its component subtypes of housing.
- (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.
- (29) "Land Use Efficiency Measure" refers to an action taken by a local government to quantifiably increase the housing capacity or reduce the residential land need, or both, via an adopted comprehensive plan or land use regulation change consistent with ORS 197.610.
- (30) "Location" means a specific geographic area or series of areas within a city's 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.
- (31) "Manufactured dwelling park" has the meaning provided in ORS 446.003(20).
- (32) "Middle housing" has the meaning provided in ORS 197A.420(1)(c)(A) to (E), which includes:
- (a) Duplex which has the meaning provided in OAR 660-046-0020(6);
 - (b) Triplex which has the meaning provided in OAR 660-046-0020(19);
 - (c) Quadplex which has the meaning provided in OAR 660-046-0020(14);
 - (d) Townhouse which has the meaning provided in OAR 660-046-0020(17);
 - (e) Cottage cluster which has the meaning provided in OAR 660-046-0020(2).
- (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.

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

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

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

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

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

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

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

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

(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.

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

(a) For a local government outside Metro and the shared Salem-Keizer urban growth boundary, all lands within its acknowledged urban growth boundary;

(b) For Salem, Keizer, and an incorporated city within Metro, all lands within their city limits and any lands within the urban growth boundary for which the city has been assigned responsibility for urbanization under an intergovernmental agreement or urban growth management agreement;

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

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

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

(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.

(42) "Protected class" includes the meaning provided in ORS 659A.425(1)(b), which encompasses federal Fair Housing Act protected classes, state protected classes, and any locally protected classes.

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

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

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

(46) "Redevelopable land" means land designated or zoned 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.

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

(48) "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.

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

(50) "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.

(51) "Tribal government" means the governing body of a "Tribe" as defined in ORS 182.162(2), including but not limited to Tribal Council and staff.

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

STATUTORY/OTHER AUTHORITY: ORS 197.040

STATUTES/OTHER IMPLEMENTED: ORS 197.475 - 197.493, ORS 197A.015 - 197A.470

AMEND: 660-008-0045

RULE TITLE: Housing Capacity Analysis and Housing Production Strategy Deadlines

NOTICE FILED DATE: 09/29/2025

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

RULE TEXT:

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 published in the year of the adoption of the housing capacity analysis, unless a city applies the provisions in section (8).

(8) A city may apply the allocation of housing need and the housing production target, as provided in ORS 184.451 to 184.455, that are published in the year prior to the adoption of the housing capacity analysis. To apply the allocation of housing need and the housing production target under this section, by December 1 of the year prior to the Housing Capacity Analysis deadline under section (1), a city must submit written notice to:

(a) The department; and

(b) Oregon Housing and Community Services.

(9) If a population estimate developed under ORS 195.033 and OAR 660-032-0020 and OAR 660-032-0030 results in a city qualifying under ORS 197A.270, 197A.280, and 197A.335, the city must adopt a housing capacity analysis within two years of its qualification or the interval provided in section (5), whichever is the longer period.

STATUTORY/OTHER AUTHORITY: ORS 197.040

STATUTES/OTHER IMPLEMENTED: ORS 197A.015 - 197A.470

Housing Capacity Analysis and Housing Production Schedule

OAR 660-008-0045 Attachment A

(Required by ORS 197A.270, 197A.280, and 197A.335)
 Last Updated February 28, 2025

This schedule is to be adopted by the Land Conservation and Development Commission (LCDC) in January of each year. Cities must adopt a Housing Capacity Analysis (HCA) and a Housing Production Strategy (HPS) by December 31st of the listed year.

HCA-HPS Schedule for 2025-2033

	2025	2026	2027	2028	2029	2030	2031	2032	2033
Cities in a Metro Service District (six-year cycle)									
Beaverton					HCA	HPS			
Cornelius			HCA	HPS					HCA
Fairview			HCA	HPS					HCA
Forest Grove			HCA	HPS					HCA
Gladstone			HCA	HPS					HCA
Gresham					HCA	HPS			
Happy Valley	HPS			HCA	HPS				
Hillsboro					HCA	HPS			
Lake Oswego					HCA	HPS			
Milwaukie					HCA	HPS			
Oregon City			HCA	HPS					HCA
Portland					HCA	HPS			
Sherwood			HCA	HPS					HCA
Tigard			HCA	HPS					HCA
Troutdale			HCA	HPS					HCA
Tualatin			HCA	HPS					HCA
West Linn	HPS				HCA	HPS			
Wilsonville	HPS					HCA	HPS		

	2025	2026	2027	2028	2029	2030	2031	2032	2033
Metro Counties (HB 4063, 2024) (six-year cycle)									
Clackamas					HCA	HPS			
Washington					HCA	HPS			

	2025	2026	2027	2028	2029	2030	2031	2032	2033
Housing Coordination Strategy (HCS) (six-year cycle)									
Metro Regional Government	HCS						HCS		

	2025	2026	2027	2028	2029	2030	2031	2032	2033
Cities outside of Metro Service Districts (eight-year cycle)									
Albany				HCA	HPS				
Ashland						HCA	HPS		
Astoria			HCA	HPS					
Baker City						HCA	HPS		
Bend			HCA	HPS					
Canby*	HPS							HCA	HPS
Central Point			HCA	HPS					
Coos Bay				HCA	HPS				
Corvallis			HCA	HPS					
Cottage Grove			HCA	HPS					
Dallas				HCA	HPS				
The Dalles							HCA	HPS	
Eugene			HCA	HPS					
Grants Pass						HCA	HPS		
Hermiston					HCA	HPS			
Independence							HCA	HPS	
Keizer			HCA	HPS					
Klamath Falls				HCA	HPS				
La Grande				HCA	HPS				
Lebanon						HCA	HPS		
Lincoln City			HCA	HPS					
McMinnville*	HPS							HCA	HPS
Medford							HCA	HPS	
Molalla	HPS						HCA	HPS	
Monmouth							HCA	HPS	
Newberg			HCA	HPS					
Newport						HCA	HPS		
North Bend						HCA	HPS		
Ontario					HCA	HPS			
Pendleton*	HCA	HPS				HCA	HPS		
Prineville			HCA	HPS					
Redmond			HCA	HPS					
Roseburg			HCA	HPS					
Salem	HPS					HCA	HPS		
Sandy	HPS							HCA	HPS
Silverton				HCA	HPS				
Springfield			HCA	HPS					
St. Helens			HCA	HPS					
Sweet Home							HCA	HPS	
Woodburn			HCA	HPS					

	2025	2026	2027	2028	2029	2030	2031	2032	2033
Cities and SB 406 (2023) named communities in Tillamook County (eight-year cycle)									
Bay City			HCA	HPS					
Garibaldi			HCA	HPS					
Nehalem			HCA	HPS					
Manzanita			HCA	HPS					
Rockaway Beach			HCA	HPS					
Tillamook			HCA	HPS					
Wheeler			HCA	HPS					
Unincorporated Communities**			HCA	HPS					

*City under approved DLCD workplan.

**Tillamook County's unincorporated communities included in the HCA/HPS work of ORS 197.296 include: Barview/Twin Rocks/Watseco, Cloverdale, Hebo, Neahkanie, Neskowin, Netarts, Oceanside, and Pacific City/Woods

HCA or HPS noted in green font indicates cities that have received approved deadline extensions for either deliverable.

Important Revisions in the 2025 HCA and HPS Schedule Update

Pursuant to OAR 660-008-0045, cities with a population of 10,000 or greater, determined by a certified population estimate from the Portland State University Population Research Center, must adopt an HCA on a regular schedule. Cities have the flexibility to adopt an HCA at any time before the scheduled year. Note #4 on the adopted HCA Schedule from November 2020 specifies, 'Those cities that adopt an HCA prior to their listed deadline will reset the schedule.' Cities within a metropolitan service district will renew 6 years after the actual adoption date, while cities outside of a metropolitan service district will renew 8 years after the actual adoption date. For example, the city of Salem adopted an HCA in 2022, and thus will adopt a subsequent HCA 8 years later, in 2030.

Pursuant to ORS 197A.100, a city's HPS must be completed by December 31st one year after the city's HCA adoption deadline. Cities can opt for early HCA adoption, resetting the timing for the next analysis to six or eight years from the most recent adoption year. However, it does not alter the deadline for completing the associated HPS, which remains due one year after the initial HCA deadline. For the subsequent adoption cycle, the new HCA deadline determines the deadline for completing the next HPS. Cities may also request an extension under OAR 660-008-0310. In that circumstance, the extension does not alter the subsequent deadline – it remains 8 years after the original deadline.

Additionally, on December 15th each year, the Population Research Center at Portland State University publishes certified population estimates for every city and county in Oregon. These estimates are used by the Department to determine whether a city has surpassed the 10,000-population threshold, subjecting them to the Housing Capacity Analysis and Housing Production Strategy Program. In the estimates published on December 15, 2024, no cities were certified to newly meet or exceed this threshold.

Recent legislation, including Senate Bill 406 (2023) and House Bill 4063 have directed the requirements of an HCA and HPS not only to cities with populations of 10,000 or greater but also to:

- All cities within Tillamook County, as well as the communities of Barview/Twin Rocks/Watseco, Cloverdale, Hebo, Neahkahnie, Neskowin, Netarts, Oceanside, and Pacific City/Woods, regardless of population size.
- Counties with jurisdiction over Metro urban unincorporated lands.

Additionally, House Bill 2001 (2023) established a new requirement for Metro Regional Government to develop a Housing Coordination Strategy on a six-year cycle in alignment with the cycles for cities in the Metro required to develop an HCA and HPS.

Cities Granted Extension in 2024

Several cities were granted deadline extensions into the following calendar year, 2025. Cities granted extensions in 2024 include:

- Happy Valley
- West Linn
- Pendleton
- Salem

City of Pendleton Update:

The City of Pendleton did not meet its initial HCA deadline of December 31, 2022 nor the mutually agreed-upon modified deadline of December 31st, 2023. In 2024, in accordance with OAR 660-008-0310, the City is now under a work program with a DLCD-provided consultant to bring them back into compliance. The new deadlines require Pendleton to adopt its HCA and HPS no later than December 31, 2025. After this cycle, the city will return to its original eight-year schedule, with the next HCA due in 2030 and HPS in 2031.

HCA and HPS Notes on Administration:

1. The deadline for adoption in any given year will be December 31.
2. A city fulfills its obligation to adopt the HCA update upon local-level adoption by ordinance. Any subsequent appeal does not constitute a failure to comply with the update requirement.
3. The date of final adoption of the HCA at the local level will establish the next HCA update deadline. The subsequent update deadline will be six or eight years in the future, contingent on whether the city is within the Metro boundary.
4. Cities adopting an HCA before the listed deadline effectively "reset the clock," with the next applicable HCA deadline set six or eight years after the early adoption, based on Metro boundary inclusion.
5. The Land Conservation and Development Commission (LCDC) completed rulemaking on housing production strategies (HPSs) in the fall of 2020 and adopted HPS rules as amendments to OAR Chapter 660, Division 8 on November 12, 2020.
6. Notably, the city must adopt the HCA by ordinance for the HCA update deadline to be met, typically as a supporting document to the city's comprehensive plan. Adoption by ordinance enables city decision-makers to utilize the HCA as a legally defensible basis for decision-making.
7. Consistent with OAR 660-024-0050(4), a city must address a land deficit identified in the HCA before or concurrently with HCA adoption. The local government must amend the plan to satisfy the need deficiency, either by increasing the development capacity of existing land within the city, expanding the Urban Growth Boundary (UGB), or both.
8. A city that adopts an HCA after December 31, 2021 but in a year that is prior to the deadline established in this schedule is required to complete a Housing Production Strategy one year after the city's established HCA deadline. A city may complete a Housing Production Strategy prior to the established deadline.
9. Consistent with OAR 660-008-0045(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.
10. Consistent with OAR 660-008-0045(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.

AMEND: 660-008-0075

RULE TITLE: Contextualized Housing Need

NOTICE FILED DATE: 09/29/2025

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

RULE TEXT:

The contextualized housing need is an analysis relating a city's allocated housing need and housing production target, as provided in ORS 184.451 to 184.455 and OAR 660-008-0045(7), to local qualitative and quantitative information. This analysis uses current and future housing needs, along with population and market trends, to evaluate fair housing choice and identify fair housing issues within the city's planning boundary to affirmatively further fair housing. A city must work interdepartmentally to the extent possible in developing and implementing its contextualized housing need, including but not limited to collaboration across the planning, permitting, public works, and community development departments. The analysis must include consideration of protected classes and named communities in needed housing as provided in ORS 197A.018, with particular focus on communities of color, low-income communities, individuals with disabilities, and tribal communities. The output of the analysis is a determination of the needed housing types, characteristics, and locations of housing within a city's planning boundary. A city must plan for such needed housing in its six- or eight-year housing capacity and production cycle and in its twenty-year planning period in order to mitigate and remedy the identified fair housing issues. The contextualized housing need determines the needed housing types, characteristics, and locations and informs subsequent housing capacity analyses, development-ready land inventories, any land use efficiency measures and resulting urban growth boundary amendments, as well as the housing production strategy and all actions therein. 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 make 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) A detailed justification, 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). 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 evaluation of whether acknowledged urban growth boundary expansion areas added within the time period equivalent to three housing capacity analysis cycles have urbanized to accommodate the identified residential need(s).
 - (A) This analysis must be based on the following information, pertinent to the approved urban growth boundary expansion areas and time period specified in this subsection (e):
 - (i) All post-acknowledgement comprehensive plan map designation changes and additions responding to identified residential land needs; and
 - (ii) Urban zoning applied to the applicable areas.
 - (B) If a city concludes that land within the applicable areas has not been annexed or zoned for residential urban development, the city must include those lands under the identification of needed housing locations under subsection (f).
- (f) Description and identification of the housing types, characteristics, and locations needed to remedy or mitigate the fair housing issues identified in subsection (c) and to meet the city's allocated housing need and housing production target while affirmatively furthering fair housing and achieving fair housing choice.
 - (A) Description and identification of needed housing types must include a quantification of each needed housing type which may be expressed as a percentage of the total allocated housing need and housing production target, respectively.
 - (B) Description and identification of needed housing characteristics and locations must include specificity including quantification to the greatest extent possible. Where quantification is not possible, this requirement may be satisfied by representation of these needs in relative magnitude or narrative form.
- (g) For cities subject to OAR 660-012-0310, the number of housing units needed for the city to make proportionate progress towards accommodating 30 percent of all housing in climate-friendly areas in pursuit of the greenhouse gas emissions reduction targets as provided in OAR 660-044-0020 and OAR 660-044-0025, including affordable and accessible units. Cities with additional residential mixed-use zones may also report on housing development in those areas, and may evaluate the relative success of measures supporting housing development in both areas.
- (2) At a minimum, the contextualized housing need must be informed by the following information:
 - (a) The housing production dashboard;
 - (b) The housing equity indicators including socioeconomic and demographic characteristics of households living in existing needed housing, disaggregated by race and ethnicity;
 - (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;
 - (n) Data from organizations that advocate on behalf of protected classes, named communities in needed housing as provided in ORS 197A.018, low-income communities, and tribal communities; and
 - (o) The department's Community Assets & Harms Mapping Tool.
- (5) The contextualized housing need must be informed by equitable engagement feedback that prioritizes and actively seeks to center communities of color, low-income communities, individuals with disabilities, and tribal communities, to ensure these perspectives are meaningfully incorporated.
- (a) In compiling existing engagement feedback for use in this section, to the extent it exists a city must utilize feedback from other housing-related engagement within the city conducted within the last five years including, but not limited to, consolidated plans for any of HUD's Community Planning and Development formula grant programs including Community Development Block Grant Entitlement Communities, transportation system plan updates under OAR 660-012-0120 through 660-012-0135, and public engagement for severely rent burdened households as defined in OAR 813-112-0010. Except for the requirement to center tribal communities by coordinating and consulting with tribal governments, if the city has comprehensive housing-related engagement feedback completed within the last five years that sufficiently informs the contextualized housing need requirements and the city finds that additional equitable engagement would not align with best practices in the Equitable Engagement Toolkit, the city may rely entirely on existing engagement feedback and must include an explanation for this determination in the equitable engagement summary.
 - (b) If the city does not have comprehensive housing-related engagement feedback completed within the last five years that sufficiently informs the contextualized housing need requirements provided in section (1), a city must solicit direct feedback regarding all required analysis as provided in section (1) for which it does not have recent feedback. A city may refer to the department's Equitable Engagement Toolkit or OAR 660-012-0130 to employ best practices regarding equitable engagement.
 - (c) A city must provide an equitable engagement summary as part of its contextualized housing need. The equitable engagement summary must include:
 - (A) A list and description of the types of interested parties and communities who comprise community members of needed housing including protected classes and named communities in needed housing as provided in ORS 197A.018, especially with regard to communities of color, low-income communities, individuals with disabilities, and tribal communities;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(A) Households making 0-80 percent of median family income as provided in ORS 184.453(4)(a) to (c);

(B) Households making 81 percent of median family income and greater as provided in ORS 184.453(4)(d) and (e).

STATUTORY/OTHER AUTHORITY: ORS 197.040

STATUTES/OTHER IMPLEMENTED: ORS 184.451, ORS 197.475 - 197.493, ORS 197A.015-197A.470

ADOPT: 660-008-0100

RULE TITLE: Housing Capacity Analysis

NOTICE FILED DATE: 09/29/2025

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.

RULE TEXT:

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

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

- (a) An inventory of buildable land and determination of housing capacity;
- (b) An analysis of residential land need based on the needed housing types and allocated housing need; and
- (c) A comparison of residential land need and housing capacity.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(10) For purposes of preparing housing capacity analyses as provided in OAR 660-008-0045, the following provisions apply to local governments that are subject to OAR 660-012-0315(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(s) 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(s) 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 area(s) 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 197A.015 - 197A.270, ORS 197.012

REPEAL: 660-008-0110

RULE TITLE: Allocation of Buildable Land

NOTICE FILED DATE: 09/29/2025

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.

RULE TEXT:

(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 TITLE: Specific Plan Designations Required

NOTICE FILED DATE: 09/29/2025

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.

RULE TEXT:

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

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

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

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

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

STATUTORY/OTHER AUTHORITY: ORS 197.040

STATUTES/OTHER IMPLEMENTED: ORS 197.475 - 197.490, ORS 197A.015 - 197A.470

ADOPT: 660-008-0150

RULE TITLE: Land Use Efficiency Measures

NOTICE FILED DATE: 09/29/2025

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 which includes actions that are LUEMs and those that are not. LUEMs must be adopted prior to or concurrent with a UGB decision.

RULE TEXT:

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

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

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

(b) As a safe harbor for residential land use efficiency, a local government may demonstrate that proposed land use efficiency measures, once adopted, are estimated to result in at least a 20 percent increase in the densities that are expected to be achieved over the next 20 years. The analysis should start with the analysis of achieved average density of residential development that has occurred since the last adopted housing capacity analysis. A local government may use an alternative time period if this will provide more accurate, complete, and reliable data related to housing capacity. The local government must clearly describe data sources and the time frame used for this analysis.

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

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

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

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

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

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

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

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

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

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

- (b) A local government outside of Metro with a population below 10,000 must adopt land use efficiency measures concurrently with the adoption of the housing capacity analysis or concurrently with a UGB decision.
- (c) A city within Metro may adopt land use efficiency measures:
 - (A) Concurrently with the adoption of the housing production strategy according to the schedule in Attachment A; or
 - (B) Within the first half of the housing production cycle, by the midpoint report due date as specified under OAR 660-008-0230.
- (6) If not necessary to respond to a deficit in the housing capacity analysis nor to support a UGB expansion decision, a local government may adopt land use efficiency measures at any time.
- (7) Land use efficiency measures must be adopted as a comprehensive plan amendment or a land use regulation change consistent with ORS 197.610.
- (8) Nothing in this rule prohibits a local government from planning for more than 100 percent of the identified housing need through land use efficiency measures.

STATUTORY/OTHER AUTHORITY: ORS 197.040

STATUTES/OTHER IMPLEMENTED: ORS 197A.015 - 197A.270

ADOPT: 660-008-0180

RULE TITLE: Development-Ready Land Inventory

NOTICE FILED DATE: 09/29/2025

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

RULE TEXT:

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

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

(a) A Development-Ready Land Inventory shall identify those parcels zoned to allow residential use that are readily-served (OAR 660-008-0005(45)) 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 (OAR 660-008-0005(35)).

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

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

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

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

(i) Included in an adopted five-year capital improvement plan used for budgeting purposes; or

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

(b) Parcels identified as development-ready must be able to support the average achieved density of residential units of its assigned plan designation in the near-term.

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

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

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

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

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

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

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

STATUTORY/OTHER AUTHORITY: ORS 197.040

STATUTES/OTHER IMPLEMENTED: ORS 197A.210, ORS 197A.015, ORS 197A.100

ADOPT: 660-008-0185

RULE TITLE: Sufficiency of Development-Ready Land

NOTICE FILED DATE: 09/29/2025

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.

RULE TEXT:

- (1) A city shall demonstrate adequate development-ready capacity to meet housing production targets (ORS 184.455) consistent with OAR 660-008-0075 through the provision of sufficient development-ready land. A city must:
- (a) Calculate capacity of development-ready land consistent with capacity assigned in a city's Buildable Land Inventory.
 - (b) Quantify sufficiency of development-ready land in acres and in translation of acres to needed units. The amount of capacity assumed to be contributed by redevelopment shall also be quantified.
 - (c) Map locations of development-ready land, except for redevelopment, to overlay or otherwise compare buildable land to development-ready land.
 - (d) Provide quantifiable validation if more than 20 percent of the housing production target is assumed to be satisfied by redevelopment.
 - (e) Discount density estimates assumed proportionate to the service capacity available for areas impacted by service limitations according to service availability within the near-term planning period as provided in OAR 660-008-0180(2)(c).
 - (f) Discount density estimates assumed for areas impacted by local, state, and federal encumbrances likely to limit development capacity of areas within the near-term planning period as provided in OAR 660-008-0180(2)(d).
- (2) If a city's Development-Ready Land Inventory enumerates a deficiency of development-ready land quantity, or development-ready capacity, a jurisdiction shall take actions under ORS 197A.100(3) that demonstrably prepare lands for development or redevelopment, or increase the housing capacity of existing development-ready lands, to remedy the deficiency. A city:
- (a) Shall select actions that materially incorporate results from the contextualized housing need in showing how an action will alleviate an identified development-ready land or capacity deficiency; and
 - (b) May choose actions that increase development-ready land quantity or capacity to serve other community objectives.
- (3) A city shall include the development-ready land inventory with submittals for the city's Housing Production Strategy as provided in OAR 660-008-0200(2)(e).

STATUTORY/OTHER AUTHORITY: ORS 197.040

STATUTES/OTHER IMPLEMENTED: ORS 197A.210, ORS 197A.015, ORS 197A.100

AMEND: 660-008-0200

RULE TITLE: Housing Production Strategy Structure

NOTICE FILED DATE: 09/29/2025

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

RULE TEXT:

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

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

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

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

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

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

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

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

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

(C) A summary of how the city engaged interested parties, communities, and tribal governments identified in paragraphs (A) and (B), including why they were engaged, engagement methods used, a list of each engagement effort or event being used to select the actions in the housing production strategy and assess the benefits and burdens analysis as provided in paragraph (2)(b)(K), and the interested parties, communities, or tribal 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 tribal 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 measure actions and other actions, including but not limited to actions that are not identified as land use efficiency measures in Attachment B. The provision of needed housing includes its development, preservation, rehabilitation, adaptation, and maintenance while also affirmatively furthering fair housing by maximizing benefits and minimizing burdens for protected classes and named communities in needed housing as provided in ORS 197A.018, with particular focus on communities of color, low-income communities, individuals with disabilities, and tribal communities. The housing production strategy must demonstrate that the identified actions collectively support the city's needed housing types, characteristics, and locations as identified through the contextualized housing need as provided in OAR 660-008-0075. A housing production strategy may identify actions including, but not limited to, those described in ORS 197A.100(3), actions listed in the Housing Production Strategy Guidance for Cities adopted by the commission and published by the 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) 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;

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

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

(E) The year the action will be adopted, if applicable;

(F) The year 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.

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

(H) The action's expected magnitude of impact on the development of needed housing over the six- or eight-year

housing production target horizon;

(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;

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

(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 address,

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

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

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

(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;

(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) Alternate actions, if selected.

(A) Alternate actions must include descriptions of:

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

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

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

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

(v) How the alternative action is commensurate with the associated primary action including being comparable or more effective than the primary action under paragraphs (b)(C) to (H) and (K) to (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 paragraph (b)(E) and implementation year as provided in paragraph b)(F) may be met by implementation of either the primary or the alternate action.

(d) Delinquent actions, which are any actions that were included in the most recently adopted or amended housing production strategy but were not completed during the previous housing production strategy cycle must be included in the current housing production strategy. Delinquent actions:

(A) Must be included in the current Housing Production Strategy, and

(B) Must establish an implementation year prior to the jurisdiction's midpoint report due date.

(C) If they are from the previous housing production strategy cycle, are ineligible for requests for timeline extensions and replacement actions in the midpoint report and review,

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

(3) As a safe harbor:

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

(b) A city with a population of 25,000 or greater may satisfy the requirement to take land use efficiency measures to meet middle housing need in the city's Housing Production Strategy under section (2) by including an action adopting the model ordinances for large cities for middle housing development types or comparable land use regulations as provided in OAR 660-008-0425.

(A) To take this safe harbor a city must apply the model ordinances named in subsection (b) to:

(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.

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

(i) The fair housing issue area analysis under OAR 660-008-0075(1)(c), and

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

(c) A city may satisfy the requirement to take land use efficiency measures to respond to multi-unit housing need in the city's Housing Production Strategy under section (2) by including an action adopting the model ordinance appropriate for the city size for multi-unit housing development types, or development standards that are demonstrably comparable or no more restrictive than those ordinances as provided in OAR 660-008-0425.

(A) To take this safe harbor a city must apply the model ordinances named in subsection (c) to:

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

(ii) 100 percent of development-ready land.

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

(i) The fair housing issue area analysis under OAR 660-008-0075(1)(c), and

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

(d) To plan for the following housing needs as identified under OAR 660-008-0075 with land use efficiency measures in the city's Housing Production Strategy under section (2), a city may include an action adopting the model ordinance appropriate for the city size or comparable land use regulations as provided in OAR 660-008-0425 for:

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

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

(C) All housing types to incentivize adaptable housing.

(4) A city that applies a minimum density requirement must satisfy the requirement to take land use efficiency measures to respond to the need for a diversity of unit sizes by allowing developers with applications for housing available at 0-30 percent, 31-60 percent, or 61-80 percent area median income to calculate minimum density by bedroom count rather than by unit count.

STATUTORY/OTHER AUTHORITY: ORS 197.040

STATUTES/OTHER IMPLEMENTED: ORS 197.012, ORS 197A.015 - 197A.470

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Description

Action Ref Number	Category	Action	Description
DS-1	Direct Support	Local Grants/ Low-interest Long-Term loans	Offer or fund a partner to offer grants or low-interest long-term loans for qualifying needed housing projects. Loans can apply to production, rehabilitation, and preservation/conversion to resident ownership.
DS-2	Direct Support	Local short-term loans or revolving loan fund for predevelopment	Provide or fund a partner to provide short term loans for land acquisition and preconstruction activities for qualifying needed housing projects from locally controlled funding sources.
DS-3	Direct Support	Local Government as Developer	Cities or counties or their affiliated housing authorities directly act as an affordable housing developer for 0-30% AMI, 31-60% AMI, and 61-80% AMI.
DS-4	Direct Support	Local Downpayment Assistance Program	Provide local funding to support affordable needed housing (0-30% AMI, 31-60% AMI, and 61-80% AMI) via homeownership providers to offer downpayment assistance to income-eligible first-time homebuyers.
DS-5	Direct Support	Fair Housing Testing	Contract to conduct paired testing of specified housing activities (leasing, homebuying, etc.) for specified protected classes (race, disability, national origin, etc.) to determine the forms of discrimination occurring in the jurisdiction.
DS-6	Direct Support	Public Land Disposition	Establish a policy to prioritize disposition of suitable surplus land for needed housing. Identify suitable sites, rezone, and make them available for needed housing development through a Request for Proposals (RFP) or similar process.
DS-7	Direct Support	Land Banking	Public purchasing of vacant/under-utilized sites of land for future housing development.
DS-8	Direct Support	Infrastructure Support	Plan for, fund and build infrastructure required to serve specific categories of needed housing development, based on CIP and infrastructure planning documents.
DS-9	Direct Support	Facilitate Annexation Eligibility	To facilitate annexation, city jurisdictionally transfers right-of-way to provide for contiguous properties to increase annexation eligibility.
DS-10	Direct Support	Facilitate Annexation	City participates in infrastructure improvements that would otherwise be exacted from private development/owners (i.e. funding, construction, permitting, et al) to facilitate annexation of eligible properties.
DS-11	Direct Support	Facilitate Annexation Process	City will participate in process improvements, such as streamlining Annexation Agreements, city-initiated annexations, to facilitate annexation of eligible properties.
FI-1	Financial Incentives	Nonprofit Low Income Housing Tax Exemptions	Locally authorized full property tax exemption for regulated affordable housing owned and operated by a nonprofit as well as land held by a nonprofit for future regulated affordable housing development.
FI-2	Financial Incentives	Multiple Unit Property Tax Exemption (MUPT)	Locally authorized 10-year partial property tax abatement on new or rehabilitated multi-unit housing development that provides public benefits specified by the adopting jurisdiction
FI-3	Financial Incentives	Single-Unit Property Tax Exemption	Locally authorized 10-year partial property tax exemption for new or rehabilitated 0-30% AMI, 31-60% AMI, 61-80% AMI, and/or 81-120% AMI affordable for-sale housing.
FI-4	Financial Incentives	Vertical Housing Development Zone Tax abatement	Locally authorized 10-year partial property tax abatement on new or rehabilitated multi-story mixed-use development.
FI-5	Financial Incentives	Accessory Dwelling Unit and Multiplex Tax Exemption	Locally authorized 5-year full property tax exemption available for both new construction ADUs and newly converted duplexes, triplexes, or quadplexes that were single-unit dwellings and that are owner occupied or long-term rentals.
FI-6	Financial Incentives	System Development Charge (SDC) exemption, reduction, or transfer	Exemption or reduction on System Development Charges (SDCs) for qualified needed housing developments.
FI-7	Financial Incentives	System Development Charge (SDC) deferral	Allow SDCs to be paid at project completion (certificate of occupancy, final inspection, or water meter installation) or later.
FI-8	Financial Incentives	Scale System Development Charges by unit size	Adopt new System Development Charge (SDC) fee structure that scales by unit size, likely decreasing SDC fees for smaller units.
FI-9	Financial Incentives	Expand "Qualified Public Improvements" for Production	Expand eligibility of project components that qualify for SDC reimbursement.
FI-10	Financial Incentives	Permit fee reductions or waivers	Reduce or waive permit fees for qualified needed housing development.
IS-1	Information / Staff Support	Support housing development on land owned by institutions or other public agencies	Solicit development on land owned by faith-based institutions, other public agencies, and others in areas zoned for needed housing development. Provide staff time or information to support the land disposition process.
IS-2	Information / Staff Support	Local Affordable Housing Inventory	Use OHCS Oregon Affordable Housing Inventory to track expiring affordability provisions and identify needs and opportunities for preservation. Supplement Oregon Affordable Housing Inventory with additional data (including expiration for non- OHCS properties) and identify additional units like naturally occurring affordable housing that may also need preservation support.
IS-3	Information / Staff Support	Vacant Property Inventory	Vacant property inventories provide a list of vacant properties and associated characteristics, such as the date they became vacant, whether it is a commercial or residential property, and the name and contact information for the owner.
IS-4	Information / Staff Support	Resource referrals	Provide information and referrals for residents to local housing providers and nonprofits that provide affordable housing, emergency rent vouchers, weatherization or other home repair, eviction prevention, foreclosure prevention, utility assistance, and/or other related stabilization and support services for 0-30% AMI, 31-60% AMI, 61-80% AMI, and/or 81-120% AMI, households as applicable.
IS-5	Information / Staff Support	Advertise incentives for specific housing developments	Provide clear information on all available local regulatory and financial development incentives for qualifying housing online and in other local media.
IS-6	Information / Staff Support	Developer fact sheets	Provide clear and concise information on development standards and permitting requirements for specific types of needed housing.

Action Ref Number	Category	Action	Description
IS-7	Information / Staff Support	SDC estimates	Publish and make readily available to applicants estimates or typical ranges of SDCs per unit for all applicable SDCs (including those collected by the jurisdiction on behalf of other service providers) and/or provide an SDC estimator tool that applicants can use to estimate the SDCs that will apply to their project. Include clear information on available discounts, exemptions, and credit for advance use.
IS-8	Information / Staff Support	Voluntary certification process for Accessible Housing	Create or support a voluntary certification process for owners/property managers to evaluate the accessibility and adaptability of existing homes. Provide information on universal/inclusive design practices and standards.
IS-9	Information / Staff Support	Fair Housing Training	Fund or provide Fair Housing and tenant rights training for property owners and managers of rental housing, tenants, and others from locally-controlled funding sources.
IS-10	Information / Staff Support	Pro-Housing Staff Training	Provide pro-housing training for staff, commissioners, councilors, and other local officials to support collective understanding of housing issues and opportunities in the community related to development process, affirmatively furthering fair housing (AFFH), locational fair housing choice, anti-displacement, and other topics.
PP-1	Partnerships	Partner with Developers	Align and leverage financial, staff, or other resources to work with market rate and affordable developers help communities provide needed housing.
PP-2	Partnerships	Partner with Employers	Align and leverage financial, staff, or other resources with employers to help communities provide needed housing. May include specific significant employers (hospitals, universities, etc.) or industries/groups (medical, education, tech, etc.).
PP-3	Partnerships	Partner with Special Districts	Partner with special districts related to infrastructure planning and provision. Improve service agreements with special districts when infrastructure is owned and maintained by special districts.
PP-4	Partnerships	Partner with Critical Path Landowners	Align and leverage financial, staff, or other resources to work with landowners to proactively recruit land to be annexed by offering a few "smooth pathways" to annex into city limits. Use intentional criteria to determine that participating with a landowner is in the public interest to provide housing.
PP-5	Partnerships	Publicly Traded REIT	Partner with publicly traded investment trusts that specialize in residential real estate. This collaboration allows local governments to access private capital for housing development.
LF-1	Locally-Controlled Funding Source	Tax Increment Financing (TIF)	Within an existing or proposed TIF (aka Urban Renewal) district, use funds to support needed housing development.
LF-2	Locally-Controlled Funding Source	Local Improvement District	Establish a district to fund eligible infrastructure project work
LF-3	Locally-Controlled Funding Source	Reimbursement District	Establish a district to reimburse responsible parties for eligible infrastructure work that serves multiple current or future users.
LF-4	Locally-Controlled Funding Source	Construction Excise Tax	Adopt a Construction Excise Tax (CET) to raise funds for affordable (0-30%, 31-60%, or 61-80% AMI) housing developments by taxing the value of new construction projects.
LF-5	Locally-Controlled Funding Source	General Obligation Bond for Affordable Housing	Issue voter-approved general obligation bonds to provide direct funding for construction and other capital costs associated with the development and construction of affordable housing.
LF-6	Locally-Controlled Funding Source	Local Housing Trust Fund	Housing Trust Funds are a flexible source of funding that can be used to support a variety of affordable housing (0-30%, 31-60%, or 61-80%, and/or 81-120% activities.
LF-7	Locally-Controlled Funding Source	Demolition Taxes	Establish demolition taxes and condo conversion fees to generate revenue to reinvest in needed housing through locally controlled funding streams.
LF-8	Locally-Controlled Funding Source	Apply for HUD Funding	Apply for HUD funding which may include HOME, CBDG or other programs.
RR-1	Regulatory Requirements or Policy	Inclusionary Zoning	Require inclusion of affordable (0-30%, 31-60%, or 61-80% AMI) units in development with more than 20 units per building. Per statute, must be paired with financial incentives to offset the cost of the affordability requirements.
RR-2	Regulatory Requirements or Policy	Manufactured Housing Community Preservation Zone	Change the zoning of existing manufactured housing communities to be preserved to a single-use zone that only allows manufactured housing communities.
RR-3	Regulatory Requirements or Policy	Minimum Densities	Establish minimum density standards, prohibit new single-family detached housing in high density zones, and/or allow single-family detached homes in medium density zones only if they meet minimum density or maximum lot size requirements.
RR-4	Regulatory Requirements or Policy	Conversion Limitations	Ensure that conversions do not result in fewer residential units. For example, prohibit a duplex from being converted into a single-family home
RR-5	Regulatory Requirements or Policy	Short-term Rental Regulations	Measure the impact of short-term rentals within a community and apply the appropriate regulatory response for the circumstances.
RR-6	Regulatory Requirements or Policy	Leasing Priority for Households with Disabilities	Require that landlords offer households with disabilities the opportunity to learn about the availability of suitably accessible units and have a chance to apply for them before the general public.
RR-7	Regulatory Requirements or Policy	Affirmative Marketing Requirement for City-Funded Units	Require that developments that receive city financial incentives or direct support participate in a program to affirmatively market available units to members of protected classes, to help ensure these households are aware of housing units when they become available.
RR-8	Regulatory Requirements or Policy	Rental Housing License Program	Create a rental housing licensing program to license, register, and track the stock of rental housing. This type of program yields valuable data on the rental stock, and can be customized to meet the needs of the jurisdiction.
RR-9	Regulatory Requirements or Policy	Right to Return Policy	Establish right to return policies to prioritize residents who were displaced, or faced displacement, due to high housing costs, redevelopment projects or natural hazards in their original communities for new affordable housing units in areas that are or have recently experienced gentrification and displacement.

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Description

Action Ref Number	Category	Action	Description
RR-10	Regulatory Requirements or Policy	Community Benefits Agreements (Affordability Provisions)	Draft or facilitate community benefits agreements (CBAs) related to new development or redevelopment can incorporate affordability requirements (0-30%, 31-60%, or 61-80%,and/or 81-120% AMI) .
RR-11	Regulatory Requirements or Policy	Negotiated requirements for needed types in new urban areas	Negotiate agreements for needed types within larger developments in newly urbanizing areas as part of UGB expansion decisions, annexation agreements, and/or area planning processes.
RB-1	Reduce Regulatory and Permitting Barriers	Priority Permit Review	Prioritize permit review for needed housing types.
RB-2	Reduce Regulatory and Permitting Barriers	Single point of contact for permitting	Provide a single office or individual to oversee the permitting process to reduce timeline and improve efficiency for development approvals.
RB-3	Reduce Regulatory and Permitting Barriers	Reduce permitting time	Increase the FTE devoted to staffing the permit "counter" and application review to facilitate quicker review of development applications, or update processes, procedures, or technology to make permit review more efficient and faster.
RB-4	Reduce Regulatory and Permitting Barriers	Permit Ready Plans	Allow development of housing units using a pre-approved set of plans for housing types that increase choice and needed housing characteristics
RB-5	Reduce Regulatory and Permitting Barriers	Permitting outcomes review / audit and process revisions	Analyze the share of development applications that were reviewed through a discretionary vs. clear and objective process, and the share that were approved, approved with conditions, or denied through each process. Revise permit process based on findings within audit.
RB-6	Reduce Regulatory and Permitting Barriers	Code Audit and Amendments	Conduct an audit of the development code to identify barriers to production of housing generally for locally-specific barriers and/or for needed housing types. Based on findings, adjust development code requirements to reduce barriers.
RB-7	Reduce Regulatory and Permitting Barriers	Upzone residential land	Rezone buildable residential land or modify existing zoning regulations (including maximum density, height limits, allowed housing types, minimum lot sizes, maximum lot coverage, and floor area ratio, as applicable) to allow, encourage, or require needed housing types and/or higher intensity residential development
RB-8	Reduce Regulatory and Permitting Barriers	Expand residential options in commercial zones	Allow mixed use residential in commercial zones where residential use is appropriate; allow stand-alone residential use in commercial zones or areas where commercial use is not essential to meeting local goals and land needs.
ZI-1	Zoning or Regulatory Incentives	Development Intensity Bonuses	Use incentive zoning that provides more height, density (units, including multiple ADUs), floor area ratio, and/or building footprint (as applicable) for needed housing types.
ZI-2	Zoning or Regulatory Incentives	Parking Reductions	Offer lower parking ratios for needed housing types.
ZI-3	Zoning or Regulatory Incentives	Design and Development Standard Flexibility	Offer additional flexibility on design and development standards other than those listed for development intensity (such as setbacks, landscaping or open space requirements, public works & access requirements, articulation or entrance requirements) for needed housing types.
A-1	Advocacy	Luxury Tax	Advocate for Oregon State sales tax on luxury items, 2nd homes, etc. dedicated to providing funds for needed housing.
A-2	Advocacy	Land Value Tax	Advocate for a land value tax to generate tax revenue for needed housing by taxing vacant or underutilized land inside city limits.
A-3	Advocacy	Residential Vacancy Tax	Advocate for allowing a tax on vacant or seasonally vacant units to generate revenue for needed housing.
A-4	Advocacy	Homestead Tax	Advocate for a Homestead Tax to create a differential taxing structure for primary dwellings v. secondary dwellings. New revenue can be used to invest in needed housing.
A-5	Advocacy	Property Tax Exemption for Affordable Housing Tied to Level of Affordability	Advocate for a Property Tax Exemption for affordable housing that is tied to level of affordability (0-30%, 31-60%, or 61-80%) instead of the ownership structure. For example, grant a property tax exemption for affordable housing that serves households making less than 60% of AMI at initial lease up.
A-6	Advocacy	Delayed Tax Exemptions	Advocate for allowing housing to be built and operated at market rate while allowing developers to choose a path that maintains or reduces rents over time. Once the property falls below 80%AMI (but maintains HUD quality standards), tax exemptions would kick in.

Action Ref Number	Action	Adoption-Ready Action Available	Land Use Efficiency Measure	Climate-Smart	Development Ready Land	Mechanism(s)	Types	Characteristics			Locations			
							Housing Types that Increase Choice	Affordability (Extremely Low, Very Low, Low, or Moderate Income)	Accessible & Adaptable Housing	Affordable Homeownership & Wealth-Building Tenure Options	High-Asset, Low-Harm Areas	Racially/Ethnically Concentrated Areas of Affluence	Displacement Risk Areas	Racially and Ethnically Concentrated Areas of Poverty
DS-1	Local Grants/ Low-interest Long-Term loans					Production, Preservation	Maybe	Maybe	Maybe	Maybe	Maybe	Maybe	Maybe	Maybe
DS-2	Local short-term loans or revolving loan fund for predevelopment					Production	Maybe	Maybe	Maybe	Maybe	Maybe	Maybe	Maybe	Maybe
DS-3	Local Government as Developer					Production	Maybe	0-30%, 31-60%, 61-80%AMI	Maybe	Maybe	Maybe	Maybe	Maybe	Maybe
DS-4	Local Downpayment Assistance Program					Access	Maybe	0-30%, 31-60%, 61-80%AMI	Maybe	Yes	Maybe	Maybe	Maybe	Maybe
DS-5	Fair Housing Testing					Access	No	Maybe	Maybe	Maybe	Maybe	Maybe	Maybe	Maybe
DS-6	Public Land Disposition	Yes			Yes	Production	Maybe	Maybe	Maybe	Maybe	Maybe	Maybe	Maybe	Maybe
DS-7	Land Banking				Yes	Production	Maybe	Maybe	Maybe	Maybe	Maybe	Maybe	Maybe	Maybe
DS-8	Infrastructure Support				Yes	Production	Maybe	Maybe	Maybe	Maybe	Maybe	Maybe	Maybe	Maybe
DS-9	Facilitate Annexation Eligibility				Yes	Production	Maybe	Maybe	Maybe	Maybe	Maybe	Maybe	Maybe	Maybe
DS-10	Facilitate Annexation				Yes	Production	Maybe	Maybe	Maybe	Maybe	Maybe	Maybe	Maybe	Maybe
DS-11	Facilitate Annexation Process				Yes	Production	Maybe	Maybe	Maybe	Maybe	Maybe	Maybe	Maybe	Maybe
FI-1	Nonprofit Low Income Housing Tax Exemptions	Yes		Yes		Production, Preservation	No	0-30%, 31-60%, 61-80% AMI	No	Maybe	Maybe	Maybe	Maybe	Maybe
FI-2	Multiple Unit Property Tax Exemption (MUPTE)	Yes		Yes	Yes	Production, Preservation	Yes	Maybe	Maybe	Maybe	Maybe	Maybe	Assess Risk	Assess Risk
FI-3	Single-Unit Property Tax Exemption					Production	Maybe	0-30%, 31-60%, 61-80%, 81-120% AMI	Maybe	Yes	Maybe	Maybe	Assess Risk	Assess Risk
FI-4	Vertical Housing Development Zone Tax abatement			Yes		Production	Yes	Maybe	Maybe	Maybe	Maybe	Maybe	Assess Risk	Assess Risk
FI-5	Accessory Dwelling Unit and Multiplex Tax Exemption			Yes	Yes	Production	Yes	Maybe	Maybe	Maybe	Maybe	Maybe	Maybe	Maybe
FI-6	System Development Charge (SDC) exemption, reduction, or transfer	Yes		Yes	Maybe	Production	Maybe	Maybe	Maybe	Maybe	Maybe	Maybe	Maybe	Maybe

Action Ref Number	Action	Adoption-Ready Action Available	Land Use Efficiency Measure	Climate-Smart	Development Ready Land	Mechanism(s)	Types	Characteristics			Locations			
							Housing Types that Increase Choice	Affordability (Extremely Low, Very Low, Low, or Moderate Income)	Accessible & Adaptable Housing	Affordable Homeownership & Wealth-Building Tenure Options	High-Asset, Low-Harm Areas	Racially/Ethnically Concentrated Areas of Affluence	Displacement Risk Areas	Racially and Ethnically Concentrated Areas of Poverty
FI-7	System Development Charge (SDC) deferral	Yes		Yes		Production	Maybe	Maybe	Maybe	Maybe	Maybe	Maybe	Maybe	Maybe
FI-8	Scale System Development Charges by unit size			Yes	Maybe	Production	Maybe	No	No	No	No	No	No	No
FI-9	Expand "Qualified Public Improvements" for Production				Yes	Production	Maybe	Maybe	Maybe	Maybe	Maybe	Maybe	Maybe	Maybe
FI-10	Permit fee reductions or waivers					Production	Maybe	Maybe	Maybe	Maybe	No	No	No	No
IS-1	Support housing development on land owned by institutions or other public agencies				Yes	Production	Maybe	Maybe	Maybe	Maybe	Maybe	Maybe	Maybe	Maybe
IS-2	Local Affordable Housing Inventory					Preservation	No	0-30%, 31-60%, 61-80%, 81-120% AMI	Maybe	Yes	No	No	No	No
IS-3	Vacant Property Inventory				Yes	Production	No	Maybe	Maybe	Maybe	No	No	No	No
IS -4	Resource referrals					Access	No	0-30%, 31-60%, 61-80%, 81-120% AMI	Maybe	Maybe	Maybe	Maybe	Maybe	Maybe
IS-5	Advertise incentives for specific housing developments					Production	Maybe	0-30%, 31-60%, 61-80%, 81-120% AMI	Maybe	Maybe	Maybe	Maybe	Maybe	Maybe
IS-6	Developer fact sheets					Production	Maybe	Maybe	Maybe	Maybe	No	No	No	No
IS-7	SDC estimates				yes	Production	Maybe	Maybe	Maybe	Maybe	No	No	No	No
IS-8	Voluntary certification process for Accessible Housing					Access	No	No	Yes	No	No	No	No	No
IS-9	Fair Housing Training					Access	No	Maybe	Maybe	Maybe	Maybe	Maybe	Maybe	Maybe
IS-10	Pro-Housing Staff Training					Production, Preservation, Access	Maybe	Maybe	Maybe	Maybe	No	No	No	No
PP-1	Partner with Developers				Yes	Production, Preservation	Maybe	Maybe	Maybe	Maybe	Maybe	Maybe	Maybe	Maybe
PP-2	Partner with Employers				Yes	Production, Preservation	Maybe	Maybe	Maybe	Maybe	Maybe	Maybe	Maybe	Maybe

Action Ref Number	Action	Adoption-Ready Action Available	Land Use Efficiency Measure	Climate-Smart	Development Ready Land	Mechanism(s)	Types	Characteristics			Locations			
							Housing Types that Increase Choice	Affordability (Extremely Low, Very Low, Low, or Moderate Income)	Accessible & Adaptable Housing	Affordable Homeownership & Wealth-Building Tenure Options	High-Asset, Low-Harm Areas	Racially/Ethnically Concentrated Areas of Affluence	Displacement Risk Areas	Racially and Ethnically Concentrated Areas of Poverty
PP-3	Partner with Special Districts				Yes	Production	Maybe	Maybe	Maybe	Maybe	Maybe	Maybe	Maybe	Maybe
PP-4	Partner with Critical Path Landowners				Yes	Production	Maybe	Maybe	Maybe	Maybe	Maybe	Maybe	Maybe	Maybe
PP-5	Publicly Traded REIT				Yes	Production	Maybe	Maybe	Maybe	Maybe	Maybe	Maybe	Maybe	Maybe
LF-1	Tax Increment Financing (TIF)				Yes	Production, Preservation, Access	Maybe	Maybe	Maybe	Maybe	Maybe	Maybe	Assess Risk	Assess Risk
LF-2	Local Improvement District				Yes	Production	Maybe	Maybe	Maybe	Maybe	Maybe	Maybe	Maybe	Maybe
LF-3	Reimbursement District				Yes	Production	Maybe	Maybe	Maybe	Maybe	Maybe	Maybe	Maybe	Maybe
LF-4	Construction Excise Tax					Production, Preservation, Access	Maybe	0-30%, 31-60%, 61-80% AMI	Maybe	Yes	Maybe	Maybe	Maybe	Maybe
LF-5	General Obligation Bond for Affordable Housing			Yes	Yes	Production, Preservation	Maybe	0-30%, 31-60%, 61-80%, 81-120% AMI	Maybe	Maybe	Maybe	Maybe	Maybe	Maybe
LF-6	Local Housing Trust Fund					Production, Preservation, Access	Maybe	0-30%, 31-60%, 61-80%, 81-120% AMI	Maybe	Maybe	Maybe	Maybe	Maybe	Maybe
LF-7	Demolition Taxes					Production, Preservation	Maybe	Maybe	Maybe	Maybe	Maybe	Maybe	Maybe	Maybe
LF-8	Apply for HUD Funding					Production, Preservation	Maybe	0-30%, 31-60%, 61-80%, 81-120% AMI	Maybe	Maybe	Maybe	Maybe	Maybe	Maybe
RR-1	Inclusionary Zoning					Production	Maybe	0-30%, 31-60%, 61-80% AMI	No	No	Maybe	Maybe	Maybe	Maybe
RR-2	Manufactured Housing Community Preservation Zone					Preservation	Yes	0-30%, 31-60%, 61-80%, 81-120% AMI	No	Yes	Maybe	No	Maybe	Maybe
RR-3	Minimum Densities		Yes	Yes		Production	Maybe	Maybe	Maybe	No	Maybe	Maybe	Assess Risk	Assess Risk
RR-4	Conversion Limitations					Preservation	Yes	Maybe	No	Maybe	Maybe	No	Maybe	Maybe
RR-5	Short-term Rental Regulations		Yes			Preservation	No	No	No	No	Maybe	Maybe	Maybe	Maybe

Action Ref Number	Action	Adoption-Ready Action Available	Land Use Efficiency Measure	Climate-Smart	Development Ready Land	Mechanism(s)	Types	Characteristics			Locations			
							Housing Types that Increase Choice	Affordability (Extremely Low, Very Low, Low, or Moderate Income)	Accessible & Adaptable Housing	Affordable Homeownership & Wealth-Building Tenure Options	High-Asset, Low-Harm Areas	Racially/Ethnically Concentrated Areas of Affluence	Displacement Risk Areas	Racially and Ethnically Concentrated Areas of Poverty
RR-6	Leasing Priority for Households with Disabilities					Access	No	No	Yes	No	No	No	No	No
RR-7	Affirmative Marketing Requirement for City-Funded Units	Yes				Access	No	Maybe	Maybe	Maybe	Maybe	Maybe	Maybe	Maybe
RR-8	Rental Housing License Program	Yes				Preservation	No	No	Maybe	No	No	No	No	No
RR-9	Right to Return Policy					Access	No	No	No	No	No	No	Yes	No
RR-10	Community Benefits Agreements (Affordability Provisions)					Production, Preservation, Access	Maybe	0-30%, 31-60%, 61-80%, 81-120% AMI	Maybe	Maybe	Maybe	Maybe	Maybe	Maybe
RR-11	Negotiated requirements for needed types in new urban areas				Yes	Production	Maybe	0-30%, 31-60%, 61-80%, 81-120% AMI	No	Maybe	Maybe	No	No	No
RB-1	Priority Permit Review					Production	Maybe	Maybe	Maybe	Maybe	No	No	No	No
RB-2	Single point of contact for permitting					Production	Maybe	Maybe	Maybe	Maybe	No	No	No	No
RB-3	Reduce permitting time					Production	No	No	No	No	No	No	No	No
RB-4	Permit Ready Plans			Yes		Production	Maybe	No	Maybe	No	No	No	No	No
RB-5	Permitting outcomes review / audit and process revisions					Production	Maybe	Maybe	Maybe	Maybe	Maybe	Maybe	Maybe	Maybe
RB-6	Code Audit and Amendments		Yes		Maybe	Production	Maybe	Maybe	Maybe	Maybe	Maybe	Maybe	Assess Risk	Assess Risk
RB-7	Upzone residential land		Yes		Yes	Production	Yes	Maybe	Maybe	No	Maybe	Maybe	No	No
RB-8	Expand residential options in commercial zones		Yes	Yes	Yes	Production	Maybe	Maybe	Maybe	Maybe	Maybe	Maybe	Assess Risk	Assess Risk
ZI-1	Development Intensity Bonuses		Yes	Yes	Yes (qualified)	Production	Maybe	Maybe	Maybe	Maybe	Maybe	Maybe	Maybe	Maybe
ZI-2	Parking Reductions		Yes	Yes	Yes (qualified)	Production	Maybe	Maybe	Maybe	Maybe	Maybe	Maybe	Assess Risk	Assess Risk
ZI-3	Design and Development Standard Flexibility		Yes		Yes (qualified)	Production	Maybe	Maybe	Maybe	Maybe	Maybe	Maybe	Assess Risk	Assess Risk

Action Ref Number	Action	Adoption-Ready Action Available	Land Use Efficiency Measure	Climate- Smart	Development Ready Land	Mechanism(s)	Types	Characteristics			Locations			
							Housing Types that Increase Choice	Affordability (Extremely Low, Very Low, Low, or Moderate Income)	Accessible & Adaptable Housing	Affordable Homeownership & Wealth- Building Tenure Options	High- Asset, Low- Harm Areas	Racially/Ethni- cally Concentrated Areas of Affluence	Displacement Risk Areas	Racially and Ethnically Concentrated Areas of Poverty
A-1	Luxury Tax					Production, Preservation, Access	Maybe	Maybe	Maybe	Maybe	No	No	No	No
A-2	Land Value Tax					Production, Preservation, Access	Maybe	Maybe	Maybe	Maybe	No	No	No	No
A-3	Residential Vacancy Tax					Production, Preservation, Access	Maybe	Maybe	Maybe	Maybe	No	No	No	No
A-4	Homestead Tax					Production, Preservation, Access	No	Maybe	Maybe	Maybe	No	No	No	No
A-5	Property Tax Exemption for Affordable Housing Tied to Level of Affordability					Production	Maybe	0-30%, 31- 60%, 61-80%	Maybe	No	No	No	No	No
A-6	Delayed Tax Exemptions					Production	Maybe	0-30%, 31- 60%, 61-80%	Maybe	No	No	No	No	No

REPEAL: 660-008-0210

RULE TITLE: Adoption Ready Actions

NOTICE FILED DATE: 09/29/2025

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.

RULE TEXT:

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 TITLE: Midpoint Reporting on Housing Production Strategy Implementation

NOTICE FILED DATE: 09/29/2025

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

RULE TEXT:

(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 one or more of the actions to meet current and future housing need per the schedule in the city's most recently adopted or amended housing production strategy or actions which were scheduled for implementation after the last midpoint report from the previous housing production strategy cycle, the midpoint report may include an explanation of the circumstances or factors that posed a barrier to implementation. The city may also request 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 TITLE: Referral for Non-Compliance in Adoption of Housing Capacity Analysis and Housing Production Strategy

NOTICE FILED DATE: 09/29/2025

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.

RULE TEXT:

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

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

- (a) For a housing capacity analysis, provide written authorization for the city to adopt concurrently with a housing production strategy by the deadline provided in ORS 197A.100(1);
- (b) Recommend an amended deadline to the commission for a housing capacity analysis or housing production strategy under OAR 660-008-0045;
- (c) Review components of a housing capacity analysis, response to an identified deficiency, or housing production strategy under OAR 660-025-0185; or
- (d) Within 90 days, enter into a voluntary agreement to remedy the delinquency outlining specific actions, timelines, and resources necessary to adopt a housing capacity analysis or housing production strategy.

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

- (a) Not adopted a housing capacity analysis or housing production strategy by the prescribed deadline and not received a time extension for good cause under section (1),
- (b) Not fulfilled the actions and deadlines of a work plan or agreement under section (1) to the housing acceleration program,
- (c) Failed to enter into or fulfill the terms of a time extension or voluntary agreement under section (1); or
- (d) Not made a good faith effort to adopt a housing capacity analysis or housing production strategy, such as missed deadlines and incomplete or non-responsive materials.

(3) For cities referred to the housing acceleration program under 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 TITLE: Referral for Non-Compliance in Undertaking Actions in a Housing Production Strategy

NOTICE FILED DATE: 09/29/2025

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.

RULE TEXT:

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);

(b) Department approval to undertake a replacement action or actions in the housing production strategy under OAR 660-008-0230(4)(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 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 TITLE: Referral based on Performance at the Housing Production Strategy Midpoint Report

NOTICE FILED DATE: 09/29/2025

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.

RULE TEXT:

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);
 - (f) The availability of funding to support the implementation of actions identified in a housing acceleration agreement developed in response to an audit;
 - (g) Whether the department or cities with a population of 10,000 or greater are subject to separate housing-related legislation, administrative rule, or orders that obligate capacity and funding for implementation, including but not limited to rulemaking or local comprehensive plan or development code amendments; and
 - (h) For audits requesting concurrent review under ORS 197A.205, the capacity of the Housing and Community Services Department to concurrently participate in and support audits. The department must consult with the Housing and Community Services Department in determining capacity under this section.
- (2) The department must annually determine which cities, if any, are eligible for referral to the housing acceleration program. Eligible cities must meet the following criteria:
- (a) The city was required to submit a midpoint report the previous 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 housing acceleration program, the department will consider the severity of underproduction at each of the following income levels:

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

(B) Housing affordable to households making 31 percent or more and less than 60 percent of area median income;

(C) Housing affordable to households making 61 percent or more and less than 80 percent of area median income; and

(D) Housing affordable to households making 81 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

AMEND: 660-008-0325

RULE TITLE: Department Audit for Cities Referred into the Housing Acceleration Program

NOTICE FILED DATE: 09/29/2025

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.

RULE TEXT:

For cities referred to the housing acceleration program under ORS 197A.130(3), within six months of issuance of public notice of referral under section (1), the department must, in cooperation with the city, complete an audit of specific housing barriers.

(1) The department must provide public notice of referral for each city referred to the housing acceleration program under OAR 660-008-0310 to OAR 660-008-0320, to notice recipients under OAR 660-008-0215, to all tribal governments as identified under OAR 660-008-0075(5)(c)(B), and to affected public bodies by July 1 of each calendar year. The notice must include:

(a) Findings documenting the basis of referral for each city referred to the housing acceleration program, including one or more of the following:

(A) Failure to adopt a housing capacity analysis, housing production strategy, or midpoint report as provided under OAR 660-008-0310;

(B) Failure to undertake an action or actions in an adopted housing production strategy as provided under OAR 660-008-0315;

(C) Referral to the housing acceleration program by the commission under ORS 197A.130(3)(d); or

(D) Referral to the housing acceleration program based on city performance as provided under OAR 660-008-0320.

(b) A description of the housing acceleration program and procedures provided in this rule;

(c) Any required actions or materials that a referred city must complete or submit to the department under section (2) and how and where these materials may be freely obtained by the public;

(d) That the public may submit comment to the department within 45 days of notice provided under section (3); and

(e) That actions taken by the city or the department under the housing acceleration program are not land use decisions and are not subject to appeal or review.

(f) For notice to tribal governments, specific and direct outreach to each of the tribal governments as identified under OAR 660-008-0200(1)(c)(B) by inviting government-to-government consultation from tribal leadership and coordination from tribal staff regarding the identification of barriers to housing production in the audit.

(2) For all audits, within 45 days of public notice of referral to the housing acceleration program, a referred city must provide the notice of referral to the governing body of the city and submit to the department the following information, if available and relevant to the basis for referral:

(a) The adopted housing capacity analysis, housing production strategy, adoption record including all public testimony, and midpoint report, if not already submitted to the department. A city referred to the housing acceleration program under OAR 660-008-0310 may submit any available draft materials related to an impending housing production strategy;

(b) Information related to actions and inactions that impact local fair and equitable housing outcomes, environmental justice, climate resilience and location choice that is not otherwise captured in the housing production strategy;

(c) Any summary materials related to engagement conducted by the city that is not otherwise captured in the housing production strategy;

(d) Information related to current funding and staff capacity of the city, including publicly-available departmental budget and staffing information;

(e) Any localized information or studies related to housing market dynamics such as localized market pricing and rents, local housing development dynamics, or other market-related factors that are not otherwise captured by state data sources, if available;

- (f) Information related to the local development of housing development at or below 80 percent of average median income, including local development contacts, local funding programs/investments, or recent development projects, if available;
- (g) Information related to the local development of housing, including:
 - (A) Land use planning regulations, including zoning and development code;
 - (B) Permitting and approval processes relating to development of housing and infrastructure supporting housing;
 - (C) Required fees, exactions, and improvements; and
 - (D) Any public facilities plans, capital improvement plans, or actions or investments to prepare land for residential development;
- (h) Any potential barriers or issues that the city requests consideration by the department in the audit, including but not limited to:
 - (A) Local resource deficiencies, including staffing, public facilities, capital improvements to infrastructure, availability of buildable lands, and actions or investments to prepare land for development;
 - (B) Specific additional state resources that could support housing production;
 - (C) Any state laws or rules or the regulations, policies, actions or inactions of any public body that could impact housing production; and
 - (D) Other factors limiting housing that are not within the city's control.
- (i) Where a city does not have access to or fails to provide suitable information under this section, the department may utilize best available information to support the findings of an audit;
- (j) Nothing in this section prohibits the department from utilizing other sources of relevant data or information, including but not limited to information collected under sections (3) and (4).
- (3) For all audits, within ten days of receipt of the submission under section (2), the department must compile submitted information and notify recipients under section (1) that public comment may be submitted to the department within 45 days of the notice date. The department must:
 - (a) Provide in a publicly available format any relevant audit materials, including the notice provided under section (1) and materials submitted under section (2);
 - (b) Instructions for delivering public comment to the department; and
 - (c) Append any comments submitted within 45 days to the audit published under section (6).
- (4) For comprehensive audits, in addition to public comment under section (3), the department must solicit and consider additional contextual information to support audit findings, which may include:
 - (a) In consideration of engagement summaries submitted under subsection (2)(c), supplemental equitable engagement and invited feedback from interested parties, including but not limited to:
 - (A) City staff and public officials;
 - (B) Local or regional market-rate housing developers;
 - (C) Local or regional subsidized affordable housing developers serving households with 0-30 percent, 31-60 percent, and 61-80 percent median family income;
 - (D) Local or regional community-based and non-governmental organizations;
 - (E) Community members, including those described under OAR 660-008-0200(1) and (2)(b);
 - (F) Other relevant public bodies that affect housing production within the city;
 - (G) Tribal governments within the region, if any; and
 - (H) Other relevant market or affordable housing-related actors that affect housing production within the city, including lenders, laborers, and occupants.
 - (b) Engagement and coordination with affected public bodies on barriers or issues that extend beyond a city's control, including:
 - (A) County or regional coordination as it relates to urbanization and regional programs and resources, including Metro for cities within Metro;
 - (B) Special district and utility coordination as it relates to the provision of public facilities to support housing production;

and

(C) State agency coordination as it relates to policies and programs that affect housing production within a city.

(c) For audits focused on affordable housing production at 0-30 percent, 31-60 percent, and 61-80 percent median family income, concurrent review with the Housing and Community Services Department. In addition to the materials submitted under section (2), the department may require the following additional information from a city, if available:

(A) Any contextual information related to affordability not reflected in statewide housing data, including but not limited to naturally occurring affordable housing at 0-30 percent, 31-60 percent, and 61-80 percent median family income tenant assistance or vouchers, or homeownership programs; or

(B) Information related to subsidized affordable housing development proposals and inquiries, including any contact information, permitting information, and public record information relating to development application approvals or denials:

(i) For cities within Metro, the previous six calendar years.

(ii) For cities outside of Metro, the previous eight calendar years.

(d) Nothing in this section prohibits the department from soliciting or considering additional contextual information or invited stakeholder feedback for audits that are not comprehensive audits.

(5) In conducting the audit, the department must evaluate and prioritize the following, including the provision of resources and intergovernmental coordination to support local actions related to:

(a) Existing and expected barriers to fair housing choice, including barriers contributing to fair housing issues identified under OAR 660-008-0075 in the most recently adopted or amended housing production strategy;

(b) Barriers to adoption or implementation of actions described in OAR 660-008-0200(3);

(c) Barriers to adoption or implementation of relevant adoption-ready actions.

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

(e) Acceleration of total production and production of housing affordable to households earning at or below 80 percent area median income, compared to the city's previous housing production strategy cycle and relative to the region and market peers as determined by the housing production dashboard. Pursuant to data availability, the department will consider acceleration of production at each of the following income levels:

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

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

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

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

(6) Within six months of public notice issued under section (1), the department must publish an audit of specific housing barriers, including those identified in the contextualized housing need under OAR 660-008-0075. The audit that must include an analysis of the factors provided in ORS 197A.130(4). For each identified barrier, the audit must contain:

(a) A description of the identified barrier. 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, and

(B) Identification of the barrier as development or zoning code that does not meet the applicable standards represented in OAR 660-008-0200(3) and (4).

(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 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 TITLE: Housing Acceleration Agreement

NOTICE FILED DATE: 09/29/2025

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

RULE TEXT:

Within six months following an audit completed under OAR 660-008-0325, the city and the department must enter into a housing acceleration agreement that is based on and proportionate to the city's basis for referral to the housing acceleration program under OAR 660-008-0310 to OAR 660-008-0320.

(1) The director and the city must sign a housing acceleration agreement within six calendar months of the publication of the audit under OAR 660-008-0325.

(a) The governing body of a city may designate an authorized representative to sign the agreement.

(b) The department must:

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

(B) Grant a time extension to provide a 90-day period for city review if the department does not provide a draft agreement as provided in this subsection.

(c) The city must adopt a housing acceleration agreement as an appendix to the consequent or subsequent housing production strategy adopted as provided in section (3) and (4). Nothing in this section prohibits a city from entering a housing acceleration agreement and amending a housing production strategy concurrently.

(2) The housing acceleration agreement must specify actions, parameters, and timelines by which the department and the city respond to barriers identified in the audit published under OAR 660-008-0325.

(a) The department must agree to provide the following as necessary to support the city in the implementation of an action or actions specified in an agreement:

(A) Technical assistance, regulatory support, and other assistance;

(B) Financial or funding support available to the department in consideration of city funding needs identified under OAR 660-008-0325(6); and

(C) Assistance in pursuing other state or public funds in consideration of city funding needs identified under OAR 660-008-0325(6).

(b) The city must agree to take actions specified in sections (3) and (4) that proportionally address each barrier within the city's control as identified in OAR 660-008-0325(6), which may include:

(A) One or more of the actions proposed in the existing housing production strategy as identified in OAR 660-008-0325(6)(d).

(B) One or more of the alternative actions identified in OAR 660-008-0325(6)(e) to address a barrier identified in an audit; or

(C) An alternate action or actions to those identified in OAR 660-008-0325(6)(e). The city must demonstrate that the alternate actions address the identified barrier or barriers on an equivalent and proportionate basis to actions identified in OAR 660-008-0325(6)(e).

(c) The department or the city may coordinate, mediate, or enter into agreements with other public bodies to fulfill actions included in a housing acceleration agreement.

(3) If the published audit conducted under OAR 660-008-0325(7) determines that the factors affecting housing production, affordability, and choice for an identified barrier are a consequence of policies and practices that are directly within the city's control, the city must adopt an amended housing production strategy within six months of the execution date of the housing acceleration agreement that includes:

(a) A timeline for performance under ORS 197A.100(4) of no less than one year;

(b) Specific city actions, which may include, but are not limited to:

(A) Actions under ORS 197A.100(3);

- (B) Dedicating funds for increased local capacity to facilitate housing production, affordability and choice;
 - (C) Dedicating funds for public facilities and infrastructure necessary to support housing production;
 - (D) Taking measures that increase the availability of development-ready land;
 - (E) Amending the development code, approval criteria or procedures to reduce cost or delay to housing production;
 - (F) Taking emergency temporary measures to support housing production;
 - (G) All actions that have not been completed on schedule or replacement actions that meet the same need and have commensurate or greater magnitude of impact; and
 - (H) Actions elevated by the program and department including actions under OAR 660-008-0200(3) and (4), 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 TITLE: Purpose of Model Ordinances

NOTICE FILED DATE: 09/29/2025

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.”

RULE TEXT:

For the purpose of assisting cities in complying with housing laws and facilitating housing production, affordability, and choice, consistent with the principles of ORS 197A.025, model ordinances adopted in this section may be applied to residential development as provided in OAR 660-008-0400 to 660-008-0430.

STATUTORY/OTHER AUTHORITY: ORS 197.040

STATUTES/OTHER IMPLEMENTED: ORS 197.335

ADOPT: 660-008-0405

RULE TITLE: Definitions for Model Ordinances

NOTICE FILED DATE: 09/29/2025

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

RULE TEXT:

As used in OAR 660-008-0400 to 660-008-0430, the definitions in ORS chapters 197 and 197A, and OAR 660-008-0005 apply. In addition, the following definitions apply:

- (1) "Adopt" or "Adoption" means the approval of an ordinance described in ORS 197A.400(1)(b)(C) by the governing body of a local government.
- (2) "Apply" or "Application" means utilization of a model ordinance or module as the basis for approval or denial of a development application as provided in ORS 197A.400(1)(b)(C).
- (3) "Design Standard" has the meaning provided in OAR chapter 660, division 46.
- (4) "Housing Law" has the meaning provided in Oregon Laws 2024, chapter 110, section 1.
- (5) "Model Ordinance" means a complete set of standards or procedures applied to development as provided in ORS 197A.400(1)(b)(C) and this rule. "Model Ordinance" and "Model Code" are interchangeable.
- (6) "Module" means a component proportion of a model ordinance that is fully implementable with a complete set of standards or procedures applied to development. A module includes all applicable standards or procedures contained within the module as well as references and citations to other modules or applicable local land use regulations. A model ordinance may contain one or more modules.
- (7) "Recommended Standard" means a standard contained within a model ordinance that represents promising practice but allows for optional deviation where adopted or applied by a city. Recommended standards are demarcated or otherwise explicitly identified as recommended within a model ordinance.
- (8) "Siting Standard" has the meaning provided in OAR chapter 660, division 46. "Siting Standard" and "Development Standard" are interchangeable.
- (9) "Violate a Housing Law" means local government nonconformance with a housing law, including via locally-adopted land use regulations or as applied to a residential development application.
- (10) "Zoned for residential use" means land that:
 - (a) Is within an urban growth boundary;
 - (b) Has base zoning for, or is designated to allow, residential uses, including mixed-use residential;
 - (c) Is not zoned primarily for commercial, industrial, agricultural or public uses; and
 - (d) Is incorporated or urban unincorporated land.

STATUTORY/OTHER AUTHORITY: ORS 197.040

STATUTES/OTHER IMPLEMENTED: ORS 197.335

ADOPT: 660-008-0410

RULE TITLE: Model Ordinances

NOTICE FILED DATE: 09/29/2025

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.

RULE TEXT:

(1) The commission adopts the following model ordinances as shown in Attachment C:

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

(2) A model ordinance under this rule:

- (a) Does not amend acknowledged local land use regulations;
- (b) Is presumed to be clear and objective as provided in ORS 197A.400;
- (c) May apply on lands zoned for residential use; and
- (d) May not apply on lands that are not zoned for residential use, except where otherwise required by a housing law.

(3) The adoption or application of a model ordinance does not:

- (a) Require a local government to amend or repeal locally-applicable land use regulations;
- (b) Prohibit a local government from amending locally-applicable land use regulations;
- (c) Affect the applicability of protective measures adopted or applied pursuant to a statewide planning goal;
- (d) Trigger a requirement that a local government consider or update an analysis under a statewide planning goal relating to economic development, transportation, or public facilities; and
- (e) Trigger a requirement to adopt or update a housing capacity analysis or housing production strategy as provided in OAR 660-008-0045.

(4) Where one or more modules cite the following provisions, those provisions are applicable:

- (a) Provisions contained within a separate module, including but not limited to measurements and definitions; and
- (b) Locally-applicable land use regulations.

(5) Where a model ordinance, module, or modules are amended by subsequent rulemaking, those amended provisions are applicable as provided in ORS 227.178(3) or ORS 215.427(3).

STATUTORY/OTHER AUTHORITY: ORS 197.040

STATUTES/OTHER IMPLEMENTED: Oregon Laws 2024, chapter 111, ORS 197.335

Oregon Administrative Rule

Chapter 660, Division 008, Rule 0410

Attachment B

Housing Model Ordinances

Document Links

OAR 660-008-0410 (1)(a) – Housing Model Code for Small Cities

OAR 660-008-0410 (1)(b) – Housing Model Code for Medium Cities

OAR 660-008-0410 (1)(c) – Housing Model Code for Large Cities

Housing Model Code – Small Cities

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I – General Provisions

Chapter I – General Provisions

Sections:

- I.1 Purpose
- I.2 Applicability
- I.3 Relationship to Other Regulations
- I.4 Exception to Certain Design Standards

I.1. Purpose

The Housing Model Code for Small Cities provides standards for a range of housing types that are clear and objective, consistent with Housing law, and encourage and facilitate housing production, affordability, and choice as provided in ORS 197A.025.

I.2 Applicability/Adoption by Reference

- A. Applicability to Existing Development.** The standards apply to the development of new dwelling units, including the addition of dwelling units to sites with existing dwelling units. Existing residential development shall not be deemed nonconforming solely on the basis that it does not conform to the standards of this Model Code.
- B. Location.** The Model Code is not a zoning ordinance. The applicability of the standards to a particular location or zone within a city must be specified as provided in OAR 660-008-0400 to 0430.
- C. Exceptions.** The standards in the Model Code do not allow the following:
 - 1. The development of housing on Goal Protected Lands, unless otherwise permitted by a city's development code through clear and objective standards, criteria, and procedures.
 - 2. The development of housing on lands that do not allow residential uses unless otherwise allowed by statute.
- D. Adoption by Reference.** A city may choose to adopt by reference the entire Model Code or one or more individual modules. Modules are identified in Table I.1. When adopting one or more individual modules, the following requirements apply:
 - 1. All modules are subject to the provisions in the following sections: *Applicability* (Section I.2), *Relationship to Other Regulations* (Section I.3), and *Definitions and Measurement Methodology* (Chapter 10).
 - 2. All detached single-unit and middle housing modules (Chapters 2-5) are subject to the provisions in *Exception to Certain Design Standards* (Section I.4).
 - 3. Each module under "Procedures and Applications" is subject to the provisions in *Procedures and Applications, Generally* (Section 8.1).

I – General Provisions

4. Some modules can only be applied in conjunction with another module. Where this is the case, a city adopting a module by reference must also adopt any modules identified as “Required” in the “Related Code Sections” column in Table I.1.

TABLE I.1 MODEL CODE MODULES		
Module	Model Code Chapter / Section	Related Code Sections
<i>Housing Types</i>		
Detached Single-Unit and Duplex	Chapter 2	
Triplex and Quadplex	Chapter 3	
Townhouse	Chapter 4	
Cottage Cluster	Chapter 5	
Multi-Unit Housing	Chapter 6	
Accessory Dwelling Unit	Chapter 7	
<i>Procedures and Applications</i>		
Procedure - Ministerial Decision	Section 8.2	
Procedure - Limited Land Use Decision	Section 8.3	
Application - Zoning Review	Section 8.4	Required: Sections 8.2 and 8.3
Application - Modification	Section 8.5	Required: Section 8.3

I.3 Relationship to Other Regulations

A. Conflicts.

1. For a city that has opted to adopt or apply the Model Code or has been directed to apply the Model Code by the Commission as provided in OAR 660-008-0430, in the event of a conflict between this Model Code and other development and design standards applicable to regulated housing, the standards of this Model Code control [Recommended: except as provided in section (2) or subsections (B) or (C) below].

[Recommended 2. If a locally adopted land use development standard conflicts with this Model Code but it would allow the development of more housing (additional square footage or units), an applicant may comply with either the standard in this Model Code or the locally adopted standard.]

B. Additional Standards Applicable to Regulated Housing.

In addition to the standards identified in this Model Code, a city may only apply the following locally adopted land use regulations to regulated housing:

1. Public works and public utilities standards, provided exceptions granted to single-unit dwellings shall also be granted to duplexes.
2. Protective measures (plans, policies, or regulations) adopted pursuant to statewide land use planning goals (e.g., environmental and natural hazard protections).
3. Minimum density requirements.
4. Regulations related to the following:

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- a. Tree protection, retention and planting.
 - b. Landscaping design, installation and maintenance including, but not limited to, materials and planting requirements.
 - c. Parking lot design and installation, including, but not limited to, shading, screening, materials, and layout.
 - d. Sustainability and greenhouse gas reduction.
4. Land division standards and procedures.

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

1. Health and safety, including, but not limited to, fire ingress or egress and emergency vehicle access.
2. Public works standards ensuring safe vehicle access onto the public street system, including but not limited to, standards for clear vision areas and driveway/intersection spacing and alignment. This exception does not include minimum driveway width standards.
3. Hazardous or contaminated site clean-up, wildlife protection, or statewide land use planning goals relating to natural resources, natural hazards, the Willamette River Greenway, estuarine resources, coastal shorelands, beaches and dunes or ocean resources.
4. Implementation of fire or building codes, federal or state air, water quality or surface, ground or stormwater requirements or requirements of any federal, state or local law other than a land use regulation.

I.4 Exception to Certain Design Standards

In accordance with Oregon Laws 2025, Chapter 330, Section 8, housing development that includes detached single-unit, duplex, triplex, quadplex, townhouse, or cottage cluster housing that includes 20 or more units in housing types listed in subsection (A) is exempt from any residential design standard that is intended to preserve the desired character, architectural expression, decoration or aesthetic quality of new homes; this includes design standards regulating the features listed in subsection (B). All other design and siting standards in this Model Code shall apply.

A. Applicable Housing Types:

- Detached single-unit;
- Duplex;
- Triplex;
- Quadplex;
- Townhouse; or
- Cottage cluster housing.

B. Residential Design Features:

- Facade materials, colors or patterns;
- Roof decoration, form or materials;

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- Accessories, materials or finishes for entry doors or garages;
- Window elements such as trim, shutters or grids;
- Fence type, design or finishes;
- Architectural details, such as ornaments, railings, cornices and columns;
- Size and design of porches or balconies;
- Variety of design or floorplan; or
- Front or back yard area landscaping materials or vegetation.

2 – Detached Single-Unit and Duplex

Chapter 2 – Detached Single-Unit and Duplex

Sections:

- 2.1 Siting Standards - Detached Single-Units and Duplex
- 2.2 Design Standards - Detached Single-Unit and Duplex
- 2.3 Conversions - Duplex

2.1 Siting Standards – Detached Single-Unit and Duplex

The siting standards in Table 2.1 apply to the development of a detached single-unit or duplex (two-unit) dwelling on a lot. Accessory dwelling units are addressed in Chapter 7.

TABLE 2.1 SITING STANDARDS - DETACHED SINGLE-UNIT AND DUPLEX	
Maximum Building/Structure Height (see Section 9.1.3)	35 ft
Minimum Setbacks (see Section 9.1.4)	
• Front and street side building setback	10 ft
• Side (interior) building setback	5 ft
• Rear building setback	10 ft
• Garage entrance setback <ul style="list-style-type: none">○ Garage entrances facing a public street access (driveway length)○ Garage entrances with alley access	18 ft 5 ft
Minimum Required Outdoor Area (see Section 9.1.5)	30% of lot area
[Recommended: Vehicle Parking (see Section 9.1.6)]	
• Minimum number of off-street spaces	1 space per unit]

[Recommended: 2.2 Design Standards – Detached Single-Unit and Duplex

Except as provided in Section 1.4, the design standards in this section apply to the development of a detached single-unit or duplex dwelling on a lot.

2.2.1 Entry Orientation and Pedestrian Connectivity

- A. Standard.** At least one main entrance for each residential structure must meet the following standards. The entrance must:
1. Be no more than 8 feet farther from the front lot line than the structure's longest wall that faces the front lot line.
 2. Meet at least one of the following:
 - a. Face the street (see Figure 2.2.1a);

2 – Detached Single-Unit and Duplex

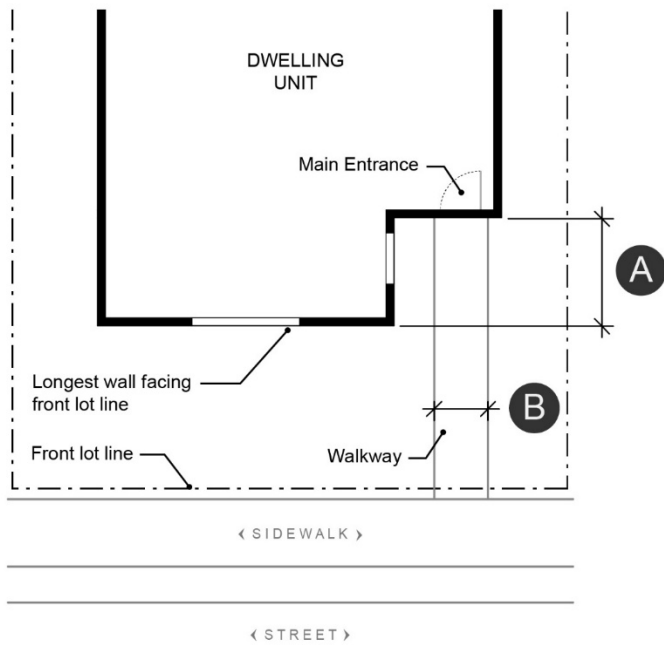
- b. Be at an angle of up to 45 degrees from the street (see Figure 2.2.1.b); or
- c. Open onto a covered porch or covered patio (see Figure 2.2.1.c). The porch or patio must:
 - i. Be at least 25 square feet in area; and
 - ii. Have at least one entrance facing the street.
- 3. Connect to the sidewalk by a hard-surfaced walkway other than a driveway. The walkway shall have a minimum width of 2 feet (see Figure 2.2.1.a). The walkway may abut the driveway (see Figure 2.2.1.c). Where there is no sidewalk abutting the property, the walkway shall extend to the street lot line.

B. Exceptions. The following are exempt from these standards:

- 1. Any detached structure for which more than 50 percent of its street-facing façade is separated from the street lot line by:
 - a. A dwelling; or
 - b. A buildable lot with a depth of at least 20 feet measured from the street lot line.
- 2. Accessory dwelling units.
- 3. Accessible or adaptable units, provided the main entrance is connected to the public sidewalk by an accessible walkway.]

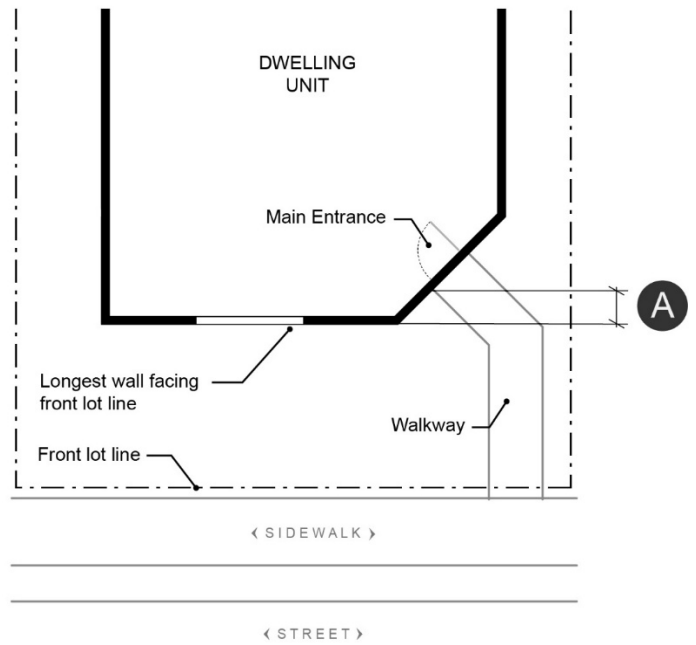
2 – Detached Single-Unit and Duplex

Figure 2.2.1.a. Main Entrance Facing the Street



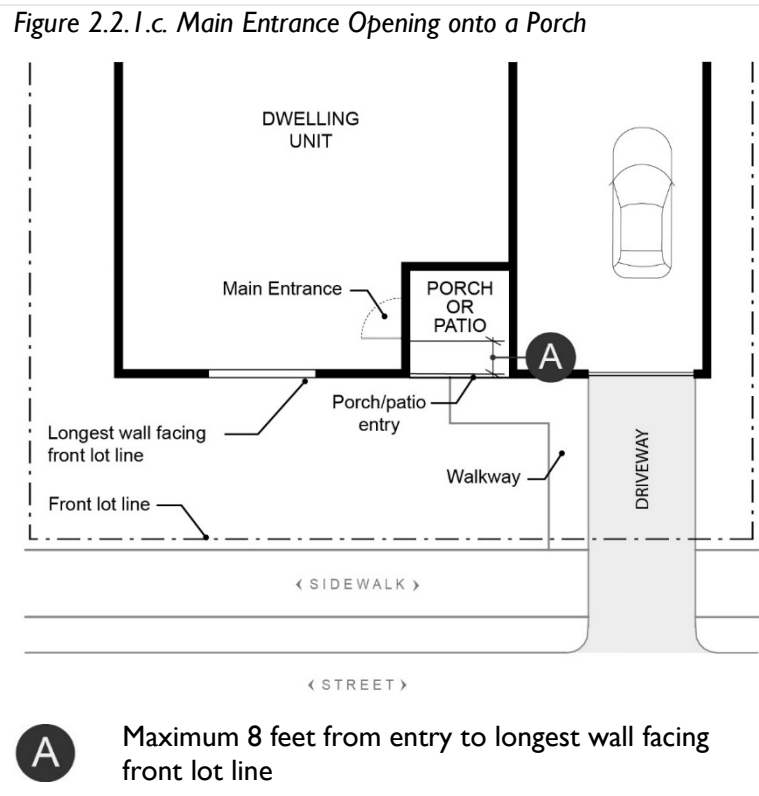
- A** Maximum 8 feet from entry to longest wall facing front lot line
- B** Walkway width minimum 2 feet

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



- A** Maximum 8 feet from entry to longest wall facing front lot line

2 – Detached Single-Unit and Duplex



2.2.2 Windows and Doors

A. Standard.

1. Windows or pedestrian entrance doors must be provided on street-facing facades as follows:
 - a. At least one street-facing façade must have a minimum of 15 percent windows or pedestrian entrance doors.
 - b. All other street-facing facades must have a minimum of 10 percent windows or pedestrian entrance doors.
2. See Section 9.1.8 for measurement methodology.

B. Exceptions. The following facades are exempt from these standards:

1. Facades separated from the street lot line by a dwelling, or by a buildable lot with a depth of at least 20 feet measured from the street lot line.
2. Facades that are more than 40 feet from the street lot line.
3. Facades facing an alley.

2 – Detached Single-Unit and Duplex

2.2.3 Off-Street Parking Areas

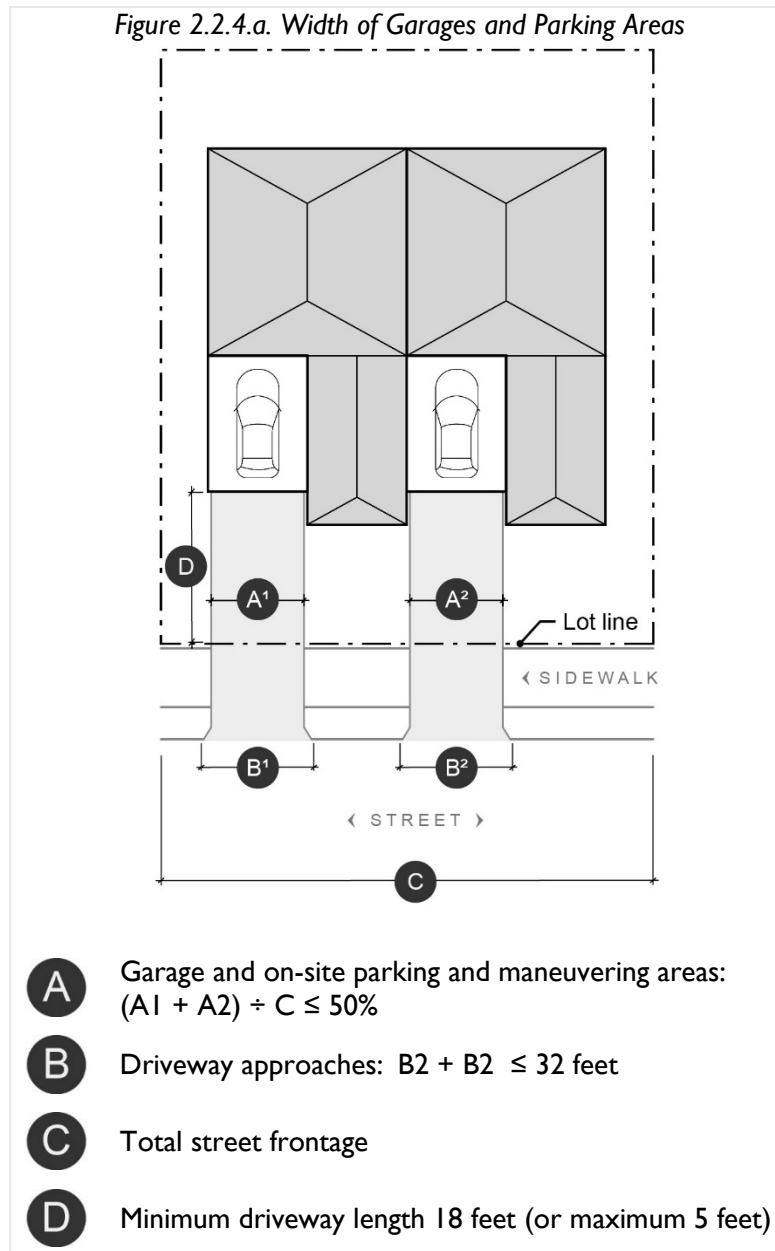
A. Standards.

1. The combined width of all garages and outdoor on-site parking and maneuvering areas, as measured at their widest dimension, shall not exceed a total of 50 percent of the street frontage (see Figure 2.2.4.a). Walkways abutting a driveway are excluded from this calculation.
2. The total width of all driveway approaches must not exceed 32 feet, as measured at the lot lines.

B. Exceptions.

1. The following are exempt from these standards:
 - a. Accessible or adaptable units.
 - b. Lots that receive vehicular access from an alley.
2. Garages or off-street parking areas that are separated from the street lot line by a dwelling or that are more than 40 feet from the street lot line are exempt from subsection (A)(1).

2 – Detached Single-Unit and Duplex



2.3. Conversions – Duplexes

Additions to, or conversions of, an existing detached single-unit dwelling into a duplex is allowed, provided that the addition or conversion does not increase nonconformance with applicable siting and design standards of this Model Code, unless increasing nonconformance is otherwise permitted by the city's development regulations.

3 – Triplex and Quadplex

Chapter 3 – Triplex and Quadplex

Sections:

- 3.1 Siting Standards – Triplex and Quadplex
- 3.2 Design Standards – Triplex and Quadplex
- 3.3 Conversions – Triplex and Quadplex

3.1 Siting Standards – Triplex and Quadplex

The siting standards in Table 3.1 apply to the development of a triplex or quadplex on a lot.

TABLE 3.1 SITING STANDARDS – TRIPLEX AND QUADPLEX	
Maximum Building/Structure Height (see Section 10.1.3)	35 ft
Minimum Setbacks (see Section 9.1.4)	
• Front and street-side building setback	10 ft
• Side (interior) building setback	5 ft
• Rear building setback	10 ft
• Garage entrance setback	
○ Garage entrances facing a public street (driveway length)	18 ft
○ Garage entrances with alley access	5 ft
Minimum Required Outdoor Area and Usable Open Space (see Section 9.1.5)	
• Required Outdoor Area	25% of lot area
[Recommended: Vehicle Parking] (see Section 9.1.6)	
• Minimum number of off-street spaces	1 space per unit]

3.2 Design Standards – Triplex and Quadplex

Except as provided in Section 1.4, the design standards in this section apply to the development of a triplex or quadplex on a lot.

3.2.1 Entry Orientation and Pedestrian Connectivity

- A. Standard.** At least one main entrance for each residential structure must comply with all the following standards. The entrance must:
 1. Be no more than 8 feet farther from the front lot line than the structure's longest wall that faces the front lot line.
 2. Meet at least one of the following:
 - a. Face the street (see Figure 3.2.1.a);

3 – Triplex and Quadplex

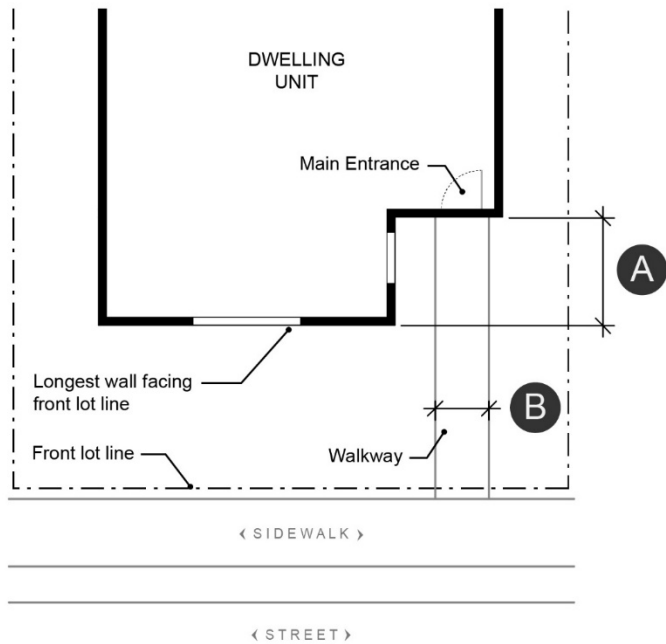
- b. Be at an angle of up to 45 degrees from the street (see Figure 3.2.1.b);
 - c. Face a common open space that is adjacent to the street and is abutted by dwellings on at least two sides (see Figure 3.2.1.c); or
 - d. Open onto a covered porch or covered patio (see Figure 3.2.1.d). The porch or patio must:
 - i. Be at least 25 square feet in area; and
 - ii. Have at least one entrance facing the street.
3. Connect to the sidewalk by a hard-surfaced walkway other than a driveway. The walkway shall have a minimum width of 2 feet (see Figure 3.2.1.a). The walkway may abut the driveway (see Figure 3.2.1.d). Where there is no sidewalk abutting the property, the walkway shall extend to the street lot line.

B. Exceptions. The following are exempt from these standards:

- 1. Any detached structure for which more than 50 percent of its street-facing facade is separated from the street lot line by:
 - a. A dwelling; or
 - b. A buildable lot with a depth of at least 20 feet measured from the street lot line.
- 2. Accessible and adaptable units, provided the main entrance is connected to the public sidewalk by an accessible walkway.

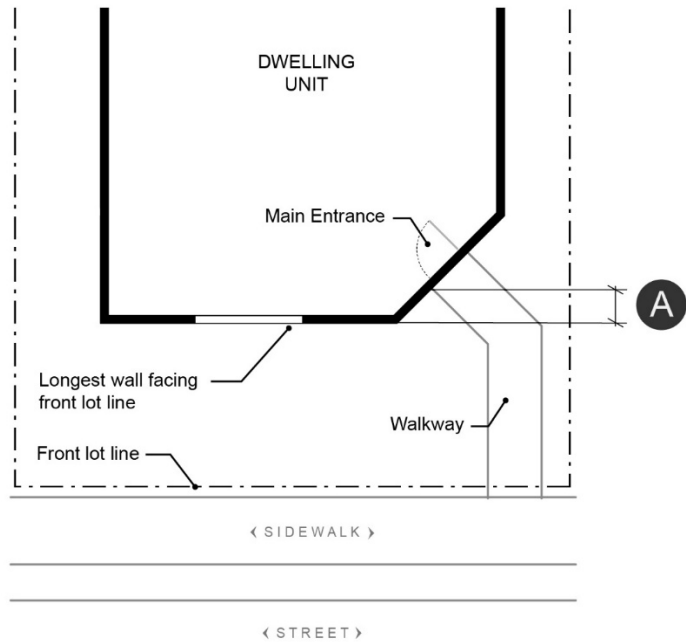
3 – Triplex and Quadplex

Figure 3.2.1.a. Main Entrance Facing the Street



- A** Maximum 8 feet from entry to longest wall facing front lot line
- B** Walkway width minimum 2 feet

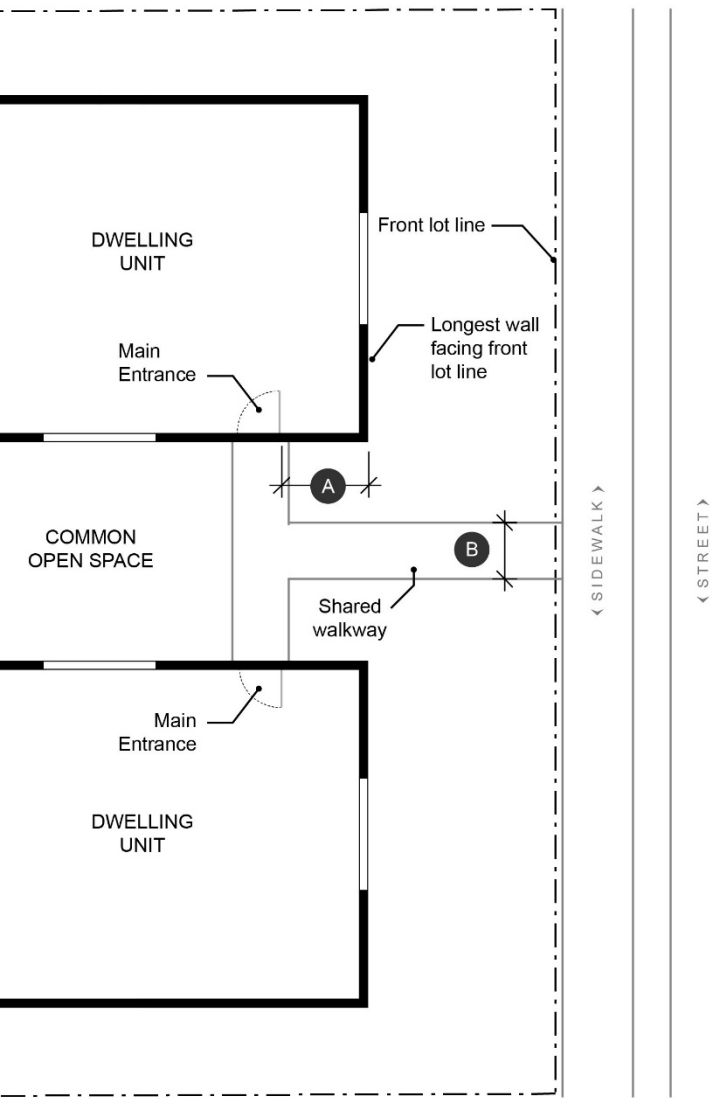
Figure 3.2.1.b. Main Entrance at 45° Angle from the Street



- A** Maximum 8 feet from entry to longest wall facing front lot line

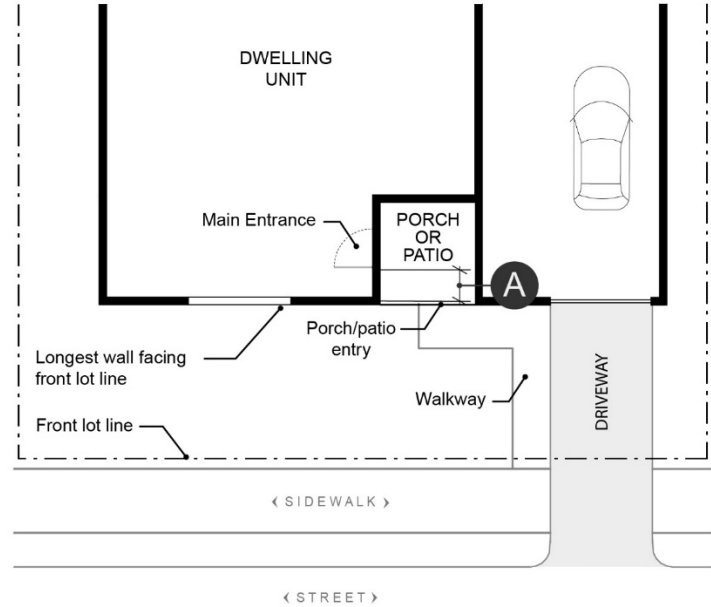
3 – Triplex and Quadplex

Figure 3.2.I.c. Main Entrance Facing Common Open Space



- A** Maximum 8 feet from entry to longest wall facing front lot line
- B** Walkway width minimum 2 feet

Figure 3.2.I.d. Main Entrance Opening onto a Porch



- A** Maximum 8 feet from entry to longest wall facing front lot line

3 – Triplex and Quadplex

3.2.2 Windows and Doors

A. Standard.

1. Windows or pedestrian entrance doors must be provided on street-facing facades as follows:
 - a. At least one street-facing façade must have a minimum of 15 windows or pedestrian entrance doors.
 - b. All other street-facing facades must have a minimum of 10 percent windows or pedestrian entrance doors.
2. See Section 9.1.8 for measurement methodology.

B. Exceptions. The following facades are exempt from these standards:

1. Facades separated from the street lot line by a dwelling, or by a buildable lot with a depth of at least 20 feet measured from the street lot line.
2. Facades that are more than 40 feet from the street lot line.
3. Facades facing an alley.

3.2.3 Off-Street Parking Areas

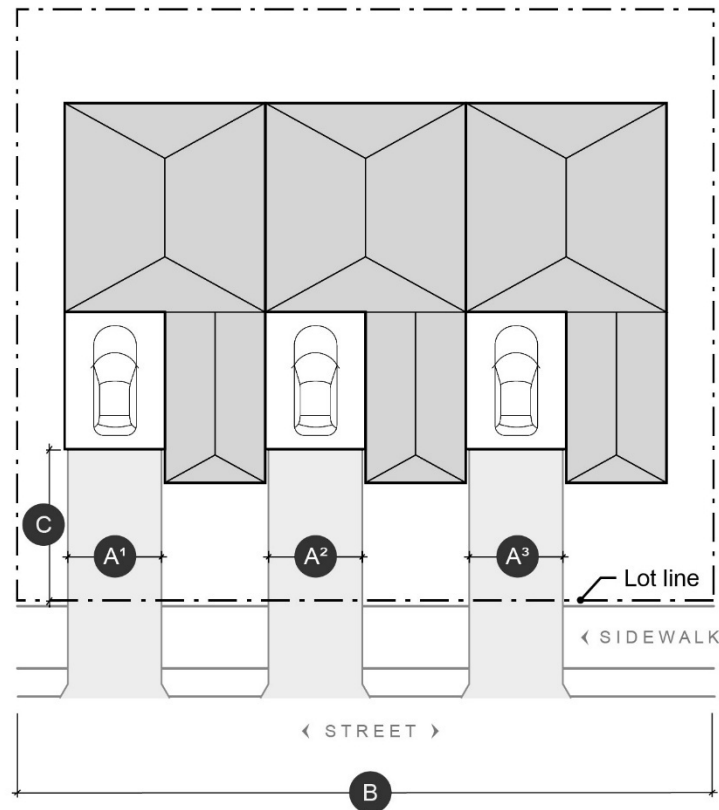
A. Standard. The combined width of all garages and outdoor on-site parking and maneuvering areas, as measured at their widest dimension, shall not exceed a total of 50 percent of the street frontage (see Figure 3.2.3.a). Walkways abutting a driveway are excluded from this calculation.

B. Exceptions. The following are exempt from these standards:

1. Accessible and adaptable units.
2. Lots that receive vehicular access from an alley.
3. Off-street parking areas that are separated from the street lot line by a dwelling.

3 – Triplex and Quadplex

Figure 3.2.3.a. Width of Garages and Parking Areas



- A** Garage and on-site parking and maneuvering areas: $(A1 + A2 + A3) \div B \leq 50\%$
- B** Total street frontage
- C** Minimum driveway length 18 feet (or maximum 5 feet)

3.2.4 Driveway Approach

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

1. The total width of all driveway approaches must not exceed 32 feet per frontage, as measured at the lot line (see Figures 3.2.4.a and 3.2.4.c). For lots with more than one frontage, see subsection (3).
2. Driveway approaches may be separated when located on a local street (see Figure 3.2.4.a). If approaches are separated, they must meet the city's driveway spacing standards applicable to local streets.

3 – Triplex and Quadplex

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

B. Exceptions. Accessible or adaptable units are exempt from the standards in subsections (A)(1) and (A)(3)(c).

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3 – Triplex and Quadplex

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

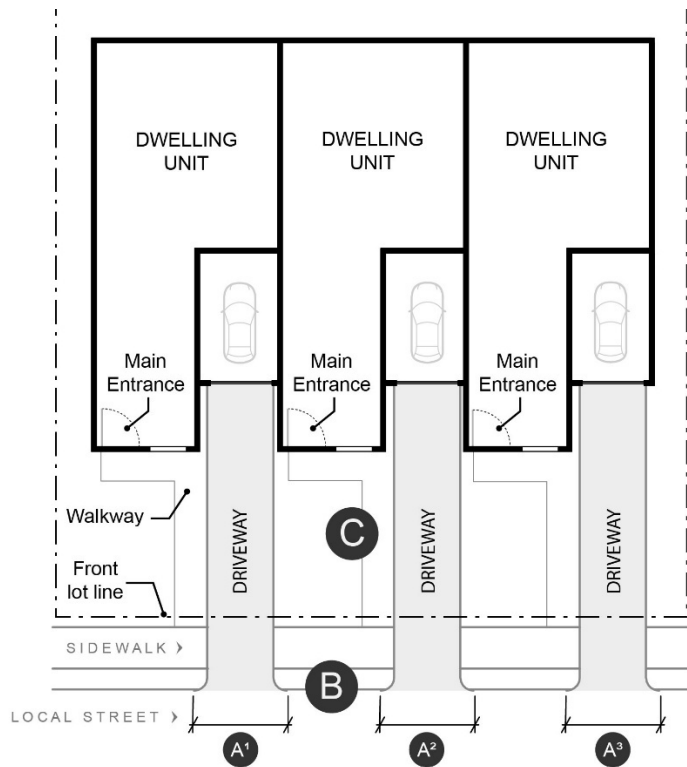
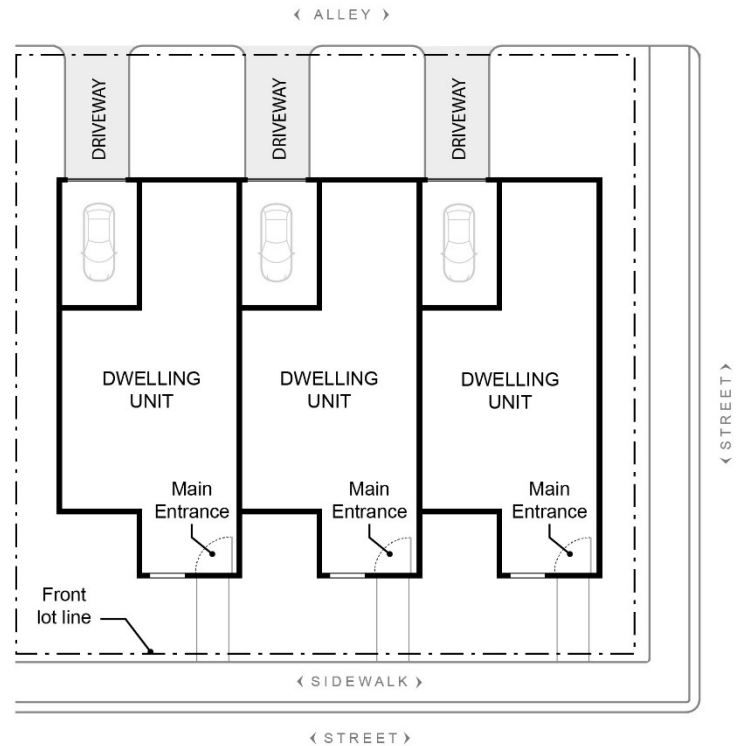


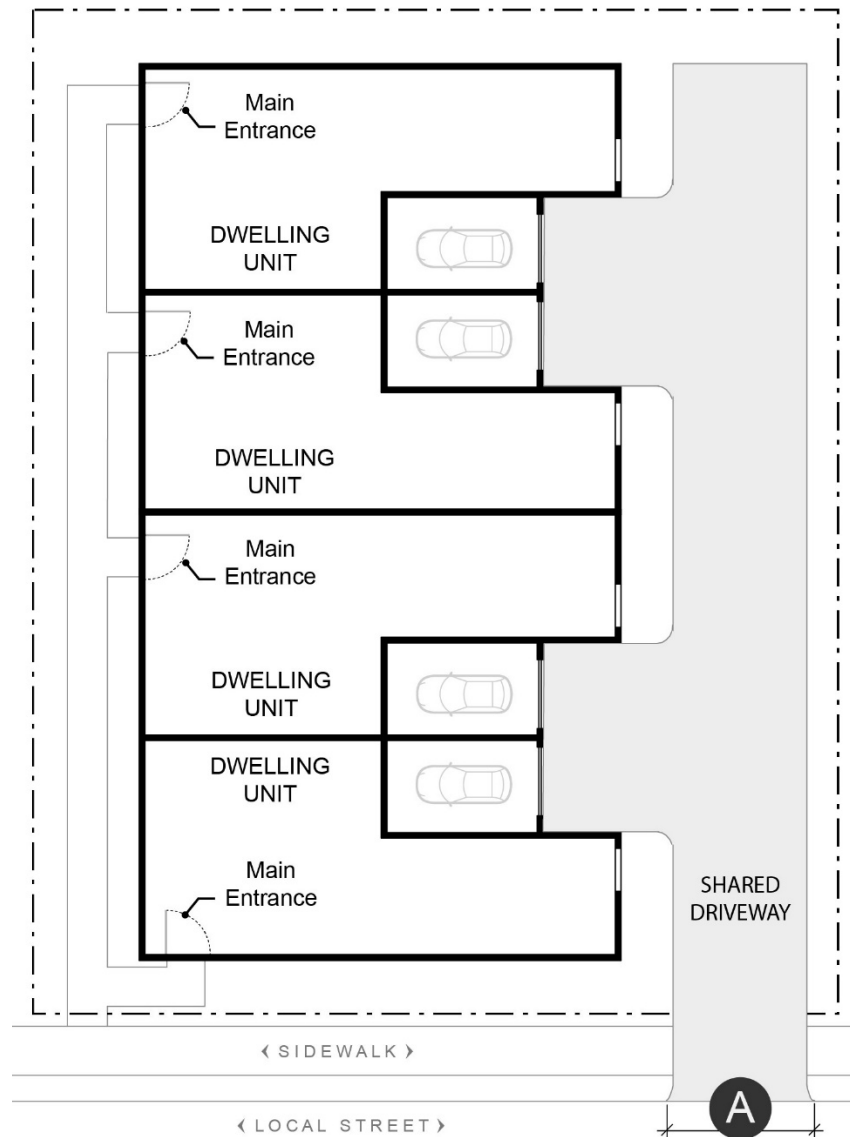
Figure 3.2.4.b. Alley Access



- A** $A^1 + A^2 + A^3 \leq 32$ feet
- B** Driveway approaches must meet separation standards for a local street.
- C** Walkway may abut driveway

3 – Triplex and Quadplex

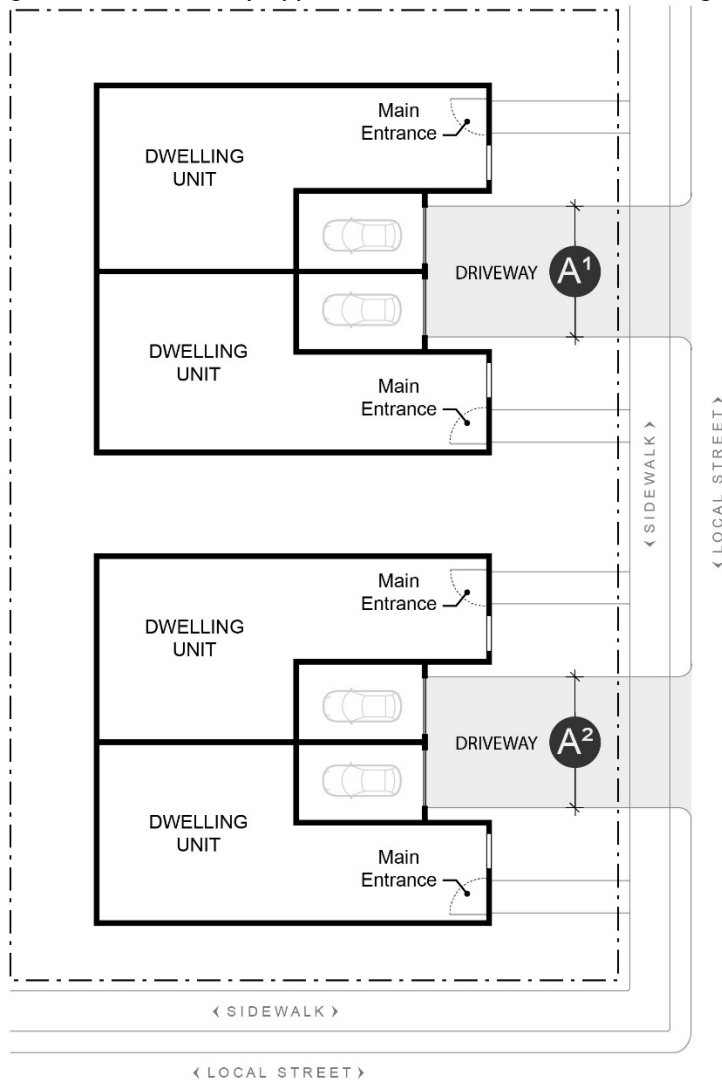
Figure 3.2.4.c. Driveway Approach Width on Local Street – Shared Driveway



A Maximum width of driveway approach(es) 32 feet

3 – Triplex and Quadplex

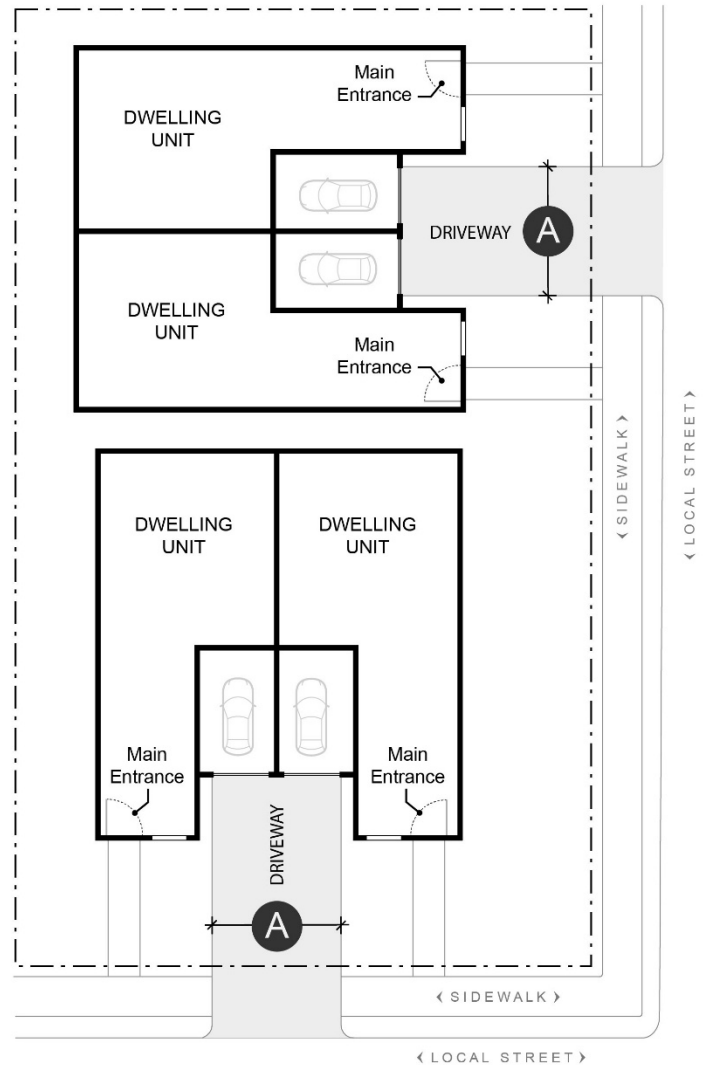
Figure 3.2.4.d. Driveway Approaches on One Local Street Frontage



A

One maximum 16-foot-wide driveway approach per frontage

Figure 3.2.4.e. Driveway Approaches on Two Local Street Frontages



A

Two driveway approaches on one frontage:
 $A^1 + A^2 \leq 32$ feet

3.2.5 Trash Storage

- A. Standard.** Shared storage facilities for trash and recycling receptacles that are located within 20 feet of a street lot line or a lot line abutting residential property shall meet the following standards:

3 – Triplex and Quadplex

1. The storage facility shall be screened from street lot lines and abutting residential properties by a wall, solid fence, or evergreen hedge. Except as specified in subsection (3), the screen must be at least 4 feet in height and located no more than 3 feet from the storage facility.
2. The storage facility must be separated from the street lot line by at least 5 feet.
3. For lot lines abutting residential properties, the storage facility must either be setback from the lot line by at least 5 feet, or the screen facing the lot line must be at least 6 feet in height.

B. Exceptions. Trash and recycling receptacles stored within a building are exempt from these standards.

3.3. Conversions – Triplex and Quadplex

Additions to, or conversions of, an existing detached single-unit dwelling or duplex into a triplex or quadplex is allowed, provided that the addition or conversion does not increase nonconformance with applicable siting and design standards of this Model Code

, unless increasing nonconformance is otherwise permitted by the city's development regulations.

4 – Townhouse

Chapter 4 – Townhouse

Sections:

4.1 Siting Standards – Townhouse

4.2 Design Standards – Townhouse

4.1 Siting Standards – Townhouse

The siting standards in Table 4.1 apply to the development of townhouses. Required outdoor area is calculated based on the entire townhouse project (not each townhouse lot).

TABLE 4.1 SITING STANDARDS – TOWNHOUSE:	
[Recommended: Minimum Size for New Townhouse Lots (see Section 9.1.1)]	1,800 sf]
[Recommended: Minimum Lot Width for New Townhouse Lots (measured at front lot line of each townhouse lot)]	20 ft]
Maximum Building/Structure Height (see Section 10.1.3)	35 ft
Maximum Number of Attached Townhouses per Structure	4 Townhouses
Minimum Setbacks (see Section 9.1.4)	
• Front and street side building setback	10 ft
• Common wall setback (along lot line where units are attached)	0 ft
• Side (interior) building setback	5 ft
• Rear building setback	10 ft
• Garage entrance setback	
○ Garage entrances facing a public street (driveway length)	18 ft
○ Garage entrances with alley access	5 ft
Minimum Required Outdoor Area (see Section 9.1.5)	25% of site area
[Recommended: Vehicle Parking (see Section 9.1.6)]	
• Minimum number of off-street spaces	1 space per unit]
Areas Owned in Common Common areas must be maintained by a homeowners association or other legal entity. Such legal entity may also be responsible for exterior building maintenance. A copy of any applicable covenants, restrictions and conditions must be recorded and provided to the city prior to issuance of a building permit.	

4.2 Design Standards – Townhouse

Except as provided in Section 1.4, the design standards in this section apply to the development of townhouses.

4.2.1 Entry Orientation and Pedestrian Connectivity

- A. Standard.** A main entrance to each townhouse must comply with all the following standards (see Figure 4.2.1.a). The entrance must:

4 – Townhouse

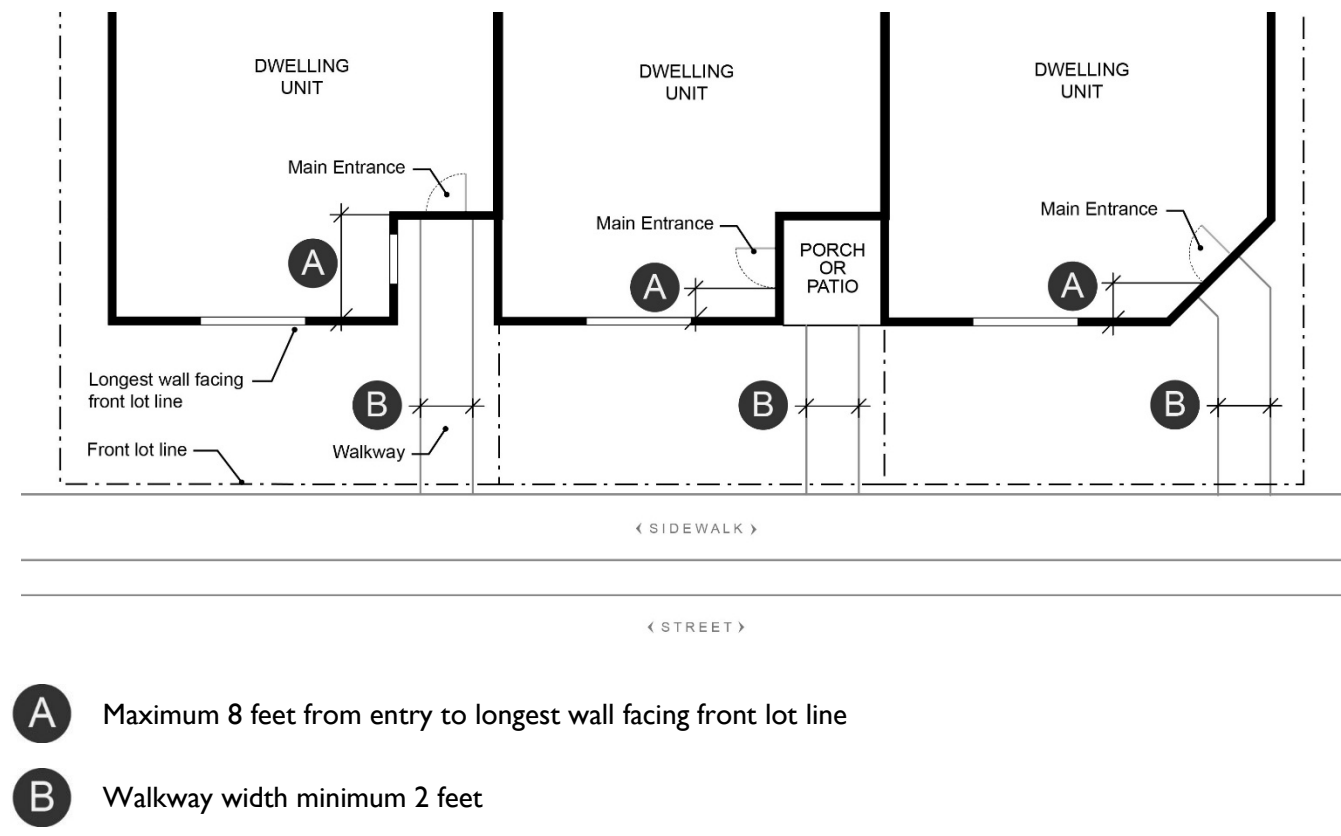
1. Be no more than 8 feet farther from the front lot line than the dwelling unit's longest wall that faces the front lot line.
2. Meet at least one of the following:
 - a. Face the street;
 - b. Be at an angle of up to 45 degrees from the street; or
 - c. Open onto a covered porch or covered patio. The porch or patio must:
 - i. Be at least 25 square feet in area; and
 - ii. Have at least one entrance facing the street.
3. Connect to the sidewalk by a hard-surfaced walkway other than the driveway. The walkway shall have a minimum width of 2 feet. The walkway may abut the driveway. Where there is no sidewalk abutting the property, the walkway shall extend to the street lot line.

B. Exceptions. The following are exempt from these standards:

1. Townhouses on townhouse lots that do not have public street frontage.
2. Townhouses with ground levels that are designed as accessible or adaptable, provided the main entrance is connected to the public sidewalk by an accessible walkway.

4 – Townhouse

Figure 4.2.1.a. Main Entrance Facing the Street, at 45° Angle, or Opening onto a Porch



4.2.2 Windows and Doors

A. Standard.

1. Windows or pedestrian entrance doors must be provided on street-facing facades on each individual unit as follows:
 - a. At least one street-facing façade must have a minimum of 15 percent windows or pedestrian entrance doors.
 - b. All other street-facing facades must have a minimum of 10 percent windows or pedestrian entrance doors.
2. See Section 9.1.8 for measurement methodology.

B. Exceptions. The following facades are exempt from these standards:

1. Facades separated from the street lot line by a dwelling, or by a buildable lot with a depth of at least 20 feet measured from the street lot line.

4 – Townhouse

2. Facades that are more than 40 feet from the street lot line.
3. Facades facing an alley.

4.2.3 Driveway Access and Parking

A. Standard. Townhouse lots with frontage on a public street shall either meet the standards in subsection (1) or subsection (2). Townhouse lots without frontage on a public street are subject to subsection (3).

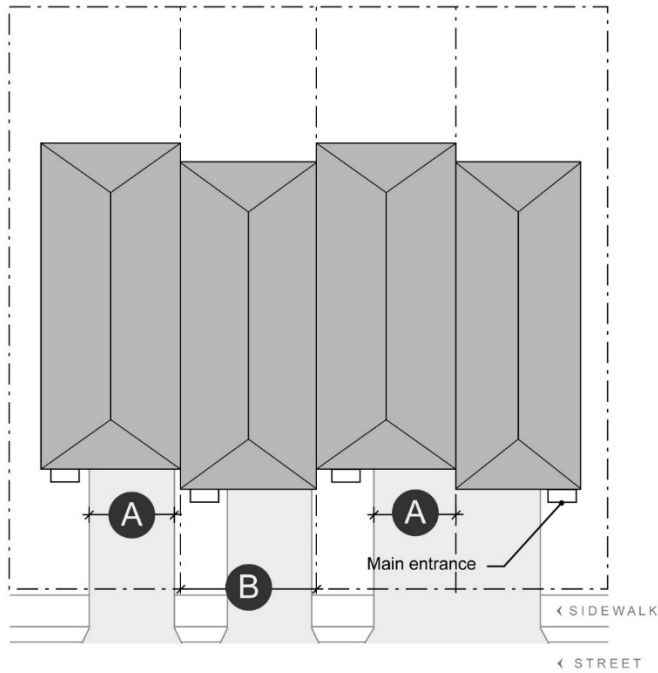
1. Where garage entrances, off-street parking areas, or driveways are located between a townhouse and a public street (other than an alley), the following standards shall be met (see Figure 4.2.3.a).
 - a. The townhouse lot shall have at least 15 feet of street frontage on a local street.
 - b. A maximum of one driveway approach is allowed for every townhouse. Driveway approaches or driveways may be shared.
 - c. On each townhouse lot, the width of the following features shall not exceed 12 feet, or 60 percent of the lot frontage width, whichever is less:
 - i. Outdoor on-site parking and maneuvering areas; and
 - ii. Garages, as measured from the inside of the garage door frame.
 - d. This standard does not supersede a city's driveway separation standards.
2. For all other configurations of driveway access and parking, the following standards shall be met.
 - a. A townhouse project that includes a corner lot shall take access from a single driveway approach on the side of the corner lot. See Figure 4.2.3.b.
 - b. Townhouse projects that do not include a corner lot shall consolidate access for all lots into a single driveway. See Figure 4.2.3.c.
 - c. A townhouse project that includes consolidated access or shared driveways shall grant access easements to allow normal vehicular access and emergency access. Driveway and approach widths are subject to the city's public works standards.
3. Townhouse lots that do not have public street frontage may be accessed from a shared driveway located within an access easement or tract that allows normal vehicular access and emergency access. See Figure 4.2.3.d.

B. Exceptions.

1. Townhouse projects in which vehicular access for all units is exclusively from a rear alley are exempt these standards.
2. Townhouses with ground levels that are designed as accessible or adaptable units are exempt from subsection (A)(1)(c).

4 – Townhouse

Figure 4.2.3.a. Townhouses with Parking in Front Yard



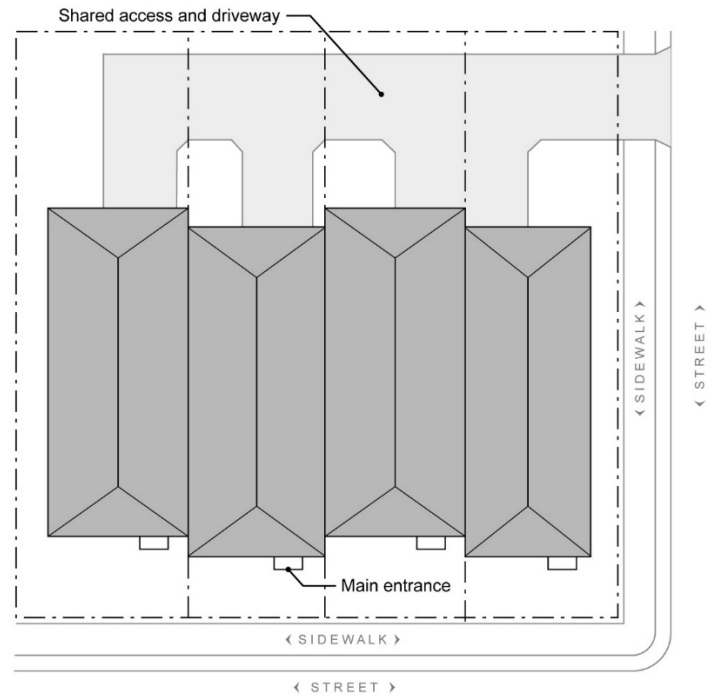
A

Maximum width of driveway, parking or maneuvering area, or garage: 12 feet or 60% of lot frontage width, whichever is less

B

Minimum 15 feet of street frontage

Figure 4.2.3.b. Townhouses on Corner Lot with Shared Access



4 – Townhouse

Figure 4.2.3.c. Townhouses with Consolidated Access

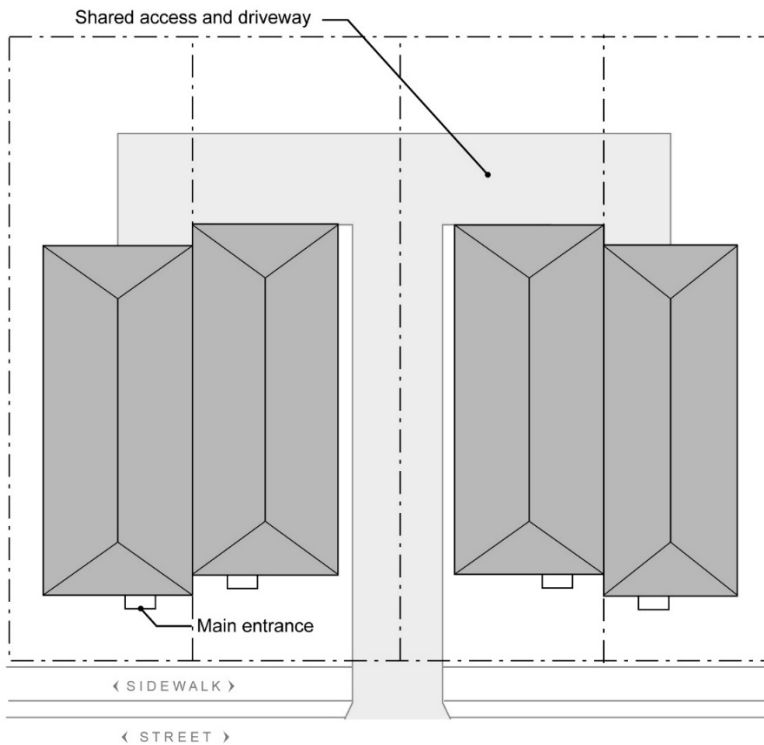
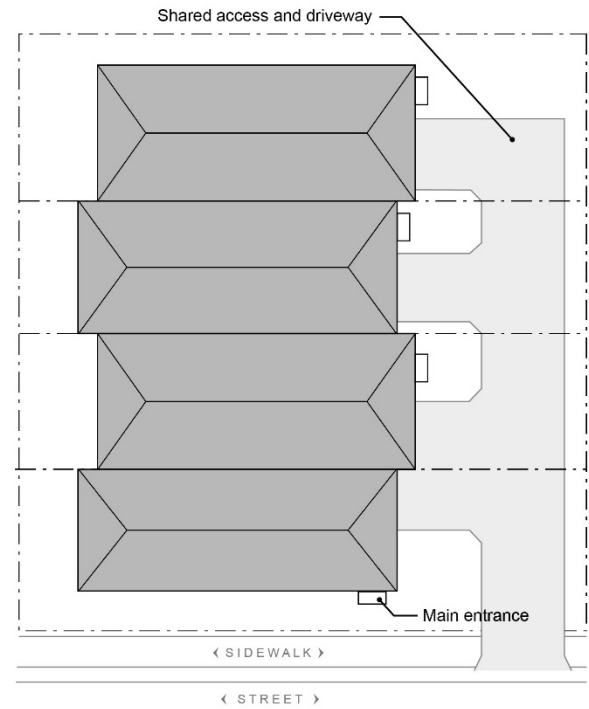


Figure 4.2.3.d. Townhouses with Access from Shared Driveway and Access Easement/Tract



4.2.4 Trash Storage

A. Standard. Shared storage facilities for trash and recycling receptacles that are located within 20 feet of a street lot line or a lot line abutting residential property shall meet the following standards:

1. The storage facility shall be screened from street lot lines and abutting residential properties by a wall, solid fence, or evergreen hedge. Except as specified in subsection (3), the screen must be at least 4 feet in height and located no more than 3 feet from the storage facility.
2. The storage facility must be separated from the street lot line by at least 5 feet.
3. For lot lines abutting residential properties, the storage facility must either be setback from the lot line by at least 5 feet, or the screen facing the lot line must be at least 6 feet in height.

B. Exceptions. Trash and recycling receptacles stored within a building are exempt from these standards.

5 – Cottage Cluster

Chapter 5 – Cottage Cluster

Sections:

5.1 Siting Standards – Cottage Cluster

5.2 Design Standards - Cottage Cluster

5.1 Siting Standards – Cottage Cluster

The siting standards in Table 5.1 apply to the development of a Cottage Cluster on a lot.

TABLE 5.1 SITING STANDARDS - COTTAGE CLUSTER	
Maximum Number of Cottages per Cottage Cluster	8 cottages
Average Cottage Size. Based on average floor area of all cottages and community buildings within the cottage cluster (see Section 10.1.2).	1,400 sf or less
Average Cottage Footprint	
• Average of cottages with height of 15 feet or less	1,400 sf or less
• Average of cottages with height over 15 feet	900 sf or less
Maximum Building/Structure Height (see Section 10.1.3)	25 ft
Minimum Setbacks (see Section 9.1.4)	
• Front and street side building setback	10 ft
• Side (interior) building setback	5 ft
• Rear building setback	10 ft
Minimum Required Open Space - Courtyard (see Section 5.2.2)	150 sf per cottage
[Recommended: Vehicle Parking (see Section 9.1.6)	
• Minimum number of off-street spaces	1 space per unit]
Areas Owned in Common Common areas must be maintained by a homeowners association or other legal entity. Such legal entity may also be responsible for exterior building maintenance. A copy of any applicable covenants, restrictions and conditions must be recorded and provided to the city prior to issuance of a building permit.	

5.2 Design Standards – Cottage Cluster

Except as provided in Section 1.4, the design standards in this section apply to the development of cottage clusters. **[Recommended: Mandates for construction of a garage or carport and any other design standards are invalid, except as specified in this Section.]**

5 – Cottage Cluster

5.2.1 Cottage Orientation

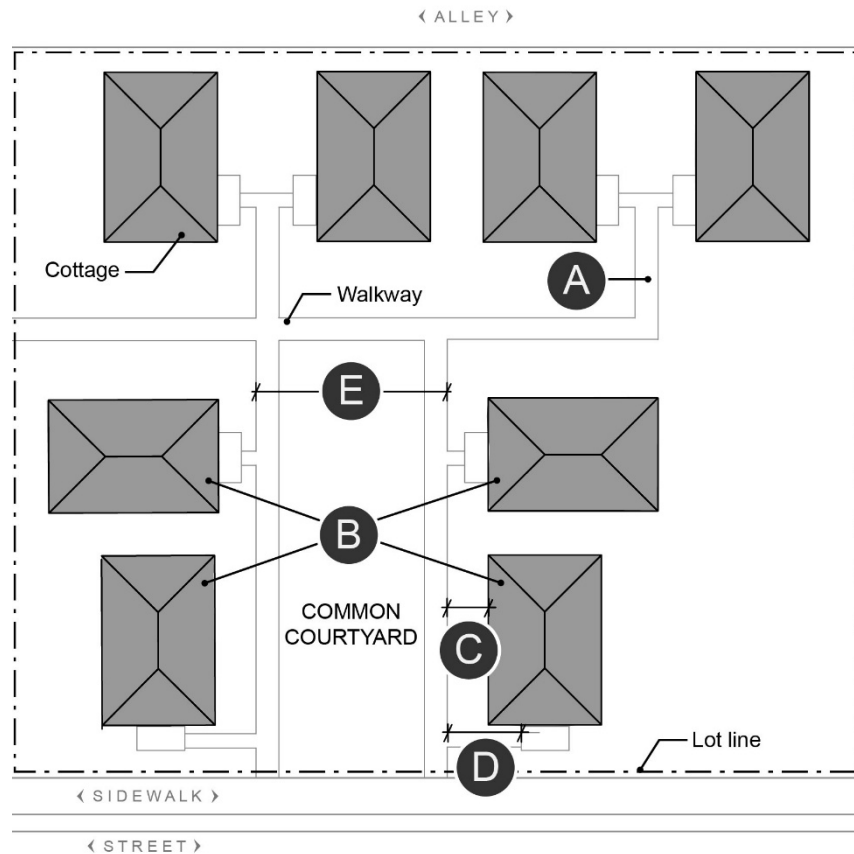
- A. Standard.** Cottages must be clustered around a common courtyard as demonstrated by meeting the following standards (see Figure 5.2.2.a):
1. Each cottage within a cluster must have a main entrance that is directly connected to the common courtyard by a pedestrian walkway.
 2. A minimum of 50 percent of cottages within a cluster must:
 - a. Be within 10 feet from the common courtyard, measured from the nearest façade of the cottage to the nearest edge of the common courtyard; and
 - b. Have a main entrance that either faces the common courtyard or is no more than 20 feet from the common courtyard.
 3. Cottages must abut the common courtyard on at least two sides of the courtyard.
- B. Exceptions.** An existing dwelling included within a cottage cluster pursuant to Section 5.2.8 may be excluded from the calculation of cottages oriented toward the common courtyard at the applicant's option.

5.2.2 Common Courtyard Design Standards

- A. Standard.** Each cottage cluster must share a common courtyard that meets the following standards (see Figure 5.2.2.a):
1. The common courtyard must be a single, contiguous piece.
 2. The common courtyard must be a minimum of 15 feet wide at its narrowest dimension and must meet the minimum area standard in Table 5.1.
 3. The common courtyard shall be developed with a mix of landscaping, lawn area, pedestrian walkways, or paved courtyard area, and may also include recreational amenities. Impervious elements of the common courtyard shall not exceed 75 percent of the total common courtyard area.
 4. Common courtyards must include pedestrian walkways. Walkways that are contiguous to a courtyard shall count toward the courtyard's minimum dimension and area. Parking areas, required setbacks, and driveways do not qualify as part of a common courtyard.
- B. Exceptions.** None.

5 – Cottage Cluster

Figure 5.2.2.a. Cottage Cluster Orientation and Common Courtyard Standards



- A** All cottages connected to courtyard by walkway.
- B** Minimum 50% of cottages meet the orientation requirements illustrated by **C** and **D**.
- C** Maximum 10 feet from cottage to courtyard.
- D** Maximum 20 feet from entry to courtyard.
- E** Minimum 15 feet width at narrowest dimension.

5 – Cottage Cluster

5.2.3 Community Buildings

- A. Standard.** Cottage cluster projects may include community buildings for the shared use of residents that provide space for accessory uses such as community meeting rooms, guest housing, exercise rooms, day care, or community eating areas. Community buildings must meet the following standards:
1. Each cottage cluster is permitted one community building, which shall count towards the maximum average cottage size, pursuant to Table 5.1.
 2. Community buildings shall not include individual storage spaces for residents. However, storage areas for shared equipment or supplies is permitted.
- [Recommended: 3. If a community building meets the definition of a dwelling unit and has a footprint that exceeds the maximum footprint in Table 5.1 or would exceed the maximum number of cottages in a cottage cluster, a covenant must be recorded against the property stating that the structure is not a legal dwelling unit and will not be used as a primary dwelling.]
- B. Exceptions.** None.

5.2.4 Pedestrian Access

- A. Standard.**
1. A walkway must connect the main entrance of each cottage to the following:
 - a. The common courtyard;
 - b. Shared parking areas;
 - c. Community buildings; and
 - d. Sidewalks in public rights-of-way abutting the lot or rights-of-way if there are no sidewalks.
 2. The walkway must be hard-surfaced and a minimum of 4 feet wide.
 3. An accessible walkway must connect the main entrance of each accessible or adaptable unit to:
 - a. The sidewalk or right-of-way; and
 - b. At least one ADA parking space, if provided.
- B. Exceptions.** None.

5.2.5 Windows and Doors

- A. Standard.** Cottages within 20 feet of a street lot line must meet the following standards:
1. At least one street-facing façade must have a minimum of 15 percent windows or pedestrian entrance doors.
 2. All other street-facing facades must have a minimum of 10 percent windows or pedestrian entrance doors.

5 – Cottage Cluster

3. See Section 9.1.8 for measurement methodology.

B. Exceptions. The following facades are exempt from these standards:

1. Facades separated from the street lot line by a dwelling, or by a buildable lot with a depth of at least 20 feet measured from the street lot line.
2. Facades facing an alley.

5.2.6 Parking Design

A. Standards. (see Figure 5.2.6.a).

1. Clustered parking. Off-street parking may be arranged in clusters, subject to the following standards:
 - a. Cottage cluster projects with fewer than 16 cottages are permitted parking clusters of not more than 5 contiguous spaces.
 - b. Cottage cluster projects with 16 cottages or more are permitted parking clusters of not more than 8 contiguous spaces.
 - c. Parking clusters must be separated from other spaces by at least 4 feet of landscaping.
 - d. Clustered parking areas may be covered.
2. Parking location and access.
 - a. Off-street parking spaces and vehicle maneuvering areas shall not be located:
 - i. Within 20 feet of any street lot line, except alley lot lines; or
 - ii. Between a street lot line and the front façade of cottages located closest to the street lot line. This standard does not apply to alleys.
 - b. Off-street parking spaces shall not be located within 10 feet of any other lot line, except alley lot lines. Driveways and drive aisles are permitted within 10 feet of other lot lines.
3. Screening. Landscaping, fencing, or walls at least 3 feet tall shall separate clustered parking areas and parking structures from common courtyards and public streets.
4. Garages and carports.
 - a. Garages and carports (whether shared or individual) must not abut common courtyards.
 - b. Individual attached garages up to 200 square feet shall be exempted from the calculation of maximum building footprint for cottages.
 - c. Individual detached garages must not exceed 400 square feet in floor area.
 - d. Garage doors for attached and detached individual garages must not exceed 20 feet in width.

B. Exceptions. None.

5 – Cottage Cluster

5.2.7 Accessory Structures

- A. Standard.** Accessory structures (excluding community buildings) must not exceed 400 square feet in floor area.
- B. Exceptions.** None.

5.2.8 Existing Structures

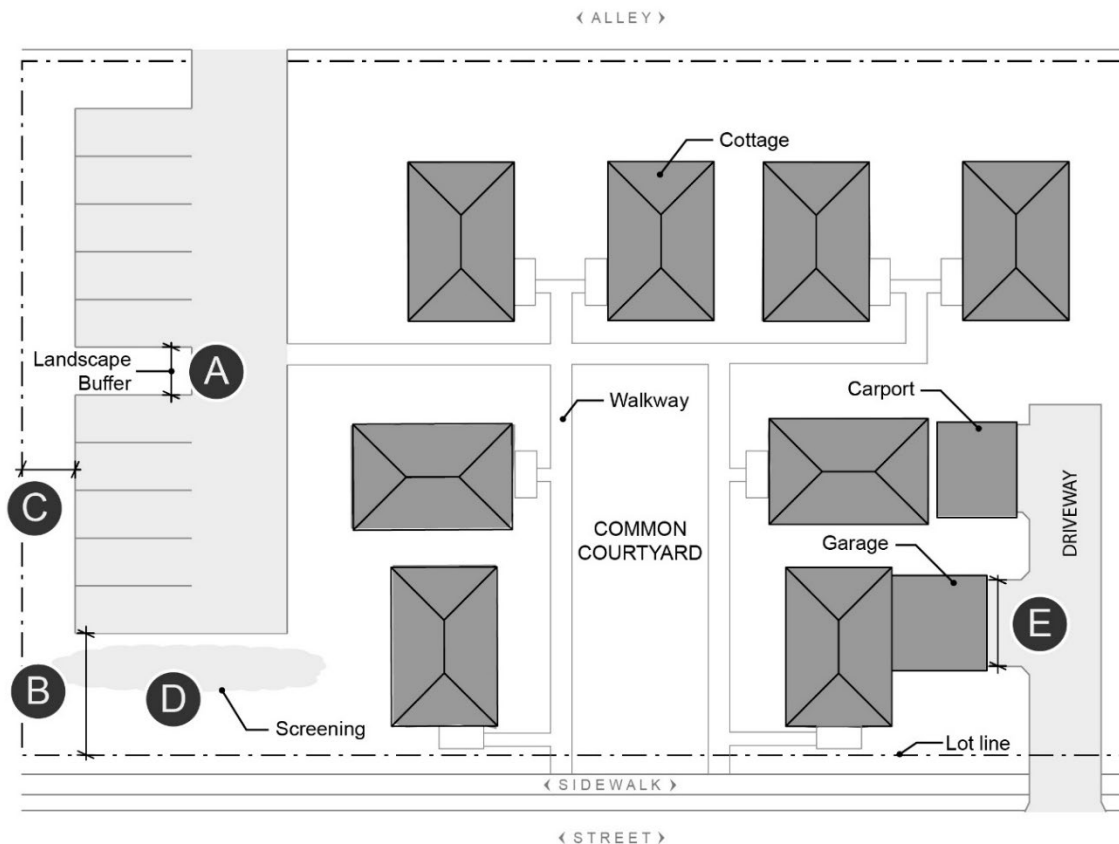
- A. Standard.** On a lot to be used for a cottage cluster project, an existing detached single-unit dwelling on the same lot at the time of proposed development of the cottage cluster may remain within the cottage cluster project area under the following conditions:
 - 1. The existing dwelling may be nonconforming with respect to the requirements of this code.
 - 2. The existing dwelling may be expanded up to the maximum height or the maximum building footprint in Table 5.1; however, existing dwellings that exceed the maximum height or footprint of this code may not be expanded.
 - 3. An applicant may choose to exclude the floor area of the existing dwelling when calculating the average cottage size of a cottage cluster.
- B. Exceptions.** None.

5.2.9 Trash Storage

- A. Standard.** Shared storage facilities for trash and recycling receptacles that are located within 20 feet of a street lot line or a lot line abutting residential property shall meet the following standards:
 - 1. The storage facility shall be screened from street lot lines and abutting residential properties by a wall, solid fence, or evergreen hedge. Except as specified in subsection (3), the screen must be at least 4 feet in height and located no more than 3 feet from the storage facility.
 - 2. The storage facility must be separated from the street lot line by at least 5 feet.
 - 3. For lot lines abutting residential properties, the storage facility must either be setback from the lot line by at least 5 feet, or the screen facing the lot line must be at least 6 feet in height.
- B. Exceptions.** Trash and recycling receptacles stored within a building are exempt from these standards.

5 – Cottage Cluster

Figure 5.2.6.a. Cottage Cluster Parking Design Standards



- A** Parking clusters separated by minimum 4 feet of landscaping.
- B** No parking within 20 feet of street lot line.
- C** No parking within 10 feet of lot line other than street or alley.
- D** Screening required between parking areas or parking structures and public streets or common courtyards.
- E** Maximum 20 feet garage door width.

6 – Multi-Unit Housing

Chapter 6 – Multi-Unit Housing

Sections:

6.1 Siting Standards – Multi-Unit Housing

6.2 Design Standards – Multi-Unit Housing

6.1 Siting Standards – Multi-Unit

The siting standards in Table 6.1 apply to the development of multi-unit housing.

TABLE 6.1 SITING STANDARDS - MULTI-UNIT	
Maximum Building/Structure Height (see Section 10.1.3)	
• Buildings with accessible or adaptable units	40 ft
• All other buildings	35 ft
Minimum Setbacks (see Section 9.1.4)	
• Front and street-side building setback	10 ft
• Side (interior) building setback	5 ft
• Rear building setback	10 ft
• Garage entrance setback	
○ Garage entrances with a public street access (driveway length)	18 ft
○ Garage entrances with alley access	5 ft
Minimum Required Outdoor Area and Usable Open Space (see Sections 6.2.5 and 9.1.5)	
• Required Outdoor Area	
○ Site size: less than 10,000 sf	25% of site area
○ Site size: 10,000 sf to 50,000 sf	30% of site area
○ Site size: greater than 50,000 sf	35% of site area
• Usable Open Space	See Section 6.2.5
[Recommended: Vehicle Parking] (see Section 9.1.6)	
• Minimum number of off-street spaces	1 space per unit]
[Recommended: Minimum Number of Bicycle Parking Spaces] (see Section 9.1.7)	
• Long-term Spaces	0.5 spaces per unit]

6 – Multi-Unit Housing

6.2 Design Standards – Multi-Unit

The design standards in this section apply to the development of multi-unit housing. In sections 6.2.2 and 6.2.7, townhouse style multi-unit housing is subject to different standards than other forms of multi-unit housing. Townhouse style developments are those in which the units have individual ground floor entries, share one or more common walls with one or more other units, and do not share common floors/ceilings with another unit.

6.2.1 Entry Orientation – Non-Townhouse Style

Multi-unit housing other than townhouse-style development is subject to the following standards.

A. Standards.

- I. At least one building façade containing a main entrance to a building must be located within 20 feet of a street lot line. If the site abuts more than one street, the building façade meeting this standard must be located in accordance with the following hierarchy:
 - a. Except as provided in (c), if transit is available on one or more abutting streets, within 20 feet of the street lot line of the street with the highest level of transit service.
 - b. Except as provided in (c), if none of the abutting streets have transit service, then within 20 feet of the street lot line of the street with the highest classification in the city's adopted Transportation System Plan (or in the applicable functional classification map or public works or engineering standards).
 - c. In the following circumstances, the applicant may choose the street-facing façade that will contain the main entrance:
 - i. The abutting streets have equal levels of transit service and equal street classifications; or
 - ii. The highest transit service street or highest classification street is an arterial street that includes 4 or more travel lanes designed for through movement of vehicles.
2. The main entrance meeting standard (A)(I), must:
 - a. Be no more than 8 feet farther from the front lot line than the structure's longest wall that faces the front lot line.
 - b. Meet at least one of the following:
 - i. Face the street;
 - ii. Be at an angle of up to 45 degrees from the street;
 - iii. Face a courtyard, provided the courtyard is no less than 15 feet in width and abuts the street; or
 - iv. Open onto a covered porch or covered patio that is at least 25 square feet in area.

6 – Multi-Unit Housing

- c. Connect to the sidewalk by an accessible walkway in conformance with Section 6.2.3(A)(2). Where there is no sidewalk abutting the property, the walkway shall extend to the street lot line.

B. Exceptions. If a site abuts only one street, and the abutting street is an arterial with 4 or more travel lanes designed for through movement of vehicles, a building facade with ground floor dwelling units may be set further back than 20 feet, provided the screening standards in Section 6.2.8 are met, except as specified in subsection 6.2.8(B).

6.2.2 Entry Orientation – Townhouse Style

Townhouse-style multi-unit housing is subject to the following standards.

- A. Standards.** A main entrance of each unit that is within 40 feet of a public street lot line must comply with all the following standards. The entrance must:
1. Be no more than 8 feet farther from the front lot line than the dwelling unit's longest wall that faces the front lot line.
 2. Meet at least one of the following:
 - a. Face the street,
 - b. Be at an angle of up to 45 degrees from the street; or
 - c. Open onto a covered porch or patio. The porch or patio must:
 - i. Be at least 25 square feet in area; and
 - ii. Have at least one entrance facing the street.
 3. Connect to the sidewalk by a hard-surfaced walkway other than the driveway. The walkway shall have a minimum width of 2 feet. The walkway may abut the driveway. Where there is no sidewalk abutting the property, the walkway shall extend to the street lot line.
- D. Exceptions.** None.

6.2.3 Pedestrian Connections

A. Standard.

1. Internal Connections. A system of walkways must connect all main entrances on the site and provide connections to abutting sidewalks, parking areas, bicycle parking, and common outdoor areas. Where there is no sidewalk abutting the property, the walkway shall extend to the street lot line.
2. For sites greater than 50,000 square feet, on-site walkways must connect or be stubbed to allow for an extension to the abutting property in the following circumstances:
 - a. There is an existing walkway on the abutting property that is located in a public right-of-way or public access tract or easement; or

6 – Multi-Unit Housing

- b. There is a planned walkway on the abutting property, as identified in the city's adopted Transportation System Plan.

3. Walkway Design.

- a. **Materials and Width.** All walkways must be hard surfaced. Except as provided in subsections (i) and (ii), walkways must be at least 5 feet in unobstructed width.
 - i. Walkway width must be increased to 8 feet if the walkway abuts perpendicular or angled parking spaces, unless the spaces are equipped with wheel stops.
 - ii. Where a walkway leads to 4 or fewer individual unit entries, it may have an unobstructed width of 3 feet, increased to at least 4 feet at turns and curves, provided it also meets other ADA standards for accessible walkways, including standards related to passing spaces and slope.
- b. **Crossings with Vehicle Areas.** Where the walkway crosses driveways, drive aisles, parking areas, and loading areas, the walkway must be clearly identifiable through the use of elevation changes, a different paving material, or other similar method. Striping does not meet this requirement. Elevation changes for crossings must be at least 4 inches high.
- c. **Walkways Adjacent to Vehicle Areas.** Where the walkway is parallel and adjacent to a parking space, driveway, or drive aisle, the walkway must be a raised path or be separated from the vehicular space by a raised curb, bollards, landscaping, or other physical barrier. If a raised path is used, it must be at least 4 inches high. Bollard spacing must be no further apart than 5 feet on center.

B. Exceptions. None.

6.2.4 Windows and Doors

A. Standard. A minimum of 15 percent of the area of all street-facing facades must include windows or pedestrian entrance doors. See Section 9.1.8 for measurement methodology.

B. Exceptions. The following facades are exempt from this standard:

- 1. Facades separated from the street lot line by another building, or by a buildable lot with a depth of at least 20 feet measured from the street lot line.
- 2. Facades that are more than 40 feet from the street lot line.
- 3. Facades facing an alley.

6.2.5 Required Outdoor Area and Usable Open Space

A. Standard.

- 1. **Minimum Outdoor Area.** Except as specified in subsection (B), a portion of the gross site area must be provided as outdoor area, as specified in Table 6.1. The required outdoor area must meet the description and standards in Section 9.1.5.

6 – Multi-Unit Housing

2. **Minimum Usable Open Space.** For sites over 10,000 square feet in gross site area, a percentage of the required outdoor area must be permanently reserved as shared, usable open space available for use by the residents:
 - a. For sites between 10,000 and 50,000 square feet, at least 25 percent of the required outdoor area must be usable open space
 - b. For sites 50,000 square feet or larger, at least 50 percent of the required outdoor area must be usable open space.
3. **Usable Open Space Standards.** The usable open space shall meet the following criteria:
 - a. The usable open space shall contain one or more of the features specified in Section 9.1.5(B)(2).
 - b. In order to be counted as eligible toward the minimum usable open space area, such areas shall have dimensions of not less than 10 feet.

B. Exceptions.

1. For sites under 50,000 square feet in size, 100 percent of the required outdoor area may be met by:
 - a. A rooftop garden provided it is accessible to all of the residents; or
 - b. Private open space.
2. Sites that are under 10,000 square feet in size and located within one-quarter mile walking distance of a public park that is at least 1 acre in size are exempt from the usable open space requirement. Walking distance is measured along a route utilizing sidewalks or other public pedestrian facilities that are existing or will be constructed with the development.
3. For townhouse style multi-unit housing, 100 percent of the required usable open space may be provided as private yards for each unit.

6.2.6 Parking Location and Design

The following standards apply to multi-unit housing. For townhouse style developments, see Section 6.2.7.

A. Vehicle Parking Standards.

1. No area between a building and the street lot line (other than an alley) shall be used for vehicle parking or circulation, except for the following:
 - a. A driveway providing access to a shared parking garage.
 - b. A passenger drop-off or loading zone, provided the main building entrance must connect to an adjacent street by a pedestrian walkway.
2. Screening of surface parking areas. The city's parking area screening standards shall apply, if any, otherwise the following standards shall apply. Surface parking areas with more than 8 spaces must be screened from view of the street by a landscaped area that includes the following, at a minimum:

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- a. Evergreen shrubs that will grow to a minimum height of 30 inches within two years and form continuous screening. Areas within the vision clearance triangle must include plantings that do not exceed 3 feet; and
 - b. At least one tree for every 30 linear feet; and
 - c. Evergreen ground cover must cover the remaining landscape area.
 - d. A minimum 30 inch tall wall or fence may be substituted for evergreen shrubs.
3. Additional parking area design and landscaping standards are provided in Section 9.1.6.
- B. Bicycle Parking Standards.** Bicycle parking location and design standards are provided in Section 9.1.7.
- C. Exceptions.** None.

6.2.7 Driveway Access and Parking – Townhouse-Style

For townhouse style units that have garage entrances, off-street parking areas, or driveways located between a dwelling unit and a public street (other than an alley), the following standards shall be met. For all other units, the standards in Section 6.2.7 shall be met.

- A. Standards.** See Figure 4.2.4.a.
1. Access must be taken from a local street.
 2. A maximum of one driveway approach is allowed for every townhouse style unit. Driveway approaches or driveways may be shared.
 3. Outdoor on-site parking and maneuvering areas shall not exceed 12 feet wide for any unit.
 4. The garage width shall not exceed 12 feet, as measured from the inside of the garage door frame.
 5. This standard does not supersede a city's local driveway separation standards.
- B. Bicycle Parking Standards.** Bicycle parking location and design standards are provided in Section 9.1.7.
- C. Exception.** None.

6.2.8 Screening from Arterials

A. Standard.

The following standards apply to multi-unit sites that abut an arterial street with 4 or more vehicle travel lanes designed for through movement of vehicles. Screening shall be provided within the setback area between any street-facing facade and the street lot line abutting the arterial street. The screening shall meet the following standards:

1. At least two rows of evergreen trees shall be planted. Each row shall have a minimum of one tree for every 20 linear feet of street frontage. Tree planting shall be staggered, with a maximum spacing

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of 20 feet on center for trees within the same row and 15 feet on center for trees within different rows.

2. Trees shall be at least 6 feet tall at the time of planting.

B. Exception. This standard does not apply to arterial streets with frequent transit service.

6.2.9 Trash Storage

A. Standard. Shared storage facilities for trash and recycling receptacles that are located within 20 feet of a street lot line or a lot line abutting residential property shall meet the following standards:

1. The storage facility shall be screened from street lot lines and abutting residential properties by a wall, solid fence, or evergreen hedge. Except as specified in subsection (3), the screen must be at least 4 feet in height and located no more than 3 feet from the storage facility.
2. The storage facility must be separated from the street lot line by at least 5 feet.
3. For lot lines abutting residential properties, the storage facility must either be setback from the lot line by at least 5 feet, or the screen facing the lot line must be at least 6 feet in height.

B. Exceptions. Trash and recycling receptacles stored within a building are exempt from these standards.

7 – Accessory Dwelling Unit

Chapter 7 – Accessory Dwelling Unit

Sections:

7.1 Siting Standards – Accessory Dwelling Unit

7.2 Design Standards – Accessory Dwelling Unit

7.1 Siting Standards – Accessory Dwelling Unit

7.1.1 Siting Standards, Generally

A. Standards. Except as provided in this chapter and in subsection (B), accessory dwelling units shall meet the same siting standards that apply to detached single-unit dwellings (Table 2.1 if applicable, or in the city's development code).

B. Exceptions.

1. The following siting standards do not apply to accessory dwelling units:

a. Minimum Required Outdoor Area;

[Recommended: b. Minimum Vehicle Parking.]

2. Conversion of an existing legal non-conforming accessory structure into an accessory dwelling unit is allowed, provided that the conversion does not increase the non-conformity. For example, a garage that does not meet the minimum setback standard in the zoning district may be converted to an accessory dwelling unit, provided the footprint of the building within the setback area does not increase in size.

3. If an accessory dwelling unit is added to a lot with an existing dwelling unit that has been in place for at least 5 years, up to 1,000 square feet of floor area is permitted even if it would cause the site to fall below the minimum percentage of required outdoor area.

4. Setbacks.

a. Where an accessory dwelling unit is accessed from an alley, the minimum setback from the alley lot line shall be 5 feet.

b. Detached accessory dwelling units that do not exceed 12 feet in height may be located within 5 feet of a side or rear lot line (excluding street lot lines other than alleys).

7.1.2 Number of Units and Configuration

A. Standard. A maximum of one accessory dwelling unit is allowed per legal detached single-unit dwelling (referred to as the primary dwelling). The unit may be in a separate detached building, in a portion of a detached accessory building (e.g., above a garage or workshop), or a unit attached or interior to the primary dwelling (e.g., an addition or the conversion of an existing floor).

B. Exception. None.

7 – Accessory Dwelling Unit

7.1.3 Maximum Floor Area

- A. Standard.** The maximum floor area for an accessory dwelling unit is 1,000 square feet.
- B. Exceptions.** The maximum floor area standard does not apply when an entire floor of a primary dwelling (e.g., a basement) is converted to an accessory dwelling unit and the primary dwelling has been on the site for at least 5 years.
- C. Measurement.** Floor area is measured as provided in Section 9.1.2(B)(1).

7.2 Design Standards – Accessory Dwelling Unit

[Recommended: Accessory dwelling units are exempt from design standards.]

8 – Procedures and Applications

Chapter 8 – Procedures and Applications

Sections:

- 8.1 Procedures and Applications, Generally
- 8.2 Procedure - Ministerial Decisions
- 8.3 Procedure - Limited Land Use Decisions
- 8.4 Application - Zoning Review
- 8.5 Application - Modifications

8.1 Procedures and Applications, Generally

- A. Time Periods.** In computing time periods prescribed or allowed by this chapter, the day of the act or event from which the designated period of time begins shall not be included. The last day of the period shall be included, unless it is a Saturday, Sunday, or a legal holiday, in which case the period runs until the end of the next day that is not on a weekend or legal holiday.
- B. Consolidated Review of Applications.** When an applicant applies for more than one type of land use or development permit for the same one or more contiguous parcels of land, the applicant may request that the proceedings be consolidated for review and decision. When proceedings are consolidated, required notices may be consolidated, provided the notice shall identify each application to be decided.
- C. Basis of Approval.** Approvals are based on the information submitted. If the information relied upon to grant the approval is incorrect, the approval may be voided.

8.2 Procedure – Ministerial Decision

Ministerial decisions are made following a review that does not require use of discretion, based on land use standards that do not require interpretation or the exercise of policy or legal judgment. The decision is made by the Planning Official, without public notice and without a public hearing.

A. Application Requirements.

1. **Application Forms.** Requests for approval of development subject to Ministerial Review shall be made on forms provided by the Planning Official. An application submitted concurrently with a building permit application does not require a separate application form.
2. **Application Requirements.** Applications shall include the following information:
 - a. The information requested on the application form;
 - b. Plans and exhibits required for the specific approval(s) being sought; and
 - c. The required fee.

B. Completeness Review.

8 – Procedures and Applications

1. The Planning Official shall review the application submittal and advise the applicant in writing whether the application is complete or incomplete within 30 calendar days after the city receives the application submittal.
 2. If an application for a Ministerial Decision is incomplete, the Planning Official shall notify the applicant in writing of exactly what information is missing within 30 days of receipt of the application and allow the applicant to submit the missing information. The application shall be deemed complete upon receipt by the Planning Official of:
 - a. All of the missing information;
 - b. Some of the missing information and written notice from the applicant that no other information will be provided; or
 - c. Written notice from the applicant that none of the missing information will be provided.
 3. On the 181st day after first being submitted, the application is void if the applicant has been notified of the missing information as required under subsection (2) and has not submitted some or all of the information or provided written notice that none of the missing information will be provided.
- C. Criteria and Decision.** The Planning Official's review determines whether minimum code requirements are met. The Planning Official shall approve, approve with conditions, or deny an application within 60 days after receiving a complete application.
- D. Effective Date.** A Ministerial Decision is final on the date it is signed by the Planning Official.
- E. Appeal of a Ministerial Decision.** [Recommended]: A Ministerial Decision may be appealed to Circuit Court. There is no opportunity for local appeal.]

8.3 Procedure – Limited Land Use Decision

- A. Method of review.** Limited Land Use Decisions are subject to administrative review. The decision is made by the Planning Official with public notice and an opportunity to appeal.
- B. Time allowed.** The City shall complete its review within the timeframes specified in subsections (C) through (G), below, provided that in all cases the City shall take final action on Limited Land Use applications, including resolution of all appeals, within the number of days specified in the table below, unless the applicant requests an extension in writing. The total of all extensions may not exceed 245 days except to allow for mediation in accordance with ORS 227.178(11).

Project Type	Maximum Days*
Limited land use decisions for affordable housing projects meeting the following criteria: <ul style="list-style-type: none">• Multi-unit residential building containing five or more residential units within the urban growth boundary; and• At least 50 percent of the residential units included in the development will be sold or rented as affordable housing that is affordable to households with incomes equal to or less than 60 percent of the median family income for the	100 days from the date the Planning Official deems the application complete for purposes of processing,

8 – Procedures and Applications

county in which the development is built or for the state, whichever is greater, that is subject to an affordable housing covenant, as provided in ORS 456.270 to 456.295, that maintains the affordability for a period of not less than 60 years from the date of the certificate of occupancy.	
All other Limited Land Use Decisions	120 days from the date the Planning Official deems the application complete for purposes of processing,
* A city may extend these periods by no more than seven days in order to assure the sufficiency of its final order where the city has tentatively approved the application for development of residential structures.	

C. Application Requirements.

1. Application Forms. Applications subject to Limited Land Use Review shall be made on forms provided by the Planning Official.
2. Submittal Information. At a minimum, the application shall include all of the following information:
 - a. The information requested on the application form;
 - b. Plans and exhibits required for the specific approval(s) being sought; and
 - c. The required fee.

D. Completeness Review.

1. The Planning Official shall review the application submittal and advise the applicant in writing whether the application is complete or incomplete within 30 calendar days after the city receives the application submittal.
2. If an application for a Limited Land Use Decision is incomplete, the Planning Official shall notify the applicant in writing of exactly what information is missing within 30 days of receipt of the application and allow the applicant to submit the missing information. The application shall be deemed complete upon receipt by the Planning Official of:
 - a. All of the missing information;
 - b. Some of the missing information and written notice from the applicant that no other information will be provided; or
 - c. Written notice from the applicant that none of the missing information will be provided.
3. If an applicant requests review under different standards as provided in subsection (E)(2) the applicable timelines for completeness review restart as if a new application were submitted on the date of the request. The application shall not be deemed complete until the Planning Official

8 – Procedures and Applications

determines that additional information is not required under subsection (2) of this section or the applicant makes a submission under subsection (2) of this section in response to a Planning Official's request.

4. On the 181st day after first being submitted, the application is void if the applicant has been notified of the missing information as required under subsection (2) and has not submitted some or all of the information or provided written notice that none of the missing information will be provided.

E. Applicable Standards and Criteria. Approval or denial of an application shall be based upon the applicable standards and criteria as follows.

1. Except as provided in subsection (2), the approval or denial of an application that was complete when first submitted or deemed complete pursuant to subsection (D)(3) shall be based upon the standards and criteria that were applicable at the time the application was first submitted.
2. Up to the issuance of Notice of Pending Limited Land Use Decision (subsection (F)), an applicant may submit a written request to apply newly adopted standards (those operative at the time of the request) to a submitted land use application. If an applicant requests review under newly adopted standards:
 - a. Any applicable timelines for completeness review and final decisions restart as if a new application were submitted on the date of the request.
 - b. Submission of additional information may be required if the request affects or changes information in the application.
 - c. Additional fees may be required to cover those additional costs incurred by the city to accommodate the request.
 - d. The applicant may not make more than one request under this subsection (E)(2).

F. Notice of Pending Limited Land Use Decision. The purpose of the notice of pending decision is to provide a 14-day comment period during which nearby property owners and affected agencies can submit written comments on the application before the Planning Official issues their decision.

1. The Planning Official shall mail notice of a pending Limited Land Use Decision to the following individuals and agencies.
 - a. All owners of record of real property within a minimum of 100 feet of the of the entire contiguous site for which the application is made;
 - b. Any neighborhood or community organization recognized by the governing body and whose boundaries include the site; and
 - c. Any governmental agency that is entitled to notice under an intergovernmental agreement entered into with the City and any other affected agencies. The failure of another agency to respond with written comments on a pending application shall not invalidate an action or permit approval made by the City under this Code.

8 – Procedures and Applications

2. The notice of pending Limited Land Use Decision shall briefly summarize the local decision making process for the Limited Land Use Decision being made and shall contain all of the following information:
 - a. Deadline (date and time) for submitting written comments, which must be at least 14 days prior to the scheduled decision date, the place where written comments are to be submitted, and the name and phone number of the city's contact person;
 - b. Street address or other easily understood geographical reference to the subject property;
 - c. List, by commonly used citation, of the applicable criteria for the decision;
 - d. Statement that all evidence relied upon by the Planning Official to make their decision is in the public record and is available for public review. Copies of this evidence can be obtained at a reasonable cost from the City;
 - e. Statement explaining that issues which may provide the basis for an appeal to the Land Use Board of Appeals must be raised in writing prior to the expiration of the comment period. Such issues must be raised with sufficient specificity to enable the decision maker to respond to the issue; and
 - f. Statement that after the comment period closes, the City will issue its decision and the decision shall be mailed to the applicant and to anyone else who submitted written comments or who is otherwise legally entitled to notice.
3. The Planning Official shall cause an affidavit of mailing the notice to be prepared and made a part of the file. The affidavit shall show the date the notice was mailed and demonstrate that the notice was mailed to the parties listed in subsection (1) and was mailed within the time required by law.

G. Notice of Decision. At the conclusion of the comment period, the Planning Official shall review the comments received and prepare a decision approving, approving with conditions, or denying the application based on the applicable standards and criteria. Within 7 days of making a Limited Land Use Decision, the Planning Official shall mail a notice of that decision.

1. The Planning Official shall mail notice of a Limited Land Use Decision to the following individuals and agencies.
 - a. Applicant;
 - b. Property owner (if different);
 - c. Building Official;
 - d. Those individuals or agencies who provided written comments on the proposal; and
 - e. Those individuals or agencies who requested a copy of the decision.
2. The Notice of Decision shall contain all of the following information:

8 – Procedures and Applications

- a. A description of the applicant's proposal and the City's decision on the proposal, which may be a summary, provided it references the specifics of the proposal and conditions of approval in the public record;
- b. The address or other geographic description of the property proposed for development, including a map of the property in relation to the surrounding area (a copy of assessor's map may be used);
- c. A statement of where the City's decision can be obtained;
- d. The date the decision shall become final, unless appealed; and
- e. A statement that all persons entitled to notice may appeal the decision to City's appeal body pursuant to subsection (H) by the date specified on the notice.

H. Effective Date. Unless the conditions of approval specify otherwise, a Limited Land Use Decision becomes effective 14 days after the City mails the decision notice, unless the decision is appealed.

I. Appeal of a Limited Land Use Decision. A Limited Land Use Decision made by the Planning Official may be appealed to the Appeal Body designated by the City to hear appeals of decisions made by the Planning Official.

1. Who may appeal. The following people have legal standing to appeal a Limited Land Use Decision:

- a. The applicant or owner of the subject property;
- b. Any person who was entitled to written notice of the decision; and
- c. Any other person who participated in the proceeding by submitting written comments on the application to the City by the specified deadline.

2. Appeal filing procedure.

- a. Notice of appeal. Any person with standing to appeal, as provided in subsection (I), above, may appeal a Limited Land Use Decision by filing a Notice of Appeal according to the following procedures.
- b. Time for filing. A Notice of Appeal shall be filed with the Planning Official within the timeframe specified on the Notice of Decision.
- c. Content of Notice of Appeal. The Notice of Appeal shall be accompanied by the required filing fee and shall contain:
 - i. An identification of the decision being appealed, including the date of the decision;
 - ii. A statement demonstrating the person filing the Notice of Appeal has standing to appeal;
 - iii. A statement explaining the specific issues being raised on appeal; and
 - iv. If the appellant is not the applicant, a statement demonstrating that the appeal issues were raised during the comment period.

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3. Scope of appeal. The appeal of a Limited Land Use Decision shall be a hearing de novo before the Appeal Body. The appeal shall not be limited to the application materials, evidence and other documentation, and specific issues raised in the review leading up to the Limited Land Use Decision, but may include other relevant evidence and arguments. The hearing appeal body shall allow additional evidence, testimony, or argument concerning any relevant standard, criterion, condition, or issue.
4. Appeal Hearing Procedure. Hearings on appeals of Limited Land Use Decisions shall follow the city's procedures used for public hearings.

8.4 Application – Zoning Review

A. Method of review.

1. Limited Land Use Decision. Zoning Review applications for proposed developments meeting one or more of the following criteria require Limited Land Use approval:
 - a. Development with more than 20 units;
 - b. Site size greater than 1 acre (43,560 square feet) in size; or
 - c. Applicant is requesting a Modification pursuant to Section 8.5.
2. Ministerial Decision. Zoning Review applications for all other proposed developments require ministerial approval.

B. Requirements. Zoning Reviews may be processed concurrently with a building permit application or submitted in advance of a building permit application. In either case, a building permit shall not be issued until the Planning Official has approved a Zoning Review for the proposed project.

C. Zoning Review Application Requirements.

1. The applicant has the responsibility to obtain the property owner's permission for the request.
2. Applicants must submit information showing that the proposal complies with this Code, including:
 - a. Information requested on the application form. A Ministerial Zoning Review submitted concurrently with a building permit application does not require a separate application form;
 - b. The applicable housing type. In instances where a development can meet the definition of more than one housing type, the applicant shall specify the housing type on the application;
 - c. A site plan and elevations as specified in subsection (D) which provides sufficient detail to determine the standards are met; and
 - d. Service provider letters or other documentation demonstrating that sufficient infrastructure is available or will be available prior to certificate of occupancy to serve the proposed development, based on applicable public works standards.
3. Applications must be filed with the required fee, based on the applicable local fee schedule.

D. Site Plan and Building Elevation Requirements.

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1. The site or development plan must be drawn accurately to scale and must show the following existing and proposed information:
 - All property lines with dimensions and total lot area;
 - North arrow and scale of drawing;
 - Adjacent streets, access (driveways), curbs, sidewalks, and bicycle routes;
 - Existing Goal Protected Resources, if any are present on the site;
 - Easements and on-site utilities;
 - Existing and proposed development with all dimensions, including floor area and building footprint (if applicable);
 - Distances of all existing and proposed development to property lines;
 - Types and location of outdoor area and required usable open space (if required);
 - Percentage of the site proposed for outdoor area coverage;
 - Motor vehicle and pedestrian access and circulation systems, including connections off-site, and associated dimensions; and
 - Motor vehicle and bicycle parking areas and design, number of spaces, and loading areas.
2. Building elevations showing required entries and windows and associated dimensions.

E. Criteria. The Planning Official's evaluation of a Zoning Review application will determine whether minimum code requirements have been or will be met.

F. Expiration of Approvals. An approval under this section expires if:

1. Within 2 years of the date of the final decision, a building permit has not been issued for approved development.
2. Within 2 years of the date of the issuance of a building permit, if the approved development has not commenced.

G. Extension. The Planning Official, upon written request by the applicant, may grant an extension of the approval period not to exceed one year; provided that:

1. No changes are made on the original approved plan;
2. The applicant provides evidence demonstrating substantial progress toward commencing construction on the site within the next year; and
3. The applicant provides evidence demonstrating that failure to obtain building permits and substantially begin construction within 2 years of Zoning Review approval was beyond the applicant's control.

8.5 Application – Modification

A. Method of review. An applicant may request one or Modifications of the standards in this Model Code. The approval criteria for a Modification requires the use of discretion, therefore applications for Modifications are subject to the Limited Land Use Decision procedure in Section 8.3. Nothing in this section implements Oregon Laws 2024, Chapter 110, Section 38.

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Requested Modifications shall be submitted and reviewed concurrently with a Zoning Review application.

B. Modification Application Requirements.

1. In addition to the information required for the Zoning Review application, applicants requesting one or more Modifications must submit a written statement for each requested Modification explaining how the application satisfies each and all of the relevant criteria and standards in sufficient detail.
2. Applications must be filed with the required fee, based on the applicable local fee schedule.

C. Criteria. A Modification to a standard will be approved if the applicant demonstrates that the following criteria have been met.

1. Granting the Modification will equally or better facilitate housing production, affordability, and choice under Goal 10.
2. Granting the Modification will not impact the ability of the provision of sufficient infrastructure.
3. The proposed development will equally or better address all of the considerations in Table 8.5 applicable to the standard(s) to be modified.
4. Any significant negative impacts resulting from the Modification are mitigated to the extent practical.

TABLE 8.5: CONSIDERATIONS FOR GRANTING A MODIFICATION	
For Modifications of standards relating to:	Considerations for granting a Modification include:
Setbacks, building height, building floor area, and required outdoor area	The proposed modification(s) do not decrease setbacks or required outdoor area, or increase building height or building floor area, by more than 10 percent. In addition, the impact of the mass/bulk of proposed buildings on neighboring uses, including opportunities to minimize those impacts through design. For garage entrance setbacks (driveway length), the impact of the driveway on the public right-of-way and pedestrian environment.
Minimum vehicle parking	Whether the reduction in parking will help the city meet its transportation, environmental, housing production, affordability, and accessibility goals.
Bicycle parking, amount and design and location of spaces	Whether the reduction in amount /or changes in design ensure bicycle parking that is adequate and user-friendly or why the standard(s) are not appropriate for the proposed project context or location.
Entry orientation and pedestrian access	Opportunities to ensure pedestrian friendly neighborhoods, on-site pedestrian access, and pedestrian connections to the street.

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TABLE 8.5: CONSIDERATIONS FOR GRANTING A MODIFICATION	
Entry orientation and required percentage of windows and doors	How the proposed building façade(s) will contribute to a safe and comfortable pedestrian-oriented environment on the abutting street or why this is not appropriate in this location.
Cottage orientation	Opportunities to ensure that an adequate number of cottages have a direct relationship to the common courtyard and that the common courtyard provides shared community space for the cottage cluster.
Off-street parking design; driveway & garage design	The impact of parking and vehicle access on the public right-of-way and pedestrian environment on- and off-site, and opportunities to minimize those impacts through design.
Required outdoor area and usable open space; common courtyards	Ensuring livable design for residents, including access to light, air, open space, and active or passive recreation amenities; supporting shared community space for residents; and enabling culturally-sensitive amenities.
Screening of Parking Areas and Trash Storage	Opportunities to minimize impact of parking areas and trash storage on the pedestrian environment; and, for trash storage, to minimize the impact on abutting residential properties.
Screening from Arterials	Opportunities to minimize noise and air quality impacts from abutting transportation facilities on residents.

D. Expiration of Approvals. An approval under this section expires if:

1. Within 2 years of the date of the final decision, a building permit has not been issued for approved development.
2. Within 2 years of the date of the issuance of a building permit, if the approved development has not commenced.

9 – Measurement Methodologies and Definitions

Chapter 9 – Measurement Methodologies and Definitions

Sections:

9.1 Measurement Methodologies

9.2 Definitions

9.1 Measurement Methodologies

[Recommended: 9.1.1 Minimum Lot Size for New Lots

- A. Standard.** Minimum lot size requirements for townhouses are stated in Section 4.1. These standards apply to the creation of new lots through a subdivision or partition. Exceptions to the minimum lot size standards are stated in subsection (C).
- B. Measurement Methodology.** Lot size is the total surface area (measured horizontally) within the boundary lines of a lot or parcel.
- C. Exceptions.**
1. The minimum lot size requirements do not apply to development on existing lots and parcels, and do not preclude the siting of a housing type on an existing, legally established lot or parcel.
 2. Minimum lot size does not apply to tracts for private streets, pedestrian facilities, stormwater facilities, open space, or other common areas.
 3. Within a townhouse project, individual townhouse lots or parcels may be as small as 60 percent of the required minimum lot size, provided the average size of all of the townhouse lots or parcels within the land division meets the minimum lot size.]

9.1.2 Floor Area

A. Standard.

1. Average cottage size (i.e., average floor area) for cottage clusters is specified in Table 5.1.
2. Maximum floor area for accessory dwelling units is specified in Section 7.1.3.

B. Measurement Methodology.

1. **Floor Area.** Floor area is measured for each floor from the exterior faces of a building or structure. Floor area includes stairwells, ramps, shafts, chases, and the area devoted to garages and structured parking.

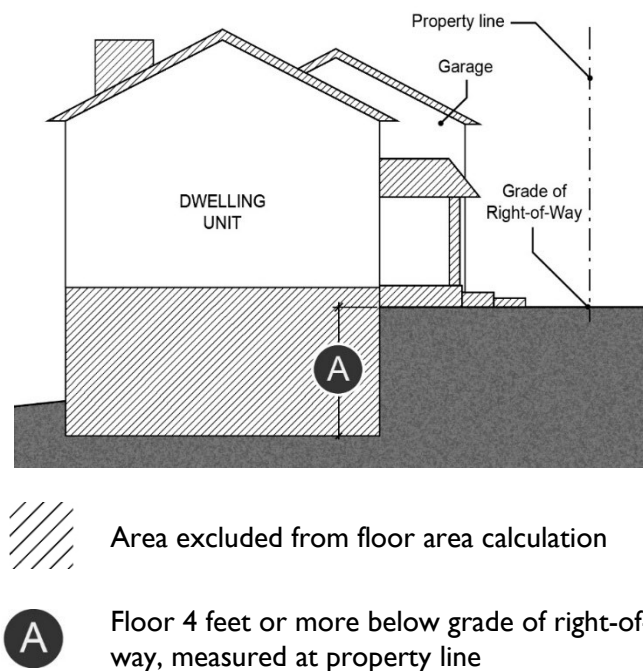
Floor area does not include the following (see Figure 9.1.2.a):

- Areas where the elevation of the floor is 4 feet or more below the adjacent right-of way, as measured at the property line;

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- Basements. For the purposes of the floor area calculation, basement area includes the portion of a building that is partly or completely below grade. A minimum of 50 percent of the total combined area of the basement walls must be below grade to be considered a basement;
- Areas where the ceiling height is less than 6 feet 8 inches;
- Roof area, including roof top parking;
- Roof top mechanical equipment;
- Roofed outdoor living areas that are structurally attached to the building (e.g., porches and exterior balconies), unless they are enclosed by walls that are more than 42 inches in height for 75 percent or more of their perimeter; and
- Covered carports.
- Stairwells are only counted as floor area on one level.

Figure 9.1.1.a. Areas Excluded from Floor Area Calculation



2. **Average Cottage Size.** Within each cottage cluster, the average cottage size is calculated as follows:
 - a. Total floor area of all cottages and community buildings within the cluster divided by the number of cottages and community buildings within the cluster.

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- b. The average floor area within a cluster may not exceed the maximum stated in Table 5.1.
- c. An applicant may choose to exclude existing structures retained under Section 5.2.8 from the calculation.
- d. For cottage cluster projects with multiple clusters, the average cottage size is calculated for each cluster separately.

C. Exceptions. None.

9.1.3 Height

A. Standard. Maximum building/structure height allowed for each housing type are stated in Tables 2.1 - 6.1. It is intended to work with setback, and outdoor area requirements to control the overall bulk and placement of buildings. Exceptions to the maximum height are stated in subsection (C).

B. Measuring Building Height. Building height shall be calculated in accordance with the applicable building code.

C. Exceptions.

- 1. Chimneys, vents, flag poles, satellite receiving dishes and other projecting items with a width, depth, or diameter of 3 feet or less may extend above the height limit, as long as they are attached to a building and do not exceed 5 feet above the top of the highest point of the roof. If they are greater than 3 feet in width, depth, or diameter, they are subject to the height limit.
- 2. Roof mounted solar panels are not included in height calculations.
- 3. For buildings over 3 floors in height, rooftop mechanical equipment and stairwell enclosures that provide rooftop access may extend above the height limit as follows, provided that the equipment and enclosures are set back at least 15 feet from all roof edges on street facing facades.
 - a. Elevator mechanical equipment may extend up to 16 feet above the height limit; and
 - b. Other mechanical equipment and stairwell enclosures that cumulatively cover no more than 10 percent of the roof area may extend up to 10 feet above the height limit.

9.1.4 Building Setbacks

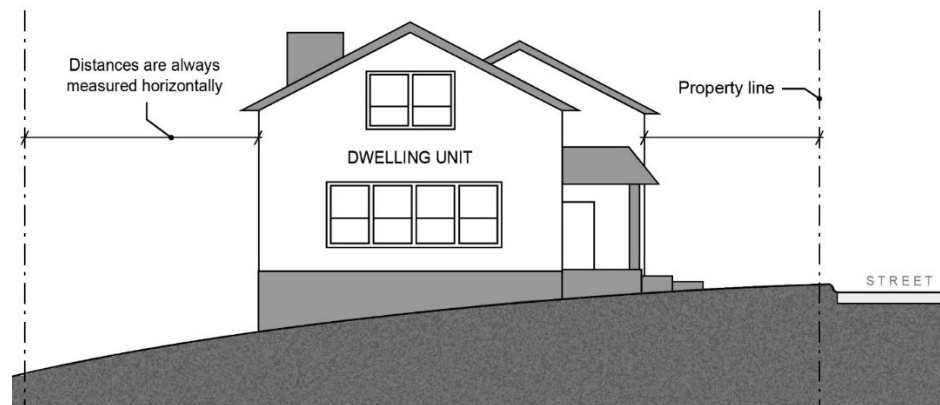
A. Standard. The minimum setbacks required for each housing type are stated in Tables 2.1 - 6.1. Minimum setbacks work with height and outdoor area requirements to control the overall bulk and placement of buildings. Exceptions to the minimum setbacks are stated in subsection (C).

B. Measuring Building Setbacks.

- 1. Setback distances are measured along a horizontal plane from the appropriate property line to the edge of the building (see Figure 9.1.4.a).

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Figure 9.1.4.a. Setback Measurements



2. For multi-unit housing proposed on a site that includes more than one lot, setbacks are calculated based on the property lines of the overall site, rather than individual lots.
3. Where the subject property line abuts an existing right-of-way whose width is substandard based on the roadway classification in the city's adopted Transportation System Plan, the setback shall be based on the future right-of-way line after dedication.
4. Measurements are made to the closest wall of the structure. Projections into setbacks allowed pursuant to subsection (C)(4) are not included when determining the closest wall of the structure.

[Recommended 5. Where a rear lot line abuts an alley, one half of the width of the alley shall count toward meeting the rear setback.]

C. Exceptions to Building Setbacks.

1. The interior side lot line between two attached dwelling units is not subject to the minimum side setback standard in Table 4.1 (Townhouses).
2. Alley lot lines are exempt from minimum garage entrance setbacks (driveway length). If there is a driveway but no garage, the driveway length must be at least 18 feet. This includes driveways covered by a carport.
3. Portions of structures that are entirely underground are not included in measuring required distances.
4. Projections into Setbacks.
 - a. Building eaves may project up to 2 feet into a required setback, provided the eave is at least 3 feet from a lot line.
 - b. Canopies and awnings may extend up to 5 feet into a required setback along a street lot line.
 - c. The following minor features may extend into entire required building setbacks:

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- i. Utility connections attached to the building that are required to provide services, such as water electricity and other similar utility services;
 - ii. Gutters and downspouts that drain stormwater off a roof of the structure;
 - iii. Stormwater planters that are no more than 2-1/2 feet above the ground;
 - iv. Water collection cisterns that are 6 feet or less in height;
 - v. Attached decks, stairs, and ramps that are no more than 2-1/2 feet above the ground. However, stairways and wheelchair ramps that lead to one entrance on the street-facing facade of a building are allowed to extend into the required street setbacks regardless of height above ground; and
 - vi. On lots that slope down from the street, vehicular or pedestrian entry bridges that are no more than 2-1/2 feet above the average sidewalk elevation.
 - vii. Balconies and bay windows may encroach into a required street-facing setback area.
- d. The following features of a building may extend into a required building setback up to 20 percent of the depth of the setback, except as indicated. However, the feature must be at least 3 feet from a lot line.
- i. Chimneys, fireplace inserts and vents, mechanical equipment, and fire escapes;
 - ii. Wheelchair ramps, water collection cisterns and stormwater planters that do not meet the standards of subsection (C)(4)(c); and
 - iii. Decks, stairways, that do not meet the standard for subsection (C)(4)(c), but only along a street lot line.

9.1.5 Required Outdoor Area and Usable Open Space

A. Standard. The minimum amount of outdoor area and usable open space (if applicable) required for each housing type is stated in Tables 2.1 – 6.1. Site area covered by enclosed buildings or used for vehicle parking and circulation shall not be counted as required outdoor area or usable open space. Exceptions to the minimum required outdoor area and usable open space are stated in subsection (C).

B. Measurement Methodology.

- 1. Required Outdoor Area. Areas which can be counted toward the required outdoor area include:
 - Areas planted with vegetation (including natural areas and existing trees);
 - Private open space;
 - Pedestrian hardscape; and
 - Usable open space pursuant to subsection (B)(2).
- 2. Usable Open Space. Where usable open space is required, it must include one or more of the following:

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- Outdoor recreation area surfaced with lawn, groundcover, or hard surface. The area must be contiguous and able to fit a 10-foot by 10-foot square;
 - Tree grove (e.g., existing mature trees);
 - Turf or grass play fields;
 - Children's play structure or play area;
 - Sports courts;
 - Swimming or wading pool or hot tub;
 - Walking fitness course;
 - Natural area with benches; or
 - Gardening area with at least 50 square feet of planting area.
3. Enclosure. Required outdoor areas may be covered, such as a covered patio or gazebo, but they may not be fully enclosed. Covered outdoor areas are subject to the applicable setback standards.

C. Exceptions. None.

9.1.6 Vehicle Parking

A. Standards.

1. The minimum amount of off-street vehicle parking required for each housing type is stated in Tables 2.1 - 6.1.
2. Fractions. In calculating the required number of vehicle parking spaces, fractions equal to or more than 0.5 shall be rounded up to the nearest whole number and fractions less than 0.5 shall be rounded down to the nearest whole number
3. Exceptions to the minimum parking requirements are stated in subsection (C).

B. Vehicle Parking.

1. Parking Location and Design. Off-street vehicle parking spaces required to meet minimum quantity requirements must meet the following standards:
 - a. Located on a hard-surfaced area.
 - b. Minimum space size:
 - Standard:
 - Width: 8.5 feet
 - Depth: 18 feet
 - Compact:
 - Width: 7.5 feet
 - Depth: 16 feet
 - c. Up to 20 percent of parking stalls in shared parking areas may be compact spaces.
 - d. Spaces may be covered or uncovered.
 - e. Spaces may be provided on individual lots or in a shared parking area on a common tract.

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- f. ADA parking spaces must be provided on site; all other required parking must be provided on site or within 200 feet of the site.
- g. Except for ADA parking spaces, a credit for on-street parking shall be granted for some or all of the required off-street parking as provided in subsection (2).
- 2. On-Street Parking. If on-street parking spaces meet all the standards in subsections (a)-(d) below, they shall be counted toward the minimum off-street parking requirement.
 - a. The space must be abutting the subject site;
 - b. The space must be in a location where on-street parking is allowed by the city;
 - c. The space must be a minimum of 22 feet long; and
 - d. The space must not obstruct a required sight distance area.

C. Exceptions.

[Recommended: 1. Accessory dwelling units are exempt from minimum required parking spaces]

9.1.7 Bicycle Parking

A. Standards.

- 1. The minimum amount of bicycle parking required for multi-unit housing is stated in Table 6.1.
- 2. Fractions. In calculating the required number of bicycle parking spaces, fractions equal to or more than 0.5 shall be rounded up to the nearest whole number and fractions less than 0.5 shall be rounded down to the nearest whole number.
- 3. Exceptions to the bicycle parking requirements are stated in subsection (C).

B. Long-Term Bicycle Parking.

- 1. Long-term bicycle parking must be provided in one or more of the following locations.
 - a. Within a restricted access, lockable room outside of dwelling units with securely anchored racks that allow users to lock at least two points on a bicycle.
 - b. Within dwelling units that are at least 400 square feet, in the following circumstances:
 - i. Sites containing 12 or fewer dwelling units may provide up to 100 percent of required bicycle parking spaces in the dwelling units.
 - ii. Sites containing more than 12 dwelling units where all units above the ground floor have elevator access may provide up to 50 percent of the required bicycle parking spaces in dwelling units.
 - iii. Sites containing more than 12 dwelling units where all units above the ground floor do not have elevator access may provide required bicycle parking spaces in ground floor dwelling units only.

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- c. Within bicycle lockers that are fully enclosed, lockable, and securely anchored to the ground.
2. The area devoted to bicycle parking must be hard surfaced and lighting must be provided for nighttime use.
3. Bicycle parking spaces shall meet the following dimensional standards:
 - a. At least 10 percent of spaces must be large spaces (designed to accommodate large bicycles, including family and cargo bicycles). Each large bicycle space must be a minimum of 3 feet wide, 7 feet long and 3 feet 4 inches tall.
 - b. Up to 90 percent of required spaces can be standard spaces. Each standard bicycle space must be a minimum of 2 feet wide, 6 feet long and 3 feet 4 inches tall.

C. Exceptions. The following are exempt from the long-term bicycle parking requirements:

1. Senior housing projects (those restricted for occupancy by households in which at least one member is aged 55 years or older).
2. Accessible units.

9.1.8 Windows and Doors

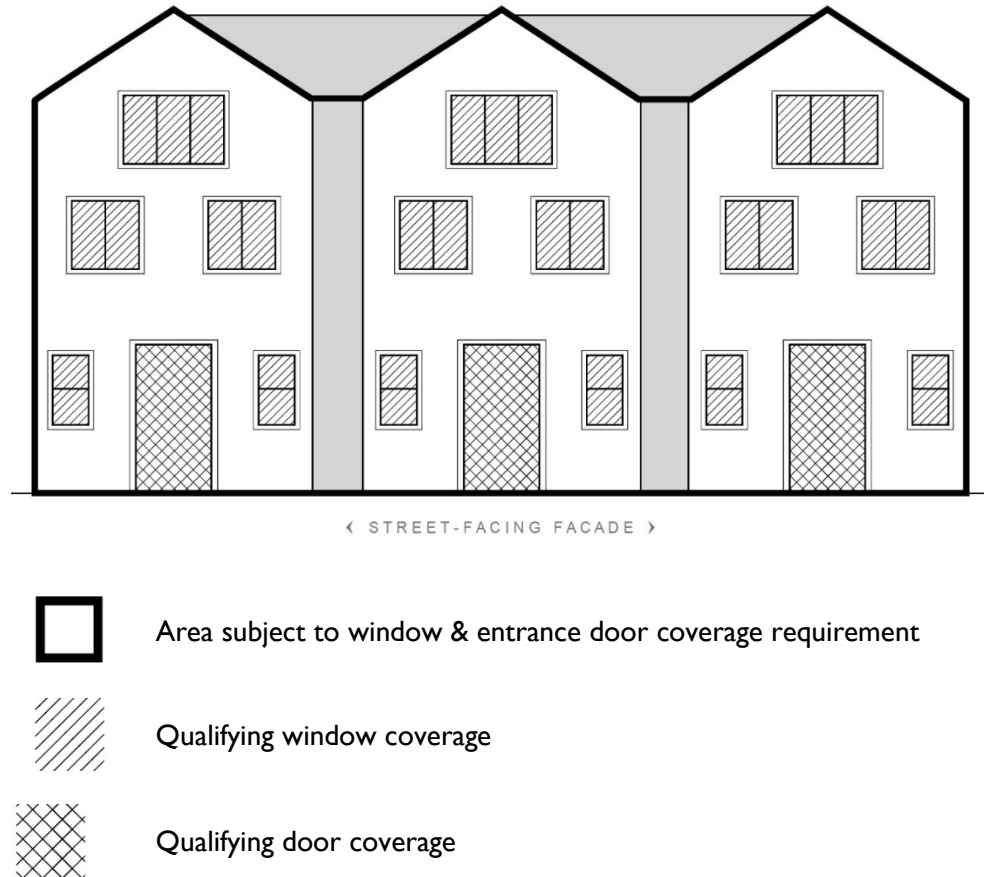
A. Standard. The minimum amount of window and door area required for each housing type is stated in the applicable design standards.

B. Measurement Methodology. Areas that qualify for the window and door coverage calculation are subject to the following (See Figure 9.1.8.a):

1. Windows and pedestrian entrance doors may be used to meet this standard as provided in subsections (2) and (3), below.
2. Window area is the aggregate area of the glass within each window, including any interior grids, mullions, or transoms. Windows into storage areas, mechanical and utility areas, and garbage and recycling areas do not qualify.
3. Door area is the area of the portion of an entrance door (other than a garage door) that moves and does not include the frame. For multi-unit housing, doors that provide access to dwelling units (either shared or individual access) and community spaces qualify, but all other doors (e.g., into storage areas or mechanical areas) do not qualify.

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Figure 9.1.8.a. Window and Door Coverage



9.2 Definitions

A. Applicability. The following definitions shall apply for the purposes of this Model Code, notwithstanding other definitions in a locally adopted development code.

B. Definitions.

1. "Accessible unit" means a unit of housing that complies with the "Type A" requirements applicable to units as set forth in the Standard for Accessible and Usable Buildings and Facilities published by the International Code Council and as referenced by the state building code.
2. "Accessible walkway" means a walkway designed and built according to the Americans with Disabilities Act (ADA) standards to ensure it is usable by people with disabilities, particularly those who use mobility devices.
3. "Accessory Dwelling Unit" – see "Housing Type."

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4. “Adaptable unit” means a unit of housing that complies with the “Type B” requirements applicable to units as set forth in the Standard for Accessible and Usable Buildings and Facilities published by the International Code Council and as referenced by the state building code.
5. “Appeal Body” means the local decision-making authority designated by a City to hear and decide appeals of land use decisions and Limited Land Use Decisions. The Appeal Body for an appeal of a decision made by a Planning Official may be a Hearings Officer, Planning Commission, or City Council.
6. “Building footprint” means the horizontal area as seen in plan, measured from outside of all exterior walls and supporting columns. It includes dwellings and any area of attached garage that exceeds 200 square feet. It does not include detached garages or carports; accessory structures; trellises; patios; areas of porch, deck, and balcony less than 30 inches from finished grade; cantilevered covers, porches or projections; or ramps and stairways required for access.
7. “Common courtyard” means a common area for use by residents of a cottage cluster. A common courtyard may function as a community yard. Hard and soft landscape features may be included in a common courtyard, such as pedestrian walkways, lawn, groundcover, trees, shrubs, patios, benches, or gazebos.
8. “Common wall” means a wall or set of walls in a single structure shared by two or more dwelling units. The common wall must be shared for at least 25 percent of the length of the side of the building of the dwelling units. The common wall may be any wall of the building, including the walls of attached garages.
9. “Cottage” means an individual dwelling unit that is part of a cottage cluster.
10. “Cottage cluster” – see “Housing Type.”
11. “Cottage cluster project” means a development site with one or more cottage clusters. Each cottage cluster as part of a cottage cluster project must have its own common courtyard.
12. “Detached single-unit” – see “Housing Type.”
13. “Driveway approach” means the edge of a driveway where it abuts a public right-of-way.
14. “Duplex” – see “Housing Type.”
15. “Dwelling unit” means a building, or a portion of a building, that has independent living facilities including provisions for sleeping, cooking, and sanitation, and that is designed for residential occupancy by a group of people. Buildings with more than one set of cooking facilities are considered to contain multiple dwelling units or accessory dwelling units, as applicable, unless the additional cooking facilities are clearly accessory to the primary use, such as an outdoor grill or wet bar.
16. “Façade” means the vertical wall face of a building, or the sum of multiple vertical faces, facing the same lot line.
17. “Frontage” means the portion of a lot or parcel that abuts a street.

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18. “Goal Protected Lands” means lands protected or designated pursuant to any one of the following statewide planning goals:
- Goal 5 Natural Resources, Scenic and Historic Areas, and Open Spaces;
 - Goal 6 Air, Water, and Land Resource Quality
 - Goal 7 Areas Subject to Natural Hazards;
 - Goal 9 Economic Development;
 - Goal 15 Willamette River Greenway;
 - Goal 16 Estuarine Resources;
 - Goal 17 Coastal Shorelands; or
 - Goal 18 Beaches and Dunes.
19. “Hard surfaced,” in the context of pedestrian walkways, means built with a durable, solid material that provides a firm, stable, and smooth walking surface, which may include concrete, asphalt, or pavers or bricks set in mortar or compacted base.
20. “Housing Type” means one of the following. (In instances where a development can meet the definition of more than one housing type, the applicant shall specify the housing type on the development application.)
- a. “Accessory Dwelling Unit” or “ADU” means an interior, attached, or detached residential structure that is used in connection with, or that is accessory to, a primary dwelling.
 - b. “Cottage cluster” means a grouping of detached dwelling units on a lot or parcel that share a common courtyard and that each have a small footprint or floor area. Cottage cluster may also be known as “cluster housing,” “cottage housing,” “bungalow court,” “cottage court,” “courtyard housing,” “garden apartments,” or “pocket neighborhood.”
 - c. “Detached single-unit” or “DSU” means a detached structure on a lot or parcel that is comprised of a single dwelling unit. Detached single-units may be constructed on-site or off-site (e.g., manufactured dwellings or prefabricated homes).
 - d. “Duplex” means two attached dwelling units in any configuration on a lot or parcel.
 - e. “Middle housing” means housing that consists of duplexes, triplexes, quadplexes, cottage clusters, or townhouses.
 - f. “Multi-unit housing” means 5 or more dwelling units located on the same lot or development site, not including middle housing.
 - g. “Quadplex” means 4 attached dwelling units in any configuration on a lot or parcel.
 - h. “Townhouse” means a dwelling unit constructed in a row of 2 or more attached units, where each dwelling unit is located on an individual lot or parcel and shares at least one common wall with an adjacent unit. A townhouse is also commonly called a “rowhouse,” “attached house,” “townhome,” or “common-wall house.”
 - i. “Triplex” means 3 attached dwelling units in any configuration on a lot or parcel.
21. “Local street” means a street designated as a local street in a city’s adopted Transportation System Plan, in the applicable functional classification map, or in the city’s public works or engineering

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standards. Where street classifications have not been established, “local street” means a street that serves primarily local access to property and circulation within neighborhoods or specific areas.

22. “Lot” or “lot or parcel” means any lawfully established unit of land, as defined in ORS 92.010. Lot may also be used generically to refer to units of land created through partitions.
23. “Main entrance” means the ground floor (or first floor) exterior pedestrian door through which residents and visitors enter a residential building or dwelling unit. For buildings where access to some or all dwelling units is via shared hallways, a main entrance is one that enters the lobby or common circulation space. A building may have more than one main entrance meeting these criteria. For buildings in which all units have individual exterior entrances, each entrance to a dwelling unit is considered a main entrance.
24. “Middle housing” – see “Housing Type.”
25. “Multi-unit housing” – see “Housing Type.”
26. “Planning Official” means the person(s) or body (including designees) designated by the governing body of a city to administer the city’s comprehensive plan, land use regulations, and related requirements. Typically, the Planning Official is an individual employed by a city (e.g., Planning Director or designees) but may be the Planning Commission or City Council.
27. “Quadplex” – see “Housing Type.”
28. “Regulated housing” means residential dwelling units of the following types: Detached Single-Unit, Duplex, Triplex, Quadplex, Townhouse, Cottage Cluster, Multi-Unit Housing, and Accessory Dwelling Unit.
29. “Primary dwelling” means a principal dwelling on a lot or site that constitutes the main residential use of the property. Where a dwelling unit:
 - a. Is added to a lot with an existing dwelling that has been in place for at least 5 years, the existing dwelling is designated as the primary dwelling.
 - b. Is constructed within 5 years of the primary dwelling, the larger unit is designated as the primary dwelling.
 - c. Could meet the definition of either a primary or accessory dwelling unit, the applicant may designate which dwelling shall serve as the primary dwelling.
30. “Site” has different meanings depending on the housing type, as provided below. “Development site” has the same meaning as “site.”
 - a. For detached single-unit, duplex, triplex, quadplex, and cottage cluster, “site” means a single lot on which the housing unit or units is proposed.
 - b. For townhouse and multi-unit housing, “site” refers to a property (or group of abutting parcels or lots under the same ownership) that is subject to a development application.
31. “Site area” means the total area of a development site calculated after subtracting any required or planned dedication of public rights-of-way or designation of private rights-of-way.

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32. “Sufficient Infrastructure” means the following level of public services to serve a new housing development:
- Connection to a public sewer system capable of meeting established service levels.
 - Connection to a public water system capable of meeting established service levels.
 - Access via public or private streets meeting adopted emergency vehicle access standards to a city’s public street system.
 - Storm drainage facilities capable of meeting established service levels for storm drainage.
33. “Townhouse” – see “Housing Type.”
34. “Townhouse project” means one or more townhouse structures (i.e., structures formed by attached townhouses) constructed, or proposed to be constructed, together with the development site where the land has been divided, or is proposed to be divided, to reflect the townhouse property lines and any commonly owned property. For developments with a mix of housing types or uses, the amount of commonly owned property attributed to the townhouse project shall be prorated based on the square footage of development sharing the property.
35. “Townhouse style multi-unit housing” means developments in which the units have individual ground floor entries, share one or more common walls with one or more other units, and do not share common floors/ceilings with another unit
36. “Triplex” – see “Housing Type.”

Housing Model Code – Medium Cities

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I – General Provisions

Chapter I – General Provisions

Sections:

- I.1 Purpose
- I.2 Applicability
- I.3 Relationship to Other Regulations
- I.4 Retention of Existing Units with Middle Housing
- I.5 Exception to Certain Design Standards

I.1 Purpose

The Housing Model Code for Medium Cities provides standards for a range of housing types that are clear and objective, consistent with Housing law, and encourage and facilitate housing production, affordability, and choice as provided in ORS 197A.025.

I.2 Applicability

- A. Applicability to Development.** The standards apply to new dwelling units, including the addition of dwelling units to sites with existing dwelling units. Existing residential development shall not be deemed nonconforming solely on the basis that it does not conform to the standards of this Model Code.
- B. Location.** The Model Code is not a zoning ordinance. The applicability of the standards to a particular location or zone within a city must be specified as provided in OAR 660-008-0400 to 0430.
- C. Exceptions.** The standards in the Model Codes do not allow the following:
 - 1. The development of housing on Goal Protected Lands, unless otherwise permitted by a city's development code through clear and objective standards, criteria, and procedures.
 - 2. The development of housing on lands that do not allow residential uses unless otherwise allowed by statute.
- D. Adoption by Reference.** A city may choose to adopt by reference the entire Model Code or one or more individual modules. Modules are identified in Table I.1. When adopting one or more individual modules, the following requirements apply:
 - 1. All modules are subject to the provisions in the following sections: *Applicability* (Section 1.2), *Relationship to Other Regulations* (Section 1.3), and *Definitions and Measurement Methodology* (Chapter 10).
 - 2. All middle housing modules (Chapters 2-5) are subject to the provisions in *Retention of Existing Units with Middle Housing* (Section 1.4).
 - 3. All detached single-unit and middle housing modules (Chapters 2-5) are subject to the provisions in *Exception to Certain Design Standards* (Section 1.5).
 - 4. Each module under "Procedures and Applications" is subject to the provisions in *Procedures and Applications, Generally* (Section 9.1).

I – General Provisions

- Some modules can only be applied in conjunction with another module. Where this is the case, a city adopting a module by reference must also adopt any modules identified as “Required” in the “Related Code Sections” column in Table I.1.

TABLE I.1 MODEL CODE MODULES		
Module	Model Code Chapter / Section	Related Code Sections
<i>General Provisions</i>		
Retention of Existing Units with Middle Housing	Section 1.4	Chapters 2-5
<i>Housing Types</i>		
Detached Single-Unit and Duplex	Chapter 2	Bonuses for Detached Single-Unit or Duplex (Section 8.2.1)
Triplex and Quadplex	Chapter 3	Bonuses for Triplex or Quadplex (Section 8.2.2)
Townhouse	Chapter 4	Bonuses for Townhouses (Section 8.2.3)
Cottage Cluster	Chapter 5	Bonuses for Cottage Cluster (Section 8.2.4)
Multi-Unit Housing	Chapter 6	Bonuses for Multi-Unit Housing (Section 8.2.5)
Accessory Dwelling Unit	Chapter 7	
<i>Procedures and Applications</i>		
Procedure - Ministerial Decision	Section 9.2	
Procedure - Limited Land Use Decision	Section 9.3	
Application - Zoning Review	Section 9.4	Required: Sections 9.2 and 9.3
Application - Modification	Section 9.5	Required: Section 9.3
Middle Housing Land Division	Section 9.6	Section 1.4; Chapters 2-5

I.3 Relationship to Other Regulations

A. Conflicts.

- For a city that has opted to adopt or apply the Model Code or has been directed to apply the Model Code by the Commission as provided in OAR 660-008-0430, and except as provided in section (2) or subsections (B) or (C) below, in the event of a conflict between this Model Code and other development and design standards applicable to regulated housing, the standards of this Model Code control.
- If a locally adopted land use development standard conflicts with this Model Code but it would allow the development of more housing (additional square footage or units), an applicant may comply with either the standard in this Model Code or the locally adopted standard.

I – General Provisions

B. Additional Standards Applicable to Regulated Housing. In addition to the standards identified in this Model Code, a city may only apply the following locally adopted land use regulations to regulated housing:

1. Public works and public utilities standards, provided exceptions granted to single-unit dwellings shall also be granted to duplexes.
2. Protective measures (plans, policies, or regulations) adopted pursuant to statewide land use planning goals (e.g., environmental and natural hazard protections).
3. Regulations related to the following:
 - a. Tree protection, retention and planting.
 - b. Landscaping design, installation and maintenance including, but not limited to, materials and planting requirements.
 - c. Parking lot design and installation, including, but not limited to, shading, screening, materials, and layout.
 - d. Sustainability and greenhouse gas reduction.
4. Land division standards and procedures, except that:
 - a. The regulations may not preclude development from meeting the minimum density requirements established in this Model Code; and
 - b. Middle Housing Land Divisions are governed by the provisions of Section 9.6.

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

1. Health and safety, including, but not limited to, fire ingress or egress and emergency vehicle access.
2. Public works standards ensuring safe vehicle access onto the public street system, including but not limited to standards for clear vision areas and driveway/intersection spacing and alignment. This exception does not include minimum driveway width standards.
3. Hazardous or contaminated site clean-up, wildlife protection, or statewide land use planning goals relating to natural resources, natural hazards, the Willamette River Greenway, estuarine resources, coastal shorelands, beaches and dunes or ocean resources.
4. Implementation of fire or building codes, federal or state air, water quality or surface, ground or stormwater requirements or requirements of any federal, state or local law other than a land use regulation.

I.4 Retention of Existing Units with Middle Housing

A. Development of middle housing is allowed on a lot with up to two existing dwelling units, which may be retained on the lot along with the new units. The retained units may consist of:

1. One detached single-unit dwelling;

I – General Provisions

2. One detached single-unit dwelling plus one accessory dwelling unit; or
 3. One duplex.
- B.** In order to qualify for the allowances in subsection (A), the retained units must have been in place for at least 5 years prior to the proposal for new middle housing units.
- C.** The retained units do not count toward the maximum number of units allowed on a lot.
- D.** The retained units may be nonconforming with respect to the applicable siting and design standards in this Model Code or in the city's local housing regulations. In other words, only the new units, and not the retained units, are required to comply with the applicable regulations.
- E.** Retained units on the lot may be separated from the new units by a Middle Housing Land Division, pursuant to Section 9.6 or ORS 197A.420(4)(c), as applicable.

I.5 Exception to Certain Design Standards

In accordance with Oregon Laws 2025, Chapter 330, Section 8, housing development that includes detached single-unit, duplex, triplex, quadplex, townhouse, or cottage cluster housing that includes 20 or more units in housing types listed in subsection (A) is exempt from any residential design standard that is intended to preserve the desired character, architectural expression, decoration or aesthetic quality of new homes; this includes design standards regulating the features listed in subsection (B). All other design and siting standards in this Model Code shall apply.

A. Applicable Housing Types:

- Detached single-unit;
- Duplex;
- Triplex;
- Quadplex;
- Townhouse; or
- Cottage cluster housing.

B. Residential Design Features:

- Facade materials, colors or patterns;
- Roof decoration, form or materials;
- Accessories, materials or finishes for entry doors or garages;
- Window elements such as trim, shutters or grids;
- Fence type, design or finishes;
- Architectural details, such as ornaments, railings, cornices and columns;
- Size and design of porches or balconies;
- Variety of design or floorplan; or
- Front or back yard area landscaping materials or vegetation.

2 – Detached Single-Unit and Duplex

Chapter 2 – Detached Single-Unit and Duplex

Sections:

- 2.1 Development Standards - Detached Single-Units and Duplex
- 2.2 Design Standards - Detached Single-Unit and Duplex
- 2.3 Unit Configuration and Conversions - Duplex

2.1 Siting Standards – Detached Single-Unit and Duplex

The siting standards in Table 2.1 apply to the development of a detached single-unit or duplex dwelling on a lot, with the following clarifications:

- A.** Standards applicable to a lot (i.e., FAR, minimum density, setbacks, and outdoor area) apply to the parent lot, not child lots created by a Middle Housing Land Division.
- B.** For qualified projects, the standards in Table 2.1 may be modified by the applicable bonuses in Chapter 8.
- C.** Per Section 1.4, retained units within middle housing development are not subject to these standards, and do not count toward maximum floor area ratio.

TABLE 2.1 SITING STANDARDS - DETACHED SINGLE-UNIT AND DUPLEX	
Maximum Floor Area Ratio (FAR) (see Section 10.1.1)	
• 1 total dwelling unit	0.6:1
• 2 to 3 total dwelling units	0.8:1
Maximum Building/Structure Height (see Section 10.1.2)	35 ft
Minimum Density (see Section 10.1.3)	1 unit per 5,700 sf of net site area
Minimum Setbacks (see Section 10.1.4)	
• Front building setback	5 ft
• Side building setback	5 ft
• Rear building setback	5 ft
• Garage entrance setback (driveway length)	18 ft
Minimum Required Outdoor Area and Usable Open Space (see Section 10.1.5)	
• Required Outdoor Area	15% of lot area
• Usable Open Space	None
Vehicle Parking (see Section 10.1.6)	
• Minimum number of off-street spaces	1 space per unit
• Maximum number of off-street spaces	None

2 – Detached Single-Unit and Duplex

TABLE 2.1 SITING STANDARDS - DETACHED SINGLE-UNIT AND DUPLEX	
Minimum Number of Bicycle Parking Spaces (see Section 10.1.7)	
• Long-term Spaces	None
• Short-term Spaces	None
NOTES: (1) If an additional unit is added to a lot with an existing, retained dwelling unit that has been in place for at least 5 years, the maximum FAR may be exceeded by up to 1,000 square feet of new floor area.	

2.2 Design Standards – Detached Single-Unit and Duplex

Except as provided in Section 1.5, the design standards in this section apply to the development of a detached single-unit or duplex dwelling on a lot.

2.2.1 Entry Orientation and Pedestrian Connectivity

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

1. Be no more than 8 feet farther from the front lot line than the structure's longest wall that faces the front lot line.
2. Meet at least one of the following:
 - a. Face the street (see Figure 2.2.1.a);
 - b. Be at an angle of up to 45 degrees from the street (see Figure 2.2.1.b); or
 - c. Open onto a covered porch or covered patio (see Figure 2.2.1.c). The porch or patio must:
 - i. Be at least 25 square feet in area; and
 - ii. Have at least one entrance facing the street.
3. Connect to the sidewalk by a hard-surfaced walkway other than a driveway. The walkway shall have a minimum width of 2 feet (see Figure 2.2.1.a). The walkway may abut the driveway (see Figure 2.2.1.c). Where there is no sidewalk abutting the property, the walkway shall extend to the street lot line.

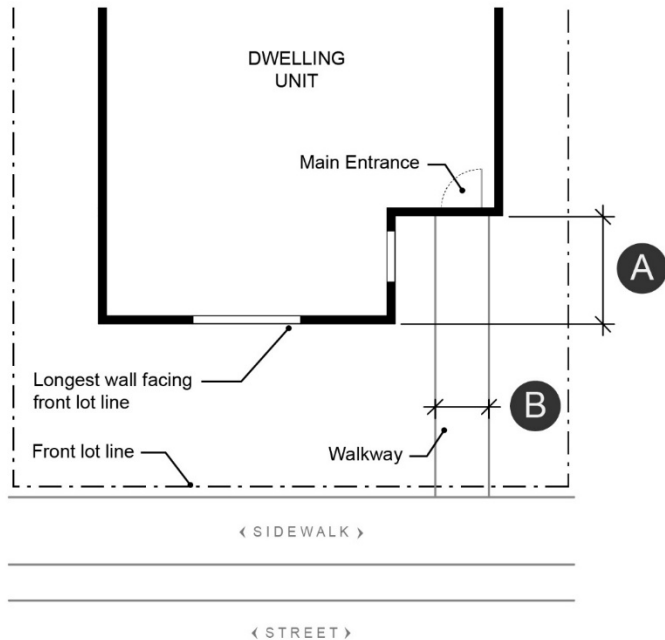
B. Exceptions. The following are exempt from these standards:

1. Any detached structure for which more than 50 percent of its street-facing façade is separated from the street lot line by:
 - a. A dwelling; or
 - b. A buildable lot with a depth of at least 20 feet measured from the street lot line.

2 – Detached Single-Unit and Duplex

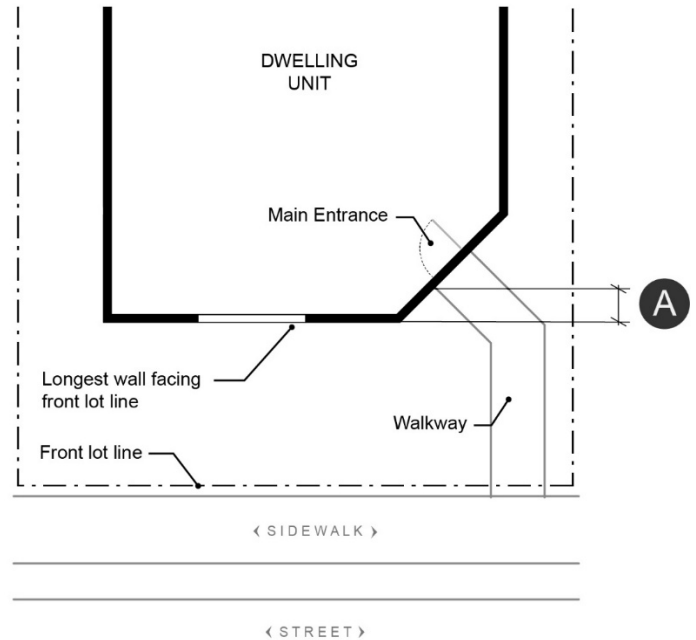
2. Accessory dwelling units.
3. Accessible or adaptable units, provided the main entrance is connected to the public sidewalk by an accessible walkway.

Figure 2.2.1.a. Main Entrance Facing the Street



- A** Maximum 8 feet from entry to longest wall facing front lot line
- B** Walkway width minimum 2 feet

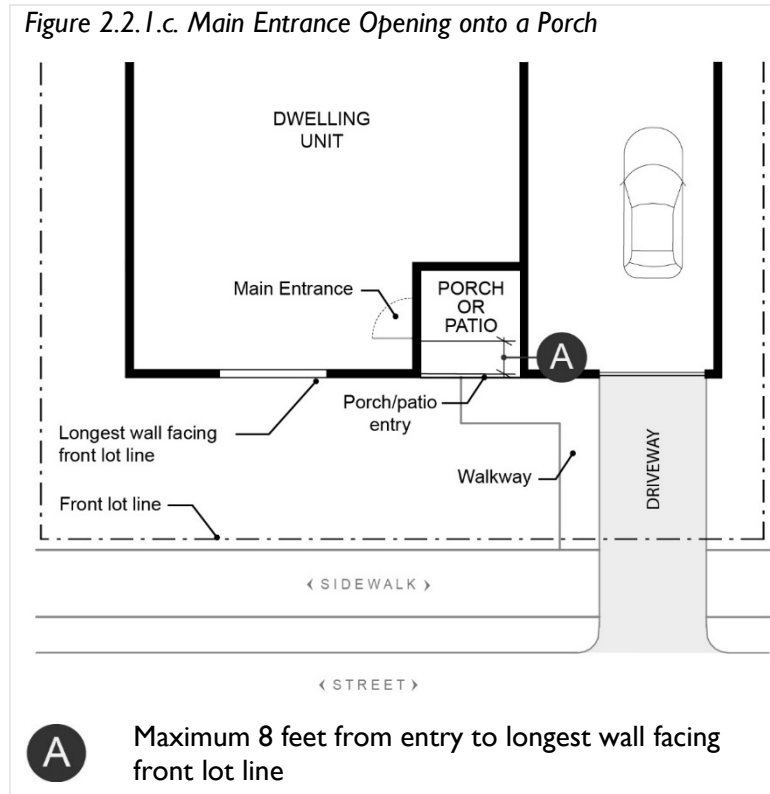
Figure 2.2.1.b. Main Entrance at 45° Angle from the Street



- A** Maximum 8 feet from entry to longest wall facing front lot line

2 – Detached Single-Unit and Duplex

Figure 2.2.1.c. Main Entrance Opening onto a Porch



2.2.2 Transitions to Residential Entrances

The following standards apply to each main entrance that is 10 feet or closer to a street lot line.

A. Standard. The main entrance must have at least two of the following within the setback:

1. A wall or fence that is 18 to 36 inches high and at least 4 feet wide.
2. Landscaping that meets the city's planting standards.
3. For each street-facing entrance, one canopy tree that is at least 1.5 inches in diameter, or at least 4 feet in height when planted, and that will achieve a mature canopy spread of at least 10 feet. An existing, retained tree may be used to meet this standard.
4. Common or private outdoor area of at least 48 square feet designed so that a 4-foot by 6-foot dimension will fit entirely within it.

B. Exceptions. None.

2 – Detached Single-Unit and Duplex

2.2.3 Windows and Doors

A. Standard.

1. Windows or pedestrian entrance doors must be provided on street-facing facades as follows:
 - a. At least one street-facing façade must have a minimum of 15 percent windows or pedestrian entrance doors.
 - b. All other street-facing facades must have a minimum of 10 percent windows or pedestrian entrance doors.
2. See Section 10.1.8 for measurement methodology.

B. Exceptions. The following facades are exempt from these standards:

1. Facades separated from the street lot line by a dwelling, or by a buildable lot with a depth of at least 20 feet measured from the street lot line.
2. Facades that are more than 40 feet from the street lot line.
3. Facades facing an alley.

2.2.4 Off-Street Parking Areas

The following standards apply to the parent lot, not child lots created by a Middle Housing Land Division.

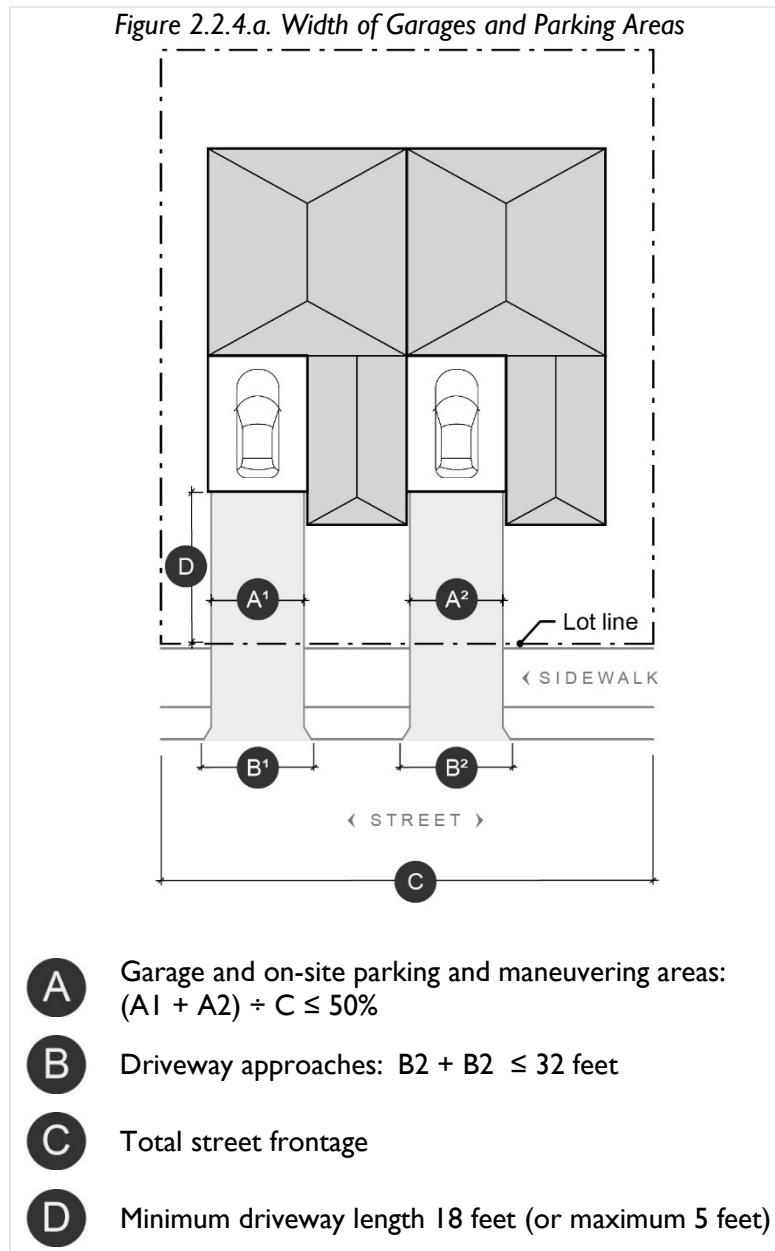
A. Standards.

1. The combined width of all garages and outdoor on-site parking and maneuvering areas, as measured at their widest dimension, shall not exceed a total of 50 percent of the street frontage (see Figure 2.2.4.a). Walkways abutting a driveway are excluded from this calculation.
2. The total width of all driveway approaches must not exceed 32 feet, as measured at the lot lines.

B. Exceptions.

1. The following are exempt from these standards:
 - a. Accessible or adaptable units.
 - b. Lots that receive vehicular access only from an alley.
2. Garages or off-street parking areas that are separated from the street lot line by a dwelling or that are more than 40 feet from the street lot line are exempt from subsection (A)(1).

2 – Detached Single-Unit and Duplex



2.3 Unit Configuration and Conversions – Duplex

2.3.1 Unit Configuration

A. Standard.

1. Duplex units may be attached to each other.
2. Duplex units may be detached where:

2 – Detached Single-Unit and Duplex

- a. The units are sited on a lot with retained units under Section 1.4;
 - b. No more than one detached unit on the lot exceeds 1,200 square feet; or
 - c. The unit(s) qualify for at least one bonus category, as provided in Chapter 8.
3. Accessory dwelling units may be attached to a single-unit dwelling or detached in accordance with Chapter 7.
4. Where units are added to a lot with a retained dwelling unit(s), pursuant to Section 1.4, one added unit with a floor area of 1,000 square feet or less may qualify as an accessory dwelling unit under the standards in Chapter 7.

B. Exceptions. None.

2.3.2 Conversions

Additions to, or conversions of, an existing detached single-unit dwelling into a duplex is allowed, provided that the addition or conversion does not increase nonconformance with applicable siting and design standards of this Model Code, unless increasing nonconformance is otherwise permitted by the city's development regulations.

3 – Triplex and Quadplex

Chapter 3 – Triplex and Quadplex

Sections:

- 3.1 Siting Standards – Triplex and Quadplex
- 3.2 Design Standards – Triplex and Quadplex
- 3.3 Unit Configuration and Conversions – Triplex and Quadplex

3.1 Siting Standards – Triplex and Quadplex

The siting standards in Table 3.1 apply to the development of a triplex or quadplex on a lot, with the following clarifications:

- A.** Standards applicable to a lot (i.e., FAR, minimum density, setbacks, and outdoor area) apply to the parent lot, not child lots created by a Middle Housing Land Division.
- B.** For qualified projects, the standards in Table 3.1 may be modified by the applicable bonuses in Chapter 8.
- C.** Per Section 1.4, retained units within middle housing development are not subject to these standards, and do not count toward maximum floor area ratio.

TABLE 3.1 SITING STANDARDS - TRIPLEX AND QUADPLEX	
Maximum Floor Area Ratio (FAR) (see Section 10.1.1)	
• 3 total dwelling units (Triplex)	1.1:1
• 4 total dwelling units (Quadplex)	1.2:1
Maximum Building/Structure Height (see Section 10.1.2)	35 ft
Minimum Density (see Section 10.1.3)	1 unit per 3,630 sf of net site area
Minimum Setbacks (see Section 10.1.4)	
• Front building setback	5 ft
• Side building setback	5 ft
• Rear building setback	5 ft
• Garage entrance setback (driveway length)	18 ft
Minimum Required Outdoor Area and Usable Open Space (see Section 10.1.5)	
• Required Outdoor Area	15% of lot area
• Usable Open Space	None
Vehicle Parking (see Section 10.1.6)	
• Minimum number of off-street spaces	1 space per triplex 2 spaces per quadplex

3 – Triplex and Quadplex

TABLE 3.1 SITING STANDARDS - TRIPLEX AND QUADPLEX	
• Maximum number of off-street spaces	None
Minimum Number of Bicycle Parking Spaces (see Section 10.1.7)	
• Long-term Spaces	None
• Short-term Spaces	None

3.2 Design Standards – Triplex and Quadplex

Except as provided in Section 1.5, the design standards in this section apply to the development of a triplex or quadplex on a lot.

3.2.1 Entry Orientation and Pedestrian Connectivity

A. Standard. At least one main entrance for each residential structure must comply with all the following standards. The entrance must:

1. Be no more than 8 feet farther from the front lot line than the structure's longest wall that faces the front lot line.
2. Meet at least one of the following:
 - a. Face the street (see Figure 3.2.1.a),
 - b. Be at an angle of up to 45 degrees from the street (see Figure 3.2.1.b);
 - c. Face a common open space that is adjacent to the street and is abutted by dwellings on at least two sides (see Figure 3.2.1.c); or
 - d. Open onto a covered porch or covered patio (see Figure 3.2.1.d). The porch or patio must:
 - i. Be at least 25 square feet in area; and
 - ii. Have at least one entrance facing the street.
3. Connect to the sidewalk by a hard-surfaced walkway other than a driveway. The walkway shall have a minimum width of 2 feet (see Figure 3.2.1.a). The walkway may abut the driveway (see Figure 3.2.1.d). Where there is no sidewalk abutting the property, the walkway shall extend to the street lot line.

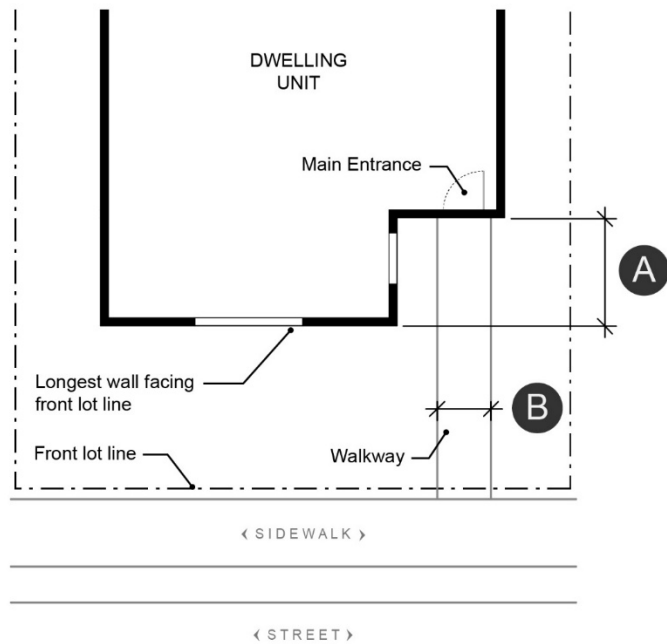
B. Exceptions. The following are exempt from these standards:

1. Any detached structure for which more than 50 percent of its street-facing facade is separated from the street lot line by:
 - a. A dwelling; or
 - b. A buildable lot with a depth of at least 20 feet measured from the street lot line.

3 – Triplex and Quadplex

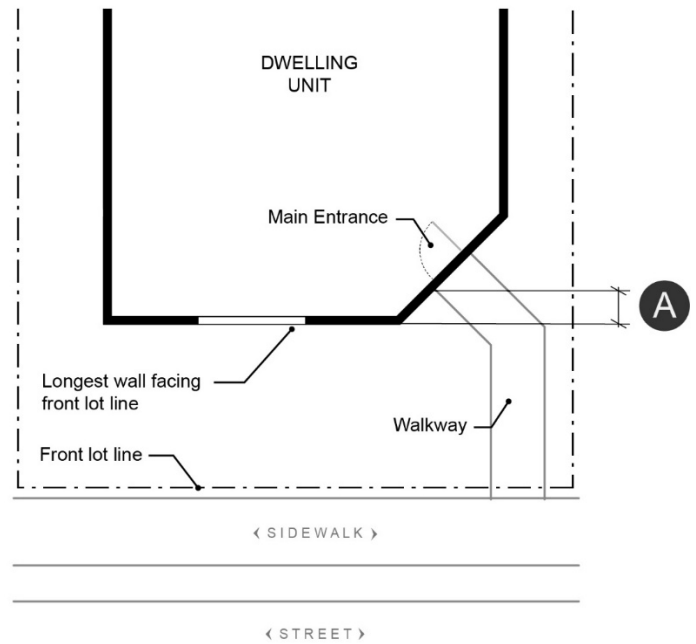
2. Accessible or adaptable units, provided the main entrance is connected to the public sidewalk by an accessible walkway.

Figure 3.2.1.a. Main Entrance Facing the Street



- A Maximum 8 feet from entry to longest wall facing front lot line
- B Walkway width minimum 2 feet

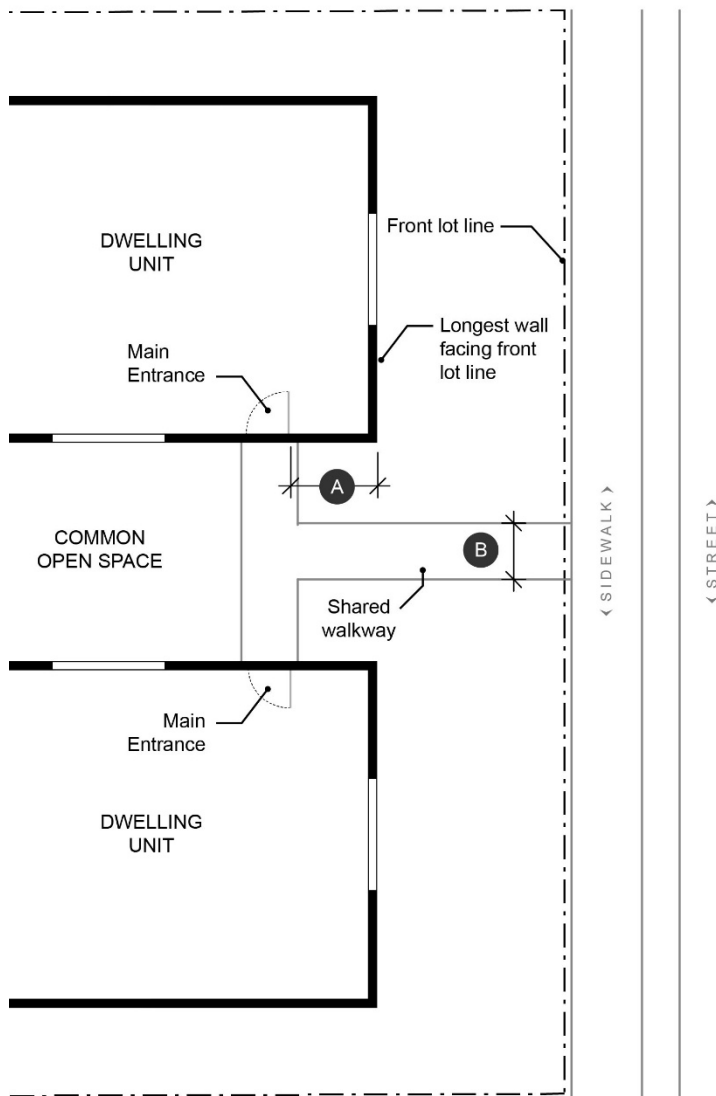
Figure 3.2.1.b. Main Entrance at 45° Angle from the Street



- A Maximum 8 feet from entry to longest wall facing front lot line

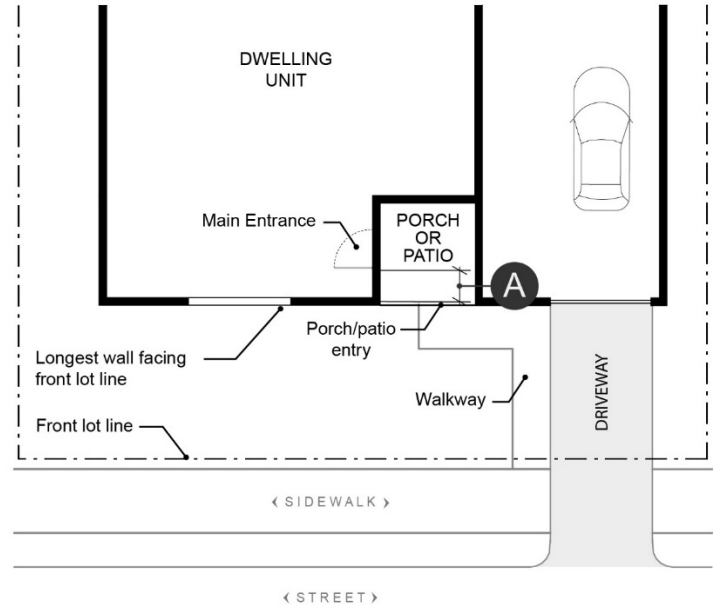
3 – Triplex and Quadplex

Figure 3.2.1.c. Main Entrance Facing Common Open Space



- A** Maximum 8 feet from entry to longest wall facing front lot line
- B** Walkway width minimum 2 feet

Figure 3.2.1.d. Main Entrance Opening onto a Porch



- A** Maximum 8 feet from entry to longest wall facing front lot line

3 – Triplex and Quadplex

3.2.2 Transitions to Residential Entrances

The following standards apply to each main entrance that is 10 feet or closer to a street lot line and provides direct access to a dwelling unit.

A. Standards. The main entrance must have at least two of the following within the setback:

1. A wall or fence that is 18 to 36 inches high and at least 4 feet wide.
2. Landscaping that meets the city's planting standards.
3. For each street-facing entrance, one canopy tree that is at least 1.5 inches in diameter, or at least 4 feet in height when planted, and that will achieve a mature canopy spread of at least 10 feet. An existing, retained tree may be used to meet this standard.
4. Common or private outdoor area of at least 48 square feet designed so that a 4-foot by 6-foot dimension will fit entirely within it.

B. Exceptions. None.

3.2.3 Windows and Doors

A. Standard.

1. Windows or pedestrian entrance doors must be provided on street-facing facades as follows:
 - a. At least one street-facing façade must have a minimum of 15 percent windows or pedestrian entrance doors.
 - b. All other street-facing facades must have a minimum of 10 percent windows or pedestrian entrance doors.
2. See Section 10.1.8 for measurement methodology.

B. Exceptions. The following facades are exempt from these standards:

1. Facades separated from the street lot line by a dwelling, or by a buildable lot with a depth of at least 20 feet measured from the street lot line.
2. Facades that are more than 40 feet from the street lot line.
3. Facades facing an alley.

3.2.4 Off-Street Parking Areas

The following standards apply to the parent lot, not child lots created by a Middle Housing Land Division.

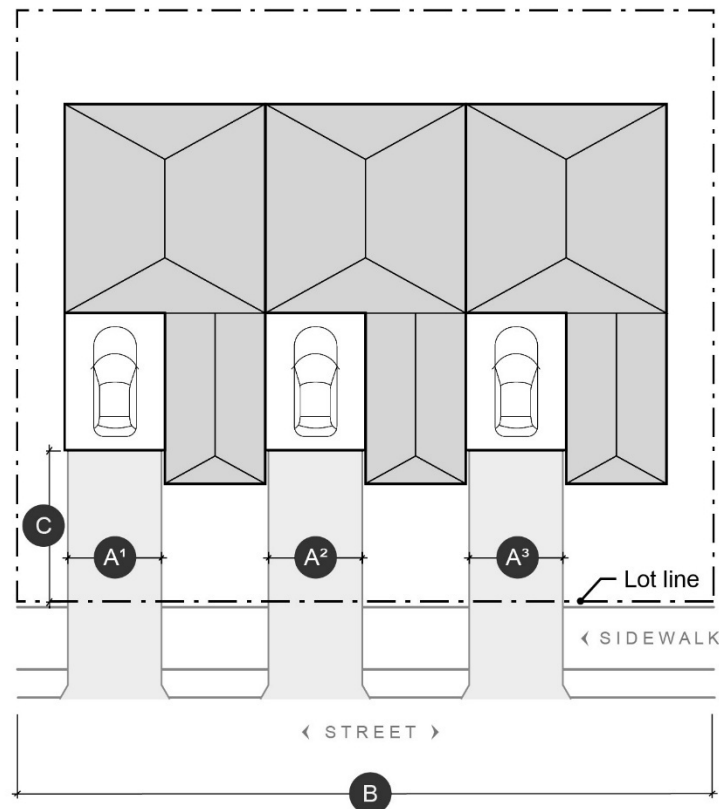
A. Standard. The combined width of all garages and outdoor on-site parking and maneuvering areas, as measured at their widest dimension, shall not exceed a total of 50 percent of the street frontage (see Figure 3.2.4.a). Walkways abutting a driveway are excluded from this calculation.

B. Exceptions. The following are exempt from these standards:

3 – Triplex and Quadplex

1. Accessible or adaptable units.
2. Lots that receive vehicular access from an alley.
3. Garages or off-street parking areas that are separated from the street lot line by a dwelling.

Figure 3.2.4.a. Width of Garages and Parking Areas



- A** Garage and on-site parking and maneuvering areas: $(A1 + A2 + A3) \div B \leq 50\%$
- B** Total street frontage
- C** Minimum driveway length 18 feet (or maximum 5 feet)

3 – Triplex and Quadplex

3.2.5 Driveway Approach

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

1. The total width of all driveway approaches must not exceed 32 feet per frontage, as measured at the lot line (see Figures 3.2.5.a and 3.2.5.c). For lots with more than one frontage, see subsection (3).
2. Driveway approaches may be separated when located on a local street (see Figure 3.2.5.a). If approaches are separated, they must meet the city's driveway spacing standards applicable to local streets.
3. In addition, lots with more than one frontage must comply with the following:
 - a. Lots must access the street with the lowest transportation classification for vehicle traffic. For lots abutting an alley that meets the city's standards for width and pavement, access must be taken from the alley (see Figure 3.2.5.b).
 - b. Lots with frontages only on collectors or arterial streets must meet the city's access standards applicable to collectors or arterials.
 - c. Triplexes and quadplexes on lots with frontages only on local streets may have either:
 - i. Two driveway approaches not exceeding 32 feet in total width on one frontage (see Figure 3.2.5.d); or
 - ii. One maximum 16-foot-wide driveway approach per frontage (see Figure 3.2.5.e).

B. Exceptions. Accessible or adaptable units are exempt from the standards in subsections (A)(1) and (A)(3)(c).

3 – Triplex and Quadplex

Figure 3.2.5.a. Driveway Approach Width and Separation on Local Street

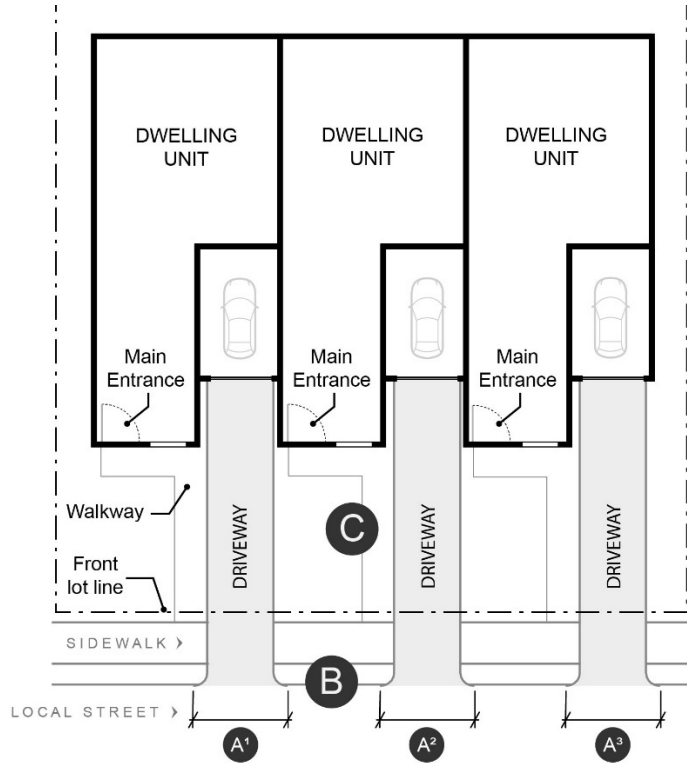
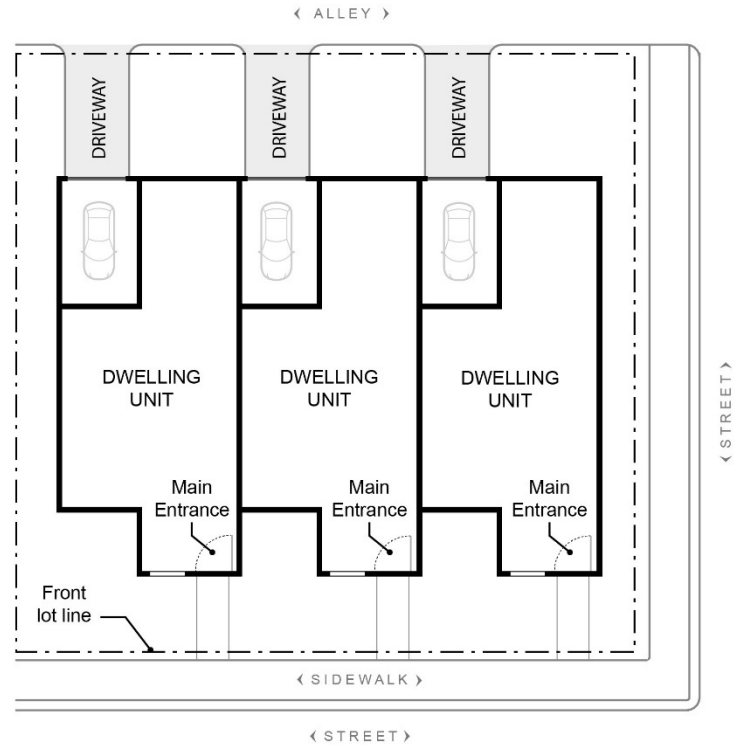


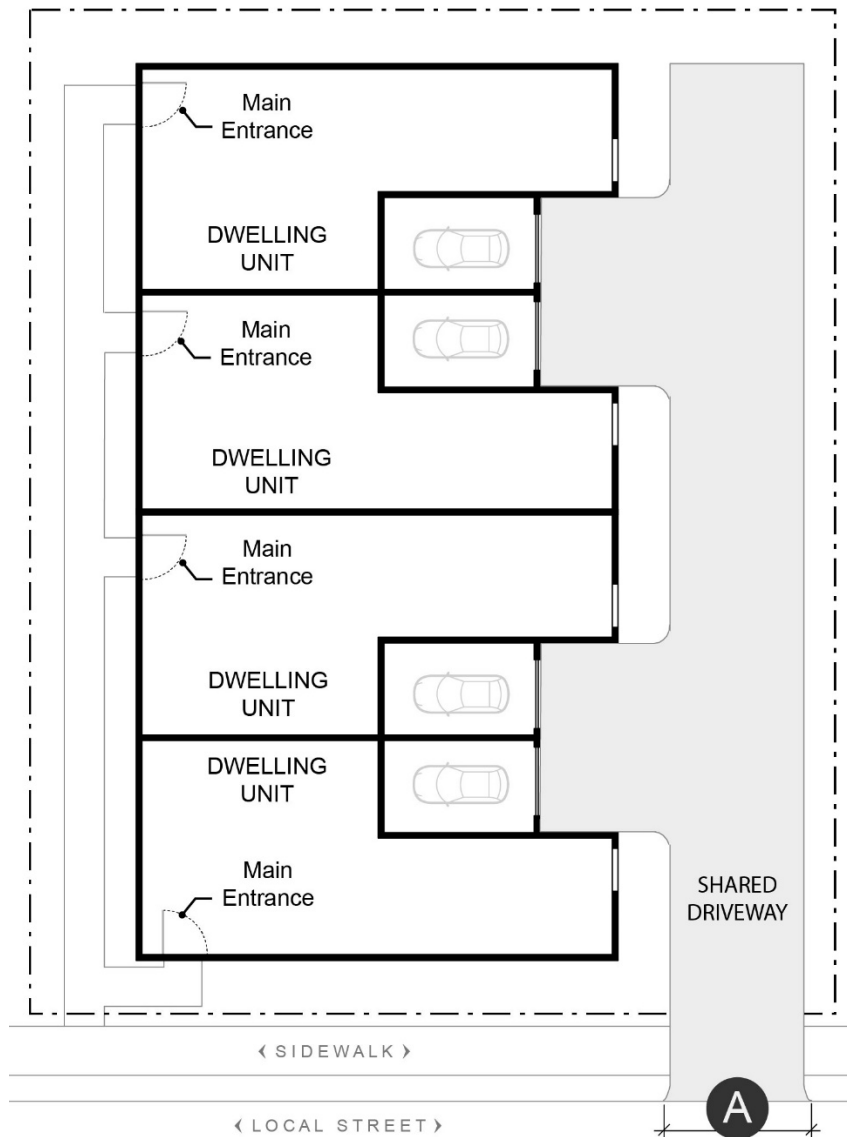
Figure 3.2.5.b. Alley Access



- A** $A^1 + A^2 + A^3 \leq 32$ feet
- B** Driveway approaches must meet separation standards for a local street.
- C** Walkway may abut driveway

3 – Triplex and Quadplex

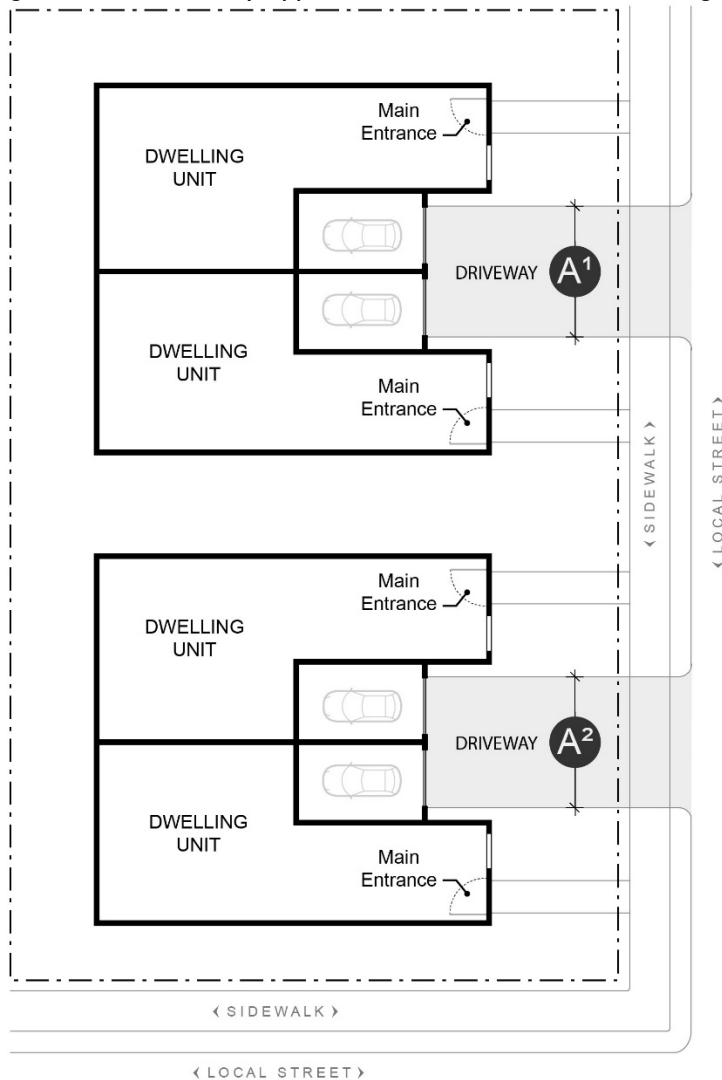
Figure 3.2.5.c. Driveway Approach Width on Local Street – Shared Driveway



- A** Maximum width of driveway approach(es) 32 feet

3 – Triplex and Quadplex

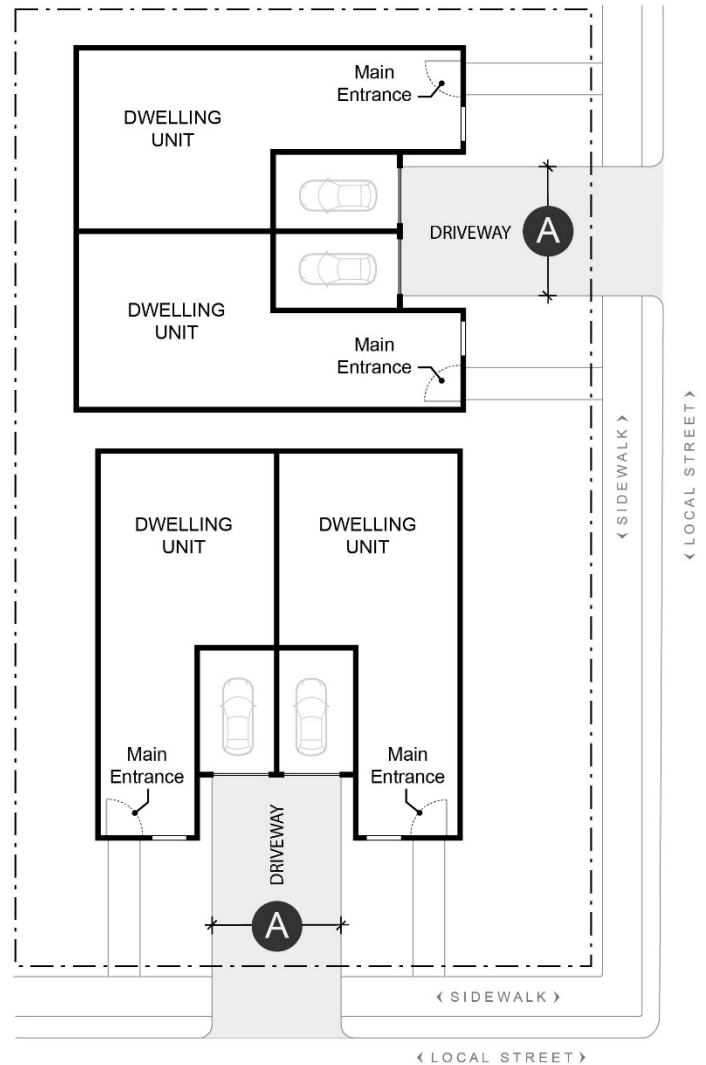
Figure 3.2.5.d. Driveway Approaches on One Local Street Frontage



A

One maximum 16-foot-wide driveway approach per frontage

Figure 3.2.5.e. Driveway Approaches on Two Local Street Frontages



A

Two driveway approaches on one frontage:
 $A^1 + A^2 \leq 32$ feet

3 – Triplex and Quadplex

3.2.6 Trash Storage

- A. Standard.** Shared storage facilities for trash and recycling receptacles that are located within 20 feet of a street lot line or a lot line abutting residential property shall meet the following standards:
1. The storage facility shall be screened from street lot lines and abutting residential properties by a wall, solid fence, or evergreen hedge. Except as specified in subsection (3), the screen must be at least 4 feet in height and located no more than 3 feet from the storage facility.
 2. The storage facility must be separated from the street lot line by at least 5 feet.
 3. For lot lines abutting residential properties, the storage facility must either be setback from the lot line by at least 5 feet, or the screen facing the lot line must be at least 6 feet in height.
- B. Exceptions.** Trash and recycling receptacles stored within a building are exempt from these standards.

3.3 Unit Configuration and Conversions – Triplex and Quadplex

3.3.1 Unit Configuration

- A. Standard.**
1. The units in a triplex or quadplex may be attached to each other.
 2. The units in a triplex or quadplex may be detached where:
 - a. The units are sited on a lot with retained units under Section 1.4;
 - b. No more than one detached unit on the lot exceeds 1,200 square feet; or
 - c. The unit(s) qualify for at least one bonus category, as provided in Chapter 8.
- B. Exceptions.** None.

3.3.2 Conversions

Additions to, or conversions of, an existing detached single-unit dwelling or duplex into a triplex or quadplex is allowed, provided that the addition or conversion does not increase nonconformance with applicable standards of this Model Code, unless increasing nonconformance is otherwise permitted by the city's development regulations.

4 – Townhouse

Chapter 4 – Townhouse

Sections:

4.1 Siting Standards – Townhouse

4.2 Design Standards – Townhouse

4.1 Siting Standards – Townhouse

The siting standards in Table 4.1 apply to Townhouses, with the following clarifications:

- A.** FAR, minimum density, and outdoor area standards are calculated based on a townhouse site, not each townhouse lot (refer to the “site” definition in Section 10.2).
- B.** For qualified projects, the standards in Table 4.1 may be modified by the applicable bonuses in Chapter 8.
- C.** Per Section 1.4, retained units within middle housing development are not subject to these standards, and do not count toward maximum floor area ratio.

TABLE 4.1 SITING STANDARDS - TOWNHOUSE	
Maximum Floor Area Ratio (FAR) (see Section 10.1.1)	1.2:1
Maximum Building/Structure Height (see Section 10.1.2)	35 ft
Maximum Number of Attached Townhouses per Structure	6 Townhouses
Minimum Density (see Section 10.1.3)	1 unit per 3,630 sf of net site area
Minimum Setbacks (see Section 10.1.4)	
• Front building setback	5 ft
• Common wall setback (along lot line where units are attached)	0 ft
• Side building setback	5 ft
• Rear building setback	5 ft
• Garage entrance setback (driveway length)	18 ft (or max. 5 ft)
Minimum Required Outdoor Area and Usable Open Space (see Section 10.1.5)	
• Required Outdoor Area	15% of site area
• Usable Open Space	None
Vehicle Parking (see Section 10.1.6)	
• Minimum number of off-street spaces	1 space per unit
• Maximum number of off-street spaces	None
Minimum Number of Bicycle Parking Spaces (see Section 10.1.7)	

4 – Townhouse

TABLE 4.1 SITING STANDARDS - TOWNHOUSE	
• Long-term Spaces	None
• Short-term Spaces	None
Areas Owned in Common Common areas must be maintained by a homeowners association or other legal entity. Such legal entity may also be responsible for exterior building maintenance. A copy of any applicable covenants, restrictions and conditions must be recorded and provided to the city prior to issuance of a building permit.	

4.2 Design Standards – Townhouse

Except as provided in Section 1.5, the design standards in this section apply to the development of townhouses.

4.2.1 Entry Orientation and Pedestrian Connectivity

A. Standard. A main entrance to each townhouse must comply with all the following standards (see Figure 4.2.1.a). The entrance must:

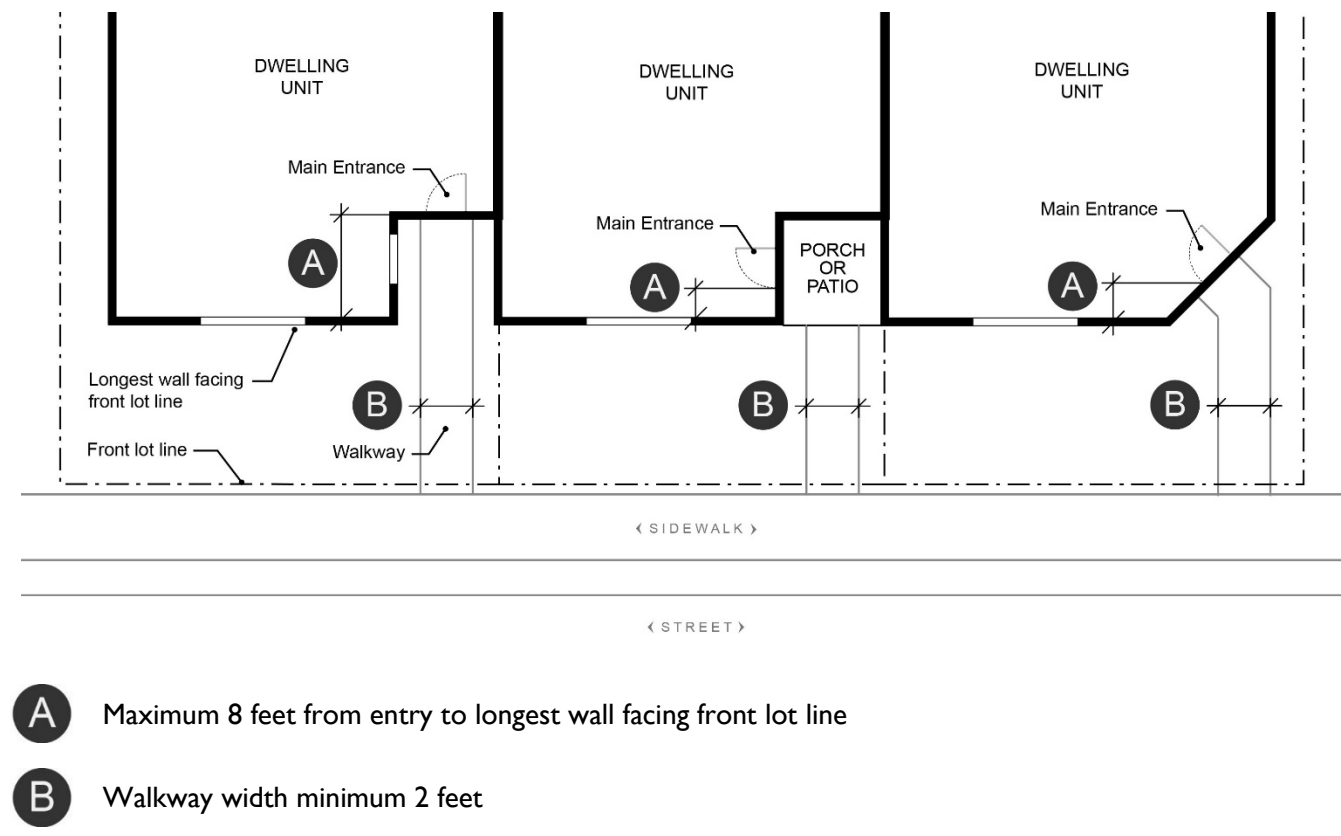
1. Be no more than 8 feet farther from the front lot line than the dwelling unit's longest wall that faces the front lot line.
2. Meet at least one of the following:
 - a. Face the street,
 - b. Be at an angle of up to 45 degrees from the street; or
 - c. Open onto a covered porch or covered patio. The porch or patio must:
 - i. Be at least 25 square feet in area; and
 - ii. Have at least one entrance facing the street.
3. Connect to the sidewalk by a hard-surfaced walkway other than the driveway. The walkway shall have a minimum width of 2 feet. The walkway may abut the driveway. Where there is no sidewalk abutting the property, the walkway shall extend to the street lot line.

B. Exceptions. The following are exempt from these standards:

1. Townhouses on townhouse lots that do not have public street frontage.
2. Townhouses with ground levels that are designed as accessible or adaptable, provided the main entrance is connected to the public sidewalk by an accessible walkway.

4 – Townhouse

Figure 4.2.1.a. Main Entrance Facing the Street, at 45° Angle, or Opening onto a Porch



4.2.2 Transitions to Residential Entrances

The following standards apply to each main entrance that is 10 feet or closer to a street lot line.

A. Standards. The main entrance must have at least two of the following within the setback:

1. A wall or fence that is 18 to 36 inches high and at least 4 feet wide.
2. Landscaping that meets the city's planting standards.
3. For each street-facing entrance, one canopy tree that is at least 1.5 inches in diameter, or at least 4 feet in height when planted, and that will achieve a mature canopy spread of at least 10 feet. An existing, retained tree may be used to meet this standard.
4. Common or private outdoor area of at least 48 square feet designed so that a 4-foot by 6-foot dimension will fit entirely within it.

B. Exceptions. None.

4 – Townhouse

4.2.3 Windows and Doors

A. Standard.

1. Windows or pedestrian entrance doors must be provided on street-facing facades on each individual unit as follows:
 - a. At least one street-facing façade must have a minimum of 15 percent windows or pedestrian entrance doors.
 - b. All other street-facing facades must have a minimum of 10 percent windows or pedestrian entrance doors.
2. See Section 10.1.8 for measurement methodology.

B. Exceptions. The following facades are exempt from these standards:

1. Facades separated from the street lot line by a dwelling, or by a buildable lot with a depth of at least 20 feet measured from the street lot line.
2. Facades that are more than 40 feet from the street lot line.
3. Facades facing an alley.

4.2.4 Driveway Access and Parking

A. Standard. Townhouse lots with frontage on a public street shall either meet the standards in subsection (1) or subsection (2). Townhouse lots without frontage on a public street are subject to subsection (3).

1. Where garage entrances, off-street parking areas, or driveways are located between a townhouse and a public street (other than an alley), the following standards shall be met (see Figure 4.2.4.a).
 - a. The townhouse lot shall have at least 15 feet of street frontage on a local street.
 - b. A maximum of one driveway approach is allowed for every townhouse. Driveway approaches or driveways may be shared.
 - c. On each townhouse lot, the width of the following features shall not exceed 12 feet, or 60 percent of the lot frontage width, whichever is less:
 - i. Outdoor on-site parking and maneuvering areas; and
 - ii. Garages, as measured from the inside of the garage door frame.
 - d. This standard does not supersede a city's driveway separation standards.
2. For all other configurations of driveway access and parking, the following standards shall be met.

4 – Townhouse

- a. A townhouse project that includes a corner lot shall take access from a single driveway approach on the side of the corner lot. See Figure 4.2.4.b.
 - b. Townhouse projects that do not include a corner lot shall consolidate access for all lots into a single driveway. See Figure 4.2.4.c.
 - c. A townhouse project that includes consolidated access or shared driveways shall grant access easements to allow normal vehicular access and emergency access. Driveway and approach widths are subject to the city's public works standards.
3. Townhouse lots that do not have public street frontage may be accessed from a shared driveway located within an access easement or tract that allows normal vehicular access and emergency access. See Figure 4.2.4.d.

B. Exceptions.

1. Townhouse projects in which vehicular access for all units is exclusively from a rear alley are exempt from these standards.
2. Townhouses with ground levels that are designed as accessible or adaptable are exempt from subsection (A)(1)(c).

4.2.5 Trash Storage

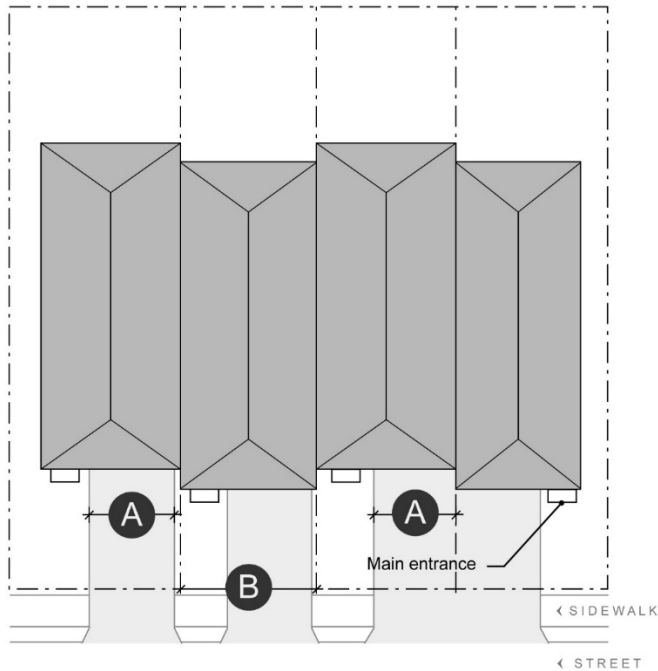
A. Standard. Shared storage facilities for trash and recycling receptacles that are located within 20 feet of a street lot line or a lot line abutting residential property shall meet the following standards:

1. The storage facility shall be screened from street lot lines and abutting residential properties by a wall, solid fence, or evergreen hedge. Except as specified in subsection (3), the screen must be at least 4 feet in height and located no more than 3 feet from the storage facility.
2. The storage facility must be separated from the street lot line by at least 5 feet.
3. For lot lines abutting residential properties, the storage facility must either be setback from the lot line by at least 5 feet, or the screen facing the lot line must be at least 6 feet in height.

B. Exceptions. Trash and recycling receptacles stored within a building are exempt from these standards.

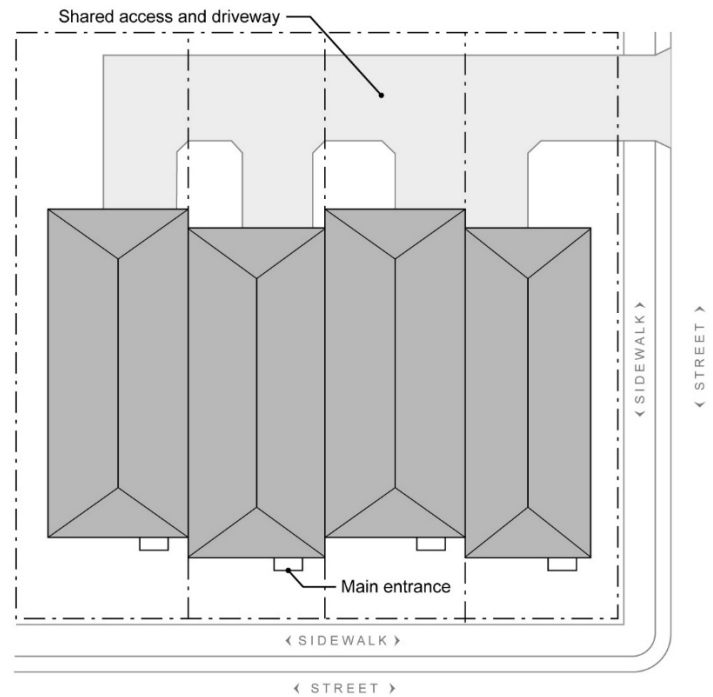
4 – Townhouse

Figure 4.2.4.a. Townhouses with Parking in Front Yard



- A** Maximum width of driveway, parking or maneuvering area, or garage: 12 feet or 60% of lot frontage width, whichever is less
- B** Minimum 15 feet of street frontage

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



4 – Townhouse

Figure 4.2.4.c. Townhouses with Consolidated Access

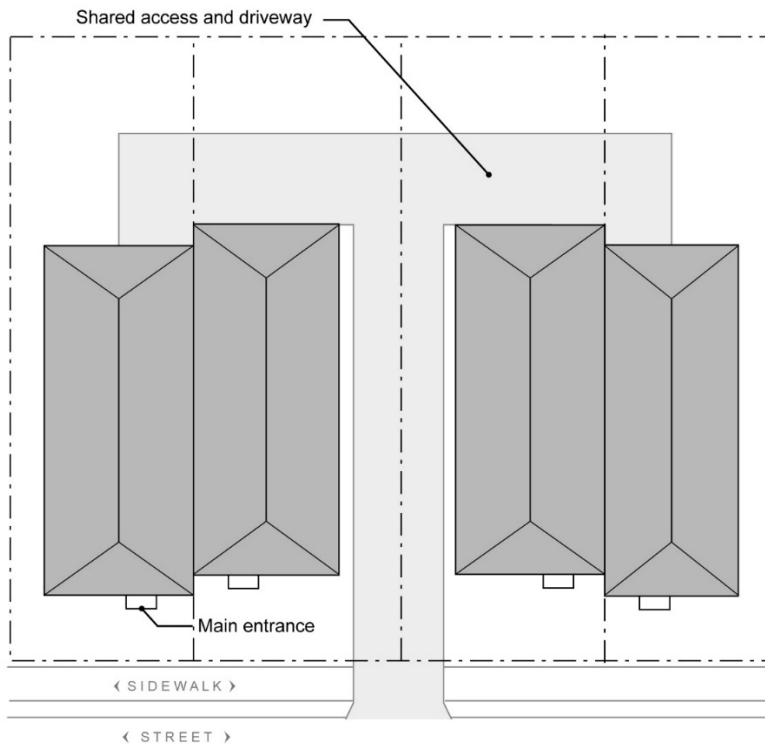
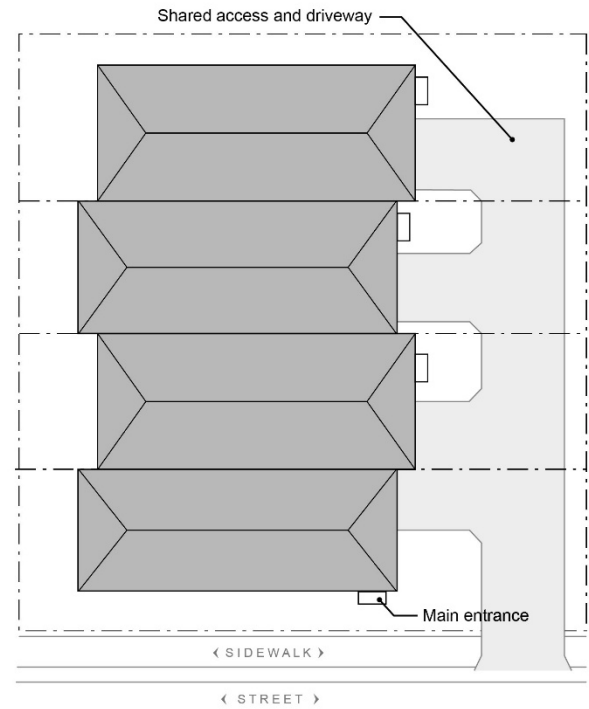


Figure 4.2.4.d. Townhouses with Access from Shared Driveway and Access Easement/Tract



5 – Cottage Cluster

Chapter 5 – Cottage Cluster

Sections:

- 5.1 Siting Standards – Cottage Cluster
- 5.2 Design Standards - Cottage Cluster

5.1 Siting Standards – Cottage Cluster

The siting standards in Table 5.1 apply to the development of a cottage cluster, with the following clarifications:

- A.** Standards applicable to a lot (i.e., minimum density, setbacks, and outdoor area) apply to the parent lot, not child lots created by a Middle Housing Land Division.
- B.** For qualified projects, the standards in Table 5.1 may be modified by the applicable bonuses in Chapter 8.
- C.** Per Section 1.4, retained units within middle housing development are not subject to these standards.

TABLE 5.1 SITING STANDARDS - COTTAGE CLUSTER	
Maximum Number of Cottages per Cottage Cluster	10 cottages
Maximum Floor Area Ratio (FAR) (see Section 10.1.1)	None
Average Cottage Size. Based on average floor area of all cottages and community buildings within the cottage cluster (see Section 10.1.1).	1,400 sf or less
Average Cottage Footprint	
• Average of cottages with height of 15 feet or less	1,400 sf or less
• Average of cottages with height over 15 feet	900 sf or less
Maximum Building/Structure Height (see Section 10.1.2)	25 ft
Minimum Density (see Section 10.1.3)	1 unit per 3,630 sf of net site area
Minimum Setbacks (see Section 10.1.4)	
• Front building setback	5 ft
• Side building setback	5 ft
• Rear building setback	5 ft
• Garage entrance setback (driveway length)	18 ft (or max. 5 ft)
Minimum Required Open Space - Courtyard (see Section 5.2.2)	150 sf per cottage
Vehicle Parking (see Section 10.1.6)	
• Minimum number of off-street spaces	1 space per unit
• Maximum number of off-street spaces	None
Minimum Number of Bicycle Parking Spaces (see Section 10.1.7)	

5 – Cottage Cluster

TABLE 5.1 SITING STANDARDS - COTTAGE CLUSTER	
• Long-term Spaces	None
• Short-term Spaces	None
Areas Owned in Common Common areas must be maintained by a homeowners association or other legal entity. Such legal entity may also be responsible for exterior building maintenance. A copy of any applicable covenants, restrictions and conditions must be recorded and provided to the city prior to issuance of a building permit.	

5 – Cottage Cluster

5.2 Design Standards – Cottage Cluster

Except as provided in Section 1.5, the design standards in this section apply to the development of cottage clusters.

5.2.1 Cottage Orientation

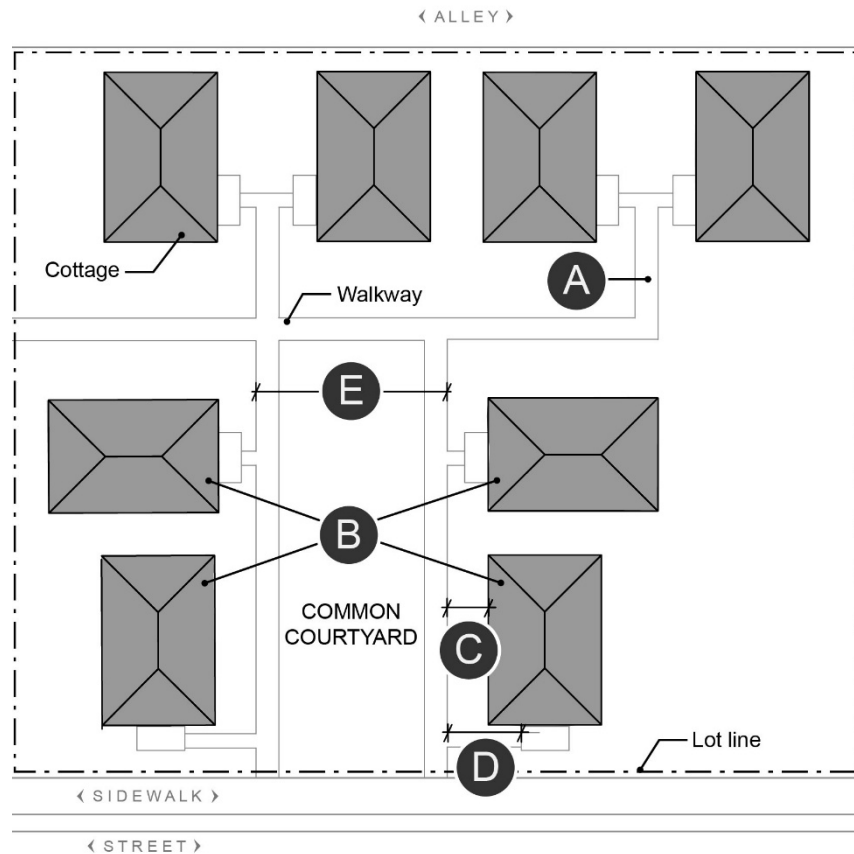
- A. Standard.** Cottages must be clustered around a common courtyard, as demonstrated by meeting the following standards (see Figure 5.2.2.a):
1. Each cottage within a cluster must have a main entrance that is directly connected to the common courtyard by a pedestrian walkway.
 2. A minimum of 50 percent of cottages within a cluster must:
 - a. Be within 10 feet from the common courtyard, measured from the nearest façade of the cottage to the nearest edge of the common courtyard; and
 - b. Have a main entrance that either faces the common courtyard or is no more than 20 feet from the common courtyard.
 3. Cottages must abut the common courtyard on at least two sides of the courtyard.
- B. Exceptions.** An existing dwelling or dwellings included within a cottage cluster pursuant to Section 5.2.8 may be excluded from the calculation of cottages oriented toward the common courtyard at the applicant's option.

5.2.2 Common Courtyard Design Standards

- A. Standard.** Each cottage cluster must share a common courtyard that meets the following standards (see Figure 5.2.2.a):
1. The common courtyard must be a single, contiguous piece.
 2. The common courtyard must be a minimum of 15 feet wide at its narrowest dimension and must meet the minimum area standard in Table 5.1.
 3. The common courtyard shall be developed with a mix of landscaping, lawn area, pedestrian walkways, or paved courtyard area, and may also include recreational amenities. Impervious elements of the common courtyard shall not exceed 75 percent of the total common courtyard area.
 4. Common courtyards must include pedestrian walkways. Walkways that are contiguous to a courtyard shall count toward the courtyard's minimum dimension and area. Parking areas, required setbacks, and driveways do not qualify as part of a common courtyard.
- B. Exceptions.** None.

5 – Cottage Cluster

Figure 5.2.2.a. Cottage Cluster Orientation and Common Courtyard Standards



- A** All cottages connected to courtyard by walkway.
- B** Minimum 50% of cottages meet the orientation requirements illustrated by **C** and **D**.
- C** Maximum 10 feet from cottage to courtyard.
- D** Maximum 20 feet from entry to courtyard.
- E** Minimum 15 feet width at narrowest dimension.

5 – Cottage Cluster

5.2.3 Community Buildings

- A. Standard.** Cottage cluster projects may include community buildings for the shared use of residents that provide space for accessory uses such as community meeting rooms, guest housing, exercise rooms, day care, or community eating areas. Community buildings must meet the following standards:
1. Each cottage cluster is permitted one community building, which shall count towards the maximum average cottage size, pursuant to Table 5.1.
 2. Community buildings shall not include individual storage spaces for residents. However, storage areas for shared equipment or supplies is permitted.
- [Recommended: 3. If a community building meets the definition of a dwelling unit and has a footprint that exceeds the maximum footprint in Table 5.1 or would exceed the maximum number of cottages in a cottage cluster, a covenant must be recorded against the property stating that the structure is not a legal dwelling unit and will not be used as a primary dwelling.]
- B. Exceptions.** None.

5.2.4 Pedestrian Access

- A. Standard.**
1. A walkway must connect the main entrance of each cottage to the following:
 - a. The common courtyard;
 - b. Shared parking areas;
 - c. Community buildings; and
 - d. Sidewalks in public rights-of-way abutting the lot or rights-of-way if there are no sidewalks.
 2. The walkway must be hard-surfaced and a minimum of 4 feet wide.
 3. An accessible walkway must connect the main entrance of each accessible or adaptable unit to:
 - a. A sidewalk abutting the lot, or a right-of-way if there is no sidewalk; and
 - b. At least one ADA parking space, if provided.
- B. Exceptions.** None.

5.2.5 Windows and Doors

- A. Standards.** Cottages within 20 feet of a street lot line must meet the following standards:
1. At least one street-facing façade must have a minimum of 15 percent windows or pedestrian entrance doors.
 2. All other street-facing facades must have a minimum of 10 percent windows or pedestrian entrance doors.

5 – Cottage Cluster

3. See Section 10.1.8 for measurement methodology.

B. Exceptions. The following facades are exempt from these standards:

1. Facades separated from the street lot line by a dwelling, or by a buildable lot with a depth of at least 20 feet measured from the street lot line.
2. Facades facing an alley.

5.2.6 Parking Design

A. Standards. (see Figure 5.2.6.a).

1. Clustered parking. Off-street parking may be arranged in clusters, subject to the following standards:
 - a. Cottage cluster projects with fewer than 16 cottages are permitted parking clusters of not more than 5 contiguous spaces.
 - b. Cottage cluster projects with 16 cottages or more are permitted parking clusters of not more than 8 contiguous spaces.
 - c. Parking clusters must be separated from other spaces by at least 4 feet of landscaping.
 - d. Clustered parking areas may be covered.
2. Parking location and access.
 - a. Off-street parking spaces and vehicle maneuvering areas shall not be located:
 - i. Within of 20 feet of any street lot line, except alley lot lines; or
 - ii. Between a street lot line and the front façade of cottages located closest to the street lot line. This standard does not apply to alleys.
 - b. Off-street parking spaces shall not be located within 10 feet of any other lot line, except alley lot lines. Driveways and drive aisles are permitted within 10 feet of other lot lines.
3. Screening. Landscaping, fencing, or walls at least 3 feet tall shall separate clustered parking areas and parking structures from common courtyards and public streets.
4. Garages and carports.
 - a. Garages and carports (whether shared or individual) must not abut common courtyards.
 - b. Individual attached garages up to 200 square feet shall be exempted from the calculation of maximum building footprint for cottages.
 - c. Individual detached garages must not exceed 400 square feet in floor area.
 - d. Garage doors for attached and detached individual garages must not exceed 20 feet in width.

B. Exceptions. None.

5 – Cottage Cluster

5.2.7 Accessory Structures

- A. Standard.** Accessory structures (excluding community buildings) must not exceed 400 square feet in floor area.
- B. Exceptions.** None.

5.2.8 Existing Structures

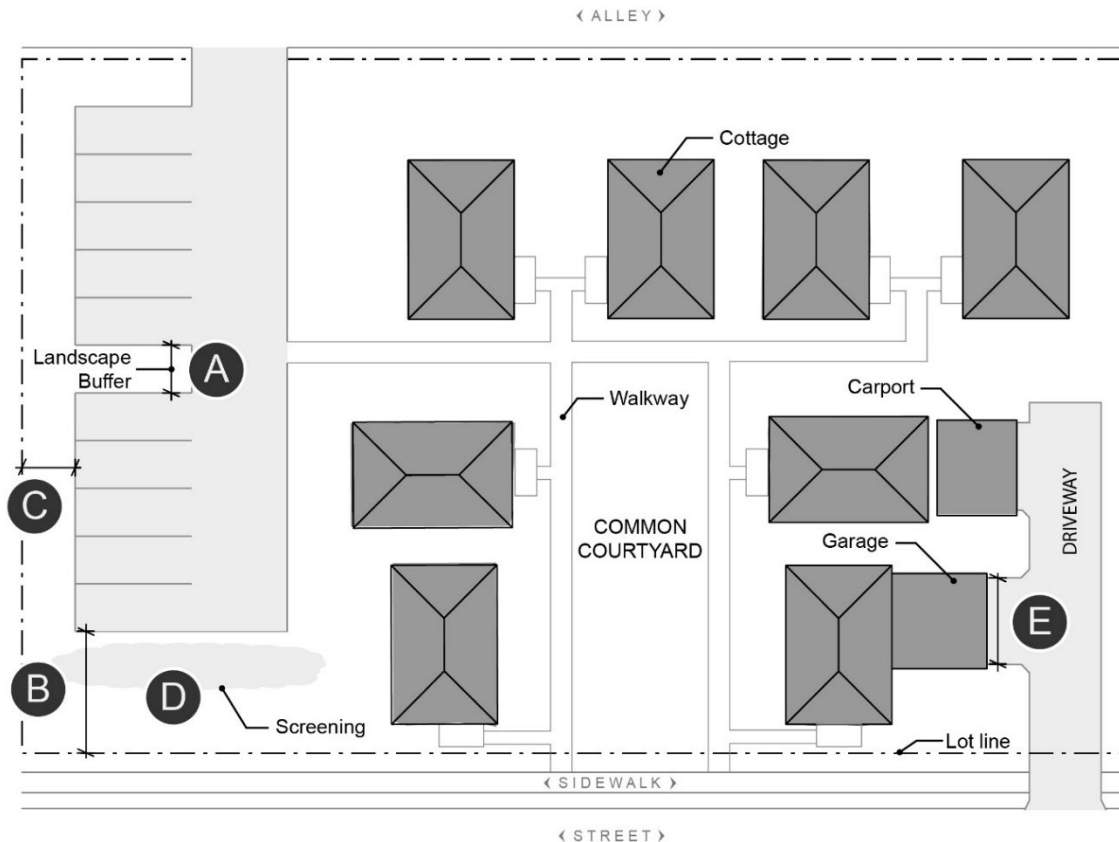
- A. Standard.** On a lot to be used for a cottage cluster project, existing units retained under Section 1.4 may remain within the cottage cluster project area under the following conditions:
 - 1. The retained unit(s) may be nonconforming with respect to the requirements of this code.
 - 2. The retained unit(s) may be expanded up to the maximum height or the maximum building footprint in Table 5.1; however, retained units that exceed the maximum height or footprint of this code may not be expanded.
 - 3. An applicant may choose to exclude the floor area of the retained unit(s) when calculating the average cottage size of a cottage cluster.
- B. Exceptions.** None.

5.2.9 Trash Storage

- A. Standard.** Shared storage facilities for trash and recycling receptacles that are located within 20 feet of a street lot line or a lot line abutting residential property shall meet the following standards:
 - 1. The storage facility shall be screened from street lot lines and abutting residential properties by a wall, solid fence, or evergreen hedge. Except as specified in subsection (3), the screen must be at least 4 feet in height and located no more than 3 feet from the storage facility.
 - 2. The storage facility must be separated from the street lot line by at least 5 feet.
 - 3. For lot lines abutting residential properties, the storage facility must either be setback from the lot line by at least 5 feet, or the screen facing the lot line must be at least 6 feet in height.
- B. Exceptions.** Trash and recycling receptacles stored within a building are exempt from these standards.

5 – Cottage Cluster

Figure 5.2.6.a. Cottage Cluster Parking Design Standards



- A** Parking clusters separated by minimum 4 feet of landscaping.
- B** No parking within 20 feet of street lot line.
- C** No parking within 10 feet of lot line other than street or alley.
- D** Screening required between parking areas or parking structures and public streets or common courtyards.
- E** Maximum 20 feet garage door width.

6 – Multi-Unit Housing

Chapter 6 – Multi-Unit Housing

Sections:

6.1 Siting Standards – Multi-Unit Housing

6.2 Design Standards – Multi-Unit Housing

6.1 Siting Standards – Multi-Unit

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

TABLE 6.1 SITING STANDARDS - MULTI-UNIT	
Maximum Floor Area Ratio (FAR) (see Section 10.1.1)	
• Site size: less than 20,000 sf	2:1
• Site size: 20,000 sf to 50,000 sf	1.5:1
• Site size: greater than 50,000 sf	1:1
Maximum Building/Structure Height (see Section 10.1.2)	40 feet
Minimum Density (see Section 10.1.3)	1 unit per 2,178 sf of net site area
Minimum Setbacks (see Section 10.1.4)	
• Front building setback	5 ft
• Side building setback	5 ft
• Rear building setback	5 ft
• Garage entrance setback (driveway length)	18 ft
Minimum Required Outdoor Area and Usable Open Space (see Sections 6.2.6 and 10.1.5)	
• Required Outdoor Area	15% of site area
• Usable Open Space	See Section 6.2.6
Vehicle Parking (see Section 10.1.6)	
• Minimum number of off-street spaces	0.5 spaces per unit
• Maximum number of off-street spaces	
○ Studio Unit	1.2 spaces per unit
○ Non-Studio Unit	2.0 spaces per unit
Minimum Number of Bicycle Parking Spaces (see Section 10.1.7)	
• Long-term Spaces	0.5 spaces per unit

6 – Multi-Unit Housing

TABLE 6.1 SITING STANDARDS - MULTI-UNIT	
<ul style="list-style-type: none"> Short-term Spaces 	2.0 spaces per site, or 1.0 space per 20 units, whichever is greater

6.2 Design Standards – Multi-Unit

The design standards in this section apply to the development of multi-unit housing. In sections 6.2.2 and 6.2.8, townhouse style multi-unit housing is subject to different standards than other forms of multi-unit housing. Townhouse style developments are those in which the units have individual ground floor entries, share one or more common walls with one or more other units, and do not share common floors/ceilings with another unit.

6.2.1 Entry Orientation – Non-Townhouse Style

Multi-unit housing other than townhouse style development is subject to the following standards.

A. Standards.

- I. At least one building façade containing a main entrance to a building must be located within 20 feet of a street lot line. If the site abuts more than one street, the building façade meeting this standard must be located in accordance with the following hierarchy:
 - a. Except as provided in (c), if transit is available on one or more abutting streets, within 20 feet of the street lot line of the street with the highest level of transit service.
 - b. Except as provided in (c), if none of the abutting streets have transit service, then within 20 feet of the street lot line of the street with the highest classification in the city's adopted Transportation System Plan (or in the applicable functional classification map or public works or engineering standards).
 - c. In the following circumstances, the applicant may choose the street-facing façade that will contain the main entrance:
 - i. The abutting streets have equal levels of transit service and equal street classifications; or
 - ii. The highest transit service street or highest classification street is an arterial street that includes 4 or more travel lanes designed for through movement of vehicles.
2. The main entrance meeting standard (A)(I), must:
 - a. Be no more than 8 feet farther from the front lot line than the structure's longest wall that faces the front lot line.
 - b. Meet at least one of the following:
 - i. Face the street;

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- ii. Be at an angle of up to 45 degrees from the street;
 - iii. Face a courtyard, provided the courtyard is no less than 15 feet in width and abuts the street; or
 - iv. Open onto a covered porch or covered patio that is at least 25 square feet in area.
- c. Connect to the sidewalk by an accessible walkway in conformance with Section 6.2.4(A)(2). Where there is no sidewalk abutting the property, the walkway shall extend to the street lot line.

B. Exception. If a site abuts only one street, and the abutting street is an arterial with 4 or more travel lanes designed for through movement of vehicles, a building facade with ground floor dwelling units may be set further back than 20 feet, provided the screening standards in Section 6.2.9 are met, except as specified in subsection 6.2.9(B).

6.2.2 Entry Orientation – Townhouse Style

Townhouse style multi-unit housing is subject to the following standards.

- A. Standards.** A main entrance of each unit that is within 40 feet of a public street lot line must comply with all the following standards (see Figure 4.2.1.a). The entrance must:
- 1. Be no more than 8 feet farther from the front lot line than the dwelling unit's longest wall that faces the front lot line
 - 2. Meet at least one of the following:
 - a. Face the street;
 - b. Be at an angle of up to 45 degrees from the street; or
 - c. Open onto a covered porch or covered patio. The porch or patio must:
 - i. Be at least 25 square feet in area; and
 - ii. Have at least one entrance facing the street.
 - 3. Connect to the sidewalk by a hard-surfaced walkway other than the driveway. The walkway shall have a minimum width of 2 feet. The walkway may abut the driveway. Where there is no sidewalk abutting the property, the walkway shall extend to the street lot line.
- B. Exceptions.** None.

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6.2.3 Transitions to Residential Entrances.

The following standards apply to each main entrance that is 10 feet or closer to a street lot line and provides direct access to a dwelling unit.

A. Standards. The main entrance must have at least two of the following within the setback:

1. A wall or fence that is 18 to 36 inches high and at least 4 feet wide.
2. Landscaping that meets the city's planting standard.
3. For each street-facing entrance, one canopy tree that is at least 1.5 inches in diameter, or at least 4 feet in height when planted, and that will achieve a mature canopy spread of at least 10 feet. An existing, retained tree may be used to meet this standard.
4. Common or private outdoor area of at least 48 square feet designed so that a 4-foot by 6-foot dimension will fit entirely within it.

B. Exceptions. None.

6.2.4 Pedestrian Connections

A. Standard.

1. Internal Connections. A system of walkways must connect all main entrances on the site and provide connections to abutting sidewalks, parking areas, bicycle parking, and common outdoor areas. Where there is no sidewalk abutting the property, the walkway shall extend to the street lot line.
2. For sites greater than 50,000 square feet, on-site walkways must connect or be stubbed to allow for an extension to the abutting property in the following circumstances:
 - a. There is an existing walkway on the abutting property that is located in a public right-of-way or public access tract or easement; or
 - b. There is a planned walkway on the abutting property, as identified in the city's adopted Transportation System Plan.
3. Walkway Design.
 - a. Materials and Width. All walkways must be hard surfaced. Except as provided in subsections (i) and (ii), walkways must be at least 5 feet in unobstructed width.
 - i. Walkway width must be increased to 8 feet if the walkway abuts perpendicular or angled parking spaces, unless the spaces are equipped with wheel stops.
 - ii. Where a walkway leads to 4 or fewer individual unit entries, it may have an unobstructed width of 3 feet, increased to at least 4 feet at turns and curves, provided it also meets other ADA standards for accessible walkways, including standards related to passing spaces and slope.

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- b. Crossings with Vehicle Areas. Where the walkway crosses driveways, drive aisles, parking areas, and loading areas, the walkway must be clearly identifiable through the use of elevation changes, a different paving material, or other similar method. Striping does not meet this requirement. Elevation changes for crossings must be at least 4 inches high.
- c. Walkways Adjacent to Vehicle Areas. Where the walkway is parallel and adjacent to a parking space, driveway, or drive aisle, the walkway must be a raised path or be separated from the vehicular space by a raised curb, bollards, landscaping, or other physical barrier. If a raised path is used, it must be at least 4 inches high. Bollard spacing must be no further apart than 5 feet on center.

B. Exceptions. None.

6.2.5 Windows and Doors

A. Standard. A minimum of 15 percent of the area of all street-facing facades must include windows or pedestrian entrance doors. See Section 10.1.8 for measurement methodology.

B. Exceptions. The following facades are exempt from this standard:

- 1. Facades separated from the street lot line by another building, or by a buildable lot with a depth of at least 20 feet measured from the street lot line.
- 2. Facades that are more than 40 feet from the street lot line.
- 3. Facades facing an alley.

6.2.6 Required Outdoor Area and Usable Open Space

A. Standard.

- 1. Minimum Outdoor Area. Except as specified in subsection (B), a minimum of 15 percent of the gross site area must be provided as outdoor area meeting the description and standards in Section 10.1.5.
- 2. Minimum Usable Open Space. For sites over 20,000 square feet in gross site area, a percentage of the required outdoor area must be permanently reserved as shared, usable open space available for use by the residents:
 - a. For sites between 20,000 and 50,000 square feet, at least 25 percent of the required outdoor area must be usable open space.
 - b. For sites 50,000 square feet or larger, at least 50 percent of the required outdoor area must be usable open space.
- 3. Usable Open Space Standards. The usable open space shall meet the following criteria:
 - a. The usable open space shall contain one or more of the features specified in Section 10.1.5(B)(2).

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- b. In order to be counted as eligible toward the minimum usable open space area, such areas shall have dimensions of not less than 10 feet.
- c. Up to 50 percent of the required usable open space may be provided as indoor recreation or community space provided it is accessible to all residents.

B. Exceptions.

- 1. For sites under 20,000 square feet in size, 100 percent of the required outdoor area may be met by:
 - a. A rooftop garden provided it is accessible to all of the residents; or
 - b. Private open space.
- 2. Sites that are under 20,000 square feet in size and located within one-quarter mile walking distance of a public park that is at least 1 acre in size are exempt from the usable open space requirement. Walking distance is measured along a route utilizing sidewalks or other public pedestrian facilities that are existing or will be constructed with the development.
- 3. For townhouse style multi-unit housing, 100 percent of the required usable open space may be provided as private yards for each unit.

6.2.7 Parking Location and Design

The following standards apply to parking areas for multi-unit housing. For townhouse style developments, see Section 6.2.8.

A. Vehicle Parking Standards.

- 1. No area between a building and the street lot line (other than an alley) shall be used for vehicle parking or circulation, except for the following:
 - a. A driveway providing access to a shared parking garage.
 - b. A passenger drop-off or loading zone, provided the main building entrance must connect to an adjacent street by a pedestrian walkway.
- 2. Screening of surface parking areas. The city's parking area screening standards shall apply, if any, otherwise the following standards shall apply. Surface parking areas with more than 8 spaces must be screened from view of the street by a landscaped area that includes the following, at a minimum:
 - a. Evergreen shrubs that will grow to a minimum height of 30 inches within two years and form continuous screening. Areas within the vision clearance triangle must include plantings that do not exceed 3 feet; and
 - b. At least one tree for every 30 linear feet; and
 - c. Evergreen ground cover must cover the remaining landscape area.
 - d. A minimum 30 inch tall wall or fence may be substituted for evergreen shrubs.
- 3. Additional parking area design and landscaping standards are provided in Section 10.1.6.

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B. Bicycle Parking Standards. Bicycle parking location and design standards are provided in Section 10.1.7.

C. Exceptions. None.

6.2.8 Driveway Access and Parking – Townhouse Style

For townhouse style units that have garage entrances, off-street parking areas, or driveways located between a dwelling unit and a public street (other than an alley), the following standards shall be met. For all other units, the standards in Section 6.2.7 shall be met.

A. Standards.

1. Access must be taken from a local street.
2. A maximum of one driveway approach is allowed for every townhouse style unit. Driveway approaches or driveways may be shared.
3. Outdoor on-site parking and maneuvering areas shall not exceed 12 feet wide for any unit.
4. The garage width shall not exceed 12 feet, as measured from the inside of the garage door frame.
5. This standard does not supersede a city's driveway separation standards.

B. Bicycle Parking Standards. Bicycle parking location and design standards are provided in Section 10.1.7.

C. Exceptions. None.

6.2.9 Screening from Arterials

A. Standard.

The following standards apply to multi-unit sites that abut an arterial street with 4 or more vehicle travel lanes designed for through movement of vehicles. Screening shall be provided within the setback area between any street-facing facade and the street lot line abutting the arterial street. The screening shall meet the following standards:

1. At least two rows of evergreen trees shall be planted. Each row shall have a minimum of one tree for every 20 linear feet of street frontage. Tree planting shall be staggered, with a maximum spacing of 20 feet on center for trees within the same row and 15 feet on center for trees within different rows.
2. Trees shall be at least 6 feet tall at the time of planting.

B. Exception. This standard does not apply to arterial streets with frequent transit service.

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6.2.10 Trash Storage

- A. Standard.** Shared storage facilities for trash and recycling receptacles that are located within 20 feet of a street lot line or a lot line abutting residential property shall meet the following standards:
1. The storage facility shall be screened from street lot lines and abutting residential properties by a wall, solid fence, or evergreen hedge. Except as specified in subsection (3), the screen must be at least 4 feet in height and located no more than 3 feet from the storage facility.
 2. The storage facility must be separated from the street lot line by at least 5 feet.
 3. For lot lines abutting residential properties, the storage facility must either be setback from the lot line by at least 5 feet, or the screen facing the lot line must be at least 6 feet in height.
- B. Exceptions.** Trash and recycling receptacles stored within a building are exempt from these standards.

7 – Accessory Dwelling Unit

Chapter 7 – Accessory Dwelling Unit

Sections:

7.1 Siting Standards – Accessory Dwelling Unit

7.2 Design Standards – Accessory Dwelling Unit

7.1 Siting Standards – Accessory Dwelling Unit

7.1.1 Siting Standards, Generally

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

B. Exceptions.

1. The following siting standards do not apply to accessory dwelling units:
 - a. Minimum Density;
 - b. Minimum Required Outdoor Area and Useable Open Space;
 - c. Minimum and Maximum Vehicle Parking; and
 - d. Minimum Bicycle Parking.
2. Conversion of an existing legal nonconforming accessory structure into an accessory dwelling unit is allowed, provided that the conversion does not increase the nonconformity. For example, a garage that does not meet the minimum setback standard in the zoning district may be converted to an accessory dwelling unit, provided the footprint of the building within the setback area does not increase in size.
3. If an accessory dwelling unit is added to a lot with an existing dwelling unit that has been in place for at least 5 years, up to 1,000 square feet of floor area is permitted even if it exceeds the maximum FAR or lot coverage that applies to the lot.
4. Setbacks.
 - a. Where an accessory dwelling unit is accessed from an alley and the city's locally adopted setback standard exceeds 5 feet, the minimum setback from the alley lot line shall be 5 feet.
 - b. Detached accessory dwelling units that do not exceed 12 feet in height may be located within 5 feet of a side or rear lot line (excluding street lot lines other than alleys).

7.1.2 Number of Units and Configuration

A. Standard. A maximum of 2 accessory dwelling units are allowed per legal detached single-unit dwelling (referred to as the primary dwelling). If two accessory dwelling units are proposed:

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1. One of the units must be detached from the primary dwelling, either in a separate detached building or in a portion of a detached accessory building (e.g., above a garage or workshop); and
 2. One of the units must be attached or interior to the primary dwelling (e.g., an addition or the conversion of an existing floor).
- B. Exception.** Up to 3 accessory dwelling units are permitted for projects which qualify for a bonus pursuant to Section 8.2.1. One unit must be attached/interior to the primary dwelling and the other 2 units must be detached from the primary dwelling and from each other.

7.1.3 Maximum Floor Area

- A. Standard.** The maximum floor area for an accessory dwelling unit is 1,000 square feet.
- B. Exceptions.** The maximum floor area standard does not apply when an entire floor of a primary dwelling (e.g., a basement) is converted to an accessory dwelling unit and the primary dwelling has been on the site for at least 5 years.
- C. Measurement.** Floor area is measured as provided in subsection 10.1.1(B)(1).

7.2 Design Standards – Accessory Dwelling Unit

Accessory dwelling units are exempt from design standards.

8 – Bonuses

Chapter 8 – Bonuses

Sections:

8.1 Bonuses, Generally

8.2 Bonuses by Housing Type

8.1 Bonuses, Generally

A. Purpose. Bonuses provide reductions in required outdoor area and increases in the number of units, the maximum floor area, or the maximum building height, in order to incentivize the provision of affordable or accessible housing that market rate development may not otherwise produce. Nothing in this chapter implements ORS 197A.465.

B. Categories.

1. As described in Table 8.1, there are 6 categories of housing that qualify for bonuses:

Affordability Categories

- Cat. 1A - 10-Year Affordable Homeownership Unit
- Cat. 1B - 10-Year Mixed-Income Housing
- Cat. 1C - 30-Year Affordable Housing
- Cat. 1D - 90-Year Moderate Income Cooperative Housing

Accessibility Categories

- Cat. 2A - Accessible Unit
- Cat. 2B - Adaptable Unit

2. An individual unit can count toward meeting up to one affordability category (Cat. 1A – 1D) and one accessibility category (Cat. 2A – 2B). In other words, a unit that is both affordable and accessible would receive bonuses from both categories. This is not intended to preclude other units within the same development from meeting other categories where possible in order to increase the bonuses available to the development, up to the maximum allowed.

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TABLE 8.1: QUALIFYING CATEGORIES	
Category	Category Criteria
Affordability Categories	
Cat. 1A	<p>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:</p> <ul style="list-style-type: none"> (A) Makes the unit available and affordable to purchase and to own for households with incomes of 120 percent or less of the area median income; and (B) Is enforceable for a duration of not less than 10 years from the date of the certificate of occupancy.
Cat. 1B	<p>10-Year Mixed-Income Housing. Residential property:</p> <ul style="list-style-type: none"> (A) In which at least 20 percent of units on the property or development site (rounded up to the nearest unit) are made available to own or rent to households with incomes of 80 percent or less of the area median income; <u>[Recommended]</u> or in which at least 10 percent of units on the property or development site (rounded up to the nearest unit) are made available to own or rent to households with incomes of 60 percent or less of the area median income;] (B) Whose affordability, including affordability under a covenant as described in ORS 456.270 to 456.295, is enforceable for a duration of no less than 10 years; and (C) In which the affordable units meet the following criteria: <ul style="list-style-type: none"> (i) The average number of bedrooms and bathrooms per unit for all affordable units is the same or greater than the average number of bedrooms and bathrooms per unit for all market rate units. For the purpose of this calculation, studio units shall count as having 0.5 bedrooms; and (ii) The average floor area per unit for all affordable units is no less than at least 90% of the average floor area per unit of all market rate units.
Cat. 1C	<p>30-Year Affordable Housing. Residential property:</p> <ul style="list-style-type: none"> (A) In which: <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 (B) Whose affordability, including affordability under a covenant as described in ORS 456.270 to 456.295, is enforceable for a duration of no less than 30 years.
Cat. 1D	<p>90-Year Moderate Income Cooperative Housing. Residential property in which all of the units are subject to a zero equity, limited equity, or shared equity ownership model including resident-owned cooperatives and community land trusts making them affordable to moderate income households as described in ORS 456.270 to 456.295 for a period of 90 years.</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>
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 dwelling units with 2 or more stories not otherwise required to provide Type B units under state or federal regulations (e.g., 2-story townhouse), the “Type B” requirements are only required on the ground floor, provided a kitchen, bathroom and bedroom are available on the ground floor.</p>

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8.2 Bonuses by Housing Type

In the following sections, there is a bonus table for each housing type. Each of the 5 tables includes the following:

Column 1: Bonus Type	A description of the type of bonus (e.g., increase in the number of units). Subcategories are included if the bonus varies in specific circumstances.
Column 2: Base Allowance	The base allowance for the housing type, based on the Model Code's siting standards tables. Where a housing type is not included in a Model Code siting standards table, the cell is blank (e.g., 5 – 6 unit quadplexes).
Columns 3-6: Bonus by Category	These columns include the amount of bonus that is earned for a qualifying category. The values in these columns are the increment that is added or subtracted. The number of columns varies by housing type as not all categories are applicable to all housing types.
Final Column: Cap (Max with Bonuses)	The maximum development entitlement available to a development or project including all bonuses. This column represents a "Cap" – a project or development cannot exceed this amount (except as otherwise noted for specific housing types).

8.2.1 Bonuses for Detached Single-Unit or Duplex

The bonuses in Table 8.2-1 are available to qualified detached single-unit (DSU) or duplex projects. For the purposes of this section, a "DSU or duplex project" means one parent lot and a proposed detached single-unit, detached single-unit with an accessory dwelling unit(s), or duplex (attached or detached).

A. Qualified Projects.

1. Category 1A. At least one unit on the parent lot must meet the applicable category criteria in Table 8.1 to qualify for this bonus.
2. Category 1B, 1C, and 1D. The DSU or duplex project must meet the applicable category criteria in Table 8-1 to qualify for these bonuses.
3. Category 2A. At least one unit on the parent lot must meet the applicable category criteria in Table 8.1 for the DSU or duplex project to qualify for this bonus.
4. Category 2B. All new units on the parent lot that have ground floor entries must meet the applicable category criteria in Table 8.1 for the DSU or duplex project to qualify for this bonus.

B. Bonuses Earned.

1. A DSU or duplex project may qualify for more than one category provided that each individual unit may only count toward meeting one affordability and one accessibility category.
2. Within a DSU or duplex project, all bonuses earned may be used individually or in combination.
3. The "cap" is the maximum that is allowed for the DSU or duplex project (inclusive of applicable bonuses), except as provided in Section 1.4 for retained units within middle housing development.

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TABLE 8.2-1: BONUSES FOR DETACHED SINGLE-UNIT OR DUPLEX						
Bonus Type	Base Allowance	Qualifying Categories				Cap (Max. with Bonuses)
		Cat. 1A & 1B	Cat. 1C & 1D	Cat. 2A	Cat. 2B	
Increase Number of Units	2 units	+1 unit	+1 unit	+1 unit	--	3 units
• Duplex	2 units	+1 unit	+1 unit	+1 unit	--	3 units
• Additional ADU	2 ADUs	+1 ADU	+1 ADU	+1 ADU	--	3 ADUs
Increase Maximum Floor Area Ratio of DSU or duplex project						
• 1 total dwelling unit	0.6:1	+0.15	+0.3	+0.15	+0.1	0.9:1
• 2 to 4 total dwelling units (1)	0.8:1	+0.15	+0.3	+0.15	+0.1	1.1:1
Increase Maximum Building/Structure Height	35 ft	+10 ft	+10 ft	+10 ft	--	45 ft
Reduce Minimum Density	1 unit / 5,700 sf	--	--	+2,300 sf per unit	+2,300 sf per unit	1 unit / 8,000 sf
NOTES: (1) If an additional unit is added to a lot with an existing, retained dwelling unit that has been in place for at least 5 years, the maximum FAR may be exceeded by up to 1,000 square feet of new floor area.						

8.2.2 Bonuses for Triplex or Quadplex

The bonuses in Table 8.2-2 are available to qualified triplex or quadplex projects. For the purposes of this section, a “triplex or quadplex project” means one parent lot and a proposed triplex or quadplex.

A. Qualified Projects.

1. Category 1A. At least one unit on the parent lot must meet the applicable category criteria in Table 8-1 for the triplex or quadplex project to qualify for this bonus.
2. Category 1B, 1C, and 1D. A triplex or quadplex project must meet the applicable category criteria in Table 8-1 to qualify for these bonuses.
3. Category 2A. At least one unit on the parent lot must meet the applicable category criteria in Table 8-1 for the triplex or quadplex project to qualify for these bonuses.
4. Category 2B. All new units on the parent lot that have ground floor entries must meet the applicable category criteria in Table 8-1 for the triplex or quadplex project to qualify for this bonus.

B. Bonuses Earned.

1. A triplex or quadplex project may qualify for more than one category provided that each individual unit may only count toward meeting one affordability and one accessibility category.
2. Within a triplex or quadplex project, all bonuses earned may be used individually or in combination.
3. The “cap” is the maximum that is allowed for a triplex or quadplex project (inclusive of applicable bonuses), except as provided in Section 1.4 for retained units within middle housing development.

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TABLE 8.2-2: BONUSES FOR TRIPLEX OR QUADPLEX

Bonus Type	Base Allowance	Qualifying Categories			Cap (Max. with Bonuses)
		Cat. 1A & 1B	Cat. 1C & 1D	Cat. 2A & 2B	
Increase Number of Units:					
• Triplex	3 units	+1 unit	+1 unit	+1 unit	4 units
• Quadplex	4 units	+2 unit	+2 unit	+2 unit	6 units
Increase Maximum Floor Area Ratio per Triplex or Quadplex Project					
• 3 total dwelling units	1.0:1	+0.15	+0.3	+0.15	1.3:1
• 4 total dwelling units	1.1:1	+0.15	+0.3	+0.15	1.4:1
• 5 - 6 total dwelling units (with bonus)	1.1:1	+0.2	+0.4	+0.2	1.5:1
Increase Maximum Building/Structure Height	35 ft	+10 ft	+10 ft	+10 ft	45 ft
Reduce Minimum Density	1 unit / 3,630 sf	--	--	+1,370 sf per unit	1 unit / 5,000 sf

8.2.3 Bonuses for Townhouses

The bonuses in Table 8.2-3 are available to qualified townhouse projects.

A. Qualified Projects.

1. Category 1A. At least one out of every 6 units, but in no case less than one unit, within a townhouse project must meet the applicable category criteria in Table 8-1 for the townhouse project to qualify for this bonus.
2. Category 1B, 1C, and 1D. A townhouse project must meet the applicable category criteria in Table 8-1 to qualify for these bonuses.
3. Category 2A. At least one out of every 6 units, but in no case less than one unit, within a townhouse project must meet the applicable category criteria in Table 8-1 for the townhouse project to qualify for this bonus.
4. Category 2B. All units within a townhouse project must meet the applicable category criteria in Table 8-1 for the townhouse project to qualify for this bonus.

B. Bonuses Earned.

1. A townhouse project may qualify for more than one bonus provided that each individual unit may only count toward meeting one affordability and one accessibility category. For Categories 1A and 2A, the bonus is calculated for, and applied to, each group of 6 units regardless of the number of

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townhouses in the project or attached to each other (e.g., a 12-unit townhouse project can earn separate bonuses for two groups of 6 units).

2. Within a townhouse project, all bonuses earned may be used individually or in combination.
3. The “cap” is the maximum that is allowed for a townhouse project (inclusive of applicable bonuses) , except as provided in Section 1.4 for retained units within middle housing development.

TABLE 8.2-3: BONUSES FOR TOWNHOUSES

Bonus Type	Base Allowance	Qualifying Categories			Cap (Max. with Bonuses)
		Cat. 1A & 1B	Cat. 1C & 1D	Cat. 2A & 2B	
Increase Number of Units (I)	--	+1 to 2 units	+ 2 units	+1 to 2 units	1 to 2 bonus units
Increase Maximum Floor Area Ratio	1.1:1	+0.2	+0.4	+0.2	1.5:1
Increase Maximum Building/Structure Height	35 ft	+10 ft	+10 ft	+10 ft	45 ft

8.2.4 Bonuses for Cottage Cluster

The bonuses in Table 8.2-4 are available to qualified cottage cluster projects.

A. Qualified Projects.

1. Category 1A. At least one out of every 6 cottages, but in no case less than one cottage, within each cottage cluster must meet the applicable Category Criteria in Table 8-1 for the cottage cluster project to qualify for this bonus.
2. Category 1B, 1C, and 1D. A cottage cluster must meet the applicable category criteria in Table 8-1 to qualify for these bonuses.
3. Category 2A. At least one out of every 6 cottages, but in no case less than one cottage, within each cottage cluster must meet the applicable Category Criteria in Table 8-1 for the cottage cluster project to qualify for this bonus.
4. Category 2B. All cottages within a cottage cluster project that have ground floor entries must meet the criteria in Table 8-1 for the cottage cluster project to qualify for this bonus.

B. Bonuses Earned.

1. A cottage cluster project may qualify for more than one bonus provided that each individual unit may only count toward meeting one affordability category and one accessibility category.
2. Within a cottage cluster project, all bonuses earned may be used individually or in combination.
3. The “cap” is the maximum that is allowed for the development (inclusive of applicable bonuses), except as provided in Section 1.4 for retained units within middle housing development.

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TABLE 8.2-4: BONUSSES FOR COTTAGE CLUSTER

Bonus Type	Base Allowance	Qualifying Categories			Cap (Max. with Bonuses)
		Cat 1A & 1B	Cat 1C & 1D	Cat 2A & 2B	
Increase Number of Cottages per Cluster	10 cottages	+2 unit	+2 unit	+2 unit	12 units
Increase Average Cottage Size	1,400 sf	+100 sf	+400 sf	+100 sf	1,600 sf
Increase Average Cottage Footprint					
• Cottages with height of 15 feet or less	1,400 sf or less	+50 sf	+100 sf	+50 sf	1,500 sf
• Cottages with height over 15 feet	900 sf or less	+50 sf	+100 sf	+50 sf	1,000 sf
Reduce Required Open Space - Courtyard	150 sf / cottage	-30 sf / cottage	-70 sf / cottage	-30 sf / cottage	80 sf
Increase Maximum Building/Structure Height	25 ft or 2 stories	+5 ft	+10 ft	+5 ft	35 ft

8.2.5 Bonuses for Multi-Unit Housing

The bonuses in Table 8.2-5 are available to qualified multi-unit projects as follows. For the purposes of this section, a “multi-unit project” means multi-unit housing on a single development site.

A. Qualifying Categories.

1. Categories 1B, 1C, and 1D. The multi-unit project must meet the criteria in Table 8-1 to qualify for these bonuses
2. Category 2A. At least 10 percent of units, but no less than one more unit than would be required by the Building Code, must meet the criteria in Table 8-1 for the multi-unit project to qualify for these bonuses.

B. Bonuses Earned.

1. A multi-unit project may qualify for more than one bonus provided that each individual unit can only count toward meeting one affordability category and one accessibility category.
2. Within a multi-unit project, all bonuses earned may be used individually or in combination.
3. A “double bonus” for Cat. 2A (i.e., two times the amount indicated in Table 8.2-5 for this category) is provided to multi-unit projects where at least 20 percent of the units and at least two more units than would be required by the Building Code meet the criteria in Table 8-1.
4. The “cap” is the maximum that is allowed for development (inclusive of applicable bonuses).

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TABLE 8.2-5: BONUSSES FOR MULTI-UNIT HOUSING					
Bonus Type	Base Allowance	Qualifying Categories			Cap (Max. with Bonuses)
		Cat 1B	Cat 1C & ID	Cat 2A*	
Increase Maximum Floor Area Ratio					
Site size: less than 20,000 sf	2:1	+1:1	+2:1	+1:1	4:1
Site size: 20,000 sf to 50,000 sf	1.5:1	+0.7:1	+1.5:1	+0.7:1	3:1
Site size: greater than 50,000 sf	1:1	+0.5:1	+1:1	+0.5:1	2:1
Increase Maximum Building/Structure Height	40 ft	+10 ft	+36 ft	+10 ft	76 ft
Reduce Required Outdoor Area	15%	-5%	-15%	-5%	10% for Cat 1B or 2A; 0% for Cat 1C or ID
* The bonuses provided for Cat. 2A shall be two times the amount shown in this column for multi-unit projects meeting the criteria in Section 8.2.5(B)(3).					

9 – Procedures and Applications

Chapter 9 – Procedures and Applications

Sections:

- 9.1 Procedures and Applications, Generally
- 9.2 Procedure - Ministerial Decisions
- 9.3 Procedure - Limited Land Use Decisions
- 9.4 Application - Zoning Review
- 9.5 Application - Modifications
- 9.6 Application and Procedure - Middle Housing Land Division

9.1 Procedures and Applications, Generally

- A. Time Periods.** In computing time periods prescribed or allowed by this chapter, the day of the act or event from which the designated period of time begins shall not be included. The last day of the period shall be included, unless it is a Saturday, Sunday, or a legal holiday, in which case the period runs until the end of the next day that is not on a weekend or legal holiday.
- B. Consolidated Review of Applications.** When an applicant applies for more than one type of land use or development permit for the same one or more contiguous parcels of land, the applicant may request that the proceedings be consolidated for review and decision. When proceedings are consolidated, required notices may be consolidated, provided the notice shall identify each application to be decided.
- C. Basis of Approval.** Approvals are based on the information submitted. If the information relied upon to grant the approval is incorrect, the approval may be voided.

9.2 Procedure – Ministerial Decision

Ministerial Decisions are made following a review that does not require use of discretion, based on land use standards that do not require interpretation or the exercise of policy or legal judgment. The decision is made by the Planning Official, without public notice and without a public hearing.

A. Application Requirements.

- 1. **Application Forms.** Requests for approval of development subject to Ministerial Review shall be made on forms provided by the Planning Official. An application submitted concurrently with a building permit application does not require a separate application form.
- 2. **Application Requirements.** Applications shall include the following information:
 - a. The information requested on the application form;
 - b. Plans and exhibits required for the specific approval(s) being sought; and
 - c. The required fee.

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B. Completeness Review.

1. The Planning Official shall review the application submittal and advise the applicant in writing whether the application is complete or incomplete within 30 calendar days after the city receives the application submittal.
2. If an application for a Ministerial Decision is incomplete, the Planning Official shall notify the applicant in writing of exactly what information is missing within 30 days of receipt of the application and allow the applicant to submit the missing information. The application shall be deemed complete upon receipt by the Planning Official of:
 - a. All of the missing information;
 - b. Some of the missing information and written notice from the applicant that no other information will be provided; or
 - c. Written notice from the applicant that none of the missing information will be provided.
3. On the 181st day after first being submitted, the application is void if the applicant has been notified of the missing information as required under subsection (2) and has not submitted some or all of the information or provided written notice that none of the missing information will be provided.

C. Criteria and Decision. The Planning Official's review determines whether minimum code requirements are met. The Planning Official shall approve, approve with conditions, or deny an application within 60 days after receiving a complete application.

D. Effective Date. A Ministerial Decision is final on the date it is signed by the Planning Official.

E. Appeal of a Ministerial Decision. A Ministerial Decision may be appealed to Circuit Court. There is no opportunity for local appeal.

9.3 Procedure – Limited Land Use Decision

A. Method of review. Limited Land Use Decisions are subject to administrative review. The decision is made by the Planning Official with public notice and an opportunity to appeal.

B. Time allowed. The City shall complete its review within the timeframes specified in subsections (C) through (G), below, provided that in all cases the City shall take final action on Limited Land Use applications, including resolution of all appeals, within the number of days specified in the table below, unless the applicant requests an extension in writing. The total of all extensions may not exceed 245 days except to allow for mediation in accordance with ORS 227.178(11).

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Project Type	Maximum Days*
Limited Land Use Decisions for affordable housing projects meeting the following criteria: <ul style="list-style-type: none"> Multi-unit residential building containing five or more residential units within the urban growth boundary; and At least 50 percent of the residential units included in the development will be sold or rented as affordable housing that is affordable to households with incomes equal to or less than 60 percent of the median family income for the county in which the development is built or for the state, whichever is greater, that is subject to an affordable housing covenant, as provided in ORS 456.270 to 456.295, that maintains the affordability for a period of not less than 60 years from the date of the certificate of occupancy. 	100 days from the date the Planning Official deems the application complete for purposes of processing,
All other Limited Land Use Decisions	120 days from the date the Planning Official deems the application complete for purposes of processing,
* A city may extend these periods by no more than seven days in order to assure the sufficiency of its final order where the city has tentatively approved the application for development of residential structures.	

C. Application Requirements.

1. Application Forms. Applications subject to Limited Land Use Review shall be made on forms provided by the Planning Official.
2. Submittal Information. At a minimum, the application shall include all of the following information:
 - a. The information requested on the application form;
 - b. Plans and exhibits required for the specific approval(s) being sought; and
 - c. The required fee.

D. Completeness Review.

1. The Planning Official shall review the application submittal and advise the applicant in writing whether the application is complete or incomplete within 30 calendar days after the city receives the application submittal.
2. If an application for a Limited Land Use Decision is incomplete, the Planning Official shall notify the applicant in writing of exactly what information is missing within 30 days of receipt of the application and allow the applicant to submit the missing information. The application shall be deemed complete upon receipt by the Planning Official of:

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- a. All of the missing information;
 - b. Some of the missing information and written notice from the applicant that no other information will be provided; or
 - c. Written notice from the applicant that none of the missing information will be provided.
3. If an applicant requests review under different standards as provided in subsection (E)(2) the applicable timelines for completeness review restart as if a new application were submitted on the date of the request. The application shall not be deemed complete until the Planning Official determines that additional information is not required under subsection (2) of this section or the applicant makes a submission under subsection (2) of this section in response to a Planning Official's request.
 4. On the 181st day after first being submitted, the application is void if the applicant has been notified of the missing information as required under subsection (2) and has not submitted some or all of the information or provided written notice that none of the missing information will be provided.

E. Applicable Standards and Criteria. Approval or denial of an application shall be based upon the applicable standards and criteria as follows.

1. Except as provided in subsection (2), the approval or denial of an application that was complete when first submitted or deemed complete pursuant to subsection (D)(3) shall be based upon the standards and criteria that were applicable at the time the application was first submitted.
2. Up to the issuance of Notice of Pending Limited Land Use Decision (subsection (F)), an applicant may submit a written request to apply newly adopted standards (those operative at the time of the request) to a submitted land use application. If an applicant requests review under newly adopted standards:
 - a. Any applicable timelines for completeness review and final decisions restart as if a new application were submitted on the date of the request.
 - b. Submission of additional information may be required if the request affects or changes information in the application.
 - c. Additional fees may be required to cover those additional costs incurred by the city to accommodate the request.
 - d. The applicant may not make more than one request under this subsection (E)(2).

F. Notice of Pending Limited Land Use Decision. The purpose of the notice of pending decision is to provide a 14-day comment period during which nearby property owners and affected agencies can submit written comments on the application before the Planning Official issues their decision.

1. The Planning Official shall mail notice of a pending Limited Land Use Decision to the following individuals and agencies.
 - a. All owners of record of real property within a minimum of 100 feet of the of the entire contiguous site for which the application is made;

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- b. Any neighborhood or community organization recognized by the governing body and whose boundaries include the site; and
 - c. Any governmental agency that is entitled to notice under an intergovernmental agreement entered into with the City and any other affected agencies. The failure of another agency to respond with written comments on a pending application shall not invalidate an action or permit approval made by the City under this Code.
2. The notice of pending Limited Land Use Decision shall briefly summarize the local decision making process for the Limited Land Use Decision being made and shall contain all of the following information:
- a. Deadline (date and time) for submitting written comments, which must be at least 14 days prior to the scheduled decision date, the place where written comments are to be submitted, and the name and phone number of the city's contact person;
 - b. Street address or other easily understood geographical reference to the subject property;
 - c. List, by commonly used citation, of the applicable criteria for the decision;
 - d. Statement that all evidence relied upon by the Planning Official to make their decision is in the public record and is available for public review. Copies of this evidence can be obtained at a reasonable cost from the City;
 - e. Statement explaining that issues which may provide the basis for an appeal to the Land Use Board of Appeals must be raised in writing prior to the expiration of the comment period. Such issues must be raised with sufficient specificity to enable the decision maker to respond to the issue; and
 - f. Statement that after the comment period closes, the City will issue its decision and the decision shall be mailed to the applicant and to anyone else who submitted written comments or who is otherwise legally entitled to notice.
3. The Planning Official shall cause an affidavit of mailing the notice to be prepared and made a part of the file. The affidavit shall show the date the notice was mailed and demonstrate that the notice was mailed to the parties listed in subsection (1) and was mailed within the time required by law.
- G. Notice of Decision.** At the conclusion of the comment period, the Planning Official shall review the comments received and prepare a decision approving, approving with conditions, or denying the application based on the applicable standards and criteria. Within 7 days of making a Limited Land Use Decision, the Planning Official shall mail a notice of that decision.
1. The Planning Official shall mail notice of a Limited Land Use Decision to the following individuals and agencies.
- a. Applicant;
 - b. Property owner (if different);
 - c. Building Official;

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- d. Those individuals or agencies who provided written comments on the proposal; and
 - e. Those individuals or agencies who requested a copy of the decision.
2. The Notice of Decision shall contain all of the following information:
- a. A description of the applicant's proposal and the City's decision on the proposal, which may be a summary, provided it references the specifics of the proposal and conditions of approval in the public record;
 - b. The address or other geographic description of the property proposed for development, including a map of the property in relation to the surrounding area (a copy of assessor's map may be used);
 - c. A statement of where the City's decision can be obtained;
 - d. The date the decision shall become final, unless appealed; and
 - e. A statement that all persons entitled to notice may appeal the decision to City's appeal body pursuant to subsection (H) by the date specified on the notice.
- H. Effective Date.** Unless the conditions of approval specify otherwise, a Limited Land Use Decision becomes effective 14 days after the City mails the decision notice, unless the decision is appealed.
- I. Appeal of a Limited Land Use Decision.** A Limited Land Use Decision made by the Planning Official may be appealed to the Appeal Body designated by the City to hear appeals of decisions made by the Planning Official.
1. Who may appeal. The following people have legal standing to appeal Limited Land Use Decision:
- a. The applicant or owner of the subject property;
 - b. Any person who was entitled to written notice of the decision; and
 - c. Any other person who participated in the proceeding by submitting written comments on the application to the City by the specified deadline.
2. Appeal filing procedure.
- a. Notice of appeal. Any person with standing to appeal, as provided in subsection (I), above, may appeal a Limited Land Use Decision by filing a Notice of Appeal according to the following procedures.
 - b. Time for filing. A Notice of Appeal shall be filed with the Planning Official within the timeframe specified on the Notice of Decision.
 - c. Content of Notice of Appeal. The Notice of Appeal shall be accompanied by the required filing fee and shall contain:
 - i. An identification of the decision being appealed, including the date of the decision;
 - ii. A statement demonstrating the person filing the Notice of Appeal has standing to appeal;

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- iii. A statement explaining the specific issues being raised on appeal; and
 - iv. If the appellant is not the applicant, a statement demonstrating that the appeal issues were raised during the comment period.
3. Scope of appeal. The appeal of a Limited Land Use Decision shall be a hearing de novo before the Appeal Body. The appeal shall not be limited to the application materials, evidence and other documentation, and specific issues raised in the review leading up to the Limited Land Use Decision, but may include other relevant evidence and arguments. The hearing Appeal Body shall allow additional evidence, testimony, or argument concerning any relevant standard, criterion, condition, or issue.
4. Appeal Hearing Procedure. Hearings on appeals of Limited Land Use Decisions shall follow the city's procedures used for public hearings.

9.4 Application – Zoning Review

A. Method of review.

- 1. Limited Land Use Decision. Zoning Review applications for proposed developments meeting one or more of the following criteria require Limited Land Use approval:
 - a. Development with more than 50 units;
 - b. Site size greater than 1 acre (43,560 square feet) in size; or
 - c. Applicant is requesting a Modification pursuant to Section 9.5.
- 2. Ministerial Decision. Zoning Review applications for all other proposed developments require Ministerial approval.

B. Requirements. Zoning Reviews may be processed concurrently with a building permit application or submitted in advance of a building permit application. In either case, a building permit shall not be issued until the Planning Official has approved a Zoning Review for the proposed project.

C. Zoning Review Application Requirements.

- 1. The applicant has the responsibility to obtain the property owner's permission for the request.
- 2. Applicants must submit information showing that the proposal complies with this Code, including:
 - a. Information requested on the application form. A Ministerial Zoning Review submitted concurrently with a building permit application does not require a separate application form;
 - b. The applicable housing type. In instances where a development can meet the definition of more than one housing type, the applicant shall specify the housing type on the application;
 - c. A site plan and elevations as specified in subsection (D) which provides sufficient detail to determine the standards are met; and

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- d. Service provider letters or other documentation demonstrating that sufficient infrastructure is available or will be available prior to certificate of occupancy to serve the proposed development, based on applicable public works standards.

3. Applications must be filed with the required fee, based on the applicable local fee schedule.

D. Site Plan and Building Elevation Requirements.

1. The site or development plan must be drawn accurately to scale and must show the following existing and proposed information:
 - All property lines with dimensions and total lot area;
 - North arrow and scale of drawing;
 - Adjacent streets, access (driveways), curbs, sidewalks, and bicycle routes;
 - Existing Goal Protected Resources, if any are present on the site;
 - Easements and on-site utilities;
 - Existing and proposed development with all dimensions, including floor area and building footprint (if applicable);
 - Distances of all existing and proposed development to property lines;
 - Types and location of outdoor area and required usable open space (if required);
 - Percentage of the site proposed for outdoor area coverage;
 - Motor vehicle and pedestrian access and circulation systems, including connections off-site, and associated dimensions; and
 - Motor vehicle and bicycle parking areas and design, number of spaces, and loading areas.
2. Building elevations showing required entries and windows and associated dimensions.

- E. Criteria.** The Planning Official's evaluation of a Zoning Review application will determine whether minimum code requirements have been or will be met.

- F. Expiration of Approvals.** An approval under this section expires if:

1. Within 2 years of the date of the final decision, a building permit has not been issued for approved development.
2. Within 2 years of the date of the issuance of a building permit, if the approved development has not commenced.

- G. Extension.** The Planning Official, upon written request by the applicant, may grant an extension of the approval period not to exceed one year; provided that:

1. No changes are made on the original approved plan;
2. The applicant provides evidence demonstrating substantial progress toward commencing construction on the site within the next year; and
3. The applicant provides evidence demonstrating that failure to obtain building permits and substantially begin construction within 2 years of Zoning Review approval was beyond the applicant's control.

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9.5 Application – Modification

- A. Method of review.** An applicant may request one or Modifications of the standards in this Model Code. The approval criteria for a Modification requires the use of discretion, therefore applications for Modifications are subject to the Limited Land Use Decision procedure in Section 9.3. Nothing in this section implements Oregon Laws 2024, Chapter 110, Section 38.

Requested Modifications shall be submitted and reviewed concurrently with a Zoning Review application.

B. Modification Application Requirements.

1. In addition to the information required for the Zoning Review application, applicants requesting one or more Modifications must submit a written statement for each requested Modification explaining how the application satisfies each and all of the relevant criteria and standards in sufficient detail.
2. Applications must be filed with the required fee, based on the applicable local fee schedule.

C. Criteria. A Modification to a standard will be approved if the applicant demonstrates that the following criteria have been met.

1. Granting the Modification will equally or better facilitate housing production, affordability, and choice under Goal 10.
2. Granting the Modification will not impact the provision of sufficient infrastructure.
3. The proposed development will equally or better address all of the considerations in Table 9.5 applicable to the standard(s) to be modified.
4. Any significant negative impacts resulting from the Modification are mitigated to the extent practical.

TABLE 9.5: CONSIDERATIONS FOR GRANTING A MODIFICATION	
For Modifications of standards relating to:	Considerations for granting a Modification include:
Setbacks, building height, building floor area, and floor area ratio	The proposed modification(s) do not decrease setbacks or increase building height, building floor area, or floor area ratio by more than 5 percent, except as otherwise permitted by one or more bonuses in Chapter 8. In addition, the impact of the mass/bulk of proposed buildings on neighboring uses, including opportunities to minimize those impacts through design. For garage entrance setbacks (driveway length), the impact of the driveway on the public right-of-way and pedestrian environment. Bonuses in Chapter 8 may not be modified, and modifications under this section do not limit bonuses in Chapter 8.
Minimum density	Whether the proposal will help the city meet its housing production, affordability, and accessibility goals.

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TABLE 9.5: CONSIDERATIONS FOR GRANTING A MODIFICATION	
For Modifications of standards relating to:	Considerations for granting a Modification include:
Minimum or maximum vehicle parking	Whether the reduction or increase in parking will help the city meet its transportation, environmental, housing production, affordability, and accessibility goals.
Bicycle parking, amount and design and location of spaces	Whether the reduction in amount or changes in design ensure bicycle parking that is adequate and user-friendly; or why the standard(s) are not appropriate for the proposed project context or location.
Entry orientation and pedestrian access	Opportunities to support pedestrian friendly neighborhoods, on-site pedestrian access, and pedestrian connections to the street.
Entry orientation and required percentage of windows and doors	How the proposed building façade(s) will contribute to a safe and comfortable pedestrian-oriented environment on the abutting street or why this is not appropriate in this location.
Cottage orientation	Opportunities to ensure that an adequate number of cottages have a direct relationship to the common courtyard and that the common courtyard provides shared community space for the cottage cluster.
Transitions to residential entrances	Opportunities to provide separation and transitions between private entrance areas and the public realm.
Off-street parking design; driveway and garage design	The impact of parking and vehicle access on the public right-of-way and pedestrian environment on- and off-site, and opportunities to minimize those impacts through design.
Required outdoor area and usable open space; common courtyards	Ensuring livable design for residents, including access to light, air, open space, and active or passive recreation amenities; supporting shared community space for residents; and enabling culturally-sensitive amenities.
Screening of parking areas and trash storage	Opportunities to minimize the impact of parking areas or trash storage on the pedestrian environment; and, for trash storage, opportunities to minimize the impact on abutting residential properties.
Screening from arterials	Opportunities to minimize noise and air quality impacts from abutting transportation facilities on residents.

D. Expiration of Approvals. An approval under this section expires if:

1. Within 2 years of the date of the final decision, a building permit has not been issued for approved development.
2. Within 2 years of the date of the issuance of a building permit, if the approved development has not commenced.

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9.6 Middle Housing Land Division

- A. Purpose.** A Middle Housing Land Division (MHL) is a partition or subdivision of a lot on which the development of middle housing is allowed under ORS 197A.420 (2) or (3) or under Oregon Laws 2025, Chapter 476, Section 3.

MHLs are regulated by this Code and ORS 92.031. The purpose of an MHL is to provide a simplified and expedited process for subdividing or partitioning lots with middle housing so that each unit is on a separate property, which enables the units to be sold and owned individually.

B. Applicability.

1. **Eligible Housing.** Any lot (parent lot) developed, or proposed to be developed, with middle housing pursuant to ORS 197A.420(3) is eligible for an MHL. [Recommended Alternative: Any lot (parent lot) developed, or proposed to be developed, with middle housing is eligible for an MHL.] Middle housing development that is eligible for an MHL may consist of:
 - a. A single duplex or a single structure containing two townhouses;
[Recommended Alternative: A single triplex, quadplex, cottage cluster, or a single structure containing three or more townhouses;]
 - b. Additional “bonus” units as allowed by Section 8.2 or by Oregon Laws 2025, Chapter 476, Section 3 (3), as applicable; and
 - c. Any retained or rehabilitated existing units on the lot, as allowed by Section 1.4, including:
 - i. One detached single-unit dwelling;
 - ii. One detached single-unit dwelling plus one accessory dwelling unit; or
 - iii. One duplex.
2. **Applicability of Middle Housing Regulations.** An MHL creates 2 or more lots from a single parent lot on which middle housing is developed or proposed. After an MHL is completed, the resulting lots are “child lots.” The development is still subject to the requirements and standards that applied to the parent lot prior to the MHL. In other words, the middle housing development is still defined and regulated as the original middle housing type after an MHL is completed. For example, an attached triplex that undergoes an MHL does not become a townhouse development; the structure and property are still subject to requirements/standards for a triplex.
3. **Application Timing and Sequencing.**
 - a. An application for a tentative plan for an MHL may be submitted before, after, or at the same time as the submission of an application for building permits for the middle housing.
 - b. An application for a tentative plan for an MHL may be submitted at the same time as an application for a standard land division, subject to the following:
 - i. The standard land division creates the parent lots, and the MHL further subdivides the lots into middle housing child lots.

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- ii. The parent lots must meet the city's requirements applicable to lots created by a standard land division.
- iii. For a townhouse project, each townhouse structure must be on its own parent lot. Lots for individual townhouses may be created concurrently through an MHL D.
- iv. For a cottage cluster project, each cottage cluster must be on its own parent lot. Lots for individual cottages may be created concurrently through an MHL D.
- c. An application of one or more MHL Ds submitted at the same time as an application for a standard land division will be consolidated into a single application subject to the procedural requirements for the standard land division.
- d. Within the same calendar year as an original partition that was not an MHL D, one or more of the resulting vacant parcels may be further partitioned into not more than 3 parcels through an MHL D.

[4. **Recommended: Further Division of Child Lots.** Middle housing child lots may be further divided by a subsequent MHL D if at least one of the following conditions is met:

- a. The child lot is two or more times larger than the minimum lot size of the zone, meaning that it could be divided through a standard land division into two or more lots that meet the minimum lot size; or
- b. Further division of the child lot would enable the applicable minimum density requirement to be met.]

C. Tentative Plan Approval Criteria. Approval of a tentative plan for an MHL D will be granted if the Planning Official finds that the applicant has met all of the criteria in subsections (1) through (7), below. The city's standard tentative plan approval criteria do not apply.

- 1. Except as provided in Section 1.4, the middle housing development complies with:
 - a. The Oregon Residential Specialty Code; and
 - b. The middle housing regulations applicable to the parent lot, including but not limited to, the provisions in this Code and any applicable provisions in the city's development code.
- 2. Exactly one dwelling unit will be located on each resulting child lot except for:
 - a. Lots, parcels, or tracts used as common areas, on which no dwelling units will be permitted; or
 - b. Lots with 2 retained or rehabilitated existing units, as allowed under Section 1.4. Such retained units shall be considered a single middle housing unit for the purposes of the MHL D.
- 3. Separate utility service connections will be provided for each child lot, [Recommended: unless the applicant records a Covenant, Condition, or Restriction (CC&R) outlining the shared maintenance obligations of individual owners for all shared utilities. Shared maintenance obligations may be through a homeowners association or other legal entity.]
- 4. Easements will be provided as necessary for each dwelling unit on the site for:

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- a. Locating, accessing, replacing, and servicing all utilities;
 - b. Pedestrian access from each dwelling unit to a private or public road;
 - c. Access to any common use areas or shared building elements; and
 - d. Access to any dedicated driveways or parking.
5. Buildings or structures on a resulting child lot will comply with applicable building code provisions relating to new property lines.
 6. Notwithstanding the creation of new child lots, all structures or buildings located on the newly created lots will comply with the Oregon Residential Specialty Code.
 7. Where a resulting child lot abuts a street that does not meet city standards, street frontage improvements will be constructed and, if necessary, additional right-of-way will be dedicated, pursuant to the city's public works standards and design and construction specifications.

D. Tentative Plan Submittal Requirements. An application for an MHL D tentative plan shall include the following:

1. Any information required by the city for a standard land division.
2. A description of the manner in which the proposed land division will satisfy the approval criteria in subsection (C).
3. Copies of approved building permits, building permit applications, or comparable information necessary to demonstrate compliance with building code standards, and an accompanying site plan demonstrating compliance with criteria in subsections (C)(1), (5), and (6).
4. In addition to the items required by the city to be shown on a tentative plan or preliminary plat for a standard land division, the MHL D tentative plan shall show the following details:
 - a. Utility connections for each dwelling unit, demonstrating compliance with approval criterion (C)(3).
 - b. Existing or proposed easements necessary for each dwelling unit on the plan, demonstrating compliance with the criterion (C)(4).
5. Draft copies of all necessary easements required by criterion (C)(4).

E. Tentative Plan Conditions of Approval.

1. The city may attach conditions of approval of a tentative plan for an MHL D to:
 - a. Prohibit further division of the resulting child lots. [Recommended: However, further division of the child lots may be permitted as provided in subsection (B)(4).]
 - b. Require that a notation appear on the final plat indicating:
 - i. The approval was given under ORS 92.031.

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- ii. The type of middle housing approved on the subject site and noting that this middle housing type shall not be altered by the MHL D.
 - iii. Accessory dwelling units are not permitted on resulting child lots. [Recommended: except as provided below.
 - (A) The child lots are used to create housing that is at or above the applicable minimum density standard; or
 - (B) The accessory dwelling unit is provided as a bonus unit under Section 8.2.]
 - c. Require that all public improvements and site improvements that are required to satisfy approval criteria in subsection (C) and applicable standards of the city's code are constructed prior to issuance of a Certificate of Occupancy for the development.
2. The tentative approval of an MHL D is void if and only if a final MHL D plat is not approved within 3 years of the tentative approval.

F. Tentative Plan Procedure.

- 1. **Standard Procedure.** Unless the applicant requests to use the procedure for an expedited land division as provided in subsection (2), the city shall review an MHL D under the same procedure that applies to a standard land division. An application of one or more than one MHL D submitted at the same time as an application for a standard land division will be consolidated into a single application subject to the procedural requirements for the standard land division.
- 2. **Expedited Procedure.** If requested by the applicant, the procedure used for an expedited land division shall apply to the review and approval of an MHL D, as provided below and in ORS 197.365. A decision for an MHL D processed under ORS 197.365 is not subject to the requirements of ORS 197.797.
 - a. The applicant shall pay a filing fee according to the city's fee schedule, or as otherwise specified by the city in accordance with ORS 197.365(2)(e).
 - b. The Planning Official shall follow the procedure specified in Section 9.3(D) for determination and notification of a complete application.
 - c. The Planning Official shall make a decision to approve or deny the application and shall provide notice of the decision to the applicant within 63 days of receiving a completed application. Notice shall not be provided to any other person.
 - d. The MHL D review process does not include a hearing and the city does not accept public comment from third parties.
 - e. The city shall issue a written determination of compliance or noncompliance with the approval criteria in subsection (C). An approval may include conditions of approval pursuant to subsection (E) to ensure that the application meets all applicable requirements.

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- f. The written determination shall include a summary statement explaining the determination and an explanation of the applicant's right to appeal the determination under ORS 197.830 to 197.855.
 - g. Only the applicant may appeal a decision for an MHL D processed as an expedited land division made under this section.
- G. Final Plat Requirements.** An application for an MHL D final plat shall meet the city's requirements and approval criteria that apply to a standard land division final plat, unless those requirements conflict with statutory requirements for MHL Ds, in which case the statutory requirements apply.

10 – Measurement Methodologies and Definitions

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Sections:

10.1 Measurement Methodologies

10.2 Definitions

10.1 Measurement Methodologies

10.1.1 Floor Area and Floor Area Ratio

A. Standard.

1. Average cottage size (i.e., average floor area) for cottage clusters is specified in Table 5.1.
2. Maximum floor area for accessory dwelling units is specified in Section 7.1.3.
3. Maximum floor area ratios for other housing types are stated in Tables 2.1 - 4.1 and 6.1. Floor area ratio works with height, setback, and outdoor area requirements to control the overall bulk and placement of buildings.

B. Measurement Methodology.

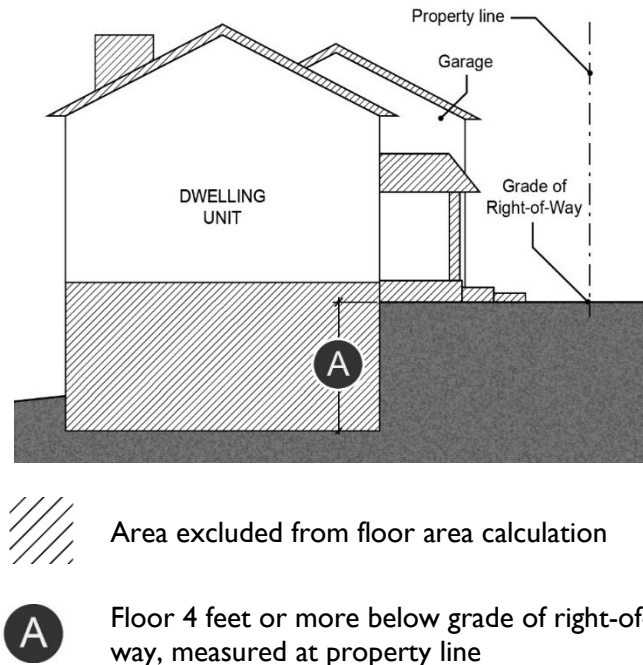
1. **Floor Area.** Floor area is measured for each floor from the exterior faces of a building. Floor area includes stairwells, ramps, shafts, chases, and the area devoted to garages and structured parking.

Floor area does not include the following (see Figure 10.1.1.a):

- Areas where the elevation of the floor is 4 feet or more below the adjacent right-of way, as measured at the property line;
- Basements. For the purposes of the floor area calculation, basement area includes the portion of a building that is partly or completely below grade. A minimum of 50 percent of the total combined area of the basement walls must be below grade to be considered a basement;
- Areas where the ceiling height is less than 6 feet 8 inches;
- Roof area, including roof top parking;
- Roof top mechanical equipment;
- Roofed outdoor living areas that are structurally attached to the building (e.g., porches and exterior balconies), unless they are enclosed by walls that are more than 42 inches in height for 75 percent or more of their perimeter; and
- Covered carports.
- Stairwells are only counted as floor area on one level.

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Figure 10.1.1.a. Areas Excluded from Floor Area Calculation

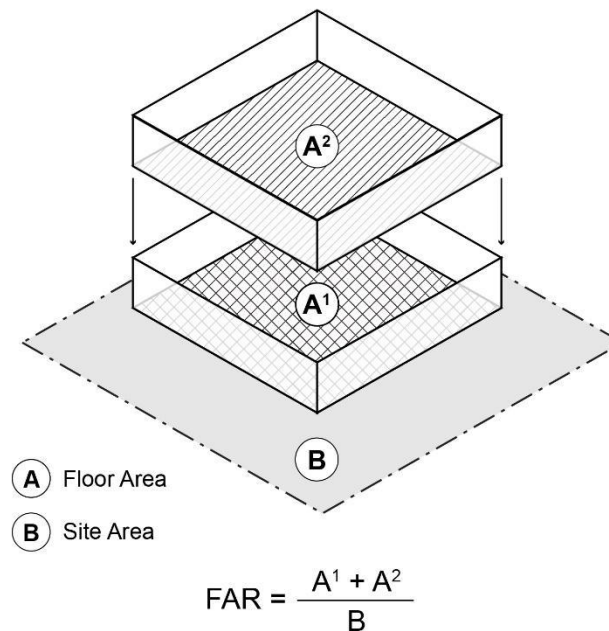


2. **Average Cottage Size.** Within each cottage cluster, the average cottage size is calculated as follows:
 - a. Total floor area of all cottages and community buildings within the cluster divided by the number of cottages and community buildings within the cluster.
 - b. The average floor area within a cluster may not exceed the maximum stated in Table 5.1.
 - c. Where dwelling units are attached, the floor area of each dwelling unit is calculated separately.
 - d. An applicant may choose to exclude existing structures retained under Section 5.2.8 from the calculation.
 - e. For cottage cluster projects with multiple clusters, the average cottage size is calculated for each cluster separately.
3. **Floor Area Ratio (FAR).** FAR is the amount of floor area of a building or structure in relation to the amount of site area. FAR is expressed as a ratio of X:1, where X represents the total building floor area permitted for each square foot of site area. For example, FAR of 0.7:1 means 0.7 square feet of floor area for every one square foot of site area. FAR is calculated by dividing the total floor area of all buildings on a site by the total site area (See Figure 10.1.1.b).

The maximum FAR applies to all buildings on a site, cumulatively. Refer to Section 10.2 for the definition of “site.”

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Figure 10.1.1.b. Floor Area Ratio (FAR) Calculation



C. FAR Exceptions. The following are not included in the calculation of FAR.

1. Floor area for required long term bicycle parking that is not located in a dwelling unit.
2. Floor area for indoor common area used to meet the requirements of Section 6.2.6.
3. Accessory structures under 15 feet high and less than 200 square feet.

10.1.2 Height

A. Standard. Maximum building/structure height allowed for each housing type are stated in Tables 2.1 - 6.1. It is intended to work with FAR, setback, and outdoor area requirements to control the overall bulk and placement of buildings. Exceptions to the maximum height are stated in subsection (C).

B. Measuring Building Height. Building height shall be calculated in accordance with the applicable building code.

C. Exceptions.

1. Chimneys, vents, flag poles, satellite receiving dishes and other projecting items with a width, depth, or diameter of 3 feet or less may extend above the height limit, as long as they are attached to a building and do not exceed 5 feet above the top of the highest point of the roof. If they are greater than 3 feet in width, depth, or diameter, they are subject to the height limit.
2. Roof mounted solar panels are not included in height calculations.
3. For buildings over 3 floors in height, rooftop mechanical equipment and stairwell enclosures that provide rooftop access may extend above the height limit as follows, provided that the equipment and enclosures are set back at least 15 feet from all roof edges on street-facing facades.

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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.

10.1.3 Minimum Density

- A. Standard.** The minimum density standard for each housing type is stated in Tables 2.1 - 6.1. Minimum density ensures more efficient use of available residential land and helps ensure sufficient residential capacity to accommodate growth. Exceptions to minimum density are stated in subsection (C).
- B. Calculating Density.** Density is a measurement of the number of dwelling units in relationship to a specified amount of land, based on the minimum area per dwelling unit required by this Model Code. Density is calculated based on the area of a site (refer to the definition of “site” in Section 10.2). In order to avoid penalizing sites with constrained lands, minimum density is based on the net site area. Minimum Density is expressed in Tables 2.1 - 6.1 as the maximum amount of land (net site area) allowed per unit.

Minimum Density (i.e., maximum amount of land per unit) = Net site area / number of dwelling units.

- To calculate the number of units required to meet the minimum density standard, divide the net site area by the maximum land area per unit.
- For affordable housing developments meeting the definition in Section 10.2, dwelling units with three or more bedrooms may be counted as 2 units for the purposes of complying with minimum density.
- For the purpose of calculating minimum density, “net site area” equals the site area less constrained lands. Applicants may choose to classify the following as constrained land: goal protected lands; land with slopes of 25 percent or greater; land within utility easements; and for multi-unit housing developed on a site on which existing unit(s) will be retained, the building footprint and any required setbacks for those unit(s).

C. Exceptions.

1. Where the application of the minimum density standard to a site would result in a fraction of a unit, the number of units required may be rounded down to the nearest whole unit.
2. The following developments are exempt from meeting the minimum density requirements:
 - a. The conversion of an existing dwelling unit into two or more units;
 - b. The addition of accessory dwelling unit(s) to a lot;
 - c. The addition of middle housing to a lot with retained units pursuant to Section 1.4; and
 - d. Mixed-use developments, provided at least 5 percent of the total floor area is dedicated to commercial uses.

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10.1.4 Building Setbacks

A. Standard. The minimum setbacks required for each housing type are stated in Tables 2.1 - 6.1.

Minimum setbacks work with FAR, height, and outdoor area requirements to control the overall bulk and placement of buildings.

1. Garage Entrance Setbacks (Driveway Length).

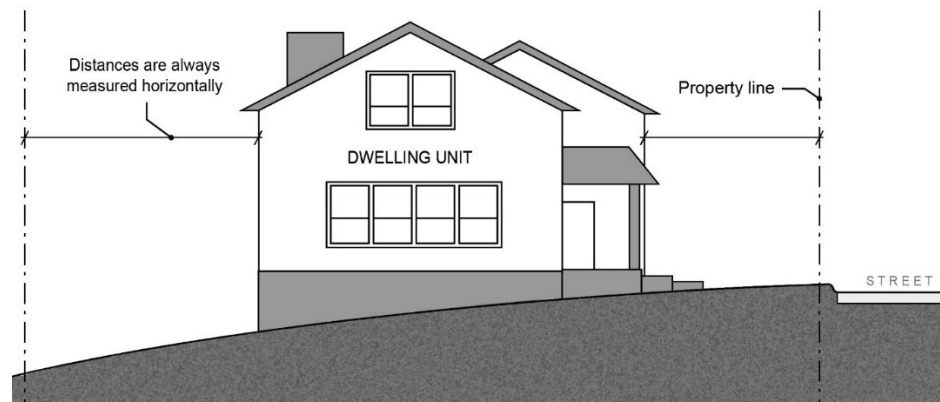
- a. Where Tables 3.1 – 6.1 specify either a minimum or maximum garage entrance setback, the garage entrance must be either 18 feet or farther from the street lot line or 5 feet or closer to the street lot line.
- b. If there is a driveway but no garage, the driveway length must be at least 18 feet. This includes driveways covered by a carport.
- c. Driveways accessed from an alley are exempt from garage entrance setback standards.

2. Exceptions to the minimum setbacks are stated in subsection (C).

B. Measuring Building Setbacks.

1. Setback distances are measured along a horizontal plane from the appropriate property line to the edge of the building (see Figure 10.1.4.a).

Figure 10.1.4.a. Setback Measurements



2. For multi-unit housing proposed on a site that includes more than one lot, setbacks are calculated based on the property lines of the overall site, rather than individual lots.
3. For lots divided by a Middle Housing Land Division, setbacks apply to the parent lot, not to child lots.
4. Where the subject property line abuts an existing right-of-way whose width is substandard based on the roadway classification in the city's adopted Transportation System Plan, the setback shall be based on the future right-of-way line after dedication.
5. Measurements are made to the closest wall of the structure. Projections into setbacks allowed pursuant to subsection (C)(4) are not included when determining the closest wall of the structure.

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C. Exceptions to Building Setbacks.

1. The interior side lot line between two attached dwelling units is not subject to the minimum side setback standard in Table 4.1 (Townhouses).
2. Alley lot lines are exempt from minimum garage entrance setbacks (driveway length).
3. Portions of structures that are entirely underground are not included in measuring required distances.
4. Projections into Setbacks.
 - a. Building eaves may project up to 2 feet into a required setback, provided the eave is at least 3 feet from a lot line.
 - b. Canopies and awnings may extend up to 5 feet into a required setback along a street lot line.
 - c. The following minor features may extend into entire required building setbacks:
 - i. Utility connections attached to the building that are required to provide services, such as water electricity and other similar utility services;
 - ii. Gutters and downspouts that drain stormwater off a roof of the structure;
 - iii. Stormwater planters that are no more than 2-1/2 feet above the ground;
 - iv. Water collection cisterns that are 6 feet or less in height;
 - v. Attached decks, stairs, and ramps that are no more than 2-1/2 feet above the ground. However, stairways and wheelchair ramps that lead to one entrance on the street-facing facade of a building are allowed to extend into the required street setbacks regardless of height above ground; and
 - vi. On lots that slope down from the street, vehicular or pedestrian entry bridges that are no more than 2-1/2 feet above the average sidewalk elevation.
 - vii. Balconies and bay windows may encroach into a required street-facing setback area.
 - d. The following features of a building may extend into a required building setback up to 20 percent of the depth of the setback, except as indicated. However, the feature must be at least 3 feet from a lot line.
 - i. Chimneys, fireplace inserts and vents, mechanical equipment, and fire escapes;
 - ii. Wheelchair ramps, water collection cisterns and stormwater planters that do not meet the standards of subsection (C)(4)(c); and
 - iii. Decks, stairways, that do not meet the standard for subsection (C)(4)(c), but only along a street lot line.

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10.1.5 Required Outdoor Area and Usable Open Space

A. Standard. The minimum amount of outdoor area and usable open space (if applicable) required for each housing type is stated in Tables 2.1 – 6.1. Exceptions to the minimum required outdoor area and usable open space are stated in subsection (C). Except as specified below, site area covered by enclosed buildings or used for vehicle parking and circulation shall not be counted as required outdoor area or usable open space.

B. Measurement Methodology.

1. Required Outdoor Area. Areas which can be counted toward the required outdoor area include:
 - Areas planted with vegetation (including natural areas and existing trees);
 - Private open space, including balconies attached to individual dwelling units;
 - Pedestrian hardscape; and
 - Usable open space pursuant to subsection (B)(2).
2. Usable Open Space. Where usable open space is required, it must include one or more of the following:
 - Outdoor recreation area surfaced with lawn, groundcover, gravel, or hard surface. The area must be contiguous and able to fit a 10-foot by 10-foot square;
 - Balconies, terraces, and rooftop decks with seating areas that are available for use by all residents;
 - Tree grove (e.g., existing mature trees);
 - Turf or grass play fields;
 - Children's play structure or play area;
 - Sports courts;
 - Swimming or wading pool or hot tub;
 - Walking fitness course;
 - Natural area with benches;
 - Gardening area with at least 50 square feet of planting area; or
 - Indoor recreation and community spaces, as provided in subsection (C).
3. Enclosure. Required outdoor areas may be covered, such as a covered patio or gazebo, but they may not be fully enclosed, except as provided in subsection (C). Covered outdoor areas are subject to the applicable setback standards.

C. Exceptions. As provided in Section 6.2.6(A)(3)(c), some of the required usable open space may be provided as shared indoor recreation or community space. Eligible spaces include:

- Community rooms, including exercise, entertainment, cooking/dining, or meeting facilities;
- Day care facilities;
- Support services offices/facilities; and
- Occupational facilities, such as shared remote or live-work facilities.

Indoor common areas that are not recreational or community spaces, such as lobbies, hallways, laundry facilities, storage rooms, and vehicle or bicycle facilities, do not qualify.

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10.1.6 Vehicle Parking

A. Standards.

1. The minimum and maximum amount of off-street vehicle parking required for each housing type is stated in Tables 2.1 - 6.1.
2. Fractions. In calculating the required number of vehicle parking spaces, fractions equal to or more than 0.5 shall be rounded up to the nearest whole number and fractions less than 0.5 shall be rounded down to the nearest whole number.
3. Exceptions to the minimum and maximum parking requirements are stated in subsection (C).

B. Vehicle Parking.

1. Parking Location and Design. Off-street vehicle parking spaces required to meet minimum quantity requirements must meet the following standards:
 - a. Located on a hard-surfaced area.
 - b. Minimum space size:
 - Standard:
 - Width: 8.5 feet
 - Depth: 18 feet
 - Compact:
 - Width: 7.5 feet
 - Depth: 16 feet
 - c. Up to 20 percent of parking stalls in shared parking areas may be compact spaces.
 - d. Spaces may be covered or uncovered.
 - e. Spaces may be provided on individual lots or in a shared parking area on a common tract.
 - f. ADA parking spaces must be provided on site; all other required parking must be provided on site or within 200 feet of the site.
 - g. Except for ADA parking spaces, a credit for on-street parking shall be granted for some or all of the required off-street parking as provided in subsection (2).
2. On-Street Parking. If on-street parking spaces meet all the standards in subsections (a)-(d) below, they shall be counted toward the minimum off-street parking requirement.
 - a. The space must be abutting the subject site;
 - b. The space must be in a location where on-street parking is allowed by the city;
 - c. The space must be a minimum of 22 feet long; and
 - d. The space must not obstruct a required sight distance area.

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3. **Maximum Parking.** Except as provided in subsection (C)(1), the maximum parking requirement applies to all parking on site, including visitor parking.

C. Exceptions.

1. ADA parking spaces and tandem parking spaces are exempt from the maximum limit on parking spaces.
2. The following are exempt from minimum required parking spaces:
 - a. Affordable housing as defined in Section 10.2;
 - b. Dwelling units 1,000 square feet or less in size; and
 - c. Dwelling units created through the conversion of an existing structure.

10.1.7 Bicycle Parking

A. Standards.

1. The minimum amount of bicycle parking required for each housing type is stated in Tables 2.1 - 6.1.
2. **Fractions.** In calculating the required number of bicycle parking spaces, fractions equal to or more than 0.5 shall be rounded up to the nearest whole number and fractions less than 0.5 shall be rounded down to the nearest whole number.
3. Exceptions to the bicycle parking requirements are stated in subsection (D).

B. Long-Term Bicycle Parking.

1. Long-term bicycle parking must be provided in one or more of the following locations.
 - a. Within a restricted access, lockable room outside of dwelling units with securely anchored racks that allow users to lock at least two points on a bicycle.
 - b. Within dwelling units that are at least 400 square feet, in the following circumstances:
 - i. Sites containing 12 or fewer dwelling units may provide up to 100 percent of required bicycle parking spaces in the dwelling units.
 - ii. Sites containing more than 12 dwelling units where all units above the ground floor have elevator access may provide up to 50 percent of the required bicycle parking spaces in dwelling units.
 - iii. Sites containing more than 12 dwelling units where all units above the ground floor do not have elevator access may provide required bicycle parking spaces in ground floor dwelling units only.
 - c. Within bicycle lockers that are fully enclosed, lockable, and securely anchored to the ground.
2. The area devoted to bicycle parking must be hard surfaced and lighting must be provided for nighttime use.

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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 20,000 square feet, short-term bicycle parking spaces may be provided on-site or within the public sidewalk, as allowable under the city's public works standards, provided the space does not obstruct required minimum sidewalk widths or access to doorways.
- b. For sites that are 20,000 square feet or larger, bicycle parking shall be provided on-site.
- c. If bicycle parking is provided on-site, it must be located:
 - i. At the same grade as the sidewalk or at a location that can be reached by an accessible route; and
 - ii. Within 50 feet of a main entrance to the building, as measured along the most direct pedestrian access route.

2. Dimensional standards. Each short-term bicycle space must be a minimum of 2 feet wide, 6 feet long and 3 feet 4 inches tall.

D. Exceptions. The following are exempt from the long-term bicycle parking requirements:

1. Senior housing projects (those restricted for occupancy by households in which at least one member is aged 55 years or older).
2. Accessible units and any bonus units that are provided in a development where an accessibility bonus is triggered pursuant to Section 8.2.

10.1.8 Windows and Doors

A. Standard. The minimum amount of window and door area required for each housing type is stated in the applicable design standards.

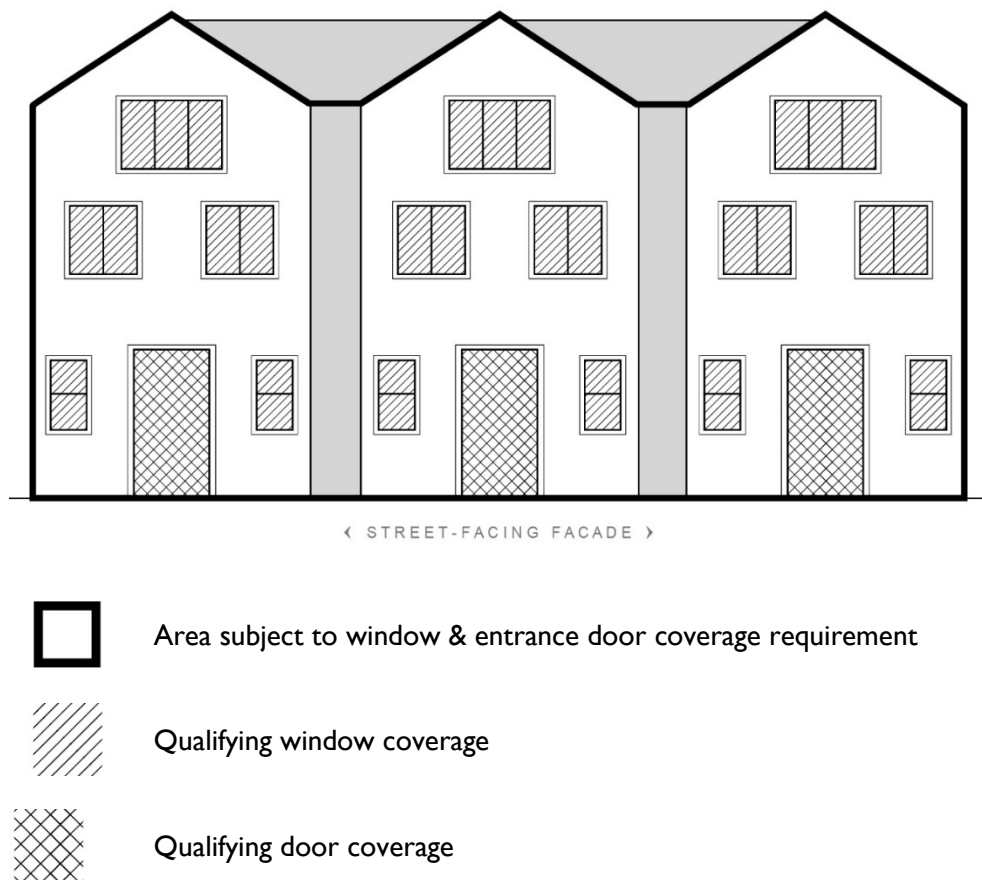
B. Measurement Methodology. Areas that qualify for the window and door coverage calculation are subject to the following (See Figure 10.1.8.a):

1. Windows and pedestrian entrance doors may be used to meet this standard as provided in subsections (2) and (3), below.

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2. Window area is the aggregate area of the glass within each window, including any interior grids, mullions, or transoms. Windows into storage areas, mechanical and utility areas, and garbage and recycling areas do not qualify.
3. Door area is the area of the portion of an entrance door (other than a garage door) that moves and does not include the frame. For multi-unit housing, doors that provide access to dwelling units (either shared or individual access) and community spaces qualify, but all other doors (e.g., into storage areas or mechanical areas) do not qualify.

Figure 10.1.8.a. Window and Door Coverage



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10.2 Definitions

A. Applicability. The following definitions shall apply for the purposes of this Model Code, notwithstanding other definitions in a locally adopted development code.

B. Definitions.

1. “Accessible unit” means a unit of housing that complies with the “Type A” requirements applicable to units as set forth in the Standard for Accessible and Usable Buildings and Facilities published by the International Code Council and as referenced by the state building code.
2. “Accessible walkway” means a walkway designed and built according to the Americans with Disabilities Act (ADA) standards to ensure it is usable by people with disabilities, particularly those who use mobility devices.
3. “Accessory Dwelling Unit” – see “Housing Type.”
4. “Adaptable unit” means a unit of housing that complies with the “Type B” requirements applicable to units as set forth in the Standard for Accessible and Usable Buildings and Facilities published by the International Code Council and as referenced by the state building code.
5. “Affordable Housing” means income-restricted housing in one of the following categories, as provided in Chapter 8:
 - a. 10-Year Affordable Homeownership Unit. A unit of housing is subject to an affordable housing covenant, as described in ORS 456.270 to 456.295, that:
 - i. Makes the unit available and affordable to purchase and to own for households with incomes of 120 percent or less of the area median income; and
 - ii. Is enforceable for a duration of not less than 10 years from the date of the certificate of occupancy.
 - b. 20-Year Affordable Housing. Residential property:
 - i. In which the average of all units on the property is made available to own or rent to households with incomes of 80 percent or less of the area median income; and
 - ii. Whose affordability, including affordability under a covenant as described in ORS 456.270 to 456.295, is enforceable for a duration of no less than 20 years.
 - c. 30-Year Affordable Housing. Residential property:
 - i. In which:
 - (A) Each unit on the property is made available to own or rent to households with incomes of 80 percent or less of the area median income; or
 - (B) The average of all units on the property is made available to households with incomes of 60 percent or less of the area median income; and

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- ii. Whose affordability, including affordability under a covenant as described in ORS 456.270 to 456.295, is enforceable for a duration of no less than 30 years.
- d. 90-Year Moderate Income Cooperative Housing: Residential property in which all of the units are subject to a zero equity, limited equity, or shared equity ownership model including resident-owned cooperatives and community land trusts making them affordable to moderate income households as described in ORS 456.270 to 456.295 for a period of 90 years.
- 6. “Appeal Body” means the local decision-making authority designated by a City to hear and decide appeals of land use decisions and Limited Land Use Decisions. The Appeal Body for an appeal of a decision made by a Planning Official may be a Hearings Officer, Planning Commission, or City Council.
- 7. “Building footprint” means the horizontal area as seen in plan, measured from outside of all exterior walls and supporting columns. It includes dwellings and any area of attached garage that exceeds 200 square feet. It does not include detached garages or carports; accessory structures; trellises; patios; areas of porch, deck, and balcony less than 30 inches from finished grade; cantilevered covers, porches or projections; or ramps and stairways required for access. For attached housing, building footprint is measured for each dwelling unit separately, and is measured to the center of any common walls.
- 8. “Common courtyard” means a common area for use by residents of a cottage cluster. A common courtyard may function as a community yard. Hard and soft landscape features may be included in a common courtyard, such as pedestrian walkways, lawn, groundcover, trees, shrubs, patios, benches, or gazebos.
- 9. “Common wall” means a wall or set of walls in a single structure shared by two or more dwelling units. The common wall must be shared for at least 25 percent of the length of the side of the building of the dwelling units. The common wall may be any wall of the building, including the walls of attached garages.
- 10. “Cottage” means an individual dwelling unit that is part of a cottage cluster.
- 11. “Cottage cluster” – see “Housing Type.”
- 12. “Cottage cluster project” means a development site with one or more cottage clusters. Each cottage cluster as part of a cottage cluster project must have its own common courtyard.
- 13. “Detached single-unit” – see “Housing Type.”
- 14. “Driveway approach” means the edge of a driveway where it abuts a public right-of-way.
- 15. “Duplex” – see “Housing Type.”
- 16. “Dwelling unit” means a building, or a portion of a building, that has independent living facilities including provisions for sleeping, cooking, and sanitation, and that is designed for residential occupancy by a group of people. Buildings with more than one set of cooking facilities are considered to contain multiple dwelling units or accessory dwelling units, as applicable, unless the additional cooking facilities are clearly accessory to the primary use, such as an outdoor grill or wet bar.

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17. “Façade” means the vertical wall face of a building, or the sum of multiple vertical faces, facing the same lot line.
18. “Floor area” and “Floor area ratio” – see Section 10.1.1.
19. “Frontage” means the portion of a lot or parcel that abuts a street.
20. “Goal Protected Lands” means lands protected or designated pursuant to any one of the following statewide planning goals:
 - Goal 5 Natural Resources, Scenic and Historic Areas, and Open Spaces;
 - Goal 6 Air, Water, and Land Resource Quality
 - Goal 7 Areas Subject to Natural Hazards;
 - Goal 9 Economic Development;
 - Goal 15 Willamette River Greenway;
 - Goal 16 Estuarine Resources;
 - Goal 17 Coastal Shorelands; or
 - Goal 18 Beaches and Dunes.
21. “Hard surfaced,” in the context of pedestrian walkways, means built with a durable, solid material that provides a firm, stable, and smooth walking surface, which may include concrete, asphalt, or pavers or bricks set in mortar or compacted base.
22. “Housing Type” means one of the following. (In instances where a development can meet the definition of more than one housing type, the applicant shall specify the housing type on the development application.)
 - a. “Accessory Dwelling Unit” or “ADU” means an interior, attached, or detached residential structure that is used in connection with, or that is accessory to, a primary dwelling.
 - b. “Cottage cluster” means a grouping of dwelling units that share a common courtyard. Each dwelling unit has a small footprint or floor area. The dwelling units may be detached or attached, provided no one building or structure contains more than 4 dwelling units. Cottage cluster may also be known as “cluster housing,” “cottage housing,” “bungalow court,” “cottage court,” “courtyard housing,” “garden apartments,” or “pocket neighborhood.”
 - c. “Detached single-unit” or “DSU” means a detached structure on a lot or parcel that is comprised of a single dwelling unit. Detached single-units may be constructed on-site or off-site (e.g., manufactured dwellings or prefabricated homes).
 - d. “Duplex” means two attached or detached dwelling units in any configuration on a lot or parcel, other than a lot or parcel created by a Middle Housing Land Division.
 - e. “Middle housing” means housing that consists of duplexes, triplexes, quadplexes, cottage clusters, or townhouses. “Middle housing” includes retained units under Section 1.4 and additional “bonus” units allowed by Sections 8.2.1 through 8.2.4 or by Oregon Laws 2025, Chapter 476, Section 3 (3), as applicable.
 - f. “Multi-unit housing” means 5 or more dwelling units located on the same lot or development site, not including middle housing.

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- g. “Quadplex” means 4 attached or detached dwelling units in any configuration on a lot or parcel, other than a lot or parcel created by a Middle Housing Land Division.
 - h. “Townhouse” means a dwelling unit constructed in a row of 2 or more attached units, where each dwelling unit is located on an individual lot or parcel and shares at least one common wall with an adjacent unit. A townhouse is also commonly called a “rowhouse,” “attached house,” “townhome,” or “common-wall house.”
 - i. “Triplex” means 3 attached or detached dwelling units in any configuration on a lot or parcel, other than a lot or parcel created by a Middle Housing Land Division.
23. “Local street” means a street designated as a local street in a city’s adopted Transportation System Plan, in the applicable functional classification map, or in the city’s public works or engineering standards. Where street classifications have not been established, “local street” means a street that serves primarily local access to property and circulation within neighborhoods or specific areas.
24. “Lot” or “lot or parcel” means any lawfully established unit of land, as defined in ORS 92.010. Lot may also be used generically to refer to units of land created through partitions.
25. “Main entrance” means the ground floor (or first floor) exterior pedestrian door through which residents and visitors enter a residential building or dwelling unit. For buildings where access to some or all dwelling units is via shared hallways, a main entrance is one that enters the lobby or common circulation space. A building may have more than one main entrance meeting these criteria. For buildings in which all units have individual exterior entrances, each entrance to a dwelling unit is considered a main entrance.
26. “Middle housing” – see “Housing Type.”
27. “Middle housing land division (MHLD)” means a partition or subdivision of a lot or parcel on which the development of middle housing is allowed under ORS 197A.420 (2) or (3) or Oregon Laws 2025, Chapter 476, Section 3.
- a. “Parent Lot” in relation to a Middle Housing Land Division means a lot or parcel which is developed or is proposed to be developed with a middle housing development.
 - b. “Child Lot” in relation to a Middle Housing Land Division means the unit(s) of land created from a parent lot as the result of a Middle Housing Land Division. A “child lot” may also be referred to as a “middle housing lot.”
28. “Multi-unit housing” – see “Housing Type.”
29. “Planning Official” means the person(s) or body (including designees) designated by the governing body of a city to administer the city’s comprehensive plan, land use regulations, and related requirements. Typically, the Planning Official is an individual employed by a city (e.g., Planning Director or designees) but may be the Planning Commission or City Council.
30. “Primary dwelling” means a principal dwelling on a lot or site that constitutes the main residential use of the property. Where a dwelling unit:

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- a. Is added to a lot with an existing dwelling that has been in place for at least 5 years, the existing dwelling is designated as the primary dwelling.
 - b. Is constructed within 5 years of the primary dwelling, the larger unit is designated as the primary dwelling.
 - c. Could meet the definition of either a primary or accessory dwelling unit, the applicant may designate which dwelling shall serve as the primary dwelling.
31. “Quadplex” – see “Housing Type.”
32. “Regulated housing” means residential dwelling units of the following types: Detached Single-Unit, Duplex, Triplex, Quadplex, Townhouse, Cottage Cluster, Multi-Unit Housing, and Accessory Dwelling Unit.
33. “Site” has different meanings depending on the housing type, as provided below. “Development site” has the same meaning as “site.”
- a. For detached single-unit, duplex, triplex, quadplex, and cottage cluster, “site” means a single lot (other than a middle housing child lot) on which the housing unit or units is proposed.
 - b. For townhouse, “site” refers to all the lots underlying a single townhouse structure.
 - c. For multi-unit housing, “site” refers to a property (or group of abutting parcels or lots under the same ownership) that is subject to a development application.
34. “Site area” means the total area of a development site calculated after subtracting any required or planned dedication of public rights-of-way or designation of private rights-of-way.
35. “Standard land division” means a subdivision or partition other than a Middle Housing Land Division.
36. “Sufficient Infrastructure” means the following level of public services to serve a new housing development:
- Connection to a public sewer system capable of meeting established service levels.
 - Connection to a public water system capable of meeting established service levels.
 - Access via public or private streets meeting adopted emergency vehicle access standards to a city’s public street system.
 - Storm drainage facilities capable of meeting established service levels for storm drainage.
37. “Townhouse” – see “Housing Type.”
38. “Townhouse project” means one or more townhouse structures (i.e., structures formed by attached townhouses) constructed, or proposed to be constructed, together with the development site where the land has been divided, or is proposed to be divided, to reflect the townhouse property lines and any commonly owned property.

10 – Measurement Methodologies and Definitions

39. “Townhouse style multi-unit housing” means developments in which the units have individual ground floor entries, share one or more common walls with one or more other units, and do not share common floors/ceilings with another unit.
40. “Triplex” – see “Housing Type.”

Housing Model Code – Large Cities

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I – General Provisions

Chapter I – General Provisions

Sections:

- I.1 Purpose
- I.2 Applicability
- I.3 Relationship to Other Regulations
- I.4 Retention of Existing Units with Middle Housing
- I.5 Exception to Certain Design Standards

I.1 Purpose

The Housing Model Code for Large Cities provides standards for a range of housing types that are clear and objective, consistent with Housing law, and encourage and facilitate housing production, affordability, and choice as provided in ORS 197A.025.

I.2 Applicability

- A. Applicability to Development.** The standards apply to new dwelling units, including the addition of dwelling units to sites with existing dwelling units. Existing residential development shall not be deemed nonconforming solely on the basis that it does not conform to the standards of this Model Code.
- B. Location.** The Model Code is not a zoning ordinance. The applicability of the standards to a particular location or zone within a city must be specified as provided in OAR 660-008-0400 to 0430.
- C. Exceptions.** The standards in the Model Codes do not allow the following:
 - 1. The development of housing on Goal Protected Lands, unless otherwise permitted by a city's development code through clear and objective standards, criteria, and procedures.
 - 2. The development of housing on lands that do not allow residential uses unless otherwise allowed by statute.
- D. Adoption by Reference.** A city may choose to adopt by reference the entire Model Code or one or more individual modules. Modules are identified in Table I.1. When adopting one or more individual modules, the following requirements apply:
 - 1. All modules are subject to the provisions in the following sections: *Applicability* (Section 1.2), *Relationship to Other Regulations* (Section 1.3), and *Definitions and Measurement Methodology* (Chapter 10).
 - 2. All middle housing modules (Chapters 2-5) are subject to the provisions in *Retention of Existing Units with Middle Housing* (Section 1.4).
 - 3. All detached single-unit and middle housing modules (Chapters 2-5) are subject to the provisions in *Exception to Certain Design Standards* (Section 1.5).
 - 4. Each module under "Procedures and Applications" is subject to the provisions in *Procedures and Applications, Generally* (Section 9.1).

I – General Provisions

- Some modules can only be applied in conjunction with another module. Where this is the case, a city adopting a module by reference must also adopt any modules identified as “Required” in the “Related Code Sections” column in Table I.1.

TABLE I.1 MODEL CODE MODULES		
Module	Model Code Chapter / Section	Related Code Sections
<i>General Provisions</i>		
Retention of Existing Units with Middle Housing	Section 1.4	Chapters 2-5
<i>Housing Types</i>		
Detached Single-Unit and Duplex	Chapter 2	Bonuses for Detached Single-Unit or Duplex (Section 8.2.1)
Triplex and Quadplex	Chapter 3	Bonuses for Triplex or Quadplex (Section 8.2.2)
Townhouse	Chapter 4	Bonuses for Townhouses (Section 8.2.3)
Cottage Cluster	Chapter 5	Bonuses for Cottage Cluster (Section 8.2.4)
Multi-Unit Housing	Chapter 6	Bonuses for Multi-Unit Housing (Section 8.2.5)
Accessory Dwelling Unit	Chapter 7	
<i>Procedures and Applications</i>		
Procedure - Ministerial Decision	Section 9.2	
Procedure - Limited Land Use Decision	Section 9.3	
Application - Zoning Review	Section 9.4	Required: Sections 9.2 and 9.3
Application - Modification	Section 9.5	Required: Section 9.3
Middle Housing Land Division	Section 9.6	Section 1.4; Chapters 2-5

I.3 Relationship to Other Regulations

A. Conflicts.

- For a city that has opted to adopt or apply the Model Code or has been directed to apply the Model Code by the Commission as provided in OAR 660-008-0430, and except as provided in section (2) or subsections (B) or (C) below, in the event of a conflict between this Model Code and other development and design standards applicable to regulated housing, the standards of this Model Code control.
- If a locally adopted land use development standard conflicts with this Model Code but it would allow the development of more housing (additional square footage or units), an applicant may comply with either the standard in this Model Code or the locally adopted standard.

I – General Provisions

B. Additional Standards Applicable to Regulated Housing. In addition to the standards identified in this Model Code, a city may only apply the following locally adopted land use regulations to regulated housing:

1. Public works and public utilities standards, provided exceptions granted to single-unit dwellings shall also be granted to duplexes.
2. Protective measures (plans, policies, or regulations) adopted pursuant to statewide land use planning goals (e.g., environmental and natural hazard protections).
3. Regulations related to the following:
 - a. Tree protection, retention and planting.
 - b. Landscaping design, installation and maintenance including, but not limited to, materials and planting requirements.
 - c. Parking lot design and installation, including, but not limited to, shading, screening, materials, and layout.
 - d. Sustainability and greenhouse gas reduction.
4. Land division standards and procedures, except that:
 - a. The regulations may not preclude development from meeting the minimum density requirements established in this Model Code; and
 - b. Middle Housing Land Divisions are governed by the provisions of Section 9.6.

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

1. Health and safety, including, but not limited to, fire ingress or egress and emergency vehicle access.
2. Public works standards ensuring safe vehicle access onto the public street system, including but not limited to standards for clear vision areas and driveway/intersection spacing and alignment. This exception does not include minimum driveway width standards.
3. Hazardous or contaminated site clean-up, wildlife protection, or statewide land use planning goals relating to natural resources, natural hazards, the Willamette River Greenway, estuarine resources, coastal shorelands, beaches and dunes or ocean resources.
4. Implementation of fire or building codes, federal or state air, water quality or surface, ground or stormwater requirements or requirements of any federal, state or local law other than a land use regulation.

I.4 Retention of Existing Units with Middle Housing

A. Development of middle housing is allowed on a lot with up to two existing dwelling units, which may be retained on the lot along with the new units. The retained units may consist of:

1. One detached single-unit dwelling;

I – General Provisions

2. One detached single-unit dwelling plus one accessory dwelling unit; or
 3. One duplex.
- B.** In order to qualify for the allowances in subsection (A), the retained units must have been in place for at least 5 years prior to the proposal for new middle housing units.
- C.** The retained units do not count toward the maximum number of units allowed on a lot.
- D.** The retained units may be nonconforming with respect to the applicable siting and design standards in this Model Code or in the city's local housing regulations. In other words, only the new units, and not the retained units, are required to comply with the applicable regulations.
- E.** Retained units on the lot may be separated from the new units by a Middle Housing Land Division, pursuant to Section 9.6 or ORS 197A.420(4)(c), as applicable.

I.5 Exception to Certain Design Standards

In accordance with Oregon Laws 2025, Chapter 330, Section 8, housing development that includes detached single-unit, duplex, triplex, quadplex, townhouse, or cottage cluster housing that includes 20 or more units in housing types listed in subsection (A) is exempt from any residential design standard that is intended to preserve the desired character, architectural expression, decoration or aesthetic quality of new homes; this includes design standards regulating the features listed in subsection (B). All other design and siting standards in this Model Code shall apply.

A. Applicable Housing Types:

- Detached single-unit;
- Duplex;
- Triplex;
- Quadplex;
- Townhouse; or
- Cottage cluster housing.

B. Residential Design Features:

- Facade materials, colors or patterns;
- Roof decoration, form or materials;
- Accessories, materials or finishes for entry doors or garages;
- Window elements such as trim, shutters or grids;
- Fence type, design or finishes;
- Architectural details, such as ornaments, railings, cornices and columns;
- Size and design of porches or balconies;
- Variety of design or floorplan; or
- Front or back yard area landscaping materials or vegetation.

2 – Detached Single-Unit and Duplex

Chapter 2 – Detached Single-Unit and Duplex

Sections:

- 2.1 Development Standards - Detached Single-Units and Duplex
- 2.2 Design Standards - Detached Single-Unit and Duplex
- 2.3 Unit Configuration and Conversions - Duplex

2.1 Siting Standards – Detached Single-Unit and Duplex

The siting standards in Table 2.1 apply to the development of a detached single-unit or duplex dwelling on a lot, with the following clarifications:

- A.** Standards applicable to a lot (i.e., FAR, minimum density, setbacks, and outdoor area) apply to the parent lot, not child lots created by a Middle Housing Land Division.
- B.** For qualified projects, the standards in Table 2.1 may be modified by the applicable bonuses in Chapter 8.
- C.** Per Section 1.4, retained units within middle housing development are not subject to these standards, and do not count toward maximum floor area ratio.

TABLE 2.1 SITING STANDARDS - DETACHED SINGLE-UNIT AND DUPLEX	
Maximum Floor Area Ratio (FAR) (see Section 10.1.1)	
• 1 total dwelling unit	0.6:1
• 2 to 3 total dwelling units (1)	0.9:1
Maximum Building/Structure Height (see Section 10.1.2)	35 ft
Minimum Density (see Section 10.1.3)	1 unit per 5,700 sf of net site area
Minimum Setbacks (see Section 10.1.4)	
• Front building setback	5 ft
• Side building setback	5 ft
• Rear building setback	5 ft
• Garage entrance setback (driveway length)	18 ft (or max. 5 ft)
Minimum Required Outdoor Area and Usable Open Space (see Section 10.1.5)	
• Required Outdoor Area	15% of lot area
• Usable Open Space	None
Vehicle Parking (see Section 10.1.6)	
• Minimum number of off-street spaces	None
• Maximum number of off-street spaces	2 spaces per unit

2 – Detached Single-Unit and Duplex

TABLE 2.1 SITING STANDARDS - DETACHED SINGLE-UNIT AND DUPLEX	
Minimum Number of Bicycle Parking Spaces (see Section 10.1.7)	
• Long-term Spaces	None
• Short-term Spaces	None
NOTES: (1) If an additional unit is added to a lot with an existing, retained dwelling unit that has been in place for at least 5 years, the maximum FAR may be exceeded by up to 1,000 square feet of new floor area.	

2.2 Design Standards – Detached Single-Unit and Duplex

Except as provided in Section 1.5, the design standards in this section apply to the development of a detached single-unit or duplex dwelling on a lot.

2.2.1 Entry Orientation and Pedestrian Connectivity

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

1. Be no more than 8 feet farther from the front lot line than the structure's longest wall that faces the front lot line.
2. Meet at least one of the following:
 - a. Face the street (see Figure 2.2.1.a);
 - b. Be at an angle of up to 45 degrees from the street (see Figure 2.2.1.b); or
 - c. Open onto a covered porch or covered patio (see Figure 2.2.1.c). The porch or patio must:
 - i. Be at least 25 square feet in area; and
 - ii. Have at least one entrance facing the street.
3. Connect to the sidewalk by a hard-surfaced walkway other than a driveway. The walkway shall have a minimum width of 2 feet (see Figure 2.2.1.a). The walkway may abut the driveway (see Figure 2.2.1.c). Where there is no sidewalk abutting the property, the walkway shall extend to the street lot line.

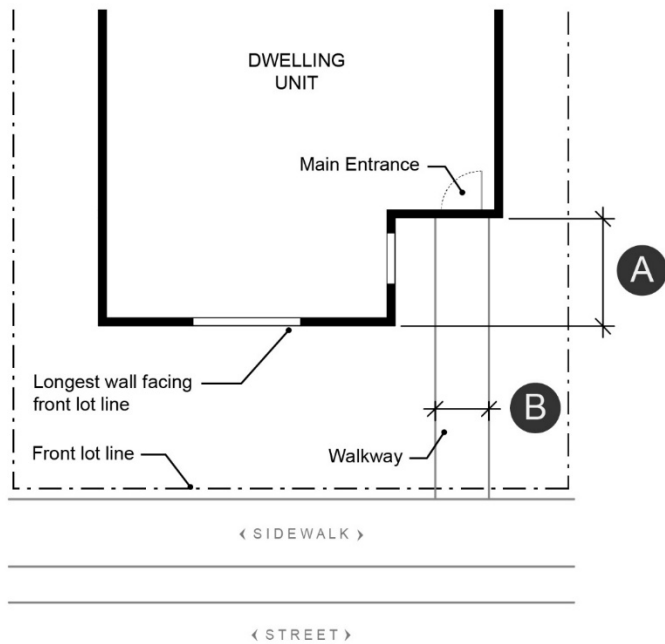
B. Exceptions. The following are exempt from these standards:

1. Any detached structure for which more than 50 percent of its street-facing façade is separated from the street lot line by:
 - a. A dwelling; or
 - b. A buildable lot with a depth of at least 20 feet measured from the street lot line.
2. Accessory dwelling units.

2 – Detached Single-Unit and Duplex

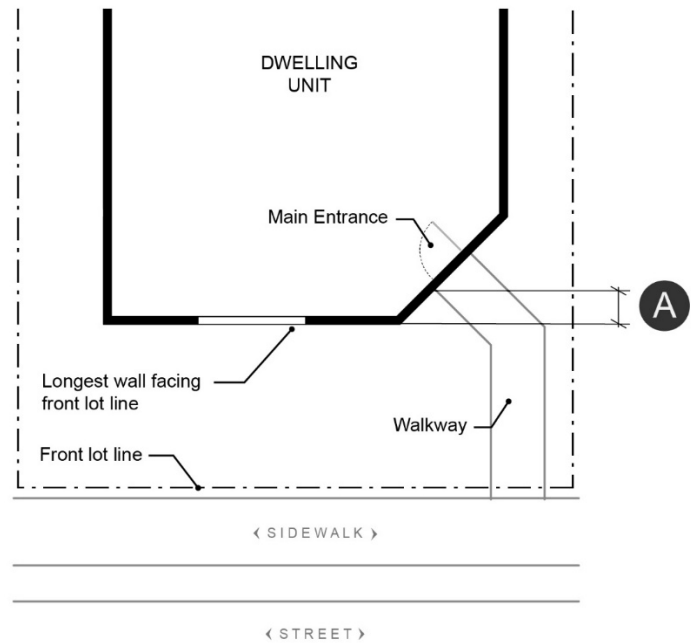
3. Accessible or adaptable units, provided the main entrance is connected to the public sidewalk by an accessible walkway.

Figure 2.2.1.a. Main Entrance Facing the Street



- A** Maximum 8 feet from entry to longest wall facing front lot line
- B** Walkway width minimum 2 feet

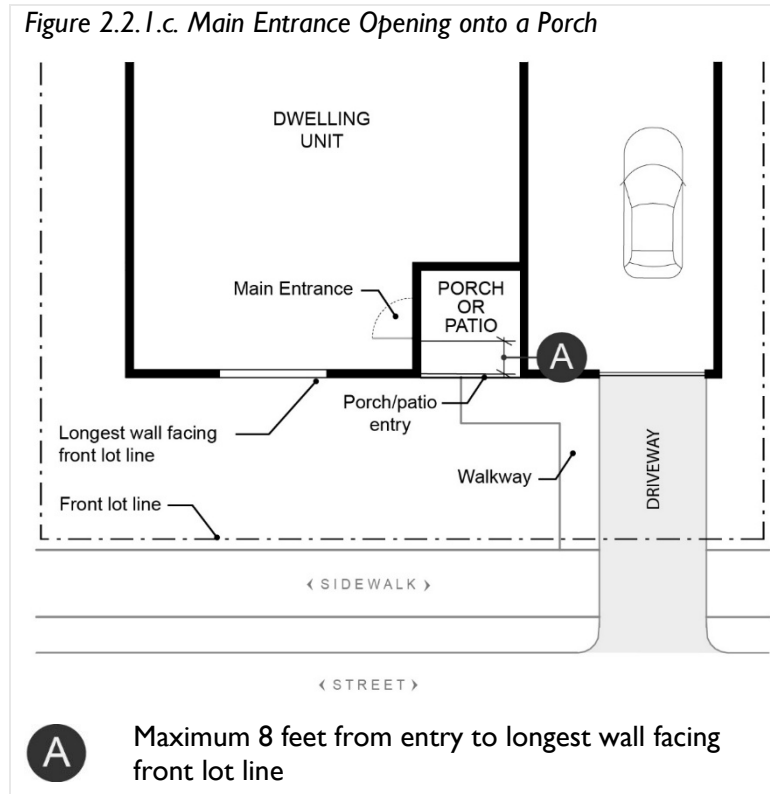
Figure 2.2.1.b. Main Entrance at 45° Angle from the Street



- A** Maximum 8 feet from entry to longest wall facing front lot line

2 – Detached Single-Unit and Duplex

Figure 2.2.1.c. Main Entrance Opening onto a Porch



2.2.2 Transitions to Residential Entrances

The following standards apply to each main entrance that is 10 feet or closer to a street lot line.

A. Standard. The main entrance must have at least two of the following within the setback:

1. A wall or fence that is 18 to 36 inches high and at least 4 feet wide.
2. Landscaping that meets the city's planting standards.
3. For each street-facing entrance, one canopy tree that is at least 1.5 inches in diameter, or at least 4 feet in height when planted, and that will achieve a mature canopy spread of at least 10 feet. An existing, retained tree may be used to meet this standard.
4. Common or private outdoor area of at least 48 square feet designed so that a 4-foot by 6-foot dimension will fit entirely within it.

B. Exceptions. None.

2 – Detached Single-Unit and Duplex

2.2.3 Windows and Doors

A. Standard.

1. Windows or pedestrian entrance doors must be provided on street-facing facades as follows:
 - a. At least one street-facing façade must have a minimum of 15 percent windows or pedestrian entrance doors.
 - b. All other street-facing facades must have a minimum of 10 percent windows or pedestrian entrance doors.
2. See Section 10.1.8 for measurement methodology.

B. Exceptions. The following facades are exempt from these standards:

1. Facades separated from the street lot line by a dwelling, or by a buildable lot with a depth of at least 20 feet measured from the street lot line.
2. Facades that are more than 40 feet from the street lot line.
3. Facades facing an alley.

2.2.4 Off-Street Parking Areas

The following standards apply to the parent lot, not child lots created by a Middle Housing Land Division.

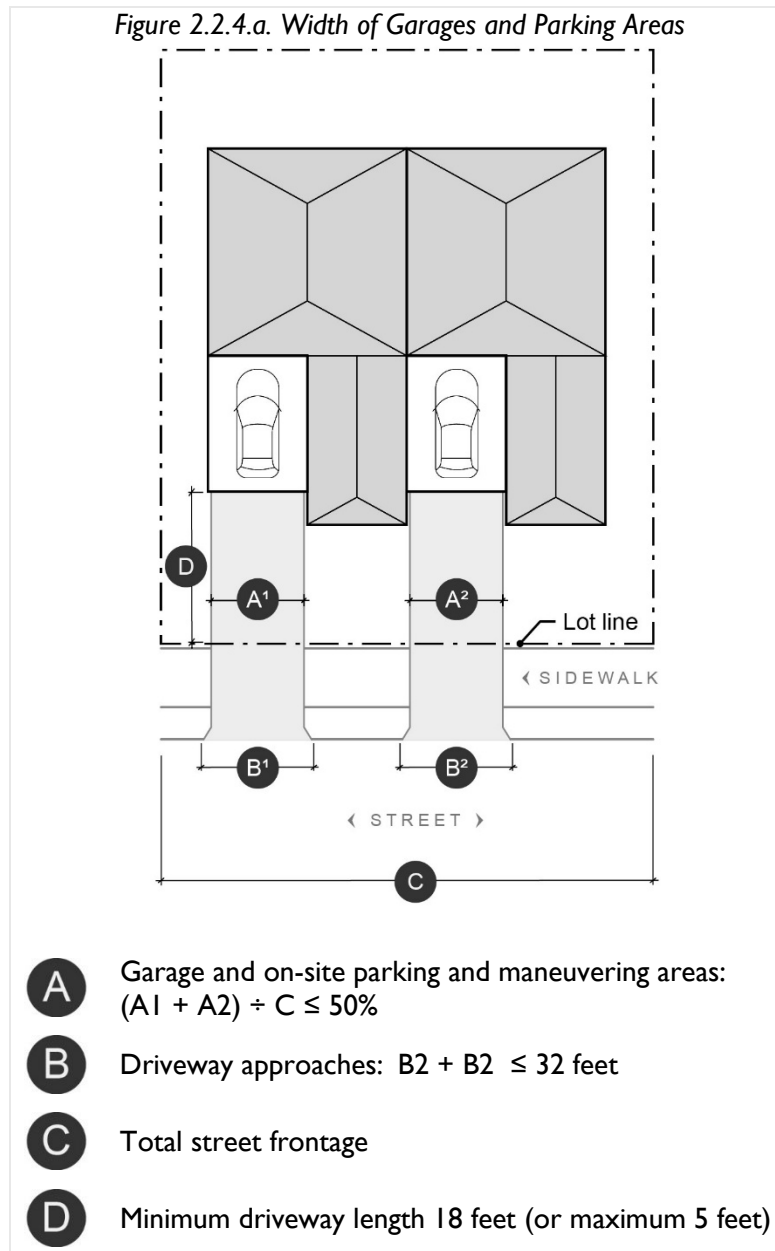
A. Standards.

1. The combined width of all garages and outdoor on-site parking and maneuvering areas, as measured at their widest dimension, shall not exceed a total of 50 percent of the street frontage (see Figure 2.2.4.a). Walkways abutting a driveway are excluded from this calculation.
2. The total width of all driveway approaches must not exceed 32 feet, as measured at the lot lines.

B. Exceptions.

1. The following are exempt from these standards:
 - a. Accessible or adaptable units.
 - b. Lots that receive vehicular access only from an alley.
2. Garages or off-street parking areas that are separated from the street lot line by a dwelling or that are more than 40 feet from the street lot line are exempt from subsection (A)(1).

2 – Detached Single-Unit and Duplex



2.3 Unit Configuration and Conversions – Duplex

2.3.1 Unit Configuration

A. Standard.

1. Duplex units may be attached to each other.
2. Duplex units may be detached where:

2 – Detached Single-Unit and Duplex

- a. The units are sited on a lot with retained units under Section 1.4;
 - b. No more than one detached unit on the lot exceeds 1,200 square feet; or
 - c. The unit(s) qualify for at least one bonus category, as provided in Chapter 8.
3. Accessory dwelling units may be attached to a single-unit dwelling or detached in accordance with Chapter 7.
4. Where units are added to a lot with a retained dwelling unit(s), pursuant to Section 1.4, one added unit with a floor area of 1,000 square feet or less may qualify as an accessory dwelling unit under the standards in Chapter 7.

B. Exceptions. None.

2.3.2 Conversions

Additions to, or conversions of, an existing detached single-unit dwelling into a duplex is allowed, provided that the addition or conversion does not increase nonconformance with applicable siting and design standards of this Model Code, unless increasing nonconformance is otherwise permitted by the city's development regulations.

3 – Triplex and Quadplex

Chapter 3 – Triplex and Quadplex

Sections:

- 3.1 Siting Standards – Triplex and Quadplex
- 3.2 Design Standards – Triplex and Quadplex
- 3.3 Unit Configuration and Conversions – Triplex and Quadplex

3.1 Siting Standards – Triplex and Quadplex

The siting standards in Table 3.1 apply to the development of a triplex or quadplex on a lot, with the following clarifications:

- A.** Standards applicable to a lot (i.e., FAR, minimum density, setbacks, and outdoor area) apply to the parent lot, not child lots created by a Middle Housing Land Division.
- B.** For qualified projects, the standards in Table 3.1 may be modified by the applicable bonuses in Chapter 8.
- C.** Per Section 1.4, retained units within middle housing development are not subject to these standards, and do not count toward maximum floor area ratio.

TABLE 3.1 SITING STANDARDS - TRIPLEX AND QUADPLEX	
Maximum Floor Area Ratio (FAR) (see Section 10.1.1)	
• 3 total dwelling units (Triplex)	1.1:1
• 4 total dwelling units (Quadplex)	1.4:1
Maximum Building/Structure Height (see Section 10.1.2)	35 ft
Minimum Density (see Section 10.1.3)	1 unit per 3,630 sf of net site area
Minimum Setbacks (see Section 10.1.4)	
• Front building setback	5 ft
• Side building setback	5 ft
• Rear building setback	5 ft
• Garage entrance setback (driveway length)	18 ft (or max. 5 ft)
Minimum Required Outdoor Area and Usable Open Space (see Section 10.1.5)	
• Required Outdoor Area	15% of lot area
• Usable Open Space	None
Vehicle Parking (see Section 10.1.6)	
• Minimum number of off-street spaces	None
• Maximum number of off-street spaces	2 spaces per unit

3 – Triplex and Quadplex

TABLE 3.1 SITING STANDARDS - TRIPLEX AND QUADPLEX

Minimum Number of Bicycle Parking Spaces (see Section 10.1.7)	
• Long-term Spaces	None
• Short-term Spaces	None

3.2 Design Standards – Triplex and Quadplex

Except as provided in Section 1.5, the design standards in this section apply to the development of a triplex or quadplex on a lot.

3.2.1 Entry Orientation and Pedestrian Connectivity

A. Standard. At least one main entrance for each residential structure must comply with all the following standards. The entrance must:

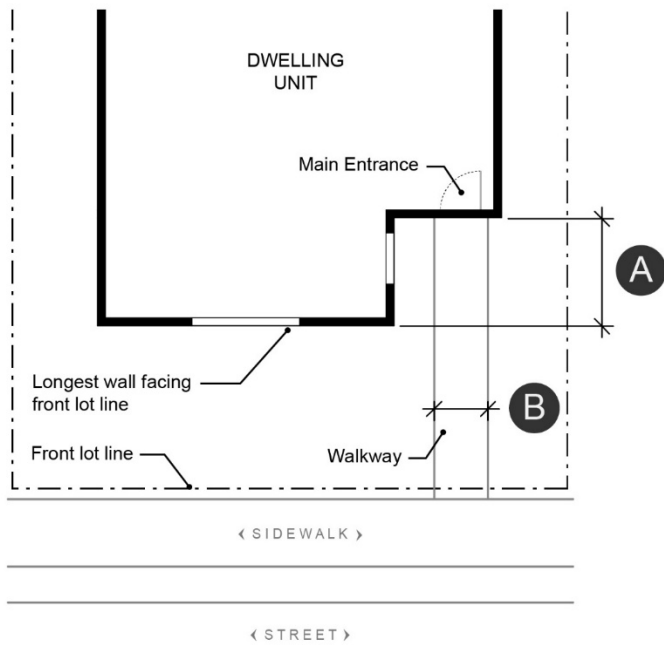
1. Be no more than 8 feet farther from the front lot line than the structure's longest wall that faces the front lot line.
2. Meet at least one of the following:
 - a. Face the street (see Figure 3.2.1.a),
 - b. Be at an angle of up to 45 degrees from the street (see Figure 3.2.1.b);
 - c. Face a common open space that is adjacent to the street and is abutted by dwellings on at least two sides (see Figure 3.2.1.c); or
 - d. Open onto a covered porch or covered patio (see Figure 3.2.1.d). The porch or patio must:
 - i. Be at least 25 square feet in area; and
 - ii. Have at least one entrance facing the street.
3. Connect to the sidewalk by a hard-surfaced walkway other than a driveway. The walkway shall have a minimum width of 2 feet (see Figure 3.2.1.a). The walkway may abut the driveway (see Figure 3.2.1.d). Where there is no sidewalk abutting the property, the walkway shall extend to the street lot line.

B. Exceptions. The following are exempt from these standards:

1. Any detached structure for which more than 50 percent of its street-facing facade is separated from the street lot line by:
 - a. A dwelling; or
 - b. A buildable lot with a depth of at least 20 feet measured from the street lot line.
2. Accessible or adaptable units, provided the main entrance is connected to the public sidewalk by an accessible walkway.

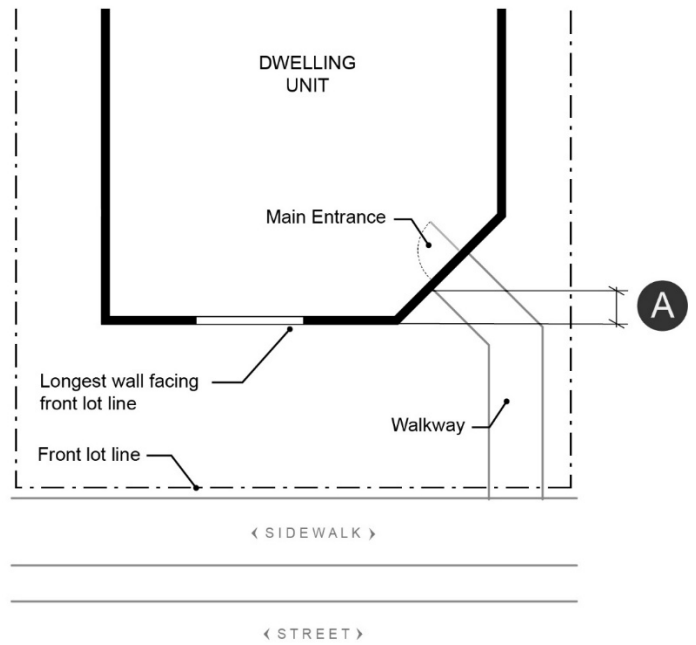
3 – Triplex and Quadplex

Figure 3.2.1.a. Main Entrance Facing the Street



- A** Maximum 8 feet from entry to longest wall facing front lot line
- B** Walkway width minimum 2 feet

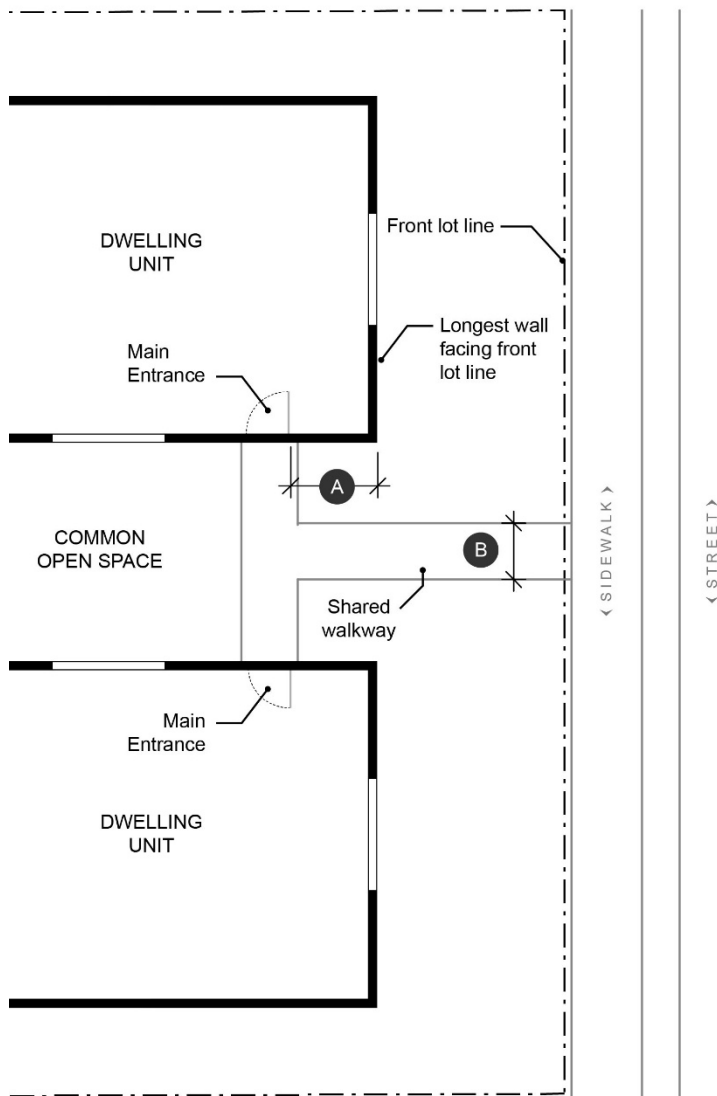
Figure 3.2.1.b. Main Entrance at 45° Angle from the Street



- A** Maximum 8 feet from entry to longest wall facing front lot line

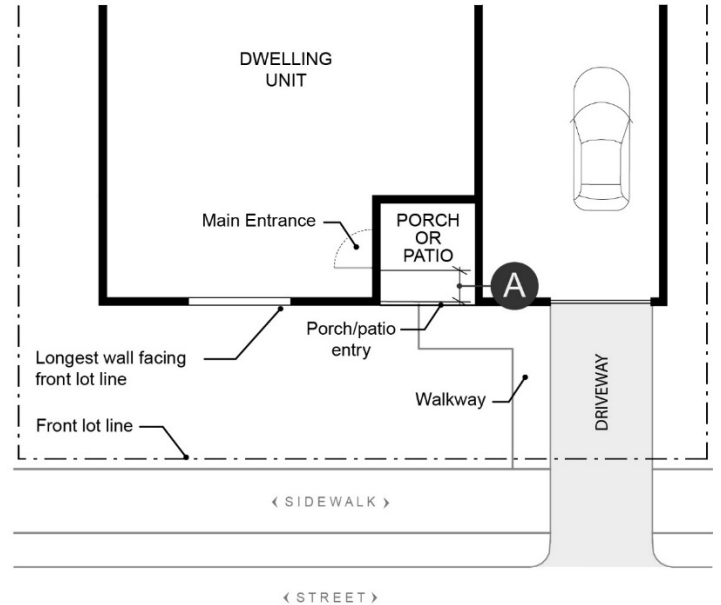
3 – Triplex and Quadplex

Figure 3.2.1.c. Main Entrance Facing Common Open Space



- A** Maximum 8 feet from entry to longest wall facing front lot line
- B** Walkway width minimum 2 feet

Figure 3.2.1.d. Main Entrance Opening onto a Porch



- A** Maximum 8 feet from entry to longest wall facing front lot line

3 – Triplex and Quadplex

3.2.2 Transitions to Residential Entrances

The following standards apply to each main entrance that is 10 feet or closer to a street lot line and provides direct access to a dwelling unit.

A. Standards. The main entrance must have at least two of the following within the setback:

1. A wall or fence that is 18 to 36 inches high and at least 4 feet wide.
2. Landscaping that meets the city's planting standards.
3. For each street-facing entrance, one canopy tree that is at least 1.5 inches in diameter, or at least 4 feet in height when planted, and that will achieve a mature canopy spread of at least 10 feet. An existing, retained tree may be used to meet this standard.
4. Common or private outdoor area of at least 48 square feet designed so that a 4-foot by 6-foot dimension will fit entirely within it.

B. Exceptions. None.

3.2.3 Windows and Doors

A. Standard.

1. Windows or pedestrian entrance doors must be provided on street-facing facades as follows:
 - a. At least one street-facing façade must have a minimum of 15 percent windows or pedestrian entrance doors.
 - b. All other street-facing facades must have a minimum of 10 percent windows or pedestrian entrance doors.
2. See Section 10.1.8 for measurement methodology.

B. Exceptions. The following facades are exempt from these standards:

1. Facades separated from the street lot line by a dwelling, or by a buildable lot with a depth of at least 20 feet measured from the street lot line.
2. Facades that are more than 40 feet from the street lot line.
3. Facades facing an alley.

3.2.4 Off-Street Parking Areas

The following standards apply to the parent lot, not child lots created by a Middle Housing Land Division.

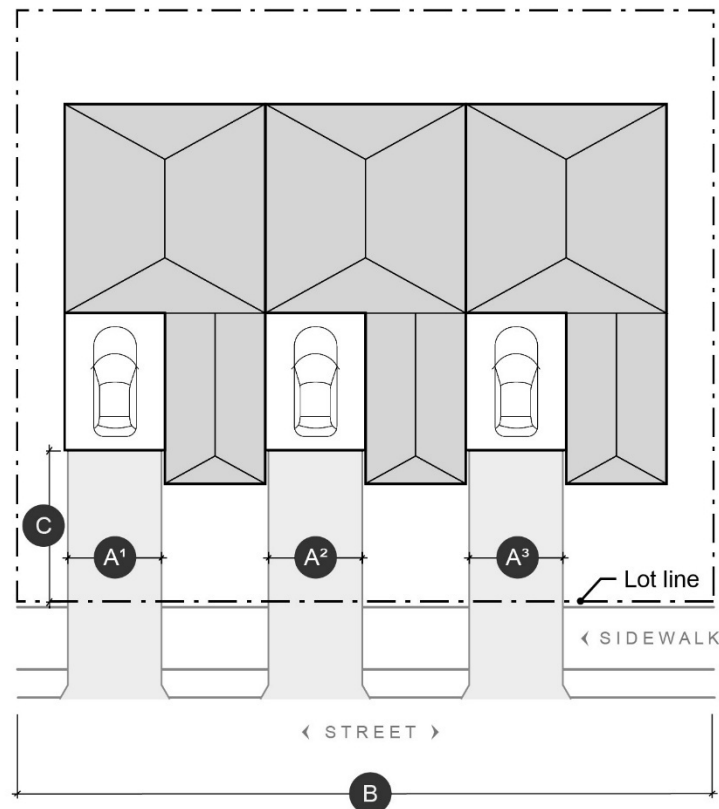
A. Standard. The combined width of all garages and outdoor on-site parking and maneuvering areas, as measured at their widest dimension, shall not exceed a total of 50 percent of the street frontage (see Figure 3.2.4.a). Walkways abutting a driveway are excluded from this calculation.

B. Exceptions. The following are exempt from these standards:

3 – Triplex and Quadplex

1. Accessible or adaptable units.
2. Lots that receive vehicular access from an alley.
3. Garages or off-street parking areas that are separated from the street lot line by a dwelling.

Figure 3.2.4.a. Width of Garages and Parking Areas



- A** Garage and on-site parking and maneuvering areas: $(A1 + A2 + A3) \div B \leq 50\%$
- B** Total street frontage
- C** Minimum driveway length 18 feet (or maximum 5 feet)

3 – Triplex and Quadplex

3.2.5 Driveway Approach

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

1. The total width of all driveway approaches must not exceed 32 feet per frontage, as measured at the lot line (see Figures 3.2.5.a and 3.2.5.c). For lots with more than one frontage, see subsection (3).
2. Driveway approaches may be separated when located on a local street (see Figure 3.2.5.a). If approaches are separated, they must meet the city's driveway spacing standards applicable to local streets.
3. In addition, lots with more than one frontage must comply with the following:
 - a. Lots must access the street with the lowest transportation classification for vehicle traffic. For lots abutting an alley that meets the city's standards for width and pavement, access must be taken from the alley (see Figure 3.2.5.b).
 - b. Lots with frontages only on collectors or arterial streets must meet the city's access standards applicable to collectors or arterials.
 - c. Triplexes and quadplexes on lots with frontages only on local streets may have either:
 - i. Two driveway approaches not exceeding 32 feet in total width on one frontage (see Figure 3.2.5.d); or
 - ii. One maximum 16-foot-wide driveway approach per frontage (see Figure 3.2.5.e).

B. Exceptions. Accessible or adaptable units are exempt from the standards in subsections (A)(1) and (A)(3)(c).

3 – Triplex and Quadplex

Figure 3.2.5.a. Driveway Approach Width and Separation on Local Street

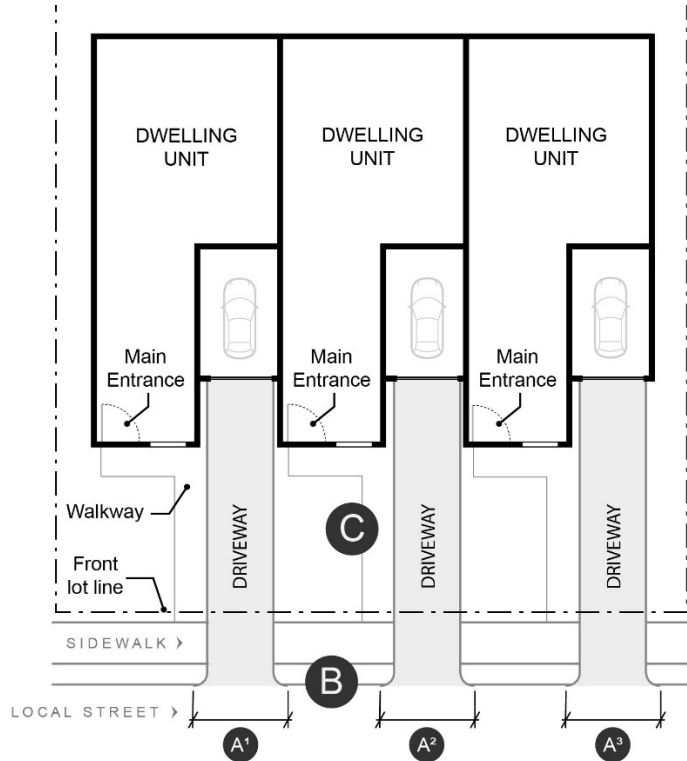
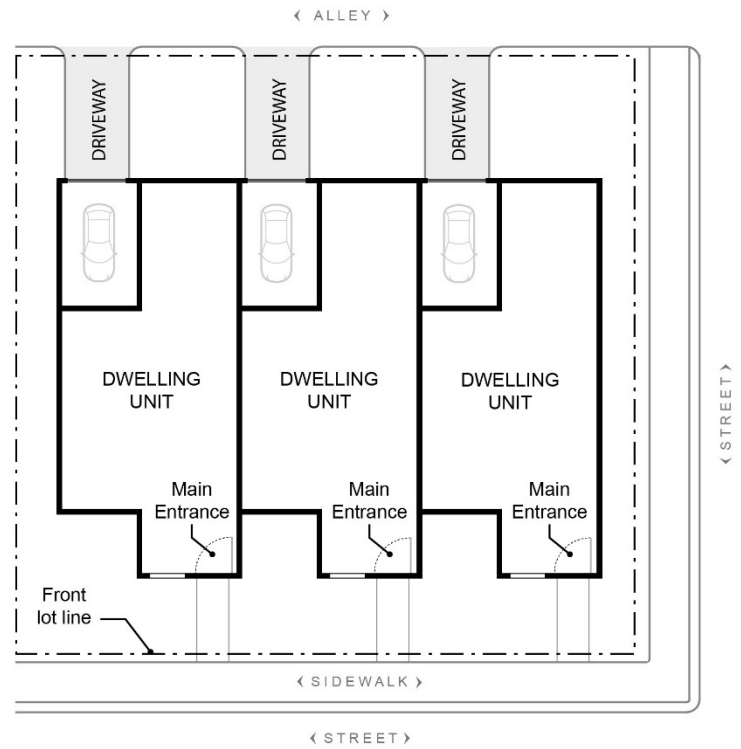


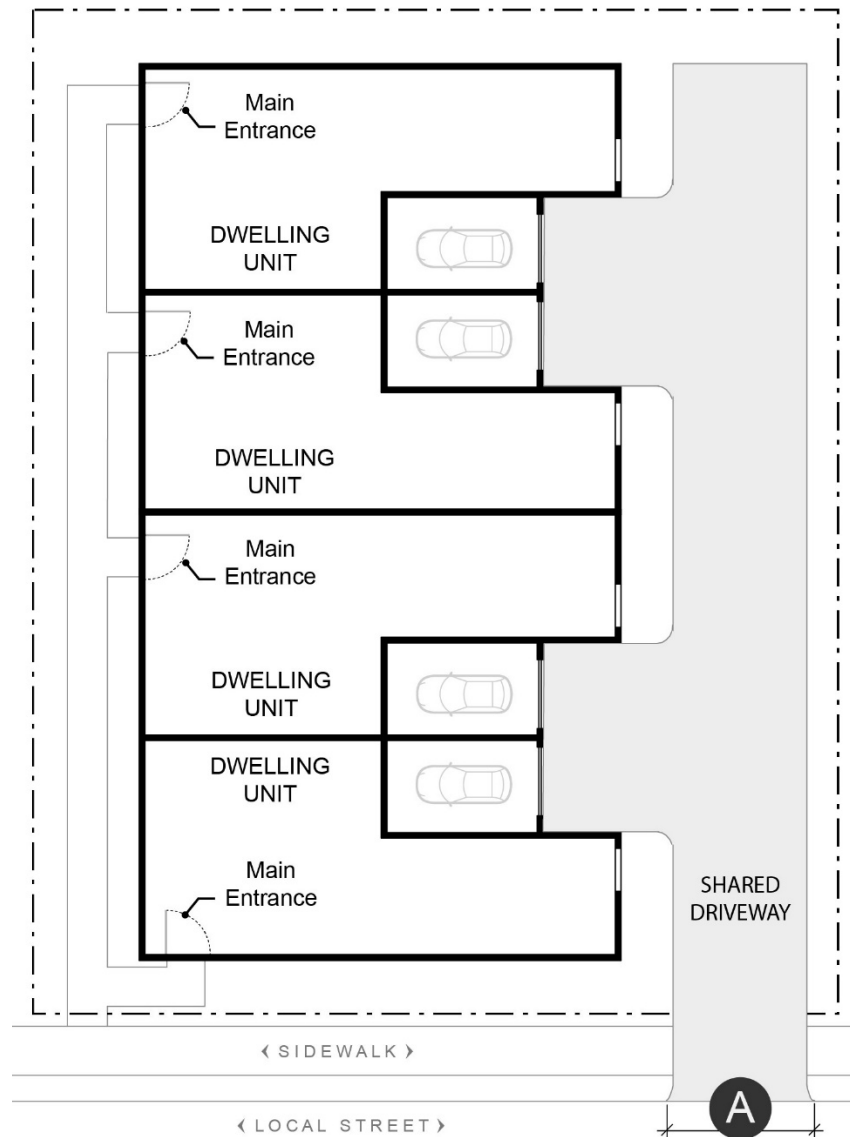
Figure 3.2.5.b. Alley Access



- A** $A1 + A2 + A3 \leq 32$ feet
- B** Driveway approaches must meet separation standards for a local street.
- C** Walkway may abut driveway

3 – Triplex and Quadplex

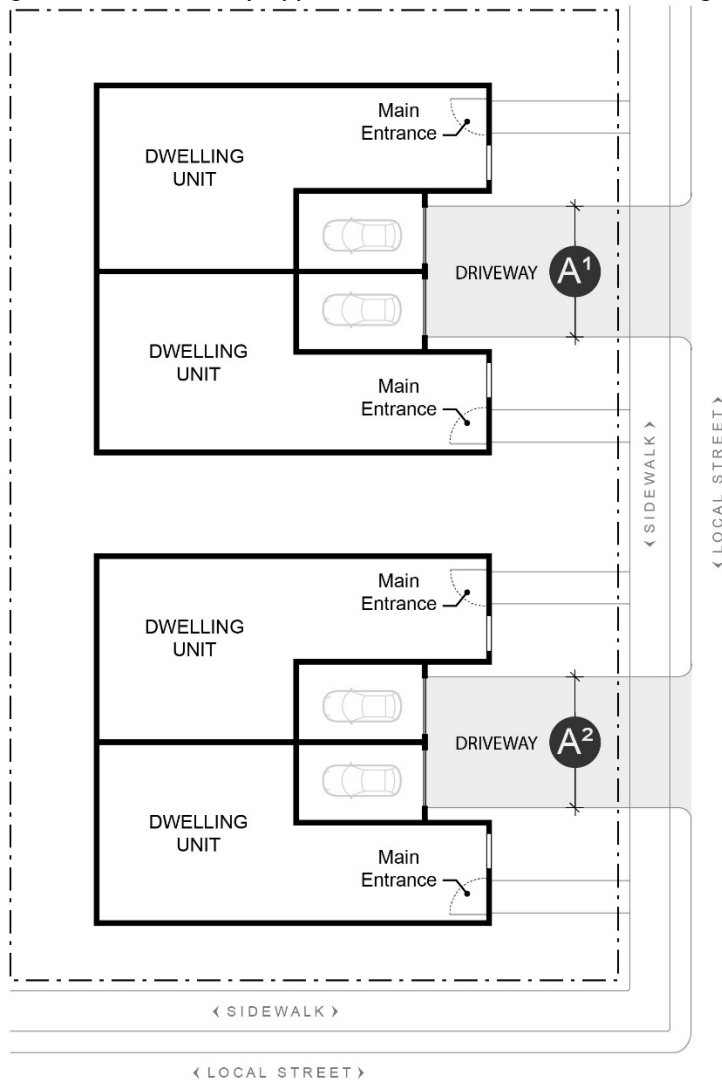
Figure 3.2.5.c. Driveway Approach Width on Local Street – Shared Driveway



A Maximum width of driveway approach(es) 32 feet

3 – Triplex and Quadplex

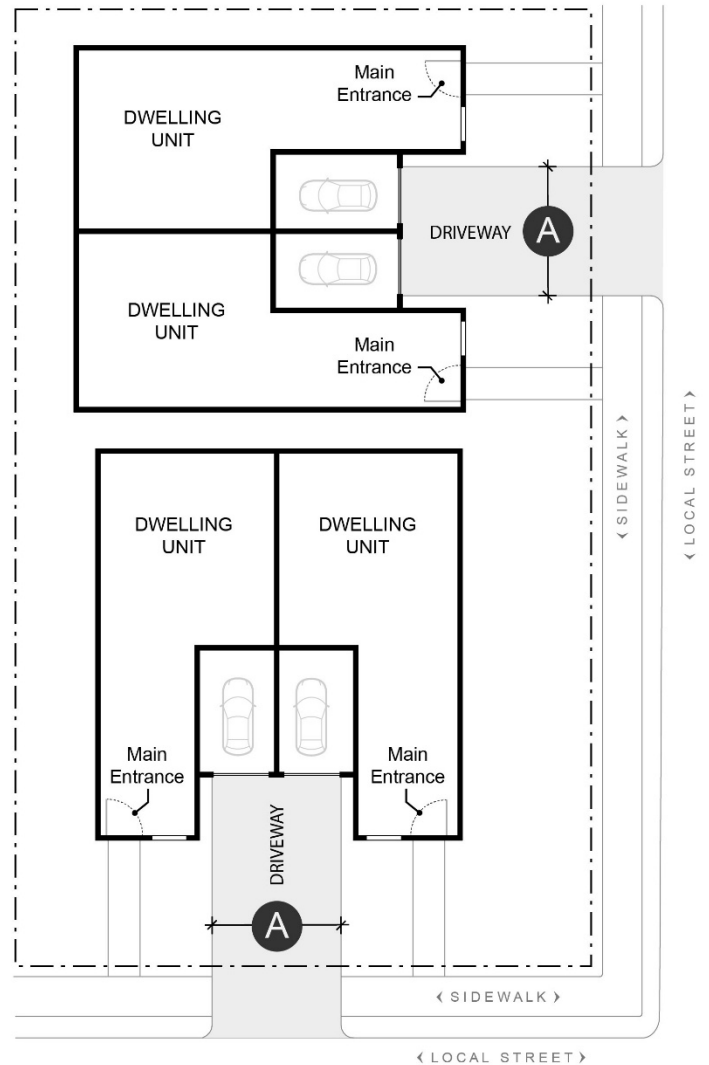
Figure 3.2.5.d. Driveway Approaches on One Local Street Frontage



A

One maximum 16-foot-wide driveway approach per frontage

Figure 3.2.5.e. Driveway Approaches on Two Local Street Frontages



A

Two driveway approaches on one frontage:
 $A^1 + A^2 \leq 32$ feet

3 – Triplex and Quadplex

3.2.6 Trash Storage

- A. Standard.** Shared storage facilities for trash and recycling receptacles that are located within 20 feet of a street lot line or a lot line abutting residential property shall meet the following standards:
1. The storage facility shall be screened from street lot lines and abutting residential properties by a wall, solid fence, or evergreen hedge. Except as specified in subsection (3), the screen must be at least 4 feet in height and located no more than 3 feet from the storage facility.
 2. The storage facility must be separated from the street lot line by at least 5 feet.
 3. For lot lines abutting residential properties, the storage facility must either be setback from the lot line by at least 5 feet, or the screen facing the lot line must be at least 6 feet in height.
- B. Exceptions.** Trash and recycling receptacles stored within a building are exempt from these standards.

3.3 Unit Configuration and Conversions – Triplex and Quadplex

3.3.1 Unit Configuration

- A. Standard.**
1. The units in a triplex or quadplex may be attached to each other.
 2. The units in a triplex or quadplex may be detached where:
 - a. The units are sited on a lot with retained units under Section 1.4;
 - b. No more than one detached unit on the lot exceeds 1,200 square feet; or
 - c. The unit(s) qualify for at least one bonus category, as provided in Chapter 8.
- B. Exceptions.** None.

3.3.2 Conversions

Additions to, or conversions of, an existing detached single-unit dwelling or duplex into a triplex or quadplex is allowed, provided that the addition or conversion does not increase nonconformance with applicable standards of this Model Code, unless increasing nonconformance is otherwise permitted by the city's development regulations.

4 – Townhouse

Chapter 4 – Townhouse

Sections:

4.1 Siting Standards – Townhouse

4.2 Design Standards – Townhouse

4.1 Siting Standards – Townhouse

The siting standards in Table 4.1 apply to Townhouses, with the following clarifications:

- A.** FAR, minimum density, and outdoor area standards are calculated based on a townhouse site, not each townhouse lot (refer to the “site” definition in Section 10.2).
- B.** For qualified projects, the standards in Table 4.1 may be modified by the applicable bonuses in Chapter 8.
- C.** Per Section 1.4, retained units within middle housing development are not subject to these standards, and do not count toward maximum floor area ratio.

TABLE 4.1 SITING STANDARDS - TOWNHOUSE	
Minimum Street Frontage for Townhouse Lots with Individual Driveway Access onto a Public Street (see Section 4.2.4)	15 feet
Maximum Floor Area Ratio (FAR) (see Section 10.1.1)	1.4:1
Maximum Building/Structure Height (see Section 10.1.2)	35 ft
Maximum Number of Attached Townhouses per Structure	6 Townhouses
Minimum Density (see Section 10.1.3)	1 unit per 2,720 sf of net site area
Minimum Setbacks (see Section 10.1.4)	
• Front building setback	5 ft
• Common wall setback (along lot line where units are attached)	0 ft
• Side building setback	5 ft
• Rear building setback	5 ft
• Garage entrance setback (driveway length)	18 ft (or max. 5 ft)
Minimum Required Outdoor Area and Usable Open Space (see Section 10.1.5)	
• Required Outdoor Area	15% of site area
• Usable Open Space	None
Vehicle Parking (see Section 10.1.6)	
• Minimum number of off-street spaces	None
• Maximum number of off-street spaces	2 spaces per unit

4 – Townhouse

TABLE 4.1 SITING STANDARDS - TOWNHOUSE	
Minimum Number of Bicycle Parking Spaces (see Section 10.1.7)	
• Long-term Spaces	None
• Short-term Spaces	None
Areas Owned in Common Common areas must be maintained by a homeowners association or other legal entity. Such legal entity may also be responsible for exterior building maintenance. A copy of any applicable covenants, restrictions and conditions must be recorded and provided to the city prior to issuance of a building permit.	

4.2 Design Standards – Townhouse

Except as provided in Section 1.5, the design standards in this section apply to the development of townhouses.

4.2.1 Entry Orientation and Pedestrian Connectivity

A. Standard. A main entrance to each townhouse must comply with all the following standards (see Figure 4.2.1.a). The entrance must:

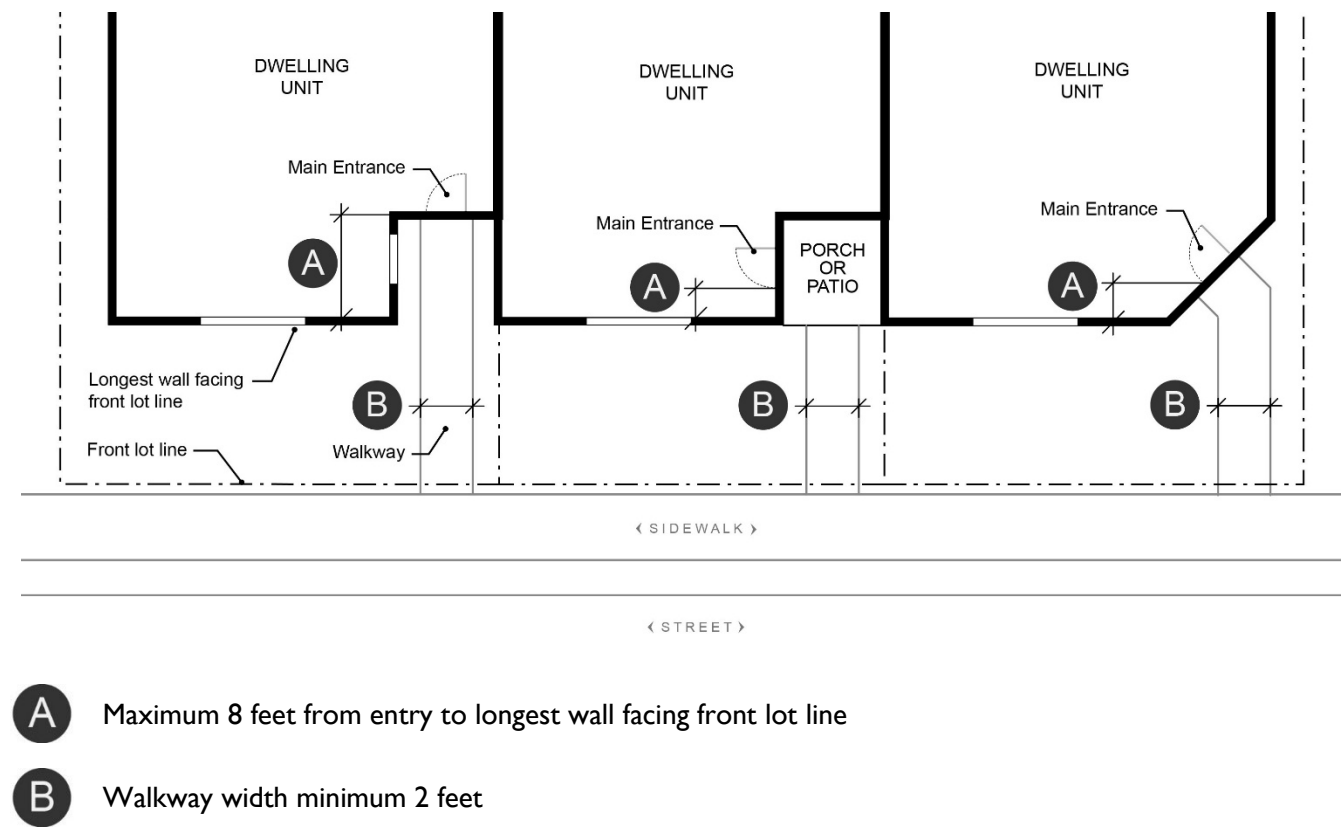
1. Be no more than 8 feet farther from the front lot line than the dwelling unit's longest wall that faces the front lot line.
2. Meet at least one of the following:
 - a. Face the street,
 - b. Be at an angle of up to 45 degrees from the street; or
 - c. Open onto a covered porch or covered patio. The porch or patio must:
 - i. Be at least 25 square feet in area; and
 - ii. Have at least one entrance facing the street.
3. Connect to the sidewalk by a hard-surfaced walkway other than the driveway. The walkway shall have a minimum width of 2 feet. The walkway may abut the driveway. Where there is no sidewalk abutting the property, the walkway shall extend to the street lot line.

B. Exceptions. The following are exempt from these standards:

1. Townhouses on townhouse lots that do not have public street frontage.
2. Townhouses with ground levels that are designed as accessible or adaptable, provided the main entrance is connected to the public sidewalk by an accessible walkway.

4 – Townhouse

Figure 4.2.1.a. Main Entrance Facing the Street, at 45° Angle, or Opening onto a Porch



4.2.2 Transitions to Residential Entrances

The following standards apply to each main entrance that is 10 feet or closer to a street lot line.

A. Standards. The main entrance must have at least two of the following within the setback:

1. A wall or fence that is 18 to 36 inches high and at least 4 feet wide.
2. Landscaping that meets the city's planting standards.
3. For each street-facing entrance, one canopy tree that is at least 1.5 inches in diameter, or at least 4 feet in height when planted, and that will achieve a mature canopy spread of at least 10 feet. An existing, retained tree may be used to meet this standard.
4. Common or private outdoor area of at least 48 square feet designed so that a 4-foot by 6-foot dimension will fit entirely within it.

B. Exceptions. None.

4 – Townhouse

4.2.3 Windows and Doors

A. Standard.

1. Windows or pedestrian entrance doors must be provided on street-facing facades on each individual unit as follows:
 - a. At least one street-facing façade must have a minimum of 15 percent windows or pedestrian entrance doors.
 - b. All other street-facing facades must have a minimum of 10 percent windows or pedestrian entrance doors.
2. See Section 10.1.8 for measurement methodology.

B. Exceptions. The following facades are exempt from these standards:

1. Facades separated from the street lot line by a dwelling, or by a buildable lot with a depth of at least 20 feet measured from the street lot line.
2. Facades that are more than 40 feet from the street lot line.
3. Facades facing an alley.

4.2.4 Driveway Access and Parking

A. Standard. Townhouse lots with frontage on a public street shall either meet the standards in subsection (1) or subsection (2). Townhouse lots without frontage on a public street are subject to subsection (3).

1. Where garage entrances, off-street parking areas, or driveways are located between a townhouse and a public street (other than an alley), the following standards shall be met (see Figure 4.2.4.a).
 - a. The townhouse lot shall have at least 15 feet of street frontage on a local street.
 - b. A maximum of one driveway approach is allowed for every townhouse. Driveway approaches or driveways may be shared.
 - c. On each townhouse lot, the width of the following features shall not exceed 12 feet, or 60 percent of the lot frontage width, whichever is less:
 - i. Outdoor on-site parking and maneuvering areas; and
 - ii. Garages, as measured from the inside of the garage door frame.
 - d. This standard does not supersede a city's driveway separation standards.
2. For all other configurations of driveway access and parking, the following standards shall be met.

4 – Townhouse

- a. A townhouse project that includes a corner lot shall take access from a single driveway approach on the side of the corner lot. See Figure 4.2.4.b.
 - b. Townhouse projects that do not include a corner lot shall consolidate access for all lots into a single driveway. See Figure 4.2.4.c.
 - c. A townhouse project that includes consolidated access or shared driveways shall grant access easements to allow normal vehicular access and emergency access. Driveway and approach widths are subject to the city's public works standards.
3. Townhouse lots that do not have public street frontage may be accessed from a shared driveway located within an access easement or tract that allows normal vehicular access and emergency access. See Figure 4.2.4.d.

B. Exceptions.

1. Townhouse projects in which vehicular access for all units is exclusively from a rear alley are exempt from these standards.
2. Townhouses with ground levels that are designed as accessible or adaptable are exempt from subsection (A)(1)(c).

4.2.5 Trash Storage

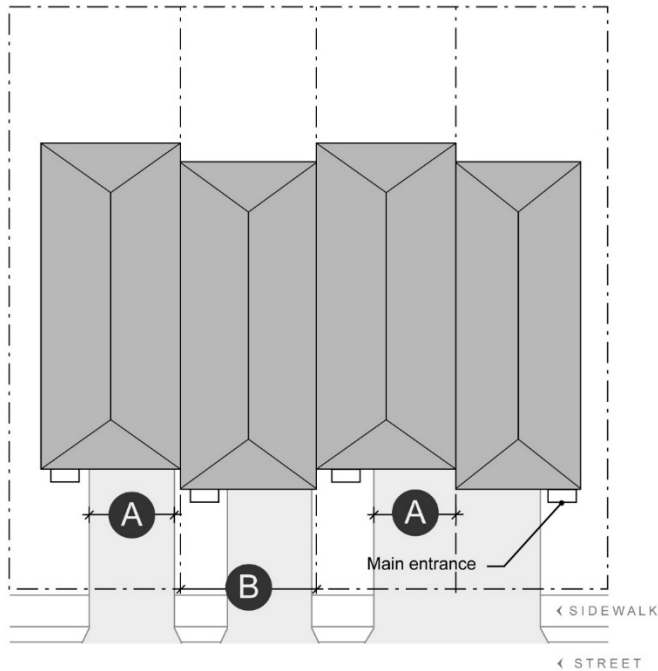
A. Standard. Shared storage facilities for trash and recycling receptacles that are located within 20 feet of a street lot line or a lot line abutting residential property shall meet the following standards:

1. The storage facility shall be screened from street lot lines and abutting residential properties by a wall, solid fence, or evergreen hedge. Except as specified in subsection (3), the screen must be at least 4 feet in height and located no more than 3 feet from the storage facility.
2. The storage facility must be separated from the street lot line by at least 5 feet.
3. For lot lines abutting residential properties, the storage facility must either be setback from the lot line by at least 5 feet, or the screen facing the lot line must be at least 6 feet in height.

B. Exceptions. Trash and recycling receptacles stored within a building are exempt from these standards.

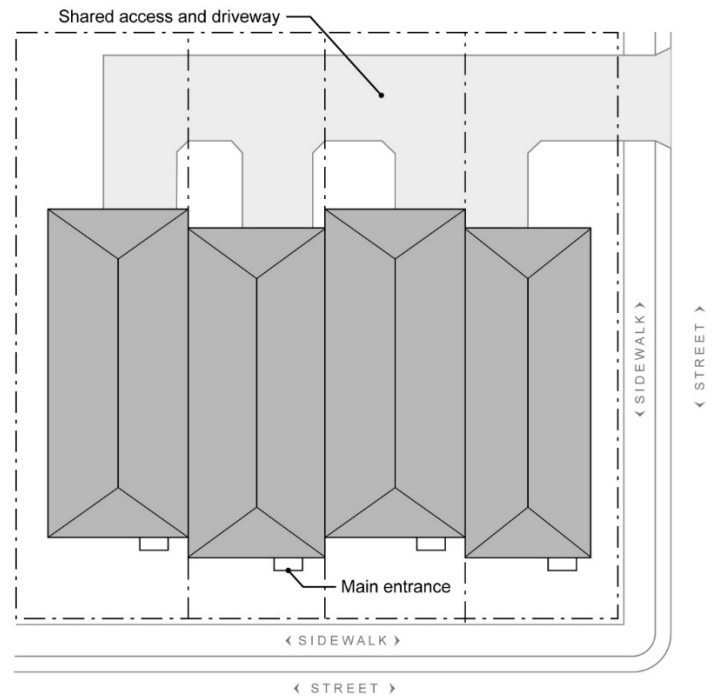
4 – Townhouse

Figure 4.2.4.a. Townhouses with Parking in Front Yard



- A** Maximum width of driveway, parking or maneuvering area, or garage: 12 feet or 60% of lot frontage width, whichever is less
- B** Minimum 15 feet of street frontage

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



4 – Townhouse

Figure 4.2.4.c. Townhouses with Consolidated Access

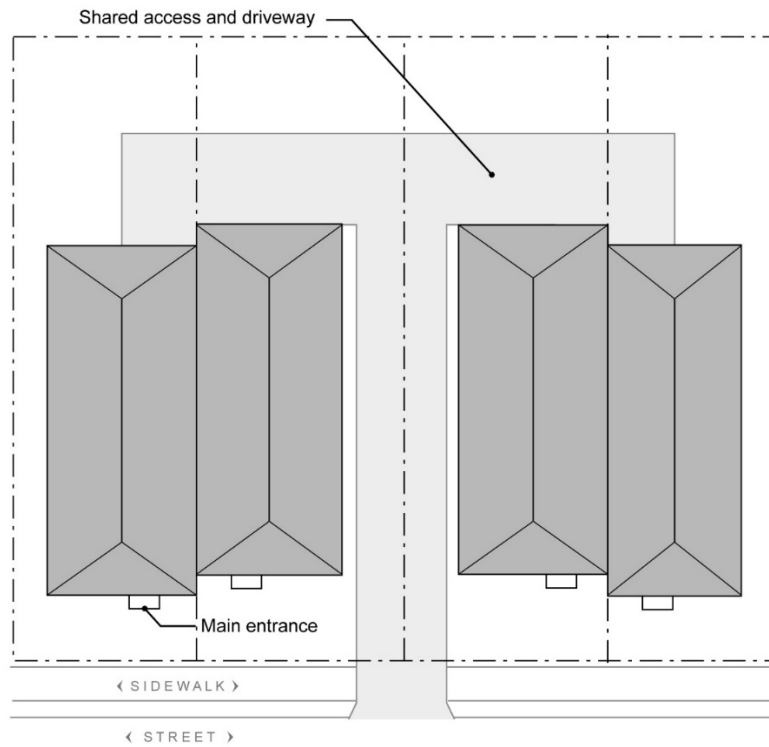
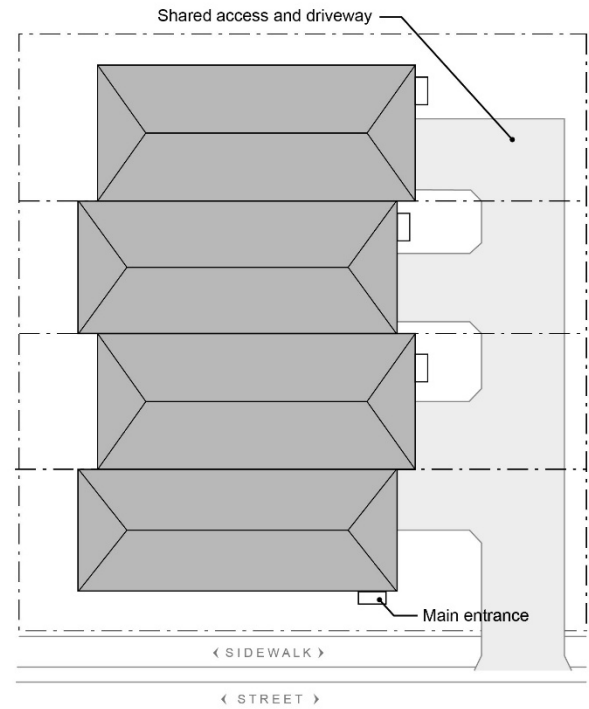


Figure 4.2.4.d. Townhouses with Access from Shared Driveway and Access Easement/Tract



5 – Cottage Cluster

Chapter 5 – Cottage Cluster

Sections:

- 5.1 Siting Standards – Cottage Cluster
- 5.2 Design Standards - Cottage Cluster

5.1 Siting Standards – Cottage Cluster

The siting standards in Table 5.1 apply to the development of a cottage cluster, with the following clarifications:

- A.** Standards applicable to a lot (i.e., minimum density, setbacks, and outdoor area) apply to the parent lot, not child lots created by a Middle Housing Land Division.
- B.** For qualified projects, the standards in Table 5.1 may be modified by the applicable bonuses in Chapter 8.
- C.** Per Section 1.4, retained units within middle housing development are not subject to these standards.

TABLE 5.1 SITING STANDARDS - COTTAGE CLUSTER	
Maximum Number of Cottages per Cottage Cluster	12 cottages
Maximum Floor Area Ratio (FAR) (see Section 10.1.1)	None
Average Cottage Size. Based on average floor area of all cottages and community buildings within the cottage cluster (see Section 10.1.1).	1,400 sf or less
Average Cottage Footprint	
• Average of cottages with height of 15 feet or less	1,400 sf or less
• Average of cottages with height over 15 feet	900 sf or less
Maximum Building/Structure Height (see Section 10.1.2)	25 ft
Minimum Density (see Section 10.1.3)	1 unit per 3,630 sf of net site area
Minimum Setbacks (see Section 10.1.4)	
• Front building setback	5 ft
• Side building setback	5 ft
• Rear building setback	5 ft
• Garage entrance setback (driveway length)	18 ft (or max. 5 ft)
Minimum Required Open Space - Courtyard (see Section 5.2.2)	150 sf per cottage
Vehicle Parking (see Section 10.1.6)	
• Minimum number of off-street spaces	None
• Maximum number of off-street spaces	None

5 – Cottage Cluster

TABLE 5.1 SITING STANDARDS - COTTAGE CLUSTER	
Minimum Number of Bicycle Parking Spaces (see Section 10.1.7)	
• Long-term Spaces	None
• Short-term Spaces	None
Areas Owned in Common Common areas must be maintained by a homeowners association or other legal entity. Such legal entity may also be responsible for exterior building maintenance. A copy of any applicable covenants, restrictions and conditions must be recorded and provided to the city prior to issuance of a building permit.	

5 – Cottage Cluster

5.2 Design Standards – Cottage Cluster

Except as provided in Section 1.5, the design standards in this section apply to the development of cottage clusters.

5.2.1 Cottage Orientation

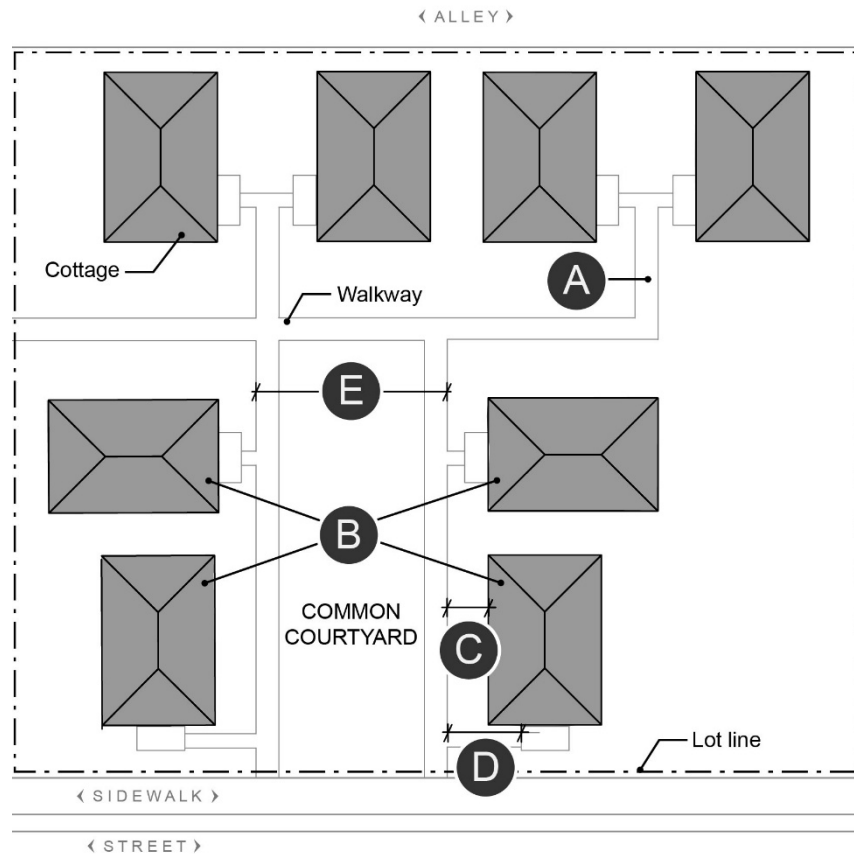
- A. Standard.** Cottages must be clustered around a common courtyard, as demonstrated by meeting the following standards (see Figure 5.2.2.a):
1. Each cottage within a cluster must have a main entrance that is directly connected to the common courtyard by a pedestrian walkway.
 2. A minimum of 50 percent of cottages within a cluster must:
 - a. Be within 10 feet from the common courtyard, measured from the nearest façade of the cottage to the nearest edge of the common courtyard; and
 - b. Have a main entrance that either faces the common courtyard or is no more than 20 feet from the common courtyard.
 3. Cottages must abut the common courtyard on at least two sides of the courtyard.
- B. Exceptions.** An existing dwelling or dwellings included within a cottage cluster pursuant to Section 5.2.8 may be excluded from the calculation of cottages oriented toward the common courtyard at the applicant's option.

5.2.2 Common Courtyard Design Standards

- A. Standard.** Each cottage cluster must share a common courtyard that meets the following standards (see Figure 5.2.2.a):
1. The common courtyard must be a single, contiguous piece.
 2. The common courtyard must be a minimum of 15 feet wide at its narrowest dimension and must meet the minimum area standard in Table 5.1.
 3. The common courtyard shall be developed with a mix of landscaping, lawn area, pedestrian walkways, or paved courtyard area, and may also include recreational amenities. Impervious elements of the common courtyard shall not exceed 75 percent of the total common courtyard area.
 4. Common courtyards must include pedestrian walkways. Walkways that are contiguous to a courtyard shall count toward the courtyard's minimum dimension and area. Parking areas, required setbacks, and driveways do not qualify as part of a common courtyard.
- B. Exceptions.** None.

5 – Cottage Cluster

Figure 5.2.2.a. Cottage Cluster Orientation and Common Courtyard Standards



- A** All cottages connected to courtyard by walkway.
- B** Minimum 50% of cottages meet the orientation requirements illustrated by **C** and **D**.
- C** Maximum 10 feet from cottage to courtyard.
- D** Maximum 20 feet from entry to courtyard.
- E** Minimum 15 feet width at narrowest dimension.

5 – Cottage Cluster

5.2.3 Community Buildings

- A. Standard.** Cottage cluster projects may include community buildings for the shared use of residents that provide space for accessory uses such as community meeting rooms, guest housing, exercise rooms, day care, or community eating areas. Community buildings must meet the following standards:
1. Each cottage cluster is permitted one community building, which shall count towards the maximum average cottage size, pursuant to Table 5.1.
 2. Community buildings shall not include individual storage spaces for residents. However, storage areas for shared equipment or supplies is permitted.
- [Recommended: 3. If a community building meets the definition of a dwelling unit and has a footprint that exceeds the maximum footprint in Table 5.1 or would exceed the maximum number of cottages in a cottage cluster, a covenant must be recorded against the property stating that the structure is not a legal dwelling unit and will not be used as a primary dwelling.]
- B. Exceptions.** None.

5.2.4 Pedestrian Access

- A. Standard.**
1. A walkway must connect the main entrance of each cottage to the following:
 - a. The common courtyard;
 - b. Shared parking areas;
 - c. Community buildings; and
 - d. Sidewalks in public rights-of-way abutting the lot or rights-of-way if there are no sidewalks.
 2. The walkway must be hard-surfaced and a minimum of 4 feet wide.
 3. An accessible walkway must connect the main entrance of each accessible or adaptable unit to:
 - a. A sidewalk abutting the lot, or a right-of-way if there is no sidewalk; and
 - b. At least one ADA parking space, if provided.
- B. Exceptions.** None.

5.2.5 Windows and Doors

- A. Standards.** Cottages within 20 feet of a street lot line must meet the following standards:
1. At least one street-facing façade must have a minimum of 15 percent windows or pedestrian entrance doors.
 2. All other street-facing facades must have a minimum of 10 percent windows or pedestrian entrance doors.

5 – Cottage Cluster

3. See Section 10.1.8 for measurement methodology.

B. Exceptions. The following facades are exempt from these standards:

1. Facades separated from the street lot line by a dwelling, or by a buildable lot with a depth of at least 20 feet measured from the street lot line.
2. Facades facing an alley.

5.2.6 Parking Design

A. Standards. (see Figure 5.2.6.a).

1. Clustered parking. Off-street parking may be arranged in clusters, subject to the following standards:
 - a. Cottage cluster projects with fewer than 16 cottages are permitted parking clusters of not more than 5 contiguous spaces.
 - b. Cottage cluster projects with 16 cottages or more are permitted parking clusters of not more than 8 contiguous spaces.
 - c. Parking clusters must be separated from other spaces by at least 4 feet of landscaping.
 - d. Clustered parking areas may be covered.
2. Parking location and access.
 - a. Off-street parking spaces and vehicle maneuvering areas shall not be located:
 - i. Within of 20 feet of any street lot line, except alley lot lines; or
 - ii. Between a street lot line and the front façade of cottages located closest to the street lot line. This standard does not apply to alleys.
 - b. Off-street parking spaces shall not be located within 10 feet of any other lot line, except alley lot lines. Driveways and drive aisles are permitted within 10 feet of other lot lines.
3. Screening. Landscaping, fencing, or walls at least 3 feet tall shall separate clustered parking areas and parking structures from common courtyards and public streets.
4. Garages and carports.
 - a. Garages and carports (whether shared or individual) must not abut common courtyards.
 - b. Individual attached garages up to 200 square feet shall be exempted from the calculation of maximum building footprint for cottages.
 - c. Individual detached garages must not exceed 400 square feet in floor area.
 - d. Garage doors for attached and detached individual garages must not exceed 20 feet in width.

B. Exceptions. None.

5 – Cottage Cluster

5.2.7 Accessory Structures

- A. Standard.** Accessory structures (excluding community buildings) must not exceed 400 square feet in floor area.
- B. Exceptions.** None.

5.2.8 Existing Structures

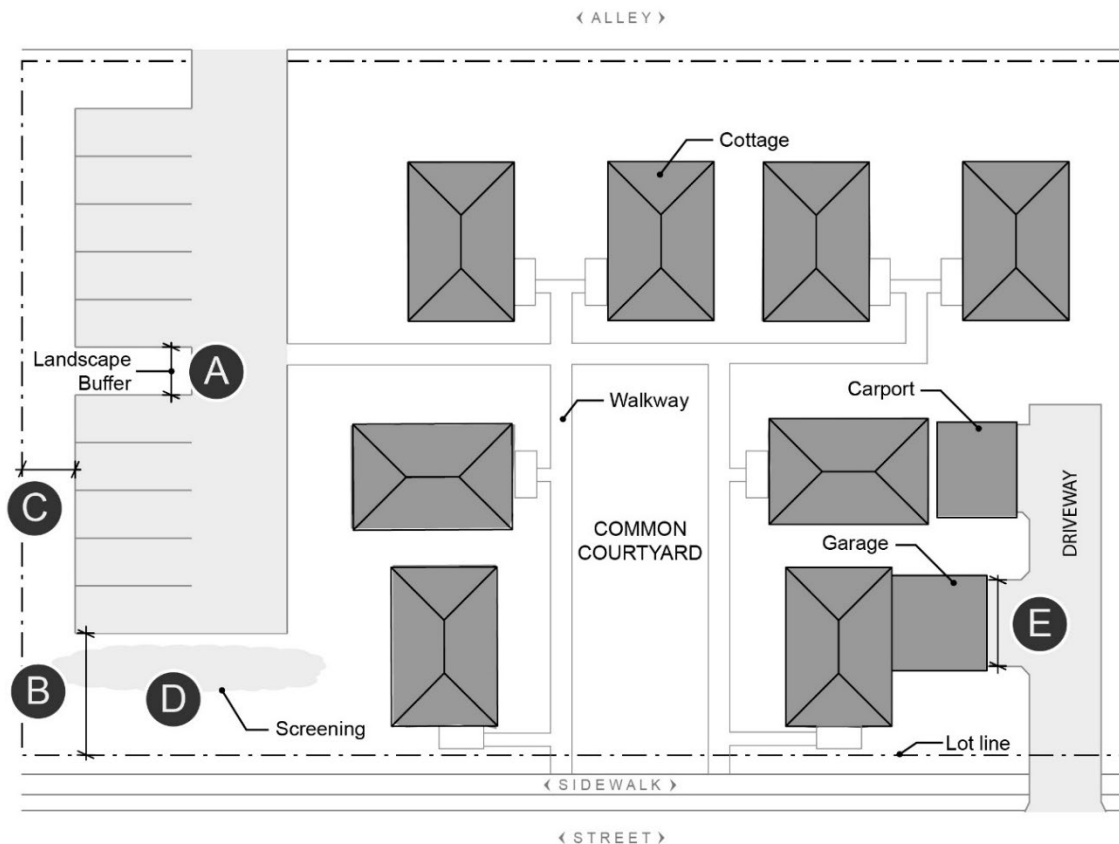
- A. Standard.** On a lot to be used for a cottage cluster project, existing units retained under Section 1.4 may remain within the cottage cluster project area under the following conditions:
 - 1. The retained unit(s) may be nonconforming with respect to the requirements of this code.
 - 2. The retained unit(s) may be expanded up to the maximum height or the maximum building footprint in Table 5.1; however, retained units that exceed the maximum height or footprint of this code may not be expanded.
 - 3. An applicant may choose to exclude the floor area of the retained unit(s) when calculating the average cottage size of a cottage cluster.
- B. Exceptions.** None.

5.2.9 Trash Storage

- A. Standard.** Shared storage facilities for trash and recycling receptacles that are located within 20 feet of a street lot line or a lot line abutting residential property shall meet the following standards:
 - 1. The storage facility shall be screened from street lot lines and abutting residential properties by a wall, solid fence, or evergreen hedge. Except as specified in subsection (3), the screen must be at least 4 feet in height and located no more than 3 feet from the storage facility.
 - 2. The storage facility must be separated from the street lot line by at least 5 feet.
 - 3. For lot lines abutting residential properties, the storage facility must either be setback from the lot line by at least 5 feet, or the screen facing the lot line must be at least 6 feet in height.
- B. Exceptions.** Trash and recycling receptacles stored within a building are exempt from these standards.

5 – Cottage Cluster

Figure 5.2.6.a. Cottage Cluster Parking Design Standards



- A** Parking clusters separated by minimum 4 feet of landscaping.
- B** No parking within 20 feet of street lot line.
- C** No parking within 10 feet of lot line other than street or alley.
- D** Screening required between parking areas or parking structures and public streets or common courtyards.
- E** Maximum 20 feet garage door width.

6 – Multi-Unit Housing

Chapter 6 – Multi-Unit Housing

Sections:

6.1 Siting Standards – Multi-Unit Housing

6.2 Design Standards – Multi-Unit Housing

6.1 Siting Standards – Multi-Unit

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

TABLE 6.1 SITING STANDARDS - MULTI-UNIT	
Maximum Floor Area Ratio (FAR) (see Section 10.1.1)	
• Site size: less than 20,000 sf	2.5:1
• Site size: 20,000 sf to 50,000 sf	2:1
• Site size: greater than 50,000 sf	1.5:1
Maximum Building/Structure Height (see Section 10.1.2)	40 feet
Minimum Density (see Section 10.1.3)	1 unit per 2,178 sf of net site area
Minimum Setbacks (see Section 10.1.4)	
• Front building setback	5 ft
• Side building setback	5 ft
• Rear building setback	5 ft
• Garage entrance setback (driveway length)	18 ft (or max. 5 ft)
Minimum Required Outdoor Area and Usable Open Space (see Sections 6.2.6 and 10.1.5)	
• Required Outdoor Area	15% of site area
• Usable Open Space	See Section 6.2.6
Vehicle Parking (see Section 10.1.6)	
• Minimum number of off-street spaces	None
• Maximum number of off-street spaces	
○ Studio Unit	1.2 spaces per unit
○ Non-Studio Unit	2.0 spaces per unit
Minimum Number of Bicycle Parking Spaces (see Section 10.1.7)	
• Long-term Spaces	1.0 space per unit
• Short-term Spaces	2.0 spaces per site, or

6 – Multi-Unit Housing

TABLE 6.1 SITING STANDARDS - MULTI-UNIT	
	1.0 space per 20 units, whichever is greater

6.2 Design Standards – Multi-Unit

The design standards in this section apply to the development of multi-unit housing. In sections 6.2.2 and 6.2.8, townhouse style multi-unit housing is subject to different standards than other forms of multi-unit housing. Townhouse style developments are those in which the units have individual ground floor entries, share one or more common walls with one or more other units, and do not share common floors/ceilings with another unit.

6.2.1 Entry Orientation – Non-Townhouse Style

Multi-unit housing other than townhouse style development is subject to the following standards.

A. Standards.

- I. At least one building façade containing a main entrance to a building must be located within 20 feet of a street lot line. If the site abuts more than one street, the building façade meeting this standard must be located in accordance with the following hierarchy:
 - a. Except as provided in (c), if transit is available on one or more abutting streets, within 20 feet of the street lot line of the street with the highest level of transit service.
 - b. Except as provided in (c), if none of the abutting streets have transit service, then within 20 feet of the street lot line of the street with the highest classification in the city's adopted Transportation System Plan (or in the applicable functional classification map or public works or engineering standards).
 - c. In the following circumstances, the applicant may choose the street-facing façade that will contain the main entrance:
 - i. The abutting streets have equal levels of transit service and equal street classifications; or
 - ii. The highest transit service street or highest classification street is an arterial street that includes 4 or more travel lanes designed for through movement of vehicles.
2. The main entrance meeting standard (A)(I), must:
 - a. Be no more than 8 feet farther from the front lot line than the structure's longest wall that faces the front lot line.
 - b. Meet at least one of the following:
 - i. Face the street;
 - ii. Be at an angle of up to 45 degrees from the street;

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- iii. Face a courtyard, provided the courtyard is no less than 15 feet in width and abuts the street; or
 - iv. Open onto a covered porch or covered patio that is at least 25 square feet in area.
 - c. Connect to the sidewalk by an accessible walkway in conformance with Section 6.2.4(A)(2). Where there is no sidewalk abutting the property, the walkway shall extend to the street lot line.
- B. Exception.** If a site abuts only one street, and the abutting street is an arterial with 4 or more travel lanes designed for through movement of vehicles, a building facade with ground floor dwelling units may be set further back than 20 feet, provided the screening standards in Section 6.2.9 are met, except as specified in subsection 6.2.9(B).

6.2.2 Entry Orientation – Townhouse Style

Townhouse style multi-unit housing is subject to the following standards.

- A. Standards.** A main entrance of each unit that is within 40 feet of a public street lot line must comply with all the following standards (see Figure 4.2.1.a). The entrance must:
- 1. Be no more than 8 feet farther from the front lot line than the dwelling unit's longest wall that faces the front lot line
 - 2. Meet at least one of the following:
 - a. Face the street;
 - b. Be at an angle of up to 45 degrees from the street; or
 - c. Open onto a covered porch or covered patio. The porch or patio must:
 - i. Be at least 25 square feet in area; and
 - ii. Have at least one entrance facing the street.
 - 3. Connect to the sidewalk by a hard-surfaced walkway other than the driveway. The walkway shall have a minimum width of 2 feet. The walkway may abut the driveway. Where there is no sidewalk abutting the property, the walkway shall extend to the street lot line.
- B. Exceptions.** None.

6.2.3 Transitions to Residential Entrances.

The following standards apply to each main entrance that is 10 feet or closer to a street lot line and provides direct access to a dwelling unit.

- A. Standards.** The main entrance must have at least two of the following within the setback:
- 1. A wall or fence that is 18 to 36 inches high and at least 4 feet wide.
 - 2. Landscaping that meets the city's planting standard.

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3. For each street-facing entrance, one canopy tree that is at least 1.5 inches in diameter, or at least 4 feet in height when planted, and that will achieve a mature canopy spread of at least 10 feet. An existing, retained tree may be used to meet this standard.
4. Common or private outdoor area of at least 48 square feet designed so that a 4-foot by 6-foot dimension will fit entirely within it.

B. Exceptions. None.

6.2.4 Pedestrian Connections

A. Standard.

1. Internal Connections. A system of walkways must connect all main entrances on the site and provide connections to abutting sidewalks, parking areas, bicycle parking, and common outdoor areas. Where there is no sidewalk abutting the property, the walkway shall extend to the street lot line.
2. For sites greater than 50,000 square feet, on-site walkways must connect or be stubbed to allow for an extension to the abutting property in the following circumstances:
 - a. There is an existing walkway on the abutting property that is located in a public right-of-way or public access tract or easement; or
 - b. There is a planned walkway on the abutting property, as identified in the city's adopted Transportation System Plan.
3. Walkway Design.
 - a. Materials and Width. All walkways must be hard surfaced. Except as provided in subsections (i) and (ii), walkways must be at least 5 feet in unobstructed width.
 - i. Walkway width must be increased to 8 feet if the walkway abuts perpendicular or angled parking spaces, unless the spaces are equipped with wheel stops.
 - ii. Where a walkway leads to 4 or fewer individual unit entries, it may have an unobstructed width of 3 feet, increased to at least 4 feet at turns and curves, provided it also meets other ADA standards for accessible walkways, including standards related to passing spaces and slope.
 - b. Crossings with Vehicle Areas. Where the walkway crosses driveways, drive aisles, parking areas, and loading areas, the walkway must be clearly identifiable through the use of elevation changes, a different paving material, or other similar method. Striping does not meet this requirement. Elevation changes for crossings must be at least 4 inches high.
 - c. Walkways Adjacent to Vehicle Areas. Where the walkway is parallel and adjacent to a parking space, driveway, or drive aisle, the walkway must be a raised path or be separated from the vehicular space by a raised curb, bollards, landscaping, or other physical barrier. If a raised path is used, it must be at least 4 inches high. Bollard spacing must be no further apart than 5 feet on center.

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B. Exceptions. None.

6.2.5 Windows and Doors

A. Standard. A minimum of 15 percent of the area of all street-facing facades must include windows or pedestrian entrance doors. See Section 10.1.8 for measurement methodology.

B. Exceptions. The following facades are exempt from this standard:

1. Facades separated from the street lot line by another building, or by a buildable lot with a depth of at least 20 feet measured from the street lot line.
2. Facades that are more than 40 feet from the street lot line.
3. Facades facing an alley.

6.2.6 Required Outdoor Area and Usable Open Space

A. Standard.

1. Minimum Outdoor Area. Except as specified in subsection (B), a minimum of 15 percent of the gross site area must be provided as outdoor area meeting the description and standards in Section 10.1.5.
2. Minimum Usable Open Space. For sites over 20,000 square feet in gross site area, a percentage of the required outdoor area must be permanently reserved as shared, usable open space available for use by the residents:
 - a. For sites between 20,000 and 50,000 square feet, at least 25 percent of the required outdoor area must be usable open space.
 - b. For sites 50,000 square feet or larger, at least 50 percent of the required outdoor area must be usable open space.
3. Usable Open Space Standards. The usable open space shall meet the following criteria:
 - a. The usable open space shall contain one or more of the features specified in Section 10.1.5(B)(2).
 - b. In order to be counted as eligible toward the minimum usable open space area, such areas shall have dimensions of not less than 10 feet.
 - c. Up to 50 percent of the required usable open space may be provided as indoor recreation or community space provided it is accessible to all residents.

B. Exceptions.

1. For sites under 50,000 square feet in size, 100 percent of the required outdoor area may be met by:
 - a. A rooftop garden provided it is accessible to all of the residents; or
 - b. Private open space.

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2. Sites that are under 20,000 square feet in size and located within one-quarter mile walking distance of a public park that is at least 1 acre in size are exempt from the usable open space requirement. Walking distance is measured along a route utilizing sidewalks or other public pedestrian facilities that are existing or will be constructed with the development.
3. For townhouse style multi-unit housing, 100 percent of the required usable open space may be provided as private yards for each unit.

6.2.7 Parking Location and Design

The following standards apply to parking areas for multi-unit housing. For townhouse style developments, see Section 6.2.8.

A. Vehicle Parking Standards.

1. No area between a building and the street lot line (other than an alley) shall be used for vehicle parking or circulation, except for the following:
 - a. A driveway providing access to a shared parking garage.
 - b. A passenger drop-off or loading zone, provided the main building entrance must connect to an adjacent street by a pedestrian walkway.
2. Screening of surface parking areas. The city's parking area screening standards shall apply, if any, otherwise the following standards shall apply. Surface parking areas with more than 8 spaces must be screened from view of the street by a landscaped area that includes the following, at a minimum:
 - a. Evergreen shrubs that will grow to a minimum height of 30 inches within two years and form continuous screening. Areas within the vision clearance triangle must include plantings that do not exceed 3 feet; and
 - b. At least one tree for every 30 linear feet; and
 - c. Evergreen ground cover must cover the remaining landscape area.
 - d. A minimum 30 inch tall wall or fence may be substituted for evergreen shrubs.
3. Additional parking area design and landscaping standards are provided in Section 10.1.6.

B. Bicycle Parking Standards. Bicycle parking location and design standards are provided in Section 10.1.7.

C. Exceptions. None.

6.2.8 Driveway Access and Parking – Townhouse Style

For townhouse style units that have garage entrances, off-street parking areas, or driveways located between a dwelling unit and a public street (other than an alley), the following standards shall be met. For all other units, the standards in Section 6.2.7 shall be met.

6 – Multi-Unit Housing

A. Standards.

1. Access must be taken from a local street.
2. A maximum of one driveway approach is allowed for every townhouse style unit. Driveway approaches or driveways may be shared.
3. Outdoor on-site parking and maneuvering areas shall not exceed 12 feet wide for any unit.
4. The garage width shall not exceed 12 feet, as measured from the inside of the garage door frame.
5. This standard does not supersede a city's driveway separation standards.

B. Bicycle Parking Standards. Bicycle parking location and design standards are provided in Section 10.1.7.

C. Exceptions. None.

6.2.9 Screening from Arterials

A. Standard.

The following standards apply to multi-unit sites that abut an arterial street with 4 or more vehicle travel lanes designed for through movement of vehicles. Screening shall be provided within the setback area between any street-facing facade and the street lot line abutting the arterial street. The screening shall meet the following standards:

1. At least two rows of evergreen trees shall be planted. Each row shall have a minimum of one tree for every 20 linear feet of street frontage. Tree planting shall be staggered, with a maximum spacing of 20 feet on center for trees within the same row and 15 feet on center for trees within different rows.
2. Trees shall be at least 6 feet tall at the time of planting.

B. Exception. This standard does not apply to arterial streets with frequent transit service.

6.2.10 Trash Storage

A. Standard. Shared storage facilities for trash and recycling receptacles that are located within 20 feet of a street lot line or a lot line abutting residential property shall meet the following standards:

1. The storage facility shall be screened from street lot lines and abutting residential properties by a wall, solid fence, or evergreen hedge. Except as specified in subsection (3), the screen must be at least 4 feet in height and located no more than 3 feet from the storage facility.
2. The storage facility must be separated from the street lot line by at least 5 feet.
3. For lot lines abutting residential properties, the storage facility must either be setback from the lot line by at least 5 feet, or the screen facing the lot line must be at least 6 feet in height.

B. Exceptions. Trash and recycling receptacles stored within a building are exempt from these standards.

7 – Accessory Dwelling Unit

Chapter 7 – Accessory Dwelling Unit

Sections:

7.1 Siting Standards – Accessory Dwelling Unit

7.2 Design Standards – Accessory Dwelling Unit

7.1 Siting Standards – Accessory Dwelling Unit

7.1.1 Siting Standards, Generally

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

B. Exceptions.

1. The following siting standards do not apply to accessory dwelling units:
 - a. Minimum Density;
 - b. Minimum Required Outdoor Area and Useable Open Space;
 - c. Minimum and Maximum Vehicle Parking; and
 - d. Minimum Bicycle Parking.
2. Conversion of an existing legal nonconforming accessory structure into an accessory dwelling unit is allowed, provided that the conversion does not increase the nonconformity. For example, a garage that does not meet the minimum setback standard in the zoning district may be converted to an accessory dwelling unit, provided the footprint of the building within the setback area does not increase in size.
3. If an accessory dwelling unit is added to a lot with an existing dwelling unit that has been in place for at least 5 years, up to 1,000 square feet of floor area is permitted even if it exceeds the maximum FAR or lot coverage that applies to the lot.
4. Setbacks.
 - a. Where an accessory dwelling unit is accessed from an alley and the city's locally adopted setback standard exceeds 5 feet, the minimum setback from the alley lot line shall be 5 feet.
 - b. Detached accessory dwelling units that do not exceed 12 feet in height may be located within 5 feet of a side or rear lot line (excluding street lot lines other than alleys).

7 – Accessory Dwelling Unit

7.1.2 Number of Units and Configuration

- A. Standard.** A maximum of 2 accessory dwelling units are allowed per legal detached single-unit dwelling (referred to as the primary dwelling). If 2 accessory dwelling units are proposed, either:
 - 1. Both units must be detached from the primary dwelling and from each other; or
 - 2. One unit must be detached and one unit must be attached/interior to the primary dwelling.
- B. Exception.** Up to 3 accessory dwelling units are permitted for projects which qualify for a bonus pursuant to Section 8.2.1. One unit must be attached/interior to the primary dwelling and the other 2 units must be detached from the primary dwelling and from each other.

7.1.3 Maximum Floor Area

- A. Standard.** The maximum floor area for an accessory dwelling unit is 1,000 square feet.
- B. Exceptions.** The maximum floor area standard does not apply when an entire floor of a primary dwelling (e.g., a basement) is converted to an accessory dwelling unit and the primary dwelling has been on the site for at least 5 years.
- C. Measurement.** Floor area is measured as provided in subsection 10.1.1(B)(1).

7.2 Design Standards – Accessory Dwelling Unit

Accessory dwelling units are exempt from design standards.

8 – Bonuses

Chapter 8 – Bonuses

Sections:

8.1 Bonuses, Generally

8.2 Bonuses by Housing Type

8.1 Bonuses, Generally

A. Purpose. Bonuses provide reductions in required outdoor area and increases in the number of units, the maximum floor area, or the maximum building height, in order to incentivize the provision of affordable or accessible housing that market rate development may not otherwise produce. Nothing in this chapter implements ORS 197A.465.

B. Categories.

1. As described in Table 8.1, there are 6 categories of housing that qualify for bonuses:

Affordability Categories

- Cat. 1A - 10-Year Affordable Homeownership Unit
- Cat. 1B - 10-Year Mixed-Income Housing
- Cat. 1C - 30-Year Affordable Housing
- Cat. 1D - 90-Year Moderate Income Cooperative Housing

Accessibility Categories

- Cat. 2A - Accessible Unit
- Cat. 2B - Adaptable Unit

2. An individual unit can count toward meeting up to one affordability category (Cat. 1A – 1D) and one accessibility category (Cat. 2A – 2B). In other words, a unit that is both affordable and accessible would receive bonuses from both categories. This is not intended to preclude other units within the same development from meeting other categories where possible in order to increase the bonuses available to the development, up to the maximum allowed.

8 – Bonuses

TABLE 8.1: QUALIFYING CATEGORIES	
Category	Category Criteria
Affordability Categories	
Cat. 1A	<p>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:</p> <ul style="list-style-type: none"> (A) Makes the unit available and affordable to purchase and to own for households with incomes of 120 percent or less of the area median income; and (B) Is enforceable for a duration of not less than 10 years from the date of the certificate of occupancy.
Cat. 1B	<p>10-Year Mixed-Income Housing. Residential property:</p> <ul style="list-style-type: none"> (A) In which at least 20 percent of units on the property or development site (rounded up to the nearest unit) are made available to own or rent to households with incomes of 80 percent or less of the area median income; <u>[Recommended]</u> or in which at least 10 percent of units on the property or development site (rounded up to the nearest unit) are made available to own or rent to households with incomes of 60 percent or less of the area median income;] (B) Whose affordability, including affordability under a covenant as described in ORS 456.270 to 456.295, is enforceable for a duration of no less than 10 years; and (C) In which the affordable units meet the following criteria: <ul style="list-style-type: none"> (i) The average number of bedrooms and bathrooms per unit for all affordable units is the same or greater than the average number of bedrooms and bathrooms per unit for all market rate units. For the purpose of this calculation, studio units shall count as having 0.5 bedrooms; and (ii) The average floor area per unit for all affordable units is no less than at least 90% of the average floor area per unit of all market rate units.
Cat. 1C	<p>30-Year Affordable Housing. Residential property:</p> <ul style="list-style-type: none"> (A) In which: <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 (B) Whose affordability, including affordability under a covenant as described in ORS 456.270 to 456.295, is enforceable for a duration of no less than 30 years.
Cat. 1D	<p>90-Year Moderate Income Cooperative Housing. Residential property in which all of the units are subject to a zero equity, limited equity, or shared equity ownership model including resident-owned cooperatives and community land trusts making them affordable to moderate income households as described in ORS 456.270 to 456.295 for a period of 90 years.</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>
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 dwelling units with 2 or more stories not otherwise required to provide Type B units under state or federal regulations (e.g., 2-story townhouse), the “Type B” requirements are only required on the ground floor, provided a kitchen, bathroom and bedroom are available on the ground floor.</p>

8 – Bonuses

8.2 Bonuses by Housing Type

In the following sections, there is a bonus table for each housing type. Each of the 5 tables includes the following:

Column 1: Bonus Type	A description of the type of bonus (e.g., increase in the number of units). Subcategories are included if the bonus varies in specific circumstances.
Column 2: Base Allowance	The base allowance for the housing type, based on the Model Code's siting standards tables. Where a housing type is not included in a Model Code siting standards table, the cell is blank (e.g., 5 – 6 unit quadplexes).
Columns 3-6: Bonus by Category	These columns include the amount of bonus that is earned for a qualifying category. The values in these columns are the increment that is added or subtracted. The number of columns varies by housing type as not all categories are applicable to all housing types.
Final Column: Cap (Max with Bonuses)	The maximum development entitlement available to a development or project including all bonuses. This column represents a "Cap" – a project or development cannot exceed this amount (except as otherwise noted for specific housing types).

8.2.1 Bonuses for Detached Single-Unit or Duplex

The bonuses in Table 8.2-1 are available to qualified detached single-unit (DSU) or duplex projects. For the purposes of this section, a "DSU or duplex project" means one parent lot and a proposed detached single-unit, detached single-unit with an accessory dwelling unit(s), or duplex (attached or detached).

A. Qualified Projects.

1. Category 1A. At least one unit on the parent lot must meet the applicable category criteria in Table 8.1 to qualify for this bonus.
2. Category 1B, 1C, and 1D. The DSU or duplex project must meet the applicable category criteria in Table 8-1 to qualify for these bonuses.
3. Category 2A. At least one unit on the parent lot must meet the applicable category criteria in Table 8.1 for the DSU or duplex project to qualify for this bonus.
4. Category 2B. All new units on the parent lot that have ground floor entries must meet the applicable category criteria in Table 8.1 for the DSU or duplex project to qualify for this bonus.

B. Bonuses Earned.

1. A DSU or duplex project may qualify for more than one category provided that each individual unit may only count toward meeting one affordability and one accessibility category.
2. Within a DSU or duplex project, all bonuses earned may be used individually or in combination.
3. The "cap" is the maximum that is allowed for the DSU or duplex project (inclusive of applicable bonuses), except as provided in Section 1.4 for retained units within middle housing development.

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TABLE 8.2-1: BONUSES FOR DETACHED SINGLE-UNIT OR DUPLEX						
Bonus Type	Base Allowance	Bonuses by Category				Cap (Max. with Bonuses)
		Cat. 1A & 1B	Cat. 1C & 1D	Cat. 2A	Cat. 2B	
Increase Number of Units:						
• Duplex	2 units	+1 unit	+1 unit	+1 unit	--	3 units
• Additional ADU	2 ADUs	+1 ADU	+1 ADU	+1 ADU	--	3 ADUs
Increase Maximum Floor Area Ratio of DSU or duplex project						
• 1 total dwelling unit	0.6:1	+0.15	+0.3	+0.15	+0.1	0.9:1
• 2 to 4 total dwelling units (1)	0.9:1	+0.15	+0.3	+0.15	+0.1	1.2:1
Increase Maximum Building/Structure Height	35 ft	+10 ft	+10 ft	+10 ft	--	45 ft
Reduce Minimum Density	1 unit / 5,700 sf	--	--	+2,300 sf per unit	+2,300 sf per unit	1 unit / 8,000 sf
NOTES: (1) If an additional unit is added to a lot with an existing, retained dwelling unit that has been in place for at least 5 years, the maximum FAR may be exceeded by up to 1,000 square feet of new floor area.						

8.2.2 Bonuses for Triplex or Quadplex

The bonuses in Table 8.2-2 are available to qualified triplex or quadplex projects. For the purposes of this section, a “triplex or quadplex project” means one parent lot and a proposed triplex or quadplex.

A. Qualified Projects.

1. Category 1A. At least one unit on the parent lot must meet the applicable category criteria in Table 8-1 for the triplex or quadplex project to qualify for this bonus.
2. Category 1B, 1C, and 1D. A triplex or quadplex project must meet the applicable category criteria in Table 8-1 to qualify for these bonuses.
3. Category 2A. At least one unit on the parent lot must meet the applicable category criteria in Table 8-1 for the triplex or quadplex project to qualify for these bonuses.
4. Category 2B. All new units on the parent lot that have ground floor entries must meet the applicable category criteria in Table 8-1 for the triplex or quadplex project to qualify for this bonus.

B. Bonuses Earned.

1. A triplex or quadplex project may qualify for more than one category provided that each individual unit may only count toward meeting one affordability and one accessibility category.
2. Within a triplex or quadplex project, all bonuses earned may be used individually or in combination.

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- The “cap” is the maximum that is allowed for a triplex or quadplex project (inclusive of applicable bonuses), except as provided in Section 1.4 for retained units within middle housing development.

TABLE 8.2-2: BONUSSES FOR TRIPLEX OR QUADPLEX					
Bonus Type	Base Allowance	Qualifying Categories			Cap (Max. with Bonuses)
		Cat. 1A & 1B	Cat. 1C & 1D	Cat. 2A & 2B	
Increase Number of Units:					
• Triplex	3 units	+1 unit	+1 unit	+1 unit	4 units
• Quadplex	4 units	+2 unit	+2 unit	+2 unit	6 units
Increase Maximum Floor Area Ratio per Triplex or Quadplex Project					
• 3 total dwelling units	1.1:1	+0.15	+0.3	+0.15	1.4:1
• 4 total dwelling units	1.2:1	+0.15	+0.3	+0.15	1.5:1
• 5 - 6 total dwelling units (with bonus)	1.2:1	+0.2	+0.4	+0.2	1.6:1
Increase Maximum Building/Structure Height	35 ft	+10 ft	+10 ft	+10 ft	45 ft
Reduce Minimum Density	1 unit / 3,630 sf	--	--	+1,370 sf per unit	1 unit / 5,000 sf

8.2.3 Bonuses for Townhouses

The bonuses in Table 8.2-3 are available to qualified townhouse projects.

A. Qualified Projects.

- Category 1A. At least one out of every 6 units, but in no case less than one unit, within a townhouse project must meet the applicable category criteria in Table 8-1 for the townhouse project to qualify for this bonus.
- Category 1B, 1C, and 1D. A townhouse project must meet the applicable category criteria in Table 8-1 to qualify for these bonuses.
- Category 2A. At least one out of every 6 units, but in no case less than one unit, within a townhouse project must meet the applicable category criteria in Table 8-1 for the townhouse project to qualify for this bonus.
- Category 2B. All units within a townhouse project must meet the applicable category criteria in Table 8-1 for the townhouse project to qualify for this bonus.

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B. Bonuses Earned.

1. A townhouse project may qualify for more than one bonus provided that each individual unit may only count toward meeting one affordability and one accessibility category. For Categories 1A and 2A, the bonus is calculated for, and applied to, each group of 6 units regardless of the number of townhouses in the project or attached to each other (e.g., a 12-unit townhouse project can earn separate bonuses for two groups of 6 units).
2. Within a townhouse project, all bonuses earned may be used individually or in combination.
3. The “cap” is the maximum that is allowed for a townhouse project (inclusive of applicable bonuses) , except as provided in Section 1.4 for retained units within middle housing development.

TABLE 8.2-3: BONUSSES FOR TOWNHOUSES					
Bonus Type	Base Allowance	Qualifying Categories			Cap (Max. with Bonuses)
		Cat. 1A & 1B	Cat. 1C & 1D	Cat. 2A & 2B	
Increase Number of Units (I)	--	+1 to 2 units	+2 units	+1 to 2 units	1 to 2 bonus units
Increase Maximum Floor Area Ratio	1.2:1	+0.2	+0.4	+0.2	1.6:1
Increase Maximum Building/Structure Height	35 ft	+10 ft	+10 ft	+10 ft	45 ft

8.2.4 Bonuses for Cottage Cluster

The bonuses in Table 8.2-4 are available to qualified cottage cluster projects.

A. Qualified Projects.

1. Category 1A. At least one out of every 6 cottages, but in no case less than one cottage, within each cottage cluster must meet the applicable Category Criteria in Table 8-1 for the cottage cluster project to qualify for this bonus.
2. Category 1B, 1C, and 1D. A cottage cluster must meet the applicable category criteria in Table 8-1 to qualify for these bonuses.
3. Category 2A. At least one out of every 6 cottages, but in no case less than one cottage, within each cottage cluster must meet the applicable Category Criteria in Table 8-1 for the cottage cluster project to qualify for this bonus.
4. Category 2B. All cottages within a cottage cluster project that have ground floor entries must meet the criteria in Table 8-1 for the cottage cluster project to qualify for this bonus.

B. Bonuses Earned.

1. A cottage cluster project may qualify for more than one bonus provided that each individual unit may only count toward meeting one affordability category and one accessibility category.
2. Within a cottage cluster project, all bonuses earned may be used individually or in combination.

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- The “cap” is the maximum that is allowed for the development (inclusive of applicable bonuses), except as provided in Section 1.4 for retained units within middle housing development.

TABLE 8.2-4: BONUSES FOR COTTAGE CLUSTER					
Bonus Type	Base Allowance	Qualifying Categories			Cap (Max. with Bonuses)
		Cat. 1A & 1B	Cat. 1C & 1D	Cat. 2A & 2B	
Increase Number of Cottages per Cluster	12 cottages	+2 unit	+2 unit	+2 unit	14 units
Increase Average Cottage Size	1,400 sf or less	+100 sf	+400 sf	+100 sf	1,600 sf
Increase Average Cottage Footprint					
<ul style="list-style-type: none"> Cottages with height of 15 feet or less 	1,400 sf or less	+50 sf	+100 sf	+50 sf	1,500 sf
<ul style="list-style-type: none"> Cottages with height over 15 feet 	900 sf or less	+50 sf	+100 sf	+50 sf	1,000 sf
Reduce Required Open Space - Courtyard	150 sf / cottage	-30 sf / cottage	-70 sf / cottage	-30 sf / cottage	80 sf
Increase Maximum Building/Structure Height	25 ft or 2 stories	+5 ft	+10 ft	+5 ft	35 ft

8.2.5 Bonuses for Multi-Unit Housing

The bonuses in Table 8.2-5 are available to qualified multi-unit projects as follows. For the purposes of this section, a “multi-unit project” means multi-unit housing on a single development site.

A. Qualifying Categories.

- Categories 1B, 1C, and 1D. The multi-unit project must meet the criteria in Table 8-1 to qualify for these bonuses
- Category 2A. At least 10 percent of units, but no less than one more unit than would be required by the Building Code, must meet the criteria in Table 8-1 for the multi-unit project to qualify for these bonuses.

B. Bonuses Earned.

- A multi-unit project may qualify for more than one bonus provided that each individual unit can only count toward meeting one affordability category and one accessibility category.
- Within a multi-unit project, all bonuses earned may be used individually or in combination.

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3. A “double bonus” for Cat. 2A (i.e., two times the amount indicated in Table 8.2-5 for this category) is provided to multi-unit projects where at least 20 percent of the units and at least two more units than would be required by the Building Code meet the criteria in Table 8-1.
4. The “cap” is the maximum that is allowed for development (inclusive of applicable bonuses).

TABLE 8.2-5: BONUSES FOR MULTI-UNIT HOUSING					
Bonus Type	Base Allowance	Qualifying Categories			Cap (Max. with Bonuses)
		Cat 1B	Cat 1C & ID	Cat 2A*	
Increase Maximum Floor Area Ratio					
Site size: less than 20,000 sf	2.5:1	+1:1	+2:1	+1:1	5:1
Site size: 20,000 sf to 50,000 sf	2:1	+0.7:1	+1.5:1	+0.7:1	3.5:1
Site size: greater than 50,000 sf	1.5:1	+0.5:1	+1:1	+0.5:1	2.5:1
Increase Maximum Building/Structure Height	40 ft	+10 ft	+36 ft	+10 ft	76 ft
Reduce Required Outdoor Area	15%	-5%	-15%	-5%	10% for Cat 1B or 2A; 0% for Cat 1C or ID
* The bonuses provided for Cat. 2A shall be two times the amount shown in this column for multi-unit projects meeting the criteria in Section 8.2.5(B)(3).					

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Chapter 9 – Procedures and Applications

Sections:

- 9.1 Procedures and Applications, Generally
- 9.2 Procedure - Ministerial Decisions
- 9.3 Procedure - Limited Land Use Decisions
- 9.4 Application - Zoning Review
- 9.5 Application - Modifications
- 9.6 Application and Procedure - Middle Housing Land Division

9.1 Procedures and Applications, Generally

- A. Time Periods.** In computing time periods prescribed or allowed by this chapter, the day of the act or event from which the designated period of time begins shall not be included. The last day of the period shall be included, unless it is a Saturday, Sunday, or a legal holiday, in which case the period runs until the end of the next day that is not on a weekend or legal holiday.
- B. Consolidated Review of Applications.** When an applicant applies for more than one type of land use or development permit for the same one or more contiguous parcels of land, the applicant may request that the proceedings be consolidated for review and decision. When proceedings are consolidated, required notices may be consolidated, provided the notice shall identify each application to be decided.
- C. Basis of Approval.** Approvals are based on the information submitted. If the information relied upon to grant the approval is incorrect, the approval may be voided.

9.2 Procedure – Ministerial Decision

Ministerial Decisions are made following a review that does not require use of discretion, based on land use standards that do not require interpretation or the exercise of policy or legal judgment. The decision is made by the Planning Official, without public notice and without a public hearing.

A. Application Requirements.

- 1. **Application Forms.** Requests for approval of development subject to Ministerial Review shall be made on forms provided by the Planning Official. An application submitted concurrently with a building permit application does not require a separate application form.
- 2. **Application Requirements.** Applications shall include the following information:
 - a. The information requested on the application form;
 - b. Plans and exhibits required for the specific approval(s) being sought; and
 - c. The required fee.

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B. Completeness Review.

1. The Planning Official shall review the application submittal and advise the applicant in writing whether the application is complete or incomplete within 30 calendar days after the city receives the application submittal.
2. If an application for a Ministerial Decision is incomplete, the Planning Official shall notify the applicant in writing of exactly what information is missing within 30 days of receipt of the application and allow the applicant to submit the missing information. The application shall be deemed complete upon receipt by the Planning Official of:
 - a. All of the missing information;
 - b. Some of the missing information and written notice from the applicant that no other information will be provided; or
 - c. Written notice from the applicant that none of the missing information will be provided.
3. On the 181st day after first being submitted, the application is void if the applicant has been notified of the missing information as required under subsection (2) and has not submitted some or all of the information or provided written notice that none of the missing information will be provided.

C. Criteria and Decision. The Planning Official's review determines whether minimum code requirements are met. The Planning Official shall approve, approve with conditions, or deny an application within 60 days after receiving a complete application.

D. Effective Date. A Ministerial Decision is final on the date it is signed by the Planning Official.

E. Appeal of a Ministerial Decision. A Ministerial Decision may be appealed to Circuit Court. There is no opportunity for local appeal.

9.3 Procedure – Limited Land Use Decision

A. Method of review. Limited Land Use Decisions are subject to administrative review. The decision is made by the Planning Official with public notice and an opportunity to appeal.

B. Time allowed. The City shall complete its review within the timeframes specified in subsections (C) through (G), below, provided that in all cases the City shall take final action on Limited Land Use applications, including resolution of all appeals, within the number of days specified in the table below, unless the applicant requests an extension in writing. The total of all extensions may not exceed 245 days except to allow for mediation in accordance with ORS 227.178(11).

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Project Type	Maximum Days*
Limited Land Use Decisions for affordable housing projects meeting the following criteria: <ul style="list-style-type: none"> Multi-unit residential building containing five or more residential units within the urban growth boundary; and At least 50 percent of the residential units included in the development will be sold or rented as affordable housing that is affordable to households with incomes equal to or less than 60 percent of the median family income for the county in which the development is built or for the state, whichever is greater, that is subject to an affordable housing covenant, as provided in ORS 456.270 to 456.295, that maintains the affordability for a period of not less than 60 years from the date of the certificate of occupancy. 	100 days from the date the Planning Official deems the application complete for purposes of processing,
All other Limited Land Use Decisions	120 days from the date the Planning Official deems the application complete for purposes of processing,
* A city may extend these periods by no more than seven days in order to assure the sufficiency of its final order where the city has tentatively approved the application for development of residential structures.	

C. Application Requirements.

1. Application Forms. Applications subject to Limited Land Use Review shall be made on forms provided by the Planning Official.
2. Submittal Information. At a minimum, the application shall include all of the following information:
 - a. The information requested on the application form;
 - b. Plans and exhibits required for the specific approval(s) being sought; and
 - c. The required fee.

D. Completeness Review.

1. The Planning Official shall review the application submittal and advise the applicant in writing whether the application is complete or incomplete within 30 calendar days after the city receives the application submittal.
2. If an application for a Limited Land Use Decision is incomplete, the Planning Official shall notify the applicant in writing of exactly what information is missing within 30 days of receipt of the application and allow the applicant to submit the missing information. The application shall be deemed complete upon receipt by the Planning Official of:

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- a. All of the missing information;
 - b. Some of the missing information and written notice from the applicant that no other information will be provided; or
 - c. Written notice from the applicant that none of the missing information will be provided.
3. If an applicant requests review under different standards as provided in subsection (E)(2) the applicable timelines for completeness review restart as if a new application were submitted on the date of the request. The application shall not be deemed complete until the Planning Official determines that additional information is not required under subsection (2) of this section or the applicant makes a submission under subsection (2) of this section in response to a Planning Official's request.
 4. On the 181st day after first being submitted, the application is void if the applicant has been notified of the missing information as required under subsection (2) and has not submitted some or all of the information or provided written notice that none of the missing information will be provided.

E. Applicable Standards and Criteria. Approval or denial of an application shall be based upon the applicable standards and criteria as follows.

1. Except as provided in subsection (2), the approval or denial of an application that was complete when first submitted or deemed complete pursuant to subsection (D)(3) shall be based upon the standards and criteria that were applicable at the time the application was first submitted.
2. Up to the issuance of Notice of Pending Limited Land Use Decision (subsection (F)), an applicant may submit a written request to apply newly adopted standards (those operative at the time of the request) to a submitted land use application. If an applicant requests review under newly adopted standards:
 - a. Any applicable timelines for completeness review and final decisions restart as if a new application were submitted on the date of the request.
 - b. Submission of additional information may be required if the request affects or changes information in the application.
 - c. Additional fees may be required to cover those additional costs incurred by the city to accommodate the request.
 - d. The applicant may not make more than one request under this subsection (E)(2).

F. Notice of Pending Limited Land Use Decision. The purpose of the notice of pending decision is to provide a 14-day comment period during which nearby property owners and affected agencies can submit written comments on the application before the Planning Official issues their decision.

1. The Planning Official shall mail notice of a pending Limited Land Use Decision to the following individuals and agencies.
 - a. All owners of record of real property within a minimum of 100 feet of the of the entire contiguous site for which the application is made;

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- b. Any neighborhood or community organization recognized by the governing body and whose boundaries include the site; and
 - c. Any governmental agency that is entitled to notice under an intergovernmental agreement entered into with the City and any other affected agencies. The failure of another agency to respond with written comments on a pending application shall not invalidate an action or permit approval made by the City under this Code.
2. The notice of pending Limited Land Use Decision shall briefly summarize the local decision making process for the Limited Land Use Decision being made and shall contain all of the following information:
- a. Deadline (date and time) for submitting written comments, which must be at least 14 days prior to the scheduled decision date, the place where written comments are to be submitted, and the name and phone number of the city's contact person;
 - b. Street address or other easily understood geographical reference to the subject property;
 - c. List, by commonly used citation, of the applicable criteria for the decision;
 - d. Statement that all evidence relied upon by the Planning Official to make their decision is in the public record and is available for public review. Copies of this evidence can be obtained at a reasonable cost from the City;
 - e. Statement explaining that issues which may provide the basis for an appeal to the Land Use Board of Appeals must be raised in writing prior to the expiration of the comment period. Such issues must be raised with sufficient specificity to enable the decision maker to respond to the issue; and
 - f. Statement that after the comment period closes, the City will issue its decision and the decision shall be mailed to the applicant and to anyone else who submitted written comments or who is otherwise legally entitled to notice.
3. The Planning Official shall cause an affidavit of mailing the notice to be prepared and made a part of the file. The affidavit shall show the date the notice was mailed and demonstrate that the notice was mailed to the parties listed in subsection (1) and was mailed within the time required by law.
- G. Notice of Decision.** At the conclusion of the comment period, the Planning Official shall review the comments received and prepare a decision approving, approving with conditions, or denying the application based on the applicable standards and criteria. Within 7 days of making a Limited Land Use Decision, the Planning Official shall mail a notice of that decision.
1. The Planning Official shall mail notice of a Limited Land Use Decision to the following individuals and agencies.
- a. Applicant;
 - b. Property owner (if different);
 - c. Building Official;

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- d. Those individuals or agencies who provided written comments on the proposal; and
 - e. Those individuals or agencies who requested a copy of the decision.
2. The Notice of Decision shall contain all of the following information:
- a. A description of the applicant's proposal and the City's decision on the proposal, which may be a summary, provided it references the specifics of the proposal and conditions of approval in the public record;
 - b. The address or other geographic description of the property proposed for development, including a map of the property in relation to the surrounding area (a copy of assessor's map may be used);
 - c. A statement of where the City's decision can be obtained;
 - d. The date the decision shall become final, unless appealed; and
 - e. A statement that all persons entitled to notice may appeal the decision to City's appeal body pursuant to subsection (H) by the date specified on the notice.
- H. Effective Date.** Unless the conditions of approval specify otherwise, a Limited Land Use Decision becomes effective 14 days after the City mails the decision notice, unless the decision is appealed.
- I. Appeal of a Limited Land Use Decision.** A Limited Land Use Decision made by the Planning Official may be appealed to the Appeal Body designated by the City to hear appeals of decisions made by the Planning Official.
1. Who may appeal. The following people have legal standing to appeal Limited Land Use Decision:
- a. The applicant or owner of the subject property;
 - b. Any person who was entitled to written notice of the decision; and
 - c. Any other person who participated in the proceeding by submitting written comments on the application to the City by the specified deadline.
2. Appeal filing procedure.
- a. Notice of appeal. Any person with standing to appeal, as provided in subsection (I), above, may appeal a Limited Land Use Decision by filing a Notice of Appeal according to the following procedures.
 - b. Time for filing. A Notice of Appeal shall be filed with the Planning Official within the timeframe specified on the Notice of Decision.
 - c. Content of Notice of Appeal. The Notice of Appeal shall be accompanied by the required filing fee and shall contain:
 - i. An identification of the decision being appealed, including the date of the decision;
 - ii. A statement demonstrating the person filing the Notice of Appeal has standing to appeal;

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- iii. A statement explaining the specific issues being raised on appeal; and
 - iv. If the appellant is not the applicant, a statement demonstrating that the appeal issues were raised during the comment period.
3. Scope of appeal. The appeal of a Limited Land Use Decision shall be a hearing de novo before the Appeal Body. The appeal shall not be limited to the application materials, evidence and other documentation, and specific issues raised in the review leading up to the Limited Land Use Decision, but may include other relevant evidence and arguments. The hearing Appeal Body shall allow additional evidence, testimony, or argument concerning any relevant standard, criterion, condition, or issue.
4. Appeal Hearing Procedure. Hearings on appeals of Limited Land Use Decisions shall follow the city's procedures used for public hearings.

9.4 Application – Zoning Review

A. Method of review.

- 1. Limited Land Use Decision. Zoning Review applications for proposed developments meeting one or more of the following criteria require Limited Land Use approval:
 - a. Development with more than 50 units;
 - b. Site size greater than 1 acre (43,560 square feet) in size; or
 - c. Applicant is requesting a Modification pursuant to Section 9.5.
- 2. Ministerial Decision. Zoning Review applications for all other proposed developments require Ministerial approval.

B. Requirements. Zoning Reviews may be processed concurrently with a building permit application or submitted in advance of a building permit application. In either case, a building permit shall not be issued until the Planning Official has approved a Zoning Review for the proposed project.

C. Zoning Review Application Requirements.

- 1. The applicant has the responsibility to obtain the property owner's permission for the request.
- 2. Applicants must submit information showing that the proposal complies with this Code, including:
 - a. Information requested on the application form. A Ministerial Zoning Review submitted concurrently with a building permit application does not require a separate application form;
 - b. The applicable housing type. In instances where a development can meet the definition of more than one housing type, the applicant shall specify the housing type on the application;
 - c. A site plan and elevations as specified in subsection (D) which provides sufficient detail to determine the standards are met; and

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- d. Service provider letters or other documentation demonstrating that sufficient infrastructure is available or will be available prior to certificate of occupancy to serve the proposed development, based on applicable public works standards.

3. Applications must be filed with the required fee, based on the applicable local fee schedule.

D. Site Plan and Building Elevation Requirements.

1. The site or development plan must be drawn accurately to scale and must show the following existing and proposed information:
 - All property lines with dimensions and total lot area;
 - North arrow and scale of drawing;
 - Adjacent streets, access (driveways), curbs, sidewalks, and bicycle routes;
 - Existing Goal Protected Resources, if any are present on the site;
 - Easements and on-site utilities;
 - Existing and proposed development with all dimensions, including floor area and building footprint (if applicable);
 - Distances of all existing and proposed development to property lines;
 - Types and location of outdoor area and required usable open space (if required);
 - Percentage of the site proposed for outdoor area coverage;
 - Motor vehicle and pedestrian access and circulation systems, including connections off-site, and associated dimensions; and
 - Motor vehicle and bicycle parking areas and design, number of spaces, and loading areas.
2. Building elevations showing required entries and windows and associated dimensions.

- E. Criteria.** The Planning Official's evaluation of a Zoning Review application will determine whether minimum code requirements have been or will be met.

F. Expiration of Approvals. An approval under this section expires if:

1. Within 2 years of the date of the final decision, a building permit has not been issued for approved development.
2. Within 2 years of the date of the issuance of a building permit, if the approved development has not commenced.

- G. Extension.** The Planning Official, upon written request by the applicant, may grant an extension of the approval period not to exceed one year; provided that:

1. No changes are made on the original approved plan;
2. The applicant provides evidence demonstrating substantial progress toward commencing construction on the site within the next year; and
3. The applicant provides evidence demonstrating that failure to obtain building permits and substantially begin construction within 2 years of Zoning Review approval was beyond the applicant's control.

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9.5 Application – Modification

- A. Method of review.** An applicant may request one or Modifications of the standards in this Model Code. The approval criteria for a Modification requires the use of discretion, therefore applications for Modifications are subject to the Limited Land Use Decision procedure in Section 9.3. Nothing in this section implements Oregon Laws 2024, Chapter 110, Section 38.

Requested Modifications shall be submitted and reviewed concurrently with a Zoning Review application.

B. Modification Application Requirements.

1. In addition to the information required for the Zoning Review application, applicants requesting one or more Modifications must submit a written statement for each requested Modification explaining how the application satisfies each and all of the relevant criteria and standards in sufficient detail.
2. Applications must be filed with the required fee, based on the applicable local fee schedule.

- C. Criteria.** A Modification to a standard will be approved if the applicant demonstrates that the following criteria have been met.

1. Granting the Modification will equally or better facilitate housing production, affordability, and choice under Goal 10.
2. Granting the Modification will not impact the provision of sufficient infrastructure.
3. The proposed development will equally or better address all of the considerations in Table 9.5 applicable to the standard(s) to be modified.
4. Any significant negative impacts resulting from the Modification are mitigated to the extent practical.

TABLE 9.5: CONSIDERATIONS FOR GRANTING A MODIFICATION	
For Modifications of standards relating to:	Considerations for granting a Modification include:
Setbacks, building height, building floor area, and floor area ratio	The proposed modification(s) do not decrease setbacks or increase building height, building floor area, or floor area ratio by more than 5 percent, except as otherwise permitted by one or more bonuses in Chapter 8. In addition, the impact of the mass/bulk of proposed buildings on neighboring uses, including opportunities to minimize those impacts through design. For garage entrance setbacks (driveway length), the impact of the driveway on the public right-of-way and pedestrian environment. Bonuses in Chapter 8 may not be modified, and modifications under this section do not limit bonuses in Chapter 8.
Minimum density	Whether the proposal will help the city meet its housing production, affordability, and accessibility goals.

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TABLE 9.5: CONSIDERATIONS FOR GRANTING A MODIFICATION	
For Modifications of standards relating to:	Considerations for granting a Modification include:
Minimum or maximum vehicle parking	Whether the reduction or increase in parking will help the city meet its transportation, environmental, housing production, affordability, and accessibility goals.
Bicycle parking, amount and design and location of spaces	Whether the reduction in amount or changes in design ensure bicycle parking that is adequate and user-friendly; or why the standard(s) are not appropriate for the proposed project context or location.
Entry orientation and pedestrian access	Opportunities to support pedestrian friendly neighborhoods, on-site pedestrian access, and pedestrian connections to the street.
Entry orientation and required percentage of windows and doors	How the proposed building façade(s) will contribute to a safe and comfortable pedestrian-oriented environment on the abutting street or why this is not appropriate in this location.
Cottage orientation	Opportunities to ensure that an adequate number of cottages have a direct relationship to the common courtyard and that the common courtyard provides shared community space for the cottage cluster.
Transitions to residential entrances	Opportunities to provide separation and transitions between private entrance areas and the public realm.
Off-street parking design; driveway and garage design	The impact of parking and vehicle access on the public right-of-way and pedestrian environment on- and off-site, and opportunities to minimize those impacts through design.
Required outdoor area and usable open space; common courtyards	Ensuring livable design for residents, including access to light, air, open space, and active or passive recreation amenities; supporting shared community space for residents; and enabling culturally-sensitive amenities.
Screening of parking areas and trash storage	Opportunities to minimize the impact of parking areas or trash storage on the pedestrian environment; and, for trash storage, opportunities to minimize the impact on abutting residential properties.
Screening from arterials	Opportunities to minimize noise and air quality impacts from abutting transportation facilities on residents.

D. Expiration of Approvals. An approval under this section expires if:

1. Within 2 years of the date of the final decision, a building permit has not been issued for approved development.
2. Within 2 years of the date of the issuance of a building permit, if the approved development has not commenced.

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9.6 Middle Housing Land Division

- A. Purpose.** A Middle Housing Land Division (MHL) is a partition or subdivision of a lot on which the development of middle housing is allowed under ORS 197A.420 (2) or (3) or under Oregon Laws 2025, Chapter 476, Section 3.

MHLs are regulated by this Code and ORS 92.031. The purpose of an MHL is to provide a simplified and expedited process for subdividing or partitioning lots with middle housing so that each unit is on a separate property, which enables the units to be sold and owned individually.

B. Applicability.

1. **Eligible Housing.** Any lot (parent lot) developed, or proposed to be developed, with middle housing pursuant to ORS 197A.420(2) is eligible for an MHL. [Recommended Alternative: Any lot (parent lot) developed, or proposed to be developed, with middle housing is eligible for an MHL.] Middle housing development that is eligible for an MHL may consist of:
 - a. A single duplex, triplex, quadplex, cottage cluster, or a single structure containing townhouses;
 - b. Additional “bonus” units as allowed by Section 8.2 or by Oregon Laws 2025, Chapter 476, Section 3 (3), as applicable; and
 - c. Any retained or rehabilitated existing units on the lot, as allowed by Section 1.4, including:
 - i. One detached single-unit dwelling;
 - ii. One detached single-unit dwelling plus one accessory dwelling unit; or
 - iii. One duplex.
2. **Applicability of Middle Housing Regulations.** An MHL creates 2 or more lots from a single parent lot on which middle housing is developed or proposed. After an MHL is completed, the resulting lots are “child lots.” The development is still subject to the requirements and standards that applied to the parent lot prior to the MHL. In other words, the middle housing development is still defined and regulated as the original middle housing type after an MHL is completed. For example, an attached triplex that undergoes an MHL does not become a townhouse development; the structure and property are still subject to requirements/standards for a triplex.
3. **Application Timing and Sequencing.**
 - a. An application for a tentative plan for an MHL may be submitted before, after, or at the same time as the submission of an application for building permits for the middle housing.
 - b. An application for a tentative plan for an MHL may be submitted at the same time as an application for a standard land division, subject to the following:
 - i. The standard land division creates the parent lots, and the MHL further subdivides the lots into middle housing child lots.
 - ii. The parent lots must meet the city’s requirements applicable to lots created by a standard land division.

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- iii. For a townhouse project, each townhouse structure must be on its own parent lot. Lots for individual townhouses may be created concurrently through an MHL D.
 - iv. For a cottage cluster project, each cottage cluster must be on its own parent lot. Lots for individual cottages may be created concurrently through an MHL D.
 - c. An application of one or more MHL Ds submitted at the same time as an application for a standard land division will be consolidated into a single application subject to the procedural requirements for the standard land division.
 - d. Within the same calendar year as an original partition that was not an MHL D, one or more of the resulting vacant parcels may be further partitioned into not more than 3 parcels through an MHL D.
- [4. **Recommended: Further Division of Child Lots.** Middle housing child lots may be further divided by a subsequent MHL D if at least one of the following conditions is met:
- a. The child lot is two or more times larger than the minimum lot size of the zone, meaning that it could be divided through a standard land division into two or more lots that meet the minimum lot size; or
 - b. Further division of the child lot would enable the applicable minimum density requirement to be met.]

C. Tentative Plan Approval Criteria. Approval of a tentative plan for an MHL D will be granted if the Planning Official finds that the applicant has met all of the criteria in subsections (1) through (7), below. The city's standard tentative plan approval criteria do not apply.

- 1. Except as provided in Section 1.4, the middle housing development complies with:
 - a. The Oregon Residential Specialty Code; and
 - b. The middle housing regulations applicable to the parent lot, including but not limited to, the provisions in this Code and any applicable provisions in the city's development code.
- 2. Exactly one dwelling unit will be located on each resulting child lot except for:
 - a. Lots, parcels, or tracts used as common areas, on which no dwelling units will be permitted; or
 - b. Lots with 2 retained or rehabilitated existing units, as allowed under Section 1.4. Such retained units shall be considered a single middle housing unit for the purposes of the MHL D.
- 3. Separate utility service connections will be provided for each child lot, [Recommended: unless the applicant records a Covenant, Condition, or Restriction (CC&R) outlining the shared maintenance obligations of individual owners for all shared utilities. Shared maintenance obligations may be through a homeowners association or other legal entity.]
- 4. Easements will be provided as necessary for each dwelling unit on the site for:
 - a. Locating, accessing, replacing, and servicing all utilities;
 - b. Pedestrian access from each dwelling unit to a private or public road;

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- c. Access to any common use areas or shared building elements; and
- d. Access to any dedicated driveways or parking.
- 5. Buildings or structures on a resulting child lot will comply with applicable building code provisions relating to new property lines.
- 6. Notwithstanding the creation of new child lots, all structures or buildings located on the newly created lots will comply with the Oregon Residential Specialty Code.
- 7. Where a resulting child lot abuts a street that does not meet city standards, street frontage improvements will be constructed and, if necessary, additional right-of-way will be dedicated, pursuant to the city's public works standards and design and construction specifications.

D. Tentative Plan Submittal Requirements. An application for an MHLD tentative plan shall include the following:

- 1. Any information required by the city for a standard land division.
- 2. A description of the manner in which the proposed land division will satisfy the approval criteria in subsection (C).
- 3. Copies of approved building permits, building permit applications, or comparable information necessary to demonstrate compliance with building code standards, and an accompanying site plan demonstrating compliance with criteria in subsections (C)(1), (5), and (6).
- 4. In addition to the items required by the city to be shown on a tentative plan or preliminary plat for a standard land division, the MHLD tentative plan shall show the following details:
 - a. Utility connections for each dwelling unit, demonstrating compliance with approval criterion (C)(3).
 - b. Existing or proposed easements necessary for each dwelling unit on the plan, demonstrating compliance with the criterion (C)(4).
- 5. Draft copies of all necessary easements required by criterion (C)(4).

E. Tentative Plan Conditions of Approval.

- 1. The city may attach conditions of approval of a tentative plan for an MHLD to:
 - a. Prohibit further division of the resulting child lots. [Recommended: However, further division of the child lots may be permitted as provided in subsection (B)(4).]
 - b. Require that a notation appear on the final plat indicating:
 - i. The approval was given under ORS 92.031.
 - ii. The type of middle housing approved on the subject site and noting that this middle housing type shall not be altered by the MHLD.
 - iii. Accessory dwelling units are not permitted on resulting child lots. [Recommended: except as provided below.

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- (A) The child lots are used to create housing that is at or above the applicable minimum density standard; or
- (B) The accessory dwelling unit is provided as a bonus unit under Section 8.2.]
- c. Require that all public improvements and site improvements that are required to satisfy approval criteria in subsection (C) and applicable standards of the city's code are constructed prior to issuance of a Certificate of Occupancy for the development.
- 2. The tentative approval of an MHL D is void if and only if a final MHL D plat is not approved within 3 years of the tentative approval.

F. Tentative Plan Procedure.

- 1. **Standard Procedure.** Unless the applicant requests to use the procedure for an expedited land division as provided in subsection (2), the city shall review an MHL D under the same procedure that applies to a standard land division. An application of one or more than one MHL D submitted at the same time as an application for a standard land division will be consolidated into a single application subject to the procedural requirements for the standard land division.
- 2. **Expedited Procedure.** If requested by the applicant, the procedure used for an expedited land division shall apply to the review and approval of an MHL D, as provided below and in ORS 197.365. A decision for an MHL D processed under ORS 197.365 is not subject to the requirements of ORS 197.797.
 - a. The applicant shall pay a filing fee according to the city's fee schedule, or as otherwise specified by the city in accordance with ORS 197.365(2)(e).
 - b. The Planning Official shall follow the procedure specified in Section 9.3(D) for determination and notification of a complete application.
 - c. The Planning Official shall make a decision to approve or deny the application and shall provide notice of the decision to the applicant within 63 days of receiving a completed application. Notice shall not be provided to any other person.
 - d. The MHL D review process does not include a hearing and the city does not accept public comment from third parties.
 - e. The city shall issue a written determination of compliance or noncompliance with the approval criteria in subsection (C). An approval may include conditions of approval pursuant to subsection (E) to ensure that the application meets all applicable requirements.
 - f. The written determination shall include a summary statement explaining the determination and an explanation of the applicant's right to appeal the determination under ORS 197.830 to 197.855.
 - g. Only the applicant may appeal a decision for an MHL D processed as an expedited land division made under this section.

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- G. Final Plat Requirements.** An application for an MHLD final plat shall meet the city’s requirements and approval criteria that apply to a standard land division final plat, unless those requirements conflict with statutory requirements for MHLDs, in which case the statutory requirements apply.

10 – Measurement Methodologies and Definitions

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Sections:

10.1 Measurement Methodologies

10.2 Definitions

10.1 Measurement Methodologies

10.1.1 Floor Area and Floor Area Ratio

A. Standard.

1. Average cottage size (i.e., average floor area) for cottage clusters is specified in Table 5.1.
2. Maximum floor area for accessory dwelling units is specified in Section 7.1.3.
3. Maximum floor area ratios for other housing types are stated in Tables 2.1 - 4.1 and 6.1. Floor area ratio works with height, setback, and outdoor area requirements to control the overall bulk and placement of buildings.

B. Measurement Methodology.

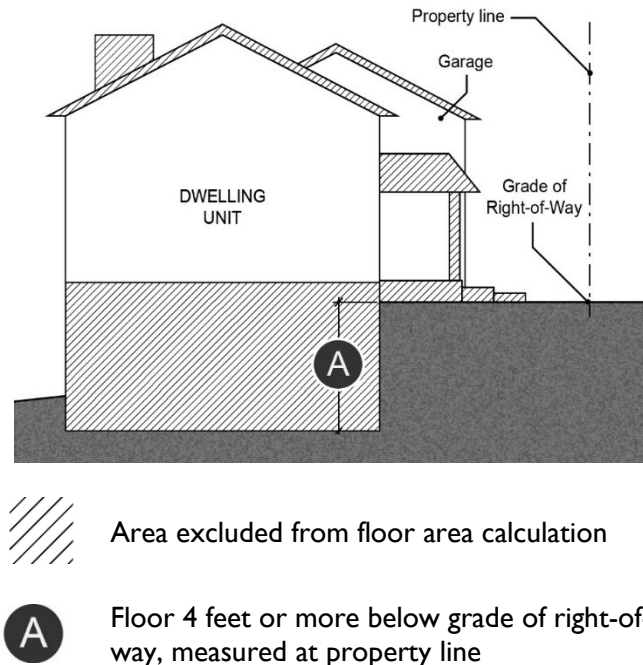
1. **Floor Area.** Floor area is measured for each floor from the exterior faces of a building. Floor area includes stairwells, ramps, shafts, chases, and the area devoted to garages and structured parking.

Floor area does not include the following (see Figure 10.1.1.a):

- Areas where the elevation of the floor is 4 feet or more below the adjacent right-of way, as measured at the property line;
- Basements. For the purposes of the floor area calculation, basement area includes the portion of a building that is partly or completely below grade. A minimum of 50 percent of the total combined area of the basement walls must be below grade to be considered a basement;
- Areas where the ceiling height is less than 6 feet 8 inches;
- Roof area, including roof top parking;
- Roof top mechanical equipment;
- Roofed outdoor living areas that are structurally attached to the building (e.g., porches and exterior balconies), unless they are enclosed by walls that are more than 42 inches in height for 75 percent or more of their perimeter; and
- Covered carports.
- Stairwells are only counted as floor area on one level.

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Figure 10.1.1.a. Areas Excluded from Floor Area Calculation

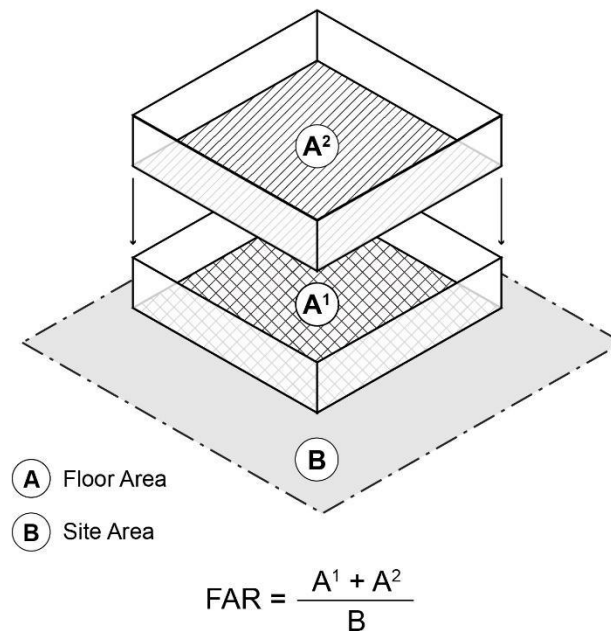


2. **Average Cottage Size.** Within each cottage cluster, the average cottage size is calculated as follows:
 - a. Total floor area of all cottages and community buildings within the cluster divided by the number of cottages and community buildings within the cluster.
 - b. The average floor area within a cluster may not exceed the maximum stated in Table 5.1.
 - c. Where dwelling units are attached, the floor area of each dwelling unit is calculated separately.
 - d. An applicant may choose to exclude existing structures retained under Section 5.2.8 from the calculation.
 - e. For cottage cluster projects with multiple clusters, the average cottage size is calculated for each cluster separately.
3. **Floor Area Ratio (FAR).** FAR is the amount of floor area of a building or structure in relation to the amount of site area. FAR is expressed as a ratio of X:1, where X represents the total building floor area permitted for each square foot of site area. For example, FAR of 0.7:1 means 0.7 square feet of floor area for every one square foot of site area. FAR is calculated by dividing the total floor area of all buildings on a site by the total site area (See Figure 10.1.1.b).

The maximum FAR applies to all buildings on a site, cumulatively. Refer to Section 10.2 for the definition of “site.”

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Figure 10.1.1.b. Floor Area Ratio (FAR) Calculation



C. FAR Exceptions. The following are not included in the calculation of FAR.

1. Floor area for required long term bicycle parking that is not located in a dwelling unit.
2. Floor area for indoor common area used to meet the requirements of Section 6.2.6.
3. Accessory structures under 15 feet high and less than 200 square feet.

10.1.2 Height

A. Standard. Maximum building/structure height allowed for each housing type are stated in Tables 2.1 - 6.1. It is intended to work with FAR, setback, and outdoor area requirements to control the overall bulk and placement of buildings. Exceptions to the maximum height are stated in subsection (C).

B. Measuring Building Height. Building height shall be calculated in accordance with the applicable building code.

C. Exceptions.

1. Chimneys, vents, flag poles, satellite receiving dishes and other projecting items with a width, depth, or diameter of 3 feet or less may extend above the height limit, as long as they are attached to a building and do not exceed 5 feet above the top of the highest point of the roof. If they are greater than 3 feet in width, depth, or diameter, they are subject to the height limit.
2. Roof mounted solar panels are not included in height calculations.
3. For buildings over 3 floors in height, rooftop mechanical equipment and stairwell enclosures that provide rooftop access may extend above the height limit as follows, provided that the equipment and enclosures are set back at least 15 feet from all roof edges on street-facing facades.

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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.

10.1.3 Minimum Density

- A. Standard.** The minimum density standard for each housing type is stated in Tables 2.1 - 6.1. Minimum density ensures more efficient use of available residential land and helps ensure sufficient residential capacity to accommodate growth. Exceptions to minimum density are stated in subsection (C).
- B. Calculating Density.** Density is a measurement of the number of dwelling units in relationship to a specified amount of land, based on the minimum area per dwelling unit required by this Model Code. Density is calculated based on the area of a site (refer to the definition of “site” in Section 10.2). In order to avoid penalizing sites with constrained lands, minimum density is based on the net site area. Minimum Density is expressed in Tables 2.1 - 6.1 as the maximum amount of land (net site area) allowed per unit.

Minimum Density (i.e., maximum amount of land per unit) = Net site area / number of dwelling units.

- To calculate the number of units required to meet the minimum density standard, divide the net site area by the maximum land area per unit.
- For affordable housing developments meeting the definition in Section 10.2, dwelling units with three or more bedrooms may be counted as 2 units for the purposes of complying with minimum density.
- For the purpose of calculating minimum density, “net site area” equals the site area less constrained lands. Applicants may choose to classify the following as constrained land: goal protected lands; land with slopes of 25 percent or greater; land within utility easements; and for multi-unit housing developed on a site on which existing unit(s) will be retained, the building footprint and any required setbacks for those unit(s).

C. Exceptions.

1. Where the application of the minimum density standard to a site would result in a fraction of a unit, the number of units required may be rounded down to the nearest whole unit.
2. The following developments are exempt from meeting the minimum density requirements:
 - a. The conversion of an existing dwelling unit into two or more units;
 - b. The addition of accessory dwelling unit(s) to a lot;
 - c. The addition of middle housing to a lot with retained units pursuant to Section 1.4; and
 - d. Mixed-use developments, provided at least 5 percent of the total floor area is dedicated to commercial uses.

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10.1.4 Building Setbacks

A. Standard. The minimum setbacks required for each housing type are stated in Tables 2.1 - 6.1.

Minimum setbacks work with FAR, height, and outdoor area requirements to control the overall bulk and placement of buildings.

1. Garage Entrance Setbacks (Driveway Length).

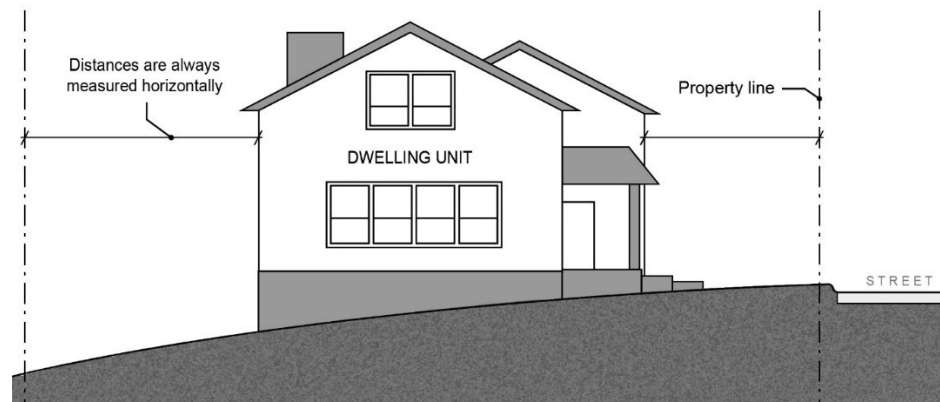
- a. Where Tables 3.1 – 6.1 specify either a minimum or maximum garage entrance setback, the garage entrance must be either 18 feet or farther from the street lot line or 5 feet or closer to the street lot line.
- b. If there is a driveway but no garage, the driveway length must be at least 18 feet. This includes driveways covered by a carport.
- c. Driveways accessed from an alley are exempt from garage entrance setback standards.

2. Exceptions to the minimum setbacks are stated in subsection (C).

B. Measuring Building Setbacks.

1. Setback distances are measured along a horizontal plane from the appropriate property line to the edge of the building (see Figure 10.1.4.a).

Figure 10.1.4.a. Setback Measurements



2. For multi-unit housing proposed on a site that includes more than one lot, setbacks are calculated based on the property lines of the overall site, rather than individual lots.
3. For lots divided by a Middle Housing Land Division, setbacks apply to the parent lot, not to child lots.
4. Where the subject property line abuts an existing right-of-way whose width is substandard based on the roadway classification in the city's adopted Transportation System Plan, the setback shall be based on the future right-of-way line after dedication.
5. Measurements are made to the closest wall of the structure. Projections into setbacks allowed pursuant to subsection (C)(4) are not included when determining the closest wall of the structure.

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C. Exceptions to Building Setbacks.

1. The interior side lot line between two attached dwelling units is not subject to the minimum side setback standard in Table 4.1 (Townhouses).
2. Alley lot lines are exempt from minimum garage entrance setbacks (driveway length).
3. Portions of structures that are entirely underground are not included in measuring required distances.
4. Projections into Setbacks.
 - a. Building eaves may project up to 2 feet into a required setback, provided the eave is at least 3 feet from a lot line.
 - b. Canopies and awnings may extend up to 5 feet into a required setback along a street lot line.
 - c. The following minor features may extend into entire required building setbacks:
 - i. Utility connections attached to the building that are required to provide services, such as water electricity and other similar utility services;
 - ii. Gutters and downspouts that drain stormwater off a roof of the structure;
 - iii. Stormwater planters that are no more than 2-1/2 feet above the ground;
 - iv. Water collection cisterns that are 6 feet or less in height;
 - v. Attached decks, stairs, and ramps that are no more than 2-1/2 feet above the ground. However, stairways and wheelchair ramps that lead to one entrance on the street-facing facade of a building are allowed to extend into the required street setbacks regardless of height above ground; and
 - vi. On lots that slope down from the street, vehicular or pedestrian entry bridges that are no more than 2-1/2 feet above the average sidewalk elevation.
 - vii. Balconies and bay windows may encroach into a required street-facing setback area.
 - d. The following features of a building may extend into a required building setback up to 20 percent of the depth of the setback, except as indicated. However, the feature must be at least 3 feet from a lot line.
 - i. Chimneys, fireplace inserts and vents, mechanical equipment, and fire escapes;
 - ii. Wheelchair ramps, water collection cisterns and stormwater planters that do not meet the standards of subsection (C)(4)(c); and
 - iii. Decks, stairways, that do not meet the standard for subsection (C)(4)(c), but only along a street lot line.

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10.1.5 Required Outdoor Area and Usable Open Space

A. Standard. The minimum amount of outdoor area and usable open space (if applicable) required for each housing type is stated in Tables 2.1 – 6.1. Exceptions to the minimum required outdoor area and usable open space are stated in subsection (C). Except as specified below, site area covered by enclosed buildings or used for vehicle parking and circulation shall not be counted as required outdoor area or usable open space.

B. Measurement Methodology.

1. Required Outdoor Area. Areas which can be counted toward the required outdoor area include:
 - Areas planted with vegetation (including natural areas and existing trees);
 - Private open space, including balconies attached to individual dwelling units;
 - Pedestrian hardscape; and
 - Usable open space pursuant to subsection (B)(2).
2. Usable Open Space. Where usable open space is required, it must include one or more of the following:
 - Outdoor recreation area surfaced with lawn, groundcover, gravel, or hard surface. The area must be contiguous and able to fit a 10-foot by 10-foot square;
 - Balconies, terraces, and rooftop decks with seating areas that are available for use by all residents;
 - Tree grove (e.g., existing mature trees);
 - Turf or grass play fields;
 - Children's play structure or play area;
 - Sports courts;
 - Swimming or wading pool or hot tub;
 - Walking fitness course;
 - Natural area with benches;
 - Gardening area with at least 50 square feet of planting area; or
 - Indoor recreation and community spaces, as provided in subsection (C).
3. Enclosure. Required outdoor areas may be covered, such as a covered patio or gazebo, but they may not be fully enclosed, except as provided in subsection (C). Covered outdoor areas are subject to the applicable setback standards.

C. Exceptions. As provided in Section 6.2.6(A)(3)(c), some of the required usable open space may be provided as shared indoor recreation or community space. Eligible spaces include:

- Community rooms, including exercise, entertainment, cooking/dining, or meeting facilities;
- Day care facilities;
- Support services offices/facilities; and
- Occupational facilities, such as shared remote or live-work facilities.

Indoor common areas that are not recreational or community spaces, such as lobbies, hallways, laundry facilities, storage rooms, and vehicle or bicycle facilities, do not qualify.

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10.1.6 Vehicle Parking

A. Standards.

1. The minimum and maximum amount of off-street vehicle parking required for each housing type is stated in Tables 2.1 - 6.1.
2. Fractions. In calculating the required number of vehicle parking spaces, fractions equal to or more than 0.5 shall be rounded up to the nearest whole number and fractions less than 0.5 shall be rounded down to the nearest whole number.
3. Exceptions to the minimum and maximum parking requirements are stated in subsection (C).

B. Vehicle Parking.

1. Parking Location and Design. Off-street vehicle parking spaces required to meet minimum quantity requirements must meet the following standards:
 - a. Located on a hard-surfaced area.
 - b. Minimum space size:
 - Standard:
 - Width: 8.5 feet
 - Depth: 18 feet
 - Compact:
 - Width: 7.5 feet
 - Depth: 16 feet
 - c. Up to 20 percent of parking stalls in shared parking areas may be compact spaces.
 - d. Spaces may be covered or uncovered.
 - e. Spaces may be provided on individual lots or in a shared parking area on a common tract.
 - f. ADA parking spaces must be provided on site; all other required parking must be provided on site or within 200 feet of the site.
 - g. Except for ADA parking spaces, a credit for on-street parking shall be granted for some or all of the required off-street parking as provided in subsection (2).
2. On-Street Parking. If on-street parking spaces meet all the standards in subsections (a)-(d) below, they shall be counted toward the minimum off-street parking requirement.
 - a. The space must be abutting the subject site;
 - b. The space must be in a location where on-street parking is allowed by the city;
 - c. The space must be a minimum of 22 feet long; and
 - d. The space must not obstruct a required sight distance area.

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3. **Maximum Parking.** Except as provided in subsection (C)(1), the maximum parking requirement applies to all parking on site, including visitor parking.

C. Exceptions.

1. ADA parking spaces and tandem parking spaces are exempt from the maximum limit on parking spaces.
2. The following are exempt from minimum required parking spaces:
 - a. Affordable housing as defined in Section 10.2;
 - b. Dwelling units 1,000 square feet or less in size; and
 - c. Dwelling units created through the conversion of an existing structure.

10.1.7 Bicycle Parking

A. Standards.

1. The minimum amount of bicycle parking required for each housing type is stated in Tables 2.1 - 6.1.
2. **Fractions.** In calculating the required number of bicycle parking spaces, fractions equal to or more than 0.5 shall be rounded up to the nearest whole number and fractions less than 0.5 shall be rounded down to the nearest whole number.
3. Exceptions to the bicycle parking requirements are stated in subsection (D).

B. Long-Term Bicycle Parking.

1. Long-term bicycle parking must be provided in one or more of the following locations.
 - a. Within a restricted access, lockable room outside of dwelling units with securely anchored racks that allow users to lock at least two points on a bicycle.
 - b. Within dwelling units that are at least 400 square feet, in the following circumstances:
 - i. Sites containing 12 or fewer dwelling units may provide up to 100 percent of required bicycle parking spaces in the dwelling units.
 - ii. Sites containing more than 12 dwelling units where all units above the ground floor have elevator access may provide up to 50 percent of the required bicycle parking spaces in dwelling units.
 - iii. Sites containing more than 12 dwelling units where all units above the ground floor do not have elevator access may provide required bicycle parking spaces in ground floor dwelling units only.
 - c. Within bicycle lockers that are fully enclosed, lockable, and securely anchored to the ground.
2. The area devoted to bicycle parking must be hard surfaced and lighting must be provided for nighttime use.

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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 20,000 square feet, short-term bicycle parking spaces may be provided on-site or within the public sidewalk, as allowable under the city's public works standards, provided the space does not obstruct required minimum sidewalk widths or access to doorways.
- b. For sites that are 20,000 square feet or larger, bicycle parking shall be provided on-site.
- c. If bicycle parking is provided on-site, it must be located:
 - i. At the same grade as the sidewalk or at a location that can be reached by an accessible route; and
 - ii. Within 50 feet of a main entrance to the building, as measured along the most direct pedestrian access route.

2. Dimensional standards. Each short-term bicycle space must be a minimum of 2 feet wide, 6 feet long and 3 feet 4 inches tall.

D. Exceptions. The following are exempt from the long-term bicycle parking requirements:

1. Senior housing projects (those restricted for occupancy by households in which at least one member is aged 55 years or older).
2. Accessible units and any bonus units that are provided in a development where an accessibility bonus is triggered pursuant to Section 8.2.

10.1.8 Windows and Doors

A. Standard. The minimum amount of window and door area required for each housing type is stated in the applicable design standards.

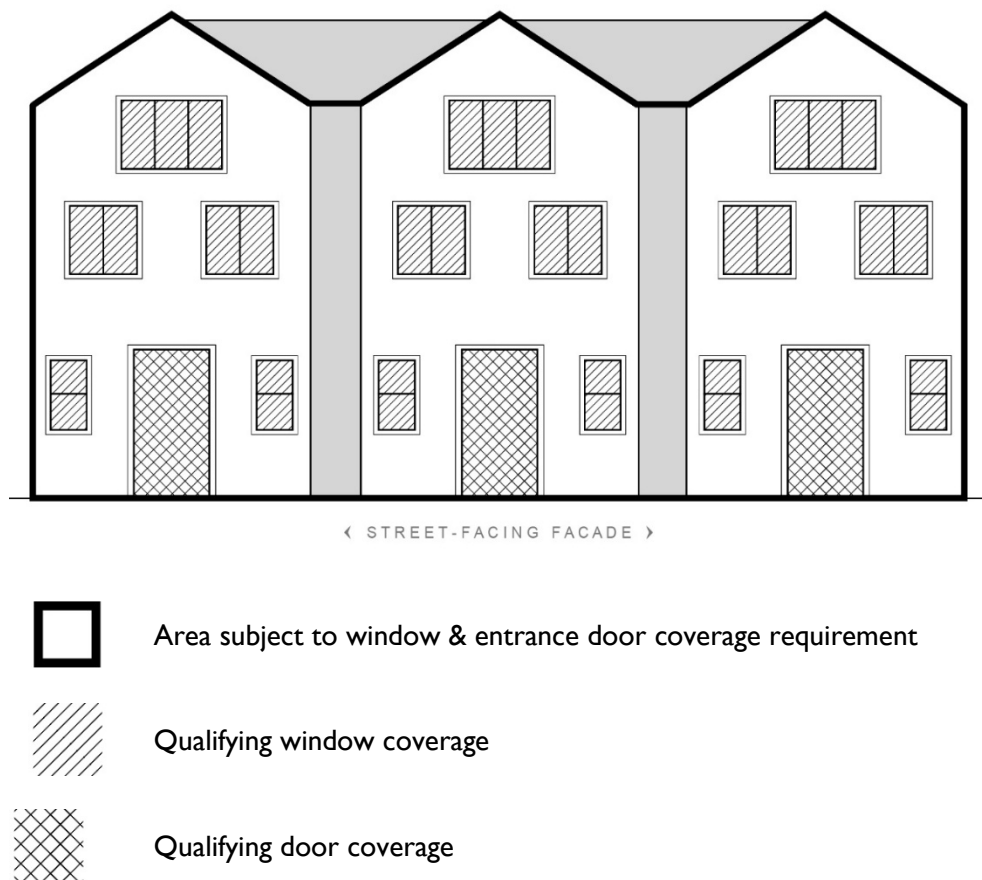
B. Measurement Methodology. Areas that qualify for the window and door coverage calculation are subject to the following (See Figure 10.1.8.a):

1. Windows and pedestrian entrance doors may be used to meet this standard as provided in subsections (2) and (3), below.

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2. Window area is the aggregate area of the glass within each window, including any interior grids, mullions, or transoms. Windows into storage areas, mechanical and utility areas, and garbage and recycling areas do not qualify.
3. Door area is the area of the portion of an entrance door (other than a garage door) that moves and does not include the frame. For multi-unit housing, doors that provide access to dwelling units (either shared or individual access) and community spaces qualify, but all other doors (e.g., into storage areas or mechanical areas) do not qualify.

Figure 10.1.8.a. Window and Door Coverage



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10.2 Definitions

A. Applicability. The following definitions shall apply for the purposes of this Model Code, notwithstanding other definitions in a locally adopted development code.

B. Definitions.

1. “Accessible unit” means a unit of housing that complies with the “Type A” requirements applicable to units as set forth in the Standard for Accessible and Usable Buildings and Facilities published by the International Code Council and as referenced by the state building code.
2. “Accessible walkway” means a walkway designed and built according to the Americans with Disabilities Act (ADA) standards to ensure it is usable by people with disabilities, particularly those who use mobility devices.
3. “Accessory Dwelling Unit” – see “Housing Type.”
4. “Adaptable unit” means a unit of housing that complies with the “Type B” requirements applicable to units as set forth in the Standard for Accessible and Usable Buildings and Facilities published by the International Code Council and as referenced by the state building code.
5. “Affordable Housing” means income-restricted housing in one of the following categories, as provided in Chapter 8:
 - a. 10-Year Affordable Homeownership Unit. A unit of housing is subject to an affordable housing covenant, as described in ORS 456.270 to 456.295, that:
 - i. Makes the unit available and affordable to purchase and to own for households with incomes of 120 percent or less of the area median income; and
 - ii. Is enforceable for a duration of not less than 10 years from the date of the certificate of occupancy.
 - b. 20-Year Affordable Housing. Residential property:
 - i. In which the average of all units on the property is made available to own or rent to households with incomes of 80 percent or less of the area median income; and
 - ii. Whose affordability, including affordability under a covenant as described in ORS 456.270 to 456.295, is enforceable for a duration of no less than 20 years.
 - c. 30-Year Affordable Housing. Residential property:
 - i. In which:
 - (A) Each unit on the property is made available to own or rent to households with incomes of 80 percent or less of the area median income; or
 - (B) The average of all units on the property is made available to households with incomes of 60 percent or less of the area median income; and

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- ii. Whose affordability, including affordability under a covenant as described in ORS 456.270 to 456.295, is enforceable for a duration of no less than 30 years.
- d. 90-Year Moderate Income Cooperative Housing: Residential property in which all of the units are subject to a zero equity, limited equity, or shared equity ownership model including resident-owned cooperatives and community land trusts making them affordable to moderate income households as described in ORS 456.270 to 456.295 for a period of 90 years.
- 6. “Appeal Body” means the local decision-making authority designated by a City to hear and decide appeals of land use decisions and Limited Land Use Decisions. The Appeal Body for an appeal of a decision made by a Planning Official may be a Hearings Officer, Planning Commission, or City Council.
- 7. “Building footprint” means the horizontal area as seen in plan, measured from outside of all exterior walls and supporting columns. It includes dwellings and any area of attached garage that exceeds 200 square feet. It does not include detached garages or carports; accessory structures; trellises; patios; areas of porch, deck, and balcony less than 30 inches from finished grade; cantilevered covers, porches or projections; or ramps and stairways required for access. For attached housing, building footprint is measured for each dwelling unit separately, and is measured to the center of any common walls.
- 8. “Common courtyard” means a common area for use by residents of a cottage cluster. A common courtyard may function as a community yard. Hard and soft landscape features may be included in a common courtyard, such as pedestrian walkways, lawn, groundcover, trees, shrubs, patios, benches, or gazebos.
- 9. “Common wall” means a wall or set of walls in a single structure shared by two or more dwelling units. The common wall must be shared for at least 25 percent of the length of the side of the building of the dwelling units. The common wall may be any wall of the building, including the walls of attached garages.
- 10. “Cottage” means an individual dwelling unit that is part of a cottage cluster.
- 11. “Cottage cluster” – see “Housing Type.”
- 12. “Cottage cluster project” means a development site with one or more cottage clusters. Each cottage cluster as part of a cottage cluster project must have its own common courtyard.
- 13. “Detached single-unit” – see “Housing Type.”
- 14. “Driveway approach” means the edge of a driveway where it abuts a public right-of-way.
- 15. “Duplex” – see “Housing Type.”
- 16. “Dwelling unit” means a building, or a portion of a building, that has independent living facilities including provisions for sleeping, cooking, and sanitation, and that is designed for residential occupancy by a group of people. Buildings with more than one set of cooking facilities are considered to contain multiple dwelling units or accessory dwelling units, as applicable, unless the additional cooking facilities are clearly accessory to the primary use, such as an outdoor grill or wet bar.

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17. “Façade” means the vertical wall face of a building, or the sum of multiple vertical faces, facing the same lot line.
18. “Floor area” and “Floor area ratio” – see Section 10.1.1.
19. “Frontage” means the portion of a lot or parcel that abuts a street.
20. “Goal Protected Lands” means lands protected or designated pursuant to any one of the following statewide planning goals:
 - Goal 5 Natural Resources, Scenic and Historic Areas, and Open Spaces;
 - Goal 6 Air, Water, and Land Resource Quality
 - Goal 7 Areas Subject to Natural Hazards;
 - Goal 9 Economic Development;
 - Goal 15 Willamette River Greenway;
 - Goal 16 Estuarine Resources;
 - Goal 17 Coastal Shorelands; or
 - Goal 18 Beaches and Dunes.
21. “Hard surfaced,” in the context of pedestrian walkways, means built with a durable, solid material that provides a firm, stable, and smooth walking surface, which may include concrete, asphalt, or pavers or bricks set in mortar or compacted base.
22. “Housing Type” means one of the following. (In instances where a development can meet the definition of more than one housing type, the applicant shall specify the housing type on the development application.)
 - a. “Accessory Dwelling Unit” or “ADU” means an interior, attached, or detached residential structure that is used in connection with, or that is accessory to, a primary dwelling.
 - b. “Cottage cluster” means a grouping of dwelling units that share a common courtyard. Each dwelling unit has a small footprint or floor area. The dwelling units may be detached or attached, provided no one building or structure contains more than 4 dwelling units. Cottage cluster may also be known as “cluster housing,” “cottage housing,” “bungalow court,” “cottage court,” “courtyard housing,” “garden apartments,” or “pocket neighborhood.”
 - c. “Detached single-unit” or “DSU” means a detached structure on a lot or parcel that is comprised of a single dwelling unit. Detached single-units may be constructed on-site or off-site (e.g., manufactured dwellings or prefabricated homes).
 - d. “Duplex” means two attached or detached dwelling units in any configuration on a lot or parcel, other than a lot or parcel created by a Middle Housing Land Division.
 - e. “Middle housing” means housing that consists of duplexes, triplexes, quadplexes, cottage clusters, or townhouses. “Middle housing” includes retained units under Section 1.4 and additional “bonus” units allowed by Sections 8.2.1 through 8.2.4 or by Oregon Laws 2025, Chapter 476, Section 3 (3), as applicable.
 - f. “Multi-unit housing” means 5 or more dwelling units located on the same lot or development site, not including middle housing.

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- g. “Quadplex” means 4 attached or detached dwelling units in any configuration on a lot or parcel, other than a lot or parcel created by a Middle Housing Land Division.
 - h. “Townhouse” means a dwelling unit constructed in a row of 2 or more attached units, where each dwelling unit is located on an individual lot or parcel and shares at least one common wall with an adjacent unit. A townhouse is also commonly called a “rowhouse,” “attached house,” “townhome,” or “common-wall house.”
 - i. “Triplex” means 3 attached or detached dwelling units in any configuration on a lot or parcel, other than a lot or parcel created by a Middle Housing Land Division.
23. “Local street” means a street designated as a local street in a city’s adopted Transportation System Plan, in the applicable functional classification map, or in the city’s public works or engineering standards. Where street classifications have not been established, “local street” means a street that serves primarily local access to property and circulation within neighborhoods or specific areas.
24. “Lot” or “lot or parcel” means any lawfully established unit of land, as defined in ORS 92.010. Lot may also be used generically to refer to units of land created through partitions.
25. “Main entrance” means the ground floor (or first floor) exterior pedestrian door through which residents and visitors enter a residential building or dwelling unit. For buildings where access to some or all dwelling units is via shared hallways, a main entrance is one that enters the lobby or common circulation space. A building may have more than one main entrance meeting these criteria. For buildings in which all units have individual exterior entrances, each entrance to a dwelling unit is considered a main entrance.
26. “Middle housing” – see “Housing Type.”
27. “Middle housing land division (MHLD)” means a partition or subdivision of a lot or parcel on which the development of middle housing is allowed under ORS 197A.420 (2) or (3) or Oregon Laws 2025, Chapter 476, Section 3.
- a. “Parent Lot” in relation to a Middle Housing Land Division means a lot or parcel which is developed or is proposed to be developed with a middle housing development.
 - b. “Child Lot” in relation to a Middle Housing Land Division means the unit(s) of land created from a parent lot as the result of a Middle Housing Land Division. A “child lot” may also be referred to as a “middle housing lot.”
28. “Multi-unit housing” – see “Housing Type.”
29. “Planning Official” means the person(s) or body (including designees) designated by the governing body of a city to administer the city’s comprehensive plan, land use regulations, and related requirements. Typically, the Planning Official is an individual employed by a city (e.g., Planning Director or designees) but may be the Planning Commission or City Council.
30. “Primary dwelling” means a principal dwelling on a lot or site that constitutes the main residential use of the property. Where a dwelling unit:

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- a. Is added to a lot with an existing dwelling that has been in place for at least 5 years, the existing dwelling is designated as the primary dwelling.
 - b. Is constructed within 5 years of the primary dwelling, the larger unit is designated as the primary dwelling.
 - c. Could meet the definition of either a primary or accessory dwelling unit, the applicant may designate which dwelling shall serve as the primary dwelling.
31. “Quadplex” – see “Housing Type.”
32. “Regulated housing” means residential dwelling units of the following types: Detached Single-Unit, Duplex, Triplex, Quadplex, Townhouse, Cottage Cluster, Multi-Unit Housing, and Accessory Dwelling Unit.
33. “Site” has different meanings depending on the housing type, as provided below. “Development site” has the same meaning as “site.”
- a. For detached single-unit, duplex, triplex, quadplex, and cottage cluster, “site” means a single lot (other than a middle housing child lot) on which the housing unit or units is proposed.
 - b. For townhouse, “site” refers to all the lots underlying a single townhouse structure.
 - c. For multi-unit housing, “site” refers to a property (or group of abutting parcels or lots under the same ownership) that is subject to a development application.
34. “Site area” means the total area of a development site calculated after subtracting any required or planned dedication of public rights-of-way or designation of private rights-of-way.
35. “Standard land division” means a subdivision or partition other than a Middle Housing Land Division.
36. “Sufficient Infrastructure” means the following level of public services to serve a new housing development:
- Connection to a public sewer system capable of meeting established service levels.
 - Connection to a public water system capable of meeting established service levels.
 - Access via public or private streets meeting adopted emergency vehicle access standards to a city’s public street system.
 - Storm drainage facilities capable of meeting established service levels for storm drainage.
37. “Townhouse” – see “Housing Type.”
38. “Townhouse project” means one or more townhouse structures (i.e., structures formed by attached townhouses) constructed, or proposed to be constructed, together with the development site where the land has been divided, or is proposed to be divided, to reflect the townhouse property lines and any commonly owned property.

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39. “Townhouse style multi-unit housing” means developments in which the units have individual ground floor entries, share one or more common walls with one or more other units, and do not share common floors/ceilings with another unit.
40. “Triplex” – see “Housing Type.”

ADOPT: 660-008-0415

RULE TITLE: Optional Adoption and Application by Reference

NOTICE FILED DATE: 09/29/2025

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.

RULE TEXT:

A city may adopt, in whole or in part, a model ordinance by reference targeted towards the city population size or targeted toward a larger city on land zoned for residential use within an urban growth boundary.

(1) The adopting ordinance must:

(a) Specify which model ordinance, module, or modules are proposed for adoption, including the commission adoption date;

(A) Where a module contains more than one housing type, a city may adopt the standards to allow one or multiple housing types.

(B) Nothing in this section requires a city to allow a housing type contained within a module containing more than one housing type, except as otherwise required by a housing law.

(b) Specify the precise area, zones, or comprehensive plan designations in which the module or modules apply; and

(c) Specify standards that apply in lieu of one or more recommended standards, if any.

(2) A city may adopt a model ordinance, module, or modules that meet or exceed the maximum allowed density or intensity of lands zoned for residential use.

(3) A city may not adopt a model ordinance, module, or modules to allow a housing type on lands that are either:

(A) Not zoned for residential use; or

(B) Zoned to require a greater minimum density or intensity than the maximum density or intensity permitted in the proposed model ordinance, module, or modules.

(3) Recommended standards are applicable unless a city specifies in the adoption ordinance the alternative standard or standards that apply in lieu of the recommended standard.

(4) Where a model ordinance, module, or modules are amended as provided in OAR 660-008-0410(5), a city that has adopted a model ordinance by reference is not required to readopt the module for the amendments to take effect.

Nothing in this section prohibits a city from periodically evaluating, readopting, repealing, or establishing an expiration date for a model ordinance, module, or modules.

STATUTORY/OTHER AUTHORITY: ORS 197.040

STATUTES/OTHER IMPLEMENTED: Oregon Laws 2024, chapter 111

ADOPT: 660-008-0420

RULE TITLE: Application of a Model Ordinance to Comply with a Housing Law

NOTICE FILED DATE: 09/29/2025

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.

RULE TEXT:

A local government may apply one or more modules directly to development to comply with an applicable housing law as provided under ORS 197.646. Where applying one or more modules directly to residential development to comply with an applicable housing law, the local government:

- (1) Must apply the module or modules in full to residential development where the housing law applies, except that recommended standards do not apply;
- (2) Is not required to adopt the module or modules by reference as provided in OAR 660-008-0415;
- (3) Is not prohibited from amending local land use regulations to comply with a housing law;
- (4) Is not otherwise prohibited from applying a housing law directly to land use decisions as provided in ORS 197.646(3); and
- (5) Is not required to violate a housing law and may apply one or more modules to remedy or prevent a violation of a housing law.

STATUTORY/OTHER AUTHORITY: ORS 197.040

STATUTES/OTHER IMPLEMENTED: ORS 197.646

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.

RULE TEXT:

Where a model ordinance is applied comparatively to local land use regulations for the purpose of demonstrating sufficiency of a local action as part of a housing production strategy under OAR 660-008-0200 or housing acceleration agreement under OAR 660-008-0330, a city may alternatively demonstrate that locally-applied land use regulations facilitate the same or comparable development outcomes to the model ordinance. The city must demonstrate the following criteria are met, as applicable:

- (1) The housing type is a permitted use under clear and objective standards, conditions, and procedures in applicable zones or land use districts, including all applicable overlay zones or districts.
 - (a) The housing type may not be subject to a ground-floor commercial requirement or other requirement to incorporate nonresidential uses to qualify under this section.
 - (b) Nothing in this section otherwise limits or prohibits a city's ability to established mixed-use zones or land use districts, including overlay zones or districts.
- (2) Siting and design standards allow for the same or greater achievable number of dwelling units as permitted in the model ordinance, or otherwise facilitate comparable development outcomes.
 - (a) For the purposes of calculating the achievable number of dwelling units, a city may assume the following average square footage per dwelling unit:
 - (A) For detached single-unit dwellings: 1,800 gross square feet;
 - (B) For townhouses and duplexes: 1,500 gross square feet; and
 - (C) For all other housing types: 1,200 gross square feet.
 - (b) A city may assume an alternative average square footage per dwelling unit if production data spanning a minimum of six years supports the alternative assumption.
 - (c) Siting and design standards that do not otherwise restrict the achievable number of dwelling units do not create substantial feasibility limitations to applicable development, including:
 - (A) Standards that affect the configuration or orientation of units on a site do not render the achievable number of dwelling units in subsection (a) or (b) impracticable; and
 - (B) Standards that affect the cost or quantity of land, construction, or materials used in development are reasonable and proportionate as provided in subsection (7)(a) to (f).
 - (d) Minimum density requirements in the model ordinance are not a requirement nor a consideration under this section.
- (3) Procedural regulations allow applicable development under the same or less restrictive clear and objective requirements and development review timelines as permitted in the model ordinance, or otherwise facilitate comparable development outcomes.
- (4) Other applicable land use regulations do not create unreasonable cost or delay to the development of housing as provided in ORS 197A.400.
- (5) Regulatory incentives or bonuses to encourage accessible or adaptable housing or housing affordable to households specified in a model ordinance provide comparable or greater economic incentives or benefits through clear and objective standards, conditions, and procedures, including:
 - (a) The total additional achievable number of dwelling units or floor area are comparable to or greater than the model ordinance;

- (b) Other provisions offering flexibility to local land use regulations or streamlined procedural review reduce cost and delay to or increase projected revenue from development comparable to the model ordinance;
- (c) A city may additionally consider local financial incentives that offer comparable or greater economic incentives or benefits; and
- (d) Nothing in this section prohibits a city from establishing incentives or bonuses for alternative quantities or household incomes of affordable, accessible, or adaptable units in lieu of those specified in a model ordinance, provided:
 - (A) The alternative household incomes of affordable units do not exceed those specified in the model ordinance; and
 - (B) The city determines that the alternative quantities or household incomes of affordable, accessible, or adaptable units in lieu of those specified in the model ordinance are feasible in one or more local market studies or other comparable analysis.
- (6) Nothing in this rule affects the applicability of a protective measure adopted or applied pursuant to a statewide planning goal. A city is not required to consider the effect of such a protective measure in making a demonstration under this rule.
- (7) As used in this rule, “comparable development outcomes” means that applicable land use regulations do not, individually or cumulatively, create additional disproportionate cost or delay to the development of housing in comparison to a model ordinance. At a minimum, the demonstration must evaluate the following impacts of applicable local land use regulations on residential development:
 - (a) The total time and cost of construction, including design, labor, and materials;
 - (b) The total cost of land, including requirements that necessitate additional land to satisfy;
 - (c) The availability and acquisition of land, including in areas with existing development;
 - (d) The total time, cost, and certainty of permitting required to make land suitable for development;
 - (e) The cumulative livable floor area and the quantity of units that can be produced; and
 - (f) The proportionality of cumulative time and cost imposed by applicable land use regulations in relationship to the public need or interest the land use regulations fulfill.

STATUTORY/OTHER AUTHORITY: ORS 197.040

STATUTES/OTHER IMPLEMENTED: ORS 197A.100

ADOPT: 660-008-0430

RULE TITLE: Mandatory Application of a Model Ordinance

NOTICE FILED DATE: 09/29/2025

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.

RULE TEXT:

Where a model ordinance is applied by an order issued under ORS 197.335(6), the applicable model ordinance supersedes locally-applicable land use regulations on lands specified by the commission.

- (1) Applicants may submit an application for the development of housing under either a model ordinance applied under this rule or under locally-applicable land use regulations.
- (2) Where a model ordinance contains a recommended standard, that standard is applicable to development.
- (3) The local government must notify existing and prospective applicants for the development of housing of their eligibility to utilize a model ordinance applied under this rule.
- (4) The model ordinance is effective until the terms of the order issued under ORS 197.335 are satisfied.

STATUTORY/OTHER AUTHORITY: ORS 197.040

STATUTES/OTHER IMPLEMENTED: ORS 197.335

AMEND: 660-021-0000

RULE TITLE: Purpose

NOTICE FILED DATE: 09/29/2025

RULE SUMMARY: This rule describes the purpose of the division lists the Oregon Revised Statutes interpreted under Division 21 of Chapter 660.

RULE TEXT:

This division interprets and implements ORS 197A.230 through 197A.250 and statewide planning goals pertaining to Urbanization. Rules in this division authorize planning for urban reserve areas (URAs) outside urban growth boundaries to be reserved for eventual inclusion in an urban growth boundary and to be protected from patterns of development that would impede urbanization.

STATUTORY/OTHER AUTHORITY: ORS 197.040

STATUTES/OTHER IMPLEMENTED: ORS 197A.230-197A.250

AMEND: 660-021-0010

RULE TITLE: Definitions

NOTICE FILED DATE: 09/29/2025

RULE SUMMARY: This rule lists the definitions that apply to Division 21.

RULE TEXT:

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" (URA) means lands outside of an urban growth boundary that will provide for:

(a) Future expansion over a long-term period; and

(b) The cost-effective provision of public facilities and services within the area when the lands are included within the urban growth boundary.

(2) "Resource Land" means land subject to the statewide planning goals listed in OAR 660-004-0010(1)(a) through (g), except subsections (c) and (d).

(3) "Nonresource Land" means land not subject to one or more of the statewide planning goals listed in OAR 660-004-0010(1)(a) through (g) except subsections (c) and (d). Nothing in this definition is meant to imply that other goals do not apply to nonresource land.

(4) "Exception Areas" means rural lands for which an exception to statewide planning goals 3 or 4, or both, as defined in ORS 197.732 and OAR 660-004-0005(1), has been acknowledged.

(5) "Developable Land" means land that could be designated buildable land as defined in OAR 660-008-0005(7) or suitable land as defined in OAR 660-009-0005(12), or both.

(6) "Adjacent Land" means abutting land.

(7) "Nearby Land" means land that lies wholly or partially within a quarter mile of an urban growth boundary.

(8) "Study Area" refers to land adjacent to the urban growth boundary or nearby land to the urban growth boundary.

STATUTORY/OTHER AUTHORITY: ORS 197.040

STATUTES/OTHER IMPLEMENTED: ORS 197A.245

AMEND: 660-021-0030

RULE TITLE: Determination of Urban Reserve Areas

NOTICE FILED DATE: 09/29/2025

RULE SUMMARY: This rule includes the process and requirements for including land within urban reserves, including how local governments should prioritize land for inclusion.

RULE TEXT:

(1) A city considering adopting or amending an urban reserve area (URA) shall include an amount of land estimated to be at least a 20-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 a URA shall adopt findings specifying the particular number of years over which designated URAs are intended to provide a supply of land.

(2) Inclusion of land within a URA 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 developability for inclusion within URAs, as measured by the factors and criteria set forth in this section. Local governments shall then designate, for inclusion within URAs, that land which is appropriate and satisfies the priorities in section (4) of this rule.

(3) Land found appropriate for an urban reserve area may consider factors including, but not limited to, whether land proposed for designation as a URA, alone or in conjunction with land inside the UGB:

- (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. After consideration of the factors in section (3) of this rule, if land of higher priority is inadequate to accommodate the amount of land need estimate in section (1) of this rule, the next priority for inclusion shall be according to the following order of priority:

(a) First Priority is land within the study area that is subject to an acknowledged 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 (USDA);

(B) First priority land may be given lower priority compared to other nonresource land or land within an exception area if the land contains planned developments or subdivisions with a subdivision plat, as defined in ORS 92.010(18).

(b) Second Priority is land within the study area that is designated as marginal land under former ORS 197.247 (1991 edition) in an acknowledged comprehensive plan;

(c) Third Priority is land within the study area that is designated for forest or agriculture, or both, in an acknowledged comprehensive plan and is not predominantly high-value farmland or high-value forestland as defined in ORS 195.300. Higher priority shall be given to land of lower capability as measured by the capability classification system or by cubic foot site class, whichever is appropriate for the current use.

(d) Fourth Priority is land within the study area that is designated for forest or agriculture, or both, in an acknowledged comprehensive plan and is predominantly high-value farmland or high-value forestland as defined in ORS 195.300, except land that is predominantly made up of prime or unique farm soils as defined by the USDA NRCS. Higher priority shall be given to land of lower capability as measured by the capability classification system or by cubic foot site class,

whichever is appropriate for the current use.

(e) Fifth priority is land within the study area that is predominantly made up of prime or unique farm soils, as defined by the USDA NRCS. A city must find that there is an insufficient amount of other land to satisfy its land need in order to include land predominantly made up of prime or unique farm soils within a UGB.

(5) Land of higher priority under section (4) of this rule may be assigned lower priority 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 such as freeways, rail lines, or other restricted access corridors that would require new grade separated crossings to serve planned urban development; or

(B) Existing or planned future public infrastructure investments.

(b) Maximum efficiency of land uses within a proposed URA requires inclusion of lower priority lands in order to include or to provide services to higher priority lands.

(6) 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 TITLE: Urban Growth Boundary Expansion

NOTICE FILED DATE: 09/29/2025

RULE SUMMARY: This rule describes how lands within urban reserves shall be considered for inclusion within an urban growth boundary.

RULE TEXT:

All lands within URAs established pursuant to this division shall be included within an urban growth boundary before inclusion of other lands, except where an identified need for a particular type of land cannot be met by lands within an established urban reserve.

STATUTORY/OTHER AUTHORITY: ORS 197.040

STATUTES/OTHER IMPLEMENTED: ORS 197A.245

AMEND: 660-024-0010

RULE TITLE: Definitions

NOTICE FILED DATE: 09/29/2025

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.

RULE TEXT:

In this division, the definitions in the statewide goals and the following definitions apply:

- (1) "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(7).
- (3) "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.
- (5) "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.
- (6) "Local government" means a city or county, or a metropolitan service district described in ORS 197.015(13).
- (7) "Metro boundary" means the boundary of a metropolitan service district described in ORS 197.015(14).
- (8) "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.
- (10) "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.
- (11) "UGB" means "urban growth boundary."
- (12) "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, 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

AMEND: 660-024-0040

RULE TITLE: Land Need

NOTICE FILED DATE: 09/29/2025

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.

RULE TEXT:

(1) The UGB must be based on the appropriate 20-year population forecast for the urban area as determined under rules in OAR chapter 660, division 32, and must provide for needed housing, employment and other urban uses such as public facilities, streets and roads, schools, parks and open space over the 20-year planning period consistent with the land need requirements of Goal 14 and this rule. The 20-year need determinations are estimates which, although based on the best available information and methodologies, should not be held to an unreasonably high level of precision.

Local governments in Crook, Deschutes or Jefferson Counties may determine the need for Regional Large-Lot Industrial Land by following the provisions of OAR 660-024-0045 for areas subject to that rule.

(2) If the UGB analysis or amendment is conducted as part of a periodic review work program, the 20-year planning period must commence on the date initially scheduled for completion of the appropriate work task. If the UGB analysis or amendment is conducted as part of a sequential UGB approval, the 20-year planning period will be established in the work program issued pursuant to OAR 660-025-0185. If the UGB analysis or amendment is conducted as a post-acknowledgement plan amendment under ORS 197.610 to 197.625, the 20-year planning period must commence either:

(a) On the date initially scheduled for final adoption of the amendment specified by the local government in the initial notice of the amendment required by OAR 660-018-0020; or

(b) If more recent than the date determined in subsection (a), at the beginning of the 20-year period specified in the appropriate coordinated population forecast for the urban area as determined under rules in OAR chapter 660, division 32, unless ORS 197A.270, 197A.280, or 197A.350 requires a different date for local governments subject to those statutes.

(3) A local government may review and amend the UGB in consideration of one category of land need (for example, needed housing) 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.020, 197A.200, 197A.215, 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 in Goals 10 and 14, OAR chapter 660, division 8, and applicable provisions of ORS 197A.335 to 197A.372.

(5) Except for a metropolitan service district described in ORS 197.015(13), the determination of 20-year employment land need for an urban area must comply with applicable requirements of Goal 9 and OAR chapter 660, division 9, and must include a determination of the need for a short-term supply of land for employment uses consistent with OAR 660-009-0025. Employment land need may be based on an estimate of job growth over the planning period; local government must provide a reasonable justification for the job growth estimate but Goal 14 does not require that job growth estimates necessarily be proportional to population growth. Local governments in Crook, Deschutes or Jefferson Counties may determine the need for Regional Large-Lot Industrial Land by following the provisions of OAR 660-024-0045 for areas subject to that rule.

(6) Cities and counties may jointly conduct a coordinated regional EOA for more than one city in the county or for a defined region within one or more counties, in conformance with Goal 9, OAR chapter 660, division 9, and applicable provisions of ORS 195.025. A defined region may include incorporated and unincorporated areas of one or more

counties.

(7) The determination of 20-year land needs for transportation and public facilities for an urban area must comply with applicable requirements of Goals 11 and 12, rules in OAR chapter 660, divisions 11 and 12, and public facilities requirements in ORS 197.712 and 197.768. The determination of school facility needs must also comply with 195.110 and 197.296 for local governments specified in those statutes.

(8) A local government may apply the following safe harbors 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 197A.350.

(a) A local government may estimate that the current number of jobs in the urban area will grow during the 20-year planning period at a rate equal to either:

(A) The county or regional job growth rate provided in the most recent forecast published by the Oregon Employment Department; or

(B) The population growth rate for the urban area in the appropriate 20-year coordinated population forecast determined under rules in OAR chapter 660, division 32.

(b) A local government with a population of 10,000 or less may assume that retail and service commercial land needs will grow in direct proportion to the forecasted urban area population growth over the 20-year planning period. This safe harbor may not be used to determine employment land needs for sectors other than retail and service commercial. A local government does not need an updated EOA to use this safe harbor.

(c) A local government with a population greater than 10,000 may estimate that the 20-year land needs for neighborhood-serving commercial will require an additional amount of land no more than five percent of the net buildable acres added to the UGB to address a residential land need consistent with section (4) of this rule. This safe harbor may not be used to determine employment land needs for uses other than neighborhood-serving commercial. A local government does not need an updated EOA to use this safe harbor.

(9) 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(9).

STATUTORY/OTHER AUTHORITY: ORS 197.040, Statewide Planning Goal 14, ORS 195.033(10)

STATUTES/OTHER IMPLEMENTED: ORS 195.036, ORS 197.015, ORS 197.610 - 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 197A.278, ORS 197A.370 - 197A.400, ORS 197A.348-197A.355, ORS 197A.362, ORS 197A.425, ORS 197A.445, ORS 197A.465, ORS 197A.470

AMEND: 660-024-0050

RULE TITLE: Land Inventory and Response to Deficiency

NOTICE FILED DATE: 09/29/2025

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.

RULE TEXT:

- (1) When evaluating or amending a UGB, a local government must inventory land inside the UGB to determine whether there is adequate development capacity to accommodate 20-year needs determined in OAR 660-024-0040. For residential land, the buildable land inventory must include vacant, partially vacant, and redevelopable land, and be conducted in accordance with OAR 660-008-0100, and ORS 197A.270 or 197A.350 for local governments subject to those statutes. For employment land, the inventory must include: suitable land, vacant land and developed land, as defined in OAR 660-009-0005, designated for industrial or other employment use, and must be conducted in accordance with OAR 660-009-0015.
- (2) 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.
- (3) 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.270, 197A.350 where applicable, and OAR 660-008-0150. Prior to expanding the UGB, a local government must demonstrate that the estimated needs cannot reasonably be accommodated on land already inside the UGB. If the local government determines there is a need to expand the UGB, changes to the UGB must be determined by evaluating alternative boundary locations consistent with Goal 14 and applicable rules at OAR 660-024-0060 or 660-024-0065 and 660-024-0067.
- (4) 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 (3) of this rule.
- (5) When land is added to the UGB, the local government must assign appropriate urban comprehensive plan map designations to the added land, consistent with the need determination and the requirements of section (6) and (7) of this rule, if applicable. The local government must also apply appropriate zoning to the added land consistent with the plan designation or may maintain the land as urbanizable land until the land is rezoned for the planned urban uses, either by retaining the zoning that was assigned prior to inclusion in the boundary or by applying other interim zoning that maintains the land's potential for planned urban development. The requirements of ORS 197A.350 regarding planning and zoning also apply when local governments specified in that statute add land to the UGB.
- (6) Lands included within a UGB pursuant to OAR 660-024-0065(2) 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 land use efficiency safe harbor in OAR 660-008-0150(1)(b) is deemed to have met the Goal 14 efficiency requirements under:
 - (a) Sections (1) and (3) 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, ORS 197A.305, ORS 197.235, Statewide Planning Goal 14, ORS 197A.285

STATUTES/OTHER IMPLEMENTED: ORS 195.036, ORS 197.015, ORS 197.610 – 197.650, ORS 197A.300 - 197A.325, 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.425, ORS 197A.445, ORS 197A.465, ORS 197A.470

AMEND: 660-024-0060

RULE TITLE: Metro Boundary Location Alternatives Analysis

NOTICE FILED DATE: 09/29/2025

RULE SUMMARY: This rule provides criteria for evaluating and prioritizing land in a study area for inclusion in Metro's UGB.

RULE TEXT:

(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 197A.355 and the boundary location factors of Goal 14, as follows:

(a) Beginning with the highest priority of land available, Metro must determine which land in that priority is suitable to accommodate the need deficiency determined under OAR 660-024-0050.

(b) If the amount of suitable land in the first priority category exceeds the amount necessary to satisfy the need deficiency, Metro must apply the location factors of Goal 14 to choose which land in that priority to include in the Metro UGB.

(c) If the amount of suitable land in the first priority category is not adequate to satisfy the identified need deficiency, Metro must determine which land in the next priority is suitable to accommodate the remaining need, and proceed using the same method specified in subsections (a) and (b) of this section until the land need is accommodated.

(d) Notwithstanding subsection (a) to (c) of this section, Metro may consider land of lower priority as specified in ORS 197A.355(3).

(e) For purposes of this section, the determination of suitable land to accommodate land needs must include consideration of any suitability characteristics specified under section (5) of this rule, as well as other provisions of law applicable in determining whether land is buildable or suitable.

(2) Notwithstanding OAR 660-024-0050(4) and subsection (1)(c) of this rule, except during a legislative review of the Metro UGB, Metro may approve an application under ORS 197.610 to 197.625 for a Metro UGB amendment proposing to add an amount of land less than necessary to satisfy the land need deficiency determined under OAR 660-024-0050(4), provided the amendment complies with all other applicable requirements.

(3) The boundary location factors of Goal 14 are not independent criteria. When the factors are applied to compare alternative boundary locations and to determine the Metro UGB location, Metro must show that all the factors were considered and balanced.

(4) In determining alternative land for evaluation under ORS 197A.355, "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 197A.355.

(6) The adopted findings for a Metro UGB adoption or amendment must describe or map all of the alternative areas evaluated in the boundary location alternatives analysis. If the analysis involves more than one parcel or area within a particular priority category in ORS 197A.355 for which circumstances are the same, these parcels or areas may be considered and evaluated as a single group.

(7) For purposes of Goal 14 Boundary Location Factor 2, "public facilities and services" means water, sanitary sewer, storm water management, and transportation facilities.

(8) The Goal 14 boundary location determination requires evaluation and comparison of the relative costs, advantages and disadvantages of alternative Metro UGB expansion areas with respect to the provision of public facilities and services needed to urbanize alternative boundary locations. This evaluation and comparison must be conducted in coordination with service providers, including the Oregon Department of Transportation (ODOT) with regard to impacts on the state transportation system. "Coordination" includes timely notice to service providers and the

consideration of evaluation methodologies recommended by service providers. The evaluation and comparison must include:

- (a) The impacts to existing water, sanitary sewer, storm water and transportation facilities that serve nearby areas already inside the Metro UGB;
- (b) The capacity of existing public facilities and services to serve areas already inside the UGB as well as areas proposed for addition to the Metro UGB; and
- (c) The need for new transportation facilities, such as highways and other roadways, interchanges, arterials and collectors, additional travel lanes, other major improvements on existing roadways and, for urban areas of 25,000 or more, the provision of public transit service.

STATUTORY/OTHER AUTHORITY: ORS 197.040, ORS 197A.305, ORS 197A.320, Statewide Planning Goal 14, ORS 197.235

STATUTES/OTHER IMPLEMENTED: ORS 195.036, ORS 197.015, ORS 197.610 – 197.650, ORS 197A.300 - 197A.325, 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.425, 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.

RULE TEXT:

(1) When considering a UGB amendment to accommodate a need deficit identified in OAR 660-024-0050(3), a city outside of Metro must determine which land to add to the UGB by evaluating alternative locations within a “study area” established pursuant to this rule. To establish the study area, the city must first identify a “preliminary study area” which shall not include land within a different UGB or the corporate limits of a city within a different UGB. The preliminary study area shall include:

(a) All lands in the city’s acknowledged urban reserve, if any. If all land in the city’s acknowledged urban reserve area, or a subsection thereof, meet the requirements of section (6) of this rule, then no other land specified under subsections (b)-(d) is needed in the preliminary study area;

(b) All lands that are within the following distance from the acknowledged UGB:

(A) For cities with a UGB population less than 10,000: one-half mile;

(B) For cities with a UGB population equal to or greater than 10,000: one mile;

(c) All exception areas contiguous to an exception area that includes land within the distance specified in subsection (b) and that are within the following distance from the acknowledged UGB:

(A) For cities with a UGB population less than 10,000: one mile;

(B) For cities with a UGB population equal to or greater than 10,000: one and one-half miles;

(d) At the discretion of the city, the preliminary study area may include land that is beyond the distance specified in subsections (b) and (c).

(2) 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) 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.

(3) The city may exclude land, including whole tax lots or parcels, from the preliminary study area if it determines that:

(a) Based on the standards in section (7) of this rule, it is impracticable to provide necessary public facilities or services to the land;

(b) The land is subject to significant development hazards, due to a risk of:

(A) Landslides: The land consists of a landslide deposit or scarp flank. If the owner of a lot or parcel provides the city with a site-specific analysis by a certified engineering geologist demonstrating that development of the property would not be subject to significant landslide risk, the city may not exclude the lot or parcel under this paragraph;

(B) Flooding, including inundation during storm surges: the land is within the Special Flood Hazard Area (SFHA) identified on the applicable Flood Insurance Rate Map (FIRM);

(C) Tsunamis: the land is within a tsunami inundation zone established pursuant to ORS 455.446;

(D) Other hazards identified in an acknowledged comprehensive plan or development code that the local government determines as presenting a significant risk to life or property including those that would be identified if the land was

already within the city's jurisdiction.

(c) The land consists of a significant scenic, natural, cultural or recreational resource described in this subsection:

(A) Land that is designated in an acknowledged comprehensive plan prior to initiation of the UGB amendment, or that is mapped on a published regional, state or federal inventory at a scale sufficient to determine its location for purposes of this rule, as:

(i) Critical or essential habitat for a species listed by a state or federal agency as threatened or endangered;

(ii) Core habitat for Greater Sage Grouse; or

(iii) Big game migration corridors or winter range, except where located on lands designated as urban reserves or exception areas;

(B) Federal Wild and Scenic Rivers and State Scenic Waterways, including Related Adjacent Lands described by ORS 390.805, as mapped by the applicable state or federal agency responsible for the scenic program;

(C) Designated Natural Areas on the Oregon State Register of Natural Heritage Resources;

(D) Wellhead protection areas described under OAR 660-023-0140 and delineated on a local comprehensive plan;

(E) Aquatic areas subject to Statewide Planning Goal 16 that are in a Natural or Conservation management unit designated in an acknowledged comprehensive plan;

(F) Lands subject to acknowledged comprehensive plan or land use regulations that implement Statewide Planning Goal 17, Coastal Shoreland, Use Requirement 1;

(G) Lands subject to acknowledged comprehensive plan or land use regulations that implement Statewide Planning Goal 18, Implementation Requirement 2;

(H) Lands identified by a Tribal government as not compatible with urbanization because they consist of important scenic, natural, or cultural resources.

(d) The land is owned by the federal government and managed primarily for rural uses.

(4) As part of the process of evaluating land for inclusion in the study area, a local government must notify Tribal governments of the establishment of a preliminary study area as provided:

(a) Notice must be sent to Tribal governments with an ancestral connection to land within the study area and jurisdiction of the local government. The local government must obtain a list from the Oregon Legislative Commission on Indian Services of Tribal governments that have such a connection.

(b) Notice to Tribal governments as identified in (a) must include:

(A) A map of the preliminary study area; and

(B) Information on how and when to provide input, including invitation for government-to-government consultation and staff coordination regarding potential conflicts or opportunities between future urbanization of land within the preliminary study area and cultural or natural resources, Tribal government strategic plans, or other Tribal government interests.

(c) A local government must allow a period of no less than 35 calendar days after the notice was sent for Tribal governments to respond and opt in to consultation and coordination.

(d) A local government that receives input from a Tribal government must explain how input was incorporated. If input from a Tribal government was not incorporated, the local government must provide a rationale explaining why.

(5) After excluding land from the preliminary study area under section (3), 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(3) or, if applicable, twice the particular land need described in section (2). Such adjustment shall be made by expanding the distance specified under section (1) and applying section (3) to the expanded area.

(6) For purposes of evaluating the priority of land under OAR 660-024-0067, the "study area" shall consist of all land that remains in the preliminary study area described in section (1) or (2) of this rule after adjustments to the area based on sections (3) 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 (3)(a) through (c) of this rule can reasonably accommodate the park use.

(7) For purposes of subsection (3)(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 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, on a published regional, state or federal inventory, or identified by a Tribal government, consistent with OAR 660-024-0065(3)(c), that would prohibit or substantially impede the placement or construction of necessary public facilities and services.
- (d) As a safe harbor, a city may determine land impracticable to serve when the cost-per-unit calculation exceeds four times the median cost-per-unit of all sub-areas.
- (8) Land may not be excluded from the preliminary study area based on a finding of impracticability that is primarily a result of existing development patterns. However, a city may forecast development capacity for such land as provided in OAR 660-024-0067(1)(d).
- (9) Notwithstanding OAR 660-024-0050(3) 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(3), provided the amendment complies with all other applicable requirements.

STATUTORY/OTHER AUTHORITY: ORS 197.040, ORS 197A.305, ORS 197A.320, Statewide Planning Goal 14, ORS 197.235

STATUTES/OTHER IMPLEMENTED: ORS 195.036, ORS 197.015, ORS 197.610 – 197.650, ORS 197A.300 - 197A.325, 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.425, ORS 197A.445, ORS 197A.465, ORS 197A.470

AMEND: 660-024-0067

RULE TITLE: Evaluation of Land in the Study Area for Inclusion in the UGB; Priorities

NOTICE FILED DATE: 09/29/2025

RULE SUMMARY: This rule provides criteria for evaluating and prioritizing land in a study area for inclusion in the UGB.

RULE TEXT:

(1) A city considering a UGB amendment must decide which land to add to the UGB by evaluating all land in the study area determined under OAR 660-024-0065, as follows:

(a) Beginning with the highest priority category of land described in section (2), the city must apply section (5) to determine which land in that priority category is suitable to satisfy the need deficiency determined under OAR 660-024-0050 and select for inclusion in the UGB as much of the land as necessary to satisfy the need.

(b) If the amount of suitable land in the first priority category is not sufficient to satisfy all the identified need deficiency, the city must apply section (5) to determine which land in the next priority is suitable and select for inclusion in the UGB as much of the suitable land in that priority as necessary to satisfy the need. The city must proceed in this manner until all the land need is satisfied, except as provided in OAR 660-024-0065(9).

(c) If the amount of suitable land in a particular priority category in section (2) exceeds the amount necessary to satisfy the need deficiency, the city must choose which land in that priority to include in the UGB by applying the criteria in section (7) of this rule.

(d) In evaluating the sufficiency of land to satisfy a need under this section, the city may use the factors identified in sections (5) and (6) of this rule to reduce the forecast development capacity of the land to meet the need.

(e) Land that is determined to not be suitable under section (5) of this rule to satisfy the need deficiency determined under OAR 660-024-0050 is not required to be selected for inclusion in the UGB unless its inclusion is necessary to serve other higher priority lands.

(2) Priority of Land for inclusion in a UGB. If land of higher priority is inadequate to accommodate the amount of land need estimate in section (1) of this rule, the next priority for inclusion shall be according to the following order of priority:

(a) First Priority is land within the study area that is designated as an urban reserve under OAR chapter 660, division 21, in an acknowledged comprehensive plan.

(b) Second Priority is land within the study area that is subject to an acknowledged exception under ORS 197.732 or land that is designated nonresource land as defined in OAR 660-021-0010(3) in an acknowledged comprehensive plan.

(c) Third Priority is land within the study area that is designated as marginal land under former ORS 197.247 (1991 Edition) in an acknowledged comprehensive plan;

(d) Fourth Priority is land within the study area that is designated for forest or agriculture, or both, in an acknowledged comprehensive plan and is not predominantly high-value farmland or high-value forestland as defined in ORS 195.300. Higher priority shall be given to land of lower capability as measured by the capability classification system or the cubic foot site class system, whichever is appropriate for the current use.

(e) Fifth Priority is land within the study area that is designated as forest or agriculture, or both, in an acknowledged comprehensive plan and is predominantly high-value farmland or high-value forestland as defined in ORS 195.300, except land that is predominantly made up of prime or unique farm soils, as defined by the USDA NRCS. Higher priority shall be given to land of lower capability as measured by the capability classification system or by cubic foot site class, whichever is appropriate for the current use.

(f) Sixth priority is land within the study area that is predominantly made up of prime or unique farm soils, as defined by the United States Department of Agriculture Natural Resources Conservation Service (USDA NRCS). A city must find that there is an insufficient amount of other land to satisfy its land need in order to include land predominantly made up of prime or unique farm soils within a UGB.

(3) Notwithstanding subsections (2)(d) through (f) of this rule, land that would otherwise be excluded from a UGB may be included if:

- (a) The land contains a small amount of 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 fourth or fifth priority land that is not predominantly high-value farmland or predominantly made up of prime or unique farm soils and the land is completely surrounded by land of higher priority for inclusion into the UGB.
- (4) For purposes of categorizing and evaluating land pursuant to subsections (2)(c) and (d) and section (3) of this rule:
 - (a) Areas of land not larger than 100 acres may be grouped together and studied as a single unit of land;
 - (b) Areas of land larger than 100 acres that are similarly situated and have similar soils may be grouped together provided soils of lower agricultural or forest capability may not be grouped with soils of higher capability in a manner inconsistent with the intent of section (2) of this rule, which requires that higher capability resource lands shall be the last priority for inclusion in a UGB;
 - (c) 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(3) 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(2), 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) As a safe harbor for vacant or partially vacant lands added to the UGB to provide for residential uses:
 - (a) Existing lots or parcels one acre or less may be assumed to have a development capacity of one dwelling unit per lot or parcel. Existing lots or parcels greater than one acre but less than two acres shall be assumed to have an aggregate development capacity of two dwelling units per acre.
 - (b) Existing lots or parcels less than 5 acres in size may project half (50 percent) of the assumed residential capacity due to the location of existing structures and infrastructure such that the land cannot be reasonably redeveloped or infilled within the planning period.
- (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.

(d) 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 chapter 660, division 11, required to serve land added to the UGB no later than five 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 through proposed residential plan designations.

(12) In applying Goal 14 Boundary Location Factor 3, the city may prioritize areas including, but not limited to, areas that are or have been conceptually planned to include regulated affordable housing and other uses to support residential uses within the area, such as commercial uses and open space.

(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, Statewide Planning Goal 14, ORS 197.235

STATUTES/OTHER IMPLEMENTED: ORS 195.036, ORS 197.015, ORS 197.610 – 197.650, ORS 197A.300 - 197A.325, ORS 197.764, ORS 197.748, ORS 197A.015, ORS 197A.20, ORS 197A.278, ORS 197A.400, ORS 197A.425, ORS 197A.445, ORS 197A.465, ORS 197A.470, ORS 197A.200

AMEND: 660-024-0070

RULE TITLE: UGB Adjustments

NOTICE FILED DATE: 09/29/2025

RULE SUMMARY: This rule specifies how a local government may adjust the UGB by removing or exchanging land from the existing boundary.

RULE TEXT:

(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 197A.355 apply when land is added to the UGB, including land added in exchange for land removed. The requirements of ORS 197A.350 may also apply when land is added to a UGB, as specified in that statute.

(2) A local government may remove land from a UGB following the procedures and requirements of ORS 197A.215. 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 a substantially equivalent supply of buildable land as prior to the removal, taking into consideration land added to the UGB at the same time;
- (c) Public facilities agreements adopted under ORS 195.020 do not intend to provide for urban services on the subject land unless the public facilities provider agrees to removal of the land from the UGB and concurrent modification of the agreement;
- (d) Removal of the land does not preclude the efficient provision of urban services to any other buildable land that remains inside the UGB; and
- (e) The land removed from the UGB is planned and zoned for rural use consistent with all applicable laws.

(3) Notwithstanding sections (1) and (2) of this rule, a local government outside of Metro considering an exchange of residential land may rely on the land needs analysis that provided a basis for its current acknowledged plan, rather than adopting a new need analysis, provided:

- (a) The amount of land added to the UGB to meet an identified housing need is within ten percent of the amount of land removed from an urban area (as measured by acres or estimated capacity). For local governments with comprehensive plan designations in their urban areas, only residentially designated land may be exchanged to meet an identified housing need.
- (b) The appropriate local government applies comprehensive plan designations, and if applicable, urban zoning to the land added to the UGB, such that the land added is designated at the same or higher housing density as the land removed from the UGB.

(c) The applicable local government adopts appropriate rural zoning designations for the land removed from the UGB prior to or at the time of adoption of the UGB amendment and applies applicable location and priority provisions of OAR 660-024-0060 through 660-020-0067.

(4) Notwithstanding sections (1) and (2) of this rule, a local government outside of Metro considering an exchange of non-residential land may rely on the land needs analysis that provided a basis for its current acknowledged plan, rather than adopting a new need analysis, provided:

- (a) The amount of suitable land added to the UGB to meet a nonresidential need is within ten percent of the nonresidential land removed;
- (b)(A) The local government must apply comprehensive plan designations and, if applicable, urban zoning to the land added to the UGB, such that the land added is designated for the same nonresidential uses as allowed on the land removed from the UGB; or

- (B) Land added may be designated for a different use provided the local government demonstrates that the exchange will not result in a deficit of employment land capacity;
 - (c) If the land exchange is intended to provide for a particular industrial use that requires specific site characteristics, only land zoned for commercial or industrial use may be removed, and the land added must be zoned for the particular industrial use and meet other applicable requirements of OAR 660-009-0025(9);
 - (d) The exchange does not create a deficit of commercial, industrial, or other employment land capacity; and
 - (e) If the land exchange is necessary to serve a public land need, the local government must apply comprehensive plan designations and, if applicable, urban zoning to the land added to the UGB, such that the land is designated for the identified public land need.
- (5) Notwithstanding sections (1) and (2) of this rule, when Metro considers an exchange of land, Metro may rely on the land needs analysis that provided a basis for its current acknowledged plan, rather than adopting a new need analysis, provided:
- (a) The amount of buildable land added to the UGB is substantially equivalent to the amount of buildable land removed;
 - (b) Metro must include conditions of approval requiring the local government that will have jurisdiction over the area being added to the UGB to apply comprehensive plan designations and zoning that will allow for urban levels of development; and
 - (c) Areas that Metro removes from the UGB under this section will become designated urban reserve.

STATUTORY/OTHER AUTHORITY: ORS 197.040, ORS 197A.305, ORS 197A.285, Statewide Planning Goal 14, ORS 197.235

STATUTES/OTHER IMPLEMENTED: ORS 195.036, ORS 197.015, ORS 197.610 – 197.650, ORS 197A.300 - 197A.325, 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.425, ORS 197A.445, ORS 197A.465, ORS 197A.470