TRANSPORTATION AND GROWTH MANAGEMENT

A Partnership Between DLCD & ODOT

TGM Model Development Code & User's Guide for Small Cities, Edition 4.0

(Public Review Draft)

Volume I – User's Guide

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MODEL DEVELOPMENT CODE AND USER'S GUIDE FOR SMALL CITIES, EDITION 4.0 (PARTIAL DRAFT)

Volume I – User's Guide

Note: This User's Guide is currently in work. The content will be expanded and refined in the next draft.

1. Introduction

1.1 Purpose of the User's Guide

This User's Guide is a companion document to the TGM *Model Development Code and User's Guide for Small Cities* ("Model Code"). It is intended as both an introduction to the Model Code as well as a technical resource document to help potential users of the Model Code get started with their own code updates.

1. Introduction
2. What's new in the Edition 4.0 of the Model Code
3. Before Getting Started on a Code Update
4. Using the Model Code
5. Appendices (References and Technical Resources, Urban Land Use Statutes and Administrative Rules, Transportation Demand Management (TDM) Plans for Development Guidebook, and Applicability and Implementation Tables)

1.2 Transportation and Growth Management Program

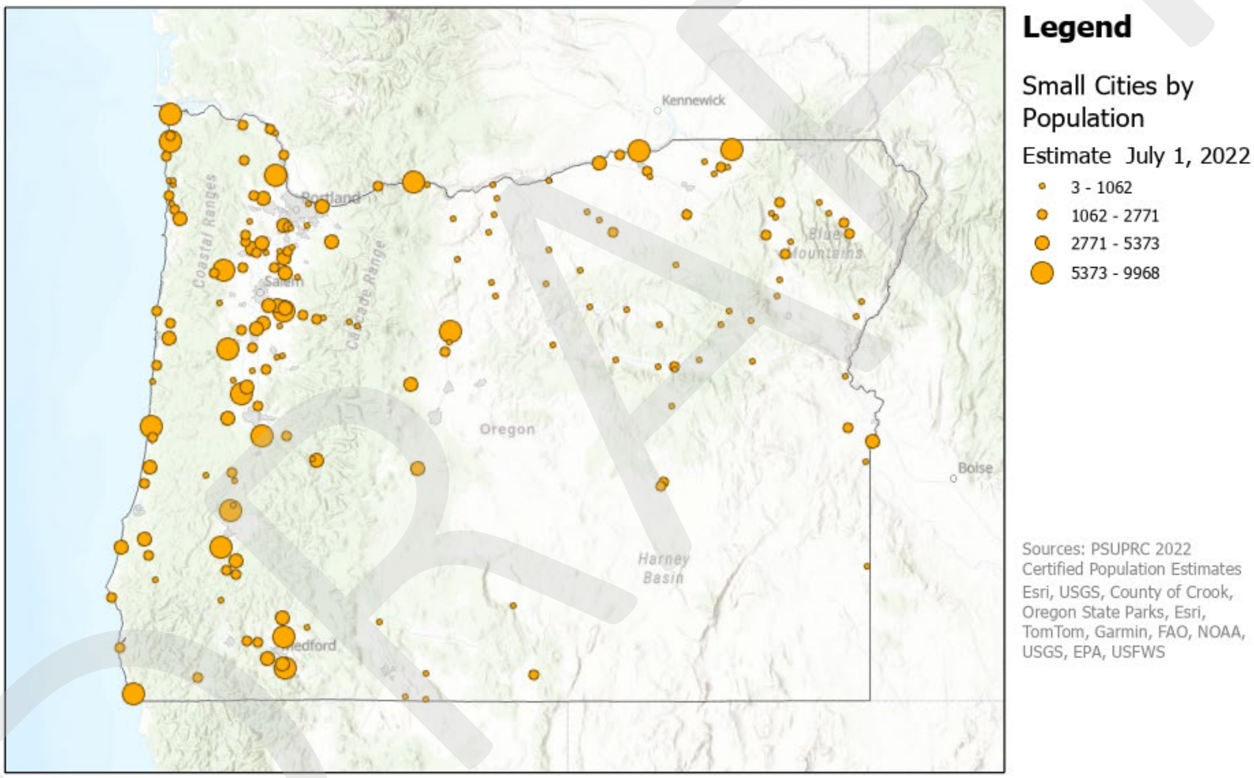
The Model Code was prepared on behalf of the Transportation and Growth Management (TGM) Program, a joint program of the Oregon Department of Transportation (ODOT) and the Oregon Department of Land Conservation and Development (DLCD).

The Model Code advances TGM goals by promoting the public health, safety, and general welfare, encouraging orderly and efficient development and supporting the following principles:

- Compact Development
- Mixed-Use
- Housing Choices
- Full Utilization of Urban Services
- Transportation Efficiency
- Human-Scale Design
- Environmental Health
- Efficient Administration

1.3 Planning in Oregon's Small Cities

The Model Code is designed to help small cities, which for the TGM Model Code means cities with a population of less than 10,000. In 2026, more than 75 percent of the state's 241 cities had populations of less than 10,000.



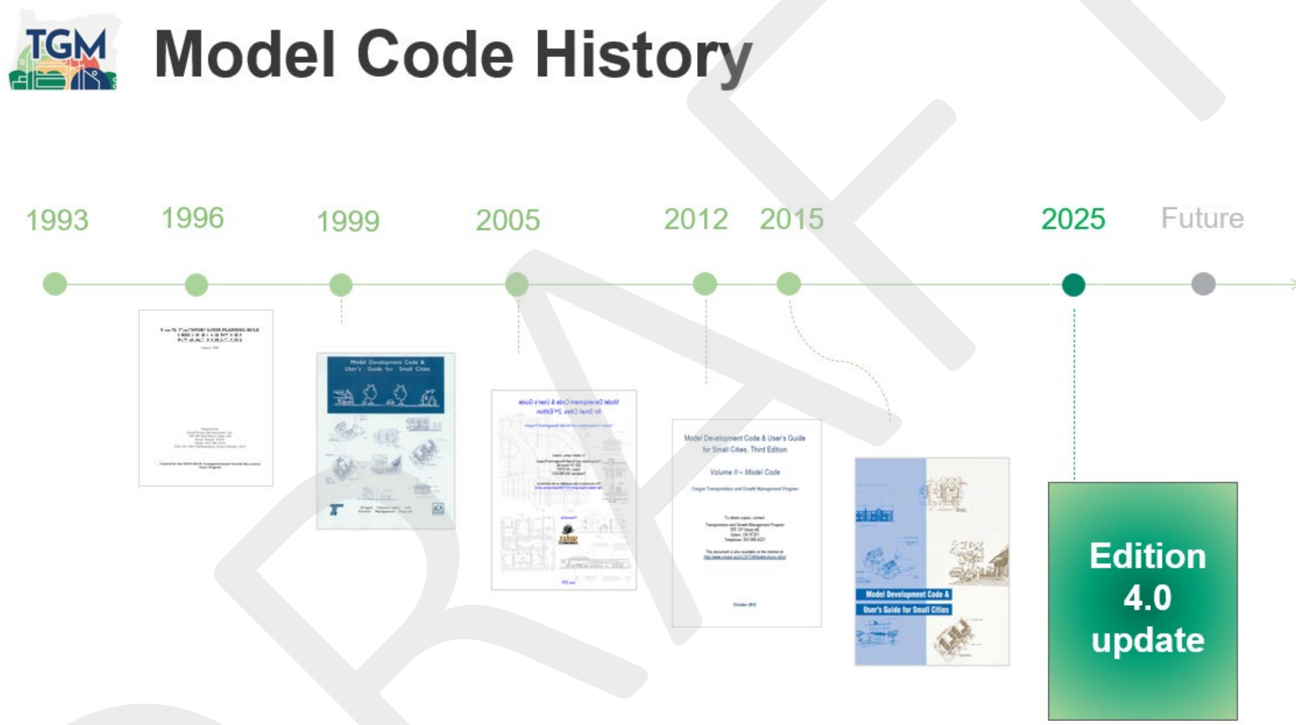
Small cities in Oregon face a wide range of challenges such as housing shortages and affordability issues, infrastructure constraints, downtown revitalization, economic development, and natural hazard concerns (e.g., from wildfire and flooding). While larger cities may share these challenges, small cities often have additional challenges, including:

- Limited staffing and technical capacity. Where larger jurisdictions may have one or more planners on staff, smaller towns may have only a part-time planner. In some communities, the city manager or city recorder fills the role of land use administrator/coordinator while being responsible for the many other functions of a local government. Volunteer planning commissioners in small cities often pick up much of the work that paid staff would do in larger cities.

- Limited financial resources. Many small communities will forego needed planning unless good tools are available to them at a reasonable cost or, better yet, for free. TGM's Model Code has been available as a free resource for Oregon cities for more than 25 years.

1.4 History of Oregon's Model Development Code for Small Cities

Since the TGM program was created in 1993, there have been several editions of the Model Code, starting with a Model Transportation Planning Rule Ordinance and Policies for Small Jurisdictions in 1996. Many Oregon cities have used earlier editions of the Model Code. Some completely updated their regulations based on the model, while others updated selected chapters or sections of existing regulations.



- The First Edition of the Model Code, published in 1999, was widely distributed around the state and nationally. It won recognition for its unified format, graphically based standards, and encouragement of Smart Development. However, after five years of use, some deficiencies became evident.

- The Second Edition (2005) addressed the concerns, incorporated new planning best practices, and made the document easier to use and adapt to meet local needs.

- The Edition 3.0 (2012) built on the earlier versions of the model code. It provided clearer section headings; updated to planning best practices, including those related to local economic development; legal updates and improved code structure and organization; new, editable graphics; and an updated user's guide.

- Edition 3.1 (November 2015) included minor edits and clean up, but almost no substantive changes to the code.

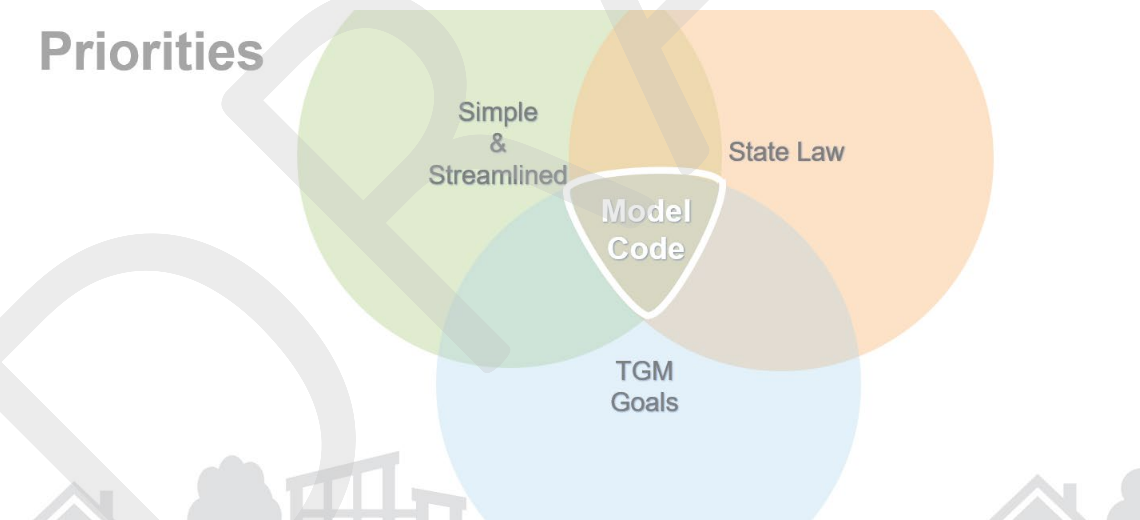
- Edition 4.0 (DRAFT August 2026) provides a significant update while retaining the strong foundation provided by the earlier drafts. See Section 2 below for details.

2. What's new in the Edition 4.0 of the Model Code

2.1 Why a Fourth Edition?

A number of factors led to the need for a major update of the Model Code, and established priorities for the Edition 4.0. Some of the most pressing included:

- Substantial statutory and rule changes since 2012 (housing legislation, CFEC, etc.);
- The emphasis on meeting housing production goals in order to address the housing crisis in Oregon;
- The need for coordination with other recently developed state model codes for specific topics and housing types;
- The need for clear and objective standards and procedures for housing;
- Opportunities to share the latest best practices to help local governments simplify and streamline the land use and development review.



2.2 Major Policy Themes

As in the first edition of the Model Code, Edition 4.0 encourages compact, walkable communities, climate responsiveness, multimodal safety, and small-town context sensitivity. Edition 4.0 builds on these themes and expands on:

- **Housing production, affordability, and choice.** The Model Code provides a range of options for allowing different housing types in residential zones. State law establishes minimum requirements for certain cities, while cities may choose to allow a broader range of housing types than required. Middle housing can be particularly useful in small cities. Duplexes, triplexes, quadplexes, townhouses, and cottage clusters can provide additional housing choices at a scale that is compatible with many existing residential neighborhoods. These housing types may also be more feasible than larger multi-unit buildings in communities where development sites, market demand, financing, or local construction capacity do not support larger apartment projects. For these reasons, this Model Code generally recommends allowing a range of middle housing types, even where they are not required by state law.

Note: This section is currently in work. Additional discussion will be provided on:

- Flexibility of zones and allowed uses;
- Parking reform; and
- Climate responsiveness.

Of note, there are some things that the Model Code does not do. It does not contain a model sign code or regulations required to implement the state's natural resource or coastal planning goals. It also does not contain a template for creating a form-based code, though it does advance key tenants of New Urbanism and Smart Growth. Code standards encourage the formation and preservation of neighborhoods and districts that are compact in form, have interconnected streets, are pedestrian friendly, and offer a variety of housing options, among other goals. Similarly, the model code is not intended to reflect the state of the practice for Green Building or Sustainability, though it contains standards and recommendations promoting efficient land use, development patterns and uses that support alternatives to the automobile, resource (water and energy) conservation, and generation of renewable energy, among other goals.

2.2 Major Structural Changes

Edition 4.0 of the Model Code includes some structural updates, including:

- A new chapter for Use Categories, which is intended to simplify the Model Code's regulation of land uses by grouping similar uses into categories. This is intended to make the use table in Article 2 simpler and easier to use, to facilitate interpretations, and to provide more flexibility.

Note: This section is currently in work. Additional discussion will be provided on:

- Reorganized use tables and development standards (Article 2);
- separation of residential and non-residential design standards (Article 3);
- new optional provisions;
- revised graphics;
- incorporation of newer model code concepts.

2.4 Updates to State Legislation and Rulemaking

To the extent possible, the Model Code incorporates legislation and rulemaking that has occurred since Edition 3.0 was completed in 2012. Some of the key changes include the following (a detailed list is provided in Appendix 2):

- ADUs (SB 1051, HB 2002)
- Middle Housing and Middle Housing Land Divisions (HB 2001, SB 458, etc.)
- Manufactured and Prefabricated Housing (HB 4064)
- Affordable Housing (SB 8, HB 2008, etc.)
- Emergency Shelters (HB 2006, HB 3395, etc.)
- Application Review – timelines, procedures, etc. (SB 1537, SB 974, etc.)
- Childcare Facilities (HB 3109, HB 3560)
- Climate Friendly & Equitable Communities (OAR 660-012)
- Updates to housing regulations in ORS 197A.400.

While the authors have tried to address all applicable state land use requirements (as of August 2026), local governments should consult legal counsel when amending local regulations.

Note: This section is currently in work. The User's Guide will describe how the Model Code addresses:

- middle housing requirements;
- clear and objective standards;
- childcare legislation;
- manufactured housing requirements;
- CFEC;
- etc.

The User's Guide will also explain that requirements vary depending on:

- population;
- location within Metro;
- location within Tillamook County (for middle housing);
- location within MPO region (for CFEC);
- inside vs. outside UGB.

2.5 Other State Model Codes and Guidance

The Model Code is intended to help cities comply with Oregon law but is not itself a compliance document and has no regulatory effect. The Model Code is intended to provide an example of a full development code, including standards and procedures for zoning and land divisions. DLCD/HAPO and ODOT provide other model codes and guidance documents to implement specific requirements or concepts. Where practical, the authors have integrated these into the Model Code, including:

- ADU Guidance / Model Code;
- Middle Housing Model Code;
- Housing Model Codes (OAR 660-008-0410)
- CFEC Walkable Design Standards Model Code;

- Prefabricated and Modular Housing Model Code;
- Model Floodplain Ordinances;
- Clear & Objective Housing Model Codes for Small, Medium, and Large Cities (i.e., Housing Model Ordinances cited in OAR 660-008-0410, developed pursuant to SB 1564, 2024);
- Other DLCD guidance (e.g., Landslide Hazard, Coastal Erosion, and Tsunami guides).

3. Before Getting Started on a Code Update

Before using the model code, city staff and citizen volunteers should have a firm understanding of the community's land use and development goals. A city that is in the process of updating its comprehensive plan (or transportation system plan) should complete that process before drafting new implementing regulations. This will help ensure that new codes reflect the community's vision and are based on policy. State law requires that land use regulations be consistent with the city's acknowledged comprehensive plan.

The following steps are recommended for city officials in preparing for a code update. (The TGM Program follows a similar process in periodically reviewing and updating the model code.)

Interview code users. Talk with city staff, local developers and builders, real estate professionals, surveyors, engineers, property owners (e.g., those who have been through local land use processes), and staff from other agencies and service providers who are involved in the city's development process. These individuals can provide important input and help in clarifying problems related to existing regulations. Contacting them early in the process can also help introduce the concept of revising the city's codes in a non-confrontational manner. This should be done in one-on-one or small group meetings to encourage candid discussion. Online surveys can also be an effective way to solicit input on specific questions.

Appoint an advisory committee. An advisory committee can help in vetting issues and ideas, and in reviewing draft code amendments prior to soliciting input from the broader public. The committee should include some of the stakeholders interviewed at the outset, representatives from the planning commission, and at least one city councilor. A committee of approximately 8-15 members appointed or approved by the legislative body can effectively assist city officials and decision makers by ensuring that the codes address important community issues and include perspectives from a representative cross-section of the community; reviewing and commenting on preliminary drafts of the new code; and supporting public involvement and education efforts during the code adoption and implementation. Advisory committees are typically subject to public meeting laws.

Review the city's existing codes. After talking with stakeholders and identifying general code-related issues, you should compare the city's existing regulations to the model code. This will help in determining whether to create a completely new code or amend the city's existing ordinances. Technical assistance with this process is also available through the TGM Program.

Work program. A complete code update work program may include the following items, as appropriate to your community:

- Public information and education about existing ordinances;

- Information and graphics comparing the existing ordinances to proposed amendments;
- Public meetings, workshops, open houses, and other opportunities for public input on proposed changes;
- Coordination with other agencies (e.g., especially if the city contracts out plan review services);
- Public notification for code adoption hearings, including required notices under state law;
- Updated fee schedules, application forms, and any informational handouts explaining the city's new codes and procedures for property owners;
- Training (e.g., for city officials and planning commissioners);
- Changes to other related municipal codes (e.g., system development charges, nuisances, etc.); and
- Minor modifications to the city's comprehensive plan (e.g., enabling policies and map revisions for new or renamed zoning districts).

Note: This section is currently in work. Additional topics may include:

- code audits;
- public engagement and advisory committees;
- coordination with infrastructure providers;
- legal review;
- housing needs analysis alignment;
- transportation system plan consistency;
- infrastructure capacity;
- adoption sequencing.

4. Using the Model Code

4.1 Organization of the Code

Note: This section is currently in work. More detail will be added in the next draft.

The Model Code contains five articles. Each article is organized into chapters. Under each chapter are code sections with regulations. The regulations typically provide a purpose statement, applicability statement, and standards. Some sections also contain approval criteria, which the approval body uses in determining when a standard has been met.

- **Article 1 – Introduction.** Article 1 contains updated provisions for code interpretation provisions and non-conforming uses.

- **Article 2 – Zoning Regulations.** Article 2 contains updated zoning regulations with additional land uses and more special use standards.

- **Article 3 – Community Design Standards.** The design and development standards have been updated and reorganized to make the document easier to use and to ensure that the standards applicable to the development of housing are clear and objective.

- **Article 4 – Application Review Procedures and Approval Criteria.** Article 4 is updated consistent with changes made to other articles and to address current statutes and administrative rules as of September 2026.

- **Article 5 – Definitions.** Specialized definitions describing the Use Categories have been added and the general definitions have been updated.

User's Guide

In addition to the above updates, the Model Code contains new User's Guide comments in easily identifiable text boxes. The User's Guide is intended to guide the reader and assist in drafting or amending local regulations. These boxes can also be used to insert city staff's comments, for example, to assist decision makers in reviewing draft code provisions. In addition, the Appendices (following this introduction) contains a list of technical resources, for city officials to use in updating local codes. *Because the Appendices and commentary are not part of the code, they must be removed before finalizing codes for adoption.*

> Read These! Use Them!
>
> **User's Guide:** These boxes provide background on specific standards, point out key issues, requirements, or options, and offer other guidance.

Italicized and Bracketed [ ] Text

The *[italicized and bracketed text]* within the regulations indicates a range of options or places where city officials must customize the model code. For example, a reference to "*[city official]"* would need to be replaced with the appropriate city official title. Where the model code provides a range of numerical standards (e.g., setbacks, building heights, lot sizes), cities should tailor the standards based on existing conditions in the community. Where slashes ("/") separate two or more options, cities are to choose an option or insert their own terminology (e.g., public hearing before the *[Planning Commission / City Council]*). The punctuation provided is meant to support each option, but it too must be reviewed and edited as cities prepare own their codes.

The model code options are limited only by space. Many other possibilities exist, and users of the document should carefully consider the needs of their community and applicable law in tailoring the regulations.

> **Note:** This section is currently in work. The User's Guide will further explain how the bracketed and italicized text functions differently depending on the section. It may indicate:
>
> - choices between two or more options;
> - numeric standards that may be customized for the city's code;
> - requirements only for certain cities;
> - recommended best practices;
> - additional standards that cities could apply, but that are not necessarily recommended.

4.2 Required, Recommended, and Optional Standards

Note: This section is currently in work.

4.3 Using the Code Graphics

Note: This section is currently in work. It is intended to explain how to customize and edit graphics, save updated graphics, and insert them into the code document.

5. Appendices

Appendix 1 – References and Technical Resources

This appendix compiles technical references, guidance documents, and external resources that may assist cities in implementing and adapting the Model Code. The appendix is intended to provide additional background on planning topics addressed in the code, including housing, transportation, walkability, parking management, climate-responsive planning, and development standards.

Appendix 2 – Urban Land Use Statutes and Administrative Rules

This appendix summarizes key Oregon Revised Statutes (ORS) and Oregon Administrative Rules (OAR) that affect local zoning, development regulations, housing, transportation planning, and land use procedures. The appendix is intended to help cities identify the primary state requirements that may need to be addressed when updating local development codes.

Appendix 3 – Transportation Demand Management (TDM) Plans for Development Guidebook

This resource was developed by ODOT and DLCD in 2013 to guide local jurisdiction in developing TDM programs and requirements. The guidebook includes background information about TDM, a step-by-step approach for local governments interested in implementing a TDM Plan program, and model code language intended as an additional module for the TGM Model Code (within the Transportation Standards section of the Public Facilities chapter).

Appendix 4 – Applicability and Implementation Tables (possible new appendix)

Note: This section is currently in work.

ARTICLE 1 – INTRODUCTION AND GENERAL PROVISIONS

Article 1 – Introduction and General Provisions

Chapters:

Users Guide: Consult your city recorder and city attorney regarding codification requirements. Options include repealing existing zoning and subdivision ordinances and adopting one ordinance that is a chapter (or title) of your existing municipal code, or adopting a separate ordinance that is incorporated into the municipal code by reference but has its own numbering.

Chapter 1.1 – Introduction

The City of *[name]* Development Code (Code) is administered by the *[City Official]* or his or her designee. The Code regulates land use and development within the City of *[name]* (City), and is organized as follows:

Article 1. Article 1 describes the title, purpose, authority, organization, and general administration of the Code. Article 1 also explains how City officials interpret and enforce code requirements.

Article 2. Article 2 contains the zoning regulations. Zones are designated by the City of *[name]* Zoning Map, consistent with the City of *[name]* Comprehensive Plan. The zoning regulations specify allowed land uses, and lot and development standards that are specific to particular land uses or zones. Before commencing a new use or development, changing an existing use or development, or applying for a building permit, the property owner should verify the City's zoning requirements *]*.

Article 3. Article 3 contains the City's development design standards, including requirements for building orientation and design; street access; pedestrian and vehicle circulation; parking; landscaping, screening, fences, and walls; outdoor lighting; adequate transportation, water, sanitary sewer, and storm drainage facilities; and utility requirements. Article 3 applies to all development, including land divisions and projects for which no land use application or review is required. Article 3 is supported by the more detailed engineering design standards in the City's *[Public Works Design Manual / Engineering Design Standards Manual]*.

Article 4. Article 4 contains the City's application requirements and review procedures for land use and development decisions, including, but not limited to, procedures for development review, land divisions, property line adjustments, conditional use permits, adjustments and variances, , and master planned developments,.

Article 5. Article 5 contains detailed descriptions of the use categories that apply to the uses listed in Article 2 as well as definitions that apply throughout the Code.

Chapter 1.2 – Title, Purpose, and Authority

<u>Sections:</u>

1.2.010 Title

The official name of this *[Code / Title]* is "The City of *[name]* Development Code." It may also be referred to as "Development Code" and "Code."

1.2.020 Purpose

This Code is enacted to promote the public health, safety, and general welfare; and to encourage the orderly and efficient development and use of land within the City of *[name],* consistent with the City of *[name]* Comprehensive Plan and the following principles:

A. **Compact Development**, which promotes the efficient provision of public services and infrastructure;

B. **Mixed-Use**, which places homes, jobs, stores, parks, and services within walking distance of one another;

C. **Housing Choices,** which are affordable and accessible, are available to residents;

D. **Full Utilization of Urban Services** (e.g., water, sewer, storm drainage, parks, and transportation facilities), which maximizes the return on public investments in infrastructure;

E. **Transportation Efficiency**, or development of an interconnected street system supporting multiple modes of transportation, which yields more direct routes (shorter distances) between local destinations, conserves energy, reduces emergency response times, and provides alternatives to the automobile for those who are unable or choose not to drive a car;

F. **Human-Scale Design**, or development in which people feel safe and comfortable walking from place to place because buildings, streetscapes, parking areas, landscaping, lighting, and other components of the built environment are designed foremost with pedestrians in mind;

G. **Environmental Health**, which requires adequate light and air circulation, management of surface water runoff, and treatment and disposal of waste; and

H. **Efficient Administration of Code Requirements**, consistent with the needs of *[the City of (name), a small city with limited administrative capacity]*.

1.2.030 Compliance and Scope

A. Compliance with the Development Code. No structure or lot shall hereinafter be used, developed, or occupied, and no structure or part thereof shall be erected, moved, reconstructed, extended, enlarged, or otherwise altered except as permitted by this Code. Furthermore, *[annexations and]* amendments to the Zoning Map, and amendments Development Code shall conform to applicable provisions of this Code.

B. Obligation by Successor. The requirements of this Code apply to the owner(s) of record, persons undertaking the development or the use of land, and to those persons' successors in interest.

C. Transfer of Development Standards Prohibited. Except as otherwise specifically authorized by this Code, no lot area, setback (yard), landscaping, or open space that is used to satisfy a requirement of this Code for one use shall be used to satisfy the same requirement for another use.

1.2.040 Rules of Code Construction

A. Provisions of this Code Declared to be Minimum Requirements. The provisions of this Code, in their interpretation and application, are minimum requirements, adopted for the protection of the public health, safety, and general welfare.

B. Highest standard or requirement applies. Where a requirement of this Code varies from another provision of this Code or with other applicable regulations, the more specific standard or regulation shall govern (e.g., use-specific standards supersede base zone standards). Where the conflicting standards are of comparably specific, the highest standard or regulation shall govern. The *[City Planning Official or Planning Commission]* shall determine which Code provision is the more specific or sets the highest standard. Where the applicability of a Code provision is unclear, the *[Planning Official or Planning Commission, or upon referral the City Council,]* may issue a formal interpretation pursuant to Chapter 1.5 Code Interpretations.

C. Tenses. Words used in the present tense include the future; the singular form includes the plural; and the plural includes the singular.

User's Guide: With regard to optional subsections D and E, below, cities are required to provide clear and objective standards for housing under ORS 197A.400. Where guidelines are used (e.g., commercial or historic design), the code should be tailored to the local context and the needs of community.

[D. Requirements versus Guidelines. *The use of the word "shall," "must," "required," or similar directive terms, means the Code provision is a requirement. The use of the word "should," "encouraged," "recommended," or similar terms, means the provision is a guideline, which may be imposed as a requirement but only where the applicable code criteria allow the (City decision-making body) to exercise such discretion.]*

[E. Interpreting Illustrations. *This Code contains illustrations and photographs, code "graphics," which are intended to serve as examples of development design that either meet or do not meet particular Code standards.*

F. Severability. The provisions of this Code are severable. If any section, sentence, clause, or phrase is judged to be invalid by a court of competent jurisdiction, that decision shall not affect the validity of the remaining portion of the Code.

1.2.050 Development Code Consistency with Comprehensive Plan and Laws

User's Guide: Oregon land use statutes and administrative rules change periodically. Under ORS 197.646, local governments are required to amend their acknowledged comprehensive plans and implementing regulations to comply with new state requirements. If a city has not yet adopted the required amendments, applicable state requirements still apply and supersede conflicting local code provisions.

Cities should periodically review and update their development codes to ensure consistency with current state law, administrative rules, and acknowledged comprehensive plans. However, if local codes become out of date and no longer comply with state laws, the newer state requirements will apply directly to applicable local land use decisions.

A. City of *[name]* Comprehensive Plan. This Code implements the City of *[name]* Comprehensive Plan.

B. Compliance with Other Laws Required. In addition to the requirements of this Code, all uses and development must comply with all other applicable City, State of Oregon, and federal rules and regulations.

C. References to Other Regulations. All references to other City, state, and federal rules and regulations are for informational purposes only and do not constitute a complete list of such requirements. The references do not imply any responsibility by the City for enforcement of state or federal regulations. Where a proposal, permit, or approval is subject to both City of *[name]* requirements and state or federal requirements, the property owner is responsible for contacting the applicable agencies and complying with their rules and regulations.

D. Current Versions and Citations. All references to the regulations of other jurisdictions refer to the most current version and citation for those regulations, except where this Code, City Council policy, or applicable law require otherwise. Where a referenced regulation has been amended or repealed, the City Planning Official, Planning Commission or, upon referral, the City Council, shall interpret this Code and, based on adopted City policy, determine whether an equivalent standard applies. Such determinations, unless made through a legislative process, may be appealed to City Council.

1.2.060 Development Code and Zoning Map Implementation

A. Zoning of Areas to be Annexed. Concurrent with annexation of land to the City of *[name]*, the City Council *[, upon considering the recommendation of the Planning Commission,]* shall enact an ordinance applying applicable zoning designation(s) to the subject land, pursuant to Chapter 4.6 Amendments to Zoning Map or Code. The Comprehensive Plan shall guide the designation of zoning for annexed areas.

B. Land Use Consistent With Development Code. Except as otherwise required by applicable state or federal law, land and structures in the City of *[name]* may be used or developed only in accordance with this Code, including all amendments thereto. A lawful use or development of land is one that is permitted in accordance with this Code, or is allowed as a legal non-conforming use or development, pursuant to Chapter 1.4 Non-conforming Situations, provided state or federal law does not prohibit the use.

C. Development Code and Zoning Map. The City's Official Zoning Map (Zoning Map), which may be published, amended, and filed separately from this Code, is part of this code. The zoning districts depicted on the Zoning Map correspond to the zoning districts in this code. In addition, this Code may contain zoning regulations for special areas (i.e., overlay zones), and for certain uses or structures that do not appear on the Zoning Map.

D. Interpreting the Zoning Map. Except as otherwise specified by this Code, the City's zoning boundaries are as designated on the Official Zoning Map, which is kept on file at City Hall. The City may adopt and publish supplemental zoning maps where it is impractical to illustrate all regulated features on one map. *[Examples of regulated features include, but are not limited to, historical landmarks, special street setbacks, base flood (flood plain) elevation, local wetland inventories, and specific area plans.]* In addition, the City may require field verification and mapping (e.g., survey) of a regulated feature as part of a development application, where the feature is thought to exist on or adjacent to the subject property but its exact location is unknown.

E. Boundary Lines. Zoning district boundaries are determined pursuant to Section 2.1.030.

F. Changes to Official Zoning Map. Proposed changes to the Official Zoning Map are subject to review and approval under Chapter 4.6 Amendments to Zoning Map or Code.

1.2.070 Coordination of Building Permits

A. Land Use Approvals and Building Permits. Land use and building approvals are processed by two City officials: The *[designated]* Building Official administers building codes *[including floodplain regulations,]* and issues building permits; and the *[Planning Official]* administers the Development Code, processes land use approvals, and coordinates with the *[designated]* Building Official on development and building projects to ensure compliance with the Development Code.

User's Guide: In some circumstances, state law limits a local government's ability to apply local development standards. Examples include ORS 92.040, which preserves the applicability of certain standards in effect at the time of subdivision approval, and state laws that require approval of specific types of development under criteria established by statute, such as the restoration or replacement of dwellings damaged by natural or involuntary events (SB 1561, 2026). Cities should consult applicable state law when reviewing development proposals that may be subject to statutory exemptions, vesting provisions, or approval requirements. The phrase "except as otherwise required by applicable state or federal law" in subsection (B) is intended to recognize these situations and allow a city to comply with current legal requirements.

B. Zoning Compliance Required for Building Permits. Except as otherwise required by applicable state or federal law, a building permit shall not be issued until the *[Planning Official]* has issued a decision confirming that all applicable requirements of this Code are met, or appropriate conditions of approval are in place to ensure compliance.

1.2.080 Official Action

A. Official Action. The City of *[name] [Planning Official, Planning Commission, (Hearings Officer,) and City Council]* are vested with authority to issue permits and grant approvals in conformance with this Code, pursuant to Article 4 Application Review Procedures and Approval Criteria. City officials shall issue no permit and grant no approval for any development or use that violates or fails to comply with conditions or standards imposed to carry out this Code.

B. Void Future Actions. Any permit or approval issued or granted in conflict with the provisions of this Code shall be void, unless the City modifies it in conformance with the Code. The *[Planning Official]* shall determine when an approval is void and, as applicable, he or she shall refer it back to the decision body for modification to ensure Code compliance.

C. Referral to Planning Commission. In addition to those actions that require Planning Commission approval, the *[Planning Official]* may refer certain question or permit request to the Planning Commission, which then shall take action on the request pursuant to the applicable provisions of this Code. See also, Chapter 1.5 Code Interpretations.

D. Notices, Filing, and Validity of Actions. The failure of any person to receive mailed notice or failure to post or file a notice, staff report, or form shall not invalidate any actions pursuant to this Code, provided a good faith effort was made to notify all parties entitled to such notice, staff report, or form. See Chapter 4.1 General Review Procedures.

Chapter 1.3 – Lot of Record and Legal Lot Determination

Sections:

User's Guide: The lot of record procedure is per state statute. Local jurisdictions may adopt local procedures for lot of record determinations, provided they are not in conflict with ORS 92.010 through 92.192.

1.3.010 Purpose and Intent

The purpose of Chapter 1.3 Lot of Record and Legal Lot Determination is to establish criteria and a process for determining when a lot of record exists for the purpose of allowing a use or development on a plot of land that was not created through a City-approved subdivision or partition.

1.3.020 Dwelling Allowed

The owner of a lot of record shall not be denied development of one detached single-unit dwelling *[or duplex]* per lot of record, provided the lot is within a zone that allows residential development and applicable building codes are met. The City shall accept a legal lot determination as sufficient evidence of a hardship for purposes of approving a variance under Chapter 4.7 Adjustments and Variances.

1.3.030 Criteria

A lot of record is a plot of land that meets one or more of the following criteria, pursuant to ORS 92.010 through 92.192:

A. The plot of land was lawfully created through a subdivision or partition plat in *[name]* County prior to annexation to the City of *[name]*.

B. The plot of land was created through a deed or land sales contract recorded with *[name]* County *[prior to (date) / before the City or County, as applicable, adopted planning, zoning, subdivision or partition regulations]*.

C. The plot of land was created through a deed or land sales contract recorded with *[name]* County prior to January 1, 2007 and the subject plot of land would have complied with the applicable planning, zoning, subdivision, or partition regulations in effect at the time it was created.

1.3.040 Legal Lot Determination Procedure

The *[Planning Official / Planning Commission]*, through a *[Type II / Type III]* procedure, shall process requests to validate a lot of record, pursuant to ORS 92.010 to 92.192.

Chapter 1.4 – Non-Conforming Situations

Sections:

User's Guide: Chapter 1.4 addresses three different types of non-conforming situations: non-conforming uses, non-conforming development, and non-conforming lots. Some jurisdictions may refer to and regulate all three situations as "non-conforming uses;" however, because they raise different policy considerations, the Model Code recommends they be regulated differently. Non-conforming uses generally warrant the most regulation because they involve land uses that are no longer permitted in a zone and that may have impacts on surrounding properties (for example, an industrial use operating in a residential or mixed-use area). By contrast, non-conforming development and non-conforming lots do not typically have off-site impacts; non-conforming development involves physical site or building characteristics that no longer meet current standards, and non-conforming lots involve parcels that do not meet current lot area or dimensional requirements. A non-conforming development may be occupied by either a conforming or non-conforming use or be located on a conforming or non-conforming lot. In many communities, older buildings and sites with non-conforming development contribute to neighborhood character, support adaptive reuse, and provide opportunities for reinvestment. The Model Code therefore provides greater flexibility for non-conforming development and lots than for non-conforming uses.

This chapter should be customized to address the types of non-conforming situations and code violations that exist in a community. First, a city should consider whether its current land use standards are appropriate. If some code conflicts are so common that property owners routinely ask for and are granted variances, then that standard (e.g., setback, lot size, etc.) should be amended. Where non-conforming uses are common and predate current zoning regulations (e.g., single-family dwellings in a downtown zone), consider permitting those uses subject to a cutoff date, provided they were lawfully established when constructed.

The limitations on expanding non-conforming uses, and the requirement that "discontinued" uses after a certain period of time not be resurrected, should also be customized to community. Pursuant to SB 1537 (2024), the approval or denial of an application for the extension, alteration, or expansion of a non-conforming use is now classified as a limited land use decision under ORS 197.015(12). As such, cities should ensure that applicable procedures in Chapter 4 are aligned with the limited land use decision process (Type II review in the Model Code), including notice, decision-making, and appeal requirements.

A basic land use inventory and some spot measurements from representative neighborhoods or developments can be helpful in educating the community about non-conforming uses and in establishing numerical standards and thresholds for this chapter.

Note: Subsection 1.4.010.D addresses SB 1561 (2026, effective date January 1, 2027) which requires the approval of replacement (and expansion of up to 25%) for a dwelling damaged or destroyed by a natural or involuntary event.

1.4.010 Purpose and Applicability

Chapter 1.4 Non-conforming Situations provides standards and procedures for the continuation of uses and developments that are lawfully established but do not comply with current Code standards. The Code is intended to protect public health, safety, and general welfare, while allowing reasonable use of private property. The chapter contains three sections, as follows:

A. Non-conforming uses (e.g., industrial use in residential zone) are subject to Section 1.4.020.

B. Non-conforming developments (e.g., structure does not meet setback or height standards) are subject to Section 1.4.030.

C. Non-conforming lots (e.g., lot is smaller than minimum area standard) are subject to Section 1.4.040.

D. Restoration or Replacement of a Dwelling Damaged or Destroyed by a Natural or Involuntary Event. The provisions of Chapter 1.4 do not apply to applications to restore or replace a dwelling damaged or destroyed by a natural or involuntary event submitted in compliance with ORS 197.XXX

1.4.020 Non-conforming Use

Where a use of land exists that would not be permitted under the current Code, but was lawful at the time it was established, the use may continue, provided it conforms to the following requirements:

A. Expansion of Non-conforming Use Limited. Expansion of a non-conforming use shall not exceed *[20-50]* percent of the subject site or building, and not more than *[500-5,000]* square feet of building area (footprint or floor area), cumulatively, whichever is less, that existed as of *[cutoff date]*. *[Expansion of a non-conforming use requires approval of a Conditional Use Permit under Chapter 4.4 Conditional Use Permits.]*

B. Location of Non-conforming Use. A non-conforming use shall not be moved in whole or in part from one lot to another lot, except as to bring the use into conformance with this Code.

C. Discontinuation or Abandonment of Non-conforming Use. *[Except as provided by Subsection 1.4.020.E,] [A/a]* non-conforming use that is discontinued for any reason, other than fire or other catastrophe beyond the owner's control, for a period of more than *[12-18]* months shall be deemed abandoned and shall no longer be an allowed use. For purposes of calculating the *[12-18]* month period, a use is discontinued when:

1. the use of land is physically vacated;

2. the use ceases to be actively involved in the sale of merchandise or the provision of services; for example, as evidenced by the removal of signs, goods, stock, or office equipment, or the disconnection of telephone or utility service;

3. any lease or contract under which the non-conforming use has occupied the land is terminated;

4. a request for final reading of water and power meters is made to the applicable utility districts;

5. the owner's utility bill or property tax bill account became delinquent; or

6. an event occurs similar to those listed in subsections 1-5, above, as determined by the *[decision-making body]*.

D. Application of Code Criteria and Standards to Non-conforming Use. Once the City deems a use abandoned pursuant to Subsection 1.4.020.C, any subsequent use of the subject lot shall conform to the current standards and criteria of this Code. After the City has deemed a non-conforming use abandoned, the use shall not be allowed to resume, in whole or in part, under the same or different ownership or management; any such activity is a violation of this Code and subject to enforcement proceedings under Chapter 1.6 Enforcement.

E. Extension of Non-Conforming Status for Discontinued Use. Notwithstanding the provisions of Subsection 1.4.020.C, a non-conforming use that is discontinued shall not be considered abandoned where, through a Type II procedure, the *[decision-making body]* approves an extension for repair, active renovation, and efforts to lease the subject property. The owner must request the extension within the six-month period of discontinuance.

1.4.030 Non-conforming Development

User's Guide: Section 1.4.030 provides flexibility where existing developments do not conform to current code standards. For example, historic areas often have small lot sizes, mixed land uses, less parking, and smaller setbacks than areas developed under current standards. Where existing development predates modern zoning, cities should allow greater flexibility for new construction and alterations to existing development.

Section 1.4.030 regulates non-conforming development. Non-conforming development includes situations where a development exists on the effective date of adoption or amendment of this Code that could not be built under the terms of the Code today, for example, by reason of restrictions on lot area, lot coverage, location on a lot, setbacks, height, yard, equipment, access, parking, landscaping, or other physical restriction or requirement. If the development was lawful when constructed, it may remain on the site as long as it remains otherwise lawful and complies with the following regulations:

A. Alterations. A non-conforming development may be repaired, maintained, altered, enlarged, or expanded, provided the alteration, enlargement, or expansion does not increase the degree to which the development is non-conforming with this Code. Any alteration, enlargement, or expansion that increases the degree of non-conformity shall require approval of a variance pursuant to Chapter 4.7.

B. Destruction. Should a non-conforming development or non-conforming portion of a development be destroyed by any means to an extent more than *[20-50]* percent of its current value as assessed by the *[name]* County Assessor, it shall be reconstructed only in full conformity with this Code.

C. Roadway Access. The owner of a non-conforming driveway approach or access to a public street or highway, upon receiving land use or development approval, may be required as a condition of approval to bring the non-conforming access into conformance with the standards of the applicable roadway authority.

D. Relocation or Removal. Once a non-conforming structure or a portion of a non-conforming structure or development is moved, it shall thereafter conform to current Code standards.

1.4.040 Non-conforming Lot

User's Guide: Cities should review their minimum lot size requirements and determine whether amendments are needed. Where lots predate modern zoning and lot sizes are unusually small, it may be necessary to amend the development standards of Section 2.2.040.

A legal lot or lot of record, meeting the criteria of Chapter 1.3 Lot of Record and Legal Lot Determination, with an area or dimensions that do not meet the standards of the zoning district in which the property is located, may be occupied by a use permitted in the zone, subject to other requirements of the zone.

Chapter 1.5 – Code Interpretations

<u>Sections:</u>

User's Guide: This chapter provides cities with a procedure for responding to requests for written code interpretations. Cities should keep written records of the code interpretations they make. Even informal interpretations made by staff in the course of answering questions from builders or business owners, should be noted, so that the city, through periodic code maintenance or housekeeping updates, can continually improve the code. Some cities do this annually, while others wait until they have accumulated a large number of needed changes. It is usually easier and takes less time overall to process the changes in smaller packages of code amendments every few years; however, the trade-off is that for every package of amendments, the city is required to provide public notice and conduct hearings. The important thing to remember is that the development code should be reviewed regularly and updated as conditions change and as the code is tested in ways that could not have been anticipated when first drafted.

1.5.010 Code Interpretations

Some terms or phrases within this Code may have two or more reasonable meanings. This section provides a process for resolving differences in the interpretation of the Code text.

A. Authorization of Similar Uses. Where it is unclear whether a proposed use fits within one of the use categories in Chapter 5.1 Use Categories, or the Code is unclear as to whether the use is allowed in a particular zone, the *[Planning Official / Planning Commission]* may find the use is similar to another use that is permitted, allowed conditionally, or prohibited in the subject zone and apply the Code accordingly. However, uses and activities that this Code specifically prohibits in the subject zone, and uses and activities that the *[Planning Official / Planning Commission]* finds are similar to those that are prohibited, are not allowed. Similar use rulings that require discretion on the part of City officials shall be processed following the *[Type II / Type III]* procedure of Chapter 4.1.*[030 / 040]*. *[The Planning Official may refer a request for a similar use determination to the Planning Commission for its review and decision.]*

B. Code Interpretation Procedure. Requests for code interpretations, including, but not limited to, similar use determinations, shall be made in writing to the *[Planning Official]* and shall be processed as follows:

1. The *[Planning Official]*, within *[7-14]* days of the inquiry, shall advise the person making the inquiry in writing as to whether the City will make a formal interpretation.

2. Where an interpretation does not involve the exercise of discretion, the *[Planning Official]* shall advise the

person making the inquiry of his or her decision within a reasonable timeframe and without public notice.

3. Where an interpretation requires discretion, the *[Planning Official]* shall inform the person making the request that an application for code interpretation is required and advise the applicant on how to make the request. At a minimum, an application for code interpretation shall include a letter citing the nature and reasons for the request, and if required, a City fee. The *[Planning Official]* then shall review relevant background information, including, but not limited to, other relevant Code sections and previous City land use decisions, and follow the *[Type II / Type III]* review and *[public hearing]* decision-making procedures in Section 4.1.*[030 / 040]*.

4. Except as otherwise required by applicable state or federal law, all provisions of this Code shall be construed in conformity with the Comprehensive Plan, including any Comprehensive Plan elements or public facility master plans adopted pursuant to the Comprehensive Plan.

D. Written Interpretation. Following the *[close of the public comment period on an application for a code interpretation, / Planning Commission's decision on a code interpretation application,]* the *[Planning Official]* shall mail or deliver the City's decision in writing to the person requesting it, to any other person who specifically requested a copy of the decision, and to those who provided public testimony on the application. The decision shall become effective when the appeal period for the decision expires.

E. Referral to City Council. Where a code interpretation may have significant citywide policy implications, the *[Planning Official]* may bypass the procedure in Subsection 1.5.010.B and refer the request directly to the City Council for its legislative review in a public hearing. Such public hearings shall be conducted following Type IV procedure of Section 4.1.050.

F. Interpretations on File. The City shall keep on file a record of its code interpretations.

Chapter 1.6 – Enforcement

Sections:

User's Guide: This chapter should not be inserted directly into city development codes. It is a placeholder. Cities should first review any enforcement procedures already existing in other city ordinances, and then either incorporate those provisions into the Development Code by reference, or work with the city attorney to draft provisions specific to the Development Code.

1.6.010 Violations

Except as provided under Section 1.6.020, any person violating or causing the violation of any of the provisions of this Code who fails to abate said violation has committed *[an infraction / a misdemeanor]*, which, upon conviction thereof, is punishable as prescribed in *[Section (#) of the (name) Municipal Code / Oregon Revised Statute (ORS) Chapter 161]*. Such person is guilty of a separate violation for each and every day during any portion of which a violation of this Code is committed or continued. A finding of a violation of this Code shall not relieve the responsible party of the duty to abate the violation.

A. Classification of Violation. Violations shall be identified by the *[Planning Official]* under one of the following classifications:

1. Type A - Violations which represent a serious threat to public health, safety, and general welfare, or those unapproved actions deemed potentially to create serious adverse environmental or land use consequences as the result of continued development activity; or

2. Type B - Violations which do not pose a serious threat to public health, safety, and general welfare, but do violate provisions of this code, including any conditions of approval.

B. Notice of Violation

1. Type A - After receiving a report of an alleged Type A violation, the *[Planning Official]* determines whether the violation requires that a citation be issued immediately or whether to provide notice of the violation prior to the issuance of a citation. Notice shall be in writing and shall be provided to the owner of record for tax purposes or to the person in charge of the property. Such a notice shall indicate:

   a. the location and nature of the violation;

   b. the provision or provisions of this Code or conditions of approval which allegedly have been violated; and

   c. whether immediate enforcement will be sought or if a specified time period will be allowed to correct or remove the violation.

2. Type B - After receiving a report of an alleged Type B violation from the *[Planning Official]*, the City Attorney shall, upon determining that probable cause exists, promptly give notice of the alleged violation by certified first-class mail, return receipt requested, or by personal service to the owner of record for tax purposes and to the person in charge of the property; however, a defect in the notice of violation with respect to this notice delivery provision shall not prevent enforcement of this code. Such a notice shall indicate:
   a. the location and nature of the violation;
   b. the provision or provisions of this Code or conditions of approval, which allegedly have been violated;
   c. whether immediate enforcement shall be sought or if 15 days will be allowed to correct or remove the violation; and
   d. the date when the notice was personally served or, if the notice was sent by first-class mail, the date three days after mailing if the address to which it was mailed is within this state and seven days after mailing if the address to which it was mailed is outside this state.

C. City Attorney to Pursue Enforcement. When the compliance deadline expires, the City Attorney shall proceed with any action deemed appropriate, unless:

1. the City Attorney finds that the violation has been corrected, removed, or will not be committed; or
2. a court of competent jurisdiction has halted enforcement pending the outcome of a proceeding concerning the violation.

D. Penalties. Code violations may be subject to criminal, civil, or other sanctions authorized under ordinances of the City.

1. Criminal Penalties - Unless specified otherwise, every violation of the terms of this Code is a Class A infraction, punishable by a fine of up to *[$]*. Each day such violation continues, it shall be considered a separate offense.
2. Civil Penalties and Remedies - In addition to, or in lieu of, criminal actions, a violation of this code or a permit issued hereunder may be the subject of a civil action in the nature of a debt or of any appropriate remedy issuing from a court of competent jurisdiction, including mandatory and prohibitory injunctions and orders of abatement.

User's Guide: Limits on fines are established in ORS 161.

1.6.020 Other Remedies

The City, in addition to finding a Code violation is *[an infraction / a misdemeanor],* may use any of the other remedies available to it, including, but not limited to, the following:

A. Stop Work Order. The City may issue a stop work order.

B. Public Nuisance. The City may find a violation of this Code is a public nuisance and take enforcement action pursuant to City of *[name]* Ordinance No. *[#]*.

C. Mediation. The City and property owner may agree to engage in mediation.

ARTICLE 2 – ZONING REGULATIONS 3

ARTICLE 2 – ZONING REGULATIONS

Chapters:

User's Guide: The regulations in Article 2 are grouped by topic as follows:

- Chapter 2.1 addresses the classification of zoning districts and identification of boundaries.
- Chapter 2.2 contains provisions for allowed uses, lot dimensions, setbacks, and other lot development standards.
- Chapter 2.3 contains use-specific regulations.
- Chapter 2.4 is a placeholder for overlay zones, or combining zones, such as those for flood hazard areas, natural features, airports, and other areas of special concern.

The model code does not contain provisions for the following, although other resources are available in some cases:

- Adult businesses or cannabis-related businesses.
- Affordable housing bonuses – the Oregon Housing Accountability and Production Office (HAPO) Housing Model Codes for Large and Medium Cities include bonuses for affordable and accessible housing.
- Airports - sample ordinances for airports are available from the Oregon Department of Aviation.
- Natural, scenic, and historic resources (Goal 5) or natural hazards (Goal 7) - Oregon Department of Land Conservation and Development (DLCD) maintains a library with sample ordinances for uses regulated under Goal 5 and Goal 7. Also see User's Guide in Chapter 2.4 Overlay Zones.
- Estuarine Resources (Goal 16) Coastal Shorelands (Goal 17), and Beaches and Dunes (Goal18). DLCD maintains model policies and code for these goals for coastal local governments.

Chapter 2.1 – Establishment of Zoning Districts

User's Guide: The establishment or revision of zoning districts must be guided by the city's long-range plans for land use, housing, transportation.

In Oregon's statewide planning framework, the Comprehensive Plan provides the policy foundation for local zoning. Under ORS Chapter 197 and associated administrative rules, zoning districts must be consistent with and implement the comprehensive plan's land use designations, housing policies, and growth management strategies. The plan sets the community's long-term vision for land use, including the general location, type, and intensity of residential and employment areas. Any establishment or revision of zoning districts must therefore demonstrate consistency with the adopted comprehensive plan map and policies.

All cities must plan to meet their community's housing needs under Statewide Planning Goal 10. Housing Capacity Analyses (HCA) are optional for cities that are outside of Metro and under 10,000 population, but they are useful tools in planning for local housing needs (ORS 197A.280). An HCA identifies the amount and types of housing needed to serve future population growth and evaluates whether the existing zoning and buildable lands provide adequate capacity. New or revised zoning districts should directly respond to the findings of an HCA by allowing sufficient density, housing variety, and development feasibility to meet the city's projected housing demand.

Under Statewide Planning Goal 11, cities must plan for the timely, orderly, and efficient arrangement of public facilities and services to serve development. Cities that have populations over 2,500 within an urban growth boundary are required to adopt public facility plans for water, sewer, and transportation (ORS 197.712). A city's Transportation System Plan (TSP) should also guide zoning changes. Because zoning influences where and how much development occurs, any revisions to zoning districts should be coordinated with the TSP to ensure the transportation network—streets, transit, bike, and pedestrian facilities—can support the planned land uses. In practice, this means aligning zoning capacity with available or planned transportation infrastructure and ensuring that higher-density or mixed-use zones are located where multimodal access can be provided safely and efficiently.

2.1.010 Purpose and Classification of Zoning Districts

This chapter establishes zoning districts, consistent with the City of *[name]* Comprehensive Plan. Every unit of land (parcel, lot, and tract*[, and right-of-way]*) within the City of *[name]* is designated with a zoning district or "zone," and may also be designated with one or more overlay zones. The use of land is limited to the uses allowed by the applicable zone(s).

2.1.020 Classification of Zoning Districts

Zoning designations are as depicted on the City of *[name]* Zoning Map. The *[City Planning Official]* maintains official copies of the Zoning Map and Comprehensive Plan. Where a conflict between documents arises, the Comprehensive Plan shall govern, unless superseded by state law.

User's Guide: Allowed uses and density standards must be based on a city's comprehensive plan and state law. Cities should make sure their codes align with state statute, as state laws may be very explicit about what local codes must allow, especially with respect to housing. See ORS 197A.395 through 197A.470.

The basic zones include Residential Low Intensity (RL), Residential High Intensity (RH), General Commercial (CG), and General Industrial (GI).

Other zones in the model code include Residential-Commercial (RC), Main Street (MS) (cities may instead designate a Downtown zone), Light Industrial (LI) (alternatively, Mixed Employment), Public Facilities (PF), and Parks and Open Space (P-OS). These additional zones are included to provide a fuller range of land use options, but may not be applicable in all cities.

The names and characteristics of all zones should be adapted for consistency with local policies and tailored to the local context. Review your Comprehensive Plan and determine whether any plan updates or amendments are needed before adopting new zoning districts.

A. Residential Districts (RL, RH, RC). Residential zoning districts are intended to accommodate a mix of residential uses at planned densities, consistent with the housing needs of the city; promote the orderly development and improvement of neighborhoods; facilitate compatibility between dissimilar land uses; allow residences in proximity, and with direct connections, to schools, parks, and community services; and to ensure efficient use of land and public facilities. The following summarizes the purpose of each residential district. See also, Chapter 2.2 Zoning District Regulations and Chapter 2.3 Special Use Standards.

1. The Residential Low Intensity (RL) district accommodates residential uses at lower development intensities*[, including densities between [#] and [#] dwelling units per [gross / net] acre]*. Permitted residential uses include detached single-unit dwellings and *[duplexes / middle housing]*. The RL district also allows, subject to use-specific standards or conditional use approval, parks, parks, schools, places of worship, and certain community service uses. *[Small-scale, neighborhood-serving commercial uses may also be allowed subject to use-specific standards.]*

2. The Residential High Intensity (RH) district permits residential uses at moderate to higher development intensities*[, including densities between [#] and [#] dwelling units per [gross / net] acre]*, and provides opportunities for a broad range of housing types. Permitted residential uses include detached single-unit, middle, and multi-unit housing. The RH district also allows, subject to use-specific standards or conditional use approval, parks, schools, places of worship, and certain community service uses. *[Small-scale, neighborhood-serving commercial uses may also be allowed subject to use-specific standards.]*

2.1 – Establishment of Zoning Districts | Classification of Zoning Districts

User's Guide: Residential-Commercial District. The RC district is intended to provide cities with a way to designate particular residential areas for a broader mix of neighborhood-serving commercial uses. It may be useful where a city wants to encourage mixed-use neighborhoods or neighborhood-scale commercial activity in specific locations while maintaining a more predominantly residential character elsewhere.

Cities do not need to adopt the RC district to provide opportunities for residential and commercial uses to mix. Section 2.3.130 provides options for allowing small-scale commercial uses in the RL and RH districts, while Section 2.3.040 provides for residential uses in commercial districts (MS and GC), including stand-alone and mixed-use residential development. **The principal difference is the intended character and function of the area:** the RC district remains primarily residential in character but allows a broader range of compatible commercial uses; the commercial districts are intended primarily for commercial and mixed-use activity but also accommodate housing. A city that wants small-scale commercial opportunities throughout its residential neighborhoods may choose to rely on the RL and RH allowances rather than adopt RC. A city that wants more intensive commercial and mixed-use activity may instead rely on its commercial districts. RC may be useful as an intermediate option where the Comprehensive Plan identifies particular corridors, neighborhood centers, transition areas, or other locations, or other locations for a residential area with a greater mix of neighborhood-serving commercial activity or more moderate-intensity mixed uses.

The zoning districts in this Model Code are intended as a menu of options; a city is not expected to adopt every district. Cities should select and adapt the districts that best implement their Comprehensive Plan and correspond to their existing or planned land use pattern.

3. The Residential-Commercial (RC) district accommodates residential development at intensities similar to the RH district while providing greater opportunities for small-scale, neighborhood-serving commercial uses. The district is intended for areas where a mix of residential and compatible commercial uses is desired, such as along neighborhood corridors, near activity centers, or as a transition between predominantly residential neighborhoods and more intensive commercial or employment areas.

User's Guide: The Main Street (MS) district is intended to be the more pedestrian-oriented of the Model Code's two commercial districts. Cities may also identify this as their Downtown district.

This edition of the Model Code updates the MS district to comply with climate-friendly area (CFA) requirements. CFAs are required in certain cities as part of the state's Climate-Friendly and Equitable Communities (CFEC) program. CFAs are areas where residents, workers, and visitors can meet most of their daily needs without having to drive. They are urban mixed-use areas that contain, or are planned to contain, a greater mix and supply of housing, jobs, businesses, and services. These areas are served, or planned to be served, by high quality pedestrian, bicycle, and transit infrastructure to provide frequent, comfortable, and convenient connections to key destinations within the city and region.

The CFA rules (OAR 660-012-0310 to -0325) require cities that have a population over 5,000, and that are located within Oregon's seven metropolitan areas outside of the Portland metro area, to adopt regulations allowing walkable mixed-use development in defined areas within their urban growth boundaries.[1] Within CFAs,

[1] Metropolitan regions subject to CFA requirements include Albany, Bend, Corvallis, Eugene-Springfield, Grants Pass, Medford-Ashland-Central Point, and Salem-Keizer.

cities must adopt land use provisions related to permitted uses, residential density, maximum building height, block length, parking, and walkable design. The MS zone includes provisions for Allowed Uses (Section 2.2.030) and Development Standards (Section 2.2.040-.070) that comply with the CFA requirements for cities of 5,000-,25,000 population. Other CFA requirements are addressed in Article 3 Community Design Standards.

Detailed guidance on CFA planning can be found in the Climate-Friendly Areas Methods Guide and on DLCD's CFEC website: https://www.oregon.gov/lcd/CL/Pages/CFEC.aspx.

B. Commercial Districts (MS, GC). Commercial zoning districts accommodate a mix of commercial services, retail, civic, and compatible manufacturing and other light industrial uses, and residential development, including both mixed-use and stand-alone residential development where allowed by the district. Two commercial zoning districts, one for Main Street and one for General Commercial areas, provide for a broad range of commercial and other compatible uses within the city. The zoning district regulations are intended to promote the orderly development and improvement of walkable commercial areas; facilitate compatibility between dissimilar land uses; provide employment opportunities in proximity, and with direct connections, to housing; and to ensure efficient use of land and public facilities. The two commercial districts allow many of the same uses, except that different development and design standards apply to specific types of development based on the physical context *[, desired urban form,]* and pedestrian-orientation of each district *[or subarea]*. See Chapter 2.2 Zoning District Regulations and Chapter 2.3 Use-Specific Standards.

C. Industrial Districts (LI, GI). Industrial zoning districts accommodate a mix of intensive and less intensive uses engaged in manufacturing, processing, warehousing, distribution, and similar activities, along with compatible commercial and service uses where allowed by the district. Two industrial zoning districts, one for Light Industry (LI) and one for General Industry (GI), provide for a range of industrial and employment uses within the city. Both districts are intended to provide for efficient use of land and public services, provide a high quality environment for business, offer a range of parcel sizes and locations for industrial site selection, support opportunities for employment and economic development, avoid encroachment by incompatible uses, provide transportation options for employees and customers, and facilitate compatibility between dissimilar uses. The Light Industry district accommodates industrial and other employment uses that are generally compatible with nearby commercial and residential areas. The General Industry district provides suitable locations for more intensive industrial uses and activities that may generate greater off-site impacts. See Chapter 2.2 Zoning District Regulations and Chapter 2.3 Use-Specific Standards.

User's Guide: Public uses generally can fit into other zones. However, the Public Facilities and Parks and Open Space districts are included because some public agencies prefer special zoning, particularly for larger holdings where residential or commercial zoning is not appropriate. The benefit of special purpose zoning is that it can streamline the permit process for projects serving the public interest. However, a potential disadvantage is where the public agency-owner wants to sell the property and its value is less than it would be with residential or commercial zoning. An alternative approach is to create a PF "overlay" zone that accomplishes the same purpose, and where an overlay is applied, a property would retain its base zoning.

D. Public Facilities and Parks and Open Space Districts (PF, P-OS). See also, Chapter 2.2 Zoning District Regulations and Chapter 2.3 Special Use Standards.

1. The Public Facilities (PF) district provides a zoning option for public and semi-public uses, including, but not limited to, schools, government offices, fire stations, police stations, libraries, public works yards, reservoirs, and other public facilities *[, consistent with adopted public facility master plans*].

2. The Parks and Open Space (P-OS) district provides for the use, protection, preservation, conservation, and enhancement of parks, natural areas, and similar areas in a manner that meets community needs for a wide range of passive or active recreational uses *[, consistent with adopted park or open space master plans]*.

2.1.030 Determination of Zoning District Boundaries

User's Guide: Section 2.1.030 should be reviewed against your city's current zoning map. If the map contains parcels split by zoning, or the city routinely encounters problems in determining zoning boundaries, the following text may need to be adjusted.

Where due to the scale, lack of scale, lack of detail, or illegibility of the Zoning Map, or due to any other reason, there is uncertainty, contradiction, or conflict as to the intended location of a zoning district boundary, the *[City Planning Official]* or, upon referral, the *[Planning Commission / City Council],* shall determine the boundary as follows:

A. Right-of-way. Boundaries that approximately follow the centerlines of a street, highway, alley, bridge, *[railroad,]* or other right-of-way shall be construed to follow such centerlines. Whenever any public right-of-way is lawfully vacated, the lands formerly within the vacated right-of-way shall automatically be subject to the same zoning district designation that is applicable to lands abutting the vacated areas. In cases where the right-of-way formerly served as a zoning district boundary, the vacated lands within the former right-of-way shall be allocated proportionately to the abutting zoning districts.

B. Parcel, lot, tract. Boundaries indicated as approximately following the boundaries of a parcel, lot, or tract shall be construed as following such boundaries.

C. Jurisdiction boundary. Boundaries indicated as approximately following a City or County boundary, or the Urban Growth Boundary, shall be construed as following said boundary.

D. Natural feature. Boundaries indicated as approximately following a river, stream, topographic contour, or similar feature not corresponding to any feature listed in subsection A-C, above, shall be construed as following such feature.

Chapter 2.2 – Zoning District Regulations

Sections:

User's Guide: This chapter is intended to provide a framework for designating allowed uses by zoning district. It is designed for cities with not more than 10 base zoning districts. The model provides a placeholder for additional zones, or overlay zones, under Chapter 2.4. Where a city requires more than 10 base zones or has adopted regulations for special planning areas (e.g., specific plan district or form-based code), the model can be modified to accommodate the additional zones.

Chapter 2.2 is meant to help cities comply with various statutes and rules governing local land use regulations. This includes: ORS 197.475 through 197.490, Manufactured Housing; ORS 197.660-197.667, Residential Homes and Facilities; ORS 197A.395 through 197A.470, Local Requirements for Housing; ORS 329A.440, Child Care Facilities; and OAR 660-12-0060, Transportation Planning Rule (TPR).

2.2.010 Purpose

Chapter 2.2 Zoning District Regulations regulates allowed land uses and sets forth lot and development standards, including minimum dimensions, area, density, coverage, structure height, and other provisions that control the intensity, scale, and location of development. The regulations of this chapter are intended to implement the City of *[name]* Comprehensive Plan and the purposes of this Code, per Section 1.2.020.

2.2.020 Applicability

All real property in the City of *[name]* is subject to Chapter 2.2 Zoning District Regulations. Certain types of land uses are also subject to Chapter 2.3 Special Use Standards. In addition, some properties are subject to both the general ("base zone") regulations of Chapter 2.2 and the regulations of Chapter 2.4 Overlay Zones. Property owners, realtors, project proponents, and others are advised to verify the regulations that apply to a particular property before beginning a new project, purchasing real estate, or marketing a property for sale.

2.2.030 Allowed Uses

User's Guide: Three types of land use designations are provided: "P" means the use is permitted; "S" means the use is permitted with Use-Specific Standards (Chapter 2.3); "CU" means the use is allowed, subject to approval of a Conditional Use Permit (Chapter 4.4); and "N" means the use is not allowed. Uses that are not listed and that the city determines are not similar to an allowed use are prohibited.

Allowed uses are specified in Table 2.2.030, with separate subsections (A- G) for each Land Use Category (residential, commercial, industrial, etc.). Land use categories, and the use classifications within each category, are defined in Chapter 5.1. As such, Article 2 should be adapted and implemented in close coordination with Article 5.

The designation of allowed uses in Table 2.2.030 should be tailored to local conditions. First, consider whether any existing land uses would become non-conforming before changing your code. (Chapter 1.4 addresses non-conforming uses.) The Model Code text should be adjusted, as needed, to minimize the number of non-conforming uses created. Where the designation is shown in [*italics*], either a choice needs to be made between two suggested designations or the designation should be confirmed.

A. Uses Allowed in Base Zones. Allowed uses include those that are permitted, those that are permitted subject to use-specific standards, and those that are allowed subject to approval of a conditional use permit, as identified for each land use category in Table 2.2.030 (A – G). Use classifications are defined in Chapter 5.1 Use Categories. Where Table 2.2.030 (A – G) does not list a specific use, and Chapter 5.1 does not identify the use or include it as an example of an allowed use, the City may find that use is allowed, or is not allowed, following the procedures of Chapter 1.5 Code Interpretations. Uses not listed in Table 2.2.030 (A – G) and not found to be similar to an allowed use are prohibited.

B. Permitted Uses and Uses Permitted Subject to Use-Specific Standards. Uses listed as "Permitted (P)" are allowed provided they conform to the Lot and Development Standards in Sections 2.2.040 – 2.2.070. Uses listed as "Permitted Subject to Use-Specific Standards (S)" are allowed, provided they conform to the Chapter 2.3 Use-Specific Standards and Sections 2.2.040 – 2.2.070. Uses listed as "Not Allowed (N)" are prohibited.

C. Conditional Uses. Uses listed as "Conditional Use Permit Required (CU)" are allowed subject to the requirements of Chapter 4.4 Conditional Use Permits.

D. Uses Regulated by Overlay Zones. Notwithstanding the provisions of Chapter 2.2, additional standards may apply to uses within overlay zones. In addition, an overlay zone may allow exceptions to some standards of the underlying zone. See Chapter 2.4.

E. Master Planned Developments. Uses that are not otherwise allowed by the underlying zone may be permitted through the Master Planned Development procedure under Chapter 4.8 Master Planned Developments.

F. Accessory Uses. Uses identified as "Permitted (P)" are permitted as primary uses and as accessory uses. For information on other uses that are customarily allowed as accessory, please refer to the description of the Use Categories in Chapter 5.1.

G. Mixed-Use. Uses allowed individually are also allowed in combination with one another, in the same structure, or on the same site, provided all applicable development standards and building code requirements are met.

H. Outdoor Uses and Unenclosed Activities. Notwithstanding the provisions of Table 2.2.030, any use, except for an allowed accessory use, that occurs primarily outside (i.e., not within a permitted building) requires a Conditional Use Permit under Chapter 4.4. *[Examples of outdoor activities that are generally accessory to a site's primary use, include, but are not limited to outdoor dining areas, drive-in restaurants, drive-up windows and similar drive-through facilities, automatic teller machines, kiosks, and similar uses.]*

I. Temporary Activities. Temporary activities are characterized by their short term or seasonal nature and by the fact that permanent improvements are not made to the site. Uses may be permitted on a temporary basis, subject to review and approval according to Section 2.3.200 Temporary Uses.

J. Disclaimer. Property owners are responsible for verifying whether a specific use is allowed on a particular site.

User's Guide: Land uses vary in scale and intensity from city to city. Therefore, concerns about land use impacts are not the same in all communities. While some small Oregon cities already have many of the uses listed, the market potential for some uses may be limited in other cities. The following table should be tailored to fit your community based on the comprehensive plan, which considers housing needs, economic opportunities, and local priorities. In general, the table is intended to encourage a wide range of housing choices while allowing flexibility for mixing compatible land uses. The optional Residential-Commercial (RC) zone, for example, is specifically designed to promote mixed-use, while serving as a transition between residential neighborhoods and more intensive commercial or employment areas. The model code also encourages small-scale retail operations in conjunction with allowed industrial uses, and light manufacturing or "artisanal uses" in conjunction with allowed commercial uses.

- As you carry forward the regulations contained in your existing code and add new uses to Table 2.2.030 (A-G), consider following the steps below:

- Where the current ordinance clearly describes a use as Permitted (P) or Permitted Conditionally (CU), carry those forward into the table, or make sure to discuss proposed policy changes with the planning commission and public.
- Where the current ordinance is silent on whether a use is allowed but it clearly designates a similar use as Permitted or Permitted Conditionally, consider applying the same designation in the new code.
- Where the current ordinance identifies a use as Permitted (P) but it prescribes specific standards for that use (e.g., hours of operation for home occupations, etc.), designate the use as subject to specific standards "(S)," and reference Chapter 2.3 Use-Specific Standards. Alternatively, if a standard is brief, consider including it as a table note in Table 2.2.030 (A-G).
- Where the current ordinance is unclear with respect to allowed uses, flag those uses for discussion with the planning commission. Remember not all uses in the model code will be appropriate to include in your city code.
- When auditing a code, it is a good exercise to list all uses in one table to compare across zones (even if your code is not structured that way). Ensure that some uses aren't being "zoned out" of existence because they are only allowed in very small areas of the jurisdiction (e.g., early childcare facilities, medical facilities, dog kennels, performance spaces, and civic uses).

Formatting Note: Table 2.2.030 only shows use allowances in *[brackets/italics]* where there is a choice between options that a city should make in order for the Model Code to function. While some zones are optional (e.g., RC zone, Public Use zones), and some uses are optional (e.g., detention facilities), the use allowances for these zones and uses are not shown in brackets unless two or more options are included.

Residential Uses

User's Guide: Housing Options in Residential Zones. Table 2.2.030.A provides a range of options for allowing different housing types in residential zones. State law establishes minimum requirements for certain cities, while cities may choose to allow a broader range of housing types than required.

Middle housing can be particularly useful in small cities. Duplexes, triplexes, quadplexes, townhouses, and cottage clusters can provide additional housing choices at a scale that is compatible with many existing residential neighborhoods. These housing types may also be more feasible than larger multi-unit buildings in communities where development sites, market demand, financing, or local construction capacity do not support larger apartment projects. For these reasons, this Model Code generally recommends allowing a range of middle housing types, even where they are not required by state law.

State requirements vary by city. Cities with a population of 2,500 or greater must allow duplexes on each residentially zoned lot or parcel that allows a detached single-unit dwelling. Larger cities with populations of 25,000 or greater, as well as all cities in Tillamook County and cities with a population of 1,000 or greater within Metro, are subject to additional middle housing requirements, including requirements for triplexes, quadplexes, townhouses, and cottage clusters. Other small cities generally have greater flexibility to determine which middle housing types to allow and in which residential zones. See Chapter 2.3 for requirements and options applicable to individual middle housing types.

Allowing a housing type also requires development standards that make the housing type practicable to build. When a city chooses to allow an optional middle housing type, it should review the applicable density, minimum lot area and dimensions, setbacks, lot coverage, building height, parking and access, and design standards together. Applying standards designed primarily for detached single-unit housing can unintentionally prevent or substantially constrain development of middle housing even when the use table identifies it as permitted. The standards in this Model Code are intended to provide viable development opportunities for the housing types shown as allowed in Table 2.2.030.A. See Sections 2.2.050 through 2.2.070, the applicable use-specific standards in Chapter 2.3, and applicable design standards in Article 3.

Table 2.2.030.A – Residential Uses Allowed by Zoning District

KEY: P = Permitted Use; S = Permitted with Special Use Standards; CU = Conditional Use Permit Required; N = Not Allowed.

Uses	*Residential Zones*			*Commercial and Industrial Zones*				*Public Use*		Use-Specific Standards
	RL	**RH**	**RC**	**MS**	**GC**	**LI**	**GI**	**PF**	**P-OS**	
Household Living within the following housing types:	-	-	-	-	-	-	-	-	-	
• Detached Single-Unit Dwelling – Site built or prefabricated dwellings on individual lots	**P**	**P**	**P**	*[S/N]*	*[S/N]*	**N**	**N**	**N**	**N**	Sec. 2.3.040
• Detached Single-Unit Dwelling – Manufactured [*Dwellings/Homes*] on individual lots	**S**	**S**	**S**	*[S/N]*	*[S/N]*	**N**	**N**	**N**	**N**	Sec. 2.3.040; Sec 2.3.050

Table 2.2.030.A – Residential Uses Allowed by Zoning District

KEY: P = Permitted Use; S = Permitted with Special Use Standards; CU = Conditional Use Permit Required; N = Not Allowed.

Uses	*Residential Zones*			*Commercial and Industrial Zones*				*Public Use*		Use-Specific Standards
	RL	**RH**	**RC**	**MS**	**GC**	**LI**	**GI**	**PF**	**P-OS**	
• Residential Home	**S**	**S**	**S**	**S**	**S**	**N**	**N**	**N**	**N**	Sec. 2.3.040; Sec 2.3.060
• Duplex	**S**	**S**	**S**	*[S/N]*	*[S/N]*	**N**	**N**	**N**	**N**	Sec 2.3.070
• Accessory Dwelling Unit	**S**	**S**	**S**	*[S/N]*	*[S/N]*	**N**	**N**	**N**	**N**	Sec 2.3.080
• Triplex or Quadplex	*[S/N]*	**S**	**S**	*[S/N]*	*[S/N]*	**N**	**N**	**N**	**N**	Sec 2.3.090
• Townhouse:	-	-	-	-	-	-	-	-	-	
2 units per structure	**S**	**S**	**S**	**S**	*[S/N]*	**N**	**N**	**N**	**N**	Sect 2.3.100; Sec. 2.3.040
3 or more units per structure	*[S/N]*	*[S/N]*	**S**	**S**	*[S/N]*	**N**	**N**	**N**	**N**	
• Cottage Cluster	*[S/N]*	**S**	**S**	**N**	**N**	**N**	**N**	**N**	**N**	Sec 2.3.110
• Multi-Unit Housing	**N**	**P**	**P**	**S**	**S**	**N**	**N**	**N**	**N**	Sec 2.3.040
• Manufactured Dwelling Park	*[S/N]*	**S**	*[S/N]*	**N**	**N**	**N**	**N**	**N**	**N**	Sec 2.3.120
Group Living within the following housing types:	-	-	-	-	-	-	-	-	-	
• *[Dwelling units with nine or more bedrooms]*	**N**	**S**	**S**	**S**	**S**	**N**	**N**	**N**	**N**	Sec. 2.3.040; Sec. 2.3.060
• Residential Facility	**N**	**S**	**S**	**S**	**S**	**N**	**N**	**N**	**N**	Sec. 2.3.040; Sec 2.3.060
• Congregate housing facilities	**N**	**S**	**S**	**S**	**S**	**N**	**N**	**N**	**N**	Sec. 2.3.060
Accessory Uses subject to additional standards:	-	-	-	-	-	-	-	-	-	
• Family Child Care Home	**S**	**S**	**S**	**S**	**S**	**N**	**N**	**N**	**N**	Sec 2.3.140
• Home Occupation	**S**	**S**	**S**	*[S/N]*	*[S/N]*	**N**	**N**	**N**	**N**	Sec 2.3.130
• *[Micro-Generation; wind, solar, or geothermal energy (household use)]*	**S**	**S**	**S**	**S**	**S**	**S**	**S**	**S**	**S**	*[Sec 2.3.240]*
• *[Short-Term Vacation Rental]*	**S**	**N**	**N**	*[S/N]*	**N**	**N**	**N**	**N**	**N**	*[Sec 2.3.230]*

Institutional Uses (next page)

User's Guide: As noted, this edition of the Model Code updates the MS district to comply with climate-friendly area (CFA) requirements (see User's Guide under Section 2.1.020.B). Cities subject to the CFA rules are required to allow certain uses by right within CFAs – this includes child care, schools, and other public uses, including public-serving government facilities (OAR 660-012-0320(2)(d)). However, it is common to require conditional use approval for schools in most districts, because their impacts can vary significantly by site and scale. Also, certain accessory uses, such as lighted sports fields with amplified sound, can have major impacts on neighboring properties. Conditional use review allows a city to evaluate and mitigate context-specific impacts. Therefore, the MS district includes both "P" and "CU" options in the table below. Alternatively, cities may consider establishing use-specific standards for schools that are tailored to the local context, in lieu of requiring conditional use review.

Table 2.2.030.B – Institutional Uses Allowed by Zoning District

KEY: P = Permitted Use; S = Permitted with Special Use Standards; CU = Conditional Use Permit Required; N = Not Allowed.

Uses	***Residential Zones***			***Commercial and Industrial Zones***				***Public Use***		**Use-Specific Standards**
	RL	**RH**	**RC**	**MS**	**GC**	**LI**	**GI**	**PF**	**P-OS**	
Community Service	-	-	-	-	-	-	-	-	-	
- Non-Emergency Services	**N**	**N**	*[P/CU]*	**P**	**P**	**CU**	**N**	**P**	**CU**	
- Emergency Services (Police, Fire, Ambulance)	*[N/CU]*	*[N/CU]*	**CU**	**CU**	**CU**	**CU**	**CU**	**P**	**N**	
Daycare Center	**N/S**	**S**	**S**	**S**	**S**	**S**	**N**	*[S/CU+S]*	**N**	Sec 2.3.140
Healthcare Center	**N**	**N**	*[N/CU]*	*[N/CU]*	**CU**	**CU**	**N**	**CU**	**N**	
Healthcare Clinic	**N**	**N**	*[P/CU]*	**P**	**P**	**CU**	**N**	**P**	**N**	
Mortuary Services	**N**	**N**	*[N/CU]*	*[N/CU]*	*[N/CU]*	*[N/CU]*	**N**	**CU**	*[N/CU]*	
Parks and Open Areas	*[S/CU]*	*[S/CU]*	*[S/CU]*	*[S/CU]*	*[S/CU]*	*[S/CU]*	*[S/CU]*	*[S/CU]*	**P**	*[Sec 2.3.250]*
Religious Institution	**CU**	**CU**	**CU**	**CU**	**CU**	**N**	**N**	**N**	**N**	
School, Primary and Secondary	**CU**	**CU**	**CU**	*[P/CU]*	**CU**	**N**	**N**	**CU**	**N**	
School, Post-Secondary	**N**	**N**	**CU**	*[P/CU]*	**CU**	**CU**	**N**	**CU**	**N**	
Shelter	**S**	**S**	**S**	**S**	**S**	**S**	**S**	**S**	**S**	Sec 2.3.150
[Detention Facilities]	**N**	**N**	**N**	**N**	**N**	*[CU/N]*	**N**	*[CU/N]*	**N**	
Accessory Uses subject to additional standards:	-	-	-	-	-	-	-	-	-	
• *[Micro-Generation; wind, solar, or geothermal energy (accessory use)]*	**S**	**S**	**S**	**S**	**S**	**S**	**S**	**S**	**S**	*[Sec 2.3.240]*

Commercial Uses, other than Motor Vehicle-Related

Table 2.2.030.C – Commercial Use Categories (Other than Motor Vehicle-Related) Allowed by Zoning District

KEY: P = Permitted Use; S = Permitted with Special Use Standards; CU = Conditional Use Permit Required; N = Not Allowed.

Uses	*Residential Zones*			*Commercial and Industrial Zones*				*Public Use*		Use-Specific Standards
	RL	RH	RC	MS	GC	LI	GI	PF	P-OS	
Eating and Drinking Establishment	*[S/CU or N]*	*[S/CU or N]*	*[S/CU]*	**P**	**P**	**S***[/CU]*	**S***[/CU]*	**N**	**N**	Sec 2.3.160; Sec 2.3.130
Lodging	-	-	-	-	-	-	-	-	-	
- Lodging, [*other than Bed and Breakfast Inns Short-term Vacation Rental, and Recreational Vehicle Park*]	**N**	**N**	*[P/CU]*	**P**	**P**	**N**	**N**	**N**	**N**	
- *[Bed and Breakfast Inn and Short-term Vacation Rental not accessory to Household Living]*	*[N/ CU+S]*	*[N/ CU+S]*	[CU +S]	*[N/ CU+S]*	*[N/ CU+S]*	**N**	**N**	**N**	**N**	*[Sec 2.3.220; Sec 2.3.230]*
- *[Recreational Vehicle Park]*	**N**	**N**	*[N/CU]*	**N**	*[N/ CU]*	**N**	**N**	*[N/CU]*	*[N/CU]*	
Office	*[S/CU or N]*	*[S/CU or N]*	*[S/P/CU]*	**P**	**P**	**P**	*[S/CU/P]*	*[CU/P]*	*[N/CU]*	Sec 2.3.160; Sec 2.3.130
Recreation Establishment	**N**	**N**	**CU**	*[P/ CU]*	*[P/CU]*	**N**	**N**	**CU**	**N**	
Sales and Service, Retail	*[S/CU or N]*	*[S/CU or N]*	*[S/CU]*	**P**	**P**	**S***[/CU]*	**S***[/CU]*	**N**	**N**	Sec 2.3.160; Sec 2.3.170
Sales, Wholesale	**N**	**N**	*[N/CU]*	*[N/CU]*	**CU**	**P**	**P**	**N**	**N**	
Self-Service Storage	**N**	**N**	*[N/CU]*	*[N/CU]*	*[CU/P]*	**P**	**P**	**N**	**N**	
Veterinary and Animal-Related Sales and Services	**N**	**N**	**N**	*[N/CU]*	**CU**	**CU**	**N**	**CU**	**N**	
[*Major Event Assembly*]	**N**	**N**	**N**	**N**	**CU**	**N**	**N**	**CU**	**N**	
Accessory Uses subject to additional standards:	-	-	-	-	-	-	-	-	-	
• Drive-Through Facilities and Service	**N**	**N**	*[CU+S]*	*[N/CU+S]*	**S**	**S**	**S**	**S**	**S**	Sec 2.3.170
• *[Micro-Generation; wind, solar, or geothermal energy (accessory use)]*	**S**	**S**	**S**	**S**	**S**	**S**	**S**	**S**	**S**	*[Sec 2.3.240]*

Commercial Uses, Vehicle-Related

Table 2.2.030.D – Commercial Use Categories (Vehicle Related) Allowed by Zoning District										
KEY: P = Permitted Use; S = Permitted with Special Use Standards; CU = Conditional Use Permit Required; N = Not Allowed.										
Uses	***Residential Zones***			***Commercial and Industrial Zones***				***Public Use***		**Use-Specific Standards**
	RL	**RH**	**RC**	**MS**	**GC**	**LI**	**GI**	**PF**	**P-OS**	
Automotive Sales and Rental	**N**	**N**	**N**	*[N/CU]*	**P**	**N**	**N**	***N***	***N***	
Quick Vehicle Servicing	**N**	**N**	*[N/CU+S]*	*[N/CU]*	**P**	**CU**	*[P/CU]*	***N***	***N***	
Vehicle Repair	**N**	**N**	*[N/CU+S]*	*[N/CU]*	**P**	**CU**	*[P/CU]*	***N***	***N***	
Vehicle Storage	**N**	**N**	**N**	**N**	***CU***	*[P/CU]*	*[P/CU]*	***N***	***N***	
[*Commercial Parking*]	**N**	**N**	**CU**	**CU**	**CU**	**CU**	**CU**	***N***	***N***	
Accessory Uses subject to additional standards:	-	-	-	-	-	-	-	-	-	
• *[Micro-Generation; wind, solar, or geothermal energy (accessory use)]*	**S**	**S**	**S**	**S**	**S**	**S**	**S**	**S**	**S**	*[Sec 2.3.240]*

Industrial Uses

Table 2.2.030.E – Industrial Use Categories Allowed by Zoning District

KEY: P = Permitted Use; S = Permitted with Special Use Standards; CU = Conditional Use Permit Required; N = Not Allowed.

Uses	*Residential Zones*			*Commercial and Industrial Zones*				*Public Use*		Use-Specific Standards
	RL	RH	RC	MS	GC	LI	GI	PF	P-OS	
Data Center	-	-	-	-	-	-	-	-	-	
- Small Data Center (under *[20,000 sq. ft.]*)	**N**	**N**	**N**	**N**	**N**	**CU**	**CU**	**N**	**N**	
- Large Data Center (*[20,000 sq. ft.]* and above)	**N**	**N**	**N**	**N**	**N**	**N**	**CU**	**N**	**N**	
Industrial Service	**N**	**N**	**N**	**N**	*[N/CU+S]*	**CU**	**P**	*[CU/N]*	*[CU/N]*	Sec 2.3.180
Manufacturing and Production	-	-	-	-	-	-	-	-	-	
- Heavy Manufacturing and Production.	**N**	**N**	**N**	**N**	**N**	*[N/CU+S]*	***S***	**N**	**N**	Sec 2.3.190
- Light Manufacturing and Production	**N**	**N**	*[N/CU+S]*	**S***[/CU]*	**S***[/CU]*	**P**	**P**	*[S/N]*	**N**	Sec 2.3.180
Recycling/Scrap Yard	**N**	**N**	**N**	**N**	**N**	*[N/CU]*	*[CU/P]*	**N**	**N**	
Warehouse and Freight Movement	**N**	**N**	**N**	**N**	**N**	*[N/CU]*	*[CU/P]*	**N**	**N**	
Waste Disposal	**N**	**N**	**N**	**N**	**N**	*[N/CU]*	*[CU/P]*	**N**	**N**	
Accessory Uses subject to additional standards:	-	-	-	-	-	-	-	-	-	
• *[Micro-Generation; wind, solar, or geothermal energy (accessory use)]*	**S**	**S**	**S**	**S**	**S**	**S**	**S**	**S**	**S**	*[Sec 2.3.240]*

Utility and Transportation Facilities

Table 2.2.030.F – Utility and Transportation Facilities Use Categories Allowed by Zoning District

KEY: P = Permitted Use; S = Permitted with Special Use Standards; CU = Conditional Use Permit Required; N = Not Allowed.

Uses	*Residential Zones*			*Commercial and Industrial Zones*				*Public Use*		Use-Specific Standards
	RL	**RH**	**RC**	**MS**	**GC**	**LI**	**GI**	**PF**	**P-OS**	
Battery Energy Storage System (BESS)	-	-	-	-	-	-	-	-	-	
- Small BESS	*[CU/N]*	*[CU/N]*	*[CU/N]*	*[CU/N]*	*[CU/N]*	**CU**	**CU**	**CU**	**CU**	
- Large BESS	**N**	**N**	**N**	**N**	**N**	*[CU/N]*	**CU**	**CU**	*[CU/N]*	
Public Works Utilities Storage Yards	**N**	**N**	**N**	**N**	*[CU/ N]*	*[CU/N]*	**P**	**P**	**CU**	
Transportation Facilities	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	
Utility Facilities, Basic	**P/CU**[1]	**P/CU**[1]	**P/CU**[1]	**P/CU**[1]	**P/CU**[1]	**P/CU**[1]	**P/CU**[1]	**P/CU**[1]	**P/CU**[1]	
Utility Facilities, Major	**CU/N**[2]	**CU/N**[2]	**CU/N**[2]	**CU**	**CU**	**CU**	**CU**	**CU**	**CU/N**[2]	
[Airport, Public Use]	**N**	**N**	**N**	**N**	**N**	*[S/N]*	**N**	*[S/N]*	**N**	*[per Airport Overlay Zone]*
[Railroad Facilities]	**N**	**N**	**N**	**N**	**N**	**N**	**P**	**CU**	**N**	
[Wireless Communication Facilities]	*[CU+S/N]*	*[CU+S/N]*	*[CU+S/N]*	*[CU+S/N]*	*[CU+S/N]*	*[S/CU]*	*[S/CU]*	*[S/CU]*	*[CU+S/N]*	*[Sec 2.3.260]*

Resource Use Categories

Table 2.2.030.G – Resource Use Categories Allowed by Zoning District

KEY: P = Permitted Use; S = Permitted with Special Use Standards; CU = Conditional Use Permit Required; N = Not Allowed.

Uses	*Residential Zones*			*Commercial and Industrial Zones*				*Public Use*		Use-Specific Standards
	RL	RH	RC	MS	GC	LI	GI	PF	P-OS	
[Agriculture]	N	N	N	*[CU/N]*	CU	CU	CU	CU	CU	
[Mining]	N	N	N	N	N	*[N/CU]*	*[CU/P]*	*[N/CU]*	N	

2.2.040 Lot and Development Standards – General Provisions

A. Development Standards. Sections 2.2.050 through 2.2.070 provide the lot and development standards for each of the City's base zoning districts. Each section describes the purpose, measurement methodology, and exceptions for the specified development standards. The lot and development standards in each section are organized into two tables: Tables 2.2.050.A, 2.2.060.A, and 2.2.070.A apply to Residential and Residential-Commercial zones, and Tables 2.2.050.B, 2.2.060.B, and 2.2.070.B apply to Non-Residential zones. The development standards apply to all *[new]* development *[as of (effective date)]*. Standards may be modified under Chapter 4.7 Adjustments and Variances or under Chapter 4.8 Master Planned Developments.

B. Design Standards. City standards for Access, Circulation, Site and Building Design, Parking, Landscaping, Fences and Screening, and Public Improvements, among others, are located in Article 3 Community Design Standards. Notwithstanding the provisions of Tables 2.2.040.D and 2.2.040.E, and Article 3 Community Design Standards, different standards may apply in specific locations, such as at street intersections, *[within overlay zones,]* adjacent to natural features, and other areas as may be regulated by this Code or be subject to state or federal requirements. *[For requirements applicable to the City's overlay zones, please refer to Chapter 2.4.]*

C. Disclaimer. Property owners are responsible for verifying whether a proposed development meets the applicable standards of this Code.

User's Guide: The minimum lot sizes and other dimensions contained in Sections 2.2.050-2.2.070 are based on contemporary zoning standards and development practices in small- and medium-sized Oregon communities. The standards should be reviewed and adjusted to fit the context of the community. The standards are also more flexible than conventional zoning, so that minor adjustments in lot size, for example through the "lot size averaging" and "lot coverage bonus" provisions, can be made without requiring variances or planned unit approval. This section is also designed to promote efficient land use and pedestrian-oriented design, for example, through the required maximum setback in multi-unit and commercial projects.

2.2.050 Density, Lot Area, and Lot Dimension Standards

User's Guide: Cities may regulate residential density/intensity in different ways depending on local housing goals, infrastructure constraints, desired development patterns, and the types of housing anticipated in each district.

Traditional density approach: Establish minimum and maximum density (e.g., units per acre) along with minimum lot size requirements. This approach provides the most direct control over the number of units allowed in a district but offers less flexibility in housing types and site design. It may be appropriate where adopted plans or infrastructure planning rely on defined density ranges. Densities should align with the city's adopted Comprehensive Plan.

Form- or intensity-based approach: Do not establish minimum or maximum density; instead, regulate development intensity through standards such as building height, lot coverage, setbacks, floor area ratio (FAR), and building form. This approach allows housing types and unit counts to respond to site conditions and market demand while maintaining consistent development patterns through form standards. It may be appropriate where building scale and form are more important than controlling the number of units.

Hybrid approach: Use different density controls for different housing types. For example, establish minimum lot sizes for single-unit and middle housing, but do not set maximum density for these housing types. Apply maximum density limits to larger multi-unit housing—and optionally townhouses—to manage overall development intensity while maintaining flexibility for smaller-scale housing. Minimum density may also be applied where the city wants to promote efficient use of residential land without establishing a maximum density.

Options for each of these approaches are included in Tables 2.2.050-.070. Cities should select the approach that best supports local needs and goals or establish a customized approach that blends components of the options above. For cities that are required to allow middle housing pursuant to ORS 197A.420, the form-based or hybrid approach may be most appropriate—otherwise exceptions to maximum density for middle housing will be needed.

For additional discussion related to minimum and maximum density, refer to User's Guide boxes under subsections (B), (C), and (D), below.

A. Purpose and Standards. Density, lot size, and lot dimension standards are intended to help ensure efficient use of buildable lands, and in residential zones to provide for a range of needed housing in conformance with the Comprehensive Plan. *[Maximum and minimum density,]* minimum lot size, and minimum lot dimension standards are provided in Tables 2.2.050.A and 2.2.050.B. Measurement methodologies and exceptions are provided in subsections (B) through (D), below.

Table 2.2.050.A – Density, Lot Area, and Lot Dimension Standards for Residential Zones

Standard	RL Zone	RH Zone	RC Zone
[Residential Density]			
[Minimum (dwelling units per net acre)]	*[None / Per Comp Plan / [4-6] units per acre]*	*[None / Per Comp Plan / [10-12] units per acre]*	*[None / Per Comp Plan / [10-12] units per acre]*
[Maximum (dwelling units per gross acre)[1]]	*[None / Per Comp Plan / [10-12] units per acre]*	*[None / Per Comp Plan / [30-50] units per acre]*	*[None / Per Comp Plan / [30-50] units per acre]*
Minimum Lot Area (square feet)			
Detached single-unit or duplex	*[5,000-6,000 sf]*	*[2,000-3,000 sf]*	*[2,000-3,000 sf]*
Triplex or Quadplex	*[5,000-9,000 sf]*	*[3,000-7,000 sf]*	*[3,000-7,000 sf]*
Townhouse	*[1,500-3,000 sf]*	*[1,500-3,000 sf]*	*[1,500-3,000 sf]*
Cottage Cluster	*[5,000-9,000 sf]*	*[5,000-7,000 sf]*	*[5,000-7,000 sf]*
Multi-Unit	*[6,000-9,000 sf]*	*[6,000-9,000 sf]*	*[6,000-9,000 sf]*
Non-Residential Uses	(Same as detached single-unit or per CU)	(Same as detached single-unit or per CU)	(Same as detached single-unit or per CU)
Minimum Lot Width			
All Non-Residential Uses and all Residential Uses except Townhouse and Multi-Unit	*[40-50] ft*	*[25-35] ft*	*[25-35] ft*
Townhouse	*[15-25] ft*	*[15-25] ft*	*[15-25] ft*
Multi-Unit	*[60-80]* ft	*[60-80]* ft	*[60-80]* ft
[Minimum Lot Depth]	*[1.5 times min. width or 100 feet, whichever is less]*	*[1.5 times min. width or 100 feet, whichever is less]*	*[1.5 times min. width or 100 feet, whichever is less]*

Table Notes
[1. Middle housing is exempt from maximum density standards in the [RL and RH] districts.]

Table 2.2.050.B – Density, Lot Area, and Lot Dimension Standards for Non-Residential Zones

Standard	MS Zone	GC, LI, and GI Zones	PF and OS Zones
Residential Density			

Table 2.2.050.B – Density, Lot Area, and Lot Dimension Standards for Non-Residential Zones			
Standard	**MS Zone**	**GC, LI, and GI Zones**	**PF and OS Zones**
Minimum	15 dwelling units per net acre	None	None
Maximum	None	None	None
Minimum Lot Area (square feet)	None	*[None, or # acres, per Economic Opportunities Analysis]*	None
Minimum Lot Width and Depth	None	*[None, or # acres, per Economic Opportunities Analysis]*	None

[B. Maximum Density.

User's Guide: Your city may wish to include maximum density standards in the table in some or all residential zones based on your comprehensive plan, including an assessment of housing needs and urban growth management policies.

For Detached Single-Unit, Duplexes, Triplexes and Quadplexes *[, townhouses, and cottage clusters]*, minimum lot area can be used to regulate density rather than maximum density.

Alternatively, some cities choose to regulate the intensity and scale of buildings (e.g., using height, lot coverage, and/or maximum floor area per Table 2.2.060.A) rather than regulating the maximum number of dwelling units. Therefore, the maximum density provisions are shown as optional. See the User's Guide comments for Table 2.2.050.A, above, for more discussion.

1. *Standard. Except as provided in subsection (3), the maximum residential density permitted is stated in Tables 2.2.060.A and 2.2.060.B.*

2. *Measurement Methodology. Maximum residential density is calculated as follows:*

   Maximum Number of Units = Gross site area x applicable maximum density standard

   ** "Gross site area" is the total land area, before deducting any areas for right-of-way, improvements, or constrained lands.*

3. *Exceptions.*

   a. *Accessory dwelling units are exempt from meeting the maximum density requirements.*

   b. *The density standards may be averaged over more than one development phase of an approved project (i.e., as in a master planned development).]*

[C. Minimum Density.

User's Guide: Your city may consider applying minimum density standards in residential zones to ensure that land within city limits is not "underdeveloped." Minimum density standards should be applied to RH zones, at a minimum, and potentially in all residential and residential-commercial zones. See the User's Guide comments for Table 2.2.050.A, above, for more discussion.

In addition, the MS zone includes minimum density standards to comply with Climate-Friendly Area requirements. (See User's Guide comments in Section 2.1.020). CFAs must require minimum densities of at least 15 dwelling units per net acre. However, mixed-use buildings can be exempt if they meet a minimum floor area ratio of 2.0:1 (i.e., the building's floor area is at least twice the area of the site). (OAR 660-012-0320(8))

1. *Standard. Except as provided in subsection (3), the minimum residential density required is stated in Tables 2.2.060.A and 2.2.060.B. For an existing lot that exceeds [20,000-40,000 square feet], applications for development must meet the standard as follows:*

   a. *Meet minimum density by constructing enough units on the lot;*

   b. *Meet minimum density by dividing the lot; or*

   c. *Demonstrate the potential for future partitioning, subdividing or development of the lot in accordance with the requirements of the Development Code. Plans must demonstrate how the lot can be divided in the future in conformance with minimum lot area and minimum density requirements. Proposed lot lines and development must not preclude extension of planned public facilities identified in applicable [infrastructure and utility master plans], and in conformance with applicable City public works standards.*

2. *Measurement Methodology. Minimum density is calculated as follows:*

   Minimum Number of Units = Net site area x applicable minimum density standard

a. *In order to avoid penalizing sites with constrained lands, minimum density is based on the net site area. For the purposes of 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 areas reserved for flag lot access (flag poles).*

b. *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.*

c. *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.*

d. *Minimum density may be averaged over more than one development phase of an approved project (i.e., as in a master planned development). Middle housing lots used to comply with the density standard shall be so designated on the final subdivision plat.*

3. *Exceptions. The following are exempt from meeting the minimum density requirements:*

a. *Residential homes and facilities and senior housing.*

b. *The conversion of an existing dwelling unit into two or more units.*

c. *The addition of accessory dwelling unit(s) to a lot (however, accessory dwelling units may be used to meet minimum density requirements for a development).*

d. *Non-residential developments.*

e. *Mixed-use developments in the MS district, provided the gross floor area of the building(s) is at least two times the size of the site, as measured in square feet (i.e., the floor area ratio is at least 2.0:1).*

f. *Mixed-use developments in districts other than MS, provided at least 5 percent of the total floor area is dedicated to commercial uses.]*

D. Minimum Lot Area and Width *[and Depth]*.

User's Guide: Minimum lot area standards can substantially affect the feasibility of different housing types. In higher-intensity residential districts, relatively small minimum lot areas can provide flexibility for infill development and a broader range of housing types. A city does not necessarily need to require additional lot area for each additional dwelling in a duplex, triplex, or quadplex. Applying the same minimum lot area to these housing types allows the number of units within the permitted building envelope to vary without increasing the overall scale of development. Where middle housing is required by state law, minimum lot area standards must also comply with applicable state requirements.

Minimum lot depth is included as an optional standard in Tables 2.2.050.A and B.

1. Standard. Minimum lot area and width *[and depth]* requirements are stated in Tables 2.2.050.A and 2.2.050.B. Exceptions are stated in subsection (3).

   a. Minimum lot area and width *[and depth]* standards apply to the creation of new lots through a subdivision or partition.

   b. Lots proposed to be developed with a triplex, quadplex, cottage cluster, or multi-unit housing must meet the minimum lot area standards.

   [c. Lot area and width [and depth] may be reduced in new subdivisions through Lot Size Averaging, per Section 4.3.050, or through approval of a Master Planned Development under Chapter 4.8, provided the density standards of this section are met.]

2. Measurement Methodology.

   a. Lot area is the total surface area (measured horizontally) within the boundary lines of a lot or parcel.

   b. Lot width is measured as the horizontal distance between the midpoints of the side lot lines.

   [c. Lot depth is measured as the horizontal distance from the midpoint of the front lot line to the midpoint of the rear lot line.]

3. Exceptions.

   a. Except as provided in subsection (1)(b), the minimum lot area and width *[and depth]* requirements do not apply to development on existing lots and parcels, and do not preclude the siting of development on an existing, legally established lot or parcel.

   b. Minimum lot area or width *[or depth]* requirements do not apply to tracts for private streets, pedestrian facilities, stormwater facilities, open space, or other common areas.

User's Guide: The bracketed provision in subsection 3.c, below, applies only to cities required to allow middle housing and middle housing land divisions under ORS 197A.420. ORS 92.031 allows qualifying middle housing developments to be divided so that individual dwelling units may be located on separate lots or parcels. These “child” lots are not subject to the minimum lot area, width, depth, or street frontage standards that otherwise apply in the zoning district. Instead, the applicable development standards are applied to the original lot or parcel and the middle housing development as a whole, before or independently of the creation of the child lots. See Section 4.3.150 for middle housing land division procedures and approval criteria.

[c. Minimum lot area or width [or depth] requirements do not apply to child lots created by a middle housing land division, pursuant to Section 4.3.150.]

[d. Street frontage width may be less than minimum lot width where Flag Lots are allowed, per Chapter 4.3.050.]

2.2.060 Height, Lot Coverage, and Landscape Area Standards

A. Purpose and Standards. Height, lot coverage, and landscape area standards work with setback standards to control the overall bulk and placement of buildings. Maximum building/structure height, maximum lot coverage, and minimum landscape area standards are provided in Tables 2.2.060.A and 2.2.060.B. Measurement methodologies and exceptions are provided in subsections (B) through (D), below. See also, Sections 3.3.020.G Vision Clearance and 3.4.040 Fences and Walls.

Table 2.2.060.A – Height, Lot Coverage, and Landscape Area Standards for Residential Zones

Standard	RL Zone	RH Zone	RC Zone
Maximum Height			
Building or Structure	*[30-35 ft]*	*[35-40 ft]*	*[35-40 ft]*
Fences and Non-Building Walls – Front or Street-Side Yard – Interior Side or Rear Yard	 4 ft *[6-7 ft]*	 4 ft *[6-7 ft]*	 4 ft *[6-7 ft]*
Maximum Lot Coverage			
Detached Single-Unit	40%	50%	50%
Duplex	60%	60%	60%
Triplex, Quadplex, or Cottage Cluster	60%	70%	70%
Townhouse	*[60-70%]*	*[70-80%]*	*[70-80%]%*
Multi-Unit	60%	70%	70%
Mixed-Use/Live Work/Commercial	*[Not applicable/60%]*	70%	70%
Civic/Institutional/Open Space	60%	60%	60%
[Coverage Bonus] This bonus is an incentive for low-impact development, to reduce impacts associated with surface water runoff.	*[The Planning Official / Planning Commission, subject to review through a Type II / III procedure, may approve an adjustment to the lot coverage standards, above, pursuant to Section 2.2.070.]*		
Minimum Landscape Area	10%	10%	*[7-10%]*

User's Guide: The MS zone includes maximum height standards to comply with Climate-Friendly Area requirements. (See User's Guide comments in Section 2.1.020). CFAs must allow building heights of at least 50 feet (OAR 660-012-0320(8)). Table 2.2.060.B includes a suggested range of 50-60 feet.

Table 2.2.060.B – Height, Lot Coverage, and Landscape Area Standards for Non-Residential Zones

Standard	MS Zone	GC and LI Zones	GI Zone	PF and OS Zones
Maximum Height				
Building or Structure – Standard maximum height*	*[50-60 ft]*	*[35-50 ft]*	*[35-50 ft]*	*[35-50 ft]*
**[Height Bonus for Residential Use in Upper Building Story]*	*[10-15 ft]*	*[10 ft in GC and LI / None]*	None	None
**[Height Increase The City may increase the standard height, above, for specific projects with approval of a Conditional Use Permit, per Chapter 4.4.]*	*[Yes/No]*	*[Yes/No]*	*[Yes/No]*	*[Yes/No]*
Fences and Non-Building Walls – Front or Street-Side Yard	4 ft	4 ft**	6 ft**	None
– Interior Side or Rear Yard	6 ft	6 ft**	6 ft**	None
** except City-required screens				
Maximum Lot Coverage	90%	80%	80%	None
[Coverage Bonus]	*[The Planning Official / Planning Commission, subject to review through a Type II / III procedure, may approve an increase to the lot coverage standards, above, pursuant to Section 2.2.070.]*			
Minimum Landscape Area	*[5-10%]*	*[10-15%]*	*[5-10%]*	None

B. Maximum Building Height

1. Standard. Except as provided in subsection (3), the maximum building and structure height permitted is stated in Table 2.2.060.A and 2.2.060.B.

User's Guide: The city may require fire suppression sprinkler systems for some structures where, due to the structure's height, sprinkler systems are necessary.

2. Measurement Methodology. Building height shall be calculated in accordance with the applicable building code.

3. Exceptions. See Section 3.4.040 for additional standards and exceptions.

   a. *[Except as required pursuant to Federal Aviation Administration regulations,] [C/c]*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.

   b. Roof mounted solar panels are not included in height calculations.

   c. 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.

      (1) Elevator mechanical equipment may extend up to 16 feet above the height limit; and

      (2) 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.

C. Maximum Lot Coverage.

1. Except as provided in subsection (3), the maximum lot coverage permitted is stated in Tables 2.2.060.A and 2.2.060.B.

2. Measurement Methodology. Lot coverage is calculated as the percentage of a lot or parcel covered by buildings and structures (as defined by the foundation plan area) at 36 inches or greater above the finished grade. It does *not* include paved surface-level developments such as driveways, parking pads, and patios that do not meet the minimum elevation of 36 inches above grade.

3. Exceptions. For lot coverage exceptions for accessory dwelling units, see Section 2.3.080.C.

[4. Lot Coverage Bonus. The Planning Official / Planning Commission, subject to review through a Type II / III procedure, may approve increases to the lot coverage standards in Tables 2.2.060.A and 2.2.060.B, as follows:

a. *Lot coverage may increase by up to one-half square foot for every one square foot of proposed automobile parking area to be contained in a parking structure, either above or below leasable ground floor space (e.g., residential, commercial, or institutional use), not to exceed a 20 percent increase in allowable coverage.*

b. *Lot coverage may increase by up to one-half a square foot for every one square foot of proposed parking area paving that uses a City-approved porous or permeable paving material (i.e., allowing stormwater infiltration).*

c. *Lot coverage may increase by up to one-half a square foot for every one square foot of City-approved water quality treatment area (e.g., vegetative swale or bio-filtration) to be provided on the subject site.*

d. *In approving increases in lot coverage under subsections 1-3 of this section, the City may require additional landscape buffering or screening, above that which is required by other provisions of this code, and may impose reasonable conditions of approval to ensure the ongoing maintenance of parking areas and surface water management facilities.*

e. *Notwithstanding the lot coverage increases authorized by this section, all other development standards of this chapter, and other applicable provisions of this Code, must be met.]*

D. Minimum Landscape Area

1. Except as provided in subsection (3), the minimum landscape area required is stated in Table 2.2.060.A and 2.2.060.B. Additional landscape standards are specified in Section 3.4.030.

2. Measurement Methodology. Minimum landscape area is expressed as a percentage of the lot or site area. Areas which can be counted toward the minimum landscape area include:

a. Areas planted with vegetation (including natural areas and existing trees);

b. Private open space;

c. Pedestrian hardscape*[, limited to 50 percent of the required landscape area];* and

d. In non-residential zones, landscape area includes required parking lot landscaping and any required screening.

[e. *Landscape area may include street trees and civic space improvements in some zones, per Sections 3.2.050 and 3.4.030.]*

3. Exceptions. In non-residential zones, minimum landscape area does not apply to individual, detached single-unit dwellings.

2.2.070 Setback Standards

A. Purpose and Standards. Minimum setbacks work with height and outdoor area requirements to control the overall bulk and placement of buildings. Maximum setbacks are intended to promote building placement close to the sidewalk to reinforce a pedestrian-oriented streetscape. Minimum and are provided in Tables 2.2.070.A and 2.2.070.B. Measurement methodologies and exceptions are provided in subsections (B) through (C), below. *[Setback standards for flag lots are provided in subsection (D).]* See also, Sections 3.3.020.G Vision Clearance, and 3.4.040 Fences and Walls.

User's Guide: This edition of the Model Code simplifies the setback standards by applying the same standards regardless of building height (except that accessory structures and ADUs ≤12 ft have reduced setbacks per subsection B.3.c.) However, cities may still choose to vary the setback standards similar to Model Code Edition 3.1, which applied different standards for buildings under 12 feet, between 12 – 24 feet, and over 24 feet.

Table 2.2.070.A – Setback Standards for Residential Zones

Standard	RL Zone	RH Zone	RC Zone
Minimum Setback (feet)			
Front and Street-Side Setback			
Standard Setback	15 ft	10 ft	10 ft
Garage or Carport Opening	20 ft	20 ft	20 ft
Interior Side Setback			
Standard Setback	*[5-10]* ft	*[5-10]* ft	*[5-10]* ft
Garage or Carport Opening	20 ft	20 ft	20 ft
Rear Setback			
Standard Setback	*[10-15]* ft	10 ft	10 ft

Table 2.2.070.A – Setback Standards for Residential Zones			
Standard	**RL Zone**	**RH Zone**	**RC Zone**
Garage or Carport Opening (from Street)	20 ft	20 ft	20 ft
Alley	*[0-5]* ft	*[0-5]* ft	*[0-5]* ft
[Maximum Setback (feet)]	*[None]*	*[15-20 ft]*	*[15-20 ft]*
Note: **Always check for utility easements prior to construction.**			

Table 2.2.070.B – Setback Standards for Non-Residential Zones			
Standard	**MS Zone**	**GC and LI Zones**	**GI Zone**
Minimum Setback (feet)			
Standard Setback: Front, Street-Side, Interior Side, and Rear	0 ft	0 ft	20 ft
Garage or Carport Opening	20 ft	20 ft	20 ft
Alley	3 ft	3 ft	3 ft
Adjacent to RL District	10 ft	10 ft	10 ft
[Maximum Setback (feet)]	*[10-15 ft]*	GC: *[10-20] ft* LI: None	None
Note: **Always check for utility easements prior to construction.**			

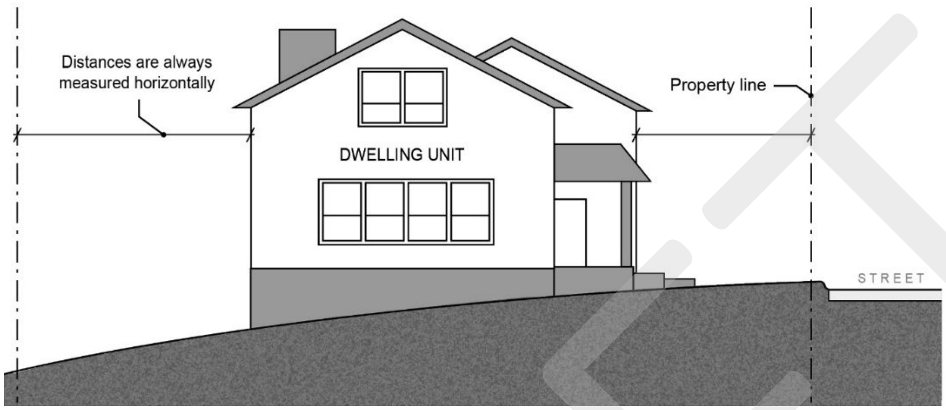
B. Minimum Setbacks.

1. Standard. Except as provided in subsection (3), the minimum setback permitted is stated in Tables 2.2.060.A and 2.2.060.B.

2. Measurement Methodology.

   a. Setback distances are measured along a horizontal plane from the appropriate property line to the edge of the building (see Figure 2.2.070.a).

Figure 2.2.070.a. Setback Measurements



b. For development 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.

c. 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.

d. Measurements are made to the closest wall of the structure. Projections into setbacks allowed pursuant to subsection (3)(f) are not included when determining the closest wall of the structure.

e. Where a rear lot line abuts an alley, one half of the width of the alley shall count toward meeting the minimum rear setback.

3. Exceptions to Minimum Setbacks.

a. New structures or structure additions on lots abutting an existing public street that does not meet the minimum standards of Section 3.6.020 for right-of-way width shall provide setbacks sufficient to allow for the future widening of the right-of-way, plus the minimum required yard setback. Building permits shall not be issued for new structures or additions that do not meet this standard.

b. The interior side lot line between two attached dwelling units (e.g., townhouses) is not subject to the minimum side setback standard.

c. Accessory structures and accessory dwelling units that do not exceed 12 feet in height may be located within 5 feet of an interior side or rear lot line.

d. 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.

e. Portions of structures that are entirely underground are not included in measuring required distances.

f. Projections and Encroachments into Setbacks.

i. Building eaves may project up to 2 feet into a required setback, provided the eave is at least 3 feet from a lot line.

ii. Canopies and awnings may extend up to 5 feet into a required setback along a street lot line.

iii. The following minor features may extend into entire required building setbacks:

- Utility connections attached to the building that are required to provide services, such as water electricity and other similar utility services;
- Gutters and downspouts that drain stormwater off a roof of the structure;
- Stormwater planters that are no more than 2-1/2 feet above the ground;
- Water collection cisterns that are 6 feet or less in height;
- 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
- 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.
- Balconies and bay windows may encroach into a required street-facing setback area.

iv. 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.

- Chimneys, fireplace inserts and vents, mechanical equipment, and fire escapes;
- Wheelchair ramps, water collection cisterns and stormwater planters that do not meet the standards of subsection (3)(f)(3); and
- Porches, decks, and stairways that do not meet the standard for subsection (C)(4)(c), but only along a street lot line.

v. Fences may be placed within setback yards, subject to the standards of Table 2.2.060.A/2.2.060.B and Section 3.4.040.

g. Reverse frontage lots are subject to the fence height and setback requirements of Section 2.2.040 and the design standards (e.g., materials and landscape buffer requirements) of Section 3.4.040.

[C. Maximum Setbacks.

User's Guide: The optional maximum setback standards are intended to promote pedestrian-friendly design by bringing the building close to the street in certain zones. To meet the standard, either a primary entry or a portion of the building façade must be located within the maximum setback area. If your city wanted to go further to promote walkable design on key pedestrian streets (e.g., a primary downtown shopping street), you could consider more stringent maximum setback standards. For example, you could require a percentage of total lot frontage to be occupied by buildings within maximum setback. However, similar streetscape outcomes can often be achieved by limiting the location of parking areas—such as prohibiting parking between buildings and the street—so a frontage-based build-to requirement may not be necessary. See Article 3 for additional provisions related to walkable design.

1. *Standard. Except as provided in subsection (3), the required maximum setback is stated in Tables 2.2.060.A and 2.2.060.B. Maximum setback standards apply to new buildings only. In order to meet a maximum setback standard, at least one of the following must be located no farther from the street lot line than the maximum setback:*

    a. *At least one primary building entrance; or*

    b. *At least [50-75] percent of the length of the ground-level, street-facing façade of the building.*

2. *Measurement Methodology. The maximum setback is a line parallel to a street or lot line that defines the required location for a building façade.*

3. *Exceptions.*

    [a. Maximum setback does not apply to detached single-unit dwellings or middle housing.]

    b. *New structures or structure additions on lots abutting an existing public street that does not meet the minimum standards of Section 3.6.020 for right-of-way width shall provide setbacks sufficient to allow for the future widening of the right-of-way, plus the minimum required yard setback. Building permits shall not be issued for new structures or additions that do not meet this standard.*

c. *Buildings on reverse-frontage lots (through lots) are required to meet the maximum setback standard on only one street.*

d. *In the GC and LI zones, the required maximum setback may be increased when a shopping street connects the primary building entrance(s) to the street, per Section 3.2.040.C.6-8.*

e. *The maximum setback may also be increased through Type II or III Development Review when pedestrian amenities are provided between a primary building entrance and the street right-of-way. (See also, Section 3.2.050 Civic Space and Pedestrian Amenities.)]*

[D. Flag Lots.

1. *The (City decision-making body) shall designate the front yard of a flag lot to ensure compatibility with adjacent land uses, based on existing development patterns and location of adjacent driveways, utilities, and natural features, as either:*

   1. *Front yard parallel to the street providing automobile access; or*
   2. *Front yard parallel to the flagpole from which driveway access is received.*

2. *The City shall review proposals for flag lots pursuant to the standards in Section 4.3.050 and may impose reasonable conditions to ensure development is compatible with adjacent uses.]*

Chapter 2.3 – Use-Specific Standards

User's Guide: The following provisions correspond to the uses identified as having use-specific standards in Chapter 2.2 Zoning District Regulations, as noted in Table 2.2.030.

Sections:

2.3.010 Purpose

Uses regulated in Chapter 2.3 are uses, that have distinct operational or physical characteristics and are therefore subject to use-specific standards. These use-specific standards may differ from the development standards established for other uses in the same zoning district.

2.3.020 Applicability

All uses designated as "Permitted Subject to Use-Specific Standards (S)" in Table 2.2.030, and uses the City determines to be similar to such uses, are subject to the standards of this chapter. The standards of this chapter supplement the other requirements of this Code. When a dimensional standard for a use regulated by this chapter differs from that of the underlying district, the standard in this chapter shall apply.

2.3.030 Review Process

The City uses the procedures of Chapter 4.2 Development Review in reviewing proposed uses for compliance with the requirements of this chapter.

2.3.040 Dwellings in Commercial Zones

User's Guide: This section provides standards for residential uses in commercial zones. The standards do not limit ground floor residential uses except on **key commercial street frontages** (referred to as "Active Use Streets" below *). On Active Use Streets, the standards still allow dwelling units to occupy a portion of the primary street frontage, but they are intended to reserve the remaining primary street frontage for active uses – which may include residential lobbies or amenity spaces, as well as commercial or other permitted uses. Alternatively, a city could limit ground-floor residential uses within the entire Main Street zone; however, that would be a less flexible approach. The Model Code intends to avoid overly restrictive use standards that limit development options or that lead to vacant commercial spaces.

Cities should apply the Active Use Street designation strategically to streets where maintaining active commercial frontage is most important and where retail, restaurants, and similar uses are most likely to be viable. In identifying these streets, cities should also consider their Buildable Lands Inventory, Economic Opportunities Analysis (EOA), and other information about the amount and location of land needed to accommodate future commercial or employment development. This approach can help concentrate active uses along key commercial streets while allowing greater flexibility for ground-floor residential uses on side streets and other commercial frontages.

* Note, if a city wishes to regulate uses and site design on certain block frontages, this can be done by designating "Active Use Streets" (or similar). These streets will need to be clearly defined, for example, by identifying them on a map or listing them specifically in the code (e.g., identify applicable streets, cross streets, and note whether the standards apply on one or both sides of the street). The "Active Use Street" designation could also be used to establish additional pedestrian-oriented design features (e.g., more glazing, smaller setbacks, etc.) to promote walkability.

This section also addresses the need in some communities to grandfather single-unit and other lower-density housing types that would otherwise be non-conforming (see the optional subsection (C)(2)). An alternative to this approach, for example in an area with a large concentration of historic homes, is to establish a residential overlay zone allowing single-unit dwellings in a defined area or sub-district of the downtown.

A. Purpose. This section provides standards for residential uses in the *[MS / GC]* zones*[s]*.

B. Applicability. This section applies to dwellings in the *[MS / GC]* zone*[s]*.

C. Standards. Except as provided in subsection (D), residential uses in the *[MS / GC]* zone*[s]* shall conform to all of the following standards:

1. Active Use Street Frontages.

   a. The standard in subsection (b) applies to buildings with frontage on Active Use Streets. As used in this section, "Active Use Streets" include the following street frontages: *[(list "main" commercial streets and zones, if applicable, or refer to an adopted map)]*.

   b. No more than 50 percent of the width of a building's ground-floor frontage on Active Use Streets may be occupied by dwelling units. This limitation does not apply to residential common areas such as lobbies, or other shared amenity spaces for residents. Residential uses are not restricted when located above or below a ground floor space containing a permitted non-residential use, or when located to the rear of a permitted non-residential use, e.g., in a separate building on the site.

[2. Existing Dwellings. The following standard applies to residential use types for which new development is not permitted in a zoning district (e.g., detached single-unit dwellings in the MS district). Dwellings lawfully existing as of [effective date] may continue as permitted uses; and in the event of involuntary damage or destruction due to fire or other event beyond the owner's control, may be rebuilt and reestablished pursuant to Section 2.2.030 and applicable building codes.]

D. Exceptions. Housing that must be allowed pursuant to ORS 197A.445, 197A.460, or 197A.470 is exempt from the standards in subsection (C)(1).

2.3.050 Manufactured *[Home/Dwelling]* on a Single Lot

User's Guide: The following provisions implement state law related to manufactured dwellings and FEMA regulations related to manufactured dwellings in floodplains. Oregon Revised Statutes define "manufactured dwellings" to include both homes built to current standards ("manufactured homes") and older models ("mobile homes" built 1962 to 1976, and "residential trailers" built before 1962). Statute requires that local regulations permit manufactured homes in zones where single-unit dwellings are permitted (ORS 197A.432, formerly 197.314). HB 4064 (2022) updated the statute to preclude most standards that do not also apply to single-unit dwellings. Cities may also choose to allow placement of all manufactured dwellings (not just manufactured homes) on individual lots.

Manufactured *[homes/dwellings]* are permitted on individual lots, subject to the following standards. The following standards do not apply to dwellings lawfully established and existing within the City prior to *[effective date of Code]*. See also, Sections 2.3.120 *[and 2.3.210, respectively,]* regarding Manufactured Dwelling Parks*[, and Mobile Homes and Recreational Vehicles Used as Dwellings]*.

A. Thermal Envelope. The manufactured *[home/dwelling]* shall be certified by the manufacturer to meet the thermal envelope requirements equivalent to those for a single-unit dwelling constructed under the state Building Code. Evidence demonstrating that the manufactured *[home/dwelling]* meets "Super Good Cents" energy efficiency standards, or an equivalent standard, is deemed to satisfy the exterior thermal envelope certification requirement.

B. Installation. The manufactured *[home/dwelling]* shall be installed in conformance with the Oregon Manufactured Dwelling Installation Specialty Code.

C. Floodplain. Manufactured *[homes/dwellings]* shall comply with *[Chapter 2.__ Flood Hazard Overlay]* and the following standards.

1. The stand shall be a minimum of 12 inches above Base Flood Elevation (BFE) unless the foundation wall is opened on one side or end so that floodwater cannot be trapped. *[Manufactured Dwelling Installation Specialty Code, 4-3.1(5)]*
2. The bottom of the longitudinal chassis frame beam in A zones, and the bottom of the lowest horizontal structural member supporting the dwelling in V zones shall be a minimum of 12 inches above BFE. *[See definition of Lowest Floor in Manufactured Dwelling Installation Specialty Code.]*
3. The manufactured *[home/dwelling]* shall be anchored to prevent flotation, collapse, or lateral movement during the base flood. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors (Reference the FEMA P-85 guidebook: "Protecting Manufactured Homes from Floods and Other Hazards" for anchoring techniques). *[44 Code of Federal Regulations 60.3(c)(6)]*
4. Electrical crossover connections shall be a minimum of 12 inches above BFE. *[Manufactured Dwelling Installation Specialty Code 6-4.2(1)]*

***[D. Historic Districts.** The manufactured [home/dwelling] shall not be located in a designated historic district, except where the historic district regulations specifically provide for manufactured [homes/dwellings].]*

2.3.060 Residential Homes, Residential Facilities, and Other Group Living Uses

User's Guide:

Residential Homes and Facilities – The following provisions are intended to implement state and federal laws pertaining to residential care uses, pursuant to ORS 197.660 to 197.667, and the requirements of the federal Fair Housing Amendments Act (FHAA) of 1988 (42 U.S.C. § 3615).

In ORS 197.663, the Oregon Legislature declared that:

1. Persons with disabilities are entitled to live within communities and should not be excluded because their disability requires them to live in groups;
2. There is a growing need for residential homes and residential facilities to provide quality care and to prevent inappropriate placement of disabled and elderly persons in state institutions and nursing homes; and
3. It is often difficult to site and establish residential homes and residential facilities in communities.

State law allows "residential homes" and "residential facilities" to be placed in any zone that allows a single-unit dwelling or multi-unit housing, respectively. See ORS 197.665-197.667. Cities and counties cannot prohibit a residential home or residential facility to be sited in a zone that state law allows; and must amend their zoning ordinances to be consistent, if not already consistent, with these provisions.

Also refer to the Housing Model Code Residential Homes and Facilities compliance module, which provides model language for administering these state laws. In addition to ORS 197.660-.667, the module addresses ORS 197A.385, which allows the siting of "residential treatment homes" and "residential treatment facilities" (subtypes of residential homes and residential facilities, respectively, serving residents with mental, emotional, or behavioral disturbances or alcohol or drug dependence).

Other Group Living Uses – The Group Living use category also includes other forms of residential occupancy where residents share common facilities, such as Congregate Housing Facilities, larger single room occupancy developments, and certain group homes and residential treatment programs. See subsection 5.1.020.B. Because these are residential uses, this section generally applies the Development Code standards for multi-unit housing to Group Living uses. Specific types of Group Living may be subject to different standards elsewhere in this Code or to applicable state or federal requirements.

Residential Homes and Residential Facilities, where allowed, shall conform to all of the following standards and procedures. Residential Facilities are not the same as Acute Care Facilities, which are classified as Healthcare Center uses, and they are not the same as Senior Housing Facilities, which are classified as either Multi-Unit Housing or Congregate Housing Facilities, depending on their characteristics.

A. Licensing and State Requirements. Residential Homes and Residential Facilities shall be licensed by the State of Oregon and comply with state requirements, pursuant to ORS 197.660 through 197.670.

B. Residential Homes. Residential Homes may provide residential care alone, or in conjunction with treatment or training, for five or fewer individuals who need not be related. Staff required to meet state licensing requirements is not counted in the number of facility residents and need not be related to each other or the residents. The same Development Code standards that apply to single-unit dwellings also apply to Residential Homes, except where state law supersedes City standards.

C. Residential Facilities. Residential Facilities may provide residential care alone, or in conjunction with treatment or training, for between 6 and 15 individuals who need not be related. Staff required to meet state licensing requirements is not counted in the number of facility residents and need not be related to each other or the residents. The same Development Code standards that apply to multi-unit housing also apply to Residential Facilities, except where state law supersedes City standards.

D. Other Group Living Uses. Other types of Group Living uses specified in subsection 5.1.020.B, such as Congregate Housing Facilities and larger single room occupancy developments, shall be subject to the same Development Code standards that apply to multi-unit housing, except where this Code specifies a different standard for the particular use or where state or federal law supersedes City standards.

E. Access. The access and circulation standards of Chapter 3.3 shall be met.

F. Parking. The parking standards of Chapter 3.5 shall be met.

G. Landscaping. Residential Facilities are required to comply with the landscaping and screening standards of Chapter 3.4. The City may require the installation of a landscape hedge or fence on the property line separating a Residential Facility from an abutting lot containing a single-unit dwelling for the purposes of visual screening and privacy between uses. The landscaping standards do not apply to building permits for individual Residential Homes.

H. Building Design Standards. Residential Facilities are required to comply with the building orientation and design standards for multi-unit housing, pursuant to Chapter 3.1; except where a state requirement conflicts with a City standard, the state requirement, not the City standard, shall apply. The building design standards do not apply to Residential Homes.

I. Review Procedure. Residential Homes are subject to review and approval through a Type I Development Review procedure under Section 4.1.030 prior to issuance of building permits. Residential Facilities are subject to a Type Ix / *Type II]* Development Review and approval under Section 4.1.040.

2.3.070 Duplexes

User's Guide: Many small cities allow duplexes in low-density (single-unit) zones as a more land-efficient and often more affordable housing option. State statute requires cities with populations of 2,500 or greater to allow duplexes on each residentially zoned lot that allows a detached single-unit dwelling (ORS 197.420(3)). (This is also required for all cities in Tillamook County and those with a population of 1,000 or greater within Metro, which are subject to middle housing requirements for "large cities," per ORS 197A.420(2).)

Generally, it is recommended to apply the same development and design standards to duplexes as apply to detached single-unit dwellings (this is essentially required for cities subject to ORS 197A.420). As such, use-specific standards for duplexes merely specify the ways that units can be configured (attached vs. detached), and conversion options. Cities under 2,500 population may require duplexes to be attached only, whereas cities subject to ORS 197A.420 must allow detached configurations, but can set parameters around detached units. Duplexes are also subject to the design standards in Chapter 3.2.

A. Purpose. The following provisions are intended to specify unit configuration and conversion standards for duplexes.

B. Applicability. The following standards apply where a duplex is proposed in the RL or RH *[or RC]* zone. The standards are applied through a Type I Development Review procedure.

C. Standards.

1. Unit Configuration.

   a. Duplex units *[must / may]* be attached to each other.

   [b. Duplex units may be detached where:

User's Guide: Cities subject to ORS 197A.420 are required to allow a duplex on a lot with up to two existing, retained units. Subsection (1), below, enables the addition of a detached unit on a lot with retained units. Cities under 2,500 may opt into the same allowance. Subsection (2) specifies that units may be detached if at least one of them is 1,200 square feet or smaller.

(1) A unit is added to a lot with [one / up to two] existing unit[s] that [has / have] been in place for at least five years and will be retained[, pursuant to ORS 197A.420(4)]; or

(2) No more than one detached unit on the lot exceeds 1,200 square feet.]

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 development and design standards, unless increasing nonconformance is otherwise permitted by the City of ___'s development regulations.

2.3.080 Accessory Dwelling Units

User's Guide: ORS 197A.425 requires that, within cities with a population greater than 2,500, at least one accessory dwelling unit (ADU) must be allowed per detached single-unit dwelling in every zone within an urban growth boundary that allows detached single-unit dwellings. Cities should review their zoning district regulations (Table 2.2.030.A) to ensure that every zone that permits single-unit dwellings also permits ADUs. The statute does not allow cities subject to the statute to include off-street parking or owner-occupancy requirements.

ADUs are an economical way to provide additional housing choices, particularly in communities with high land prices or a lack of investment in affordable housing. They provide an opportunity to increase housing supply in developed neighborhoods and can blend in well with single-unit detached dwellings. It is recommended that all cities permit at least one ADU per single-unit dwelling; however, this section also includes an option to allow two ADUs. While the Model Code provides for one attached and one detached ADU, cities may also allow two detached ADUs.

Requirements that accessory dwelling units have separate connections to and pay system development charges for water and sewer services can pose barriers to development. Concerns about neighborhood compatibility and other factors should be considered and balanced against the need to address Oregon's housing shortage by removing barriers to development. Refer to the Oregon Department of Land Conservation and Development "Guidance on Implementing the Accessory Dwelling Units (ADU) Requirement" at https://www.oregon.gov/lcd/Publications/ADU_Guidance_updatedSept2019.pdf.

Note, rulemaking directed by Section 22, chapter 476, Oregon Laws 2025 will establish administrative rules regulating ADUs in cities over 2,500 population. Cities should ensure that local standards conform to the latest state requirements.

Accessory dwelling units, where allowed, are subject to review and approval through Type I Development Review, pursuant to Sections 4.1.020 and 4.2.030and shall conform to all of the following standards:

*[**A. One Unit.** A maximum of one Accessory Dwelling Unit is allowed per legal 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). /*

A. ***Two Units.*** *A maximum of two Accessory Dwelling Units are allowed per legal detached single-unit dwelling (referred to as the primary dwelling). If two units are proposed, one unit must be in a separate detached building, or in a portion of a detached accessory building (e.g., above a garage or workshop), and one unit must be attached or interior to the primary dwelling (e.g., an addition or the conversion of an existing floor).]*

B. Floor Area.

1. A detached Accessory Dwelling Unit shall not exceed *[800-1,000]* square feet of floor area*[, or [75-85] percent of the primary dwelling's floor area, whichever is smaller.]*
2. The maximum floor area for an Accessory Dwelling Unit is *[800-1,000]* square feet*[, or [75-85] percent of the primary dwelling's floor area, whichever is smaller]*. However, the maximum floor area standard does not apply when an entire floor of a primary dwelling (e.g., basement) is converted to an Accessory Dwelling Unit and the primary dwelling has been on the lot for at least five years.

C. Other Standards. Except as provided below, Accessory Dwelling Units shall meet all development standards (e.g., height, setbacks, lot coverage, etc.) that apply to detached single-unit dwellings in the zoning district. Accessory dwelling units are exempt from design standards.

1. Conversion of an existing legal non-conforming structure to an Accessory Dwelling Unit is allowed, provided that the conversion does not increase the non-conformity;

2. The following standards do not apply to Accessory Dwelling Units:

   a. Maximum density standards;

   [b. Minimum off-street parking.]

3. Detached Accessory Dwelling Units that do not exceed 12 feet in height may be located within 5 feet of an interior side or rear lot line.

[4. Properties with two Accessory Dwelling Units are allowed [10-20%] greater lot coverage than that allowed by the zone in which they are located.]

2.3.090 Triplexes and Quadplexes

User's Guide: Like duplexes, triplexes and quadplexes offer another "missing middle" housing option that is more land-efficient and often more affordable than single-unit housing. State statute requires cities with populations of 25,000 or greater, plus all cities in Tillamook County and those with a population of 1,000 or greater within Metro, to allow a triplex or quadplex on each residentially zoned lot or parcel that allows a detached single-unit dwelling (ORS 197A.420(2)).

Generally, it is recommended to apply the same or more flexible height, setback, and lot coverage standards to triplexes and quadplexes as apply to detached single-unit dwellings. However, small cities not subject to ORS 197A.420(2) may choose to require larger lot sizes or widths for triplexes and quadplexes, and limit their development on smaller lots.

As with the duplex standards in Section 2.3.070, this section also specifies the ways that triplex and quadplex units can be configured (attached vs. detached), and conversion options. Most small cities can require triplexes and quadplexes to be attached only, whereas cities subject to ORS 197A.420(2) must allow detached configurations, but can set parameters around detached units. Triplexes and quadplexes are also subject to the design standards in Chapter 3.2.

A. Purpose. The following provisions are intended to specify unit configuration and conversion standards for duplexes.

B. Applicability. The following standards apply where a triplex or quadplex is proposed in the RL or RH *[or RC]* zone. The standards are applied through a Type I Development Review procedure.

C. Standards.

*[1. **Lot Area.** Lots developed with a triplex or quadplex must meet the minimum area standards specified in Table 2.2.050.A.]*

2. Unit Configuration.

a. The units in a triplex or quadplex *[must / may]* be attached to each other.

[b. The units in a triplex or quadplex may be detached where:

User's Guide: Cities subject to ORS 197A.420(2) are required to allow a triplex or quadplex on a lot with up to two existing, retained units. Subsection (1), below, enables the addition of detached units on a lot with retained units. Small cities may opt into the same allowance. Subsection (2) specifies that units may be detached if all but one unit is 1,200 square feet or smaller.

(1) A unit is added to a lot with [one / up to two] existing unit[s] that [has / have] been in place for at least five years and will be retained[, pursuant to ORS 197A.420(4)]; or

(2) No more than one detached unit on the lot exceeds 1,200 square feet.]

3. **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 development and design standards, unless increasing nonconformance is otherwise permitted by the City of ___'s development regulations.

2.3.100 Townhouses

User's Guide: This section is intended to promote a compatible building scale for townhouses by limiting the number of attached units and, optionally, the size of buildings. The standards also ensure the maintenance of commonly owned areas. Townhouses are also subject to specific driveway and parking access standards in Article 3.

A. Purpose. The following provisions are intended to promote a compatible building scale where attached single-unit dwellings are proposed, while minimizing the impact of garages along street fronts and creating a streetscape that is conducive to walking.

B. Applicability. The following standards apply to new townhouses. The standards are applied through Development Review, pursuant to Chapter 4.2, prior to issuance of building permits.

C. Standards.

1. Each building shall contain not more than *[four - six]* consecutively attached townhouse units *[and not exceed an overall length or width of [100-120] feet]*.

2. 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.

3. The development standards of Chapter 2.2 Zoning District Regulations and Article 3 Community Design Standards shall be met.

2.3.110 Cottage Cluster Housing

User's Guide: Cottage cluster housing offers an alternative housing choice that is responsive to changing household demographics, lifestyles, and housing needs. Cottage cluster developments consist of small, typically detached dwelling units oriented around a common courtyard or open space area, and often with shared parking. Some developments might have other common amenities, such as a recreation area, laundry facility, community building, etc.

Depending on the development, cottages might be rented, owned fee simple (each on its own lot), or part of a condominium plat where the land is owned in common but the buildings are individually owned. Typically the open space and parking areas are owned and maintained in common.

In this way, cottage cluster developments can offer elements of affordable single-unit housing while benefiting from shared amenities that may contribute to a sense of community among residents.

State statute requires certain small cities (those in Tillamook County and those with a population of 1,000 or greater within Metro) to allow cottage cluster housing on each residentially-zoned lot or parcel that allows detached single-unit dwellings (ORS 197A.420(2)). For these cities, both **attached and detached** cottages must be allowed, per the updated ORS definition (HB 2138, 2025). Also, any development or design standards for middle housing must comply with the administrative rules in OAR Chapter 660, Division 46. For all other cities under 25,000 population, allowing cottage clusters is recommended, but optional, and there is more flexibility to specify the development and design standards. This section includes special development standards for cottage clusters. Design standards for cottage clusters are provided in Section 3.2.080. As specified in OAR 660-046, the following provisions are required for cities subject to ORS 197A.420(2):

- Must allow at least 8 cottages within each cottage cluster (i.e., 8 cottages per common courtyard);
- Maximum density provisions do not apply;
- Minimum perimeter setbacks may not exceed those for detached single-unit dwellings, and may not exceed 10 feet;
- May not require more than one off-street parking space per cottage; and
- Maximum lot coverage and floor area ratio standards do not apply.

A. Purpose. The following provisions are intended to enable development of small, clustered dwelling units that share common open space and other amenities.

B. Applicability. The following standards apply to new cottage cluster projects. The standards are applied through Development Review, pursuant to Chapter 4.2, prior to issuance of building permits.

C. Standards. Except as provided below, cottage clusters must meet all development standards that apply to detached single-unit dwellings in the same zone.

1. Maximum Cluster Size. A maximum of eight cottages is permitted within a single cottage cluster (i.e., no more than eight cottages may share a single common courtyard). A cottage cluster project may include more than one cottage cluster and more than one common courtyard.

[2. Maximum Density. Cottage clusters are exempt from maximum density requirements.]

3. Building Separation. Cottages shall be separated by a minimum distance of six feet. The minimum distance between all other structures, including accessory structures, shall be in accordance with building code requirements.

> **User's Guide:** Rulemaking in 2026 (directed by Section 22, chapter 476, Oregon Laws 2025) will modify the definition of cottage cluster in OAR chapter 660, division 46. Therefore, cities subject to ORS 197A.420(2) may need to modify standards regulating cottage size or footprint to comply with updated rules.

4. Average Cottage Footprint. The average building footprint of cottages within each cluster shall not exceed the following:

   a. Cottages with height of 15 feet or less: *[1,400]* square feet.

   b. Cottages with height over 15 feet: *[900]* square feet.

5. Average Cottage Size. The average size of all cottages and community buildings within a cottage cluster shall not exceed *[1,400]* square feet. The following provisions apply:

   a. Average cottage size is calculated as follows: 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. An applicant may choose to exclude existing structures retained under subsection (10) from the calculation.

   c. For cottage cluster projects with multiple clusters, the average cottage size is calculated for each cluster separately.

6. Building Height. The maximum building height for all structures is 25 feet.

7. Size of Common Courtyard. At least *[150]* square feet of common courtyard area shall be provided for each cottage within the cluster. The courtyard must meet other dimensional and design requirements in Section 3.2.080 Cottage Cluster Standards.

8. <u>Off-Street Parking</u>. The standards in Section 3.6.040 shall apply.

9. Accessory Structures. Accessory structures (excluding community buildings) must not exceed *[400]* square feet in floor area.

10. Existing Structures. 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:

    a. The existing dwelling may be nonconforming with respect to the requirements of this code.

b. The existing dwelling may be expanded up to the maximum height in subsection (6) or the maximum building footprint in subsection (4); however, existing dwellings that exceed the maximum height or footprint of this code may not be expanded.

c. An applicant may choose to exclude the floor area of the existing dwelling when calculating the average cottage size of a cottage cluster, pursuant to subsection (5).

2.3.120 Manufactured Dwelling Parks

User's Guide: The following implements ORS 197A.432 through 197A.434 Some of the standards that were previously authorized by statute were removed by HB 4064 (2022).

Manufactured dwelling parks (not including recreational vehicles) are permitted on lots of one acre or larger, subject to compliance with subsections A-*[C/D]*, below:

A. Permitted Uses and Structures. The following uses and structures are permitted within a manufactured dwelling park: Detached single-unit dwellings, prefabricated dwellings, manufactured home park manager's office, home occupations, and accessory structures that are necessary for the operation and maintenance of the manufactured dwelling park (e.g., landscape maintenance).

B. Development Standards. Development of manufactured dwelling parks, including placement of manufactured and prefabricated dwellings with a park, shall comply with applicable building codes and state requirements for Mobile Home and Manufactured Dwelling Parks in ORS 446.

C. Perimeter Landscaping. When manufactured or prefabricated dwellings are oriented with their back or side yards facing a public right-of-way, the installation of fencing and planting of a landscape buffer of 5 to 10 feet in width between the right-of-way and a manufactured dwelling park is required for the privacy and security of park residents or for privacy of adjacent residences.

[D. Floodplain. Compliance with Chapter 2.__ Flood Hazard Overlay is required.]

2.3.130 Home Occupations and Other Commercial Uses in Residential Zones

User's Guide: This section addresses various levels of commercial uses in residential zones – from home occupations to standalone commercial businesses.

- Home occupations that meet certain standards and limitations do not require land use approval. This approach relies on self-enforcement. As an optional provision, home occupations that exceed the limitations for outright permitted uses, in terms of size or number of employees, may be approved through a Type II review. Home occupations that exceed the Type II thresholds would require Conditional Use approval.
- Cities may also choose to allow small-scale standalone businesses in residential zones through a Type II or Conditional Use review. This is recommended, at a minimum, in the RC zone, and optional in the RL and RH zones.

A. Purpose. The purpose of this section is to:

1. Encourage those who are engaged in small commercial ventures that could not necessarily be sustained if it were necessary to lease commercial quarters, or which by the nature of the venture are appropriate in scale and impact to be operated within a residence; and
2. Allow limited small-scale commercial uses within the *[RL, RH, and]* RC zone*[s]* in locations and forms that are compatible with surrounding residential uses, provide neighborhood-serving amenities, and minimize off-site impacts related to traffic, noise, and intensity of use.]

B. Applicability. This section applies to Home Occupations and other small-scale commercial uses in Residential zones. A business, including a home-based business, in a commercial or residential-commercial zone is considered a commercial use and is not subject to the standards of this section. Family child care homes and child care centers are exempt from requirements of this section (see Section 2.3.140).

C. Home Occupation. Table 2.3.130 specifies the general requirements for Home Occupations. Home Occupations that do not exceed thresholds in terms of either square footage or number of employees ("Type A") are permitted without a land use review*[; however, a registration form / business license is required]*. Home Occupations that exceed these limits require a *[Type II review ("Type B") or]* Conditional Use Permit ("Type C"). For the purpose of this section, "lot area" includes building floor area, areas within accessory structures, and all other portions of a lot.

Table 2.3.130 – Home Occupation Requirements				
Type	**Land Use Review Type**	**Total Occupancy of Lot Area**	**Maximum Employees (1)**	**Regulatory Approvals**
A	N/A	*[500-1000]* square feet or less	*[1-3]*	*[Home Occupation Registration Form] [and City of (name) Business License]*
[B]	*[Type II]*	*[[500-1000] to [1,000-1,500] square feet]*	*[2-4]*	*[Type II review [and City of (name) Business License]]*

Table 2.3.130 – Home Occupation Requirements				
Type	**Land Use Review Type**	**Total Occupancy of Lot Area**	**Maximum Employees (1)**	**Regulatory Approvals**
C	Conditional Use	Determined through Conditional Use Permit review. *[In no case shall the home occupation exceed 50% of the lot area.]*	Determined through Conditional Use Permit review	Conditional Use Permit *[and City of (name) Business License]*
Table Notes: (1) Employees, other than residents of the dwelling; see subsection (D)(3))				

D. Home Occupation Standards. Home Occupations shall conform to all of the standards below, except the City may approve adjustments to the standards through the Conditional Use Permit approval, provided all uses and structures on the subject property conform to applicable City regulations, including, but not limited to, building codes and nuisance regulations.

1. Consistency with Primary Residential Use.

   a. The home occupation shall be restricted to lawfully built enclosed structures*[, except as provided in subsection D.7.d]*.

   b. The home occupation shall not result in any structural alterations or additions to a structure that will change its primary use or building code occupancy classification.

   c. The home occupation shall not violate any conditions of development approval (i.e., prior land use development permit or approval).

   d. No products or equipment produced or used by the home occupation may be displayed to be visible from outside any structure*[, except as provided in subsection D.7.d]*.

2. Storage.

   a. On-site storage of hazardous materials (including toxic, explosive, noxious, combustible, or flammable material) is prohibited, except that consumer quantities are allowed. Consumer quantities of hazardous substances are packaged and distributed in a form intended or suitable for sale through retail sales outlets for consumption by individuals for purposes of personal care and household use.

   b. Storage of inventory or products and all other equipment, fixtures, and activities associated with the home occupation shall be enclosed in a structure or otherwise screened from view from adjacent properties and public right-of-way. Outside storage visible from the public right-of-way or adjacent properties is prohibited*[, except as provided in subsection D.7.d]*.

3. Employees.

   a. At least one person engaged in a home occupation must reside in the dwelling unit where the home occupation takes place.

b. Other than residents of the dwelling located on the home occupation site, there shall be not more than *[one - three]* employee*[s]* at a home occupation site*[, or [two – four] employees with Type II approval,]* at any given time. As used in this chapter, the term "home occupation site" means the legal lot on which the home occupation is conducted.

b. Additional individuals may be employed by or associated with the home occupation, so long as they do not report to work, pick up, or deliver at the home occupation site.

c. The home occupation site shall not be used as a headquarters for the assembly of employees for instruction or other purposes, including dispatch of employees to other locations.

4. Advertising and Signs. Signs shall not exceed a total of four square feet of surface area on each side of one or two faces. *[See also Municipal Code Section __ Signs.]*

5. Vehicles, Parking, and Traffic.

   a. Not more than *[one / two]* commercially licensed vehicle*[s]* associated with the home occupation *[is / are]* allowed at the home occupation site in the same 24-hour period. Vehicles shall be of a size that would not overhang into the public right-of-way when parked.

   b. There shall be no commercial vehicle deliveries between *[9:00 p.m. and 7:00 a.m.]*

6. Business Hours. There shall be no restriction on business hours, except that clients or customers are permitted at the home occupation only from *[7:00 a.m. to 9:00 p.m.]*, *[Monday through Friday]*.

7. Retail Sales and Service Uses. Retail Sales and Services uses permitted as Home Occupations are subject to the following standards:

   a. Personal service uses (e.g., hair or massage salons, counseling, tailoring, and similar uses), and repair-oriented uses (e.g., repairing bicycles or computers) are permitted as Home Occupations, subject to the standards in this Section 2.3.130 are met.

   b. Except as provided in subsection*[s]* (c) *[and (d)]*, any activity involving on-site retail sales (i.e., sale of goods on-site), including garage sales exceeding the thresholds of a temporary use, is prohibited

   c. The sale of items that are incidental to a permitted home occupation is allowed. For example, the sale of lesson books or sheet music from music teachers, art or craft supplies from arts or crafts instructors, computer software from computer consultants, and similar incidental items for sale by the home occupation is allowed.

   [d. Small Outdoor Sales. Notwithstanding subsections D.1.a, D.1.d, and D.2.b, a Home Occupation may include one outdoor stand or display area not exceeding [20–50] square feet for the sale of food, produce, flowers, plants, crafts, or similar goods produced or prepared by residents of the dwelling. The stand or display area shall not obstruct a sidewalk, pedestrian accessway, driveway, vehicle vision clearance area, or other required access.]

   [d. On-site retail sales uses are permitted with a Type II land use approval, provided the standards in subjections (1) – (3), below, are met.

(1) The home occupation is limited to 600 square feet;

(2) No more than four customers are permitted on site at a given time, and

(3) No more than 20 customers are permitted to visit a home occupation within a 24-hour period.]

8. Prohibited Home Occupation Uses.

   a. Any activity that produces radio, TV, or other electronic interference; noise, glare, vibration, smoke, or odor beyond allowable levels as determined by local, state, or federal standards, or that can be detected beyond the property line, is prohibited.

   b. The following uses, and uses with similar objectionable impacts because of motor vehicle traffic, noise, glare, odor, dust, smoke, or vibration, are prohibited:

      (1) Ambulance service

      (2) Animal hospital, veterinary services, kennels, or animal boarding

      (3) Auto and other vehicle repair, including auto painting

      (4) Repair, reconditioning, or storage of motorized vehicles, boats, recreational vehicles, airplanes, or large equipment on-site

9. Enforcement. With cause, the City's *[designated Code Enforcement Officer / other law enforcement official]* may visit a home occupation site to inspect the site and enforce the provisions of this Code.

E. Small-Scale Commercial Uses.

User's Guide: Small-Scale Commercial Uses are intended to provide opportunities for neighborhood-scale businesses in residential areas while limiting their scale and potential impacts. The Model Code does not limit these uses to corner lots or other specified locations as the default approach. Factors such as visibility, access, and market demand will influence where commercial uses are likely to be viable, and limiting them to corner lots may unnecessarily restrict otherwise suitable locations. However, cities that prefer to concentrate Small-Scale Commercial Uses in particular locations may optionally limit them to corner lots, lots along designated streets, or other locally identified areas, per subsection E.2.

Building Code Requirements. Converting a dwelling or other residential building to a Small-Scale Commercial Use will likely trigger building code requirements, including accessibility requirements or requirements associated with a change in occupancy. These requirements are administered through the building code and are separate from the land use standards in this subsection. Cities should consider both land use and building code requirements when developing local approaches to Small-Scale Commercial Uses.

1. Zoning and Permit Requirements. Small-scale commercial uses are permitted in the *[RL, RH, and]* RC zone*[s]* as indicated in Table 2.2.030.A, subject to the standards of this section and approval of a *[Type II Development Review / Conditional Use Permit]*. *[For the purposes of this section, artisanal manufacturing uses are also considered commercial uses.]* Only one commercial use is permitted per legal lot or parcel.

[2. Permitted Locations.

   a. Small-scale commercial uses [in the RL and RH zones] are permitted only on:

(1) A corner lot; or

(2) A lot with frontage on a collector or arterial street.

b. In the RC zone, small-scale commercial uses are permitted on any lot provided the standards in this section are met.]

3. Use Types. Small-scale commercial uses may include the following, as listed in Table 2.2.030.A:

   a. Eating and Drinking Establishment, except that drive-through facilities are not permitted;

   b. Office, except that Industrial Office uses are not permitted;

   c. Sales and Service, Retail*[; and*

   d. In the RC zone only, Artisanal Manufacturing uses, subject to approval of a Conditional Use Permit.]

4. Development Standards.

   a. The maximum gross floor area devoted to commercial use shall not exceed 2,000 square feet per lot.

   b. Commercial uses may be sited on the same lot as a residential use, provided that commercial uses are limited to the ground floor only.

5. Outdoor activities.

   a. Outdoor activity areas, including dining, seating ,or display areas, shall be located only between the building and the street, except as provided in subsection (b).

   b. Outdoor dining areas associated with Eating and Drinking Establishments are permitted in areas other than between the building and the street, provided the following standards are met:

      (1) The outdoor dining area does not exceed 600 square feet;

      (2) The outdoor dining area is set back at least 15 feet from the rear property line and 5 feet from all side property lines, as measured from the edge of the dining area surface or the edge of the roofline of an associated shade structure, if present, whichever point is closest to the property line; and

      (3) A fully sight obscuring fence or wall of at least 5 feet tall but not taller than 6 feet is provided to screen the outdoor activity from view from all abutting lots.

   c. Accessory open air sales and/or display associated with Sales and Service, Retail uses shall not exceed 150 square feet per site.

6. Hours of Operation. Commercial uses shall be limited to the operating hours of 7:00 a.m. to 9:00 p.m.

7. Parking and Access.

   a. Notwithstanding Section 3.6.040, no additional off-street parking is required for a Small-Scale Commercial Use.

   b. New off-street parking and loading areas developed for a Small-Scale Commercial Use shall be located to the side or rear of the primary building and shall comply with the applicable parking location and design standards of Article 3.

c. No parking, loading, or service areas are permitted within 10 feet of an interior residential lot line.

d. No drive-through facilities are permitted.

e. Bicycle parking shall be provided consistent with Section 3.6.040.

8. Impact Mitigation Standards.

1. Noise.

a. All mechanical equipment shall be fully screened and meet applicable noise limits at the property line.

b. Outdoor amplified sound is prohibited.

2. Lighting.

a. Exterior lighting shall be downward-directed and shielded.

b. Light levels at residential property lines shall not exceed 0.5 foot-candles.

3. Refuse and Deliveries.

a. Trash and recycling areas shall be fully enclosed and located a minimum of 10 feet from residential lot lines.

b. Deliveries shall occur only between 8:00 a.m. and 6:00 p.m.

2.3.140 Child Care Facilities

User's Guide: As used in Table 2.2.030.B, "Daycare Center" is a Model Code use category that includes both child care centers and adult day care facilities. The state requirements described below apply specifically to child care facilities and do not apply to adult day care facilities. See Article 5 for the definition of Daycare Center.

As updated in 2021 and 2025, ORS 197.3671 (formerly ORS 329A.440) requires local jurisdictions to allow child care facilities broadly in residential, commercial, and industrial zones:

- Requires local governments to allow residential dwellings located in an area zoned for residential or commercial uses to be used as **family child care homes**. Registered Family and Certified Family child care homes are considered residential uses for zoning purposes.
- Requires local governments to allow **child care centers** as a permitted use in:
  - All areas zoned for commercial or industrial use, except areas specifically designated by the local government for heavy industrial use;
  - Multi-unit zones that allow at least 17 units per acre inside Metro or 12 units per acre outside Metro; and
  - In all residential zones if the center is co-located with an institutional use.
- Prohibits local governments from imposing land use regulations, special fees, or conditions on the establishment or maintenance of a child care facility in an allowed zone if they are more restrictive than those imposed for other uses in the same zone.

Note, DLCD is developing a Child Care Model Code in partnership with the Oregon Department of Early Learning and Care (DELC). Refer to the Model Codes webpage for more information: https://www.oregon.gov/lcd/about/pages/model-code.aspx

A. Family Child Care Homes.

1. Family child care home uses are limited to on-site care for not more than 16 children, and shall conform to the state licensing requirements and standards under ORS 329A.250 through ORS 329A.460.
2. A family child care home is considered a residential use of property for zoning purposes.
3. A family child care home is subject to the same development standards, per Chapter 2.2 Zoning District Regulations and Article 3 Community Design Standards, as apply to the type of dwelling in which the family child care home is located.

B. Child Care Centers.

1. Table 2.2.040 specifies the zones in which child care centers are permitted. In the RL zone, a child care center is permitted provided it is co-located with a legally established institutional use, including a civic center, public recreational center, public park, place of worship, school, college, or library.
2. In residential zones, child care centers are subject to the lot and development standards for non-residential uses, per Tables 2.2.050.A, 2.2.060.A, and 2.2.070.A. In non-residential zones, child care centers are subject to the same lot and development standards that apply to other permitted uses, per

Tables 2.2.050.B, 2.2.060.B, and 2.2.070.B.

3. Child care centers are subject to the design standards applicable to non-residential buildings and uses, per Article 3 Community Design Standards.

2.3.150 Shelters

User's Guide: Shelters provide temporary accommodations for individuals and families who lack permanent housing. All local governments are required to allow "emergency shelters" as required by ORS 197.783, including through the conversion of hotels or motels in as required by ORS 197A.449. The Housing Model Code By-Right Affordable Housing compliance module provides model standards and procedures implementing the hotel or motel conversion requirements of ORS 197A.449.

Cities may also choose to allow shelters not otherwise mandated by state statute; this section provides references to the statutory requirements, and also includes a placeholder for cities to develop their own shelter standards, tailored to the local context.

A. Purpose. This section provides standards for shelters. See Section 5.1.030.K. for a description of the use category.

B. Applicability. This section applies to shelters in all zones, except as specified in subsection (D).

C. Emergency Shelters Allowed by Right. As required by ORS 197.783, the siting of an emergency shelter is permitted in all zones, provided all criteria in ORS 197.783 are met

D. Conversion of Hotel or Motel into Emergency Shelter or Affordable Housing. As required by ORS 197A.449, the conversion of a hotel or motel to an emergency shelter or to affordable housing (including the conversion of a hotel or motel to affordable housing that was previously converted to an emergency shelter under this section) is permitted in all zones other than the GI zone, provided all criteria in ORS 197A.449 are met.

[E. Requirements for Other Shelters. *(fill in requirements)]*

2.3.160 Commercial Uses in Industrial Zones

User's Guide: Commercial uses can provide services and amenities within industrial and employment areas and can contribute to a broader mix of employment opportunities. However, allowing unrestricted commercial development in industrial zones can reduce the amount of land and building space available for industrial employment and may increase competition for industrial land.

This section provides options for allowing certain Commercial uses in industrial zones while limiting their scale and overall concentration. The intent is to provide flexibility for small-scale commercial development without requiring a business to demonstrate that it primarily serves nearby workers or industrial businesses, while maintaining the primary industrial and employment function of the district.

The standards limit both the size of an individual Commercial use and the total amount of Commercial development on a development site. The individual-use limitation is intended to prevent large-scale commercial uses that may be more appropriately located in commercial zones, while the percentage limitation prevents multiple smaller Commercial uses from cumulatively displacing industrial uses. Cities may adjust these thresholds based on the amount and demand for industrial land, the intended function of the industrial district, and local economic development objectives.

Commercial activities that are accessory to an Industrial use are not subject to these limitations. For example, retail sales or a showroom associated with a manufacturing business may be allowed as part of the Industrial use pursuant to the Code's general provisions for accessory uses. The limitations in this section apply to uses that are independently classified as Commercial under Article 5.

A. Purpose. The following provisions are intended to promote flexibility for complementary uses in industrial zones.

B. Applicability. The following standards apply where Commercial uses are allowed in the LI or GI zones pursuant to Table 2.2.030.C. The standards are applied through Development Review or Conditional Use Permit review, as applicable.

C. Standards.

1. **Individual Commercial Use.** The net floor area of a Commercial use, plus the associated exterior display, storage, work and other exterior activity area, shall not exceed *[2,500 - 4,000]* square feet *[unless a larger area is authorized by a Conditional Use Permit]*:

   b. A larger area is authorized by a Conditional Use Permit].

2. **Total Commercial Development.** The total floor area occupied by Commercial uses shall not exceed *[20–30]* percent of the gross floor area of all buildings on the site.

3. **Applicability to Accessory Activities.** The limitations of this subsection apply to primary Commercial uses and do not apply to retail sales, offices, showrooms, or other activities that are accessory to and part of an Industrial use.

2.3.170 Drive-Through Facilities and Service

A. Drive-through facilities and drive-through service uses shall comply with the design standards of Section 3.2.060.

*[**B.** Where permitted by Table 2.2.030.C, drive-through facilities are allowed only as accessory to eating and drinking establishments, banks, and pharmacies; all other drive-through facilities are prohibited.]*

2.3.180 Industrial Uses in Commercial Zones

User's Guide: The following provisions are intended to provide greater flexibility for compatible industrial and production activities in commercial zones. The intention is to promote more flexible use of commercial land and buildings for employment purposes, and accommodate small-scale production and manufacturing businesses in locations where they are compatible with the surrounding commercial context. These provisions encourage mixed-use development, including cottage Industries, artisanal uses, and business incubators, by integrating small-scale manufacturing with commercial uses. For example, uses are those that blend manufacturing and retail uses such as brewpubs, winery tasting rooms, artist studios, cabinet makers, and similar uses, on the same site.

Light Manufacturing is generally the most appropriate industrial use in commercial zones because its operations can typically be accommodated within buildings with limited off-site impacts. These manufacturing uses remain subject to the applicable siting and design standards in Articles 2 and 3, including maximum setback, entry orientation, minimum glazing, and location of parking and loading areas. These standards generally locate parking and loading away from street frontages, and help maintain the intended pedestrian-oriented character of these areas, even where the principal use of a site or building is industrial.

Cities may apply the optional Active Use Streets standard where maintaining pedestrian activity and visually engaging ground-floor spaces is particularly important. The standard does not require an Industrial use to include a separate retail or commercial use. Manufacturing, production, repair, and similar work areas may satisfy the standard when they are regularly occupied. The intent is to locate occupied and customer- or visitor-serving spaces along the street frontage rather than storage, warehousing, loading, or other inactive areas.

A. Purpose. The following provisions are intended to allow compatible light industrial uses in commercial zones, while maintaining the intended commercial, mixed-use, and pedestrian-oriented character of these districts.

B. Applicability. The following standards apply where Industrial uses are allowed in the MS and GC zones pursuant to Table 2.2.030.E.. The standards are applied through Development Review or Conditional Use Permit review, as applicable.

C. Standards.

1. **Enclosed Operations.** Industrial uses shall be wholly enclosed within a building*[, unless unenclosed operations are authorized by a Conditional Use Permit]*.

2. **Operating Hours.** Where the subject site is located within *[100 feet]* of a residential zone, the City may limit the hours of operation of the Industrial use to between *[7:00 a.m. and 9:00 p.m.]* where it has identified concerns about noise, parking, or other impacts related to the use.

*[3. **Active Use Streets.** Where an Industrial use is located on a lot abutting a designated Active Use Street, the ground floor of the building along the Active Use Street shall contain retail sales, eating or drinking establishments, personal or professional services, customer service or reception areas, showrooms, offices, classrooms or training areas, or similar areas regularly occupied by customers, visitors, or employees for a minimum depth of [20–30] feet measured from the street-facing building façade. Manufacturing, production, assembly, repair, storage, and similar activities may occur within this area where the activity is visible from the street through windows and the area is regularly occupied by employees.]*

2.3.190 Heavy Manufacturing

User's Guide: Heavy manufacturing facilities generally have a large footprint and may have more impacts in terms of noise, vibration, odor, etc. than light manufacturing or artisanal manufacturing. Table 2.2.030.E groups all heavy manufacturing uses into one category. However, cities may want to regulate certain uses differently (e.g., require Conditional Use review or prohibit). This section includes provisions for three tiers of regulations: (1) permitted with specific standards; (2) Conditional Use required; (3) prohibited. Cities should fill in the details of this section, with standards tailored to the local context.

The optional subsection (D) also allows cities to fill in certain uses they want to prohibit. Table 2.2.030.E provides an option to allow Heavy Manufacturing in the LI district through Conditional Use review. If this option is selected, it is recommended to prohibit the uses in Subsection D; these uses also would not be eligible for Conditional Use approval. Optionally, these uses may also be prohibited in the GI district. Cities should modify the list as appropriate to reflect local conditions, available industrial land, infrastructure, and community goals.

A. Purpose. This section provides standards and requirements for heavy manufacturing uses. See Section 5.1.060.B. for a description of the use category.

B. Applicability. This section applies to heavy manufacturing uses in the GI zone.

C. Permitted Uses Subject to Specific Standards. Except as provided in subsections (D) and (E), heavy manufacturing uses are Permitted in the GI zone *[and with Conditional Use approval in the LI zone]*, provided they meet the following standards related to off-site impacts. If an applicant cannot demonstrate that a proposed use will meet these standards, a Conditional Use Permit is required pursuant to Chapter 4.4.

1. Noise. *(fill in standards for noise limits)*
2. Vibration. *(fill in standards for vibration)*
3. Lighting and Glare. *(fill in standards for lighting and glare)*
4. Odor. *(fill in standards for odor)*

D. Conditional Use Permit Required. The following uses require approval of a Conditional Use Permit, pursuant to Chapter 4.4. *(modify list as needed)*

- *[Bulk Storage of Flammable Liquids or Gases; Petroleum Products Storage and Distribution; Wood or Biomass Fuel Dealers*
- *Cement, Glass, Clay, and Stone Products Manufacture[; except as allowed for Artisanal and Light Manufacture Uses]*
- *Chemical, Fertilizer, Insecticide, Paint Product Manufacture, or Similar Uses*
- *Concrete or Asphalt Batch Plants*
- *Dairy Products Manufacture*
- *Wrecking, Demolition, Junk Yards, Recycling Centers]*

***[D. Prohibited Uses.** Notwithstanding the use permissions in Table 2.2.030.E, the following heavy manufacturing uses are Not Allowed: (modify or add to list as appropriate based on local conditions and policy)*

- *Petroleum refining*
- *Explosives, ammunition, and fireworks manufacturing or storage*
- *Hazardous waste treatment, storage, or disposal facilities*
- *Radioactive materials processing or long-term storage]*

2.3.200 Temporary Uses

User's Guide: It is recommended that cities define temporary uses and regulate them appropriately. For example, one mobile food cart placed temporarily (e.g., summer months) on private property may not have much of an impact on public services or parking. However, an entire "food court" (i.e., with multiple carts) that lasts the whole year through should be subject to public improvement standards, just like any other development.

Note, in addition to these provisions, ORS 197.493 permits the temporary siting of a recreational vehicle as a residential dwelling on a lot with a detached single-unit dwelling or manufactured dwelling damaged by a natural disaster.

Temporary uses are characterized by their short term or seasonal nature and by the fact that permanent improvements are not made to the site. Temporary uses include, but are not limited to: construction trailers, leasing offices, temporary carnivals and fairs, parking lot sales, retail warehouse sales, seasonal sales such as Christmas tree sales and vegetable stands, and similar uses. This Code contains permit procedures for three types of temporary uses, Seasonal and Special Events, Temporary Sales Offices and Model Homes, and Temporary Buildings, Trailers, Kiosks, and Other Structures, as follows:

A. Seasonal and Special Events. Through a Type II procedure, pursuant to Section 4.1.030, the City shall approve, approve with conditions, or deny a temporary use application for a Seasonal or Special Event, based on the following criteria:

1. The use is permitted in the underlying zone, and does not violate any conditions of approval for the property (e.g., prior development permit approval).
2. The use occurs only once in a calendar year and for not longer than *[30-60]* consecutive days.
3. The use is permitted in the underlying land use district and does not violate any conditions of approval for the property (e.g., prior development permit approval).
4. The applicant, if different than the property owner, has proof of the owner's permission to place the use on the property.
5. Ingress and egress are adequate and do not raise safety concerns when the proposed use is combined with the other uses of the site, pursuant to Chapter 3.3 Access and Circulation.
6. The use does not conflict (i.e., create a nonconformity) with the provisions of Chapter 3.4 Landscaping, Fences and Walls.
7. There is sufficient parking to accommodate the temporary use and other uses existing on the site, pursuant to the Chapter 3.5 Parking and Loading.
8. The use does not conflict (i.e., create a nonconformity) with the provisions of Chapter 3.6 Public Facilities.
9. The use does not create adverse off-site impacts including vehicle traffic, noise, odors, vibrations, glare,

or lights that affect an adjoining use in a manner in which other uses allowed outright in the district do not affect the adjoining use.

10. The use is adequately served by sewer or septic system and water, as applicable.
11. The applicant shall be responsible for maintaining all required licenses and permits.

B. Temporary Sales Office or Model Home. Through a Type II procedure, pursuant to Section 4.1.030, the City shall approve, approve with conditions, or deny a temporary use application for a Temporary Sales Office or Model Home, based on the following criteria:

1. **Temporary sales office.** The use of any real property within the City as a temporary sales office, office for the purpose of facilitating the sale of real property, shall meet all of the following criteria:
   a. The temporary sales office shall be located within the boundaries of the subdivision or tract of land in which the real property is to be sold.
   b. The property to be used for a temporary sales office shall not be permanently improved for that purpose.
   c. Public health, safety, and welfare shall be protected through conditions imposed by the City, regarding temporary utility connections.
2. **Model house.** The use of any real property within the City for a model home, including a model home in any subdivision or on any tract of land within the City, shall meet all of the following criteria:
   a. Where the model house is located in a Residential zone, it shall be located within the boundaries of the subdivision or tract of land where the real property to be sold is situated.
   b. A model house located in a Residential zone shall be designed as a permanent structure that meets all relevant requirements of this Code and other applicable codes and permit requirements.
   c. A model house located in a non-Residential zone, as with a manufactured home sales display lot, shall be removed when the use of the subject site for home sales ends.

C. Temporary Buildings, Trailers, Kiosks, and Other Structures. Through a Type II procedure, pursuant to Section 4.1.030, the City shall approve, approve with conditions, or deny an application for a placement and use of a temporary building, trailer, kiosk, or other structure, based on following criteria:

1. The use is permitted in the underlying zone and does not violate any conditions of approval for the property (e.g., prior development permit approval).
2. The applicant, if different than the property owner, has proof of the owner's permission to place the use on the property.
3. The lot development standards of Section 2.2.040 are met.
4. Ingress and egress are adequate and do not raise safety concerns when the proposed use is combined with the other uses of the site, pursuant to Chapter 3.3 Access and Circulation.
5. The use does not conflict (i.e., create a nonconformity) with the provisions of Chapter 3.4 Landscaping,

Fences and Walls.

6. There is sufficient parking to accommodate the temporary use and other uses existing on the site, pursuant to the Chapter 3.5 Parking and Loading.
7. The temporary use does not conflict (i.e., create a nonconformity) with the provisions of Chapter 3.6 Public Facilities.
8. The use does not create adverse off-site impacts including vehicle traffic, noise, odors, vibrations, glare, or lights that affect an adjoining use in a manner in which other uses allowed outright in the district do not affect the adjoining use.
9. The use is adequately served by sewer or septic system and water, as applicable.
10. The structure complies with applicable building codes.
11. Except where specifically authorized by the *[City decision-making body]*, the length of time that the temporary structure may remain on a site shall not exceed *[#]* consecutive months or a total of *[#]* months in any one calendar year.
12. The applicant has obtained and will maintain all required licenses and permits.
13. Public health, safety, and welfare are protected through the installation of a water meter, if necessary, and other improvements, pursuant to Chapter 3.6 Public Facilities, as necessary.

[2.3.210 Mobile Homes, Residential Trailers, and Recreational Vehicles Used as Dwellings]

User's Guide: This is a placeholder for jurisdictions that have mobile homes or residential trailers pre-dating current HUD standards, and that wish to apply special standards to those uses. This section may also be used to clarify where residential use of recreational vehicles (RV) is grandfathered or permitted. ORS 446.125 authorizes the occupancy of a manufactured dwelling or "camping vehicle" (i.e., RV) on private land, provided all applicable standards of sanitation, water, plumbing, and electrical installation are met. Most city codes prohibit the use of RVs as long-term residences except in licensed RV parks or manufactured dwelling parks. However, some cities (such as Portland) allow occupancy of an RV on residential lots that already contain a primary dwelling, provided utility hookups and sanitary disposal are provided.

[2.3.220 Bed and Breakfast Inns]

User's Guide: Bed and breakfast inns are popular in many communities where historic single-unit homes, or homes near attractive downtown areas, make for successful inns. Allowing bed and breakfast uses can help preserve a community's historic landmarks by providing a secondary income stream to the homeowners. Concerns about neighborhood compatibility, parking, and other factors should be considered when drafting codes for bed and breakfast inns. The following standards should be tailored to fit the needs of your community.

[Bed and Breakfast Inns, where allowed, are subject to review and approval through a Type II procedure, pursuant to Section 4.1.030, and shall conform to all of the following standards:

A. Accessory Use. *The use must be accessory to a permitted residential use. [The owner or operator of the bed and breakfast inn must reside in the dwelling in which the inn is operated.] [A bed and breakfast inn is not permitted on a lot with a separate home occupation or small-scale commercial use, pursuant to Section 2.3.130.]*

B. Maximum Size. *A maximum of [six] bedrooms for guests, and a maximum of [12] guests are permitted per night.*

C. Length of Stay. *The maximum length of stay is [28] days per guest; any stay longer is classified as a commercial lodging use, or residential use if it meets the definition in Section 5.1.020.*

D. Employees. *The inn shall have not more than [two] non-resident employees on-site at any one time. There is no limit on residential employees.*

E. Food Service. *Food service shall be provided only to overnight guests of the business, except where a restaurant use is also an allowed use.*

F. Signs. *Signs shall not exceed a total of four square feet of surface area on each side of one or two faces. See also, sign regulations in Municipal Code Section __ Signs.*

G. Screening and Buffering. *The City may require a landscape hedge or fence be installed on the property line separating a bed and breakfast inn from an abutting single-unit dwelling for the purposes of visual screening and privacy between uses. Screening and buffering shall conform to the standards of Chapter 3.4.]*

[2.3.230 Short-Term Vacation Rental]

User's Guide: Many of Oregon's small cities are attractive to retirees, second homeowners, and visitors. As a result, much of the housing stock in those communities is actually a hybrid form of housing and commercial lodging. Land use concerns often arise around short-term vacation rentals, including the number of occupants in a rental, the duration of each stay, parking, noise, trash storage, and landscaping and property maintenance, among others. Many communities in Oregon have implemented local regulations for short-term rentals. Common regulations include limitations on the number and location of rentals and, once approved, policies for their operation. Licensing and operational

requirements are typically found in municipal codes; land use permit requirements are in local development codes or zoning ordinances.

This section is reserved for short-term vacation rental standards, which should be tailored to meet the needs of each community. For examples of local short-term rental code, cities might want to refer to Lincoln City's and Hood River's Short Term Rental codes, and Gearhart's Vacation Rental Dwelling codes, which require both licensing of rentals and compliance with land use standards.

[2.3.240 Micro-Generation Facilities]

User's Guide: Micro-generation refers to power generation by individual households or businesses for use on the premises. It may include solar, wind, hydro, geothermal, biomass, and other sources. Because the field is evolving rapidly, the model code does not provide standards. Cities should review their existing land use codes and identify any conflicts with micro-generation, such as building height and setback standards for accessory structures, lot coverage limitations, and others, and consider whether code changes are warranted. For example, ORS 227.505 requires that cities allow rooftop solar equipment. Cities may also want to refer to the US Green Building Council for additional information and sample rating systems and ordinances.

[2.3.250 Parks and Open Spaces]

User's Guide: This section is a placeholder for cities that want to adopt special use standards as an alternative to requiring a conditional use permit for certain types of park facilities.

[2.3.260 Wireless Communication Facilities]

User's Guide: This section is reserved for codes regulating wireless communication facilities. Many cities adopted codes regulating the location and design of cell towers and antennae during the late 1990s, when cellular phone service was expanding rapidly. Local concerns arose regarding the visual impact of new towers, some over 150 feet tall and located in residential areas, and health concerns. In response, the federal Telecommunications Act was adopted to, among other things, respond to those concerns and facilitate the siting of cell towers. The Federal Telecommunications Act preserves local authority over the siting of wireless communication facilities but imposes substantive limits and mandatory review timelines that preempt longer state or local processes. Federal “shot clock” requirements established through rulings of the Federal Communications Commission (FCC)—generally 60 to 90 days depending on facility type—require jurisdictions to act promptly and base decisions on substantial evidence.

Chapter 2.4 – Overlay Zones *[and Specific Area Plan Regulations]*

<u>Sections:</u>

User's Guide: Most cities have at least one overlay zone (e.g., Flood Hazard). Some have also adopted Specific Area Plans for individual neighborhoods or future growth areas. Chapter 2.4 is a placeholder for overlay zones and specific area plan regulations, as needed. The format and numbering of this chapter should be tailored to meet the needs of each city.

Overlay zones and other regulations implementing statewide planning goals may be subject to state requirements governing their application to housing, including middle housing. For example, OAR chapter 660, division 46 includes requirements for applying Goal 5 natural resource protections to middle housing. Because these requirements may change over time, cities should review current state statutes and administrative rules when adopting or updating overlay zone regulations.

The following state resources and model codes may be useful in preparing overlay zone regulations for specific purposes. State requirements and model ordinances are periodically updated; cities should confirm that they are using the current version and review applicable state statutes and administrative rules. See DLCD Model Code website for list of other models and guidance: **https://www.oregon.gov/lcd/About/Pages/Model-Code.aspx**

- State Model Flood Hazard Management Ordinance (2020) – Note, updates to the National Flood Insurance Program (NFIP) require Oregon jurisdictions to modify floodplain permitting and regulations to enhance habitat functions. This may necessitate changes to the model ordinance and local standards and processes.

- DLCD Wildfire Adapted Communities Report Summary (2022)

- Preparing for Landslide Hazards: A Land Use Guide for Oregon Communities (2019)

- Model Coastal Erosion Overlay Zone (2012)

- Preparing for a Cascadia Subduction Zone Tsunami: A Land Use Guide for Oregon Coastal Communities (2015)

- The Cultural Areas Rule Guidance for Oregon Local Governments (2026)

- State Historic Preservation Office Model Code (2019)

2.4.010 Purpose

[Draft overall purpose and intent for overlay zones.]

2.4.020 Applicability

[Reserved for applicability of overlay zones; relationship between base zones and overlays, etc.]

[2.4.030 Overlay Zone 1]

[2.4.040 Overlay Zone 2]

[2.4.050 Overlay Zone 3]

ARTICLE 3 - COMMUNITY DESIGN STANDARDS 3

Article 3 - Community Design Standards

<u>Chapters:</u>

Background: Article 3 provides standards for development and changes of use. The standards address site and lot layout and design, access, circulation, landscaping, parking, loading, and public facilities. Not every standard will apply to all of the actions (permits and approvals) under Article 4. Chapter 3.1 outlines the provisions of Article 3 that apply to each type of action, though cities will need to customize the code and establish the types of approvals, and development thresholds, to which the design standards apply.

Sign standards are not included in the Model Code; however, Section 3.8 provides a placeholder should a city wish to include sign standards in this Article.

Chapter 3.1 - Design Standards Administration

User's Guide: The Model Code uses the platform of a traditional zoning ordinance to implement the smart growth principles of compact development, mixed-use, transportation efficiency, full utilization of urban services, and human-scale design. These approaches also support broader climate and energy goals by shaping urban form in ways that reduce vehicle miles traveled, support active transportation, and make efficient use of land and infrastructure. Cities can build on this model by adopting special design standards or form-based codes for specific neighborhoods or districts. Section 3.3.090 and the overlay zone chapters in Article 2 (placeholders) provide for this.

The Model Code does not include a dedicated chapter on green building standards or a rating system such as LEED. However, it is intended to help small cities move toward sustainability, in both the built and natural environments. For example, in addition to the smart growth principles listed above, the model promotes water conservation through water-conserving landscapes (xeriscaping) in Chapter 3.5, and provides options for using renewable energy.

3.1.010 Purpose

Article 3 contains design standards for the built environment. The standards are intended to protect the public health, safety, and welfare through multimodal accessibility and interconnectivity, and through the provision of parking, landscaping, *[and]* adequate public facilities*[, and appropriate signage]*.

3.1.020 Applicability

Except as specified in Section 3.1.030, the provisions of Article 3 apply to permits and approvals granted under this Code, and other City actions, as summarized in Table 3.1.020.

3.1.030 Exceptions

User's Guide: Subsection A implements SB 1561 (2026, effective date January 1, 2027) which requires the approval of replacement (and expansion of up to 25%) for a dwelling damaged or destroyed by a natural or involuntary event (Section 2, chapter 89, Oregon Laws 2026).

Subsection B applies to cities that are subject to the middle housing requirements of ORS 197A.420. These cities are required to exempt the conversion of a detached single-unit dwelling into middle housing from design standards (OAR-046-0125 and -0225) as defined in OAR 660-012-0020. Other cities may want to provide this exception as well to help facilitate the development of middle housing.

Also note: SB 974 (2025) preempts the application of certain residential design standards to single-unit or middle housing developments of 20 or more units. (It is codified in ORS 197A as Sections 7 to 9, chapter 330, Oregon Laws 2025, and sunsets on January 2, 2033.) Rulemaking and adoption of a model code compliance module in January 2027 is expected to clarify the interpretation of the statute; therefore, its requirements will be incorporated into the next edition of the Model Code.

A. Restoration or Replacement of a Dwelling Damaged or Destroyed by a Natural or Involuntary Event. The provisions of Article 3 do not apply to applications to restore or replace a dwelling damaged or destroyed by a natural or involuntary event submitted in compliance with Section 2, chapter 89, Oregon Laws 2026.

***[B. Middle Housing Conversions**. The following chapters do not apply to middle housing that is created through internal conversion of, or addition to, an existing detached single-unit dwelling:*

- *Chapter 3.2 Residential Building Orientation and Design*
- *Chapter 3.4 Pedestrian Access and Circulation*
- *Chapter 3.5 Landscaping, Fences and Walls, [Outdoor Lighting]*
- *Chapter 3.6 Vehicle Parking, Access, and Circulation]*

Table 3.1.020
Applicability of Design Standards to Approvals and Permits

Approvals*	**3.2 Residential Bldg Design**	**3.3 Non-Residential Bldg Design**	**3.4 Pedestrian Access & Circ.**	**3.5 Landscaping, etc.**	**3.6 Vehicle Parking, Access, etc.**	**3.7 Public Facilities**	***[3.8 Signs]***
Access to a Street	N	N	Y	N	Y	Y	*[N]*
Adjustment	Individual chapters may apply, depending on the adjustment request.						
Annexation	N	N	N	N	N	Y	*[N]*
Code Interpretation	Standards are subject to City interpretation under Chapter 1.5.						
Code Text Amendment	Chapters apply where amendment affects design standards.						
Comprehensive Plan Map Amendment	N	N	N	N	N	Y	*[N]*
Conditional Use Permit	Y	Y	Y	Y	Y	Y	*[Y]*
Expedited Land Division	Y (if bldg exists)	N	Y	Y	Y (if use exists)	Y	*[N]*
Development Review (See also, Chapter 4.2)	Y	Y	Y	Y	Y	Y	*[Y]*
Home Occupation*[, Type A & B]*	N	N	N	N	N	N	*[Y]*
Legal Lot Determination	N	N	Y	N	N	Y	*[N]*
Master Planned Development	Y (if res'l proposed)	Y (if non-res'l proposed)	Y	Y	Y	Y	*[Y]*
[Middle Housing Land Division]	Y (if bldg exists)	N	Y	Y	Y	Y	*[N]*
Modification to Approval or Condition of Approval	Individual chapters may apply, depending on the modification request.						
Non-Conforming Use or Structure, Expansion of	Y	Y	Y	Y	Y	Y	*[Y]*
Partition, Subdivision, or Re-plat (See also, Chapter 4.3)	Y (if bldg exists)	Y (if bldg exists)	Y	Y	Y (if use exists)	Y	*[N]*
Property Line Adjustments, including Lot Consolidations (See also, Chapter 4.3)	Y (if bldg exists)	Y (if bldg exists)	Y	Y	Y (if use exists)	Y	*[N]*
Variance	Individual chapters may apply, depending on the variance request.						
Zoning District Map Change	N	N	N	N	N	Y	*[N]*

* The applicant may be required to comply with the design standards of other agencies, such as a road authority or natural resource regulatory agency. The City's failure to notify the applicant of any requirement or procedure of another agency shall not invalidate a permit or other decision made by the City under this Code.

Chapter 3.2 – Residential Building Orientation and Design

User's Guide: Chapter 3.2 establishes clear and objective design standards for residential development, drawing from multiple recent state model codes and rulemaking efforts. These include the Oregon Middle Housing Model Code (2020), the Climate-Friendly and Equitable Communities (CFEC) Walkable Design Standards (2025), and the Housing Model Codes adopted under OAR 660-008-0410.

To improve usability, standards that are common across housing types—such as building orientation, pedestrian connections, and façade elements—are grouped together. Other standards are tailored to specific housing types or development patterns, such as multi-unit housing, cottage clusters, and townhouse-style development. Users should refer to applicability provisions and tables within this chapter to determine which standards apply to a particular development.

The standards emphasize site and building design features that support walkability, safety, and human-scale design. Consistent with state policy, these approaches also support broader housing, transportation, and climate goals by encouraging development patterns that reduce reliance on driving and make efficient use of land and infrastructure.

The model should be adapted to include standards that address local design objectives, including, where applicable, historic preservation.

3.2.010 Purpose

Chapter 3.2 establishes clear and objective design standards for residential development that support walkable, safe, and functional site and building design. The standards are intended to provide predictable outcomes across a range of housing types while allowing flexibility in site layout and building form. The standards also promote development patterns that support pedestrian access and make efficient use of land and infrastructure. The standards provide for:

A. Entry orientation and site layout that reinforce the relationship between buildings and the street and support pedestrian use of the site, while facilitating transitions between the public and private realms;

B. Building features on street-facing façades, such as windows, doors, porches, and other elements, that contribute to an active and visually engaging streetscape;

C. Garage placement and design that reduces the visual prominence of garages and supports pedestrian-oriented development patterns; and

D. Unique configurations of certain housing types, such as cottage clusters *[and townhouse-style multi-unit housing]*.

Housing type-specific design standards are also found in Chapter 3.4, Pedestrian Access and Circulation (specifically, Section 3.4.030 Residential Standards) and Chapter 3.6, Vehicle Parking, Access, and Circulation (specifically, Section 3.6.070 Additional Residential Standards for Vehicle Access and Parking Design). *[If the City has adopted separate historic district standards, those standards apply in addition to this chapter.]*

3.2.020 Applicability

Except as specified in Section 3.1.030 or as otherwise specified in this chapter, Chapter 3.2 applies to all new *[residential buildings, except accessory dwelling units]*, including the residential portion of mixed-use developments, and exterior alterations to existing residential buildings. See Table 3.2.020 for a summary of applicability to various housing types.

In accordance with Section 1.4.030 Non-conforming Development, where an existing development does not conform to these standards, any proposed alterations must not increase the degree to which the development is non-conforming, unless a variance is approved pursuant to Chapter 4.7.

[The City Planning Official, through a Type II procedure, may grant adjustments to Chapter 3.2, pursuant to the criteria of Chapter 4.7 Adjustments and Variances. (Elaborate as needed, specifying any limitation on the types of standards that may be adjusted and by how much.)]

Table 3.2.020. Applicability of Residential Building Orientation and Design Standards

Section	Detached Single-Unit	Duplex	Triplex and Quadplex	Townhouse	Cottage Cluster	Multi-Unit *[(non-Townhouse Style)]*	*[Multi-Unit (Townhouse Style)]*
3.2.030 Entry Orientation	✓	✓	✓	✓	—*	✓	✓
[3.2.040 Transitions to Residential Entrances]	✓	✓	✓	✓	✓	✓	✓
3.2.050 Windows and Doors	✓	✓	✓	✓	✓**	✓	✓
3.2.060 Garages	✓	✓	✓	✓	✓	✓	✓
3.2.070 Trash Storage	—	—	✓	✓	✓	✓	✓
3.2.080 Cottage Cluster Standards	—	—	—	—	✓	—	—

* Cottage cluster housing is subject to orientation standards in Section 3.2.080 in lieu of this section.

** Applies only to cottages within 20 feet of a street lot line.

3.2.030 Entry Orientation

User's Guide: These standards are intended to ensure that residential buildings present identifiable entrances that are oriented toward the street (or a shared open space). This supports pedestrian access and a consistent relationship between buildings and the public realm.

The standards are applied differently by housing type. For example, the standards for multi-unit housing focus on the placement and orientation of shared building entrances. Cottage cluster housing is subject to separate orientation standards in Section 3.2.080.

A. Detached Single-Unit and Middle Housing.

1. Applicability. Detached single-unit housing, duplexes, triplexes, quadplexes, and townhouses are subject to the following standards.

2. Standards.

   At least one main entrance for each residential structure must comply with all the following standards. For townhouses, a main entrance to each townhouse must comply with these standards.

   The entrance 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 (see Figure 3.2.030.A.a);

      ii. Be at an angle of up to 45 degrees from the street (see Figure 3.2.030.A.b);

      iii. Face a common open space that is adjacent to the street and is abutted by dwellings on at least two sides (see Figure 3.2.030.A.c); or

      iv. Open onto a covered porch or covered patio (see Figure 3.2.030.A.d). The porch or patio must:

         (A) Be at least 25 square feet in area; and

         (B) Have at least one entrance facing the street.

   c. Connect to the sidewalk in accordance with Section 3.4.030.B.

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

a. Any detached structure for which more than 50 percent of its street-facing facade is separated from the street lot line by:

   i. A dwelling; or

   ii. A buildable lot with a depth of at least 20 feet measured from the street lot line.

> **User's Guide:** Below are two optional exceptions to the entry orientation standards. Subsection (b) exempts townhouse lots that lack public street frontage. Cities are encouraged to allow townhouse lots to have access from a shared tract or access easement, rather than each lot having public street frontage. Units on lots without street frontage need not meet the orientation standards.
>
> Subsection (c) exempts accessible or adaptable units, provided there is an accessible walkway to the entrance. This allows flexibility for different configurations or development on irregular sites, as long as the units are designed for adaptability or accessibility.

[b. Townhouses on townhouse lots that do not have public street frontage.]

[c. Accessible and adaptable units, provided the main entrance is connected to the public sidewalk by an accessible walkway. For townhouses to qualify for this exception, only the ground level must be designed as accessible or adaptable.]

Figure 3.2.030.A.a. Main Entrance Facing the Street

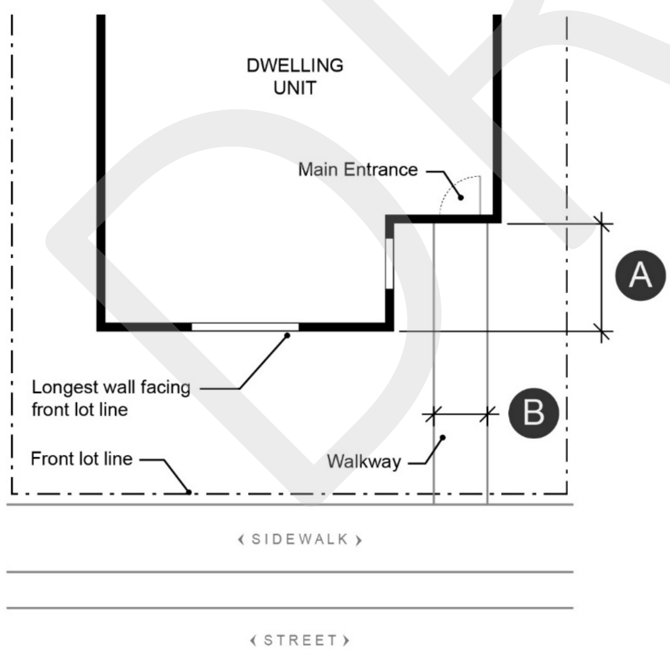
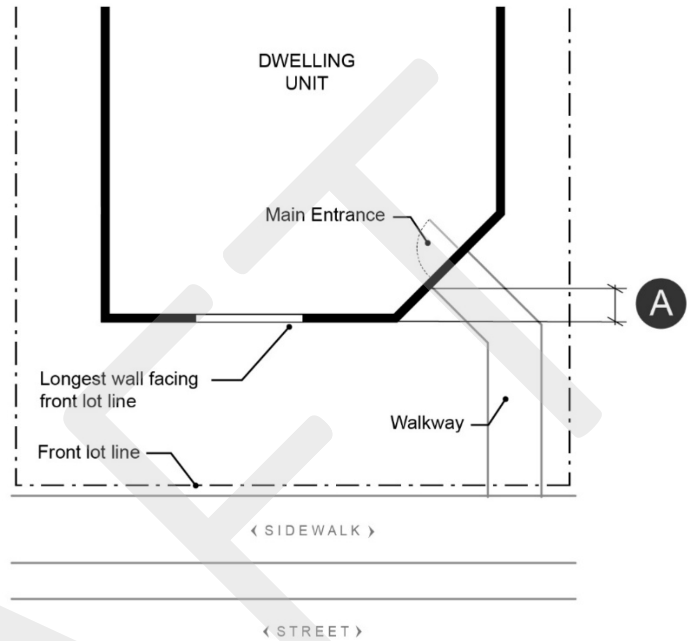
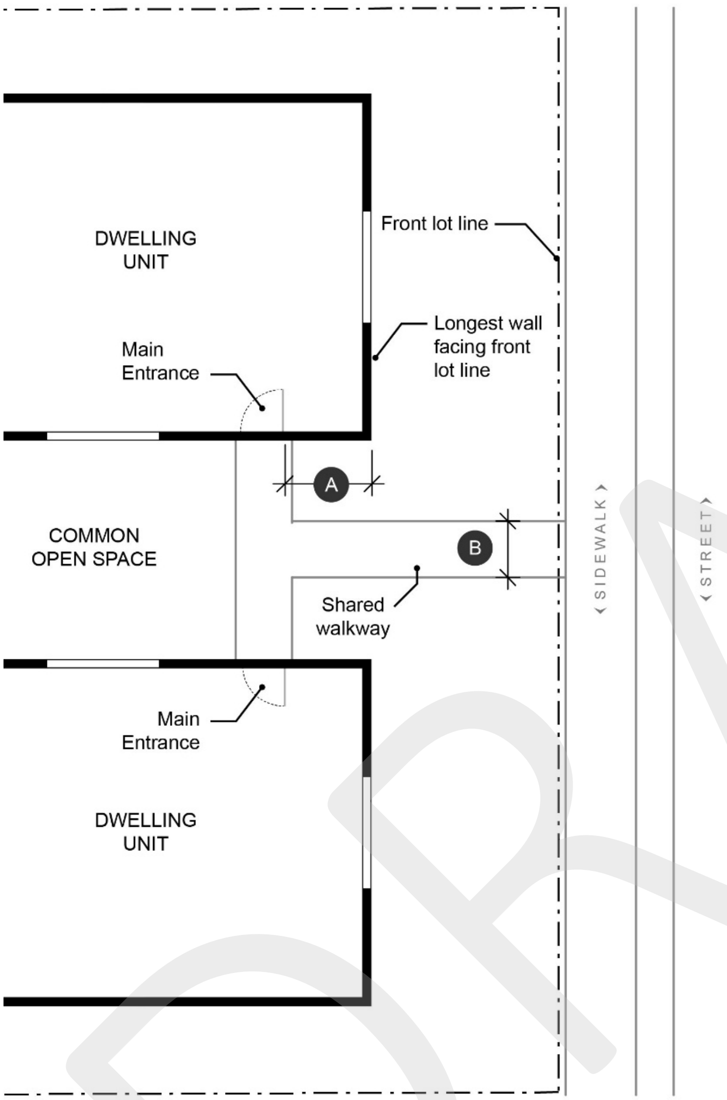


Figure 3.2.030.A.b. Main Entrance at 45° Angle from the Street



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

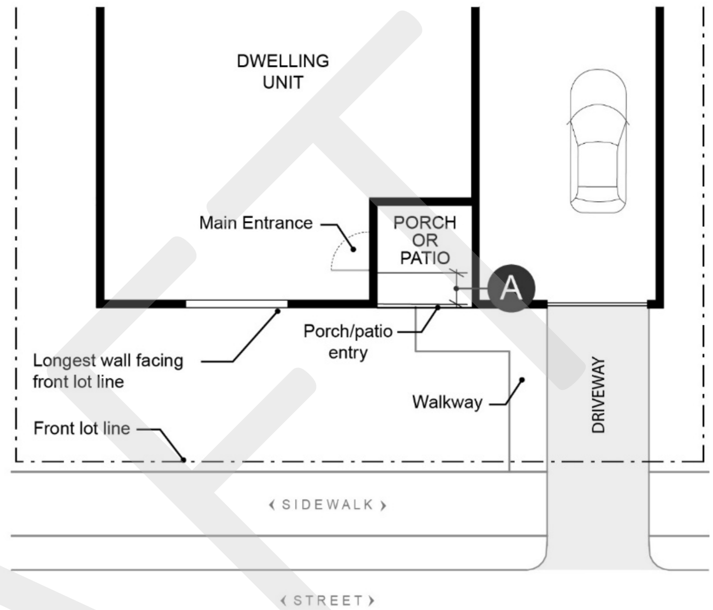
Figure 3.2.030.A.c. Main Entrance Facing Common Open Space



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

Ⓑ Walkway width minimum 2 feet

Figure 3.2.030.A.d. Main Entrance Opening onto a Porch



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

B. Multi-Unit Housing *[– Non-Townhouse Style]*

User's Guide: While multi-unit housing can take various forms, the standards in this Code are generally optimized for stacked formats. However, cities may choose to apply modified standards to "townhouse style" multi-unit housing, where units have individual ground floor entries, share one or more common walls, and do not share common floors or ceilings. Although these developments may appear similar to standard townhouses, the land is not divided into individual lots.

As an optional provision, this code includes altered standards for townhouse-style developments related to entry orientation, pedestrian circulation, and parking location and design. These options allow cities to accommodate townhouse-style configurations within a multi-unit framework while maintaining consistent design outcomes.

Because townhouse-style configurations function differently from stacked buildings, some standards should be tailored to this format. This code includes optional modified standards for townhouse-style development related to entry orientation, pedestrian circulation, and parking location and design. These options allow cities to accommodate townhouse-style configurations within a multi-unit framework while maintaining consistent design outcomes.

1. Applicability. Multi-unit housing *[other than townhouse-style development]* is subject to the following standards.

2. Standards. (See Figure 3.2.030.B)

User's Guide: The optional text shown in brackets, below, aligns with the CFEC Walkable Design Model Code and administrative rules regarding orientation to transit streets (OAR 660-046-0330(4)(f)).

a. 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:*

i. 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.

ii. 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).

iii. In the following circumstances, the applicant may choose the street-facing façade that will contain the main entrance:

(A) The abutting streets have equal levels of transit service and equal street classifications; or

(B) 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.]

b. The main entrance meeting standard B.2.a, must:

i. Be no more than 8 feet farther from the front lot line than the structure's longest wall that faces the front lot line.

ii. Meet at least one of the following:

(A) Face the street;

(B) Be at an angle of up to 45 degrees from the street;

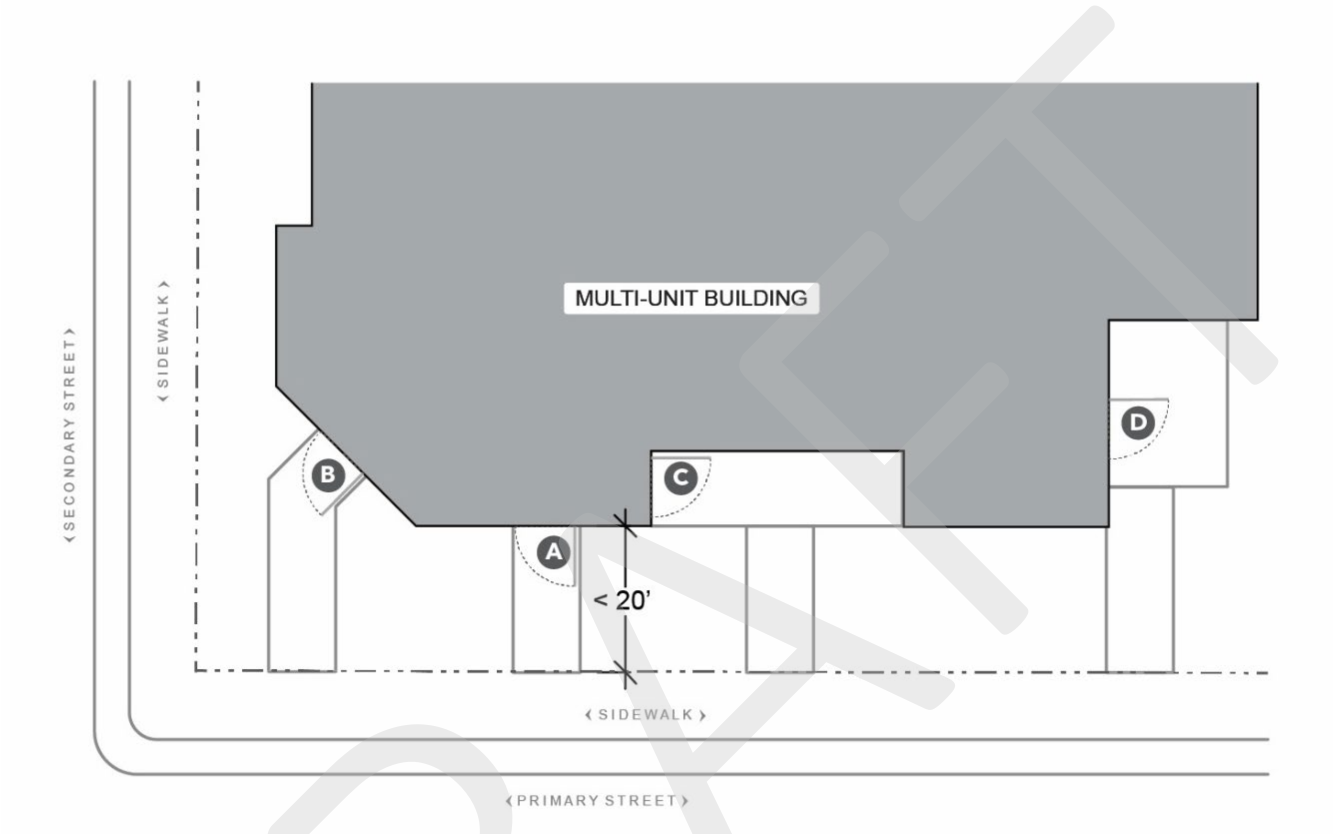
(C) Face a courtyard, provided the courtyard is no less than 15 feet in width and abuts the street; or

(D) Open onto a covered porch or covered patio that is at least 25 square feet in area.

iii. Connect to the sidewalk in accordance with Section 3.4.030.D.1.

[3. 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 3.5.030.F.2 are met.]

Figure 3.2.030.B. Multi-Unit Entry Orientation



A Entrance facing the street.

B Entrance at an angle of up to 45 degrees from the street.

C Entrance facing a courtyard.

D Entrance opening onto a covered porch or covered patio.

.

[C. Multi-Unit Housing – Townhouse Style.

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

2. *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 3.2.030.C.) The entrance must:*

   a. *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.*

   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; or*

      iii. *Open onto a covered porch or patio. The porch or patio must:*

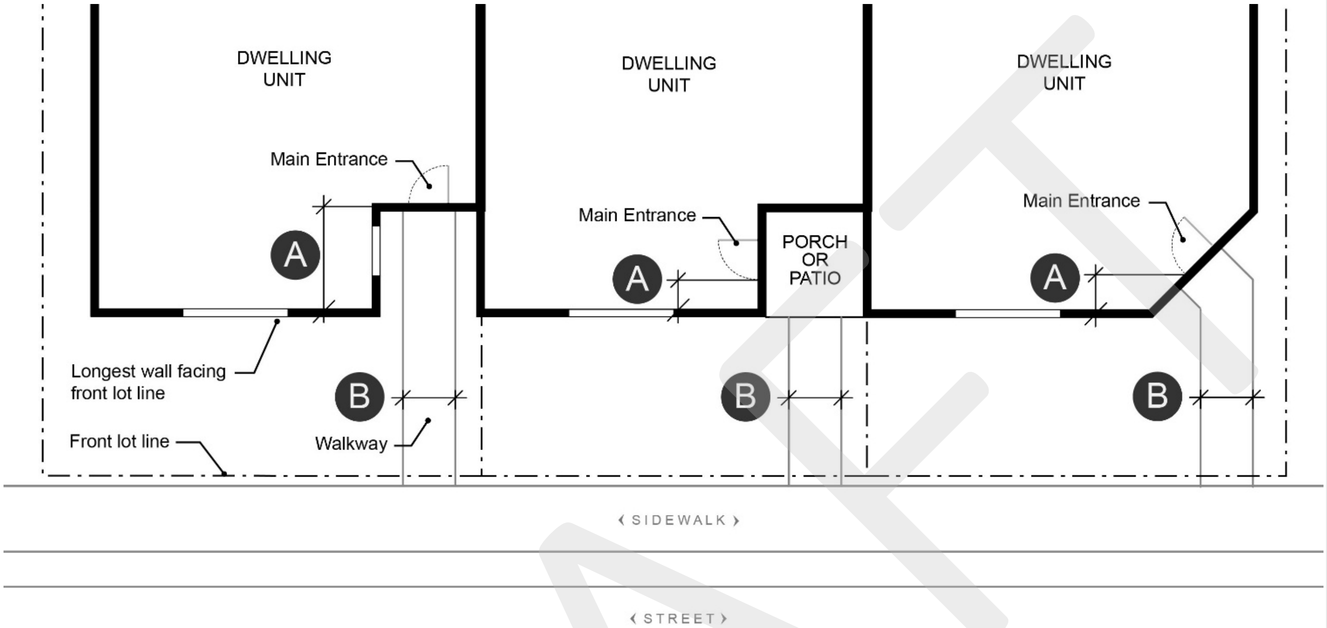
         (A) *Be at least 25 square feet in area; and*

         (B) *Have at least one entrance facing the street.*

   c. *Connect to the sidewalk in accordance with Section 3.4.030.B.*

3. *Exceptions. None.]*

[Figure 3.2.030.C. Main Entrance Facing the Street, at 45° Angle, or Opening onto a Porch]



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

B — Walkway width minimum 2 feet

[3.2.040 Transitions to Residential Entrances

User's Guide: The optional text shown in brackets, below, is adapted from the CFEC Walkable Design Model Code. The standards help ensure that where unit entries are close to the street (within 10 feet), some separation and privacy is provided via landscaping or other design features. These standards would only apply if the minimum front setback is 10 feet or less.

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. (See Figure 3.2.040.)

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.*

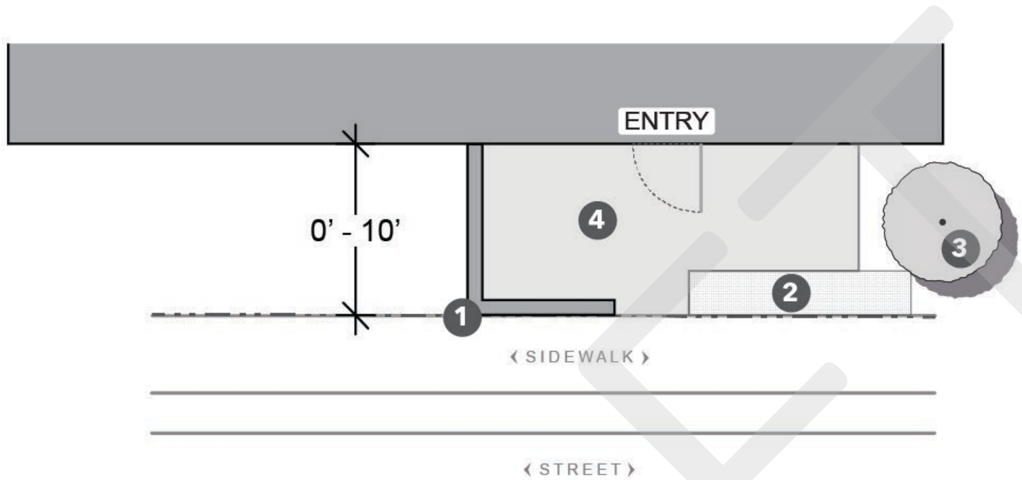
   2. *Landscaping that meets the planting standards in Section 3.5.030.*

   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.]*

[Figure 3.2.040 Transitions to Residential Entrances]



- **A** A wall or fence that is 18 to 36 inches high and at least 4 feet wide.
- **B** Landscaping that meets the planting standards.
- **C** For each street-facing entrance, one canopy tree.
- **D** Common or private outdoor area.

3.2.050 Windows and Doors

A. Standard. Windows or pedestrian entrance doors must be provided on street-facing facades as specified below. See subsection C for measurement methodologies.

1. **Detached Single-Unit and Middle Housing.** Detached single-unit and middle housing must meet the following standards. For cottage cluster housing, this applies to cottages within 20 feet of a street lot line. *[Ground-level windows provided in compliance with subsection (3) shall count toward the total required for the façade.]*

    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. **Multi-Unit Housing.** Multi-unit housing must meet the following standard: A minimum of 15 percent of the area of all street-facing facades must include windows or pedestrian entrance doors. *[Ground-level windows provided in compliance with subsection (3) shall count toward the total required for the façade.]*

User's Guide: The optional text shown in brackets, below, is adapted from the CFEC Walkable Design Model Code. The standards are intended to ensure that development on designated "Active Use Streets" (i.e., primary pedestrian streets) in a city's Main Street or Downtown zone have adequate ground-floor transparency to support a pedestrian-friendly street environment.

Note, "Active Use Streets" will need to be clearly defined, for example, by identifying them on a map or listing them specifically in the code (e.g., identify applicable streets, cross streets, and note whether the standards apply on one or both sides of the street).

*[3. **Active Use Streets.** In addition to the standards above, the following standards apply to residential development in the MS zoning district, on sites with frontage on Active Use Streets. As used in this section, "Active Use Streets" include the following street frontages: (list "main" commercial street(s) or refer to an adopted map).*

a. On façades that face an Active Use Street, a minimum of [15-20] percent of the portion of the ground-level facade between [2 and 8 feet] above sidewalk grade shall be windows. (See Figure 3.2.050.A)

b. Required windows shall be transparent. For the purposes of this section, "transparent" means a minimum visible transmittance of at least [0.60]. The following standards must be met for an area to be considered transparent.

i. Windows and/or glass within doors may be used to meet this standard. Window area is the aggregate area of the glass within each window, including any interior grids, mullions, or transoms.

ii. *Windows must not be mirrored, frosted, reflective, or treated in such a way to block visibility into the building.*

iii. *Windows into storage areas, vehicle parking areas, mechanical and utility areas, and garbage and recycling areas do not qualify.]*

[Figure 3.2.050.A.3. Windows and Doors on Active Use Streets]

A — The ground-level facade between *[2 and 8 feet]* above sidewalk grade shall be windows.

B — Window area is the aggregate area of the glass within each window, including any interior grids, mullions, or transoms.

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.

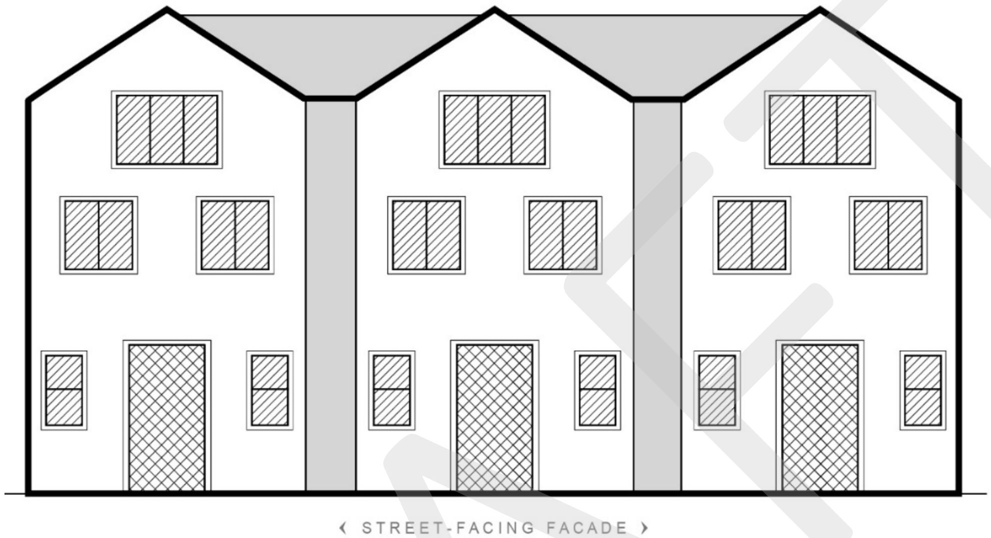
C. Measurement Methodology. Areas that qualify for the window and door coverage calculations in this section are subject to the following (See Figure 3.2.050.C):

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.

Figure 3.2.050.C. Window and Door Coverage



Area subject to window & entrance door coverage requirement.

Qualifying window coverage.

Qualifying door coverage.

3.2.060 Garages

The standards in this section apply to vehicle storage areas and structures, including garages, carports, canopies, and similar facilities. The standards regulate the placement and street-facing design of vehicle storage and access features to support pedestrian circulation and visibility where buildings front a street.

User's Guide: These standards are intended to reduce the visual prominence of garages and vehicle access features along streets by requiring them to be set back and secondary to living areas. This supports pedestrian-oriented streetscapes and improves visibility and safety. Additional, optional provisions for larger garages help break up their mass and maintain a consistent building-street relationship.

A. Setback for Garage Entrance Facing Street. The following standards apply to street lot lines other than alley lot lines.

1. As provided in Tables 2.2.070.A-B, no garage or carport opening shall be placed closer than 20 feet to a street right-of-way*[. / ; except where the City approves a reduced setback and parking in front of garages is restricted (for example, as part of an approval for a hillside development or development adjacent to a natural feature).]*

2. A garage entrance must not be closer to the street lot line than a façade that encloses living area along the same street frontage, except the garage entrance may extend up to *[2-5]* feet in front of a façade that encloses living area if there is a covered front porch with no horizontal dimension less than *[3-5]* feet and the garage entrance does not extend beyond the roof of the porch.

*[**B. Three-Car and Wider Garages.** Where three or more contiguous garage parking bays are proposed facing the same street, the garage opening closest to a side property line shall be recessed at least two feet behind the adjacent opening(s) to break up the street-facing elevation and diminish the appearance of the garage from the street. Side-loaded garages and detached garages located behind a dwelling unit are exempt from this requirement.]*

3.2.070 Trash Storage

A. Applicability. The following standards apply to triplexes, quadplexes, townhouses, cottage clusters, and multi-unit housing.

B. 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.

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

3.2.080 Cottage Cluster Standards

Cottage cluster housing is subject to the following standards. Cottage cluster housing must also meet the standards in Sections 3.2.050 Windows and Doors, 3.2.070 Trash Storage, 3.4.030 Pedestrian Access and Circulation, 3.6.070.E Vehicle Access and Parking Design.

A. Cottage Orientation.

1. Standard. Cottages must be clustered around a common courtyard as demonstrated by meeting the following standards (see Figure3.2.080.A-B). Exceptions are specified in subsection (2).

    a. Each cottage within a cluster must have a main entrance that is directly connected to the common courtyard by a pedestrian walkway.

    b. 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.

    c. Cottages must abut the common courtyard on at least two sides of the courtyard.

2. Exceptions. An existing dwelling included within a cottage cluster pursuant to subsection (E) may be excluded from the calculation of cottages oriented toward the common courtyard at the applicant's option.

B. Common Courtyard Design. Each cottage cluster must share a common courtyard that meets the following standards (see Figure 3.2.080.A-B):

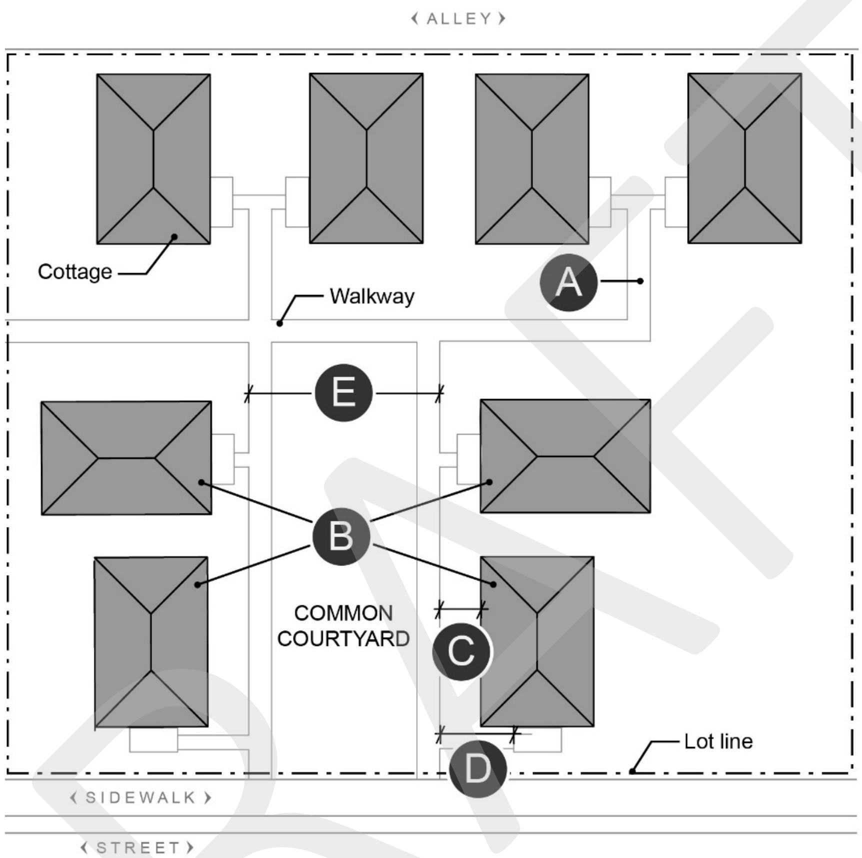
1. The common courtyard must be a single, contiguous piece.

2. The common courtyard must be a minimum of 15 feet wide at its narrowest dimension and must meet the minimum area standard in Subsection 2.3.110.C.7.

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.

Figure 3.2.080.A-B. 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.

C. Community Buildings. 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 Subsection 2.3.110.C.5.

2. Community buildings shall not include individual storage spaces for residents. However, storage areas for shared equipment or supplies is permitted.

[3. If a community building meets the definition of a dwelling unit and has a footprint that exceeds the maximum footprint in Subsection 2.3.110.C.4 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.]

D. Accessory Structures. Accessory structures (excluding community buildings) must not exceed 400 square feet in floor area.

E. Existing Structures. 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 Subsection 2.3.110.C.4; 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.

Chapter 3.3 - Non-Residential Building Orientation and Design

Sections:

User's Guide: Chapter 3.3 provides one set of design standards for non-residential buildings. The standards are intended to address the issues that are most frequently cited as concerns in small cities: basic site planning standards, pedestrian-oriented design, and architectural standards aimed at protecting small-town character. These standards support well-placed, well-planned commercial, mixed-use, and institutional buildings. The 4th Edition of this Code incorporates provisions from the CFEC Walkable Design Standards Model Code, to prioritize pedestrian access, active building frontages, and development patterns that reduce reliance on driving.

The model should be adapted to include standards that address local design objectives, including, where applicable historic preservation, while providing flexibility for institutional uses such as hospitals, airports, places of worship, schools and colleges.

3.3.010 Purpose

Chapter 3.3 regulates the placement, orientation, and design of non-residential buildings. The regulations are intended to protect public health, safety, and welfare through standards that promote land use compatibility and livability, while protecting property values and ensuring predictability in the development process. The standards are intended to:

A. Create and maintain a built environment that is conducive to walking and bicycling *[while providing convenient access to transit]*;

B. Reduce dependency on the automobile for short trips;

C. Provide civic space for employees and customers;

D. Support community safety by strengthening informal oversight of public spaces; *[and]*

E. Create human-scale design*[; and*

F. Maintain the historic integrity / architectural character of the community].

3.3 – Non-Residential Building Orientation and Design | Purpose

The standards require buildings placed close to streets, with storefront windows (where applicable), with large building walls divided into smaller planes, and with architectural detailing.

User's Guide: Additional (optional) purpose and intent language is offered below. Insert statements as numbered subsections and add punctuation, as needed.

[The standards are intended to enhance / support the continued development of the city, reinforcing it as an attractive place to work, shop, and conduct business.
[The standards respond to and reconcile the historical context of the city with more contemporary building practices. The standards draw on the architectural vocabulary of the city's historic districts, while allowing a contemporary interpretation of older building forms and styles scaled to fit the community. It is not the City's intent to create an architectural theme, but rather to ensure that new buildings and exterior alterations fit within the context of their surroundings and contribute toward the development of compact, walkable commercial and mixed-use districts. Specifically, the standards:
draw upon the local vocabulary of building styles and elements, including compatibility with locally significant historic structures where applicable;
create a sense of street enclosure with appropriate building heights and detailing;
address differences in building scale between different zoning districts;
require the use of contextually appropriate materials, textures and colors;
promote a storefront character (windows, pedestrian shelter, furnishings, etc.);
encourage a diversity of building façades and rooflines that fall into a consistent rhythm;
promote corner lots as focal points;
improve the streetscape with adequate civic space, street furnishings and public art; and
encourage energy and water conservation, and the use of renewable resources.]

3.3.020 Applicability

Except as otherwise specified below, the following requirements apply to non-residential development, including individual buildings and developments with multiple buildings such as shopping centers, office complexes, and institutional campuses; the non-residential portion of mixed-use developments; and exterior alterations to existing non-residential buildings. In accordance with Section 1.4.030 Non-conforming Development, where an existing development does not conform to these standards, any proposed alterations must not increase the degree to which the development is non-conforming, unless a variance is approved pursuant to Chapter 4.7.

[The City Planning Official, through a (Type II) procedure, may grant adjustments to Chapter 3.3, pursuant to the criteria of Chapter 4.7 Adjustments and Variances. (Elaborate as needed, specifying any limitation on the types of standards that may be adjusted and by how much.)]

3.3.030 Building Orientation

The following standards apply to new buildings *[and building additions that are subject to Development Review]*.

User's Guide: The following standards are intended to promote well-placed and well-designed buildings that enhance the public streetscape. The code has built-in exceptions for certain situations where compliance with the standards is not practical. Chapter 4.7 Adjustments and Variances, and Chapter 4.8 Master Planned Developments, provide additional flexibility, as needed.

A. Maximum Setback.

1. Standard. Buildings subject to this Section shall comply with the applicable maximum setback standard in Table 2.2.070.A-B. Exceptions are provided in subsection (2).

2. Exceptions.

    a. A publicly accessible plaza, civic space, or other pedestrian amenity space may be used to meet up to 20 percent of the frontage requirement specified in subsection (1), provided the following standards are met:

        i. The space must abut the sidewalk of a public street and must be hardscaped for pedestrian use.

        ii. The space must have minimum dimensions (both width and depth) of *[10-15 feet]*.

        iii. The space must include benches or seating that provide at least *[5-10]* linear feet of seats. The seating surface must be at least 15 inches deep and between 16 and 24 inches above the grade upon which the seating or bench sits.

        iv. A minimum of *[10-20]* percent of the pedestrian amenity space must be landscaped.

        v. A minimum of one tree is required within the pedestrian amenity space. Where the pedestrian amenity space exceeds *[500]* square feet, at least one additional tree shall be provided for each additional *[500]* square feet of pedestrian amenity space.

    b. The City Planning Official, through Type II or III Development Review, may waive or modify the maximum setback standard (including allowing a greater setback than otherwise permitted) where it finds that one or more of the conditions in subsections (i)-(v) occurs.

        i. A proposed building is adjacent to a detached single-unit or middle housing dwelling, and an increased setback promotes compatibility with the adjacent dwelling.

        ii. The standards of the roadway authority preclude development within the maximum setback.

iii. A significant tree or other environmental feature precludes strict adherence to the standard and will be retained and incorporated in the design of the project.

iv. A public utility easement or similar restricting legal condition that is outside the applicant's control makes conformance with the maximum setback impracticable. In this case, the building shall instead be placed as close to the street as possible given the legal constraint, and pedestrian amenities (e.g., plaza, courtyard, landscaping, outdoor seating area, etc.) shall be provided within the street setback in said location pursuant to Section 3.3.050.

[v. An expansion is proposed on an existing building that was lawfully created but does not conform to the above standard, and the building addition moves in the direction of conformance where practicable.]

B. Main Entrance. Except as provided for Large-Format Developments in subsections 3.3.040(E)-(F), below, all buildings within 40 feet of a street lot line shall have at least one main entrance (e.g., tenant entrance, lobby entrance, breezeway entrance, or courtyard entrance) that meets one of the following standards. Development sites with frontage on more than one street must meet the standard in subsection (1) on a street served by transit, when applicable. (See Figure 3.3.030.)

1. The main entrance must face an abutting street (i.e., be within 45 degrees of the street property line). A pedestrian walkway must connect the main entrance to the sidewalk in conformance with Section 3.4.040; or

2. The main entrance must face a plaza, courtyard, or similar pedestrian space containing pedestrian amenities and meeting the requirements under Section 3.3.050. The plaza or courtyard must be connected to the street by a pedestrian walkway conforming to Section 3.4.040.

C. Location of Parking and Service Areas. (See Figure 3.3.030.)

1. No area between the street lot line and a building facade required to meet the maximum setback standard may be used for vehicle parking or circulation. Vehicle access is allowed through the setback area if it accesses a parking area or structured parking that does not conflict with maximum setback standards or the standards of this subsection (C).

2. Vehicle parking and circulation areas within [20 feet] of the street lot line must be limited to no more than *[50 percent]* of the length of the street lot line.

3. Any areas within *[20 feet]* of the street lot line that are not occupied by a building or vehicle area must be landscaped in accordance with Section 3.5.030 or hardscaped for pedestrian use.

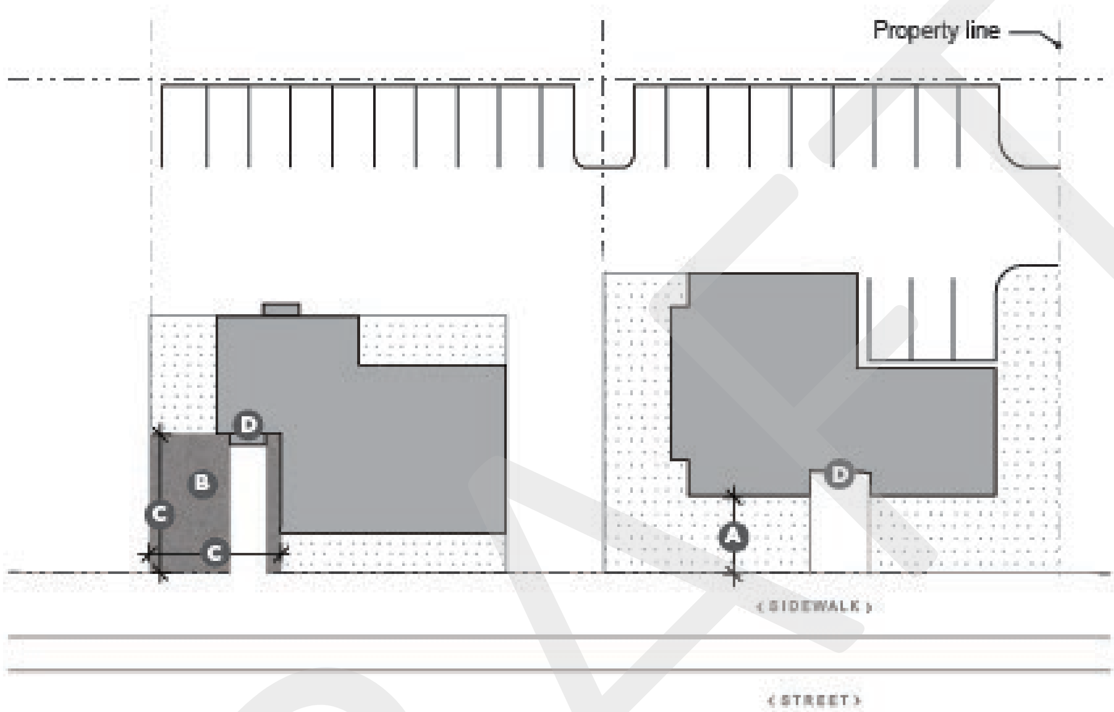
[4. Sites with multiple street frontages. Where a site abuts two or more streets, the standards in subsections (1)-(3) must be met on the frontage of the street with the higher transit classification. If both streets have the same classification, the applicant may choose on which street to meet the standard.]

4. Trash storage facilities, ground-level utilities (e.g., utility vaults), and similar obstructions shall not be placed between building entrances and the street(s) to which they are oriented. To the extent practicable, such facilities shall be oriented internally to the block and accessed by alleys or driveways.

5. Off-street vehicle parking shall be oriented internally to the site to the extent practicable, and shall meet the Vehicle Parking, Access and Circulation requirements of Chapter 3.6 and the Landscape and Screening requirements of Chapter 3.5.

[6. The following standard applies only to sites abutting a transit street or located in the MS zone. No area between a building and the street lot line may be used for vehicle parking or circulation.]

Figure 3.3.030. Non-Residential Building Orientation (GRAPHIC WILL BE REFINED IN FINAL DRAFT)



A Maximum setback.

B Publicly accessible plaza, civic space, or other pedestrian amenity.

C Minimum dimensions of *[10-15 feet]*.

D Main entrance.

3.3.040 Large-Format Developments

Plans for new developments, or any phase thereof, with a total floor plate area (ground floor area of all buildings) greater than *[40,000]* square feet, and land divisions of sites exceeding *[40,000]* square feet in the *[MS, GC, and LI]* zones, shall meet all of the following standards in subsections 1-9, below. (See Figure 3.3.040.)

User's Guide: The following standards are intended to address problems of transportation connectivity and pedestrian safety associated with "big box" developments and conventional strip-commercial shopping centers.

A. The site plan or tentative subdivision plan, as applicable, shall comply with the street connectivity standards of Section 3.7.020. The plan approval shall bind all future phases of the development, if any, to the approved block layout.

B. Except as provided by subsections (6)-(9), below, the site shall be configured to resemble blocks with building pads that have frontage onto improved streets meeting City standards, and shall contain interior parking courts and with interconnected pedestrian walkways.

C. Walkways shall connect the street right-of-way to all primary building entrances, and shall connect all primary building entrances to one another, including required pedestrian crossings through interior parking areas, if any, in accordance with Section 3.3.040. The City Planning Official may condition development to provide facilities exceeding those required by Section 3.3.040, including a requirement for lighting, stairways, ramps, and midblock pedestrian access ways (e.g., to break up an otherwise long block) to ensure reasonably safe, direct, and convenient pedestrian circulation.

D. Buildings placed at a block corner shall have a main entrance oriented to the block corner. That entrance shall be located within *[20-40]* feet of the corner and shall have a direct and convenient pedestrian walkway connecting to the corner sidewalk.

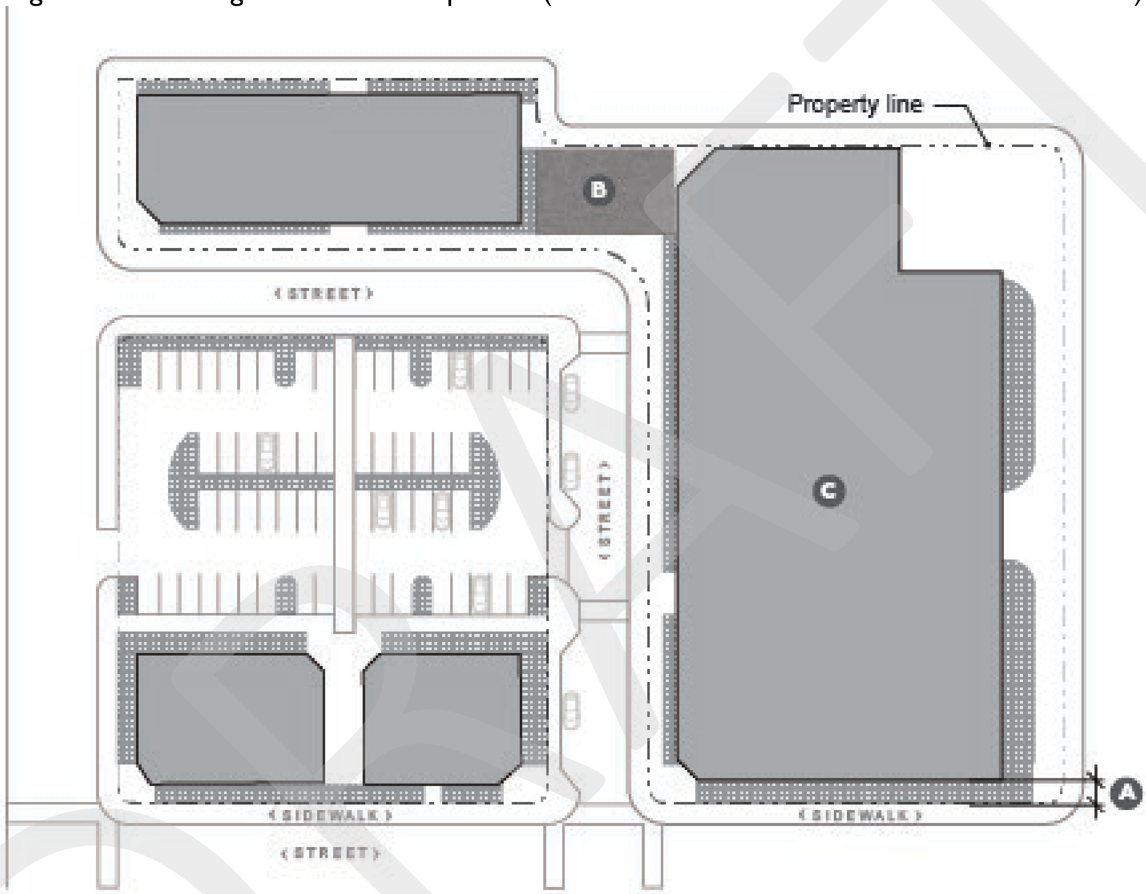
E. All buildings shall orient to a street, pursuant to subsection3.3.030. Where it is not practical to orient all buildings to streets due to existing parcel configuration or a similar site constraints, buildings may orient to a "shopping street" (i.e., a private street interior to the development). The shopping street must provide, at a minimum, on-street parking (parallel or angled parking), *[8-10]*-foot sidewalks (which shall include a *[four]*-foot zone for street trees and furnishings such as benches and other street furniture), and pedestrian-scale lighting.

F. Each building that is proposed as orienting to a shopping street shall comply with the orientation standards of Section 3.3.030 in reference to the shopping street, and shall have at least one main entrance oriented to the shopping street.

G. Where a building fronts both a shopping street and a public street, that building shall contain at least one main entrance oriented to each street; except that an entrance is not required where the public street is not improved with a sidewalk and the City determines that sidewalk improvements to the public street cannot be required as a condition of approval.

H. All other provisions of this Code apply to large-format developments.

Figure 3.3.040. Large-Format Developments (GRAPHIC WILL BE REFINED IN FINAL DRAFT)



A Maximum setback.

B Publicly accessible plaza, civic space, or other pedestrian amenity.

C Building orient to a "shopping street"

3.3.050 Main Entrances and Windows

The following standards apply to new buildings *[and building additions that are subject to Development Review]*. *[Industrial development in the LI and GI zones is exempt from these standards.]*

The standards are intended to address the issues that are most frequently cited as concerns in small cities: avoiding suburban building designs (require detailed storefront design) and maintaining a compatible building scale. Not every community will need all of the following provisions.

A. All Elevations of Building. Architectural designs shall address all elevations of a building. Building forms, detailing, materials, textures, and color shall contribute to a unified design with architectural integrity. Materials used on the front façade must turn the building corners and include at least a portion of the side elevations, consistent with the building's overall composition and design integrity.

B. Building Entrances.

2. **Pedestrian Entrances.** Ground level entrances oriented to a street shall be at least partly transparent. This standard may be met by providing a door with a window, a transom window above the door, or sidelights beside the door. Where ATMs or other kiosks are proposed on any street-facing elevation, they shall be visible from the street for security and have a canopy, awning, or other weather protection shelter.

3. **Corner Entrances.** Buildings on corner lots are encouraged to have corner entrances. Where a corner entrance is not provided, the building plan *[should / shall]* provide an architectural element or detailing (e.g., tower, beveled corner, art, special trim, etc.) that accentuates the corner location.

4. **Street Level Entrances.** All main building entrances shall open to the sidewalk and shall conform to Americans with Disabilities Act (ADA) requirements, as applicable. Main entrances above or below grade may be allowed where ADA accessibility is provided.

C. Windows.

1. **Windows – Minimum Required Percentage.**
   a. Except as provided in subsection (d), all elevations shall provide not less than *[30]* percent windows. Ground-level windows provided in compliance with subsection (2) shall count toward the total required for the elevation.

   b. Except as provided in subsection (d), ground-level windows must be provided on façades that face a street (including a shopping street) or civic space (e.g., internal plaza or court). The minimum percent of windows within the portion of the facade between *[2 and 8 feet]* above sidewalk grade shall be as specified in subsections (i)-(vi).
      i. MS zone: *[60-75]* percent

ii. GC zone: *[40-50]* percent
iii. LI and GI zones *[applies only to commercial uses]*: *[40-50]* percent
iv. RC zone: *[40-50]* percent
v. RL and RH zones: *[15-25]* percent
[vi. PF and P-OS zones: None]

c. Required windows shall be transparent. For the purposes of this section, "transparent" means a minimum visible transmittance of at least *[0.60]*. The following standards must be met for an area to be considered transparent. See Figure 3.3.050.C.1.
   i. Windows and/or glass within doors may be used to meet this standard. Window area is the aggregate area of the glass within each window, including any interior grids, mullions, or transoms.
   ii. Windows must not be mirrored, frosted, reflective, or treated in such a way to block visibility into the building.
   iii. Windows into storage areas, vehicle parking areas, mechanical and utility areas, and garbage and recycling areas do not qualify.

[2. Storefront Windows. *Ground-level windows shall consist of framed picture or bay windows, which may be recessed. Framing shall consist of trim detailing such as piers or pilasters (sides), lintels or hoods (tops), and kick plates or bulkheads (base)—or similar detailing—consistent with a storefront character.]*

3. Window Trim. At a minimum, windows shall contain trim, reveals, recesses, or similar detailing of not less than *[four]* inches in width or depth as applicable. The use of decorative detailing and ornamentation around windows (e.g., corbels, medallions, pediments, or similar features) is encouraged.

4. Projecting Windows, Display Cases. Windows and display cases shall not break the front plane of the building (e.g., projecting display boxes are discouraged). For durability and aesthetic reasons, display cases, when provided, shall be flush with the building façade (not affixed to the exterior) and integrated into the building design with trim or other detailing. Window flower boxes are allowed, provided they do not encroach into the pedestrian through-zone.

5. Window Exceptions.
   a. The standards in this section (C) do not apply to zero-lot line or common wall elevations.
   b. The City Planning Official may, as part of a Type II or III review, approve a reduction in the percentage of windows required or may waive the transparency requirements in subsection (1) for the following structures and uses:
      i. Parking structures and accessory structures. Where an exception to the window transparency requirement is made for parking garages or similar structures, the building design must incorporate openings or other detailing that resembles the window patterns (rhythm and scale).
      ii. Structures that have multiple facades subject to these standards, provided the standard is met by the façade with the primary entrance.
      iii. Facades that are not visible to the public.

iv. Emergency Services, Healthcare Center, Healthcare Clinic (limited to patient care areas), Mortuary Services, Shelters, *[add other local use categories as applicable]*.

[v. Other uses where an exemption is necessary to preserve privacy or meet applicable state or federal laws.]

c. The City Planning Official may also approve an exception to the above standards where existing topography makes compliance impractical.

D. Defined Upper Story(ies). Building elevations shall contain detailing that visually defines street level building spaces (storefronts) from upper stories. The distinction between street level and upper floors shall be established, for example, through the use of awnings, canopies, belt course, or similar detailing, materials, or fenestration. Upper floors may have less window area than ground floors, but shall follow the vertical lines of the lower level piers and the horizontal definition of spandrels and any cornices. *[Upper floor window orientation shall primarily be vertical, or have a width that is no greater than height. Paired or grouped windows that, together, are wider than they are tall, shall be visually divided to express the vertical orientation of individual windows.]*

Figure 3.3.050.C.1 Ground-Level Windows and Doors

3.3.060 Building Design

The following standards apply to new buildings *[and building additions that are subject to Development Review]*. *[Industrial development in the LI and GI zones is exempt.]*

A. Articulation and Detailing.

The following standards are intended to avoid blank walls and maintain a compatible building scale.

1. **Articulation.** All building elevations that orient to a street or civic space must have breaks in the wall plane (articulation) of not less than one break for every *[30]* feet of building length or width, as applicable, as follows:

   a. A "break" for the purposes of this subsection is a change in wall plane of not less than *[24]* inches in depth. Breaks may include but are not limited to an offset, recess, window reveal, pilaster, frieze, pediment, cornice, parapet, gable, dormer, eave, coursing, canopy, awning, column, building base, balcony, permanent awning or canopy, marquee, or similar architectural feature.

   b. The City Planning Official through Development Review may approve detailing that does not meet the *[24-]*inch break-in-wall-plane standard where it finds that proposed detailing is more consistent with the architecture of *[historically significant or historic-contributing]* buildings existing in the vicinity.

   c. Changes in paint color and features that are not designed as permanent architectural elements, such as display cabinets, window boxes, retractable and similar mounted awnings or canopies, and other similar features, do not meet the *[24-]*inch break-in-wall-plane standard.

   d. Building elevations that do not orient to a street or civic space need not comply with the *[24-]*inch break-in-wall-plane standard but should complement the overall building design.

2. **Change in Materials.** Elevations should incorporate changes in material that define a building's base, middle, and top, as applicable, and create visual interest and relief. Side and rear elevations that do not face a street, public parking area, pedestrian access way, or plaza may utilize changes in texture and/or color of materials, provided that the design is consistent with the overall composition of the building.

*[3. **Horizontal Lines.** New buildings and exterior remodels shall generally follow the prominent horizontal lines existing on adjacent buildings at similar levels along the street frontage. Examples of such horizontal lines include, but are not limited to: the base below a series of storefront windows, an awning or canopy line, a belt course between building stories, a cornice, or a parapet line. Where existing adjacent buildings do not meet the City's current building design standards, a new building may establish new horizontal lines.*

*4. **Ground Floor and Upper Floor Division.** A clear visual division shall be maintained between the ground level floor and upper floors, for example, through the use of a belt course, transom, awning, canopy, or similar* *division.*

5. ***Vertical Rhythms.*** *New construction or front elevation remodels shall reflect a vertical orientation, either through breaks in volume or the use of surface details.]*

B. Weather Protection. The following standards apply to ground-level building façades that are located within *[5-10]* feet of a street lot line, civic space, or pedestrian accessway.

> The following standards are intended promote pedestrian-oriented, human-scale design, and to provide protection from rain and sun. These standards should be considered in conjunction with the maximum setback standards in Section 2.2.070. Because weather protection is intended to serve pedestrians, it is only required over pedestrian-accessible areas and is not required over perimeter landscaping or other areas not intended for pedestrian use.

1. **Minimum Coverage.** Weather protection (e.g., permanent awnings, canopies, overhangs, or other architectural features providing protection from the rain or shade during periods of hot weather) shall be provided over all pedestrian-accessible building entrances, sidewalks, pedestrian accessways, civic spaces, or other pedestrian areas along the length of the ground-level façade. In no case shall the percentage of ground level façade subject to this requirement exceed the percentage specified in subsections (a) – (d) below. The percentage shall be calculated based on the entire length of the ground-level façade; however, areas that are not pedestrian-accessible (e.g., perimeter landscape areas) are not required to have weather protection.

    a. MS zone: *[50-75]* percent of the ground-level facade
    b. GC zone: *[40-50]* percent of the ground-level facade
    c. RC zone: *[40-50]* percent of the ground-level facade
    d. All other zones: None

2. **Weather Protection Design.**

    a. The weather protection shall project out at least *[4-5]* feet from the adjoining wall, and shall comply with applicable building codes. The City Planning Official, through Development Review, may reduce the minimum dimension where it finds that existing right-of-way dimensions, easements, or building code requirements preclude standard shelters.

    b. The height of the weather protection shall be between *[9 feet and 15 feet]* above the grade underneath it. If mezzanine or transom windows exist, the shelter shall be below such windows where practical.

    c. Where applicable, weather protection shall be designed to accommodate pedestrian signage (e.g., blade signs), while maintaining required vertical clearance.

[d. The weather protection shall be designed to be visually compatible with the architecture of a building.]

C. Mechanical Equipment.

1. **Building Walls.** Where mechanical equipment, such as utility vaults, air compressors, generators, antennae, satellite dishes, or similar equipment, is permitted on a building wall that abuts a public right-of-way or civic space, it shall be screened pursuant to Section 3.5.030. Standpipes, meters, vaults, and similar equipment need not be screened, but shall not be placed on a front elevation when other practical alternatives exist; such equipment shall be placed on a side or rear elevation where practical. *[Equipment for micro-generation or small-scale renewable energy (e.g., mini-wind turbines, solar panels, and similar features) are subject to the Use-Specific Standards of Section 2.3.240.]*

2. **Rooftops.** Rooftop mechanical units shall be setback or screened behind a parapet wall so that they are not visible from any public right-of-way or civic space. Where such placement and screening is not practicable, the City Planning Official may approve painting of mechanical units in lieu of screening; such painting may consist of colors that make the equipment visually subordinate to the building and adjacent buildings, if any.

3. **Ground-Mounted Mechanical Equipment.** Ground-mounted equipment, such as generators, air compressors, trash compactors, and similar equipment, shall be limited to side or rear yards and screened with fences or walls constructed of materials similar to those on adjacent buildings. Hedges, trellises, and similar plantings may also be used as screens where there is adequate air circulation and sunlight, and irrigation is provided. The City may require additional setbacks and noise attenuating equipment for compatibility with adjacent uses.

*[J. **Upper Story Step-Back.** The purpose of the height step-back is to maintain a consistent building scale as viewed from the street, to provide for compatibility between development in the MS [and (add others)] zones and the RL zone, and to provide for solar gain and light filtering down to the street.*

The following standards address the issues that are most frequently cited as concerns in small cities: avoiding buildings that appear out of scale and providing for a transition or compatible building scale adjacent to lower intensity residential uses, without requiring discretionary design review procedures or conditional use permits for commercial development. Reference graphic with height step-back labeled.

1. ***MS zone:*** *Where the height of a proposed building, or building addition, in the MS zone exceeds [35-45] feet, that portion of the building exceeding [35-45] feet in height shall step-back at least [four] feet from the front plane of the subject building that is closest to the street. A similar step-back is required where the subject site abuts, or is on the opposite side of the same street from, an RL zone.]*

2. ***[Specify Other Zones, as needed]:*** *Where the building proposed in the [X] zone exceeds [35] feet in height, it shall step-back at least [#] feet from the front plane of the building that is closest to the street; a similar step-back is required where the subject site abuts, or is on the opposite side of the same street from, an RL zone.]*

*[**K. Materials and Color.** Building exteriors shall conform to the following standards.]*

The following provisions are placeholders. Cities should refer to adopted design guidelines or standards for materials used in specific neighborhoods or districts.

1. ***Primary Materials.*** *[Permitted exterior cladding materials include the following, and other materials found to be similar in appearance and durability, subject to Development Review / Exterior cladding materials may not consist of placeholder].*

2. ***Secondary Materials.*** *Any of the materials listed above as permitted may also be used as secondary materials or accents. In addition, the following materials are allowed as secondary materials, trims, or accents (e.g., flashing, wainscoting, awnings, canopies, signs, ornamentation) when non-reflective and compatible with the overall building design, subject to approval through Development Review: [placeholder]*

3. ***Substitute Materials.*** *Substitute materials that are equal in appearance and durability to those listed in subsections 1 and 2 may be approved through Development Review. The applicant will be required to provide specifications from the manufacturer.*

4. ***Color.*** *[Color schemes shall conform to the adopted color palette on file at the City Hall.] Reflective, luminescent, sparkling, and "day-glow" colors and finishes are prohibited.*

5. ***Historic District and Historic Buildings.*** *(Refer to special regulations or overlay zone.)]*

*[**L. Mixed-Use Building Height Bonus.** Where Table 2.2.060.B provides for a building height bonus for mixed-use development, the (City decision-making body) may approve, approve with conditions, or deny a proposed height bonus if all of the following criteria are met:*

1. *The proposed height increase is for the sole purpose of allowing a residential use above a permitted commercial, civic, or institutional use; or is required to accommodate structured parking.*

2. *The proposed building complies with the upper story step-back requirements of Section 3.3.060.J.*

3. *The proposed increase in height is compatible with adjacent uses and structures, or can be made compatible through reasonable conditions of approval. For the purposes of this subsection, a finding of compatibility means that the proposed height increase does not create a fire hazard; does not conflict with a locally or federally designated historic landmark or district, or with a building or district the City recognizes as being eligible for the National Register of Historic Places; and does not create excessive glare, shade, noise, or privacy concerns for existing adjacent residential uses.]*

3.3.070 Civic Space and Pedestrian Amenities

User's Guide: Well-designed civic space is as important as building design and the provision of centralized parking to the success of a downtown, main street district, or commercial center. Civic spaces include areas that are improved with a plaza, patio, courtyard, widened sidewalk, or similar pedestrian space adjacent to a street or within a public open space.

The minimum civic space and pedestrian improvement standards should be scaled to your community and should implement adopted policy. Ideally, a city would have a plan in place guiding downtown or main street development and revitalization, and the civic space standards would be consistent with the plan. Where no plan exists, the standards should have built-in flexibility. For example, the code might exempt redevelopment projects in areas with historic structures, where civic space improvements would be inconsistent with the historic development pattern.

In addition, or as an alternative, to the civic space standards, cities can establish a system development charge that pays for civic space improvements in a defined area, such as a downtown district. That revenue can be used to leverage additional resources for civic space improvements (e.g., urban renewal, grants, and economic improvement district funds). Again, this approach would work best with an adopted plan in place.

A. Purpose. This section provides standards for civic spaces where such areas are required or provided voluntarily. Civic spaces allow for light and air circulation, visual relief, pedestrian resting areas, and opportunities for socialization in the most densely developed parts of the city. Pursuant to subsection 3.5.030.D, projects within the MS zone *[(or specific street frontages)]* may meet some or all of the minimum landscape area standards of Section 3.5.030 by providing civic space adjacent to street frontages or in courtyards or plazas between buildings.

B. Applicability. All new commercial developments *[with more than [5,000] square feet of gross leasable floor area and [20,000] square feet of site area] [within (name base zone(s) or overlay(s)] [abutting an Active Use Street]* are required to meet the standards of this section.

C. Standards.

1. **Civic Space Standards.** Except as provided by subsection(3), below, at least *[3] percent* of every development site shall be designated and improved as civic space (plaza, landscaped courtyard, or similar space) that is accessible to the general public, pursuant to all of the following standards:

    a. The highest priority locations for civic space improvements are those with the highest pedestrian activity (e.g., street corners and pedestrian access ways).

    b. Civic spaces shall abut a public right-of-way or otherwise be connected to and visible from a public right-of-way by a sidewalk or pedestrian access way. Access ways shall be identifiable with a change in paving materials (e.g., pavers inlaid in concrete or a change in pavement scoring patterns or texture).

c. Where public access to a civic space is not practical due to existing development patterns, physical site constraints, or other hardship presented by the applicant, the City may allow a private area, such as an outdoor eating area attached to a restaurant, in finding the project complies with the standard.

d. All civic spaces shall have dimensions that allow for reasonable pedestrian access. For example, by extending the width of an existing sidewalk by *[four]* feet, a developer might provide space for an outdoor eating area; whereas a larger development at a street corner could meet the standard by creating a plaza adjacent to a building entrance.

e. Civic space improvements shall conform to Chapter 3.5 Landscaping, Fences and Walls.

2. **Pedestrian Improvements in Civic Spaces.** Except as provided by subsection (3), below, where this section requires the provision of civic space, such space shall be improved with pedestrian amenities, pursuant to the following standards:

   a. Pedestrian amenities shall be provided in an amount equal to or greater than *[0.5]* percent of the estimated construction cost of the proposed building(s). A licensed architect, landscape architect, or other qualified professional, shall prepare cost estimates for civic space improvements, which shall be subject to review and approval by the City Planning Official.

   b. Pedestrian amenities include plaza surfaces (e.g., pavers, landscapes, etc.), sidewalk extensions (e.g., with outdoor cafe space), street furnishings (e.g., benches, public art, pedestrian-scale lighting, water fountains, trash receptacles, bus waiting shelters, shade structures, or others), way-finding signs, or similar amenities, as approved by the City Planning Official.

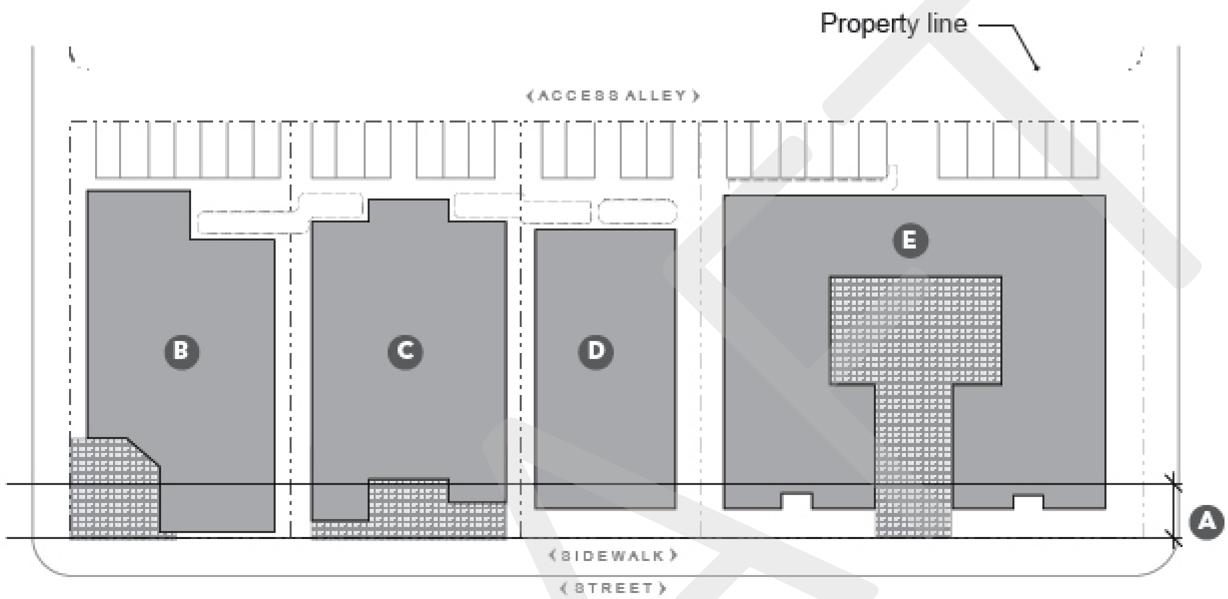
   c. Where a civic space adjoins a building entrance it should incorporate a permanent weather protection canopy, awning, pergola, or similar feature, consistent with Section 3.2.040.F.

   d. The City may accept pedestrian amenities proposed within a public right-of-way (e.g., street corner or mid-block pedestrian access way) and grant the developer credit toward fulfilling the above improvement standard.

   e. The cost of a proposed public parking facility may be subtracted from building costs used in the assessment of civic space improvements.

*[3. **Exception for In Lieu Fee.** Where the City finds that the creation of civic space is not practicable based on the project location or other relevant factors, it may accept an in lieu fee which shall be proportionate to the estimated cost of land and improvements (on-site) that otherwise would have been required. In such case, a licensed architect, landscape architect, or other qualified professional, shall prepare cost estimates for civic space improvements, which shall be subject to review and approval by the City Planning Official.]*

Figure 3.3.070 Civic Space Standards



- **A** Maximum setback.
- **B** Corner plaza
- **C** Front setback for dining
- **D** Exception for existing historic building
- **E** Interior courtyard

3.3.080 Drive-through Facilities

User's Guide: It is recommended to discourage drive-through facilities—such as at fast food restaurants, banks, and pharmacies—in downtowns, main streets, and other walkable centers. These uses create safety concerns for pedestrians and bicyclists. They can also create traffic operations problems on adjacent streets. Another option is to prohibit drive-through uses, or limit them to properties where they already exist. See Table 2.2.030.C and D for recommended use allowances.

The following design standards are adapted from the CFEC Walkable Design Standards Model Code. The standards are intended to promote pedestrian access and safety and to mitigate traffic operations and safety concerns associated with these uses. Cities may choose to apply these standards to Quick Vehicle Servicing uses (e.g., gas stations and quick oil change facilities) in addition to drive-through facilities. See sample graphic.

A. Purpose. The standards for drive-through facilities *[and Quick Vehicle Servicing uses]* are intended to support pedestrian-oriented site design where drive-through facilities are proposed and limit the negative impact of facilities oriented to vehicles. The standards require buildings to offer points of entry and service that can be directly accessed on foot. They also require that visible, safe, and clearly defined routes are provided on-site for pedestrians and bicyclists. The standards ensure adequate vehicle queuing space and limit locations and spacing of these facilities.

B. Applicability. The following standards apply to new developments with drive-through facilities, the addition of drive-through facilities to existing developments, and the relocation of an existing drive-through facility.

[C. Where Drive-Through Facilities are Limited/Prohibited.

1. *New drive-through facilities are prohibited in the [(name of zone or overlay)] district[s].*

2. *Existing drive-through facilities in districts listed in subsection (1) are considered non-conforming uses. Notwithstanding Section 1.4.020 Non-Conforming Use, existing drive-through facilities may be rebuilt, expanded, or relocated on the site but must meet the standards in subsections (D)-(E).*

3. *In the [(name of zone or overlay)] district, no new drive-through facility is allowed within [400] linear feet of another drive-through facility, where the existing drive-through facility lawfully existed as of the date of an application for a new drive-through facility.]*

D. Pedestrian Service Areas. A development with a drive-through facility must provide at least one walk-up service area that meets the following standards. Examples of a walk-up service area include an indoor service area directly accessible from a public street or an outdoor walk-up service window.

1. Walk-up service areas must be accessible by customers arriving on foot, using a mobility device, or by bicycle. Customers using a walk-up service area must have the same or better access to goods and services as customers using the drive-through. *[Quick Vehicle Servicing uses are exempt from this standard.]*

2. If the walk-up service area is limited to an outdoor service window, it must not also be used by vehicles. Walk-up service may be provided by facility staff or by automatic teller-style machines.

3. Walk-up service areas must be connected to the street by a direct and convenient walkway that meets the standards of Section 3.4.040.B.2.

E. Vehicle Service Areas and Stacking Lanes.

1. All driveway entrances, including stacking lane entrances, must be at least 50 feet from any street intersection. If a drive-through facility has frontage on two streets, the drive-through facilities must receive access from the street with the lower classification.

2. Vehicle service areas and stacking lanes must not be located between the building and a street lot line. *[Quick Vehicle Servicing are exempt from this standard.]*

3. Stacking lanes must be designed so that they do not prevent access to parking stalls, nor block the public right-of-way. The minimum length of stacking lanes must be as follows:

   [a. Gasoline fuel pumps and electric vehicle chargers. A minimum of 30 feet of stacking lane is required between the stacking lane entrance and the nearest fuel pump or electric vehicle charger.]

   b. Drive-through facilities. A minimum of *[150-160]* feet for a single stacking lane or *[75 – 80]* feet per lane when there is more than one stacking lane, is required for all other drive-through facilities. A stacking lane is measured between the lane entrance and the service area.

[3.3.090 Reserved for Special District Design Standards]

User's Guide: This section is a placeholder for standards that apply only to specific subareas or under certain situations. For example, different building design standards might be required for historic districts, or where the city has adopted a specific area plan. Alternatively, special district requirements can be incorporated into the code as overlay zones in Article 2.

Chapter 3.4 - Pedestrian Access and Circulation

User's Guide: This chapter implements Transportation Planning Rule (TPR) requirements related to pedestrian access and is intended to be consistent with the TPR provisions for multi-modal mixed-use areas. The standards also incorporate elements of the CFEC Walkable Design Standards Model Code to support connected, accessible pedestrian networks that link buildings, streets, and common areas.

Standards in this chapter are organized to distinguish between residential and non-residential development, with separate provisions in Sections 3.4.030 and 3.4.040 tailored to the different site layouts and circulation patterns typical of each. These standards are intended to work together with the building orientation and design standards in Chapters 3.2 and 3.3 to create cohesive, pedestrian-oriented environments.

Note that the block length and perimeter standards are provided in Chapter 3.7, which contains public improvement standards for subdivisions and site developments.

Sections:

3.4.010 Purpose

Chapter 3.4 *[implements the pedestrian access and connectivity policies of City of (name) Transportation System Plan / serves as the pedestrian access and circulation policy of the City of (name) until such time as the City adopts a Transportation System Plan.]* This chapter contains standards for pedestrian access, circulation, and connectivity. The standards promote safe, reasonably direct, and convenient options for walking and bicycling*[, while accommodating access to transit.]*

3.4.020 Applicability

Chapter 3.4 applies to all new development, except as otherwise specified below. *[The (City decision-making body), through a (Type II) procedure, may grant adjustments to Chapter 3.4, pursuant to the criteria of Chapter 4.7 Adjustments and Variances. (Elaborate as needed, specifying any limitation on the types of standards that may be adjusted and by how much.)]* For vehicle circulation standards, refer to Section 3.6.060-3.6.070; for street improvement requirements, refer to Section 3.7.020.

3.4.030 Residential Standards

User's Guide: This section provides clear and objective standards for pedestrian access and circulation within residential development. These standards are tailored by housing type and are intended to ensure that dwelling units, common areas, parking areas, and adjacent streets are connected by safe and convenient walkways.

This section should be applied in conjunction with Chapter 3.2, Residential Building Orientation and Design, which addresses entry orientation and related building design standards, and Chapter 3.6, Vehicle Parking, Access, and Circulation, which addresses residential driveway and parking design. Section 3.4.040 provides separate pedestrian access and circulation standards for non-residential development.

A. Applicability. Residential developments shall conform to the following standards for pedestrian access and circulation, as applicable to the proposed housing type.

B. Detached Single-Unit, Duplex, Triplex, Quadplex, and Townhouse *[and Townhouse Style Multi-Unit]*.

Where a main entrance is required to meet the entry orientation requirements in Section 3.2.030, the entrance must 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 3.2.030.A.a). The walkway may abut the driveway (see Figure 3.2.030.A.d). Where there is no sidewalk abutting the property, the walkway shall extend to the street lot line.

C. Cottage Cluster Housing.

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.]

D. Multi-Unit Housing *[– Non-Townhouse Style]*

1. Main Entrance Connection. Where a main entrance is required to meet the entry orientation requirements in Section 3.2.030, the entrance must connect to the sidewalk by an accessible walkway in

conformance with subsection (d), below. Where there is no sidewalk abutting the property, the walkway shall extend to the street lot line.

2. 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.

3. Off-Site Connections. 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.

4. 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.

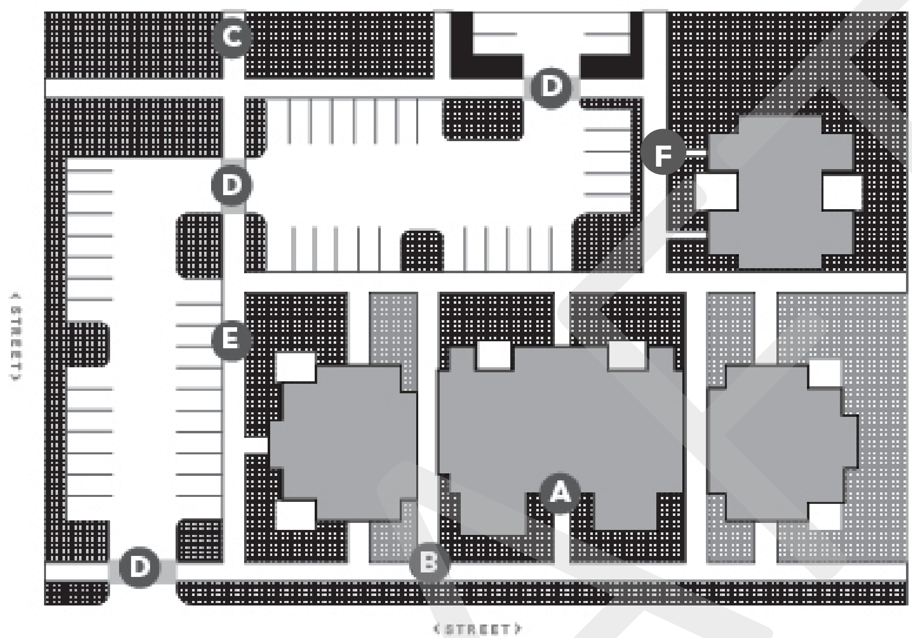
        i. Walkway width must be increased to 8 feet if the walkway abuts perpendicular or angled parking spaces, unless the spaces are equipped with wheel stops.

        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.

Figure 3.4.030.D. Multi-Unit Pedestrian Access and Circulation (GRAPHIC WILL BE REFINED IN FINAL DRAFT)



A Main entrance connection

B Minimum 5 ft. walkway width

C Off-site walkway connection

D Walkway crossing vehicle area

E Walkway abutting perpendicular parking spaces (min. 8 ft. walkway width)

F Walkway leading to 4 or fewer individual unit entries (min. 3 ft. walkway width)

3.4.040 Non-Residential Standards

User's Guide: This section establishes pedestrian access and circulation standards for non-residential and mixed-use development. These standards are intended to intended to provide connections which minimize out-of-direction travel between buildings and existing public rights-of-way, pedestrian/bicycle accessways and other on-site pedestrian facilities.

This section should be applied in conjunction with Chapter 3.3, Non-Residential Building Orientation and Design, and Chapter 3.6, Vehicle Parking, Access, and Circulation. Section 3.4.030 provides separate standards for residential development.

A. Applicability. Non-residential and mixed-use developments shall conform to all of the following standards for pedestrian access and circulation:

B. Standards.

1. **Continuous Walkway System.** A pedestrian walkway system shall extend throughout the development site in conformance with the following standards.

   a. Connections to the Street. All buildings (except for accessory structures) located within 100 feet of a street lot line must have a walkway connection between main entrance(s) and the adjacent sidewalk. Where there is no sidewalk abutting the property, the walkway shall extend to the street lot line. *[For sites with frontage on a transit street, the pedestrian connection requirement must be met on the transit street.]*

      i. The connection may not be more than *[120]* percent of the straight-line distance between the entrance and the street, unless a longer distance is necessary to comply with ADA grade requirements, and except as provided in subsection (ii).

      ii. Exception for Tree Preservation. If a tree that is at least 12 inches in diameter (as measured by the diameter at breast height (DBH) is proposed for preservation, and the location of the tree or its root protection zone would prevent the standard of subsection (i) from being met, the connection may be up to 200 percent of the straight-line distance.

   b. Internal Connections. The walkway system must connect all main entrances on the site that are more than 20 feet from the street, and provide connections to parking areas, bicycle parking, recreational areas, common outdoor areas, and any pedestrian amenities.

   c. Off-Site Connections. This standard applies to commercial, office, or institutional uses that abut another site that is zoned or developed for multi-unit housing, commercial, office, or institutional uses. On-site walkways must connect or be stubbed to allow for an extension to the abutting property when there is an existing or planned walkway on the abutting property, or when the abutting property is undeveloped.

2. **Walkway Design.** Walkways required by subsection (1) must be designed in conformance with the

following standards. Where required, walkways must meet Americans with Disabilities Act (ADA) standards.

1. Materials and Width. Walkways must be hard surfaced (paved) and at least 6 feet in unobstructed width. 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.

2. 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.

3. Walkways Adjacent to Vehicle Areas. Where the walkway abuts a parking space, or abuts and is parallel to a 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 farther apart than 5 feet on center.

[4. Lighting. The on-site pedestrian circulation system must be illuminated as required in Section 3.5.060 Outdoor Lighting. Light fixtures must be full cut-off fixtures as defined by the Illuminating Engineering Society of North America (IESNA).]

[5. Sustainability. Walkway and parking lot design must incorporate at least one of the following sustainability features:

   a. At least 30 percent of paving material must be permeable pavement; or

   b. At least 30 percent of the paving material must be made from recycled content; or

   c. At least 50 percent of the pedestrian walkway pavement must have a solar reflective index rating of a least 29; or

   d. Provide shading for at least 50 percent of the total walkway surfaces on the site. Shade can be provided by current or proposed buildings that shade the paving material at 3 p.m. June 21 and current or proposed trees, with the amount of shade included for each planted tree to be measured by the diameter of the mature crown cover stated for the species of the tree.]

Chapter 3.5 - Landscaping, Fences and Walls, *[Outdoor Lighting]*

User's Guide: Chapter 3.5 provides standards for landscaping, screening, and fences/walls intended to support attractive streetscapes, pedestrian-friendly development, and effective screening of parking, service, and similar site features. The chapter also incorporates more recent planning practices related to tree canopy and climate-responsive site design, while retaining flexibility for small-city contexts and infill development. In addition, this chapter includes optional Outdoor Lighting standards.

3.5.010 Purpose

Chapter 3.5 contains standards for landscaping and screening, fences, *[and]* accessory walls*[, and outdoor lighting]*. The regulations are intended to protect public health, safety, and welfare by reducing development impacts (e.g., glare, noise, and visual impacts) on adjacent uses; minimizing erosion; slowing the rate of surface water runoff, thereby reducing infrastructure costs; buffering pedestrians from vehicle maneuvering areas; cooling buildings and parking lots in summer months with shade; and enhancing the city's appearance.

3.5.020 Applicability

A. Section 3.5.030 establishes design standards for landscaping and screening. Projects requiring Development Review or Land Division approval shall meet the landscape standards of the applicable zone, including the standards in Table 2.2.060.A-B and any applicable Use-Specific requirements under Chapter 2.3, and the requirements of Section 3.5.030. Property owners are required to maintain landscaping and screening pursuant to subsection 3.5.030.G.

[B. Section 3.5.040, Sites with Large Parking Lots, applies to developments with more than one-half acre (21,780 square feet) of new off-street surface parking.]

C. Section 3.5.050 establishes design standards for when a fence, or a wall not attached to a building, is to be erected, extended, or otherwise altered. It also applies to situations where this code requires screening or buffering (e.g., outdoor or unenclosed storage uses). The standards of Section 3.5.050 supplement the development standards in Table 2.2.040 and any applicable Special Use requirements under Chapter 2.3.

[D. Section 3.5.060, Outdoor Lighting, applies to all new outdoor lighting, i.e., lighting that is installed after (effective date).]

[E. [The (City decision-making body), through a Type II procedure, may grant adjustments to Chapter 3.5, pursuant to the criteria of Chapter 4.7 Adjustments and Variances. (Elaborate as needed, specifying any limitation on the types of

standards that may be adjusted and by how much.)]

3.5.030 Landscaping and Screening

User's Guide: This section implements ORS 105.980, which relates to xeriscaping.

A. General Landscape Standard. All portions of a lot not otherwise developed with buildings, accessory structures, vehicle maneuvering areas, or parking shall be landscaped. Landscaped areas may include pedestrian walkways pursuant to Chapter 3.4.

B. Minimum Landscape Area. All lots shall conform to the minimum landscape area standards of the applicable zoning district, as contained in Table 2.2.060.A-B. The *[City decision-making body]*, consistent with the purposes in Section 3.5.010, may allow credit toward the minimum landscape area for existing vegetation that is retained in the development.

C. Planting Standards and Guidelines. A combination of deciduous and evergreen trees, shrubs, and ground covers shall be used for all planted areas, the selection of which shall be based on local climate, exposure, water availability, and drainage conditions, among other factors. The selection of plants and landscaping installation shall conform to the following standards and guidelines:

1. **Standards.** The following planting standards apply to all development:

    a. Trees shall be not less than *[two]*-inch caliper for street trees and *[1.5]*-inch caliper for other trees at the time of planting. Trees to be planted on a lot that is crossed by power lines shall be selected and planted such that, at maturity, no part of the tree will be located within 10 feet of any power lines.

    b. Shrubs shall be planted from *[five]*-gallon containers, minimum, where they are for required screens or buffers, and *[two-]*gallon containers minimum elsewhere.

    c. Shrubs shall be spaced in order to provide the intended screen or canopy cover within *[two]* years of planting.

    d. All landscape areas, whether required or not, that are not planted with trees and shrubs or covered with non-plant material as allowed by subsection (e), shall have ground cover plants that are sized and spaced to achieve plant coverage of not less than *[50-75]* percent at maturity. *[The (City decision-making body) may reduce this standard by [one-half] where a project proposal includes preserving a Heritage Tree / one or more of the following species: (list locally approved species)]*.

    e. Bark dust, chips, aggregate, or other non-plant ground covers may be used, but shall cover not more than *[25-50]* percent of any landscape area. Non-plant ground covers cannot be a substitute for required ground cover plants.

f. Where storm water retention or detention, or water quality treatment facilities are proposed, they shall be planted with water-tolerant species.

g. Evergreen plants shall be used where a sight-obscuring landscape screen is required.

h. Landscape plans shall provide for both temporary and permanent erosion control measures, which shall include plantings for permanent erosion control where cuts or fills, including berms, swales, storm water detention facilities, and similar grading, is proposed.

i. All landscaped areas shall be irrigated by an underground system unless a licensed landscape architect certifies that the landscaping will likely survive without irrigation.

2. **Guidelines.** The following planting guidelines apply only to non-residential development:

a. Use plants that are appropriate to the local climate, exposure, and water availability. The presence of utilities and drainage conditions shall also be considered. The City may rely on *[Oregon State University Extension Service bulletins / University of Washington Urban Forestry Program guidelines / other]* expert sources in evaluating landscape plans.

b. Plant species that do not require irrigation once established (naturalized) are preferred over species that require irrigation.

c. Existing mature trees that can thrive in a developed area and that do not conflict with other provisions of this Code shall be retained where specimens are in good health, have desirable aesthetic characteristics, and do not present a hazard.

d. Landscape plans shall avoid conflicts between plants and buildings, streets, walkways, utilities, and other features of the built environment.

e. Deciduous trees should be used where summer shade and winter sunlight is desirable.

f. Landscape plans should provide focal points within a development, for example, by preserving large or unique trees or groves or by using flowering plants or trees with fall color.

g. Landscape plans should use a combination of plants for seasonal variation in color and yearlong interest.

h. Where plants are used to screen outdoor storage or mechanical equipment, the selected plants shall have growth characteristics that are compatible with such features.

D. **Main Street District Streetscape Standard.** Developers of projects within the MS zone can meet the landscape area requirement of subsection 3.5.030.B, in part, by installing street trees in front of their projects. The *[City decision-making body]* shall grant credit toward the landscape area requirement using a ratio of 1:1, where one square foot of planted area (e.g., tree well or planter surface area) receives one square foot of credit. The *[City decision-making body]* may grant additional landscape area credit by the same ratio where the developer widens the sidewalk or creates a plaza or other civic space pursuant to Section 3.3.070.

E. Parking Lot Landscaping. All of the following standards shall be met for parking lots. If a development contains multiple parking lots, then the standards shall be evaluated separately for each parking lot. *[For developments proposing more than one-half acre (21,780 square feet) of new off-street surface parking on a development site, the standards in Section 3.5.040 must also be met.]*

1. A minimum of *[10]* percent of the total surface area of all parking areas, as measured around the perimeter of all parking spaces and maneuvering areas, shall be landscaped. Such landscaping shall consist of canopy trees distributed throughout the parking area. A combination of deciduous and evergreen trees, shrubs, and ground cover plants is required. The trees shall be planned so that they provide *[a partial / # percent]* canopy cover over the parking lot within *[#]* years. At a minimum, one tree per *[12]* parking spaces on average shall be planted over and around the parking area.

2. All parking areas with more than *[20]* spaces shall provide landscape islands with trees that break up the parking area into rows of not more than *[10-12]* contiguous parking spaces. Landscape islands and planters shall have dimensions of not less than *[48]* square feet of area and no dimension of less than *[six]* feet, to ensure adequate soil, water, and space for healthy plant growth.

3. All required parking lot landscape areas not otherwise planted with trees must contain a combination of shrubs and groundcover plants so that, within *[two]* years of planting, not less than *[50-75]* percent of that area is covered with living plants.

4. Wheel stops, curbs, bollards, or other physical barriers are required along the edges of all vehicle-maneuvering areas to protect landscaping from being damaged by vehicles. Trees shall be planted not less than *[two]* feet from any such barrier.

5. Trees planted in tree wells within sidewalks or other paved areas shall be installed with root barriers, consistent with applicable nursery standards.

6. Screening of surface parking areas. Surface parking 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. 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 may be substituted for evergreen shrubs.

F. Screening Requirements. Screening is required for outdoor storage areas, unenclosed uses, and for multi-unit housing sited along arterial streets. in conformance with the following standards:

1. Outdoor Storage and Unenclosed Uses. All areas of a site containing or proposed to contain outdoor storage of goods, materials, equipment, and vehicles (other than required parking lots and service and delivery areas), and areas containing junk, salvage materials, or similar contents, shall be screened from view from adjacent rights-of-way and residential uses by a sight-obscuring fence, wall, landscape screen, or combination of screening methods. See also Section 3.5.050 for related fence and wall standards.

User's Guide: The following optional screening standard is adapted from the Housing Model Codes (OAR 660-008-0410). The screening standards apply to multi-unit sites abutting busy arterials with 4+ travel lanes, and are intended to mitigate impacts of noise and exhaust by requiring rows of evergreen trees. Arterials with frequent transit service are excluded from this standard, so as not to inhibit pedestrian access to transit.

[2. Screening Along Arterial Streets. *The following standards apply to multi-unit housing sites that abut an arterial street with 4 or more vehicle travel lanes designed for through movement of vehicles, except for arterial streets with frequent transit service. 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:*

a. 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.

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

3. Other Uses Requiring Screening. For non-residential development, the *[City decision-making body]* may require screening in other situations as authorized by this Code, including, but not limited to, outdoor storage areas, blank walls, uses with Use-Specific Standards pursuant to Chapter 2.3, *[flag lots,]* and as mitigation where an applicant has requested an adjustment pursuant to Chapter 4.7.

G. Maintenance. All landscaping shall be maintained in good condition, or otherwise replaced by the property owner.

[3.5.040 Sites with Large Parking Lots

User's Guide: Section 3.5.040 includes optional standards for sites with large surface parking lots. These standards are adapted from the CFEC Walkable Design Standards Model Code and OAR 660-012-0405(4), which requires certain cities to adopt standards related to tree canopy, climate mitigation, and pedestrian circulation in large new parking areas. Cities not subject to the CFEC rules may still wish to consider these standards as a strategy to reduce heat island effects, improve pedestrian environments, support stormwater management, and improve the appearance and function of large parking areas.

A. Purpose. *The intent of these standards is to mitigate the climate impacts of large areas of pavement, improve pedestrian connectivity and circulation within and across such areas, and maximize the survival and health of trees planted in large parking lots. The regulations implement the City of (name)'s responsibilities under OAR 660-012-0405(4).*

B. Applicability. *When a total of more than one-half acre (21,780 square feet) of new off-street surface parking is proposed on one or more lots within a development site, the lot(s) proposed for development shall comply with the standards in Section 3.5.040. For purposes of these standards, the area of an off-street surface parking area is the sum of all areas within the perimeter of the off-street parking area, including parking spaces, aisles, planting islands, corner areas, and curbed areas, but not including interior driveways and off-street loading areas.*

C. Adjustments Prohibited. *Except as noted for pedestrian walkways in subsection (F), adjustments are prohibited for the standards of Section 3.5.040.*

D. Climate Mitigation Measures. *The development must provide at least one of the following climate mitigation actions. Multiple actions may be used in combination to meet the total amount of mitigation required. Developments required to comply with the Green Energy Technology in Public Building Construction Contracts per OAR 330-135-0010 are exempt from the requirements for climate mitigation measures.*

1. *Additional Tree Canopy. On-site tree canopy area shall be provided covering at least 40 percent of the new off-street parking area in no more than 15 years. Compliance with the standards in subsection (G) is required for trees planted to meet this requirement.*

2. *Payment into Equitable Renewable Energy Fund. Payment of $1,500 per new off-street parking space into a fund at the Oregon Department of Energy dedicated to equitable solar or wind energy development.*

3. *Solar power generation. Installation of solar panels with a generation capacity of at least 0.5 kilowatt per new off-street parking space. Panels may be located anywhere on the property.*

E. Tree Canopy. *Developments must provide one of the following options for tree canopy. Compliance with the standards in subsection (G) is required for trees planted to meet these requirements.*

1. *Tree canopy over the parking area. On-site tree canopy area shall be provided covering at least 30 percent of the new off-street parking area in no more than 15 years. Developments providing 40 percent tree canopy*

pursuant to subsection (D)(1) also meet this standard.

2. *Tree canopy along driveways. Tree canopy shall be provided along driveways within the development. The tree spacing and species planted must be designed to maintain a continuous canopy except when interrupted by driveways, drive aisles, and other site design considerations. For purposes of this standard, driveways are vehicular routes through a site that provide connections to and from surrounding streets, buildings, and parking lots, but that do not provide direct access to parking stalls, or provide access to a limited number of parking stalls.*

F. Pedestrian Connections Required. *Developments must provide pedestrian connections that meet the standards below.*

1. *Required Connections. The parking area shall have a continuous route for pedestrian travel that connects to the following locations:*
   a. *Building entrances.*
   b. *Existing or planned pedestrian facilities in the adjacent public rights-of-way.*
   c. *Transit stops on or adjacent to the site.*
   d. *Accessible parking spaces.*
2. *Connection Design Standards. The pedestrian connections shall be constructed to meet the walkway design standards in Section 3.4.040.B.2.*
3. *The (City decision-making body), through a Type II procedure, may grant adjustments to the pedestrian connection standards in this section, pursuant to the criteria of Chapter 4.7 Adjustments and Variances.*

G. Tree Planting and Maintenance. *Trees planted pursuant to Section 3.5.040 must comply with the following standards. The intent of these standards is to ensure that trees are planted and maintained to maximize their root health and chances for survival, including having ample high-quality soil, space for root growth, and reliable irrigation according to the needs of the species.*

1. *The applicant must submit documentation that notice and opportunity for comment to the local electric utility has been provided of the applicant's tree planting plan for the development, including the plans for pre-design, design, building and maintenance phases.*
2. *Trees shall be planted pursuant to the American National Standards Institute (ANSI) A300 standards for planting [2021]. The applicant shall provide documentation of compliance from a certified arborist prior to receiving a certificate of occupancy or other final approval to commence the proposed use of the site.]*

3.5.050 Fences and Walls

A. Purpose. This section provides general development standards for fences, and walls that are not part of a building, such as screening walls and retaining walls.

B. Applicability. Section 3.5.050 applies to all fences, and all walls that are not part of a building, including modifications to existing fences and walls. This section supplements the development standards of Table 2.2.060.A-B.

C. Height.

1. **Residential Zones.** Fences and freestanding walls (i.e., exclusive of building walls) for residential uses shall not exceed the following heights above grade, where grade is measured from the base of the subject fence or wall:

User's Guide: Licensing rules for Family Child Care Homes require a minimum 4-foot height fence for outdoor space used by children. Some providers will use front and side yard areas for the outdoor play area. Cities should ensure their fence height standards do not conflict with licensing requirements, while continuing to comply with applicable vision clearance standards at street intersections and driveways.

a. Within Front or Street-Side Yard Setback: *[four]* feet; except the following additional height is allowed:

(1) A fence may be constructed to a maximum height of *[six]* feet where it is located within a street-side setback but outside of the front setback, provided the fence is set back not less than *[three]* feet from the street-side property line behind a landscaped area.

(2) A fence may be constructed to a maximum height of *[six]* feet where the fence is of open chain link or other "see-through" composition that allows *[90] percent* light transmission.

(3) One incidental garden structure (e.g., arbor or gate) not exceeding *[eight]* feet in height and *[six]* feet in width is allowed within a front or street-facing yard provided it does not encroach into a required clear vision area.

b. Within an Interior Side or Rear Yard Setback: *[six]* feet; except the fence or wall height, as applicable, shall not exceed the distance from the fence or wall line to the nearest primary structure on an adjacent property.

2. **Non-Residential Zones.** Fences and freestanding walls (i.e., exclusive of building walls) for non-residential uses shall not exceed the following height above grade, where grade is measured from the base of the subject fence or wall:

a. Within Front or Street-Side Yard Setback: *[four]* feet, except the following additional height is allowed for properties located within an industrial, public, or institutional zone:

(1) A fence or wall may be constructed to a maximum height of *[six]* feet where the fence is setback behind the front or street-side property line behind a *[five]*-foot landscape buffer.

(2) A fence or wall may be constructed to a maximum height of *[eight]* feet where the fence or wall is setback behind the front or street side property line behind a *[10]*-foot landscape buffer.

(3) Where approved by the City Planning Official, a fence constructed of open chain link or other

"see-through" composition that allows *[90]* percent light transmission may reach a height of up to *[eight]* feet.

b. Within an Interior Side or Rear Yard Setback: *[eight]* feet; except the fence or wall height, as applicable, shall not exceed the distance from the fence or wall line to the nearest primary structure on an adjacent property.

3. **All Zones.** Fences and walls shall comply with the vision clearance standards of Section 3.6.070.G. Other provisions of this Code, or the requirements of the roadway authority, may limit allowable height of a fence or wall below the height limits of this section.

D. Materials.

User's Guide: The list of fence and wall materials below should be customized to meet the needs of your community. Some cities prefer to list only prohibited materials, while others specifically list those that are allowed. In either case, the code should allow flexibility, and anticipate that some "undesirable" materials, when applied artistically and in the right context, can be a positive addition to the community.

[1. Permitted fence and wall materials include weather-treated wood; untreated cedar and redwood; metal (e.g., chain link, wrought iron, and similar fences); bricks, stone, masonry block, formed-in-place concrete, or similar masonry; vinyl and composite (e.g., recycled) materials designed for use as fencing; and similar materials as determined by the City Planning Official. In addition, evergreen hedges are considered screening walls for the purpose of this chapter, subject to Development Review approval.]

[2. Prohibited fence and wall materials include straw bales, tarps, barbed or razor wire (except in an Industrial zone); scrap lumber, untreated wood (except cedar or redwood), corrugated metal, sheet metal, scrap materials; dead, diseased, or dying plants; and materials similar to those listed herein.]

E. Permitting. *[(A Type I approval is required / A land use permit is not required) to install a fence of [six] feet or less in height, or a wall that is [four] feet or less in height.]* All other walls and fences require review and approval by the *[City Planning Official / City Engineer through a Type I procedure]*. The *[City decision-making body]* may require installation of walls or fences as a condition of approval for development, as provided by other Code sections. A building permit may be required for some fences and walls, pursuant to applicable building codes.

F. Maintenance. Fences and walls shall be maintained in good condition, or otherwise replaced by the property owner.

[3.5.060 Outdoor Lighting]

User's Guide: This is a cursory example of outdoor lighting standards and guidelines. See the Dark Sky Society web site for more specific examples: http://www.darkskysociety.org/. Cities should ensure that any required lighting standards applied to residential development are clear and objective, consistent with ORS 197A.400. Discretionary or more subjective "dark sky" design standards may still be applied to non-residential development and to optional lighting features voluntarily installed as part of residential development.

*[A. **Purpose.** This section contains regulations requiring adequate levels of outdoor lighting while minimizing negative impacts of light pollution.*

*B. **Applicability.** All outdoor lighting shall comply with the standards of this section.*

C. Standards.

1. *Light poles, except as required by a roadway authority or public safety agency, shall not exceed a height of [20] feet; except that pedestal- or bollard-style lighting is the preferred method illuminating walkways. This limitation does not apply to flag poles, utility poles, and streetlights.*
2. *Where a light standard is placed over a sidewalk or walkway, a minimum vertical clearance of [eight] feet shall be maintained.*
3. *Except as provided for up-lighting of flags and permitted building-mounted signs, all outdoor light fixtures shall be directed downward, and have full cutoff and full shielding to preserve views of the night sky and to minimize excessive light spillover onto adjacent properties.*
4. *Lighting shall be installed where it will not obstruct public ways, driveways, or walkways. Where a lighting fixture is placed within a walkway, an unobstructed pedestrian route not less than [36 inches] wide shall be maintained.*
5. *Walkway lighting shall have a minimum average illumination of not less than [0.2] foot-candles.*
6. *Active building entrances shall have a minimum average illumination of not less than [2.0] foot-candles.*
7. *Surfaces of signs shall have an illumination level of not more than [2.0] foot-candles.*
8. *Parking lots and outdoor services areas, including quick vehicle service areas, shall have a minimum illumination of not less than [0.2] foot-candles, average illumination of approximately [0.8] foot-candles, and a uniformity ratio (maximum-to-minimum ratio) of not more than [20:1].*
9. *Lighting subject to this section shall consist of materials approved for outdoor use and shall be installed according to the manufacturer's specifications.*
10. *The following requirements apply to non-residential development, and where* optional lighting features are voluntarily installed as part of residential development.
    a. *Lighting levels shall be no greater than necessary to provide for pedestrian safety, property or business identification, and crime prevention. [See also, the City of (name) Dark Sky Ordinance and Sign Code.]*
    b. *Where illumination grid lighting plans cannot be reviewed or if fixtures do not provide photometrics and bulbs are under 2,000 lumens, use the following guidelines:*
        i. *Poles should be no greater in height than four times the distance to the property line.*
        ii. *Maximum lumen levels should be based on fixture height.*

D. Permitting. *[(A Type I approval is required / A land use permit is not required) to install or replace outdoor lighting (pursuant to the City of (name) Dark Sky Ordinance).] The (City decision-making body) may require lighting as a condition of approval for some projects, pursuant to other Code requirements.*

E. Maintenance. *For public health and safety, outdoor lighting shall be maintained in good condition, or otherwise replaced by the property owner.]*

Chapter 3.6 – Vehicle Parking, Access, and Circulation

User's Guide: Chapter 3.6 provides standards for automobile and bicycle parking, as well as vehicle loading, access, and circulation, to support efficient land use and safe, multimodal site design. The standards are intended to avoid over-supplying parking and to support local goals for efficient transportation, walkability, housing production, and environmental quality.

This chapter provides automobile and bicycle parking standards for selected uses, and loading area standards for commercial and industrial uses. Where parking ratios do not fit a particular use or context, the code allows for case-specific determinations. The code also encourages parking management strategies, such as shared parking, reductions for uses with lower parking demand, and reductions in transit-served areas, and promotes coordinated access and circulation design to reduce conflicts between vehicles, pedestrians, and bicycles.

By applying Chapter 3.5 in conjunction with other model code standards, such as those for building orientation, pedestrian access, and interconnected streets, cities can support compact, walkable development while accommodating necessary vehicle access and parking.

For additional guidance on parking management, please refer to the TGM Parking Reform and Management webpage: https://www.oregon.gov/lcd/TGM/Pages/Parking-Reform-and-Management.aspx

3.6.010 Purpose

This chapter establishes requirements for automobile parking and loading, bicycle parking, and vehicle access and circulation. The standards are intended to provide adequate parking while avoiding over-supply, and to ensure that parking and circulation areas are located and designed to support safe and efficient movement of vehicles, pedestrians, and bicycles. The chapter includes flexible provisions to account for different uses and contexts, and encourages multimodal transportation through measures such as required bicycle parking and reduced vehicle parking requirements, where appropriate.

3.6.020 Applicability

Chapter 3.6 applies to all development, except as otherwise specified below. *[The (City decision-making body), through a (Type II) procedure, may grant adjustments to Chapter 3.6, pursuant to the criteria of Chapter 4.7 Adjustments and Variances. (Elaborate as needed, specifying any limitation on the types of standards that may be adjusted and by how much.)]* For street improvement requirements, refer to Section 3.7.020.

3.6.030 General Parking Regulations

A. Where the Regulations Apply. The regulations of this chapter apply to all parking areas in all zones, at all times, whether parking is required by this Code or put in for the convenience of property owners or users.

B. Occupancy. All required parking areas must be developed in accordance with the requirements of this code prior to occupancy of any structure on the subject site. Where landscaping, screening, or other improvements are required pursuant to this Code, all such improvements must be installed and approved by the City Planning Official prior to occupancy.

C. Calculations of Amounts of Required and Allowed Parking.

1. When computing parking spaces based on floor area, parking structures and non-leasable floor spaces, such as storage closets, mechanical equipment rooms, and similar spaces, are not counted.
2. The number of parking spaces is computed based on the primary uses on the site except as stated in subsection 3, below. When there are two or more separate primary uses on a site, the minimum and maximum parking for the site is the sum of the required or allowed parking for the individual primary uses. For shared parking, see Section 3.6.040.D below.
3. When more than *[20]* percent of the floor area on a site is in an accessory use, the required or allowed parking is calculated separately for the accessory use. An example would be a 10,000 square foot building with a 7,000 square foot warehouse and a 3,000 square foot accessory retail area. The minimum and maximum parking would be computed separately for the retail and warehouse uses.

[4. Required parking spaces periodically used for the storage of equipment or goods may be counted toward meeting minimum parking standards, provided that such storage is an allowed use under Section 2.2.030, and is permitted as a Temporary Use under Section 2.3.200.]

D. Use of Required Parking Spaces. Except as otherwise provided by this section, required parking spaces must be available for residents, customers, or employees of the use. Fees may be charged for the use of required parking spaces. Required parking spaces may not be assigned in any way to a use on another site, except for shared parking pursuant to Section 3.6.040.D.

E. Proximity of Parking to Use. Required parking spaces for residential uses must be located on the site of the use or on a parcel or tract owned in common by all the owners of the properties that will use the parking area. Required parking spaces for nonresidential uses must be located on the site of the use or in a parking area that has its closest pedestrian access point within *[400-600]* feet of the site.

F. Improvement of Parking Areas. Motorized vehicle parking is allowed only on streets with an improved shoulder of sufficient width; within garages, carports, and other approved structures; and on driveways or parking lots that have been developed in conformance with this Code. For applicable design standards, see Chapter 3.2 Residential Building Orientation and Design, Chapter 3.3 Non-Residential Building Orientation and Design, Chapter 3.4 Pedestrian Access and Circulation, Chapter 3.5 Landscaping and Screening, and Chapter 3.7 Public Facilities.

3.6.040 Automobile Parking

User's Guide: Table 3.6.040.A establishes recommended minimum and maximum automobile parking ratios. It is strongly encouraged to eliminate minimum automobile parking requirements, which can reduce development costs, support more efficient use of land, and allow property owners to determine the amount of parking appropriate for a development. For cities that choose to require off-street automobile parking, the minimum ratios in the table provide relatively modest model standards. The maximum ratios limit the construction of excessively large parking areas while generally allowing sufficient flexibility to accommodate parking demand. Subsection 3.6.040.B provides a process for addressing circumstances where a different amount of parking is appropriate.

State Parking Requirements. State law limits the minimum parking requirements that some cities may impose. The parking ratios in Table 3.6.040.A reflect the following state laws limiting local parking regulations. Because these laws do not apply to all cities, the related standards are shown in brackets/italics.

- **Middle Housing.** Cities required to allow middle housing, pursuant to ORS 197A.420, must comply with the related administrative rules (OAR 660-046). For "medium cities" between 2,500-25,000 population, OAR 660-046-0120(5) caps parking requirements for duplexes at one space per unit. For "large cities" (including all cities in Tillamook County and those with a population of 1,000 or greater within Metro), OAR 660-046-0220 also caps parking requirements to one space per unit for other middle housing types, but sets additional limits on triplexes and quadplexes, depending on the lot size.
- **ADUs.** For cities that must allow ADUs (those with populations over 2,500), ORS 197A.425 preempts any minimum parking requirements.
- **CFEC.** Cities subject to CFEC requirements (those located within Oregon's eight metropolitan areas) are encouraged to repeal all parking mandates. If not repealing all parking mandates, cities must comply with a series of parking reforms, as summarized below. (These exceptions are included in subsection 3.6.040.B.)

  ○ Cities may not require more than one space per unit for residential uses with 2+ units on a lot (OAR 660-012-0430(2));

  ○ Cities may not require any parking for certain development types: residential homes and facilities; childcare facilities; single-room occupancy housing; dwelling units under 750 sq. ft.; affordable housing as defined in OAR 660-039-0010; publicly supported housing as defined in ORS 456.250; and emergency, transitional, and domestic violence shelters (OAR 660-012-0430(3)); and

  ○ Cities may not require parking within ¾ mile of rail stations or ½ mile of frequent transit corridors (OAR 660-012-0440).

Parking Maximums. The maximum parking ratios in Table 3.6.040.A are recommended Model Code standards. They are intended to reduce the land, infrastructure, and development impacts associated with excessive surface parking. The maximums apply regardless of whether a city chooses to adopt the corresponding minimum parking ratios. A city may therefore eliminate minimum parking requirements while retaining the parking maximums in Table 3.6.040.A.

A. Minimum and Maximum Number of Off-Street Automobile Parking Spaces. Except as required for Americans with Disabilities Act compliance under subsection 3.6.040.G, off-street parking shall be provided pursuant to one of the following three standards:

1. The standards in Table 3.6.040.A;
2. A standard from Table 3.6.040.A for a use that the City Planning Official determines is similar to the proposed use; or
3. Subsection 3.6.040.B Exceptions, which includes a Parking Demand Analysis option.

Table 3.6.040.A – Automobile Parking Spaces by Use

Use Categories (Chapter 5 contains examples of uses and definitions.)	**Minimum Parking per Land Use** (Fractions are rounded down to the closest whole number.)	**Maximum Parking per Land Use** (Fractions are rounded up to the closest whole number.)
Residential Categories		
Household Living		
Detached Single-Unit Dwelling, including manufactured homes on lots	*[none / 1 space per dwelling unit]*	*[2-3 spaces per dwelling unit]*
Residential Home	*[none / 1 space per dwelling unit]*	*[2 spaces per dwelling unit]*
Duplex	*[none / 1 space per dwelling unit]*	*[2 spaces per dwelling unit]*
Accessory Dwelling Unit	none	*[1 space per dwelling unit]*
Triplex, Quadplex, Townhouse, or Cottage Cluster	*[none / 1 space per dwelling unit]*	*[2 spaces per dwelling unit]*
Multi-Unit Housing	*[none / 1 space per dwelling unit]*	*[2 spaces per dwelling unit]*
Group Living	*[none / 0.5 space per 4 bedrooms]*	*[1 space per 2 bedrooms]*

User's Guide: Some codes provide a graduated standard for multi-unit dwellings, requiring fewer parking spaces for smaller (one-bedroom or studio) apartments and more parking for apartments with two or three bedrooms. However, the relationship between the size of an apartment, or the number of bedrooms, is not always a good indicator of parking demand, which is more sensitive to location (e.g., proximity to frequent transit) and demographics (e.g., age of residents, household size, etc.). The suggested standard of one space per dwelling unit (if requiring parking at all) is on the low end and assumes the property is not well served by transit. Housing developers can always choose to provide more or less parking based on projected needs, and pursuant to the parking analysis option described below.

Table 3.6.040.A – Automobile Parking Spaces by Use

Use Categories (Chapter 5 contains examples of uses and definitions.)	**Minimum Parking per Land Use** (Fractions are rounded down to the closest whole number.)	**Maximum Parking per Land Use** (Fractions are rounded up to the closest whole number.)
Commercial Categories (other than Vehicle-Related)		
Eating and Drinking Establishment	1 space per 200 sq. ft. floor area	*[1 space per 100 sq. ft. floor area]*
Lodging (Hotels, Motels, and similar uses)	0.75 space per guest room. (See also, parking requirements for associated uses, such as eating and drinking establishments, entertainment uses, and assembly facilities.)	*[1.25 spaces per guest room]*
- *[Bed and Breakfast Inn]*	*[1 space, plus .5 space for each bedroom offered as lodging]*	*[1 space, plus 1 space for each bedroom offered as lodging]*
- *[Recreational Vehicle Park]*	*[per Conditional Use Permit review (Chapter 4.4)]*	
[Major Event Assembly]	*[per Conditional Use Permit review (Chapter 4.4)]*	
Office	General Office: 1 space per 500 sq. ft. floor area	*[1 space per 300 sq. ft. floor area]*
	Medical or Dental Office: 1 space per 500 sq. ft. floor area	*[1 space per 250 sq. ft. floor area]*
Recreation Establishment	Theaters and Cinemas: 1 space per six seats	*[1 space per 3 seats]*
	Other Uses: 1 space per 300 sq. ft.; or per Conditional Use Permit review (Chapter 4.4)	*[1 space per 200 sq. ft.]*
Sales, Wholesale	1 space per 1,000 sq. ft.	*[1 space per 500 sq. ft.]*
Sales and Service, Retail **User's Guide:** A city's min. parking ratio for retail uses is often good indicator of whether the code is efficient or encourages sprawl development. The parking mins. recommended here, which are well below the industry standard of 3-4 spaces per 1,000 square feet of retail, and the max. under subsection C, are intended to discourage sprawl.	Services: 1 space per 300 sq. ft. floor area	*[1 space per 200 sq. ft.]*
	Retail: 1 space per 400 sq. ft. floor area, except 1 space per 1,000 sq. ft. for bulk retail (e.g., auto sales, nurseries, lumber and construction materials, furniture, appliances, and similar sales)	
Self-Service Storage	2 spaces, plus adequate space for loading and unloading	*[0.5 space per 1,000 sq. ft.]*
Veterinary and Animal-Related Sales and Services	1 space per 500 sq. ft. floor area	*[1 space per 300 sq. ft. floor area]*
Commercial Categories (Vehicle Related)		
Automotive Sales and Rental	1 space per 1,000 sq. ft.	*[2 spaces per 1,000 sq. ft.]*
Quick Vehicle Servicing	2 spaces, excluding vehicle service or queuing area, or per Conditional Use Permit review (Chapter 4.4)	*[4 spaces per service bay]*
Vehicle Repair	2 spaces, or per Conditional Use Permit review (Chapter 4.4)	*[4 spaces per service bay, excluding vehicles stored for repair]*

Table 3.6.040.A – Automobile Parking Spaces by Use

Use Categories (Chapter 5 contains examples of uses and definitions.)	**Minimum Parking per Land Use** (Fractions are rounded down to the closest whole number.)	**Maximum Parking per Land Use** (Fractions are rounded up to the closest whole number.)
Vehicle Storage	1 space per 1,000 sq. ft., or per Conditional Use Permit review (Chapter 4.4)	*[2 spaces per 1,000 sq. ft.]*
[Commercial Parking]	*[per Conditional Use Permit review (Chapter 4.4)]*	
Industrial Categories		
Industrial Service	1 space per 1,000 sq. ft. of floor area	*[1 space per 500 sq. ft.]*
Manufacturing and Production	1 space per 1,000 sq. ft. of floor area; or per Conditional Use Permit review (Chapter 4.4)	*[1 space per 500 sq. ft.]*
Recycling/Scrap Yard	0.5 space per 1,000 sq. ft. of floor area; or per Conditional Use Permit review (Chapter 4.4)	*[1 space per 1,000 sq. ft.]*
Warehouse and Freight Movement	0.5 space per 1,000 sq. ft. of floor area; or per Conditional Use Permit review (Chapter 4.4)	*[1 space per 1,000 sq. ft.]*
Waste Disposal	per Conditional Use Permit review (Chapter 4.4)	
[Data Center / Server Farm]	*[per Conditional Use Permit review (Chapter 4.4)]*	
Institutional Categories		
Community Service	Parking based on applicant's projected parking demand, subject to City approval, except as specifically required elsewhere in this table for individual uses (See office, retail, housing, etc.)	
Daycare Center	*[None / 1 space per 400 sq. ft. of floor area]*	*[1 space per 250 sq. ft.]*
Healthcare Center	1 space per 300 sq. ft. floor area, or per Conditional Use Permit review (Chapter 4.4)	*[1 space per 200 sq. ft.]*
Healthcare Clinic	1 space per 300 sq. ft. floor area	*[1 space per 200 sq. ft.]*
Mortuary Services	1 space per 300 sq. ft. floor area, or per Conditional Use Permit review (Chapter 4.4)	*[1 space per 200 sq. ft.]*
Parks and Open Areas	*Parking based on projected parking demand for planned uses*	
Religious Institution	1 space per 75 sq. ft. of main assembly area; or per Conditional Use Permit review (Chapter 4.4)	*[1 space per 50 sq. ft. of main assembly area]*
Schools	Pre-School through Middle-School: 1 space per classroom	*[2 spaces per classroom]*
	High Schools: 7 spaces per classroom	*[10 spaces per classroom]*

Table 3.6.040.A – Automobile Parking Spaces by Use

Use Categories (Chapter 5 contains examples of uses and definitions.)	**Minimum Parking per Land Use** (Fractions are rounded down to the closest whole number.)	**Maximum Parking per Land Use** (Fractions are rounded up to the closest whole number.)
	Colleges: 1 space per 400 sq. ft. of floor area exclusive of dormitories, plus 1 space per two dorm rooms	*[1 space per 250 sq. ft., plus 1 space per dorm room]*
Shelter	None	*[1 space per 2 beds]*
[Detention Facilities]	*[per Conditional Use Permit review (Chapter 4.4)]*	
Other Categories		
Accessory Uses	Parking standards for accessory uses are the same as for primary uses, but are pro rated based on the percentage of estimated overall parking demand, subject to City review and approval.	[Maximum applicable to primary use, prorated as applicable]
[Agriculture]	*[None, except as required for accessory uses]*	*[1 space per 1,000 sq. ft. of building area devoted to public/customer use]*
[Airport, Public Use]	*[Parking based on applicant's projected parking demand, subject to City approval.]*	
[Mining]	*[None]*	*[1 space/employee on largest shift]*
Public Works Utilities Storage Yards	None	*[1 space/employee on largest shift]*
[Railroad Facilities]	*[None]*	*[1 space/employee on largest shift]*
Radio Frequency Transmission Facilities	None, except as required by Conditional Use Permit (Chapter 4.4)	[2 spaces per site]
Temporary Uses	Parking standards for temporary uses are the same as for primary uses, except that the City Planning Official may reduce or waive certain development and designs standards for temporary uses.	
Transportation Facilities	None, except for park-and-ride facilities; and where temporary parking is required for construction staging areas	*[None, except as specifically established for park-and-ride facilities]*
Utility Facilities, Basic or Major	Parking based on applicant's projected parking demand, subject to City approval.	
[Wireless Communication Facilities]	*[None]*	*[2 spaces per facility]*

B. Exceptions and Reductions to Off-Street Parking.

User's Guide: The following provisions are intended to promote compact, pedestrian-oriented development by reducing or waiving minimum off-street parking requirements in some situations. The recommended exemption for uses in a downtown or main street district (subsection 1) should be coordinated with an overall parking strategy for the district; for example, through the provision of public parking facilities, shared parking agreements, time limits, metering of on-street parking spaces in the downtown core, or other measures applicable to your community, off-street parking standards may not be necessary. Your city should also consider whether it is appropriate to charge a fee to help off-set the development of new parking facilities, i.e., in lieu of requiring parking for individual developments. Some downtowns also have urban renewal districts that develop parking; and some may have economic improvement districts, business improvement districts, or other privately funded organizations that manage downtown parking and other amenities. For more information, please refer to the TGM publications website: www.oregon.gov/LCD/TGM/Pages/publications.aspx.

Note: Subsection 1.a aligns with the state's requirements for climate-friendly areas (CFAs). As noted in Article 2, the updated standards for the Main Street zone generally comply with the CFA requirements in OAR 660-012-0310 to -0325. Within CFAs, cities must either repeal all parking mandates or make the following parking reforms:

- Repeal parking mandates within the CFA for commercial developments
- Mandate no more than ½ parking space per dwelling unit (except townhouse or rowhouse units); and
- Adopt a parking benefit district with paid on-street parking.

Because subsection 1.a exempts the MS district from all requirements, it aligns with the CFA requirement.

Subsections 1.c – 1.l are also required for cities subject to CFEC requirements. Refer to the User's Guide at the beginning of Section 3.6.040 for more information.

1. Parking Exemptions. There is no minimum number of required automobile parking spaces for the following:
   a. Uses within the *[Main Street]* zone*[; except that where a change of use or new development occurs, the owner may be required to pay a fee toward Downtown/Main Street Parking District improvements, pursuant to Ordinance #]*.
   b. Small-Scale Commercial Use in a residential zone, pursuant to subsection 2.3.130.E.
   [c. Facilities and homes designed to serve people with psychosocial, physical, intellectual or developmental disabilities, including but not limited to a: residential care facility, residential training facility, residential treatment facility, residential training home, residential treatment home, and conversion facility as defined in ORS 443.400;
   d. Childcare facility as defined in ORS 329A.250;
   e. Single-room occupancy housing;
   f. Residential units smaller than 750 square feet;
   g. Affordable housing as defined in OAR 660-039-0010;
   h. Publicly supported housing as defined in ORS 456.250;
   i. Emergency and transitional shelters for people experiencing homelessness; and
   j. Domestic violence shelters.
   k. Development on a lot within three-quarters mile of a rail transit stop.

l. Development on a lot within one-half mile of a frequent transit corridor, including:
  i. Priority transit corridors designated under OAR 660-012-0710;
  ii. If applicable, corridors with transit service arriving with a scheduled frequency of at least four times an hour during peak service; else, corridors with the most frequent transit service in the community if the scheduled frequency is at least once per hour during peak service.]

2. Parking Demand Analysis: The applicant may propose a parking standard that is different than the standard under subsections 3.6.040.A(1) and (2), above, for review and action by the *[City Planning Official / Planning Commission]* through a Type *[II / III]* procedure. The applicant's proposal shall consist of a written request and a parking analysis prepared by a qualified professional. The parking analysis, at a minimum, shall assess the average parking demand and available supply for existing and proposed uses on the subject site; opportunities for shared parking with other uses in the vicinity; existing public parking in the vicinity; transportation options existing or planned near the site, such as frequent bus service, carpools, or private shuttles; and other relevant factors. *[The (City Planning Official) through a (Type II) procedure may reduce the off-street parking standards of Table 3.6.040.A for sites with one or more of the following features:*
  a. Site has a bus stop with frequent transit service located adjacent to it, and the site's frontage is improved with a bus stop waiting shelter, consistent with the standards of the applicable transit service provider: Allow up to a [20] percent reduction to the standard number of automobile parking spaces;
  b. Site has dedicated parking spaces for carpool or vanpool vehicles: Allow up to a [10] percent reduction to the standard number of automobile parking spaces;
  c. Site has dedicated parking spaces for motorcycles, scooters, or electric carts: Allow reductions to the standard dimensions for parking spaces;
  d. Site has more than the minimum number of required bicycle parking spaces: Allow up to a [5-10] percent reduction to the number of automobile parking spaces.]

3. The number of required off-street parking spaces may be reduced through the provision of shared parking, pursuant to Section 3.6.040.D.

User's Guide: The following optional section is adapted from the Middle Housing Model Code, which allows on-street parking spaces to count toward minimum parking requirements.

*[**4.** Credit for On-Street Parking.*

  a. For residential development, if on-street parking spaces meet all the standards in subsection (c), they shall be counted toward the minimum off-street parking requirement.

  b. For non-residential development, the [City Planning Official] through a Type II procedure may reduce the off-street parking standards of Table 3.6.040.A by one parking space for every two on-street parking spaces located adjacent to the subject site, provided the parking spaces meet the standards in subsection (c).

  c. On-street parking dimensional standards:
    i. The space must be abutting the subject site;

ii. The space must be in a location where on-street parking is allowed by the city;
iii. The space must be a minimum of 22 feet long; and
iv. The space must not obstruct a required sight distance area.]

C. Shared parking. Required parking facilities for two or more uses, structures, or parcels of land may be satisfied by the same parking facilities used jointly, to the extent that the owners or operators show that the need for parking facilities does not materially overlap (e.g., uses primarily of a daytime versus nighttime nature; weekday uses versus weekend uses), and provided that the right of joint use is evidenced by a recorded deed, lease, contract, or similar written instrument establishing the joint use. Shared parking requests shall be subject to review and approval through Development Review.

User's Guide: The following minimum dimensions are intended to provide for efficient parking lot design. The "standard" widths are comparable to the standards that some communities use for compact parking spaces. Developers may choose to provide some larger spaces (e.g., for recreational vehicles or trucks), but the Model Code does not recommend requiring larger spaces. Each community should determine whether to allow larger spaces based on local needs.

D. Parking Area Design and Minimum Dimensions. Where a new off-street parking area is proposed, or an existing off-street parking area is proposed for expansion, the new or expanded *[entire]* parking area shall be improved in conformance with this Code.

1. At a minimum the parking spaces and drive aisles shall be paved with asphalt, concrete, or other City-approved materials, provided the Americans with Disabilities Act requirements are met, and shall conform to the minimum dimensions in Table 3.6.040.E and the figures below.
2. All off-street parking areas shall contain wheel stops, perimeter curbing, bollards, or other edging as required to prevent vehicles from damaging buildings or encroaching into walkways, landscapes, or the public right-of-way. Parking areas shall also provide for surface water management, pursuant to Section 3.6.050.
3. The following standards also apply to parking area location and design:
   a. Section 3.2.060 Garages (Residential Development).
   b. Subsection 3.3.030.C Location of Parking and Service Areas (Non-Residential Development).
   c. Subsection 3.5.030.E Parking Lot Landscaping.
   [d. Section 3.5.040 Sites with Large Parking Lots.]
   e. Section 3.6.070 Vehicular Access and Circulation (Non-Residential Driveway Standards).
   f. Section 3.6.080 Additional Residential Standards for Vehicle Access and Parking Design.

Table 3.6.040.E - Parking Area Minimum Dimensions

PARKING ANGLE < °	CURB LENGTH	STALL DEPTH		AISLE WIDTH		BAY WIDTH		STRIPE LENGTH
		SINGLE D1	DOUBLE D2	ONE WAY A1	TWO WAY A2	ONE WAY B1	TWO WAY B2	
90°	8'-6"	18'	36'	23'	23'	59'	59'	18'

60°	10'	20'	40'	17'	18'	57'	58'	23'
45°	12'	18'-6"	37'	13'	18'	50'	55'	26'-6"
30°	17'	16'-6"	33'	12'	18'	45'	51'	32'-8"
0°	22'	8'-6"	17'	12'	18'	29'	35'	8'-6"

E. Adjustments to Parking Area Dimensions. The dimensions in subsection 3.6.040.E are minimum standards. The City Planning Official through a Type II procedure, may adjust the dimensions based on evidence that a particular use will require more or less maneuvering area. For example, the City Planning Official may approve an adjustment where an attendant will be present to move vehicles, as with valet parking. In such cases, a form of guarantee must be filed with the City ensuring that an attendant will always be present when the lot is in operation.

F. Americans with Disabilities Act (ADA). Parking shall be provided consistent with ADA requirements, including, but not limited to, the minimum number of spaces for automobiles, van-accessible spaces, location of spaces relative to building entrances, accessible routes between parking areas and building entrances, identification signs, lighting, and other design and construction requirements.

[G. Electric Vehicle Charging Stations. *Charging stations for electric vehicles are allowed as an accessory use to parking areas developed in conformance with this Code, provided the charging station complies with applicable building codes and any applicable state or federal requirements. Charging stations are considered accessory to a permitted use and are not considered a quick vehicle service use where such parking comprises less than (X)% of all on-site parking.]*

User's Guide: Cities subject to the CFEC rules must address electric vehicle (EV) charging infrastructure as part of parking and site development regulations, consistent with ORS 455.417 and OAR 660-012-0410. The CFEC rules require conduit for future EV charging for a portion of parking spaces in new multi-unit development. The CFEC rules and associated DLCD guidance also encourage consideration of accessibility, future charging demand, and pedestrian safety in the design of EV charging facilities, including accessible charging spaces and appropriate panel sizing. Refer to the Parking Reform Guidance and Assistance section of the CFEC webpage: https://www.oregon.gov/lcd/CL/Pages/CFEC.aspx.

[H. Electric Vehicle Charging Capacity.

[1. Electrical service capacity, as defined in ORS 455.417, sufficient for a Level 2 electric vehicle charging station must be provided for no less than:

a. 20 percent of all vehicle parking spaces serving new commercial buildings under private ownership.

b. 40 percent of all vehicle parking spaces serving residential units in new multi-unit or mixed-use buildings with five or more dwelling units.]

[2. For developments subject to subsection (1), the minimum percentage of parking spaces required to be served by Level 2 electric vehicle charging capacity shall include the same percentage of required ADA parking spaces. Charging facilities must be located so there is a clear and accessible path from the vehicle to the sidewalk and shall be accessible in height.]

3.6.050 Bicycle Parking

User's Guide: OAR 660-012-0630 requires cities subject to the CFEC rules to adopt bicycle parking standards for specified development types, including multi-unit housing, retail, office, institutional, and transit-related uses. The rules also establish minimum design standards intended to ensure bicycle parking is secure, convenient, well-lit, and accessible for a range of bicycle types, including cargo and family bicycles, and require covered bicycle parking for certain multi-unit and mixed-use residential development. Cities should ensure that bicycle parking standards applicable to housing are clear and objective. Refer to the Parking Reform Guidance and Assistance section of the CFEC webpage: https://www.oregon.gov/lcd/CL/Pages/CFEC.aspx.

A. Standards. Except as provided in subsection (B), bicycle parking spaces shall be provided with new development and, where a change of use occurs, at a minimum, shall follow the standards in Table 3.6.050.A. Where an application is subject to Conditional Use Permit approval or the applicant has requested a reduction to an automobile-parking standard, pursuant to subsection 3.6.040.B, the City Planning Official may require bicycle parking spaces in addition to those in Table 3.6.050.A.

Table 3.6.050.A
Minimum Required Bicycle Parking Spaces

Use	Minimum Long-Term Parking	Minimum Short-Term Parking
Multi-Unit Housing (not required for parcels with fewer than 4 dwelling units)	2 bike spaces, or 0.5 per unit	*[2 bike spaces, or 1 per 20 units]*
Group Living	2 bike spaces, or 1 per 4 bedrooms	2 bike spaces, or 1 per 20 bedrooms
Commercial	None	2 bike spaces per primary use, or 1 per 5 vehicle spaces provided
Industrial	None	2 bike spaces per primary use, or 1 per 10 vehicle spaces provided
Community Service	None	2 bike spaces
Parks (active recreation areas only)	None	4 bike spaces
Schools (all types)	None	2 bike spaces per classroom
Institutional Uses and Places of Worship	None	2 bike spaces per primary use, or 1 per 10 vehicle spaces provided
Other Non-Residential Uses	None	2 bike spaces per primary use or 1 per 10 vehicle spaces provided

Table 3.6.050.A Minimum Required Bicycle Parking Spaces		
Use	**Minimum Long-Term Parking**	**Minimum Short-Term Parking**
* Wherever this table indicates two numerical standards, such as "2, or 0.5 per unit," the larger number applies.		

B. Exemptions. The following uses are exempt from bicycle parking requirements:

1. Detached single-unit housing, middle housing, and accessory dwelling units;
2. Senior housing projects (those restricted for occupancy by households in which at least one member is aged 55 years or older).
3. Accessible housing units;
4. Home occupations;
5. Agricultural uses.

C. Location and Design. Bicycle parking shall meet the following location and design standards*[, consistent with the City of [name] Design Standard Manual]*. (See Figure 3.6.050.C.)

1. All Bicycle Parking. All bicycle parking must meet the following standards:
   a. The area devoted to bicycle parking must be hard surfaced and lighting must be provided for nighttime use.
   b. Where bicycle parking is provided in racks, the racks must meet the following standards:
      i. The rack must be designed so that the bicycle frame and one wheel can be locked to a rigid portion of the rack with a U-shaped shackle lock, when both wheels are left on the bicycle;
      ii. If the rack is a horizontal rack, it must support the bicycle at two points, including the frame; and
      iii. The rack must be securely anchored with tamper-resistant hardware.

2. Long-Term Bicycle Parking. Long-term bicycle parking shall meet the following standards:
   a. Long-term bicycle parking must be provided in one or more of the following locations on a development site:
      i. Within a restricted access, lockable room with securely anchored racks that allow users to lock at least two points on a bicycle.
      ii. Within bicycle lockers that are fully enclosed, lockable, and securely anchored to the ground.
      iii. For residential uses, within dwelling units that are at least 400 square feet, in the following circumstances:
         (A) Sites containing 12 or fewer dwelling units may provide up to 100 percent of required bicycle parking spaces in the dwelling units.
         (B) 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.

(C) 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.

b. For sites with multiple primary uses, long-term bicycle parking must be provided in an area that can be accessed from each use. If bicycle parking is provided in a common area on the site, the area must be accessible for all tenants.

c. All long-term bicycle parking must be covered. Where covered bicycle parking is not within a building or locker, the cover must be:

i. Permanent;

ii. Impervious; and

iii. The cover must project out a minimum of 2 feet beyond the bicycle pa

d. Dimensional standards. Long-term bicycle parking must meet the following dimensional standards:

i. 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.

ii. 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.

3. Short-Term Bicycle Parking. Short-term bicycle parking shall meet the following standards:

a. Location standards.

i. 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 of (name) Public Works Standards]*, provided the space does not obstruct required minimum sidewalk widths or access to doorways.

ii. For sites that are 20,000 square feet or larger, bicycle parking shall be provided on-site.

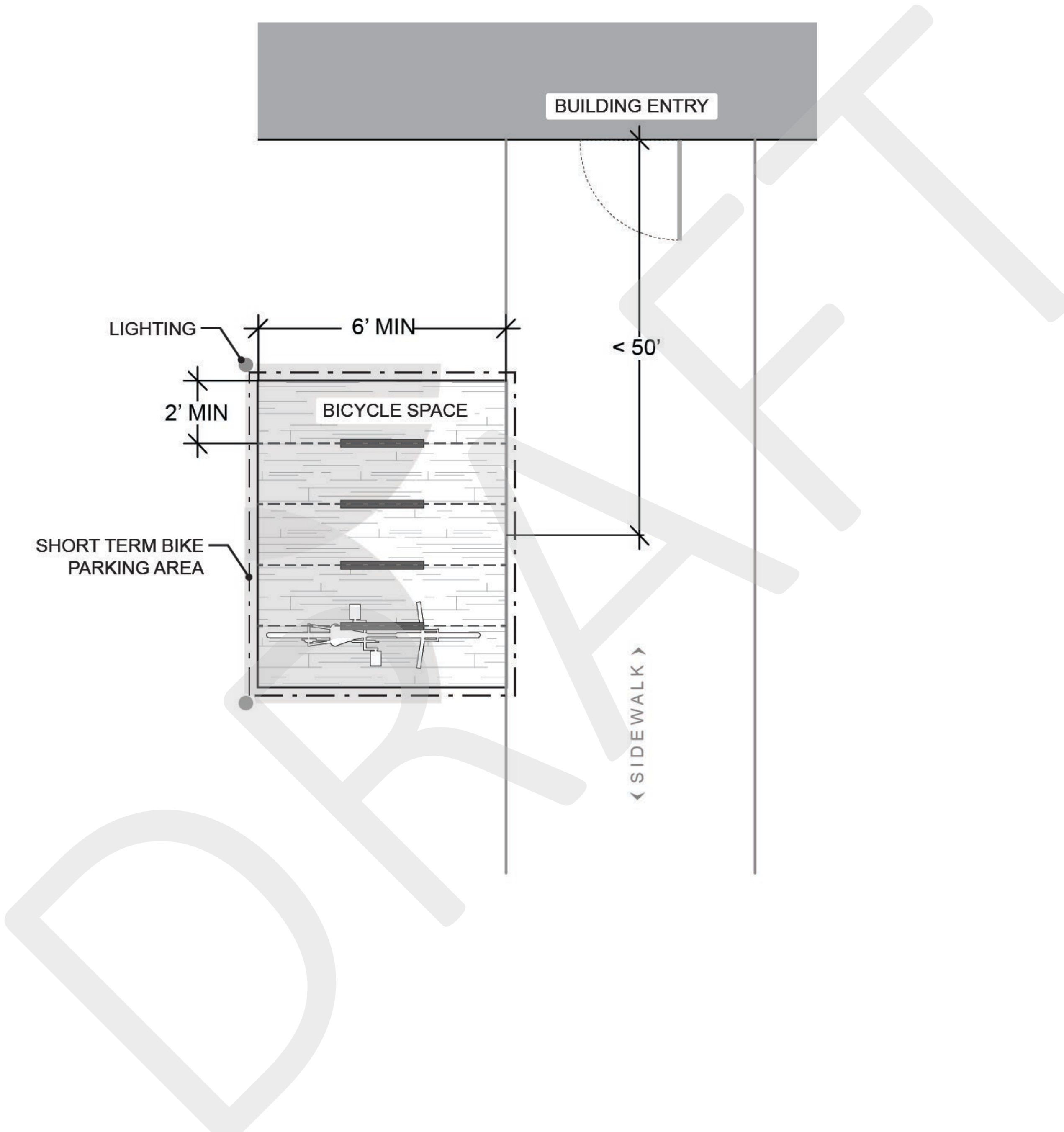
iii. If bicycle parking is provided on-site, it must be located:

(A) At the same grade as the sidewalk or at a location that can be reached by an accessible route; and

(B) Within 50 feet of a main entrance to the building, as measured along the most direct pedestrian access route.

b. Dimensional standards. Each short-term bicycle space must be a minimum of 2 feet wide, 6 feet long and 3 feet 4 inches tall.

Figure 3.6.050.C. Bicycle Parking Location and Design (GRAPHIC MAY BE REFINED IN FINAL DRAFT)



D. Hazards. Bicycle parking shall not impede or create a hazard to pedestrians or vehicles, and shall be located so as to not conflict with the vision clearance standards of Section3.6.070.G.

3.6.060 Loading Areas

User's Guide: The following standards for loading area are intended to be flexible in order to conserve land and not require loading areas where they are not needed. The exception providing for temporary on-street loading and unloading is meant to conserve land for employment uses, particularly in downtown and main street areas where off-street parking is limited and may not be conveniently located for deliveries. Some cities' codes prohibit vehicles backing onto a public right-of-way (except single-family uses), so it is important to check for that restriction and allow reasonable exceptions for temporary loading and unloading.

A. Purpose. The purpose of Section 3.6.060 is to provide adequate loading areas for commercial and industrial uses that do not interfere with the operation of adjacent streets.

B. Applicability. Section 3.6.060 applies to commercial and industrial uses that are expected to have service or delivery truck visits. It applies only to uses visited by trucks with a *[40-foot or longer wheelbase,]* at a frequency of *[one or more vehicles per week]*. The City Planning Official shall determine through Development Review the number, size, and location of required loading areas, if any.

C. Standard. Where an off-street loading space is required, it shall be large enough to accommodate the largest vehicle that is expected to serve the use without obstructing vehicles or pedestrian traffic on adjacent streets and driveways. The City Planning Official may restrict the use of other public rights-of-way, so applicants are advised to provide complete and accurate information about the potential need for loading spaces.

D. Placement, Setbacks, and Landscaping. Loading areas shall conform to the Building Orientation and Design standards of Chapter 3.2, the Access and Circulation standards of Chapter 3.3, and the Landscaping and Screening standards of Chapter 3.4. Where parking areas are prohibited between a building and the street, loading areas are also prohibited.

E. Exceptions and Adjustments. The City Planning Official, through Development Review, may approve a loading area adjacent to or within a street right-of-way where it finds that loading and unloading operations are short in duration (i.e., less than one hour), infrequent, do not obstruct traffic during peak traffic hours, do not interfere with emergency response services, and are acceptable to the applicable roadway authority.

3.6.070 Vehicular Access and Circulation

User's Guide: This section implements Transportation Planning Rule requirements related to access management and is intended to be consistent with ODOT access management requirements for state highways under OAR 734-051.

A. Purpose. Section 3.6.070 *[implements the street access policies of the City of (name) Transportation System Plan / serves as the street access management policy of the City of (name) until such time as the City adopts a Transportation System Plan.]* It is intended to promote safe vehicle access and egress to properties, while maintaining traffic operations in conformance with adopted standards. "Safety," for the purposes of this chapter, extends to all modes of transportation.

B. Applicability. Section 3.6.070 applies to new development and changes in land use necessitating a new or modified street or highway connection. Except where the standards of a roadway authority other than the City supersede City standards, Chapter 3.3 applies to all connections to a street or highway, and to driveways and walkways. *[The (City decision-making body), through a Type II procedure, may grant adjustments to Chapter 3.2, pursuant to the criteria of Chapter 4.7 Adjustments and Variances. (Elaborate as needed, specifying any limitation on the types of standards that may be adjusted and by how much.)]* For street improvement requirements, refer to Section 3.7.020

B. Permit Required. Vehicular access to a public street (e.g., a new or modified driveway connection to a street or highway) requires an approach permit approved by the applicable roadway authority. *[The City Planning Official reviews permit requests for connections to City streets through a Type I/II procedure.]*

C. Traffic Study Requirements. If required by Section 3.6.020, a traffic impact analysis will be used to determine compliance with this code.

D. Approach and Driveway Development Standards. Approaches and driveways shall conform to all of the following development standards, as applicable to the use type.

1. Standards for all Development:
   a. Approaches shall conform to the spacing standards of subsections E and F, below, and shall conform to minimum sight distance and channelization standards of the roadway authority.
   b. Driveways shall be paved and meet applicable construction standards. *[Where permeable paving surfaces are allowed or required, such surfaces shall conform to applicable Engineering Design Standards]*.
   c. Where applicable codes require emergency vehicle access, approaches and driveways shall be designed and constructed to accommodate emergency vehicle apparatus and shall conform to applicable fire protection requirements. The *[City decision-making body]* may restrict parking, require signage, or require other public safety improvements pursuant to the recommendations of an emergency service provider.
   d. *[Except where the (City decision-making body) and roadway authority, as applicable, permit an open access with perpendicular or angled parking (See Section 3.6.040.J), d/D]*riveways shall accommodate all projected vehicular traffic on-site without vehicles stacking or backing up onto a street.
   e. Driveways shall be designed so that vehicle areas, including, but not limited to, drive-through facilities and vehicle storage and service areas, do not obstruct any public right-of-way.
   f. Where an accessible route is required pursuant to ADA, approaches and driveways shall meet accessibility requirements where they coincide with an accessible route.
   g. Where a new approach onto a state highway or a change of use adjacent to a state highway requires ODOT approval, the applicant is responsible for obtaining ODOT approval. The *[City decision-making body]* may approve a development conditionally, requiring the applicant first obtain required ODOT permit(s) before commencing development, in which case the City will work cooperatively with the applicant and ODOT to avoid unnecessary delays.

h. Where an approach or driveway crosses a drainage ditch, canal, railroad, or other feature that is under the jurisdiction of another agency, the applicant is responsible for obtaining all required approvals and permits from that agency prior to commencing development.
i. Except as otherwise required by the applicable roadway authority or waived by the *[City Engineer / Public Works Director],* temporary driveways providing access to a construction site or staging area shall be paved or graveled to prevent tracking of mud onto adjacent paved streets.
[j. Development that increases impervious surface area shall conform to the storm drainage and surface water management requirements of Section 3.7.050.]

2. Standards for Residential Development:
   a. Where a development proposes access onto an arterial street and the minimum approach spacing standards in subsection 3.6.070.E or F are not met, the *[City decision-making body]* shall limit directional travel at the approach to one-way, right-turn only, or establish other restrictions to alleviate safety or traffic operations concerns.
   b. Construction of approaches along acceleration or deceleration lanes, and along tapered (reduced width) portions of a roadway, are prohibited.
   c. Where sidewalks or walkways occur adjacent to a roadway, driveway aprons constructed of *[concrete]* shall be installed between the driveway and roadway edge, and outside the required sidewalk or walkway surface, consistent with Americans with Disabilities Act (ADA) requirements.
   d. Where a proposed driveway crosses a culvert or drainage ditch, the developer shall install a culvert extending under and beyond the edges of the driveway on both sides of it, pursuant to applicable *[public works / engineering]* design standards.
   e. The applicable vehicle access standards in Section 3.6.080 shall be met.

3. Standards for Non-Residential Development:
   a. The number of approaches on higher classification streets (e.g., collector and arterial streets) shall be minimized; where practicable, access shall be taken first from a lower classification street.
   b. The *[City decision-making body]* may limit the number or location of connections to a street, or limit directional travel at an approach to one-way, right-turn only, or other restrictions, where the roadway authority requires mitigation to alleviate safety or traffic operations concerns.
   c. Where the spacing standards of the roadway authority limit the number or location of connections to a street or highway, the *[City decision-making body]* may require a driveway extend to one or more edges of a parcel and be designed to allow for future extension and inter-parcel circulation as adjacent properties develop. The *[City decision-making body]* may also require the owner(s) of the subject site to record an access easement for future joint use of the approach and driveway as the adjacent property(ies) develop(s).
   d. As applicable, approaches and driveways shall be designed and constructed to accommodate truck/trailer-turning movements.
   e. Approaches and driveways shall not be wider than necessary to safely accommodate projected peak hour trips and turning movements, and shall be designed to minimize crossing distances for pedestrians.
   f. As it deems necessary for pedestrian safety, the *[City decision-making body],* in consultation with the roadway authority, as applicable, may require that traffic-calming features, such as speed tables,

textured driveway surfaces (e.g., pavers or similar devices), curb extensions, signage or traffic control devices, or other features, be installed on or in the vicinity of a site as a condition of development approval.

g. Construction of approaches along acceleration or deceleration lanes, and along tapered (reduced width) portions of a roadway, shall be avoided; except where no reasonable alternative exists and the approach does not create safety or traffic operations concern.
h. Approaches and driveways shall be located and designed to allow for safe maneuvering in and around loading areas, while avoiding conflicts with pedestrians, parking, landscaping, and buildings.
i. Where sidewalks or walkways occur adjacent to a roadway, driveway aprons constructed of *[concrete]* shall be installed between the driveway and roadway edge. The roadway authority may require the driveway apron be installed outside the required sidewalk or walkway surface, consistent with Americans with Disabilities Act (ADA) requirements, and to manage surface water runoff and protect the roadway surface.
j. The *[City decision-making body]* may require changes to the proposed configuration and design of an approach, including the number of drive aisles or lanes, surfacing, traffic-calming features, allowable turning movements, and other changes or mitigation, to ensure traffic safety and operations.
k. Where a proposed driveway crosses a culvert or drainage ditch, the *[City decision-making body]* may require the developer to install a culvert extending under and beyond the edges of the driveway on both sides of it, pursuant to applicable *[public works / engineering]* design standards.

E. Approach Separation from Street Intersections. Except as provided by Section 3.6.070.H, the following minimum distances shall be maintained between approaches and street intersections, where distance is measured from the edge of an approach surface to the edge of the roadway at its ultimate designated width:

Insert standards from the local jurisdiction's transportation system plan; or, where no transportation plan exists, determine appropriate standards in coordination with city engineering and public works staff, and staff from other roadway authorities, as applicable. The standards should balance the need for reasonable development opportunities with traffic operations and safety for all modes of transportation. Revise the standards of Section 3.3.030.D, above, as needed.

1. On an arterial street: *[100]* feet, except as required by ODOT, pursuant to Oregon Administrative Rule (OAR) 734-051, for state highways
2. On a collector street: *[50]* feet
3. On a local street: *[20]* feet

F. Approach Spacing. Except as provided by Section3.6.070.H, the following minimum distances shall be maintained between approaches, where distance is measured from the edge of one approach to the edge of another (see Figure 3.6.070.E-F):

User's Guide: Cities should use standards from the local jurisdiction's transportation system plan; or where no transportation plan exists, determine appropriate standards based on a collaborative discussion with the city's engineering and public works staff or consultants. The standards should balance the need to provide for reasonable development opportunities with safety and traffic operations. As approaches occur more frequently on busy streets, the more potential there is for conflicts between vehicles (i.e., conflicting turning movements) and between vehicles and pedestrians. The following standards for arterials streets are based on the highway approach spacing standards in Oregon Administrative Rules (OAR) 734-051 for highway segments with speeds between 25-45 miles per hour.

1. On an arterial street: *[150-360]* feet based on speed limit or posted speed, as applicable, except as otherwise required by ODOT for a state highway, pursuant to Oregon Administrative Rules (OAR) 734-051
2. On a collector street: *[50-100]* feet
3. On a local street: *[20]* feet, or the *[City decision-making body]* may approve closer spacing where necessary to provide for on-street parking (e.g., between paired approaches).

G. Vision Clearance. No visual obstruction (*e.g.,* sign, structure, solid fence, or shrub vegetation) between *[three feet]* and *[eight feet]* in height shall be placed in "vision clearance areas" at street intersections, as illustrated. For non-residential development, the minimum vision clearance area may be modified by the *[City decision-making body]* as part of a Type II review, upon finding that more or less sight distance is required (i.e., due to traffic speeds, roadway alignment, etc.). Light poles, utility poles, and tree trunks shall be placed outside vision clearance areas. (See Figure 3.6.070.E-F.)

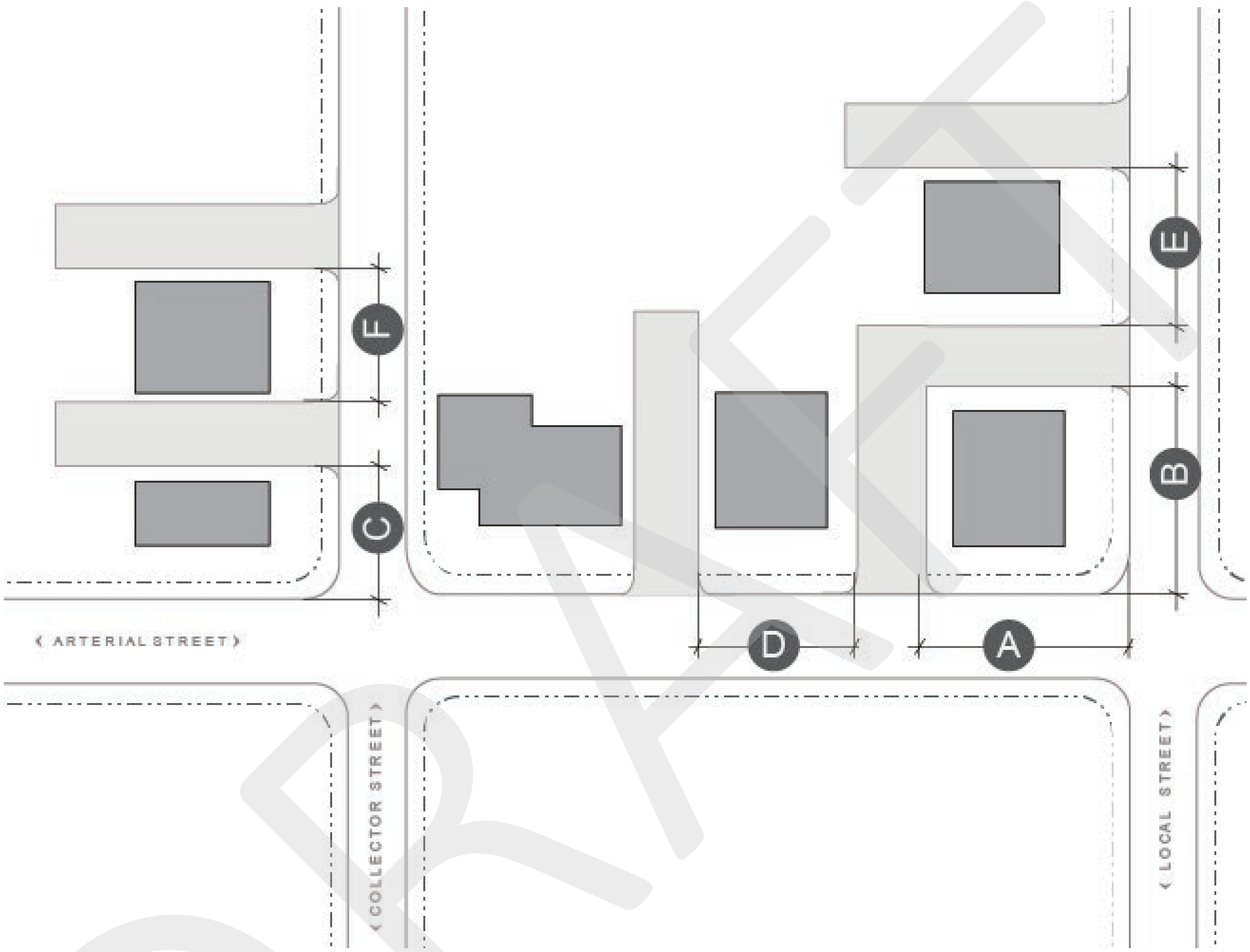
H. Exceptions and Adjustments. The *[City decision-making body]* may approve adjustments to the spacing standards of subsections E and F, above, where an existing connection to a City street does not meet the standards of the roadway authority and the proposed development moves in the direction of code compliance. The *[City decision-making body]* through a Type II review may also approve a deviation to the spacing standards on City streets where it finds that mitigation measures, such as consolidated access (removal of one access), joint use driveways (more than one property uses same access), directional limitations (e.g., one-way), turning restrictions (e.g., right-in/right-out only), or other mitigation alleviate all traffic operations and safety concerns.

I. Joint Use Access Easement and Maintenance Agreement. Where the City approves a joint use driveway, the property owners shall record an easement with the deed allowing joint use of and cross access between adjacent properties. The owners of the properties agreeing to joint use of the driveway shall record a joint maintenance agreement with the deed, defining maintenance responsibilities of property owners. The applicant shall provide a fully executed copy of the agreement to the City for its records, but the City is not responsible for maintaining the driveway or resolving any dispute between property owners.

[J. Frontage Driveways and Street-Side Parking Bays. *If requested by the applicant, the (City decision-making body), in consultation with the roadway authority, as applicable, may permit an open access with perpendicular or angled parking adjacent to a public street where an existing street does not contain parallel parking, and the proposed development does not warrant a street widening to provide parallel parking pursuant to Chapter 3.7. The open access area shall conform to the City's street construction standards for paving (, storm drainage and surface water management,) and the requirements of the roadway authority if different from the City's. The (City decision-*

making body) may also require, based on existing and projected pedestrian activity, that a sidewalk or a walkway be installed along the full frontage of the site pursuant to Chapter 3.4 Pedestrian Access and Circulation.]

Figure 3.6.070.E-F. Vehicle Approach Separation and Spacing (GRAPHIC WILL BE REFINED IN FINAL DRAFT)



A Approach separation from intersection on arterial street: *[100]* feet

B Approach separation from intersection on local street: *[20]* feet

C Approach separation from intersection on collector street: *[50]* feet

D Approach spacing on arterial street: *[150-360]* feet based on speed limit or posted speed

E Approach spacing on local street: *[20]* feet

F Approach spacing on collector street: *[50-100]* feet

3.6.080 Additional Residential Standards for Vehicle Access and Parking Design

User's Guide: The following standards are adapted from the Middle Housing Model Code for Large Cities and the Housing Model Codes adopted under OAR 660-008-0410. The standards include vehicle access, driveway, and parking design requirements that are specific to certain housing types.

A. Purpose. Section 3.6.080 applies additional standards for residential development related to vehicle access, driveways, and parking areas, supplementing the standards in Sections 3.6.040 and 3.6.070. This section is intended to support a pedestrian-friendly street environment by minimizing the visual and safety impacts of driveways and parking areas. Limiting the width of parking areas and driveways minimizes their visual impact. Regulating the frequency and width of driveways reduces points of conflict between vehicles and pedestrians, and supports more continuous pedestrian environments along streets.

B. Applicability. Section 3.6.080 applies to new residential development for which vehicular access to a public street is proposed, except where the standards of a roadway authority other than the City supersede City standards. Applicable housing types are specified in subsections (C) – (G). *[The (City decision-making body), through a Type II procedure, may grant adjustments to Section 3.6.080, pursuant to the criteria of Chapter 4.7 Adjustments and Variances. (Elaborate as needed, specifying any limitation on the types of standards that may be adjusted and by how much.)]*

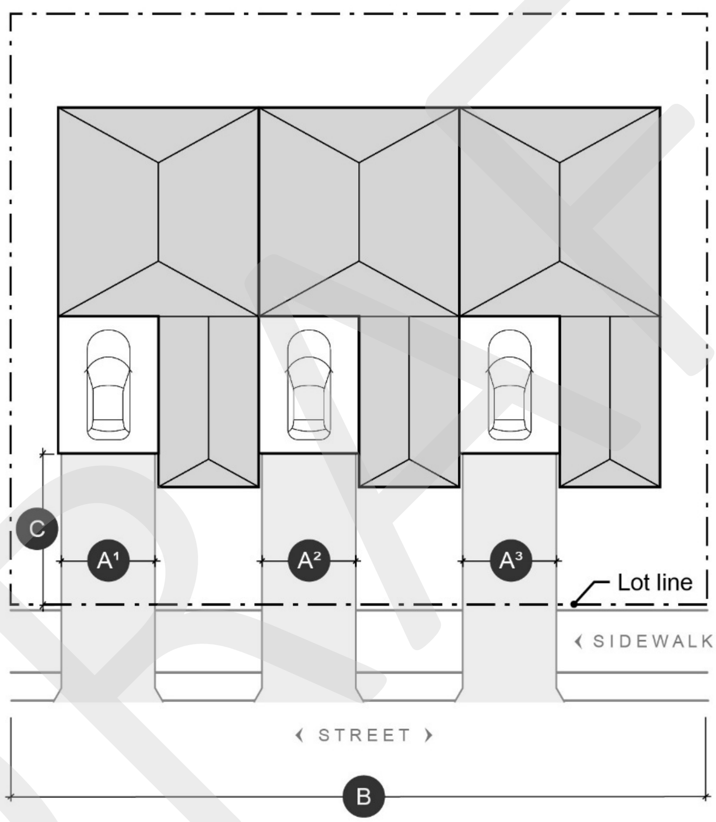
C. Detached Single-Unit, Duplex, Triplex, and Quadplex.

1. Off-Street Parking Areas. 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 3.6.080.C.1). Walkways abutting a driveway are excluded from this calculation.

2. Driveway Approaches. Driveway approaches must comply with the following:
   a. The total width of all driveway approaches must not exceed 32 feet per frontage, as measured at the lot line (see Figures 3.6.080.C.2.a and 3.6.080.C.2.c). For lots with more than one frontage, see subsection (c).
   b. Driveway approaches may be separated when located on a local street (see Figure 3.6.080.C.2.a). If approaches are separated, they must meet the approach spacing standards in subsection 3.6.070.F.3.
   c. In addition, lots with more than one frontage must comply with the following:
      i. 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 3.6.080.C.2.b).
      ii. Lots with frontages only on collectors or arterial streets must meet the city's access standards applicable to collectors or arterials.
      iii. Triplexes and quadplexes on lots with frontages only on local streets may have either:
         (A) Two driveway approaches not exceeding 32 feet in total width on one frontage (see Figure 3.6.080.C.2.d); or
         (B) One maximum 16-foot-wide driveway approach per frontage (see Figure 3.6.080.C.2.e).

3. Exceptions.
   a. The following are exempt from the standards in subsection (1):
      i. Lots that receive vehicular access from an alley.
      ii. 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.
   [b. Accessible or adaptable units are exempt from the standards in subsections (1), (2)(a), and (2)(c)(iii).]

Figure 3.6.080.C.1. Width of Garages and Parking Areas



A — Garage and on-site parking and maneuvering areas: (A1 + A2 + A3) ÷ B ≤ 50%

B — Total street frontage

C — Minimum driveway length 18 feet (or maximum 5 feet)

Figure 3.6.080.C.2.a. Driveway Approach Width and Separation on Local Street

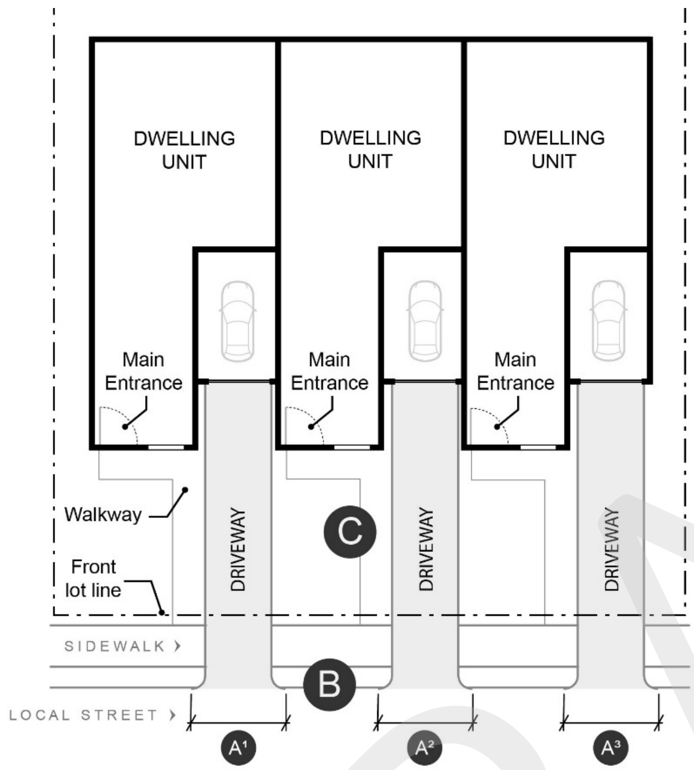
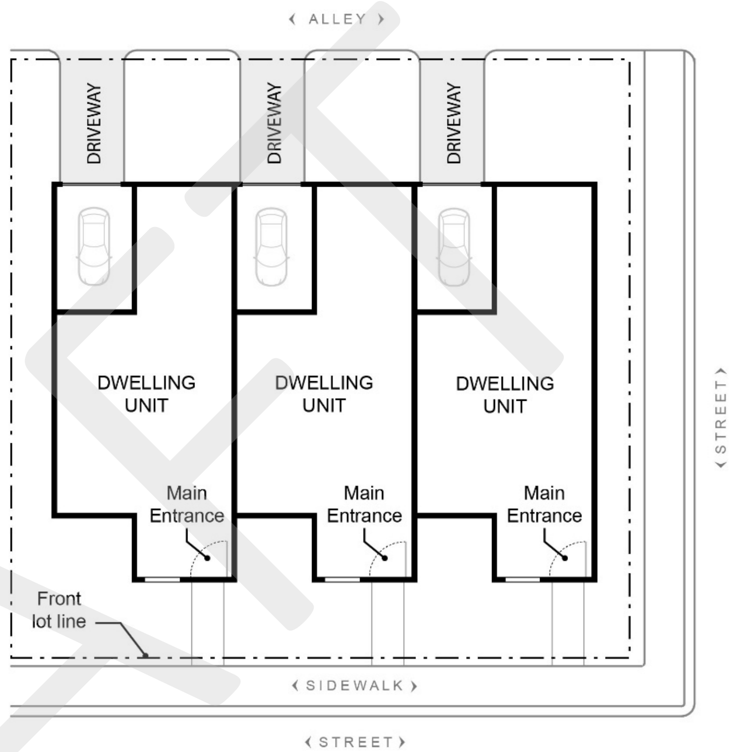
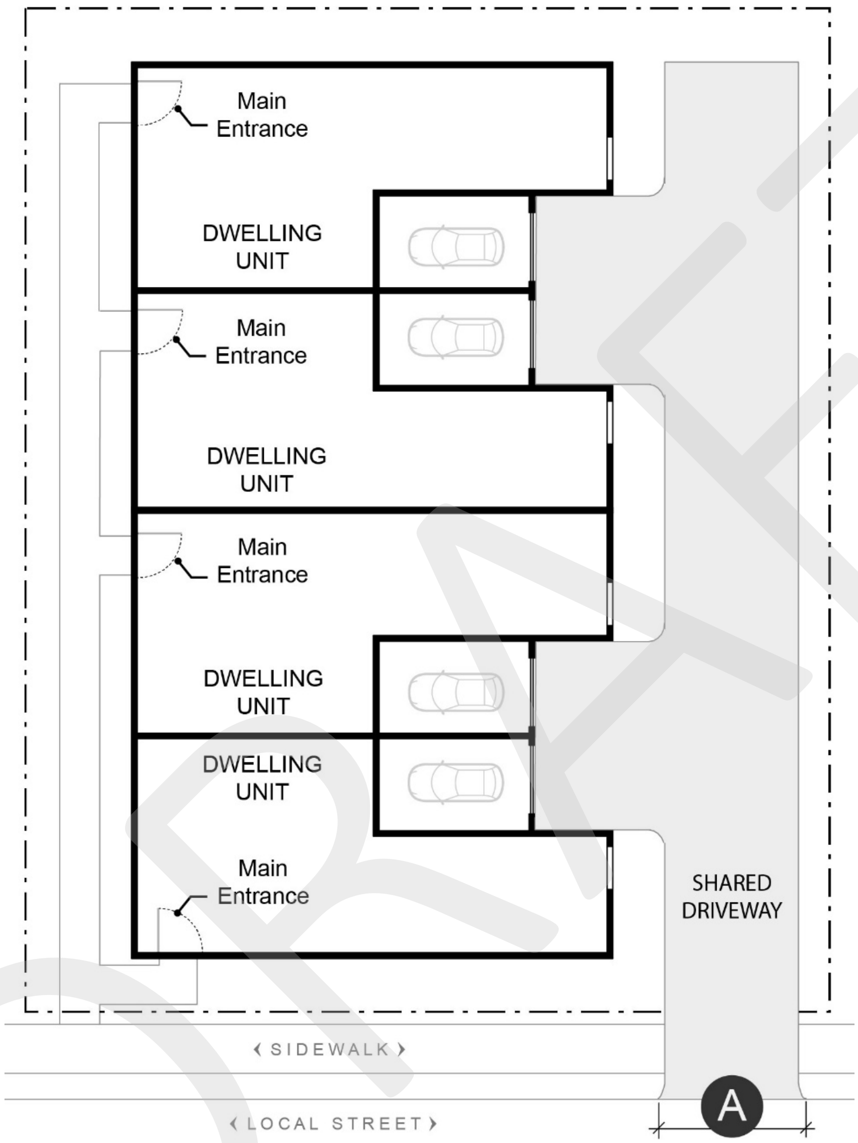


Figure 3.6.080.C.2.b. Alley Access



A	A1 + A2 + A3 ≤ 32 feet
B	Driveway approaches must meet separation standards for a local street.
C	Walkway may abut driveway

Figure 3.6.080.C.2.c. Driveway Approach Width on Local Street – Shared Driveway



A Maximum width of driveway approach(es) 32 feet

Figure 3.6.080.C.2.d. Driveway Approaches on One Local Street Frontage

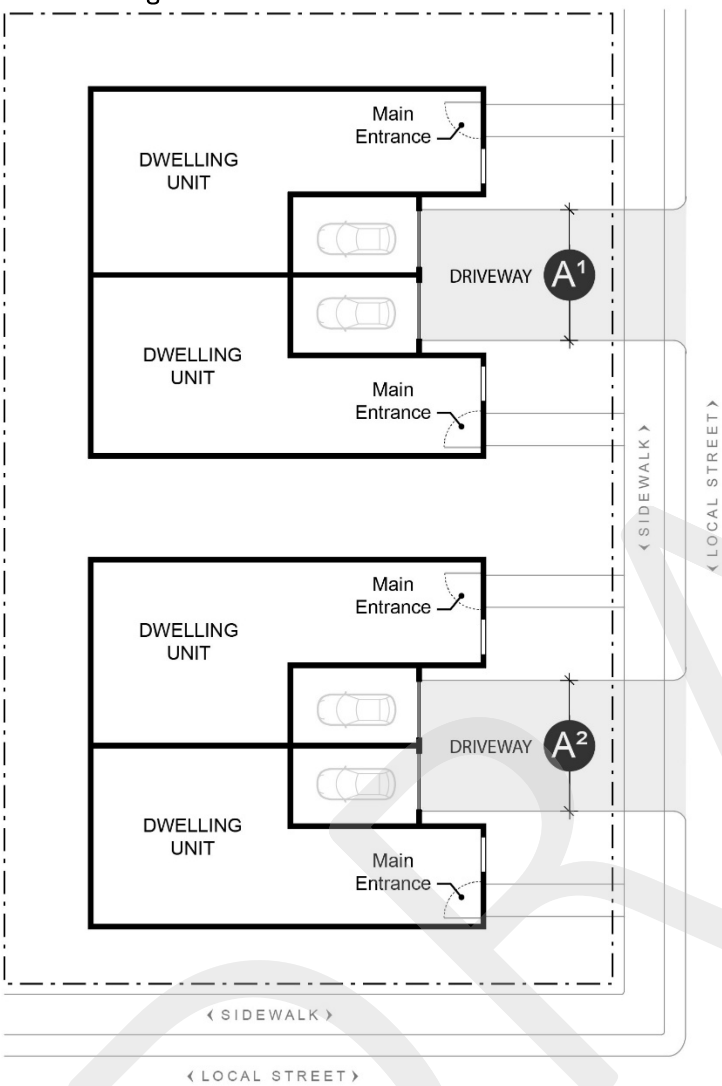
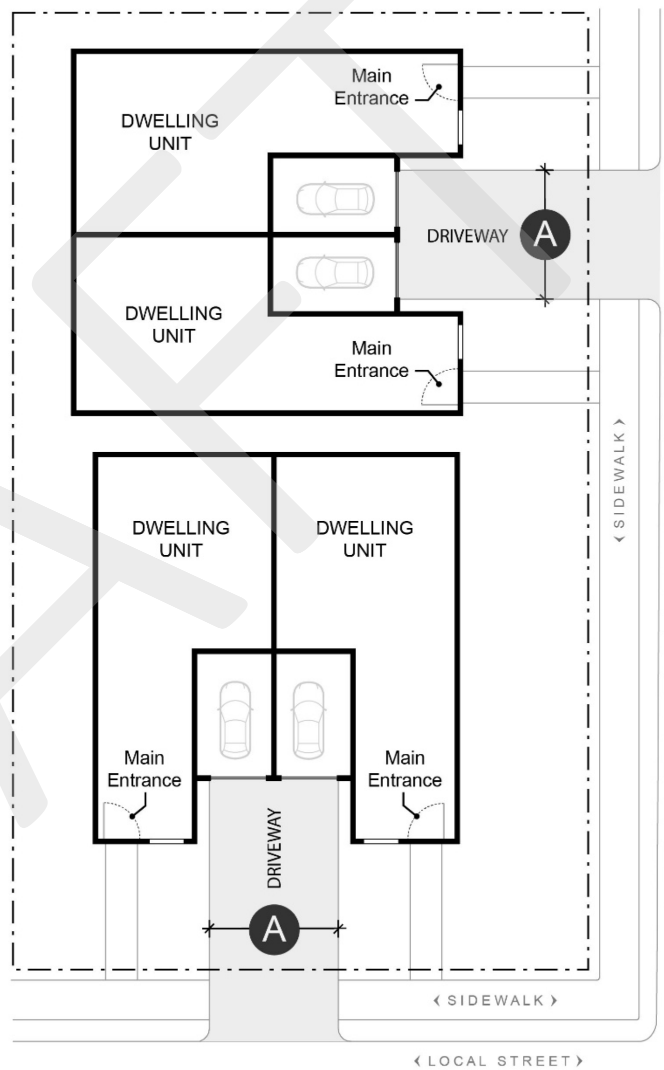


Figure 3.6.080.C.2.e. Driveway Approaches on Two Local Street Frontages



A — One maximum 16-foot-wide driveway approach per frontage

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

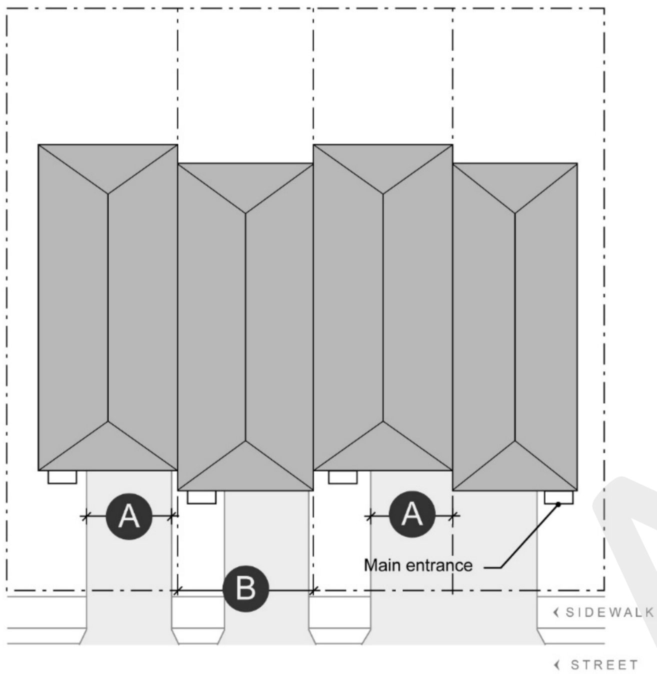
D. Townhouse.

1. Standards. Townhouse lots with frontage on a public street shall either meet the standards in subsection (a) or subsection (b). *[Townhouse lots without frontage on a public street are subject to subsection (c).]*
   a. 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 3.2.080.D.a).
      i. The townhouse lot shall have at least 15 feet of street frontage on a local street.
      ii. A maximum of one driveway approach is allowed for every townhouse. Driveway approaches or driveways may be shared.
      iii. 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:
         (A) Outdoor on-site parking and maneuvering areas; and
         (B) Garages, as measured from the inside of the garage door frame.
      iv. This standard does not supersede a city's driveway separation standards.
   b. For all other configurations of driveway access and parking, the following standards shall be met.
      i. A townhouse project that includes a corner lot shall take access from a single driveway approach on the side of the corner lot. See Figure3.2.080.D.b.
      ii. Townhouse projects that do not include a corner lot shall consolidate access for all lots into a single driveway. See Figure 3.2.080.D.c.
      iii. A townhouse project that includes consolidated access or shared driveways shall grant access easements to allow normal vehicular access and emergency access.

User's Guide: The optional provision below will only apply where cities do not require public street frontage for each townhouse lot—i.e., where cities allow townhouses to be accessed from a shared access easement or tract. Figure 3.2.080.D.d illustrates this configuration. While this is a recommended option, it is not required—including for cities subject to ORS 197A.420.

   [c. 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 3.2.080.D.d.]
2. Exceptions.
   a. Townhouse projects in which vehicular access for all units is exclusively from a rear alley are exempt from these standards.
   [b. Townhouses with ground levels that are designed as accessible or adaptable are exempt from subsection (A)(1)(c).]

Figure 3.2.080.D.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 3.2.080.D.b. Townhouses on Corner Lot with Shared Access

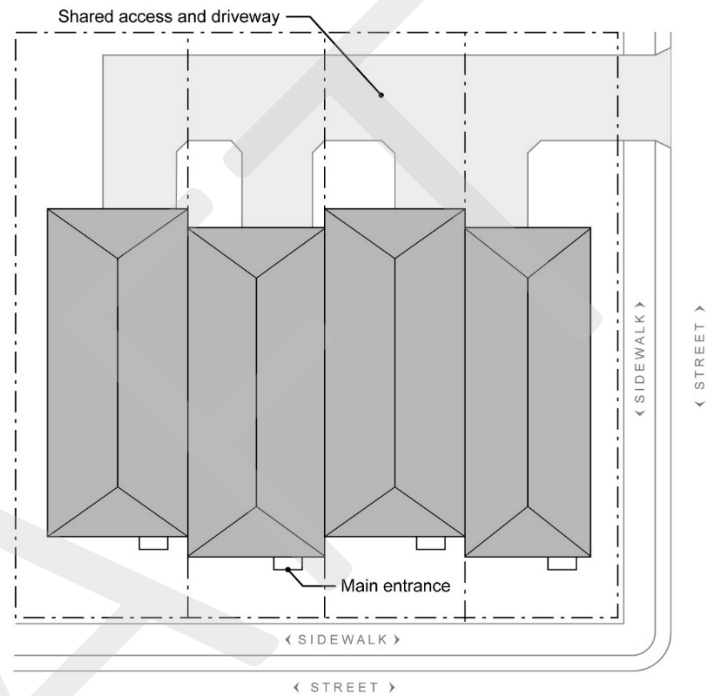
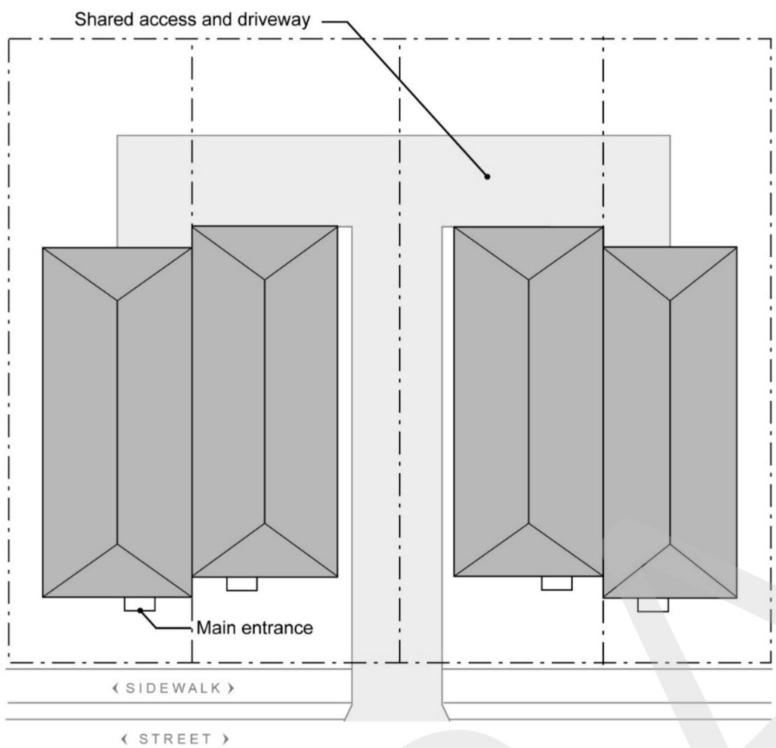
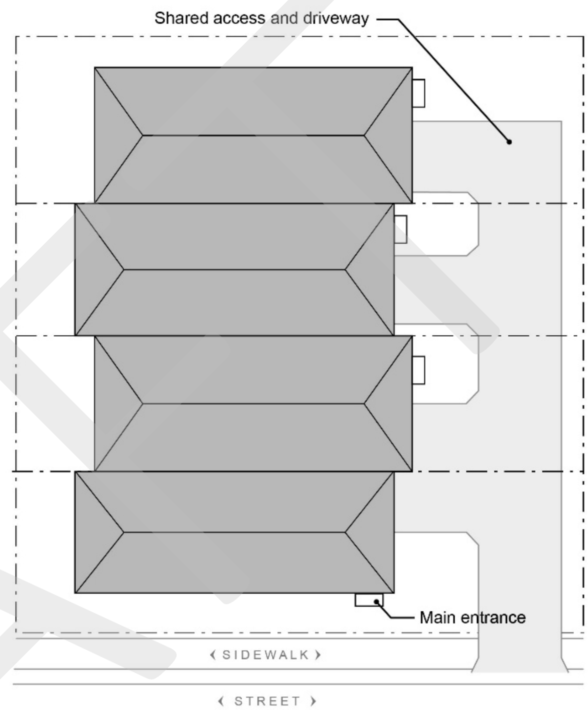


Figure 3.2.080.D.c. Townhouses with Consolidated Access



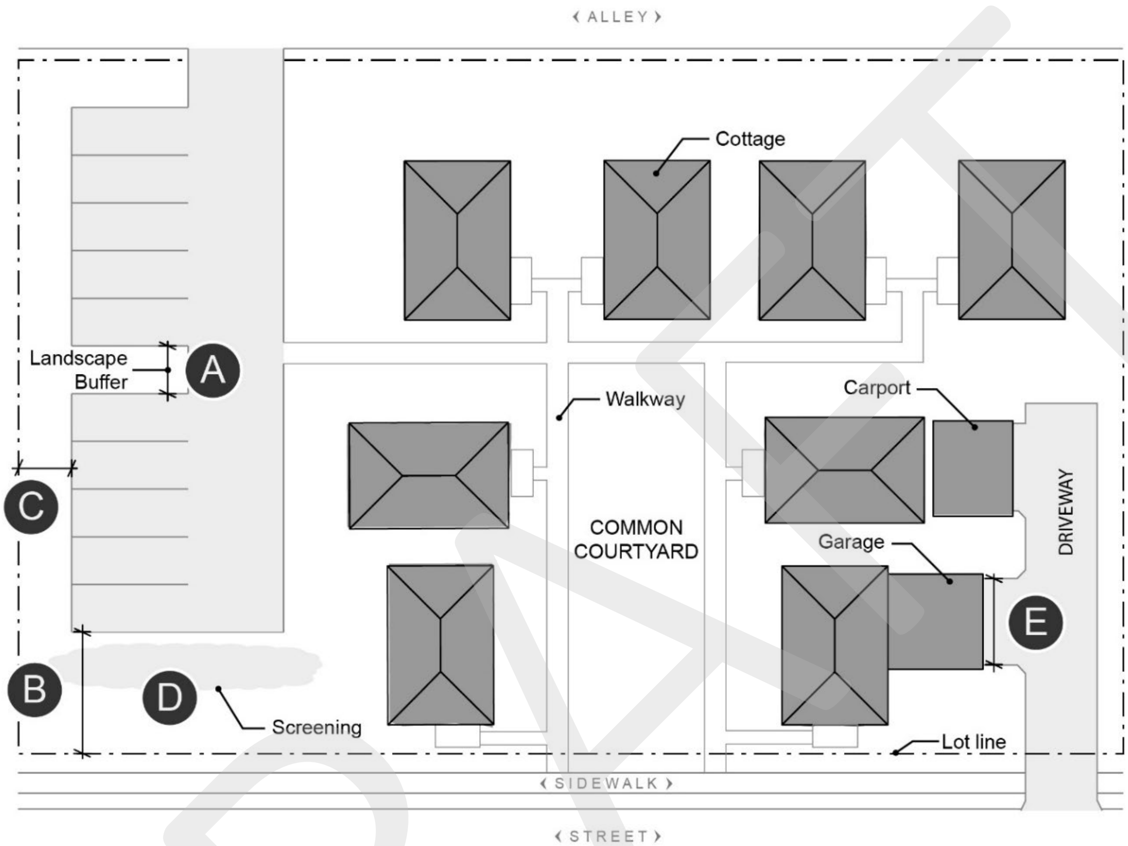
[Figure 3.2.080.D.d. Townhouses with Access from Shared Driveway and Access Easement/Tract]



E. Cottage Cluster (see Figure 3.6.080.E).

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.

Figure 3.6.080.E. 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.

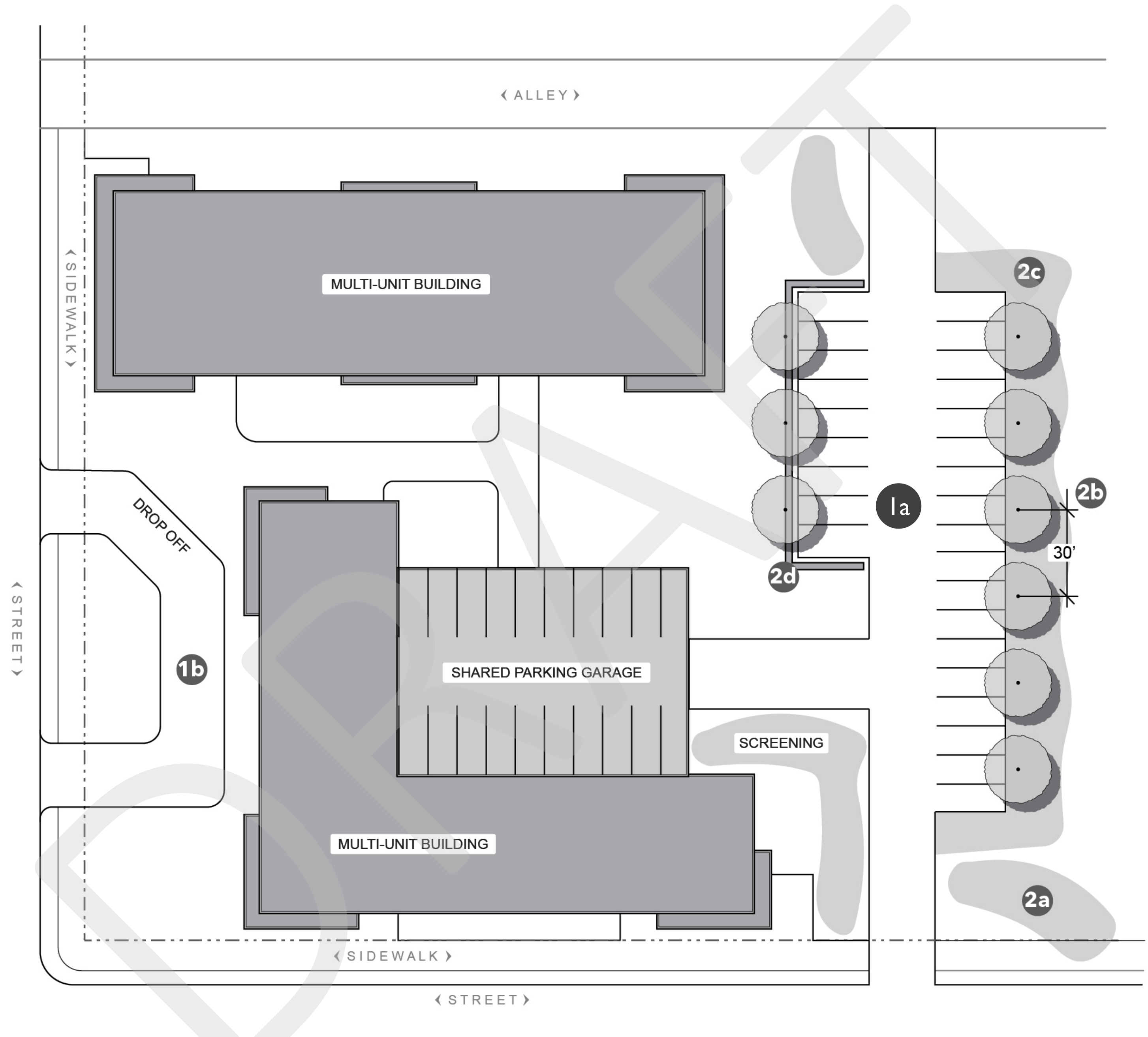
D Screening required between parking areas or parking structures and public streets or common courtyards.

E Maximum 20 feet garage door width.

F. Multi-Unit Housing*[– Non-Townhouse Style]*. The following standards apply to multi-unit housing*[other than townhouse-style units]*. *[For townhouse-style standards, see subsection (G).]*

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 9.1.6.

Figure 3.6.080.F. Multi-Unit Vehicle Access and Parking (GRAPHIC WILL BE REFINED IN FINAL DRAFT)



1a Parking area cannot be located between building and street lot line

1b Passenger drop-off or loading zone may be located between building and street lot line

2a Evergreen shrubs to form continuous screen

2b At least one tree for every 30 linear feet

2c Evergreen ground cover

2d Wall or fence may be substituted for evergreen shrubs

User's Guide. The parking standards below apply to townhouse-style units that have parking or driveways located between the units and a public street (other than an alley). The standards are similar to the townhouse standards applicable to parking areas in front of units in subsection 3.6.080.D.1.a.

Townhouse-style developments (especially larger developments) may have other parking areas on the site that are not adjacent to the street. Those areas are subject to the parking standards for typical multi-unit housing in subsection 3.6.080.F.

*[G. **Townhouse-Style Multi-Unit Housing**. 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 subsection (F) shall be met.*

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.]*

Chapter 3.7 - Public Facilities

Sections:

User's Guide: Before using the following provisions to draft new code, cities should review their existing facility master plans and standards, including provisions for transportation, water, sewer, and storm drainage and surface water management improvements, and requirements of utility service providers. It is important to ensure that the plans do not conflict with new code provisions. The standards recommended in this chapter are based on best practices. Some facility master plan provisions may need to be updated for consistency with new code provisions, and some model code provisions may need to be adjusted to conform to existing conditions in your community.

3.7.010 Purpose and Applicability

A. Purpose. The standards of Chapter 3.7 implement the public facility policies of the City of *[name]* Comprehensive Plan, adopted City master plans, and other adopted City plans.

B. Applicability. Chapter 3.7 applies to all new development, including projects subject to Land Division (Subdivision or Partition) approval and developments subject to Development Review where public facility improvements are required. All public facility improvements within the city shall occur in accordance with the standards and procedures of this chapter. When a question arises as to the intent or application of any standard, the *[City decision-making body]* shall interpret the Code pursuant to Chapter 1.5.

C. *[Public Works / Engineering]* Design Standards. All public facility improvements, including, but not limited to, sanitary sewer, water, *[and]* transportation*[, surface water and storm drainage, and parks]* projects, whether required as a condition of development or provided voluntarily, shall conform to the City of *[name]* *[Public Works/Engineering Design Standards Manual]* ("Design Manual"). Where a conflict occurs between this Code and the Design Manual, the provisions of this Code shall govern.

User's Guide: Rough Proportionality of Required Improvements

Conditions of approval that require dedication of land, construction of improvements, or payment of fees, collectively referred to as "exactions," must be reasonably related and roughly proportional to the impacts of the proposed development, consistent with constitutional requirements.

- **Nexus.** The required improvement must address a specific impact of the development, and have a clear connection to the public purpose being served.

- **Proportionality.** The scale of the required improvement must be roughly proportional to the development's share of the impact.

- **Documentation.** The record should identify the development's impacts and explain how the required improvement directly relates to and is proportionate to those impacts.

Exactions can violate the Fifth Amendment's Takings Clause if they do not meet the "essential nexus" and "rough proportionality" tests. Traffic Impact Analyses and other technical studies can support local determinations, particularly where multiple developments contribute to a shared need. Where improvements serve a broader area, costs should be allocated proportionally or addressed through system development charges or other funding mechanisms.

D. Public Improvement Requirement. No building permit may be issued until all required public facility improvements are in place and approved by the Public Works Director, or otherwise bonded, in conformance with the provisions of this Code and the Design Manual. Improvements required as a condition of development approval, when not voluntarily provided by the applicant, shall be roughly proportional to the impact of the development on public facilities. Findings in the development approval shall indicate how the required improvements directly relate to and are roughly proportional to the impact of development.

3.7.020 Transportation Standards

User's Guide: This section implements Transportation Planning Rule (TPR) requirements (OAR 660-012) that require development standards promoting efficient, multi-modal transportation. It is also intended to be consistent with the TPR provisions for multi-modal mixed-use areas.

A. General Requirements.

1. Except as provided by subsection 5, below, existing streets that do not meet current adopted standards, and planned streets within or abutting a proposed development, shall be improved in accordance with the standards of Chapter 3.7 as a condition of development approval.
2. All street improvements, including the extension or widening of existing streets and public access ways, shall conform to Section 3.7.020, and shall be constructed consistent with the City of *[name][Engineering/Public Works Design Standards Manual]*.

User's Guide: The above text should be customized to your city. All street standards should be incorporated into the code. Where a city has adopted a Transportation System Plan, it should incorporate the street improvement standards of the plan into this chapter, including the dimensional standards of Table 3.7.020.C, as well as any standards related to traffic impact analyses. Cities should review their public works and engineering design standards to ensure there are no conflicts. Some older public works standards require excessive roadway widths, limit on-street parking, and do not meet current state requirements under the TPR for pedestrian, bicycle, and transit facility improvements.

3. All new streets shall be contained within a public right-of-way. Public access ways (e.g., pedestrian ways) may be contained within a right-of-way or a public access easement, subject to review and approval of the *[City decision-making body]*.

User's Guide: The TPR requires cities to adopt a process to apply conditions to development proposals in order to minimize impacts and protect transportation facilities. A Traffic Impact Analysis (TIA) is a common method for cities to evaluate transportation impacts of development, and to address any operational or safety issues. A TIA is a specialized engineering study that forecasts the additional traffic generated by a new development, evaluates its impact on surrounding roads, and suggests mitigation measures.

The TPR also requires cities subject to CFEC rules to consider Transportation Performance Standards for land use decisions. At least one of these performance standards must support increasing transportation options and avoiding principal reliance on the automobile. Examples of performance standards include pedestrian and bicycle level of traffic stress (PLTS and BLTS), which measure how comfortable and safe a road, sidewalk, multiuse path, or bike lane feels for people walking and biking. Transportation Performance Standards are established in a jurisdiction's Transportation System Plan. Where a city has adopted a Transportation System Plan, the development code's TIA provisions should be updated to ensure consistency with adopted performance standards.

This section will be revised to address recent housing legislation related to limitations on Traffic Impact Analysis requirements for middle housing and the need for clear and objective review of residential development applications.

4. **Traffic Impact Analysis.** The purpose of this subsection is to coordinate the review of land use applications with roadway authorities and to implement OAR 660-012-0045(2)(e) of the state Transportation Planning Rule, which requires the City to adopt a process to apply conditions to development proposals in order to minimize impacts and protect transportation facilities. This subsection also establishes when a proposal must be reviewed for potential transportation impacts; when a Traffic Impact Analysis (TIA) must be submitted; the required contents of a TIA; who is qualified to prepare the analysis; and applicable mitigation standards.

   a. When a Traffic Impact Analysis is Required. A TIA shall be required as part of an application for development, a change in use, or a change in access when the proposal would involve one or more of the conditions in (1) through (8), below. For residential development, Subsections (2) and (7) do not apply. The City may waive the TIA requirement if it determines the proposal is unlikely to result in significant transportation impacts, including but not limited to: small-scale development below adopted trip thresholds; development located in areas with high-quality transit service; or development types demonstrated to generate low vehicle travel demand.

      i. A change in zoning or a plan amendment designation;

      ii. Operational or safety concerns documented in writing by a road authority;

      iii. An increase in site traffic volume generation by *[300]* Average Daily Trips (ADT) or more;

iv. An increase in peak hour volume of a particular movement to and from a street or highway by *[20]* percent or more;

v. An increase in the use of adjacent streets by vehicles exceeding the 20,000 pound gross vehicle weights by 10 vehicles or more per day;

vi. Existing or proposed approaches or access connections that do not meet minimum spacing or sight distance requirements or are located where vehicles entering or leaving the property are restricted, or such vehicles are likely to queue or hesitate at an approach or access connection, creating a safety hazard;

vii. A change in internal traffic patterns that may cause safety concerns; or

viii. A TIA required by ODOT pursuant to OAR 734-051.

b. TIA Preparation. The TIA must include, at a minimum:

i. An analysis of the existing situation, including the level of service on adjacent and impacted facilities;

ii. An analysis of any existing safety deficiencies;

iii. Proposed trip generation and distribution for the proposed development;

iv. Projected levels of service on streets on which the property has frontage or takes access or contributes five percent or more to total daily or peak hour traffic volumes;

v. Recommendation of necessary mitigations or improvements to ensure that levels of service *[and non-vehicular transportation performance]* meet adopted standards, after the future traffic impacts are considered; and

vi. The analysis must be prepared by a professional engineer registered by the State of Oregon, in accordance with the requirements of the road authority.

5. The *[City decision-making body]* may waive or allow deferral of standard street improvements, including sidewalk, roadway, bicycle lane, undergrounding of utilities, and landscaping, as applicable, where one or more of the following conditions in (a) through (d) is met. Where the *[City decision-making body]* agrees to defer a street improvement, it shall do so only where the property owner agrees not to remonstrate against the formation of a local improvement district in the future.

a. The standard improvement conflicts with an adopted capital improvement plan.

b. The standard improvement would create a safety hazard.

c. It is unlikely due to the developed condition of adjacent property that the subject improvement would be extended in the foreseeable future, and the improvement under consideration does not by itself significantly improve transportation operations or safety.

d. The improvement under consideration is part of an approved partition in the *[RL]* zone and the proposed partition does not create any new street.

B. Street Location, Alignment, Extension, and Grades.

1. Connectivity to Existing Network. All new streets shall connect to an existing public street at a minimum of one location. Street location shall be consistent with adopted public facility plans and with subsection 3.7.020.D Transportation Connectivity and Future Street Plans.

2. Alignment with Existing and Planned Streets. New streets shall align with existing or planned streets where such streets intersect or terminate at the subject property boundary. Offsets between opposing street centerlines shall not be less than *[150]* feet, unless a traffic control device is installed.

3. Street Grades.

a. Streets shall be designed with grades that do not exceed the maximum grade established in the City's *[Engineering/Public Works Design Standards Manual]*. Where no such standard exists, maximum street grade shall not exceed *[15]* percent.

b. New streets and street extensions exceeding a grade of 15 percent shall not extend more than 200 continuous feet. At the applicant's request, the *[City decision-making body]* may approve an exception to the 200-foot standard and require mitigation, such as a secondary access for the subdivision, installation of fire protection sprinkler systems in dwellings, or other mitigation to protect public health and safety.

4. Planned Streets. Where the locations of planned streets are shown on a local street network plan, the development shall construct or dedicate right-of-way for the street(s) in the location(s) shown on the plan.

5. Local Streets. Where a required local street connection is not shown on an adopted City street plan, or the adopted street plan does not designate future streets with sufficient specificity, the development shall provide a public street connection to abutting property when all of the following apply:

a. The abutting property is vacant or redevelopable;

b. No public street currently provides a connection between the subject property and the abutting property; and

b. The connection can be made while conforming to the standards of this Code.

7. Street Extension. Existing street-ends that abut a proposed development site shall be extended with the development, except as provided below.

a. A street extension is not required where any of the following apply:

i. The extension would intersect with a mapped wetland, stream, or other protected natural resource area;

ii. The extension would require a street grade exceeding 15 percent;

iii. The extension would not meet other standards of this Code; or

iv. The extension would terminate at a parcel that:

(A) Contains existing buildings or other development occupying the area where a street connection would be constructed; or

(B) Does not include a street or street stub at the shared property boundary.

b. Where one of the conditions in subsection (a) applies, the applicant must provide evidence that the environmental or topographic constraint precludes reasonable street connection.

8. Exception. The *[City decision-making body]* may approve an exception to one or more standards of this subsection as part of a Type II or III review where, based on the recommendation of the City Engineer, the exception is necessary due to site-specific engineering constraints or to protect public health and safety. The City may require an alternative street location, alignment, design, connection, or other mitigation necessary to address the purpose of the standard from which the exception is granted.

C. Rights-of-Way and Street Section Widths. The standards contained in Table 3.7.020.C are intended: to provide for streets of suitable location, width, and design to accommodate expected vehicle, pedestrian, and bicycle traffic; to afford satisfactory access to law enforcement, fire protection, sanitation, and road maintenance equipment; and to provide a convenient and accessible network of streets, avoiding undue hardships to adjoining properties. (Also see Figure 3.7.020.C.) Where a range of street width or improvement options is indicated:

1. For residential development, the applicant shall select one of the standard street cross-sections identified in Table 3.7.020.C that corresponds to the street classification.

2. For non-residential development, the *[City decision-making body]* shall determine requirements based on the advice of a qualified professional and all of the following factors:

a. Street classification and requirements of the roadway authority, if different than the City's street classifications and requirements;

b. Existing and projected street operations relative to applicable standards;

c. Safety of motorists, pedestrians, bicyclists*[, and transit users],* including consideration of accident history;

d. Convenience and comfort for pedestrians *[and / ,]* bicyclists*[, and transit users]*;

e. Provision of on-street parking;

f. Placement of utilities;

g. Street lighting;

h. Slope stability, erosion control, and minimizing cuts and fills;

i. Surface water management and storm drainage requirements;

j. Emergency vehicles or apparatus and emergency access, including evacuation needs;

k. Transitions between varying street widths (i.e., existing streets and new streets); and

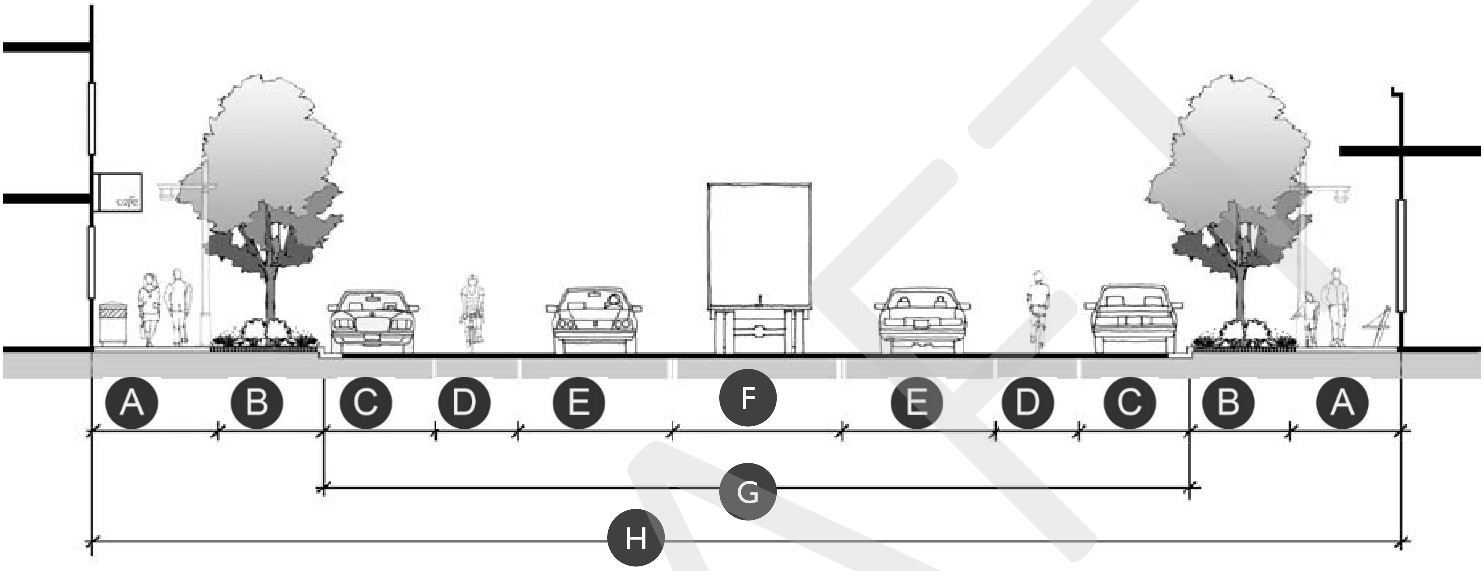
l. Other factors related to public health, safety, and welfare.

Table 3.7.020.C Street, Sidewalk, and Bikeway Standards*										
Street Type	**Ave. Daily Trips (ADT)**	**Right-of-Way Width**	**Curb-to-Curb Paved Width**	**Within Curb-to-Curb Area**				**Curbs**	**Planting Strips or Tree Wells**	**Side-walks**
				Motor Vehicle Travel Lanes	***Median or Center Turn Lane***	***Bike Lanes***	***On-Street Parking***			
Arterials	8,000-30,000 ADT									
Boulevards:										
2-Lane Boulevard		61'-87'	34'	11'	None	2 at 6'	8' bays	6"	7'-12'	5'-12'
3-Lane Boulevard		73'-99'	46'	11'	12'	2 at 6'	8' bays	6"	7'-12'	5'-12'
5-Lane Boulevard		95'-121'	68'	11'	12'	2 at 6'	8' bays	6"	7'-12'	5'-12'
Avenues:										
2-Lane Avenue	3,000 to 10,000 ADT	59'-86'	32'-33'	10'-10.5'	none	2 at 6'	8' bays	6"	7'-12'	5'-12'
3-Lane Avenue		70.5'-97.5'	43.5'-44.5'	10'-10.5'	11.5'	2 at 6'	8' bays	6"	7'-12'	5'-12'
Collectors	1,500-5,000 ADT									
Residential:					As per traffic calming					
No Parking		49'-51'	22'	11'			None	6"	7'-8'	5'-12'
Parking One Side		50'-56'	25'-27'	9'-10'			7' lane	6"	7'-8'	5'-12'
Parking Both Sides		57'-63'	32'-34'	9'-10'			7' lanes	6"	7'-8'	5'-12'
Commercial Streets:					As per traffic calming					
Parallel One Side		55'-65'	28'	10'			8' lane	6"	7'-8'	6'-12'

Table 3.7.020.C Street, Sidewalk, and Bikeway Standards*										
Street Type	**Ave. Daily Trips (ADT)**	**Right-of-Way Width**	**Curb-to-Curb Paved Width**	**Within Curb-to-Curb Area**				**Curbs**	**Planting Strips or Tree Wells**	**Side-walks**
				Motor Vehicle Travel Lanes	***Median or Center Turn Lane***	***Bike Lanes***	***On-Street Parking***			
Parallel Both Sides		63’-73’	36’	10’			8’ lanes	6”	7’-8’	6’-12’
Commercial Streets (continued)										
Diagonal Parking One Side		65’-74’	37’	10’			Varies	6”	7’-8’	6’-12’
Diagonal Parking Both Sides		81’-91’	54’	10’			Varies	6”	7’-8	6’-12’
Local Streets	Less than 1,500 ADT									
Residential:										
Parking One Side*		46’-57’	23’-24’	16’-17’ (queuing)			7’ lane	6”	4’-12’	4’-6’
Parking Both Sides		44’-64’	28’	14’ (queuing)			7’ lanes	6”	4’-12’	4’-6’
No Parking		36’-56’	20’	20’			None	6”	4’-12’	4’-6’
Commercial:	See Collector standards for commercial streets.									

*All streets shall be improved in accordance with the construction standards and specifications of the applicable roadway authority, including requirements for pavement, curbs, drainage, striping, and traffic control devices. Where a park strip is provided it shall consist of a minimum *[4-8]*–foot-wide strip between the sidewalk and the curb or roadway. Where a swale is provided, it shall either be placed between the roadway and sidewalk or behind the sidewalk on private property, subject to City approval and recording of required public drainage way and drainage way maintenance easements. Streets with parking on one side only should be avoided. When used, they must be posted NO PARKING.

Figure 3.7.020.C Street Cross Section Example



A [___] foot sidewalk

B [___] foot planting strip

C [___] foot parking lane

D [___] foot bike lane

E [___] foot travel lane

F [___] foot median/turn lane

G [___] foot curb-to-curb paved width

H [___] foot right-of-way

D. Transportation Connectivity and Future Street Plans. The following standards apply to the creation of new streets:

User's Guide: The model code's maximum block length standards are intended to encourage a high degree of street interconnectivity. Neighborhoods, downtowns, and other areas with a high degree of interconnectivity tend to be more walkable than those with fewer connections because they offer shorter or more direct routes for pedestrians. Long blocks, and cul-de-sacs that do not offer pedestrian connections, discourage walking.

One way to quantify interconnectivity on a neighborhood-scale is to measure the number of intersections in a given area (intersection density). The Green Building Council's Leadership through Energy and Environmental Design (LEED) for Neighborhood Development recommends 90-140 intersections per square mile. While measuring intersection density in this manner may not be practical for reviewing small subdivisions, it is an interesting way to look at a city.

Some real estate listing services provide a "walkability score," of which intersection density is one factor. Other factors include street design (availability of sidewalks and safe crossings), traffic accident rates, urban design (location of parking and proximity of destinations), and weather. When a neighborhood has a strong network of internal streets and good connections to surrounding areas, pedestrians, bicyclists, and drivers can move more efficiently and more safely.

1. **Intersections.** Street intersections shall have a minimum intersection angle of 75 degrees. All legs of an intersection shall meet the above standard for at least 100 feet back from the point of intersection. No more than two streets shall intersect, i.e., creating a four-legged intersection, at any one point. Street jogs and intersection offsets of less than 125 feet are not permitted. Intersections shall be designed to facilitate storm water runoff into City-approved storm water facilities.
2. **Street Connections Required.** Development must provide a system of streets and accessways that meets the block length standards in subsection 5, as applicable, and provides access to the following:
   a. Abutting residential developments;
   b. Abutting undeveloped property, as provided in subsection 4;
   c. Abutting transit station or major transit stop;
   d. Abutting parks or schools; and
   e. Abutting Neighborhood Activity Centers.
3. **Connectivity to Abutting Lands.** New internal streets within a development must connect to all existing or planned stubbed streets that abut the site. Wherever a proposed development abuts undeveloped land or a future development phase of an existing development, street stubs shall be provided to allow access to future abutting development and to extend the street system into the surrounding area. Street ends shall contain turnarounds constructed to Uniform Fire Code standards, and shall be designed to facilitate future extension in terms of grading, width, and temporary barricades.

User's Guide: The block length and block perimeter standards below align with the requirements for CFEC communities and the CFEC Walkable Design Standards Model Code. The CFEC rules require cities to "set block length and block perimeter standards at distances that will provide for pedestrian network connectivity" (OAR 660-012-0330). Even for cities not subject to CFEC requirements, these standards are recommended for all cities as best practices for connectivity in new developments.

Note: Climate-friendly areas (CFAs) have more specific rules for block length (OAR 660-012-0320(5)), which are reflected in the standards for the MS zone.

4. **Block Length.**
   a. Maximum Block Length and Perimeter. On development sites *[2 acres]* or larger, street connections or pedestrian/bicycle accessways must be spaced no further than the maximum block length and block perimeter standards stated in Table 3.7.020.D.
      i. The maximum vehicle block length and perimeter standards must be met with full street connections.
      ii. The maximum pedestrian/bicycle block length and perimeter standards may be met with either full street connections or pedestrian/bicycle accessways that conform with subsection 3.7.020.D.6, below.
   b. Minimum Block Length. Street connections and pedestrian/bicycle accessway connections must comply with the minimum block length standards in Table 3.7.020.D.

Table 3.7.020.D. Block Length and Block Perimeter Standards					
Zone	Min. Block Length	Max. Vehicle Block Length	Max. Vehicle Block Perimeter	Max. Pedestrian/ Bicycle Block Length	Max. Pedestrian/ Bicycle Block Perimeter
RL, RH, RC	200 ft	500 ft	1,400 ft	350 ft	1,100 ft
MS	200 ft	350 ft	1,100	350 ft	1,100 ft
GC and LI	100 ft	600 ft	1,400 ft	None	None
GI	None	None	None	None	None

5. **Cul-de-sacs.**
   a. Local streets with a dead end, including cul-de-sacs, are prohibited unless approved in accordance with Subsection (b).
   b. An applicant may request approval for use of a cul-de-sac street as part of a discretionary land use application. The City may approve a cul-de-sac street only if the applicant demonstrates that environmental or topographical constraints, existing development patterns, or compliance with other applicable City requirements preclude a street extension.
   c. Where the City approves the use of a cul-de-sac street, all of the following standards shall be met:
      i. The cul-de-sac shall not exceed a length of *[400]* feet, except where the *[City decision-making body]* determines that topographic or other physical constraints of the site require a longer cul-de-sac. The length of the cul-de-sac shall be measured along the centerline of the roadway from the near side of the intersecting street to the farthest point of the cul-de-sac.
      ii. The cul-de-sac shall terminate with a circular or hammer-head turnaround meeting the Uniform Fire Code and the standards of Table 3.7.020.C.
      iii. If the end of the proposed cul-de-sac is within *[150 feet]* of a street or other public pedestrian facility, a bicycle and pedestrian accessway shall connect the cul-de-sac to the pedestrian facility, unless prevented by topographic or other physical constraints. If the end of the cul-de-sac is within *[150 feet]* of adjacent developable land, the development layout shall not preclude the

opportunity to later install an accessway that connects to the adjacent property. Accessways shall conform to subsection (6).

6. **Pedestrian and Bicycle Accessways.** Pedestrian and bicycle accessways may be proposed in lieu of full street connections, as provided in subsection (4), or may be required for connectivity with the ends of cul-de-sacs pursuant to subsection (5). Such accessways must meet the standards listed below.
   a. Accessways must be created within public rights-of-way, public tracts, or private tracts with public access easements. Such rights-of-way, tracts, or easements must be at least *[10-15 feet]* wide.
   b. Accessway entry points must align with pedestrian crossing points on abutting streets and with abutting street intersections.
   c. Accessways must be sufficiently straight that both end points are visible from any point on the accessway.
   d. Accessways must have no horizontal obstructions and a 9-foot, 6-inch high vertical clearance.
   e. Accessway surface improvements must be at least *[8 -10 feet]* in width. Improvements must be impervious pavement (asphalt or concrete), unless pervious pavement has been approved by the *[City decision-making body]* based on usage and site conditions. Paved surfaces must be separated from potential fenced areas by at least one foot on each side.
   f. Accessway surfaces must drain stormwater runoff to the side or sides. Paving materials, storm drainage, shoulder treatment, and landscaping for accessways are subject to the *[Engineering/Public Works Design Standards Manual]*.
   g. Accessways must have a slope of 5 percent or less.
   h. To prohibit access by motorized vehicles (except motorized mobility devices or emergency vehicles) accessways must be constructed with gates, removable lockable posts, bollards or barriers subject to the *[Engineering/Public Works Design Standards Manual]*. Accessways connecting to sidewalks built with a full-height curb do not need to provide additional barriers.
   i. If an accessway is not dedicated as public right-of-way, to ensure accessway maintenance over time, a maintenance agreement must be recorded that specifically requires present and future property owners to provide for liability and maintenance of the accessways to City standards.

7. **Future Street Plan.** Future street plans are conceptual plans for street extensions and street connections on land abutting proposed subdivisions, and are intended to facilitate orderly development of the street system. Where a subdivision is proposed that abuts other developable land, a future street plan shall be filed by the applicant in conjunction with an application for a subdivision. The plan shall show the pattern of existing and proposed streets within the boundaries of the proposed land division, proposed connections to abutting land, and extension of streets to divisible parcels within a *[600]* foot radius of the proposed subdivision. The street plan *[is binding and shall guide / is not binding, but is intended to show]* potential future street extensions with future development. The future street plan shall demonstrate that maximum block length standards in subsection 4 will not be exceeded when streets are extended onto abutting land in the future.

[8. ***Private Streets and Gated Drives.*** *Except where approved as part of a Master Planned Development pursuant to Chapter 4.8, private streets and gated drives serving more than [two] dwellings (i.e., where a gate limits access to a development from a public street), are prohibited.]*

E. Engineering Design Standards. Street design shall conform to the standards of the applicable roadway authority; for City streets that is the *[Engineering/Public Works Design Standards Manual]*. Where a conflict occurs between this Code and the *[Manual]*, the provisions of this Code shall govern.

User's Guide: Cities should review their existing engineering and public works design standards and recommend revisions where those standards conflict with smart development objectives. For example, street standards that require excessively wide roadways and do not provide adequate pedestrian and bicycle facilities should be updated per the model code.

F. Fire Code Standards. Where Fire Code standards conflict with City standards, the City shall consult with the *[Fire Marshal]* in determining appropriate requirements. The City shall have the final determination regarding applicable standards.

G. Substandard Existing Right-of-Way. Where an existing right-of-way abutting a proposed development is less than the standard width, the *[City decision-making authority]* shall require the dedication of additional rights-of-way at the time of Subdivision, Partition, or Development Review, pursuant to the standards in Table 3.7.020.C.

H. Traffic Calming.

1. Residential Standard. The following standard applies to local streets serving residential development that are constructed as part of a development application. Traffic calming features shall be required when the projected post-development Average Daily Trips (ADT) on the subject street segment is *[1,000]* vehicles per day or greater. The applicant shall select traffic calming features from the list in subsection (3).
2. Non-residential Standard. For non-residential development, the City may require traffic calming features listed in subsection (3) in order to slow traffic in neighborhoods or commercial areas with high pedestrian traffic.
3. Traffic Calming Features. Traffic calming shall be selected and designed in accordance with the *[Engineering/Public Works Design Standards Manual]*, and may include features such as traffic circles, curb extensions, reduced street width (parking on one side), medians with pedestrian crossing refuges, speed tables, speed humps, or special paving. Proposed features must be approved by the *[City decision-making authority]*.

I. Sidewalks*[, Planter Strips, and Bicycle Lanes]*. Except where the *[City decision-making body]* grants a deferral of public improvements, pursuant to Section 3.7.020.A.5, sidewalks*[, planter strips, and bicycle lanes]* shall be installed concurrent with development or widening of new streets, pursuant to the requirements of this chapter. Maintenance of sidewalks and planter strips in the right-of-way is the continuing obligation of the adjacent property owner.

J. Streets Adjacent to Railroad Right-of-Way. When a transportation improvement is proposed within *[300]* feet of a railroad crossing, or a modification is proposed to an existing railroad crossing, the Oregon Department of Transportation and the rail service provider shall be notified and given an opportunity to comment, in conformance with the provisions of Article 4. Private crossing improvements are subject to review and licensing by the rail service provider.

K. Street Names. No new street name shall be used which will duplicate or be confused with the names of existing streets in the City of *[name]* or vicinity.

L. Survey Monuments. Upon completion of a street improvement and prior to acceptance by the City, it shall be the responsibility of the developer's registered professional land surveyor to provide certification to the City that all boundary and interior monuments have been reestablished and protected.

M. Street Signs. The city, county, or state with jurisdiction shall install all signs for traffic control and street names. The cost of signs required for new development shall be the responsibility of the developer. Street name signs shall be installed at all street intersections. Stop signs and other signs may be required.

N. Streetlight Standards. Streetlights shall be relocated or new lights installed, as applicable, with street improvement projects. Streetlights shall conform to City standards, or the requirements of the roadway authority, if different than the City.

O. Mail Boxes. Mailboxes shall conform to the requirements of the United States Postal Service and the State of Oregon Structural Specialty Code.

User's Guide: The State of Oregon requires cities to develop standards for clustered mailboxes (ORS 227.455).

P. Street Cross-Sections. The final lift of pavement shall be placed on all new constructed public roadways prior to final City acceptance of the roadway unless otherwise approved by the *[City decision-making body]*.

User's Guide: Transportation Demand Management involves set of strategies, programs, and policies designed to reduce reliance on single-occupancy vehicle travel by encouraging more efficient use of the transportation system, including walking, biking, transit use, carpooling, and trip reduction measures. The "Transportation Demand Management (TDM) Plans for Development" guidebook was developed by ODOT and DLCD in 2013 to guide local jurisdiction in developing TDM programs and requirements. The guidebook (Appendix 3 of this Code) includes background information about TDM, a step-by-step approach for local governments interested in implementing a TDM Plan program, and model code language intended as an additional module for the TGM Model Development Code for Small Cities. (Note, the TDM guidebook references the 3rd Edition of the Model Code; however, it is still applicable to this 4th Edition.)

The TDM Model Code Module provides a menu of TDM strategies, as well as standards for performance targets, monitoring, and enforcement. Jurisdictions may adopt all or part of the TDM Module to supplement applicable development standards.

*[**Q. Transportation Demand Management Plans.** (see Appendix 3)]*

3.7.030 Public Use Areas

User's Guide: Section 3.7.030 provides minimal standards for park and school site dedications and improvements for large subdivisions. This section should be tailored to be consistent with city policy, particularly where cities have adopted system development charges or other ordinances for parkland acquisition and improvements. If development in your city occurs mostly through small infill projects, it may be necessary to purchase land for parks or schools in advance, ahead of growth. The benefit of this approach is that land prices will likely be lower than after the area develops.

A. Dedication of Public Use Areas. The following standard applies to subdivisions on sites that are *[5 acres]* or larger.

1. Where a proposed park, playground, or other public use is identified in a plan adopted by the City, and the mapped location of the planned facility overlaps a portion of a proposed subdivision, the City shall require the dedication or reservation of land for the identified public use area on the final plat for the subdivision, subject to the following:

    a. The required dedication area shall not exceed the portion of the planned public use area that is located within the boundaries of the subdivision.

    b. The dedication requirement shall be limited to an area that is roughly proportionate to the impacts of the subdivision on the City's park system.

    c. The City may waive or reduce the dedication requirement if:

        i. The planned public use area is not needed to serve the subdivision;

        ii. The subdivision does not create demand for the planned public use area;

        iii. The dedication would not be roughly proportionate to the impacts of the subdivision; or

        iv. The City does not intend to acquire, improve, or maintain the identified public use area.

2. The City may purchase or accept voluntary dedication or reservation of areas within the subdivision that are suitable for the development of parks and other public uses; however, the City is under no obligation to accept such areas offered for dedication or sale.

B. System Development Charge Credit. Dedication of land to the City for public use areas, voluntary or otherwise, shall be eligible as a credit toward any required system development charge for parks.

3.7.040 Sanitary Sewer and Water Service Improvements.

User's Guide: This section should be refined based on adopted sewer and water master plans and input from your city's public works and engineering staff.

A. Sewers and Water Mains Required. All new development is required to connect to City water and sanitary sewer systems with sufficient capacity to meet established service levels. Sanitary sewer and water system improvements shall be installed to serve each new development and to connect developments to existing mains in accordance with the adopted facility master plans and applicable *[Engineering/Public Works Design Standards]*. Where streets are required to be stubbed to the edge of the subdivision, sewer and water system improvements and other utilities shall also be stubbed with the streets, except as may be waived by the *[City decision-making body]* where alternate alignment(s) are provided.

B. Sewer and Water Plan Approval. Development permits for sewer and water improvements shall not be issued until the *[City Engineer / Public Works Director]* has approved all sanitary sewer and water plans in conformance with City standards.

C. Over-Sizing. Unless waived by the *[City decision-making authority]*, sewer and water lines serving new development shall be sized to accommodate projected future development within the area as specified in the adopted facility master plans and applicable *[Engineering/Public Works Design Standards]*.Where oversizing beyond the capacity needed to serve the development is required, the City shall provide for cost-recovery or cost-sharing as allowed under state law.

D. Inadequate Facilities. Development permits may be restricted or rationed by the Planning Commission where a deficiency exists in the existing water or sewer system that cannot be rectified by the development and which, if not rectified, will result in a threat to public health or safety, surcharging of existing mains, or violations of state or federal standards pertaining to operation of domestic water and sewerage treatment systems. The *[City decision-making body]* may require water booster pumps, sanitary sewer lift stations, and other critical facilities be installed with backup power.

3.7.050 Storm Drainage and Surface Water Management Facilities

User's Guide: This section should be refined based on adopted storm drainage or surface water management master plans and input from your city's public works and engineering staff.

A. General Provisions. The City shall issue a development permit only where adequate provisions for storm water runoff have been made, with sufficient capacity to meet established service levels, and in conformance with the City's adopted *[Storm Drainage Design Manual / Surface Water Master Plan]*.

B. Accommodation of Upstream Drainage. Culverts and other drainage facilities shall be designed to convey existing and projected runoff from the entire upstream drainage area, including areas inside and outside the development. Facilities shall be sized in accordance with the City's adopted *[Storm Drainage Design Manual / Surface Water Master Plan]* and subject to review and approval by the City Engineer.

C. Effect on Downstream Drainage. The applicant shall prepare a drainage analysis in accordance with the City's adopted *[Storm Drainage Design Manual]* to evaluate the effect of the development on downstream drainage facilities.

a. A development shall not cause a downstream drainage facility to exceed its capacity.

b. Where the drainage analysis indicates that the additional runoff resulting from the development will cause an existing drainage facility to exceed its capacity, the applicant shall implement one or both of the following mitigation measures:

i. On-site detention or retention to limit post-development discharge to allowable levels; or

ii. Improvements to downstream drainage facilities sufficient to accommodate the projected flows.

c. City shall withhold approval of the development until the mitigation requirements in subsection (b) have been satisfied in accordance with standards in the City's adopted *[Storm Drainage Design Manual]*.

D. Over-Sizing. Unless waived by the *[City decision-making authority]*, storm drainage facilities serving new development shall be sized to accommodate projected future development within the area as specified in the adopted *[Surface Water Master Plan]* and applicable *[Engineering/Public Works Design Standards]*. Where oversizing beyond the capacity needed to serve the development is required, the City shall grant the developer credit toward any required System Development Charge.

[E. Existing Watercourse. *Where a proposed development is traversed by a watercourse, drainage way, channel, or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of such watercourse and such further width as will be adequate for conveyance and maintenance to protect the public health and safety.]*

3.7.060 Utilities

User's Guide: This section should be refined based on adopted utility master plans and input from utility service providers.

The following standards apply to new development where extension of electric power or communication lines is required:

A. General Provision. The developer of a property is responsible for coordinating the development plan with the applicable utility providers and paying for the extension and installation of utilities not otherwise available to the subject property.

B. Underground Utilities.

1. **General Requirement.** The requirements of the utility service provider shall be met. All utility lines in new subdivisions, including, but not limited to, those required for electric, communication, and lighting, and related facilities, shall be placed underground, except as provided in subsection (C).

2. **Subdivisions.** In order to facilitate underground placement of utilities, the following additional standards apply to all new subdivisions:
   a. The developer shall make all necessary arrangements with the serving utility to provide the underground services. No above ground equipment shall obstruct vision clearance areas for vehicular traffic, per Section 3.6.070.G.
   b. Any surface-mounted facilities must meet applicable standards in the City's *[Engineering/Public Works Design Standards]*.
   c. All underground utilities installed in streets must be constructed and approved by the applicable utility provider prior to the surfacing of the streets.
   d. Stubs for service connections shall be long enough to avoid disturbing the street improvements when service connections are made.

C. Exceptions to Undergrounding Requirement.

1. Developments are not required to place utilities underground in the following situations:
   a. The project is the result of damages caused by natural disaster (e.g., earthquake, flood, etc.) which is outside the influence of the property owner and/or applicant;
   b. The site has less than 100 feet of street frontage with existing above ground electric power lines; or
   c. Undergrounding the existing above ground electric power lines would not result in a decrease in the number of electric utility poles. The change in the number of utility poles shall be based on an estimate provided by the electric power franchise.

2. In addition to the exceptions above, if requested by the applicant as part of a discretionary land use

review, the *[City decision-making body]* may grant exceptions to the undergrounding standard where:

a. Existing physical constraints, such as geologic conditions, streams, or existing development conditions make underground placement impractical; or
b. The [*City decision-making body]* determines that placing utilities underground would adversely impact adjacent land uses.

3. If an exception is granted pursuant to subsection (2), above, the *[City decision-making body]* may require screening and buffering of above ground facilities to protect the public health, safety, or welfare.

3.7.070 Easements

User's Guide: This section should be refined based on adopted facility master plans and input from your city's public works and engineering staff.

A. Provision. The developer shall make arrangements with the City and applicable utility providers for each utility franchise for the provision and dedication of utility easements necessary to provide full services to the development.

B. Standard. Utility easements shall conform to the requirements of the utility service provider. All other easements shall conform to the City of *[(name) Engineering/Public Works Design Standards]*.

C. Recordation. All easements for sewers, storm drainage and water quality facilities, water mains, electric lines, or other utilities shall be recorded and referenced on a survey or final plat, as applicable. See Chapter 4.2 - Development Review, and Chapter 4.3 - Land Divisions and Property Line Adjustments.

3.7.080 Construction Plan Approval

User's Guide: This section should be refined based on input from your city's public works and engineering staff.

No development, including sanitary sewers, water, streets, parking areas, buildings, or other development, shall be undertaken without plans having been approved by the City of *[name]*, permit fees paid, and permits issued. Permit fees are required to defray the cost and expenses incurred by the City for construction and other services in connection with the improvement. Permit fees are as set by City Council resolution.

3.7.090 Facility Installation

User's Guide: This section should be refined based on input from your city's public works and engineering staff.

A. Conformance Required. Improvements installed by the developer, either as a requirement of these regulations or at the developer's option, shall conform to the requirements of this chapter, approved construction plans, and to improvement standards and specifications adopted by the City.

B. Adopted Installation Standards. The City of *[name]* has adopted *[Engineering / Public Works Design Standards]* for public improvements and private utility installation within the public right-of-way.

C. Commencement. Work in a public right-of-way shall not begin until all applicable agency permits have been approved and issued.

D. Resumption. If work is discontinued for more than *[six]* months, it shall not be resumed until the Public Works Director is notified in writing and grants approval of an extension.

E. City Inspection. Improvements shall be constructed under the inspection of the *[City Engineer / Public Works Director]*. The *[City Engineer / Public Works Director]* may approve minor changes in typical sections and details if unusual conditions arising during construction warrant such changes in the public interest, except that substantive changes to the approved design shall be subject to review under Chapter 4.5 - Modifications to Approved Plans and Conditions. Any survey monuments that are disturbed before all improvements are completed by the developer or subdivider shall be replaced prior to final acceptance of the improvements.

F. Engineer's Certification and As-Built Plans. A registered civil engineer shall provide written certification in a form required by the City that all improvements, workmanship, and materials are in accordance with current and standard engineering and construction practices, conform to approved plans and conditions of approval, and are of high grade, prior to City's acceptance of the public improvements, or any portion thereof, for operation and maintenance. The developer's engineer shall also provide *[two]* sets of "as-built" plans for permanent filing with the City. If required by the City, the developer or subdivider shall provide a warranty bond pursuant to Section 3.7.100.

3.7.100 Performance Guarantee and Warranty

User's Guide: This section should be refined based on input from your city's public works and engineering staff. The 4th Edition of this Code addresses the requirements of ORS 455.175 (HB 2306, 2019), which requires local governments to approve building permits in a residential subdivision if the developer has mostly finished the necessary public infrastructure work ("substantial completion"), and has provided a financial guarantee to complete the remaining improvements.

A. Performance Guarantee Required.

1. **Residential Subdivision.** The City may approve a final plat for a residential subdivision when it determines that substantial completion of required public improvements, as defined by ORS 455.175, has occurred for the subdivision, and the applicant has provided a financial guarantee for completion of the remaining required public improvements. Building permits for residential dwellings shall be issued in accordance with ORS 455.175.
2. **Other Development.** For development other than that subject to subsection (1), the City at its discretion may approve a final plat or building permit when it determines that at least *[75]* percent of the public improvements required for the site development or land division, or phase thereof, are complete and the applicant has provided a financial guarantee for completion of the remaining required public improvements.
3. **Financial Guarantee.** A financial guarantee shall be provided to secure completion of all required public improvements that are not complete at the time of approval. The guarantee shall be in a form acceptable to the City, including but not limited to a bond issued by a surety authorized to do business in the state of Oregon, an irrevocable letter of credit, cash, or other form of security acceptable to the City.

B. Determination of Sum. The financial guarantee shall be for a sum sufficient to cover the cost of completing the required public improvements and repairs, including related engineering and incidental expenses, plus reasonable inflationary costs. The amount shall be based on the applicant's itemized improvement estimate and verified by the City Engineer, shall not be less than *[110]* percent of the estimated improvement costs.

C. Itemized Improvement Estimate. The applicant shall furnish to the City an itemized improvement estimate, certified by a registered civil engineer, to assist the City in calculating the amount of the financial guarantee.

D. Agreement. A written agreement between the City and applicant shall be signed and recorded. The agreement may include a provision for the construction of the improvements in stages and for the extension of time under specific conditions. The agreement shall contain all of the following:

1. The period within which all required improvements and repairs shall be completed;
2. A provision that if work is not completed within the period specified, the City may complete the work and recover the full cost and expenses from the applicant;

3. The required improvement fees and deposits.

E. When Applicant Fails to Perform. In the event the applicant fails to carry out all provisions of the agreement and the City has un-reimbursed costs or expenses resulting from such failure, the City shall call on the bond, cash deposit, or letter of credit for reimbursement.

F. Termination of Performance Guarantee. The applicant shall not cause termination, nor allow expiration, of the guarantee without first securing written authorization from the City.

G. Warranty Bond. A warranty bond good for *[two]* years is required on all public improvements and landscaping when installed in the public right-of-way. The warranty bond shall equal *[15]* percent of the total cost of improvements and begin upon acceptance of said improvements by the City.

[Chapter 3.8 Signs]

User's Guide: This section is a placeholder for the city's sign regulations. Some cities maintain separate ordinances for signs, while others include sign regulations in their zoning and development codes. The Model Code does not include specific sign regulations, but some provisions related to home occupations (Chapter 2.3) building orientation and design (Chapters 3.2 and 3.3) may influence sign placement and visibility.

Article 4 – Application Review Procedures and Approval Criteria

Chapters:

Chapter 4.1 – General Review Procedures

<u>Sections:</u>

4.1.010 Purpose and Applicability

A. Purpose. The purpose of this chapter is to establish standard decision-making procedures that will enable the City, the applicant, and the public to reasonably review applications and participate in the local decision-making process in a timely and effective way. Table 4.1.010.A provides a key for determining the review procedure and the decision-making body for particular approvals. Table 4.1.010.B identifies the appeal body for each procedure type.

B. Applicability of Review Procedures. All land use and development permit applications and approvals, except building permits, shall be decided by using the procedures contained in this chapter. The procedure "type" assigned to each application governs the decision-making process for that permit or approval. There are five primary types of permit/approval procedures as described in subsections 1-5 below. In addition, there is a separate procedure for Expedited Land Divisions and Middle Housing Land Divisions. Table 4.1.010.A lists the City's land use and development approvals and corresponding review procedure(s).

1. **Type I Procedure (Ministerial Review).** Type I decisions are made by the City Planning Official without public notice and without a public hearing. A Type I procedure is used in applying City standards and criteria that do not require the use of discretion (i.e., clear and objective standards and criteria).

2. **Type Ix Procedure (Ministerial Review with Notice).** A Type Ix procedure is used in applying City standards and criteria that do not require the use of discretion (i.e., clear and objective standards and criteria). Type Ix decisions are made by the City Planning Official with public notice, but without a public hearing. Only the applicant is entitled to appeal the City Planning Official's decision to the *[Planning Commission, Hearings Officer, or City Council]* or to the Land Use Board of Appeals.
3. **Type II Procedure (Administrative Review - Staff Decision with Notice).** Type II decisions are made by the City Planning Official and generally require the use of some limited discretion. Type II decision include public notice and an opportunity for appeal to the *[Planning Commission, Hearings Officer, or City Council]*.

4. **Type III Procedure (Quasi-Judicial Review – Public Hearing).** Type III decisions are made by the Planning Commission *[or Hearings Officer]* after a public hearing, with an opportunity for appeal to the City Council*[; or in the case of certain Quasi-Judicial zone changes, a Type III decision is made by the City Council on recommendation of the Planning Commission]*. Quasi-Judicial decisions involve discretion but implement established policy.

5. **Type IV Procedure (Legislative Review).** The Type IV procedure applies to the creation or revision, or large-scale implementation, of public policy (e.g., adoption of regulations, zone changes, annexation, and comprehensive plan amendments). Type IV reviews are considered by the Planning Commission, which makes a recommendation to City Council. City Council makes the final decision on a legislative proposal through the enactment of an ordinance.

User's Guide: The table summarizes the review procedures assigned to each approval (application). Most approvals follow the standard Type I through IV procedures summarized above; however, some applications, such as annexations and expedited land divisions have distinct procedures proscribed by statute, and therefore do not fit into Type I-IV categories.

Table 4.1.010.A – Summary of Approvals by Type of Review Procedure

Approvals*	Review Procedures	Applicable Regulations
Access to a Street	Type I	Chapter 3.3 and the standards of the applicable roadway authority (City/County/ODOT)
Adjustment	Type II	Chapter 4.7
Annexation	See Oregon Revised Statute 222	
Code Interpretation	Type II or III	Chapter 1.5
Code Text Amendment	Type IV	Chapter 4.6
Comprehensive Plan Amendment	Type IV	Chapter 4.6
Conditional Use Permit	Type III	Chapter 4.4
Development Review	Type I, Ix, II or III	Chapter 4.2
Expedited Land Division	Expedited Land Division	Chapter 4.3
Home Occupation, Type A	*[Type I]*	No permit, except when required by Section 2.3.130 or Chapter 4.7.
[Home Occupation, Type B]	*[Type II]*	*[Section 2.3.130]*
Legal Lot Determination	Type I	Chapter 1.3
Master Planned Development Concept Plan Detailed Plan	 Type II or III Type *[I /II]*	 Chapter 4.8 Chapter 4.8

Table 4.1.010.A – Summary of Approvals by Type of Review Procedure		
Approvals*	**Review Procedures**	**Applicable Regulations**
[Middle Housing Land Division	*Type Ix or Expedited Land Division*	*Chapter 4.3]*
Modification to Approval or Condition of Approval	Type I, Ix, II or III	Chapter 4.5
Non-Conforming Use or Structure, Expansion of	Type II	Chapter 1.4
Partition, Subdivision or Re-plat Tentative Plan Final Plat	 Type Ix or II Type I	 Chapter 4.3 Chapter 4.3
Property Line Adjustments, including Lot Consolidations	Type Ix	Chapter 4.3
Variance	Type II or III	Chapter 4.7
Zoning District Map Change	Type II, III or IV	Chapter 4.6

* The applicant may be required to obtain building permits and other approvals from other agencies, such as a road authority or natural resource regulatory agency. The City's failure to notify the applicant of any requirement or procedure of another agency shall not invalidate a permit or other decision made by the City under this Code.

User's Guide: Given the range of variation among cities and situations for which body hears appeals, each city should assign the body it intends to hear appeals of decisions of each procedure type described in Table 4.1.010.B.

C. Assignment of Appeal Bodies. Within the City of [name], appeals of decisions shall be assigned to an appeal body as specified in Table 4.1.010.B.

Table 4.1.010.B – Appeal Body		
Procedure Type	**Decision-Maker**	**City Appeal Body**
Type I	City Planning Official	None
Type Ix	City Planning Official	*Only applicant can appeal to [City of _____Planning Commission, Hearings Officer, or City Council]*
Type II	City Planning Official	*[City of _____Planning Commission, Hearings Officer, or City Council]*

Table 4.1.010.B – Appeal Body		
Procedure Type	**Decision-Maker**	**City Appeal Body**
	City of ______ Planning Commission	*[City of ______ City Council]*
Type III	*[City of ______ Planning Commission, Hearings Officer]*	*[City of ______ City Council]*
Type IV	City Council	None
Expedited Land Division Procedure	City Planning Official	None

4.1.020 Time Limit, Consolidated Review, and City Planning Official's Duties

User's Guide: The timelines in Section A reflect the requirements for the review of applications in ORS 227.178. The "100-day rule" for affordable housing in ORS 197A.470 (SB 1051, 2017) is required for cities with a population over 5,000 or a county with a population greater than 25,000. Expedited land divisions are subject to the timeframes in Section 4.3.140,

A. Processing Time Limits. The City shall take final action on Type Ix, II and III land use applications, pursuant to this chapter, including resolution of all local appeals, within the number of days specified in 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). (Note: These timeframes do not apply to Legislative Land Use decisions.)

Project Type	Maximum Number of Days*
[Required for cities over 5,000 population Type Ix, II and III land use decisions for affordable housing projects meeting the following criteria: • *Multi-unit residential building containing five or more residential units within the urban growth boundary; and* • *At least 50 percent of the residential units included in the development will be sold or rented as affordable housing that is affordable to households with incomes equal to or less than 60 percent of the median family income for the county in which the development is built or for the state, whichever is greater, that is subject to an affordable housing covenant, as provided in ORS 456.270 to 456.295, that maintains the affordability for a period of not less than 60 years from the date of the certificate of occupancy.*	*100 days from the date the City Planning Official deems the application complete for purposes of processing,]*
[All other] Type Ix, II, and III decisions	120 days from the date the City 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.	

B. 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.

C. 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 proceedings shall 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. When more than one application is reviewed in a hearing, separate findings and decisions shall be made on each application.

D. City Planning Official's Duties. The City Planning Official, or his or her designee, shall perform all of the following duties with regard to administration of this Code:

1. Prepare application forms based on the provisions of this Code and applicable state law;
2. Prepare required notices and process applications for review and action;
3. Assist the Planning Commission and City Council in administering the hearings process;
4. Answer questions from the public regarding the City's land use regulations;
5. Prepare staff reports summarizing pending applications, including applicable decision criteria;
6. Prepare findings consistent with City decisions on land use and development applications;
7. Prepare notices of final decisions, file the notices in the City's records, and mail a copy of the notices to all parties entitled to notice under this Code; and
8. Maintain and preserve the file and public record for each application.

4.1.030 Type I Procedure (Ministerial Review)

User's Guide: Ministerial land use decisions are made by local planning staff based on clear and objective standards and requirements applicable to a specific development proposal or factual situation. Typical examples can include development review for a detached single-unit on an existing lot, a legal lot determination, or a fence or sign permit. Type I reviews are sometimes done "over the counter" or as part of building permit review.

The City Planning Official makes ministerial decisions through the Type I procedure. Ministerial decisions are those where City standards and criteria do not require the exercise of discretion (i.e., there are clear and objective standards). Type I decisions are made by the City 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 City 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 (For example, requirements for Development Review are in Chapter 4.2.); and

   c. The required fee.

B. Criteria and Decision. The City Planning Official's review determines whether minimum code requirements are met.

C. Effective Date. A Type I decision is final on the date it is signed by the City Planning Official.

D. Appeal of Type I (Ministerial) Decision. The decision of the City Planning Official is final. A Type I decision may be appealed to Circuit Court, pursuant to ORS 197.825(3)(a).

4.1.040 Type Ix Procedure (Ministerial Review with Notice)

User's Guide: Type Ix land use decisions are made by local planning staff based on clear and objective standards and requirements applicable to a specific development proposal or factual situation, for application types where notice is desired. For example, this procedure is used when an application for the development of multiunit housing is reviewed under clear and objective standards, conditions, and procedures, pursuant to ORS 197A.400(5). Only the applicant can appeal the decision locally or to the Land Use Board of Appeals.

A. Application Requirements.

1. **Application Forms.** Applications subject to Ministerial Review with Notice shall be made on forms provided by the City Planning Official.

2. **Submittal Information.** The City Planning Official shall advise the applicant on application submittal requirements. 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 (For example, requirements for development review are in Chapter 4.2.);

    c. A written statement or letter explaining how the application satisfies each and all of the relevant criteria and standards in sufficient detail;

    d. Information demonstrating compliance with prior decision(s) and conditions of approval for the subject site, as applicable; and

    e. The required fee.

B. Time allowed. The City shall make its final decision on Type Ix applications, including all local appeals, within the applicable timeframe specified in Section 4.1.020.

User's Guide: Subsections C and D include provisions to implement ORS 227.178 requirements for applications relating to the development of housing. For applications relating to the development of housing, an applicant may submit a request to apply newly adopted standards to a land use application any time after application submittal up to the issuance of public notice of the application. If an applicant requests to opt into newly adopted standards, the application would be deemed automatically incomplete and the timelines for completeness review and final decisions restart as if a new application were submitted.

C. Completeness Review.

1. The City Planning Official shall review the application submittal and advise the applicant in writing whether the application is complete or incomplete within 30 calendar days after the city receives the application submittal.

2. If a Type Ix application is incomplete, the City Planning Official shall notify the applicant in writing of exactly what information is missing within 30 calendar 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 City 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. For applications related to the development of housing, if an applicant requests review under different standards as provided in subsection (D)(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 City 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 City 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.

D. **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), if an application was complete when first submitted, or within 180 days of the date an application was first submitted the applicant submits the requested additional information or informs the city that no further information will be provided; then the approval or denial of the application 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 Type Ix Decision (Subsection E), 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.

E. Notice of Pending Type Ix 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 City Planning Official issues their decision.

1. The City Planning Official shall mail notice of a pending Type Ix decision to the following individuals and agencies no fewer than 14 days prior to making the Type Ix decision.

User's Guide: The following notification radius of 100 feet, or up to 500 feet for developments of 20 units or more, is the maximum distance allowed for application for needed housing under state law (ORS 197A.400(5). 100 feet is also the minimum notification radius specified in ORS 197.195 for Limited Land Use Decisions.

NOTE: Rule changes to OAR 660-023-0210, the Cultural Areas rule, are effective January 1, 2027 and require notice to federally recognized tribes in Oregon for development applications involving ground disturbance. This rule applies directly whether or not a local government amends its development code. See a full guidance document on the DLCD website.

a. All owners of record of real property within 100 feet *[or within 500 feet for developments of 20 units or more]* of the subject site;

b. Any person who submits a written request to receive a notice; and

c. Any governmental agency that is entitled to notice under an intergovernmental agreement entered into with the City and any other affected agencies, including State agencies and tribes as specified in Section E. At a minimum, the City Planning Official shall notify the road authority if different than the City of *[name]*. 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.

d. For tentative partition or subdivision plans only, where the proposed land division is located in whole or in part within the boundaries, easement, or right of way of an irrigation district, drainage district, water control district, or water improvement district, notice of the tentative plan shall be provided to the applicable district.

e. For an application requiring notice under OAR 660-023-0210(10)(c), tribes on the list maintained by the Legislative Commission on Indian Services (LCIS) for the city's jurisdiction, consistent with OAR 660-023-0210(10)(c).

f. Other notice required by the specific application type or by an overlay zone, if any.

2. The notice of pending Type Ix Decision, at a minimum, shall contain all of the following information:

a. The deadline (date and time) for submitting written comments, which must be at least 14 days prior to the scheduled decision and the address where written comments must be submitted;

b. A summary of the proposal and the relevant approval criteria in sufficient detail to help the public identify and locate applicable code requirements;

c. The name and phone number of the City contact person;

d. The street address or other easily understandable reference to the location of the proposed use or development;

e. Disclosure statement describing the appeal process and who may appeal, and indicating that if any person with a right to appeal fails to address the relevant approval criteria with enough detail, they may not be able to appeal to the Land Use Board of Appeals or Circuit Court on that issue, and that only comments on the relevant approval criteria are considered relevant evidence;

f. Statement that all evidence relied upon by the City Planning Official to make its 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; and

g. 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.

F. Notice to State Agencies and Tribes. All land use application notices shall comply with applicable state law, including OAR 660-023-0210, Cultural Areas, and ORS 358.905–358.961, Archaeological Objects and Sites.

1. The City shall provide notice within the timelines specified in OAR 660-023-0210, including within 5 days after completeness for ground disturbing applications, consistent with OAR-660-023-0210(5)(d)(A).
2. Notice shall include any information required by OAR 660-023-0210(5)(e).
3. Tribal comments shall be included in the record in a manner that preserved confidentiality.
4. Tribal comments shall be shared with the applicant, consistent with OAR 660-023-0210(5)(g). Tribal comments do not create new approval criteria and shall be considered only as they relate to applicable approval criteria. Where the record documents that the development is within the established boundaries of an archaeological site recorded in the Oregon Archaeological Records Remote Access (OARRA) database, approval shall be conditioned on the applicant obtaining an Oregon Archaeological Permit under ORS 390.235 and OAR chapter 736, division 51; a suspected site, or a known site without established OARRA boundaries is advisory only and shall not be imposed as a mandatory condition of approval, consistent with OAR 660-023-0210(5)(a) and (h).

5. Confidential information shall be protected consistent with state and federal law and OAR 660-023-0210(3)(d).

User's Guide: While the Notice of Decision is sent to those who provided comments, only applicants have an opportunity for a local appeal of a Ix decision (consistent with the requirements for needed housing under state law (ORS 197A.400(5)). Other parties may appeal Type Ix decisions to Circuit Court through a writ of review process.

G. Decision and Notice of Decision. At the conclusion of the comment period, the City Planning Official shall review the comments received and prepare a decision notice approving, approving with conditions, or denying the application based on the applicable Code criteria.

1. Within seven days of a Type Ix decision, the City Planning Official shall proceed to prepare a notice of decision and mail it to the applicant, property owner (if different), the Building Official, those who provided written comments on the proposal, and those who requested a copy of the decision. *[The City 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 shall demonstrate that the notice was mailed to the parties above and was mailed within the time required by law.]*

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 the applicant may file an appeal of the decision pursuant to subsection 4.1.040.H within *[10 – 14]* days of the date the notice of decision.

H. Effective Date of Decision. Unless the conditions of approval specify otherwise, a Type Ix decision becomes effective *[12 – 14]* days after the City mails the decision notice, unless the decision is appealed pursuant to subsection 4.1.040.I.

I. Appeal of Type Ix Decision.

1. **Who may appeal.** Appeals to the local appeal body identified in Table 4.1.010.B may be made only by the applicant. Other parties may appeal Type Ix decisions to Circuit Court through a writ of review process.

2. **Appeal filing procedure.**

   a. *Notice of appeal*. The applicant, as provided in subsection H, above, may appeal a Type Ix Administrative 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 City Planning Official within the timeframe specified on the Notice of Decision (*[10 – 14]* days of the date the Notice of Decision is mailed).

   c. *Content of notice of appeal*. The Notice of Appeal shall be accompanied by the required filing fee and shall contain:

      (1) An identification of the decision being appealed, including the date of the decision; and

      (2) A statement explaining the specific issues being raised on appeal.

3. **Scope of appeal.** The appeal of a Type Ix 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 Type Ix decision, but may include other relevant evidence and arguments. The 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 Type Ix decisions shall follow the same procedure used for public hearings on Type III reviews under Section 4.1.060. Section 4.1.060 contains requirements for public hearing notices, conduct of hearings, and decision-making procedures.

4.1.050 Type II Procedure (Administrative Review With Notice)

User's Guide: The City Planning Official performs Administrative Staff Reviews through the Type II procedure. Administrative decisions are made by the City Planning Official. They involve some limited discretion and therefore included public notice and an opportunity for appeal to the appeal body noted Table 4.1.010.B.

Unless otherwise stated, the following procedure for Type II decisions, including timelines for notifications and decisions, are per ORS 197.195 Limited Land Use Decisions. The procedures are also intended to be consistent with the ORS 227.175 requirements for approval of a discretionary permit without a hearing for property that is wholly or in part within an urban growth boundary. Cities may provide more notice or take longer to process applications, provided the requirements of ORS 227.178 (100/120-day clock) are met.

A. Application Requirements.

1. **Application Forms.** Applications subject to Administrative Review shall be made on forms provided by the City Planning Official.

2. **Submittal Information.** The City Planning Official shall advise the applicant on application submittal requirements. 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 (For example, requirements for development review are in Chapter 4.2.);

   c. A written statement or letter explaining how the application satisfies each and all of the relevant criteria and standards in sufficient detail;

   d. Information demonstrating compliance with prior decision(s) and conditions of approval for the subject site, as applicable; and

   e. The required fee.

B. Time allowed. The City shall make its final decision on Type II applications, including all local appeals, within the applicable timeframe specified in Section 4.1.020.

User's Guide: Subsections C and D include provisions to implement ORS 227.178 requirements for applications relating to the development of housing. For applications relating to the development of housing, an applicant may submit a request to apply newly adopted standards to a land use application any time after application submittal up to the issuance of public notice of the application. If an applicant requests to opt into newly adopted standards, the application would be deemed automatically incomplete and the timelines for completeness review and final decisions restart as if a new application were submitted.

C. Completeness Review.

1. The City Planning Official shall review the application submittal and advise the applicant in writing whether the application is complete or incomplete within 30 calendar days after the city receives the application submittal.

2. If a Type II application is incomplete, the City Planning Official shall notify the applicant in writing of exactly what information is missing within 30 calendar 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 City 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. For applications related to the development of housing, if an applicant requests review under different standards as provided in subsection (D)(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 City 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 City 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.

D. 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), if an application was complete when first submitted, or within 180 days of the date an application was first submitted the applicant submits the requested additional information or informs the city that no further information will be provided; then the approval or denial of the application 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 Type II Decision (Subsection E), 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.

E. Notice of Pending Type II 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 City Planning Official issues their decision.

1. The City Planning Official shall mail notice of a pending Type II decision to the following individuals and agencies no fewer than 14 days prior to making the Type II decision.

User's Guide: The following notification radius of 100 feet (measured from site boundaries) is the minimum distance required under state law (ORS 197.195 Limited Land Use Decision).

NOTE: Pursuant to ORS 227.175(6) – (9), additional notice may be required for sites in proximity to airports or that include all or part of a mobile home or manufactured dwelling park.

NOTE: Rule changes to OAR 660-023-0210, the Cultural Areas rule, are effective January 1, 2027 and require notice to federally recognized tribes in Oregon for development applications involving ground disturbance. This rule applies directly whether or not a local government amends its development code. See a full guidance document on the DLCD website.

a. All owners of record of real property within a minimum of 100 feet of the subject site;

b. Any person who submits a written request to receive a notice; and

c. Any governmental agency that is entitled to notice under an intergovernmental agreement entered into with the City and any other affected agencies, including State agencies and tribes as specified in Section E. At a minimum, the City Planning Official shall notify the road authority if different than the City of *[name]*. 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.

d. For tentative partition or subdivision plans only, where the proposed land division is located in whole or in part within the boundaries, easement, or right of way of an irrigation district, drainage district, water control district, or water improvement district, notice of the tentative plan shall be provided to the applicable district.

e. For an application requiring notice under OAR 660-023-0210(10)(c), tribes on the list maintained by the Legislative Commission on Indian Services (LCIS) for the city's jurisdiction, consistent with OAR 660-023-0210(10)(c).

f. Other notice required by the specific application type or by an overlay zone, if any.

2. The notice of pending Administrative Decision, at a minimum, shall contain all of the following information:

   a. The deadline (date and time) for submitting written comments, which must be at least 14 days prior to the scheduled decision and the address where written comments must be submitted;

   b. A summary of the proposal and the relevant approval criteria in sufficient detail to help the public identify and locate applicable code requirements;

   c. The name and phone number of the City contact person;

   d. The street address or other easily understandable reference to the location of the proposed use or development;

   e. Disclosure statement describing the appeal process and who may appeal, and indicating that if any person with a right to appeal fails to address the relevant approval criteria with enough detail, they may not be able to appeal to the Land Use Board of Appeals or Circuit Court on that issue, and that only comments on the relevant approval criteria are considered relevant evidence;

   f. Statement that all evidence relied upon by the City Planning Official to make its 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; and

   g. 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.

F. Notice to State Agencies and Tribes. All land use application notices shall comply with applicable state law, including OAR 660-023-0210, Cultural Areas, and ORS 358.905–358.961, Archaeological Objects and Sites.

1. The City shall provide notice within the timelines specified in OAR 660-023-0210, including within 5 days after completeness for ground disturbing applications, consistent with OAR-660-023-0210(5)(d)(A).
2. Notice shall include any information required by OAR 660-023-0210(5)(e).
3. Tribal comments shall be included in the record in a manner that preserved confidentiality.

4. Tribal comments shall be shared with the applicant, consistent with OAR 660-023-0210(5)(g). Tribal comments do not create new approval criteria and shall be considered only as they relate to applicable approval criteria. Where the record documents that the development is within the established boundaries of an archaeological site recorded in the Oregon Archaeological Records Remote Access (OARRA) database, approval shall be conditioned on the applicant obtaining an Oregon Archaeological Permit under ORS 390.235 and OAR chapter 736, division 51; a suspected site, or a known site without established OARRA boundaries is advisory only and shall not be imposed as a mandatory condition of approval, consistent with OAR 660-023-0210(5)(a) and (h).
5. Confidential information shall be protected consistent with state and federal law and OAR 660-023-0210(3)(d).

G. Decision and Notice of Decision. At the conclusion of the comment period, the City Planning Official shall review the comments received and prepare a decision notice approving, approving with conditions, or denying the application based on the applicable Code criteria.

1. Within seven days of a Type II (Administrative) decision, the City Planning Official shall proceed to prepare a notice of decision and mail it to the applicant, property owner (if different), the Building Official, those who provided written comments on the proposal, those who requested a copy of the decision, and others for whom notice required by the specific application type or by an overlay zone, if any. *[The City 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 shall demonstrate that the notice was mailed to the parties above and was mailed within the time required by law.]*

2. The Administrative 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 file an appeal of the decision pursuant to subsection 4.1.050I within *[10 – 14]* days of the date the notice of decision.

H. Effective Date of Decision. Unless the conditions of approval specify otherwise, an Administrative Decision becomes effective *[12 – 14]* days after the City mails the decision notice, unless the decision is appealed pursuant to subsection 4.1.050.I.

I. **Appeal of Type II (Administrative) Decision.** A Type II Administrative Decision made by the City Planning Official may be appealed to the assigned appeal body (see Table 4.1.010.B) pursuant to the following:

1. **Who may appeal.** Unless otherwise specified for the application type, the following people have legal standing to appeal a Type II Administrative Decision:

    a. The applicant or owner of the subject property;

    b. Any person who was entitled to written notice of the Type II decision; and

    c. Any other person who participated in the proceeding by submitting written comments on the application to the City by the specified deadline.

2. **Appeal filing procedure.**

    a. *Notice of appeal*. Any person with standing to appeal, as provided in subsection 1, above, may appeal a Type II Administrative 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 City Planning Official within the timeframe specified on the Notice of Decision (*[10 – 14]* days of the date the Notice of Decision is mailed).

    c. *Content of notice of appeal*. The Notice of Appeal shall be accompanied by the required filing fee and shall contain:

        (1) An identification of the decision being appealed, including the date of the decision;

        (2) A statement demonstrating the person filing the Notice of Appeal has standing to appeal;

        (3) A statement explaining the specific issues being raised on appeal; and

        (4) 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 Type II Administrative Decision shall be a hearing de novo, before the appeal body (see Section 4.1.070). 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 Administrative Decision, but may include other relevant evidence and arguments. The 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 Type II decisions shall follow the same procedure used for public hearings on Type III reviews under Section 4.1.060. Section 4.1.060 contains requirements for public hearing notices, conduct of hearings, and decision-making procedures.

4.1.060 Type III Procedure (Quasi-Judicial Review – Public Hearing)

User's Guide: Unless otherwise stated, the following procedure, including timelines, hearing procedures, notifications, and decisions, are per ORS 197.797 Conduct of local quasi-judicial land use hearings. Cities may provide more notice or take longer to process applications, provided the required timeframes of ORS 227.178 are met.

Type III decisions are made by the *[Planning Commission / Hearings Officer]* after a public hearing, with an opportunity for appeal to the City Council.

A. Application Requirements.

1. **Application Forms.** Applications requiring Quasi-Judicial review shall be made on forms provided by the City Planning Official.

2. **Submittal Information.** The City Planning Official shall advise the applicant on application submittal requirements. 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;

   c. A written statement or letter explaining how the application satisfies each and all of the relevant criteria and standards in sufficient detail;

   d. Information demonstrating compliance with prior decision(s) and conditions of approval for the subject site, as applicable; *[and]*

   e. The required fee*[. /; and]*

   [f. Evidence of neighborhood contact, as applicable, pursuant to Section 4.1.090.]

B. Time allowed. The City shall make its final decision on Type III applications, including all local appeals within the applicable timeframe specified in Section 4.1.020.

User's Guide: Subsections C and D include provisions to implement ORS 227.178 requirements for applications relating to the development of housing. For applications relating to the development of housing, an applicant may submit a request to apply newly adopted standards to a land use application any time after application submittal up to the issuance of public notice of the application. If an applicant requests to opt into newly adopted standards, the application would be deemed automatically incomplete and the timelines for completeness review and final decisions restart as if a new application were submitted.

C. Completeness Review.

1. The City Planning Official shall review the application submittal and advise the applicant in writing whether the application is complete or incomplete within 30 calendar days after the city receives the application submittal.

2. If a Type III application for is incomplete, the City 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 City 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. For applications related to the development of housing, if an applicant requests review under different standards as provided in subsection (D)(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 City 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 City 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.

D. 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), if an application was complete when first submitted, or within 180 days of the date an application was first submitted the applicant submits the requested additional information or informs the city that no further information will be provided; then the approval or denial of the application 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 the Notice of a Public Hearing (Subsection E), 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.

E. Notice of a Public Hearing.

1. Mailed and Posted Notice.

a. The City shall mail public notice of a public hearing on a Quasi-Judicial application at least 20 days before the hearing date to the individuals and organizations listed below. The City Planning Official shall prepare an affidavit of notice, which shall be made a part of the file. The affidavit shall state the date that the notice was mailed. Notice shall be mailed to:

User's Guide: The following notification radius of 100 feet (measured from parcel boundaries) is the minimum required under state law. Cities may adopt a wider notification radius. In areas with large lots or low population densities, where few residents live within 100 feet of one another, a larger notification area may be warranted.

NOTE: Pursuant to ORS 227.175(6) – (9), additional notice may be required for sites in proximity to airports or that include all or part of a mobile home or manufactured dwelling park.

NOTE: Rule changes to OAR 660-023-0210, the Cultural Areas rule, are effective January 1, 2027 and require notice to federally recognized tribes in Oregon for development applications involving ground disturbance. This rule applies directly whether or not a local government amends its development code. See full guidance document on the DLCD website.

(1) All owners of record of real property located within a minimum of *[100]* feet of the subject site;

(2) Any person who submits a written request to receive a notice; and

(3) Any governmental agency that is entitled to notice under an intergovernmental agreement entered into with the City and any other affected agencies. At a minimum, the City Planning Official shall notify the road authority if different than the City of *[City name]*. 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.

(4) For an application requiring notice under OAR 660-023-0210(5)(c), tribes on the list maintained by the Legislative Commission on Indian Services (LCIS) for the city's jurisdiction, consistent with OAR 660-023-0210(10)(c).

(5) Other notice required by the specific application type or by an overlay zone, if any.

b. At least *[7-14]* days before the first hearing, the *[applicant or applicant's representative / City Planning Official or designee]* shall post notice of the hearing on the project site in clear view from a public right-of-way using a poster format prescribed by the City Planning Official. *[The applicant shall submit an affidavit of notice using a form provided by the City, which shall be made a part of the file. The affidavit shall state the date that the notice was posted.]*

[c. At least [7-14] days before the first hearing, the City shall publish notice of the hearing on the City website, and/or have said notice published in a newspaper with local circulation.]

2. **Content of Notice.** Notice of a Quasi-Judicial hearing to be mailed and published per subsection 1 above shall contain all of the following information:

   a. A summary of the proposal and the relevant approval criteria, in sufficient detail to help the public identify and locate applicable code requirements;

   b. The date, time, and location of the scheduled hearing, including video conferencing information, if applicable;

   c. The street address or other clear reference to the location of the proposed use or development;

   d. A disclosure statement that if any person fails to address the relevant approval criteria with enough detail, they may not be able to appeal to the City Council, Land Use Board of Appeals, or Circuit Court, as applicable, on that issue, and that only comments on the relevant approval criteria are considered relevant evidence;

   e. A statement that a copy of the application, all documents and evidence submitted by or for the applicant, and the applicable criteria and standards shall be available for review at the office of the City Planning Official, and that copies shall be provided at a reasonable cost;

   f. A statement that a copy of the City's staff report and recommendation to the hearings body shall be available for review at no cost at least seven days before the hearing, and that a copy shall be provided on request at a reasonable cost;

   g. A general explanation of the requirements to submit testimony, and the procedure for conducting public hearings; and

   h. A statement that after the public hearing 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. Response to Notice. If a tribe responds to notice provided under subsection 1 before the first evidentiary hearing, the applicant shall be informed of any tribal recommendation for avoiding or mitigating impacts, consistent with OAR 660-023-0210(5)(g).

F. Notice to State Agencies and Tribes. All land use application notices shall comply with applicable state law, including OAR 660-023-0210, Cultural Areas , and ORS 358.905–358.961, Archaeological Objects and Sites.

1. The City shall provide notice within the timelines specified in OAR 660-023-0210, including within 5 days after completeness for ground disturbing applications consistent with OAR-660-023-0210(5)(d)(A).

2. Notice shall include any information required by OAR 660-023-0210(5)(e).

3. Tribal comments shall be included in the record in a manner that preserved confidentiality.

4. Confidential information shall be protected consistent with state and federal law and OAR 660-023-0210(3)(d).

G. Conduct of the Public Hearing.

1. At the commencement of the hearing, the Chairperson of the Commission or Mayor, as applicable, or his or her designee *[or Hearings Officer],* shall state to those in attendance all of the following information and instructions:

   a. The applicable approval criteria by Code chapter that apply to the application;

   b. Testimony and evidence shall concern the approval criteria described in the staff report, or other criteria in the comprehensive plan or land use regulations that the person testifying believes to apply to the decision;

   c. Failure to raise an issue with sufficient detail to give the hearing body and the parties an opportunity to respond to the issue, may preclude appeal to the state Land Use Board of Appeals on that issue;

   d. At the conclusion of the initial evidentiary hearing, the hearing body shall deliberate and make a decision based on the facts and arguments in the public record. See subsection J (Record of the Public Hearing); and

   e. Any participant may ask the hearing body for an opportunity to present additional relevant evidence or testimony that is within the scope of the hearing; if the hearing body grants the request, it will schedule a date to continue the hearing as provided in paragraph 5 of this subsection, or leave the record open for additional written evidence or testimony as provided paragraph 6 of this subsection.

2. The public is entitled to an impartial hearing. Where questions related to ex parte contact are concerned, members of the hearing body shall follow the guidance for disclosure of ex parte contacts contained in ORS 227.180. Where a real conflict of interest arises, that member or members of the hearing body shall not participate in the hearing, except where state law provides otherwise. Where the

appearance of a conflict of interest is likely, that member or members of the hearing body shall individually disclose their relationship to the applicant in the public hearing and state whether they are capable of rendering a fair and impartial decision. If they are unable to render a fair and impartial decision, they shall be excused from the proceedings.

User's Guide: More detailed guidance on the conduct of public hearings, and what to do when a decision maker may have a conflict of interest, is available through the Oregon Government Ethics Commission.

3. Presenting and receiving evidence.

   a. The hearing body may set reasonable time limits for oral presentations and may limit or exclude cumulative, repetitious, irrelevant, or personally derogatory testimony or evidence;

   b. No oral testimony shall be accepted after the close of the public hearing. Written testimony may be received after the close of the public hearing only as provided by this section; and

   c. Members of the hearing body may visit the property and the surrounding area, and may use information obtained during the site visit to support their decision, if the information relied upon is disclosed at the beginning of the hearing and an opportunity is provided to dispute the evidence.

4. The hearing body, in making its decision, shall consider only facts and arguments in the public hearing record; except that it may take notice of facts not in the hearing record (e.g., local, state, or federal regulations; previous City decisions; case law; staff reports). Upon announcing its intention to take notice of such facts in its deliberations, it must allow persons who previously participated in the hearing to request the hearing record be reopened, as necessary, to present evidence concerning the newly presented facts.

5. If the hearing body decides to continue the hearing, the hearing shall be continued to a date that is at least seven days after the date of the first evidentiary hearing (e.g., next regularly scheduled meeting). An opportunity shall be provided at the continued hearing for persons to present and respond to new written evidence and oral testimony. If new written evidence is submitted at the continued hearing, any person may request, before the conclusion of the hearing, that the record be left open for at least seven days, so that they can submit additional written evidence or arguments in response to the new written evidence. In the interest of time, after the close of the hearing, the hearing body may limit additional testimony to arguments and not accept additional evidence.

6. If the hearing body leaves the record open for additional written testimony, the record shall be left open for at least seven days after the hearing. Any participant may ask the hearing body in writing for an opportunity to respond to new evidence (i.e., information not disclosed during the public hearing) submitted when the record was left open. If such a request is filed, the hearing body shall reopen the record, as follows:

a. When the record is reopened to admit new evidence or arguments (testimony), any person may raise new issues that relate to that new evidence or testimony;

b. An extension of the hearing or record granted pursuant to this section is subject to the limitations of Section 4.1.060; and

c. If requested by the applicant, the hearing body shall grant the applicant at least seven days after the record is closed to all other persons to submit final written arguments, but not evidence, provided the applicant may expressly waive this right.

7. Tribal comments received consistent with this chapter do not create new approval criteria and shall be considered by the hearing body only as they relate to applicable approval criteria. Where the record documents that the proposed development is within the established boundaries of an archaeological site recorded in the Oregon Archaeological Records Remote Access (OARRA) database, approval shall be conditioned on the applicant obtaining an Oregon Archaeological Permit under ORS 390.235 and OAR chapter 736, division 51; a suspected site, or a known site without established OARRA boundaries is advisory only and shall not be imposed as a mandatory condition of approval, consistent with OAR 660-023-0210(5)(a) and (h).

H. Notice of Quasi-Judicial Decision.

1. Within seven days of a Type III decision, the City Planning Official shall proceed to prepare a notice of decision and mail it to the applicant, property owner (if different), the Building Official, those who provided written comments on the proposal, and those who requested a copy of the decision. The City 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 shall demonstrate that the notice was mailed to the parties above and was mailed within the time required by law.

2. The notice of a quasi-judicial 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 Planning Commission's [*Hearings Officer's*] decision to City Council pursuant to subsection 4.1.060.J, or may appeal the City Council's decision to the state Land Use Board of Appeals, as applicable.

f. Where correspondence included under subsection e is a tribal response to notice provided under OAR 660-023-0210(5)(c), the City shall maintain or reference that response in a manner that preserves the confidentiality of any information exempt from disclosure under OARS 192.345(11), consistent with OAR 660-023-0210(3)(d).

I. Effective Date of Decision. Unless the conditions of approval specify otherwise, a Quasi-Judicial Decision becomes effective *[10 – 14]* days after the City mails the decision notice, unless the decision is appealed pursuant to subsection 4.1.060.J.

J. Appeal of Planning Commission Decision. The Planning Commission's *[Hearings Officer's]* decision may be appealed to the City Council as follows:

1. Who may appeal. The following people have legal standing to appeal:

a. The applicant or owner of the subject property; and

b. Any other person who testified orally or in writing during the subject public hearing before the close of the public record.

2. Appeal filing procedure.

a. *Notice of appeal.* Any person with standing to appeal, as provided in subsection 1, above, may appeal a Type III Quasi-Judicial Decision by filing a Notice of Appeal according to the procedures in this section.

b. *Time for filing.* A Notice of Appeal shall be filed with the City Planning Official within the timeframe specified on the Notice of Decision; typically, this will be within 10 days of the date the Notice of Decision is mailed.

c. *Content of notice of appeal.* The Notice of Appeal shall be accompanied by the required filing fee and shall contain:

(1) An identification of the decision being appealed, including the date of the decision;

(2) A statement demonstrating the person filing the Notice of Appeal has standing to appeal;

(3) A statement explaining the specific issues being raised on appeal; and

(4) 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 Type III Quasi-Judicial 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 Quasi-Judicial Decision, but may include other relevant evidence and arguments. The appeal body shall allow additional evidence, testimony, or argument concerning any applicable standard, criterion, condition, or issue.

K. Record of the Public Hearing.

1. The official public hearing record shall include all of the following information:

   a. All materials considered by the hearings body;

   b. All materials submitted by the City Planning Official to the hearings body regarding the application;

   c. The minutes of the hearing;

   d. The final written decision; and

   e. Copies of all notices given as required by this chapter, and correspondence regarding the application that the City mailed or received.

2. The meeting minutes shall be filed in hardcopy form with the City Planning Official. The minutes and other evidence presented as a part of the hearing shall be part of the record.

3. All exhibits received and displayed shall be marked to provide identification and shall be part of the record.

L. Effective Date and Appeals to State Land Use Board of Appeals. A Quasi-Judicial Decision or Appeal Decision, as applicable, is effective the date the City mails the decision notice. Appeals of City Council decisions under this chapter shall be filed with the state Land Use Board of Appeals pursuant to ORS 197.805 - 197.860.

4.1.070 Type IV (Legislative Decisions)

A. Timing of Requests. The City Council may establish a schedule for when it will accept legislative code amendment or plan amendment requests, or the City Council may initiate its own legislative proposals at any time. Legislative requests are not subject to the statutory timeframes under ORS 227.178.

B. Application Requirements.

1. **Application forms.** Legislative applications shall be made on forms provided by the City Planning Official.

2. **Submittal Information.** The application shall contain all of the following information:

   a. The information requested on the application form;

   b. A map and/or plan addressing the appropriate criteria and standards in sufficient detail for review and decision (as applicable);

   c. The required fee, except when City of *[name]* initiates request; *[and]*

   d. One copy of a letter or narrative statement that explains how the application satisfies each and all of the relevant approval criteria and standards*[. / ; and]*

   [e. Evidence of neighborhood contact, pursuant to Section 4.1.090.]

C. Procedure. Hearings on Legislative Land Use requests are conducted similar to City Council hearings on other legislative proposals, except the notification procedure for Legislative Land Use requests must conform to state land use laws (ORS 227.175), as follows:

User's Guide: Some Type IV applications such as the Designation of Cultural Landscape Features and UGB Amendments, are subject to rule changes in OAR 660-023-0210, the Cultural Areas rule (effective January 1, 2027). This rule applies directly whether or not a local government amends its development code. See a full guidance document on the DLCD website. Local governments are encouraged to coordinate with tribes, DLCD, SHPO, and LCIS when developing or implementing local cultural resource programs.

1. The City Planning Official shall notify in writing the Oregon Department of Land Conservation and Development (DLCD) of legislative amendments (zone change, rezoning with annexation, or comprehensive plan amendment) at least 35 days before the first public hearing at which public testimony or new evidence will be received. The notice shall include a DLCD Certificate of Mailing.

2. At least 20 days, but not more than 40 days, before the date of the first hearing on an ordinance that proposes to amend the comprehensive plan or any element thereof, or to adopt an ordinance for any zone change, a notice shall be prepared in conformance with ORS 227.175 and mailed to:

a. Each owner whose property would be directly affected by the proposal (e.g., rezoning or a change from one Comprehensive Plan land use designation to another), see ORS 227.186 for instructions;

b. Any affected governmental agency;

c. Any person who requests notice in writing;

d. For a zone change affecting a manufactured home or mobile home park, all mailing addresses within the park, in accordance with ORS 227.175; and

e. For a legislative action described in OAR 660-023-0210(4)(c) (cultural landscape feature application) or (7)(a) UGB amendment), tribes on the list maintained by the Legislative Commission on Indian Services (LCIS) for the city's jurisdiction, consistent with OAR 660-023-0210(10)(c).

3. At least 10 days before the scheduled City Council public hearing date, public notice shall be published in a newspaper of general circulation in the city.

4. For each mailing and publication of notice, the City Planning Official shall keep an affidavit of mailing/publication in the record.

D. Notice to State Agencies and Tribes. All land use application notices shall comply with applicable state law, including OAR 660-023-0210, Cultural Areas, and ORS 358.905–358.961, Archaeological Objects and Sites.

1. The City shall provide notice within the timelines specified in OAR 660-023-0210, including within 7 days of receiving a cultural landscape feature application (OAR 660-023-0210(4)(c)).

2. For cities outside Metro, the City shall provide notice at least 35 days before the first evidentiary hearing for UGB amendments, consistent with OAR 660-023-0210(7)(a).

3. Notice for a cultural landscape feature application shall be based on the application materials required for that application. Notice for a UGB amendment shall describe the proposed amendment and request information on potential conflicts between future urbanization of the expansion area and a cultural area, consistent with OAR 660-023-0210(7)(a).

4. Tribal comments shall be included in the record in a manner that preserved confidentiality.

5. Confidential information shall be protected consistent with state and federal law and OAR 660-023-0210(3)(d).

6. If factual information is entered into the record demonstrating that a landscape feature or its impact area is present within a proposed UGB expansion area, the City shall apply Goal 5, consistent with OAR

660-023-0210(7)(c) and OAR 660-023-0250(3)(c), including evaluating the feature's significance under Section 4.6.025.

E. Final Decision and Effective Date. A Legislative Land Use decision, if approved, shall take effect and shall become final as specified in the enacting ordinance or, if not approved, upon mailing of the notice of decision to the applicant. Notice of a Legislative Land Use decision shall be mailed to the applicant, all participants of record, and the Department of Land Conservation and Development within 20 business days after the City Council decision is filed with the City Planning Official. The City shall also provide notice to all persons as required by other applicable laws.

[4.1.080 Pre-Application Conference

User's Guide: *Pre-application conferences can help applicants identify applicable standards, submittal requirements, and potential issues before submitting a land use application. This provision is optional and is recommended only where a city has adequate staff capacity to schedule and conduct conferences without unnecessarily delaying application submittal. Cities may modify the application types listed below based on local staffing, application volume, and the types of development applications that typically benefit from early coordination.*

A. Purpose.

1. *The purpose of a pre-application conference is to provide an opportunity for the applicant and City staff to identify applicable approval criteria, development standards, and application submission requirements, and to identify and resolve potential issues associated with a proposed development before an application is submitted.*

2. *Pre-application conferences are intended to be advisory only, and are not intended to be an exhaustive review of all potential issues. Participation in a pre-application conference does not absolve an applicant of any responsibility for legal or technical due diligence investigation.*

B. Applicability. *A pre-application conference is recommended for [all] applications, and is required before submitting an application for [Type III Development Review; Conditional Use Permit; Master Planned Development; subdivision; and/or other specified application types].*

C. Conference. *The applicant shall provide sufficient information regarding the proposed development for City staff to identify applicable standards and application requirements. This includes, but is not limited to: proposed uses; site plans; building elevations; site circulation plans; preliminary infrastructure plans; and phasing plans if applicable. Any plans provided to the City before, during, or after during the pre-application conference may be considered public information. The City may invite representatives of other affected departments, agencies, service providers, or utilities to participate in the conference.*

D. Preliminary Information. *Information provided during a pre-application conference is preliminary and does not constitute a land use decision or bind the City in its review of a subsequent application.*

E. Timing. *The City shall schedule the pre-application conference within [21] days after receiving the information required for the conference. [If the City does not conduct the conference within this period, the applicant may submit the land use application without completing a required conference.]]*

[4.1.090 Neighborhood Contact

User's Guide: The following provision is optional. It is intended to help applicants and residents work through potential design issues before the city begins processing a land use application and is subject to 100/120-day clock. In order to avoid unnecessary cost and delay for residential projects, neighborhood contact is recommended for non-residential projects only. While it is not necessary to have formally recognized neighborhood associations in order for the procedure to work, it will work best where such organizations exist, because they can organize public meetings and help ensure that residents' concerns are heard.

A. Purpose and Applicability. *Applicants for developments specified in subsection (B) are required to contact neighboring property owners and offer to a hold meeting with them prior to submitting an application. This is to* *ensure that affected property owners are given an opportunity to preview a proposal and offer input to the applicant before a plan is formally submitted to the City, thereby raising any concerns about the project and the project's compatibility with surrounding uses early in the design process when changes can be made relatively inexpensively.*

B. Applicability. *The following types of non-residential land use applications are subject to neighborhood contact requirements.*

1. *Master planned development or development review for projects involving parcels or lots larger than [one acre] [and located adjacent to any residential zone]; and*

2. *Property owner-applicants for zone changes.*

User's Guide: The following notification radius of 100 feet (measured from parcel boundaries) is intended to be consistent with the minimum notice requirements for land use decisions. Cities may adopt a wider notification radius. In areas with large lots or low population densities, where few residents live within 100 feet of one another, a larger area may be warranted.

C. Notice. *Notice of the meeting must be given in writing and delivered in person, or by certified mail, to all of the property owners whose property is located within [100] feet of the site, at their addresses of record at the [County name] County Assessor's office, at least [14 days] before the meeting and at least [21 days] before submitting the application to the City. The notice must state the time, place, and purpose of the meeting, including a description of the proposed development.*

D. Meeting place, date, and time. *The meeting must be held within the City limits at a location obtained or provided by the applicant with sufficient room for the expected attendance. The meeting place must be accessible to persons with disabilities. It must be scheduled at a date and time reasonably calculated to allow maximum participation by interested property owners.*

E. Conduct of meeting. *At the meeting, the applicant, or the applicant's agent, must present sufficient information about the proposed development to inform the property owners in attendance of the nature of the proposal and impacts it may have on neighboring properties, including transportation impacts. Persons attending must be allowed to ask questions and make comments. The applicant, or the applicant's agent, must make a sound or video recording or keep written minutes of the meeting that give a true reflection of the matters discussed at the meeting and the views of the participants. The applicant must also make a list of names of persons attending the meeting.*

F. Filing requirements. *Proof of having held the meeting, even if no affected property owners attend, is required and must be submitted to the City with a land use application for the application to be deemed complete. Copies of the following information must accompany the land use application: a copy of the notice mailed, certified mail receipts, all addresses for which notice was mailed (e.g., copy of mailing labels), a certificate of personal service for those persons who were provided notice by personal service (including the date of service and the name of the person who provided service), a record or minutes of the meeting with a list of attendees, and copies of the meeting notice and all other written materials provided prior to or distributed at the meeting.]*

Chapter 4.2 - Development Review

User's Guide: Development Review is a procedure in which city applies the land use regulations of Article 2 and the development and design standards of Article 3 in approving various types of development. The model code is designed to exempt minor projects from review. When Development Review is required, it varies in terms of level of review and submittal requirements. Type I Development Review can be completed as part of Building Permit review. Larger residential projects would be subject to Type Ix review if meeting clear and objective standards.

When a city adopts cultural landscape feature (OAR 660-023-0210), the protection measures adopted for that feature must be incorporated as approval criteria for subsequent land use applications affecting the feature or its mapped impact area. Because different application types are processed under different chapters and procedures, protections generally cannot be captured through Development Review criteria alone- for example, Property Line Adjustments are processed under a Type Ix procedure that does not require Development Review, and some protections (such as restrictions on the timing of site access) may need to be addressed independently of Development Review's design focused criteria. Local governments should review each applicable chapter- including Development Review, Land Divisions, Property Line Adjustments, and Conditional Use Permits- to ensure protection measures are incorporated as approval criteria whenever the feature or its impact area could be affected. See a full guidance document on the DLCD website. Local governments are encouraged to coordinate with tribes, DLCD, SHPO, and LCIS when developing or implementing local cultural resource programs.

Sections:

4.2.010 Purpose

The purpose of this chapter is to advance all of the following objectives in the public interest:

A. Carry out the development pattern and plan of the City and its comprehensive plan policies through efficient and effective review of site development proposals;

B. Promote the public health, safety, and general welfare;

C. Provide adequate light and air, prevent overcrowding of land, and provide for adequate transportation, water supply, sewage, fire protection, pollution control, surface water management, and protection against natural hazards; and

D. Encourage efficient use of land resources and public services, and the provision of transportation options.

4.2.020 Applicability

A. Subject to Development Review. Except as specified in Subsection B, Development Review approval is required for new development *[that requires a building permit]*. Development Review approval is also required to expand a non-conforming use or development.

User's Guide: The exemptions below and the thresholds for minor versus major projects in 4.2.030 should be tailored to meet the needs of your community. Changes to the thresholds for exemption may also require changes to 4.2.030 to ensure that there are no gaps or overlaps.

B. Exempt from Development Review. Except as specified by a condition of approval of a prior City decision, or as required for uses subject to Conditional Use Permit approval, Development Review is <u>not required</u> for the following:

1. Change in occupancy from one type of land use to a different land use resulting in no increase in vehicular traffic or development;

2. Interior tenant improvements;

3. Accessory structures below the threshold for Development Review in Subsection C;

4. Exterior building alterations that do not require a building permit;

5. Home occupation, except for uses requiring a *[Type II review or]* Conditional Use Permit;

6. Development and land uses that are already approved as part of a Development Review or Conditional Use Permit application, provided that modifications to such plans may require Development Review, pursuant to this Chapter;

7. Public improvements required by City standards or as stipulated by a condition of land use approval (e.g., transportation facilities and improvements, parks, trails, utilities, and similar improvements), as determined by the City Planning Official, except where a condition of approval requires Development Review; and

8. Regular maintenance, repair, and replacement of materials (e.g., roof, siding, awnings, etc.), parking resurfacing, and similar maintenance and repair.

4.2.030 Review Procedure

User's Guide: As outlined below, many projects would be subject to staff review only; however, some major non-residential projects would require a public hearing.

When evaluating the Development Review thresholds for housing, jurisdictions should consider applicable state requirements and community housing goals.

Cities with a population of 2,500 or greater must allow duplexes on each residentially zoned lot or parcel that allows a detached single-unit dwelling. Larger cities with populations of 25,000 or greater, as well as all cities in Tillamook County and cities with a population of 1,000 or greater within Metro, are subject to additional middle housing requirements, including requirements for triplexes, quadplexes, townhouses, and cottage clusters. In these cities, these housing types should be allowed subject to the same procedure and application requirements that apply to detached single-unit dwellings (i.e., Type I).

Other small cities generally have greater flexibility to determine which middle housing types to allow and through which application process. However, as required by ORS 197A.400, all cities must provide clear and objective standards and procedures for housing. For applications for housing that comply with the clear and objective standards, the requirements of ORS 197A.400(5) apply. Therefore, housing applications that meet a city's clear and objective standards should only be subject to either Type I or Ix Development Review.

Development Review shall be conducted using the procedure type specified below *[, except as required for designated historic landmarks or properties within a designated historic district or within the mapped impact area of a cultural landscape feature added to the Goal 5 inventory] [, except as required for sites within the floodplain or natural resource overlay(s)]. A* project shall require the highest level of review that applies unless otherwise noted.
plan would need to be submitted with the building permit to evaluate compliance with the development code standards. The applicant can also choose to get approval of site plan prior to preparing building permit plan sets – this may be particularly helpful where multiple buildings are proposed (e.g., for a cottage cluster).

A. Type I Development Review. The following applications are subject to Type I review, when in compliance with clear and objective standards:

1. Single-family detached dwelling (including alterations and additions to an existing dwelling);

2. Duplexes *[and Middle housing]* (including alterations and additions to existing housing and conversions to duplex *[or middle housing]*);

3. Accessory dwelling unit (including alterations and additions and conversions of an existing structure to an accessory dwelling unit);

4. Residential accessory structures over *[200]* square feet *[or which require a building permit]*;

5. Non-residential accessory structures or building addition which require a building permit but which are less than *[500]* square feet *[or 10 percent of the existing building square footage on site, whichever is greater]*; or

6. Non-residential site improvements including new parking areas up to *[5,000]* square feet.

B. Type Ix Development Review. The following applications are subject to Type Ix review when in compliance with clear and objective standards:

1. Multi-unit development*[; or,]*.

[2. Middle housing (including alterations and additions to existing housing and conversions to middle housing]).

C. Type II Development Review. The following applications are subject to Type II review:

1. Type I or Ix Development Review applications which include one or more adjustments pursuant to Section 4.7.030, one or more residential variances pursuant to Section 4.7.030.A.1, or which otherwise do not comply with the applicable clear and objective standards;

2. Non-residential buildings and site improvements including new parking areas between *[5,000 – 20,000]* square feet;

3. Extension, alteration or expansion of a nonconforming use;

4. Type I or Type Ix applications which include a concurrent residential zone change pursuant to Section 4.6.020.D; or

5. Type I or Type Ix applications which include a concurrent residential Planned Unit Development pursuant to Section 4.8.030.B.1a.

D. Type III Development Review

The following applications are subject to Type III review:

1. Non-residential development *[exceeding 20,000 square feet of gross leasable floor area; includes one or more drive-through windows; or the project involves more than one acre total site area];*

2. The proposal is concurrent with Conditional Use review (new or expanded);

3. The proposal involves a variance under Chapter 4.7, other than a Type II residential variance.

4.2.040 Application Submission Requirements

User's Guide: The following application requirements correspond to the development and design standards in Article 2 and Article 3. They should be tailored to meet the needs of your community.

If your jurisdiction has adopted a cultural landscape feature under OAR 660-023-0210 (effective January 1, 2027), additional design review criteria would be added to your local code under this section. See a full guidance document on the DLCD website. The City may add triggers that require surveys, monitoring, or mitigation for any application affecting the mapped impact area as application submission requirements. Local governments are encouraged to coordinate with tribes, DLCD, SHPO, and LCIS when developing or implementing local cultural resource programs.

All of the following information is required for Development Review application submittal, except where the City Planning Official determines that some information is not pertinent and therefore is not required.

A. General Submission Requirements

1. Information required for Type I, Ix, II or III review, as applicable (see Chapter 4.1).

2. Proof required infrastructure is available to serve the proposed development or will be made available to serve the proposed development prior to issuance of the *[building permit /certificate of occupancy]*. For Type I and Ix reviews, applicants shall provide proof that sufficient infrastructure is available or will be available to serve the development. For Type II and III reviews, a Public Facilities and Services Impact Study shall be prepare to determine required infrastructure. The impact study shall quantify and assess the effect of the development on public facilities and services. The City shall advise as to the scope of the study. The study shall address, at a minimum, the transportation system, including required improvements for vehicles and pedestrians; the drainage system; the parks system; water system; and sewer system. For each system and type of impact, the study shall propose improvements necessary to meet City requirements. The City may require a Traffic Impact Analysis pursuant to Section 3.6.020.A(4).

B. Development Review Information. In addition to the general submission requirements an applicant for Development Review shall provide the following information, unless waived by the City Planning Official.

1. **Existing site analysis map.** The existing site analysis map shall contain all the following information, unless waived by the City Planning Official. A existing site analysis map is not required for a Type I Development Review application.

   a. The applicant's entire property and the surrounding property to a distance sufficient to determine the location of the development in the city, and the relationship between the proposed development site and adjacent property and development. The property boundaries, dimensions, and gross area shall be identified;

   b. Topographic contour lines at two-foot intervals for slopes, except where the Public Works Director determines that larger intervals will be adequate for steeper slopes;

   c. Identification of slopes greater than 15 percent, with slope categories identified in 5 percent increments (e.g., 0%-5%, >5%-10%, >10%-15%, >15%-20%, and so forth);

d. The location and width of all public and private streets, drives, sidewalks, pathways, rights-of-way, and easements on the site and adjoining the site;

e. Potential natural hazard areas, including, as applicable, the base flood elevation identified on FEMA Flood Insurance Rate Maps or as otherwise determined through site specific survey, areas subject to high water table, and areas designated by the City, county, or state as having a potential for geologic hazards;

f. Areas subject to overlay zones;

g. Site features, including existing structures, pavement, and drainage ways, canals, and ditches;

h. The location, size, and species of trees and other vegetation (outside proposed building envelope) having a caliper (diameter) of 6 inches greater at 4 feet above grade;

i. North arrow, scale, and the names and addresses of all persons listed as owners of the subject property on the most recently recorded deed and

j. Name and address of project designer, engineer, surveyor, and/or planner, if applicable.

2. **Proposed site plan.** The site plan shall contain all the following information:

a. The proposed development site, including boundaries, dimensions, and gross area;

b. Features identified on the existing site analysis maps that are proposed to remain on the site;

c. Features identified on the existing site map, if any, which are proposed to be removed or modified by the development;

d. The location and dimensions of all proposed public and private streets, drives, rights-of-way, and easements;

e. The location and dimensions of all existing and proposed structures, utilities, pavement, and other improvements on the site. Setback dimensions for all existing and proposed buildings shall be provided on the site plan;

f. The location and dimensions of entrances and exits to the site for vehicular, pedestrian, and bicycle access;

g. The location and dimensions of all parking and vehicle circulation areas (show striping for parking stalls and wheel stops);

h. If required by this Code, pedestrian and bicycle circulation areas, including sidewalks, internal pathways, pathway connections to adjacent properties, and any bicycle lanes or trails;

i. If required by this Code, loading and service areas for waste disposal, loading, and delivery;

j. If required by this Code, outdoor recreation spaces, common areas, plazas, outdoor seating, street furniture, and similar improvements;

k. Location, type, and height of outdoor lighting;

l. Location of mail boxes, if known;

m. Name and address of project designer, if applicable;

n. Locations of bus stops and other public or private transportation facilities; and

o. Locations, sizes, and types of signs, if approval of signs is being sought as a part of Development Review.

3. **Architectural drawings.** Architectural drawings shall include all of the following information unless waived by the City Planning Official.

   a. For non-residential buildings, building elevations with dimensions; for residential buildings, only street-facing elevations are required;

   b. For non-residential buildings, the building materials, colors, and type; and

   c. Name and contact information of the architect or designer, if applicable.

4. **Preliminary grading plan.** A preliminary grading plan prepared by a registered engineer shall be required for development sites one-half acre or larger, or where otherwise required by the City. The preliminary grading plan shall show the location and extent to which grading will take place, indicating general changes to contour lines, slope ratios, slope stabilization proposals, and location and height of retaining walls, if proposed. Surface water detention and treatment plans may also be required, in accordance with Section 3.6.050.

5. **Landscape plan.** Where a landscape plan is required, it shall show the following, pursuant to Chapter 3.4:

   a. The location and height of existing and proposed fences, buffering, or screening materials;

b. The location of existing and proposed terraces, retaining walls, decks, patios, shelters, and play areas;

c. The location, size, and species of the existing and proposed plant materials (at time of planting);

d. Existing and proposed building and pavement outlines;

e. Specifications for soil at time of planting, irrigation if plantings are not drought tolerant (may be automatic or other approved method of irrigation), and anticipated planting schedule; and

f. Other information as deemed appropriate by the City Planning Official. *[An arborist's report may be required for sites with trees that are to be retained and protected in accordance with adopted tree regulations.]*

6. **Deed restrictions.** Copies of all existing and proposed restrictions or covenants, including those for roadway access control.

7. **Narrative.** Letter or narrative report documenting compliance with the applicable approval criteria contained in Section 4.2.050. A narrative is not required for a Type I Development Review application.

8. **Traffic Impact Analysis,** when required by Section 3.6.020.A(5).

9. **Other information** determined by the City Planning Official. For projects subject to Type II or III review, the City may require studies or exhibits prepared by qualified professionals to address specific site features or project impacts (e.g., traffic, noise, environmental features, natural hazards, etc.), as necessary to determine a proposal's conformance with this Code.

4.2.050 Approval Criteria

An application for Development Review shall be approved if the proposal meets all of the following criteria. The decision-making body, in approving the application, may impose reasonable conditions of approval, consistent with the applicable criteria.

A. The application is complete, in accordance with Section 4.2.040, above;

B. The application complies with all of the applicable provisions of the underlying Land Use District (Article 2), including, but not limited to, building and yard setbacks, lot area and dimensions, density and floor area, lot coverage, building height, building orientation, architecture, and other applicable standards;

C. The proposal includes required upgrades, if any, to existing development that does not comply with the applicable land use district standards, pursuant to Chapter 1.4 Non-Conforming Uses and Development;

D. The proposal complies with all of the Development and Design Standards of Article 3, as applicable, including, but not limited to:

1. Chapter 3.3 Access and Circulation;

2. Chapter 3.4 Landscaping, Fences and Walls, Outdoor Lighting;

3. Chapter 3.5 Parking and Loading; *[and]*

4. Chapter 3.6 Public Facilities*[. / ; and]*

[5. Chapter x Signs.]

E. For non-residential uses, all adverse impacts to adjacent properties, such as light, glare, noise, odor, vibration, smoke, dust, or visual impact, are avoided; or where impacts cannot be avoided, they are minimized; and

F. The proposal meets all existing conditions of approval for the site or use, as required by prior land use decision(s), as applicable.

G. Where the record demonstrates that the proposed development is within the established boundaries of an archaeological site recorded in the Oregon Archaeological Records Remote Access (OARRA) database, approval is conditioned on the applicant obtaining an Oregon Archaeological Permit under ORS 390.235 and OAR chapter 736, division 51. A suspected site, or a known site without established boundaries, is advisory only and shall not be imposed as a mandatory condition of approval, consistent with OAR 660-023-0210(5)(a) and (h).

Note: Compliance with other City codes and requirements, and state and federal requirements, though not applicable land use criteria, may be required prior to issuance of building permits.

4.2.060 Assurances

Public improvement required as part of a Development Review approval shall be subject to the performance guarantee and warranty bond provisions of Section 3.6.090, as applicable.

4.2.070 Compliance With Conditions, Permit Expiration, and Modifications

Development shall not commence until the applicant has received all applicable land use and development approvals. Construction of public improvements shall not commence until the City has approved all required public improvement plans (e.g., utilities, streets, public land dedication, etc.). The City may require bonding or other assurances for improvements. Development Review approvals are subject to all of the following standards and limitations:

A. Approval Period. Development Review approvals shall be effective for a period of one year from the date of approval. The approval shall lapse if:

1. A public improvement plan or building permit application for the project has not been submitted within one year of approval; or

2. Construction on the site is in violation of the approved plan.

B. Extension. The City Planning Official, upon written request by the applicant, may grant a written 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 can show intent of initiating construction on the site within the one-year extension period;

3. There have been no changes to the applicable Code provisions on which the approval was based. If there have been changes to the applicable Code provisions and the subject plan does not comply with those changes, then the extension shall not be granted; in this case, a new Development Review shall be required; and

4. The applicant demonstrates that failure to obtain building permits and substantially begin construction within one year of Development Review approval was beyond the applicant's control.

C. Modifications to Approved Plans and Developments. Modifications to approved plans are subject to City review and approval under Chapter 4.5.

Chapter 4.3 - Land Divisions and Property Line Adjustments

User's Guide: The following provisions implement ORS 92 Subdivisions and Partitions. This chapter also contains subdivision design standards that are intended to promote transportation efficiency and a range of housing choices within walkable neighborhoods.

Sections:

4.3.010 Purpose and Applicability

User's Guide: The land division applications in this chapter address "standard" and divisions as well as expedited land divisions and middle housing land divisions. Middle housing land divisions are required for "medium cities" and "large cities" that are required to allow middle housing pursuant to ORS 197A.420(2) or (3). Medium cities are those with a population of more than 2,500 and less than 25,000 that are not within Metro's jurisdiction. the provisions in the TGM Model Code include the requirements for medium cities, bracketed/italicized formatting is used to indicate that middle housing land divisions are not required for all cities. The additional requirements applicable to large cities are not included in this model code.

A. Purpose. The purpose of this chapter is to implement the objectives in subsections 1-5, below:

1. Provide rules, regulations. and standards governing the approval of land divisions and property line adjustments as follows:

   a. Subdivision is the creation of four or more lots from one parent lot, parcel, or tract, within one (1) calendar year.

   b. Partition is the creation of three or fewer lots from one parent lot, parcel, or tract within one calendar year.

c. Expedited land division is a residential partition or subdivision that meets certain criteria and that is reviewed through an expedited procedure, as specified in ORS 197.360-197.365.

[d. Middle housing land division is the partition or subdivision of a lot on which the development of middle housing is allowed under ORS 197A.420(3) or under Section 3, House Bill 2138 (2025 Session).]

e. Property line adjustment is a modification to lot lines or parcel boundaries that does not result in the creation of new lots (includes consolidation of lots).

2. Carry out the City's development pattern, as envisioned by the City's comprehensive plan.

3. Encourage efficient use of land resources and public services, and to provide transportation options.

4. Promote the public health, safety, and general welfare through orderly and efficient urbanization.

5. Provide adequate light and air, prevent overcrowding of land, and provide for adequate transportation, water supply, sewage, fire protection, pollution control, surface water management, and protection against natural hazards.

B. Applicability of Standards. The following table indicates the applicability of the standards in this chapter to various types of land divisions and property line adjustments. "Standard subdivision or partition" excludes expedited *[and middle housing]* land divisions. For cells marked with an asterisk (*), refer to the applicable section for exceptions.

Section	Standard Subdivision or Partition	Property Line Adjustment	Expedited Land Division	*[Middle Housing Land Division]*
4.3.020 General Requirements	•		•	•*
4.3.030 Approval Process	•			•*
[4.3.040 Pre-Planning for Large Sites]	•			
[4.3.050 Lot Size Averaging, Flag Lots, and Infill Development]	•			
4.3.060 Tentative Plan Submission Requirements	•		•	•
4.3.070 Tentative Plan Approval Criteria	•		•	
4.3.080 Land Division-Related Adjustments and Variances	•	•		
4.3.090 Final Plat Submission Requirements and Approval Criteria	•		•	•
4.3.100 Filing and Recording	•		•	•
4.3.110 Re-platting and Vacation of Plats	•		•	•
4.3.120 Property Line Adjustments		•		
4.3.130 Expedited Land Division			•	

Section	Standard Subdivision or Partition	Property Line Adjustment	Expedited Land Division	*[Middle Housing Land Division]*
4.3.140 Expedited Land Division Procedure			•	•*
[4.3.150 Middle Housing Land Division]				•

4.3.020 General Requirements

A. Subdivision and Partition Approval Through Two-Step Process. Applications for subdivision or partition approval shall be processed by means of a tentative plan evaluation and a final plat evaluation, according to the following two steps:

1. The tentative plan must be approved before the final plat can be submitted for approval consideration; and

2. The final plat must demonstrate compliance with all conditions of approval of the tentative plan.

Note: Property line adjustments and lot consolidation requests (i.e., no new lot is created) are subject to Section 4.3.120; they are not subject to 4.3.020 through 4.3.110.

B. Compliance With ORS Chapter 92. All subdivision and partition proposals shall conform to state regulations in ORS Chapter 92 Subdivisions and Partitions.

C. Future Re-division Plan. The following requirement applies to land divisions other than expedited *[or middle housing]* land divisions. When subdividing or partitioning tracts into large lots (i.e., greater than three times or 300 percent the minimum lot size allowed by the underlying land use district), the applicant shall submit a future re-division plan, or shadow plan, indicating how future re-division of oversized lots and extension of planned public facilities to adjacent parcels can occur in the future in a way that all applicable land division standards in Chapter 4.3 and public facilities standards in Chapter 3.6 can be met. *[(See also, Section 4.3.040 Pre-Planning for Large Sites.)]*

D. Utilities and Infrastructure. All lots created through land division*[, excluding middle housing land divisions,]* shall have utilities and infrastructure such as streets, water, wastewater, and electrical systems that meet the requirements of Chapter 3.6.

E. Surface Water Drainage. All subdivision and partition proposals*[, excluding middle housing land divisions,]* shall have surface water drainage facilities that meet the requirements of Section 3.6.050 *[and the City of ______ storm drainage regulations]*. Water quality or quantity control improvements may be required, pursuant to Chapter 3.6.

F. **Transportation Access.** All lots created or reconfigured*[, excluding lots created by a middle housing land division,]* shall have transportation access that meets applicable requirements of Chapters 3.3, 3.5, and 3.6

4.3.030 Tentative Plan Approval Process

The following approval process applies to tentative partition or subdivision plan review, unless an applicant for a qualifying middle housing land division or expedited land division requests to use the procedure specified in Section 4.3.140.

A. Review of Tentative Plan. Tentative plans for standard residential partitions and subdivisions meeting the clear and objective standards in this chapter shall be processed using the Type Ix procedure under Section 4.1.040. All other tentative plans for partitions and subdivisions, including phased subdivisions, partitions and subdivisions in conjunctions with master planned developments, and partitions and subdivisions for nonresidential development shall be processed using the Type II procedure under Section 4.1.050. Tentative plans for partitions and subdivisions are subject to the approval criteria in Section 4.3.070.

In addition to the notice required under Section 4.1.040(E) or 4.1.050(E), as applicable, where a proposed land division is located in whole or in part within the boundaries, easement, or right of way of an irrigation district, drainage district, water control district, or water improvement district, the City shall submit notice of the tentative plan to the applicable district. The City may include conditions of approval for the tentative plan decision, as provided in ORS 92.103.

B. Tentative Plan Approval Period. Tentative plan approval shall be effective for a period of two years from the date of approval. The tentative plan shall lapse if a final plat has not been submitted or other assurance provided, pursuant to Section 4.3.090, within the two-year period. The City Planning Official may approve phased subdivisions, pursuant to subsection (D), with an overall time frame of more than two years between preliminary and final plat approvals.

C. Modifications and Extensions. The applicant may request changes to the approved tentative plan or conditions of approval following the procedures and criteria provided in Chapter 4.5. The City Planning Official may, upon written request by the applicant and payment of the required fee, grant written extensions of the approval period not to exceed one year per extension, provided that all of the following criteria are met:

1. Any changes to the tentative plan follow the procedures in Chapter 4.5;

2. The applicant has submitted written intent to file a final plat within the one-year extension period;

3. An extension of time will not prevent the lawful development of abutting properties;

4. There have been no changes to the applicable Code provisions on which the approval was based. If such changes have occurred, a new tentative plan application shall be required; and

5. The extension request is made before expiration of the original approved plan.

D. Phased Subdivision. The City Planning Official may approve plans for phasing a subdivision, and changes to approved phasing plans, provided the applicant's proposal meets all of the following criteria:

1. In no case shall the construction time period (i.e., for required public improvements, utilities, streets) for the first subdivision phase be more than one year;

2. Public facilities shall be constructed in conjunction with or prior to each phase;

3. The phased development shall not result in requiring the City or a third party (e.g., owners of lots) to construct public facilities that are required as part of the approved development proposal;

4. The proposed phasing schedule shall be reviewed with the preliminary subdivision plat application; and

5. City Planning Official approval is required for modifications to phasing plans.

[4.3.040 Pre-planning for Large Sites

User's Guide: The following provisions are optional. They are intended to encourage advanced planning for areas that may take many years to build out, in order to encourage well planned neighborhoods and avoid piecemeal development. Because these standards are discretionary, they should not be applied to land divisions that are subject to Type Ix review.

A. ***Purpose.*** *Section 4.3.040 requires the pre-planning of large sites in conjunction with [requests for annexation,] applications for master plan developments, and non-residential or phased subdivisions; the purpose of which is to avoid piecemeal development with inadequate public facilities.*

B. ***Applicability.*** *This section applies to [annexations,] master plan developments, phased, and non-residential subdivision applications affecting more than 40 acres of land under the same contiguous ownership, even where only a portion of the site is proposed for subdividing. For the purposes of this section, the same contiguous ownership means the same individual, or group of individuals, corporations, or other entities, controls a majority share of ownership.*

C. ***Area Plan Required.*** *Prior to submittal of an [annexation petition or] land division application for an area subject to Section 4.3.040, a conceptual master plan shall be submitted to the City Planning Official with the required pre-application materials for the project or proposal, pursuant to Section 4.1.080. The conceptual master plan shall illustrate the type and location of planned streets, utility corridors, parks, open spaces, and land uses for the ultimate buildout of the subject property and all lands under contiguous ownership. The plan shall demonstrate how future development, including any proposed phasing, can meet all the guidelines under subsection D, below.*

D. ***Criteria.*** *The conceptual plan required under subsection C, above, is not required to be engineered but shall have a sufficient level of detail so that the City officials can determine that it meets the following design guidelines:*

1. *Streets are interconnected to the extent practicable; blocks are walkable in scale and consistent with block length standards in Section 3.6.020(D)(4), except where topography, existing development, or other physical features require longer blocks, in which case pedestrian accessways connect through long blocks;*

2. *Water, sewer, and storm drainage facilities logically extend to serve the site at buildout, consistent with adopted public facility plans. Where a public facility plan identifies a need for new capacity-related improvements (e.g., water storage, sewage treatment, pump stations, etc.) in the future, the plan shall describe conceptually how such improvements can be accommodated;*

3. *Overall, the plan achieves a housing density that is [within 80% - 100% of planned densities,] consistent with the Comprehensive Plan and Development Code; and*

4. *The plan reserves land needed for public use (e.g., schools, parks, fire stations, and other facilities), in accordance with the Comprehensive Plan and to the extent allowed under applicable law.*

E. Implementation. *The City will review the conceptual master plan required by this section and provide input to the applicant during the pre-application meeting for the land use application or annexation petition, as applicable, pursuant to Section 4.1.080. The City may also refer the plan to outside agencies with jurisdiction for their input. The master plan is not binding, but the applicant is encouraged to refine the plan based on City input before submitting a land use application or annexation petition for the subject property. The applicant is also required to contact adjacent property owners and solicit their input prior to submitting a land use application, pursuant to Section 4.1.040.B.]*

[4.3.050 Lot Size Averaging, Flag Lots, and Infill Development

User's Guide: The following provisions are optional but recommended, in order to promote flexibility and a variety of housing choices, particularly where development sites are constrained by topography, parcelization (small parcel sizes), irregular boundaries, natural resources, or other challenges. Because the standards in Section A and B are discretionary, they should not be applied to land divisions that are subject to Type Ix procedure. The standards in Sections C- E are clear and objective and could be applied using Type Ix or Type II procedures.

A. Lot Size Averaging. *To allow flexibility in subdivision design and to address physical constraints, such as topography, existing development, significant trees, and other natural and built features, the approval body may grant a [10-20] percent modification to the lot area and/or lot dimension (width/depth) standards in Chapter 2.2, provided that the overall density of the subdivision does not exceed the allowable density of the district.*

User's Guide: The standards in subsections B-E should be developed in consultation with your local fire marshal.

B. Flag Lots. *Flag lots are subject to the following requirements:*

1. *Flag lots may be created only when a through street cannot be extended to serve abutting uses or future development.*
2. *A flag lot driveway ("flag pole") shall serve not more than [two / four] dwelling units, excluding accessory dwelling units . [For Medium Cities: However, a detached single-unit dwelling on a flag lot may be converted to a duplex as provided in Section 4.3.150.]*
3. *The layout of flag lots, the placement of buildings on such lots, and the alignment of shared drives shall be designed so that future street connections can be made as adjacent properties develop, and in accordance with the transportation connectivity and block length standards of Section 3.6.020.D.*

C. Infill Development and Mid-Block Lanes.

1. *Mid-block lanes are private drives serving more than [two / four] dwelling units with reciprocal access easements; such lanes are an alternative to requiring public right-of-way street improvements.*
2. *Where all of the following conditions are met, a mid-block lane shall be required to extend through the site:*

a. The existing block exceeds [800] feet in length, with no existing mid-block lanes or accessways;

b. The development site is located more than [200] feet from either end of the block;

c. The development site exceeds [20,000] square feet in size; and

d. The mid-block lane would serve more than [two / four] dwelling units.

3. The mid-block lane shall be extended through the site, perpendicular to the street. If the development site occupies the full depth of the block, the mid-block lane shall connect to streets on opposite sides of the block.

3. Mid-block lanes shall, at a minimum:

a. Be paved;

b. Have storm drainage that meets the requirements of Section 3.6.050;

c. Meet the construction standards for alleys; and

d. Conform to the standards of subsections D through E.

D. Emergency Vehicle Access. *A drive serving more than one lot shall have a reciprocal access and maintenance easement recorded for all lots it serves. No fence, structure, or other obstacle shall be placed within the drive area. Where required, emergency vehicle apparatus lanes, including any required turn-around, shall conform to applicable building and fire code requirements. Fire sprinklers may also be required for buildings that cannot be fully served by fire hydrants (i.e., due to distance from hydrant or insufficient fire flow).*

E. Maximum Drive Lane Length. *The maximum length of a drive serving more than one dwelling is subject to requirements of the Uniform Fire Code, but in no case shall it exceed [X] feet or serve more than [Y] dwelling units without providing secondary access/egress.]*

4.3.060 Tentative Plan Submission Requirements

Applications for Tentative Plan approval shall contain all of the following information, except where the City Planning Official determines that some information is not pertinent and therefore is not required:

A. General Submission Requirements.

1. Information required for a Type Ix or Type II review, as applicable (see Section 4.3.030.A); and

2. Proof sufficient infrastructure is available to serve the proposed development or will be made available to serve the proposed development prior to issuance of the building permit *[certificate of occupancy]*. [*For land divisions other than middle housing land divisions,]* a Public Facilities and Services Impact Study is required. The impact study shall quantify and assess the effect of the development on public facilities and services. The City shall advise as to the scope of the study, which shall address, at a minimum, the transportation system, including required improvements for vehicles and pedestrians; the drainage system; the parks system (for subdivisions and planned unit developments of 20 or more dwelling units); water system; and sewer system. For each system and type of impact, the study shall propose improvements necessary to meet City standards under adopted ordinances and facility master plans. The City may require a Traffic Impact Analysis pursuant to Section 3.6.020.A(4).

B. Tentative Plan Information. In addition to the general information described in subsection A, above, the tentative plan application shall consist of drawings and supplementary written material (i.e., on forms and/or in a written narrative) adequate to provide all of the following information, in quantities determined by City Planning Official.

In addition, the City Planning Official may require submittal of additional information necessary to properly evaluate the proposal. This may include studies or exhibits prepared by qualified professionals to address specific site features and code requirements. For applications subject to the pre-application conference requirement in Section 4.1.080, the requirement for additional information shall be communicated to the applicant at the pre-application conference.

1. **General information:**

   a. Name of subdivision (partitions are named by year and file number), which shall not duplicate the name of another land division in *[County name]* County (check with County Surveyor);

   b. Date, north arrow, and scale of drawing;

   c. Location of the development sufficient to define its location in the city, boundaries, and a legal description of the site;

   d. Zoning of parcel to be divided, including any overlay zones;

e. A title block including the names, addresses, and telephone numbers of the owners of the subject property and, as applicable, the name of the engineer and surveyor, and the date of the survey; and

f. Identification of the drawing as a "tentative plan."

2. **Existing Conditions.** Applications for Tentative Plan approval shall contain all of the following information on existing conditions of the site, unless waived by the City Planning Official:

   a. Streets - Location, name, and present width of all streets, alleys, and rights-of-way on and abutting the site;

   b. Easements -Width, location and purpose of all existing easements of record on and abutting the site;

   c. Utilities - Location and identity of all utilities on and abutting the site. If water mains and sewers are not on or abutting the site, indicate the direction and distance to the nearest one and show how utilities will be brought to standards;

   d. Ground elevations shown by contour lines at two-foot vertical intervals, except where the Public Works Director determines that larger intervals will be adequate for steeper slopes. Such ground elevations shall be related to some established benchmark or other datum approved by the County Surveyor; however, the City Planning Official may waive this standard for partitions when grades, on average, are less than six percent;

   e. Identification of slopes greater than 15 percent, with slope categories identified in 5 percent increments (e.g., 0%-5%, >5%-10%, >10%-15%, >15%-20%, and so forth);

   f. The location and elevation of the closest benchmark(s) within or adjacent to the site (i.e., for surveying purposes);

   g. Potential natural hazard areas, including, as applicable, the Base Flood Elevation, per FEMA Flood Insurance Rate Maps; areas subject to high water table; and areas designated by the City, county, or state as having a potential for geologic hazards;

   h. Natural features including watercourses on and abutting the property, and features detailed in DSL's Statewide Wetlands Inventory and ODFW's Conservation Opportunity Areas maps*[, and natural resources shown on locally adopted maps or inventories]*; and

   i. North arrow and scale.

3. **Proposed Development.** Except where the City Planning Official deems certain information is not relevant, applications for Tentative Plan approval shall contain all of the following information on the proposed development:

a. Proposed lots, streets, tracts, open space, and park land (if any); location, names, right-of-way dimensions, approximate radius of street curves; and approximate finished street center line grades. All streets and tracts that are being held for private use and all reservations and restrictions relating to such private tracts shall be identified;

b. Easements: location, width and purpose of all proposed easements;

c. Lots and private tracts (e.g., private open space, common area, or street): approximate dimensions, area calculation (e.g., in square feet), and identification numbers for all proposed lots and tracts;

d. Proposed uses of the property, including all areas proposed to be dedicated as public right-of-way or reserved as open space for the purpose of surface water management, recreation, or other use;

e. Proposed public street improvements, pursuant to Chapter 3.6;

f. On slopes exceeding an average grade of 10 percent, as determined by the City Engineer, the preliminary location of development on lots (e.g., building envelopes), demonstrating that future development can meet minimum required setbacks and applicable engineering design standards;

g. Preliminary design for extending City water and sewer service to each lot, per Chapter 3.6;

h. Proposed method of storm water drainage and treatment, if required, pursuant to Chapter 3.6;

i. The approximate location and identity of other utilities, including the locations of street lighting fixtures, as applicable;

j. Evidence of compliance with applicable overlay zones, including but not limited to City of *[name]* Flood Plain Overlay and Cultural Landscape Overlay;

[k. Tree preservation plan meeting the requirements of [City tree preservation standards]; and]

l. Evidence of contact with the applicable road authority for proposed new street connections.

4.3.070 Tentative Plan Approval Criteria

A. Approval Criteria. The City Planning Official may approve, approve with conditions, or deny a tentative plan. The City Planning Official's decision shall be based on findings of compliance with all of the following approval criteria:

1. The land division application shall conform to the requirements of Chapter 4.3;
2. All proposed lots, blocks, and proposed land uses shall conform to the applicable provisions of Article 2 (Zoning*)[, except as modified by the provisions of Chapter 4.3 (e.g., lot size averaging)]*;
3. Access to individual lots, and public improvements necessary to serve the development, including but not limited to water, sewer, and streets, shall conform to Article 3 (Development and Design Standards);
4. The proposed plat name is not already recorded for another subdivision, and satisfies the provisions of ORS Chapter 92;
5. The proposed streets, utilities, and surface water drainage facilities conform to City of *[name]* adopted master plans and applicable engineering standards, and allow for transitions to existing and potential future development on adjacent lands. The tentative plan shall identify all proposed public improvements and dedications;
6. All proposed private common areas and improvements, if any, are identified on the tentative plan and maintenance of such areas is assured through appropriate legal instrument;
7. The tentative plan includes evidence that any required state and federal permits, as applicable, have been obtained or can reasonably be obtained prior to development; and
8. The tentative plan includes evidence that improvements or conditions required by the City, road authority, *[County name]* County, special districts, utilities, and/or other service providers, as applicable to the project, have been or can be met.

B. Conditions of Approval. The City Planning Official may attach such conditions as are necessary to carry out provisions of this Code, and other applicable ordinances and regulations.

4.3.080 Land Division-Related Adjustments and Variances

Adjustments and variances shall be processed in accordance with Chapter 4.7. Applications for adjustments and variances shall be submitted at the same time an application for land division or property line adjustment is submitted. The applications shall be reviewed concurrently through a Type II (adjustment) or Type II or III (variance) procedure.

4.3.090 Final Plat Submission Requirements and Approval Criteria

User's Guide: In accordance with ORS 197.015 final plat approval is not a land use decision or a limited land use decision, therefore, final plats are reviewed by the Planning Official as a Type I. The same process applies to final plats for expedited and middle housing land divisions.

Also, provisions for "Early Issuance of Building Permits" are included in subsection (C) to implement ORS 455.175 (HB 2306, 2019). That statute precludes local governments from denying building permits in a residential subdivision if the applicant demonstrates "substantial completion" of public improvements and secures a bond or other financial guarantee of completion.

Final plats require review and approval by the City Planning Official prior to recording with *[County name]* County. The final plat submission requirements, approval criteria, and procedure are as follows:

A. Submission Requirements. The applicant shall submit the final plat within two years of the approval of the tentative plan as provided by Section 4.3.070. The format of the plat shall conform to ORS 92.

B. Approval Process and Criteria. By means of a Type I Review under Section 4.1.030, the City Planning Official shall review and approve or deny the final plat application based on findings of compliance or noncompliance with the all of the following criteria:

1. The final plat is consistent in design (e.g., number, area, dimensions of lots, easements, tracts, rights-of-way) with the approved tentative plan, and all conditions of approval have been satisfied;

2. Except as provided in subsection (C), all public improvements required by the tentative plan have been installed and approved by the City or applicable service provider if different than the City of *[name]* (e.g., road authority), or otherwise guaranteed in conformance with Section 3.6.100;

3. The streets and roads for public use are dedicated without reservation or restriction other than reversionary rights upon vacation of any such street or road and easements for public utilities;

4. All required streets, accessways, roads, easements, and other dedications or reservations are shown on the plat;

5. The plat and deed contain a dedication to the public of all public improvements, including, but not limited to, streets, public pathways and trails, access reserve strips, parks, and water and sewer facilities, as applicable;

6. As applicable, the applicant has furnished acceptable copies of Covenants, Conditions, and Restrictions (CC&R's); easements; maintenance agreements (e.g., for access, common areas, parking, etc.); and other documents pertaining to common improvements recorded and referenced on the plat;

7. Verification by the City that water and sanitary sewer service is available to every lot depicted on the plat; and

8. The plat contains an affidavit by the surveyor who surveyed the land, represented on the plat to the effect the land was correctly surveyed and marked with proper monuments as provided by ORS Chapter 92, indicating the initial point of the survey, and giving the dimensions and kind of each monument and its reference to some corner approved by the *[County name]* County Surveyor for purposes of identifying its location.

B. Exception for Early Issuance of Building Permits. Following approval of a tentative plan and before recordation of a final plat for a residential subdivision, the applicant may request early issuance of residential building permits if the following criteria are met.

1. The project must reach substantial completion of the public improvements, pursuant to ORS 455.175;

2. The owner must provide a performance guarantee and warranty for completion of final infrastructure improvements in conformance with Section 3.6.100; and

4. Regardless of early issuance of building permits, certificate of occupancy shall not be issued prior to completion of all public improvements.

4.3.100 Filing and Recording

A new lot is not a legal lot for purposes of ownership (title), sale, lease, or development/land use until a final plat is recorded for the subdivision or partition containing the lot. Requests to validate an existing lot created through means other than a final plat ("lot of record") shall follow the procedures set forth in ORS 92.010 to 92.190. The final plat filing and recording requirements are as follows:

A. Filing Plat with County. Within 60 days of City approval of the final plat, the applicant shall submit the final plat to *[County name]* County for signatures of County officials, as required by ORS Chapter 92.

B. Proof of Recording. Upon final recording with the County, the applicant shall submit to the City all sheets of the recorded final plat. This shall occur prior to the issuance of building permits for the newly created lots, unless the applicant requests early issuance of building permits pursuant to Section 4.3.090(B).

C. Prerequisites to Recording the Plat.

1. No plat shall be recorded unless all ad valorem taxes and all special assessments, fees, or other charges required by law to be placed on the tax roll have been paid in the manner provided by ORS Chapter 92.

2. No plat shall be recorded until the County Surveyor approves it in the manner provided by ORS Chapter 92.

4.3.110 Re-platting and Vacation of Plats

4.3 – Land Divisions and Property Line Adjustments | Re-platting and Vacation of Plats

Any plat or portion thereof may be re-platted or vacated upon receiving an application signed by all of the owners as appearing on the deed. Except as required for street vacations, the same procedure and standards that apply to the creation of a plat (tentative plan followed by final plat) shall be used to re-plat or vacate a plat. Street vacations are subject to ORS Chapter 271. A re-plat or vacation application may be denied if it abridges or destroys any public right in any of its public uses, improvements, streets or alleys; or if it fails to meet any applicable City standards.

4.3.120 Property Line Adjustments

A Property Line Adjustment is the modification of a lot boundary when no lot is created. The City Planning Official reviews applications for Property Line Adjustments pursuant to the Type Ix procedure under Section 4.1.040. The application submission and approval process for Property Line Adjustments is as follows:

A. Submission Requirements. All applications for Property Line Adjustment shall be made on forms provided by the City and shall include information required for a Type Ix review, pursuant to Section 4.1.040. The application shall be signed by all of the owners as appearing on the deeds of the subject lots. The application shall include a preliminary lot line map drawn to scale identifying:

1. All existing and proposed lot lines and dimensions, footprints and dimensions of existing structures (including accessory structures);
2. Location and dimensions of driveways and public and private streets within or abutting the subject lots;
3. Location of lands subject to applicable overlay zones, including but not limited to the City of *[name]* Flood Plain Overlay;
4. Existing fences and walls; and
5. Any other information deemed necessary by the City Planning Official for ensuring compliance with City codes. The requirement for additional information shall be communicated to the applicant prior to the application being deemed complete.

B. Approval Criteria. The City Planning Official shall approve or deny a request for a property line adjustment in writing, based on all of the following criteria:

1. **Parcel Creation.** No additional parcel or lot is created by the property line adjustment;
2. **Lot standards.** All lots and parcels conform to the applicable lot standards of the zoning district (Article 2) including lot area, dimensions, setbacks, and coverage. As applicable, all lots and parcels shall conform to applicable overlay zones, including but not limited to the City of *[name]* Flood Plain Overlay; and
3. **Access and Road authority Standards.** All lots and parcels conform to the standards or requirements of Chapter 3.3 Access and Circulation, and all applicable road authority requirements are met. If a lot is nonconforming to any City or road authority standard, it shall not be made less conforming by the property line adjustment.
4. Where the record demonstrates that the proposed development is within the established boundaries of an archaeological site recorded in the Oregon Archaeological Records Remote Access (OARRA) database, approval is conditioned on the applicant obtaining an Oregon Archaeological Permit under ORS 390.235 and OAR chapter 736, division 51. A suspected site, or a known site without

established boundaries, is advisory only and shall not be imposed as a mandatory condition of approval, consistent with OAR 660-023-0210(5)(a) and (h).

C. Recording Property Line Adjustments

1. **Recording.** Upon the City's approval of the proposed property line adjustment, the applicant shall record the property line adjustment documents with *[County name]* County within 60 days of approval (or the decision expires), and submit a copy of the recorded survey map to the City, to be filed with the approved application.

2. **Time limit.** The applicant shall submit a copy of the recorded property line adjustment survey map to the City within 15 days of recording and prior to any application being filed for a building permit on the re-configured lots.

4.3.130 Expedited Land Division

User's Guide: Expedited land divisions are required to be allowed in cities of all sizes. The provisions in this section follow ORS 197.360-197.365, as updated by HB 2138 (2025). The eligibility criteria in this section and procedure in 4.3.140 are specified in statute. Otherwise, expedited land divisions are subject to the same standards as typical subdivisions and partitions. The procedure in Section 4.3.140 is also used for middle housing land divisions.

A. Purpose and Applicability. Expedited land division is a residential partition or subdivision that meets certain criteria and that is reviewed through an expedited procedure, as specified in ORS 197.360-197. If requested by the applicant, an application for a partition or subdivision shall be reviewed as an expedited land division if the division meets all the eligibility criteria in subsection (B).

B. Eligibility and Approval Criteria. Approval of a tentative plan for an expedited land division will be granted if the City Planning Official finds that the application has met all of the following criteria:

1. The land division includes only land that is zoned for residential uses and is within an urban growth boundary.

2. The land is solely for the purposes of residential use, including recreational or open space uses accessory to residential use.

3. The land division will not provide for dwellings or accessory buildings to be located on land that is specifically mapped and designated in the comprehensive plan and land use regulations for full or partial protection of natural features under the statewide planning goals that protect:

   a. Open spaces, scenic and historic areas and natural resources;

   [b. The Willamette River Greenway;

c. *Estuarine resources;*

d. *Coastal shorelands; and*

e. *Beaches and dunes.]*

4. The land division satisfies minimum street or other right-of-way connectivity standards established by Section 3.6.020.

5. The land division will result in development that either:

   a. Creates enough lots or parcels to allow building residential units at 80 percent or more of the maximum net density permitted by the zoning designation of the site; or

   b. Will be sold or rented to households with incomes below 120 percent of the median family income for the county in which the project is built.

6. The land division meets the tentative plan approval criteria in Section 4.3.070.

C. Tentative Plan Submission Requirements. In addition to the items required for a standard subdivision or partition tentative plan, as specified in Section 4.3.060, a tentative plan application for an expedited land division shall describe the manner in which the proposed partition or subdivision complies with each of the criteria in subsection (B).

D. Tentative Plan Procedure. A tentative plan for an expedited land division shall be reviewed using the procedure specified in Section 4.3.140.

E. Final Plat Requirements. An application for an expedited land division final plat shall meet the requirements for a standard subdivision or partition final plat provided in Section 4.3.090.

4.3.140 Expedited Land Division Procedure

User's Guide: This procedure applies to expedited and middle housing land divisions. ORS 197.360 specifies that this procedure only applies if requested by the applicant.

A. Applicability. If requested by the applicant, the following procedure shall apply to the review and approval of an expedited land division under Section 4.3.130 or a Middle Housing Land Division under Section 4.3.150. A decision for an expedited or middle housing land division processed under ORS 197.365 is not subject to the requirements of ORS 197.797.

B. Procedure.

1. 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).

2. The City planning Official shall follow the procedure specified in Section 4.1.030(C) for determination and notification of a complete application.

3. The City Planning Official shall make a decision to approve or deny the application and shall provide notice of the decision to the applicant within 63 days of receiving a completed application. Notice shall not be provided to any other person.

4. The expedited review process does not include a hearing and the city does not accept public comment from third parties.

5. The city shall issue a written determination of compliance or noncompliance with the applicable approval criteria. An approval may include conditions of approval to ensure that the application meets all applicable requirements.

6. 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.

7. Only the applicant may appeal a decision for an expedited or middle housing land division made under this section.

[4.3.150 Middle Housing Land Division

User's Guide: This section for middle housing land divisions (MHLD) addresses SB 458 (2021), HB 4063 (2024), and HB 2138 (2025). Cities outside Metro with populations of 2,500 or greater must allow MHLDs in zones where middle housing is allowed. For cities with populations between 2,500-25,000, that means that duplexes must be allowed, and may be divided through an MHLD. These provisions are optional for smaller cities. While recommended to encourage the development of housing, cities can consider whether to allow MHLDs for those housing types that are optional within their city. For example, if a city chooses to allow cottage clusters when not required to do so, it does not also have to allow a MHLD for that housing type.

The provisions in this section reflect the requirements for medium cities. The bracketed/italicized formatting indicates that MHLDs are not required for all cities.

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

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

B. ***Applicability.***

1. ***Eligible Housing.*** *Any lot (parent lot) developed, or proposed to be developed, with middle housing pursuant to ORS 197A.420(3) is eligible for an MHLD. [<u>OPTIONAL ALTERNATIVE</u>: Any lot (parent lot) developed, or proposed to be developed, with middle housing is eligible for an MHLD.] Middle housing development that is eligible for an MHLD may consist of:*

a. A single duplex or a single structure containing two townhouses;
[OPTIONAL ALTERNATIVE: A single triplex, quadplex, cottage cluster, or a single structure containing three or more townhouses;]

b. Additional "bonus" units as allowed by Oregon Laws 2025, Chapter 476, Section 3 (3); and

c. Any retained or rehabilitated existing units on the lot, as allowed by ORS 197A.420(4), including:

i. One detached single-unit dwelling;

ii. One detached single-unit dwelling plus one accessory dwelling unit; or

iii. One duplex.

2. ***Applicability of Middle Housing Regulations****. An MHLD creates two or more lots from a single parent lot on which middle housing is developed or proposed. After an MHLD is completed, the resulting lots are "child lots." The development is still subject to the requirements and standards that applied to the parent lot prior to the MHLD. In other words, the middle housing development is still defined and regulated as the original middle housing type after an MHLD is completed. For example, an attached duplex that undergoes an MHLD does not become a two-unit townhouse development; the structure and property are still subject to requirements/standards for a duplex.*

3. ***Application Timing and Sequencing.***

a. An application for a tentative plan for an MHLD may be submitted before, after, or at the same time as the submission of an application for building permits for the middle housing;

b. An application for a tentative plan for an MHLD may be submitted at the same time as an application for a standard land division, subject to the following:

i. The standard land division creates the parent lots, and the MHLD further subdivides the lots into middle housing child lots.

ii. The parent lots must meet the city's requirements applicable to lots created by a standard land division.

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 MHLD.

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 MHLD.

c. An application of one or more MHLDs submitted at the same time as an application for a standard land division will be consolidated into a single application, and the tentative plan will be processed using the Type Ix procedure under Section 4.1.040;

d. Within the same calendar year as an original partition that was not an MHLD, one or more of the resulting vacant parcels may be further partitioned into not more than three parcels through an MHLD.

*[4. <u>OPTIONAL:</u> **Further Division of Child Lots.** Middle housing child lots may be further divided by a subsequent MHLD 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 MHLD will be granted if the City Planning Official finds that the applicant has met all of the criteria in subsections (1) through (7), below. The standard tentative plan approval criteria in Section 4.3.070 do not apply.*

1. Except as provided in subsection (c), 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 applicable provisions of Article 2 (Zoning) and Article 3 (Development and Design Standards);

c. Exception: Any retained or rehabilitated existing units on the lot, as allowed by ORS 197A.420(4), are not required to comply with the siting and design standards applicable to the parent lot.

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 two retained or rehabilitated existing units, as allowed by ORS 197A.420(4). Such retained units shall be considered a single middle housing unit for the purposes of the MHLD.

3. Separate utility service connections will be provided for each child lot, [<u>OPTIONAL:</u> 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;*

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 Section 3.6.020 and the City of [name] [Public Works/Engineering Design Standards Manual].*

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

1. *Information required for a standard land division, as provided in Section 4.3.060.*

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 to be shown on a tentative plan, as specified in Section 4.3.060(B), 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 Planning Official may attach conditions of approval of a tentative plan for an MHLD to:*

   a. *Prohibit further division of the resulting child lots. <u>[OPTIONAL:</u> 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 [OPTIONAL: except where the child lots are used to create housing that is at or above the applicable minimum density standard].

c. Require that all public improvements and site improvements that are required to satisfy approval criteria in subsection (C) and applicable standards in Articles 2 and 3 are constructed prior to issuance of a Certificate of Occupancy for the development.

2. The tentative approval of an MHLD is void if and only if a final MHLD 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 MHLD under the same procedure that applies to a standard land division (Type Ix procedure under Section 4.1.040). An application of one or more than one MHLD submitted at the same time as an application for a standard subdivision or partition will be consolidated into a single application subject to the procedural requirements for the standard 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 MHLD, as provided in Section 4.3.140 and in ORS 197.365.*

***G. Final Plat Requirements.** An application for an MHLD final plat shall meet the requirements for a standard land division final plat provided in Section 4.3.090.]*

Chapter 4.4 - Conditional Use Permits

Sections:

4.4.010 Purpose

There are certain uses which, due to the nature of their impacts on surrounding land uses and public facilities, require a case-by-case review and analysis. Conditional uses are identified in Chapter 2.2 Zoning District Regulations. The purpose of this chapter is to provide procedures and standards for permitting conditional uses.

4.4.020 Review Procedure

The Planning Commission *[Hearings Officer]*, using a Type III procedure, per Section 4.1.040, reviews conditional use applications. The Planning Commission *[Hearings Officer]* may require annual, or less frequent, renewal of Conditional Use Permits. Modifications to conditional use permits are subject to Chapter 4.5 Modifications.

4.4.030 Application Submission Requirements

In addition to the submission requirements for a Type III review under Section 4.1.060, applications for Conditional Use Permits shall include a description of existing conditions, a site plan, and information on any existing and any proposed restrictions or covenants. (For a more detailed description of each item, please refer to Section 4.2.040 Development Review Application Submission Requirements.) An application for a Conditional Use Permit shall also contain a narrative report or letter responding to the applicable approval criteria in Section 4.4.040.

4.4.040 Criteria, Standards, and Conditions of Approval

The Planning Commission shall approve, approve with conditions, or deny an application for a Conditional Use Permit, including requests to enlarge or alter an existing conditional use, based on findings of fact with respect to all of the criteria and standards in A. and B., below.

A. Use Criteria

1. The site size, dimensions, location, topography, and access are adequate for the needs of the proposed use, considering the proposed building mass, parking, traffic, noise, vibration, exhaust/emissions, light, glare, erosion, odor, dust, visibility, safety, and aesthetic considerations;

2. The negative impacts of the proposed use, if any, on adjacent properties and on the public can be mitigated through application of other Code standards, or other reasonable conditions of approval;

3. All required public facilities, including water, sanitary sewer, and streets, have adequate capacity or are to be improved to serve the proposal, consistent with City standards; and

4. A conditional use permit shall not allow a use that is prohibited or not expressly allowed under Article 2; nor shall a conditional use permit grant a variance without a variance application being reviewed with the conditional use application.

5. Where the proposed use is located within a Cultural Landscape Feature Overlay, and the adopted protection measures include a restriction on the timing or population of site access, the proposed use is compatible with that restriction.

B. Conditions of Approval. The City may impose conditions that are found necessary to ensure that the use is compatible with other uses in the vicinity, and that the negative impact of the proposed use on the surrounding uses and public facilities is minimized. These conditions include, but are not limited to, one or more of the following:

1. Limiting the hours, days, place, and/or manner of operation;

2. Requiring site or architectural design features which minimize environmental impacts such as noise, vibration, exhaust/emissions, light, glare, erosion, odor, and/or dust;

3. Requiring larger setback areas, lot area, and/or lot depth or width;

4. Limiting the building or structure height, size, lot coverage, and/or location on the site;

5. Designating the size, number, location, and/or design of vehicle access points or parking and loading areas;

6. Requiring street right-of-way to be dedicated and street improvements made, or the installation of pathways or sidewalks, as applicable;

7. Requiring landscaping, screening, drainage, water quality facilities, and/or improvement of parking and loading areas;

8. Limiting the number, size, location, height, and/or lighting of signs;

9. Limiting or setting standards for the location, type, design, and/or intensity of outdoor lighting;

10. Requiring berms, screening, or landscaping and the establishment of standards for their installation and maintenance;

11. Requiring and designating the size, height, location, and/or materials for fences;

12. Requiring the protection and preservation of existing trees, soils, vegetation, watercourses, habitat areas, drainage areas, historic resources, cultural resources, and/or sensitive lands;

13. Requiring improvements to water, sanitary sewer, or storm drainage systems, in conformance with City standards; and

14. The Planning Commission *[Hearings Officer]* may require review and renewal of conditional use permits annually or in accordance with another timetable as approved pursuant to this chapter. Where applicable, the timetable shall provide for periodic review and renewal, or expiration, of the conditional use permit to ensure compliance with conditions of approval; such period review may occur through a Type III review process, except where the Planning Commission *[Hearings Officer]* delegates authority to the City Planning Official to issue renewals, who shall do so through a Type I or Type II procedure, as applicable (see Chapter 4.1 for review procedures).

Chapter 4.5 – Modifications to Approved Plans and Conditions

Sections:

User's Guide: In some cases, applicants may find that modifications to their plans are needed after a land use application is approved. While these requests are generally required go through the same review type as the original approval the scope of the review is limited to the modification request. In other words, the entire proposal is not reconsidered.

4.5.010 Purpose

The purpose of this chapter is to provide an efficient process for modifying land use decisions and approved development plans, in recognition of the cost and complexity of land development and the need to conserve City resources.

4.5.020 Applicability

This chapter applies when an applicant proposes to modify an approved application or condition of approval. [*Applications may only be modified prior to building permit issuance. Requests to modify conditions of approval may be modified at any time*].

4.5.030 Review Procedure

A request to modify an approved application or conditions of approval is subject to the same procedure type as the original application, except as provided below.

A. A modification adding a conditional use to a project approved without a conditional use shall require Type III review.

B. A modification of a Type I application that requires approval of an Adjustment pursuant to Section 4.7.030 shall require a Type II review.

C. For application or review types that are no longer addressed by this Code, the most comparable review type [*or: the review type currently assigned to that use within the applicable zoning district*] applies.

D. An application approved as a Type III may be modified through a Type II review if the modification will not result in any of the following:

1. An increase in hours of operation, an increased demand for parking, additional paved area, or similar factors, where the increase is *[10-20]* percent or more;

2. An increase in floor area in a commercial or industrial development by *[10-20]* percent or more;

3. A reduction in required setbacks, or an increase in lot coverage, by *[10-20]* percent or more;

4. A change in the type and/or location of vehicle access points or approaches, driveways, or parking areas affecting off-site traffic when the roadway authority determines the change could cause a significant adverse impact on traffic operations or safety (i.e., requiring mitigation);

5. A reduction to screening, or a reduction to the area reserved for common open space or landscaping by *[10-20]* percent or more;

6. Change to a condition of approval, or a change similar to items 1-5, above, that could have a detrimental impact on adjoining properties. The City Planning Official shall have discretion in determining detrimental impacts triggering a major modification; or

7. Other changes similar to those in subsections 1-6, above, in scale, magnitude, or impact to adjacent properties, as determined by the City Planning Official.

4.5.040 Approval Criteria.

Requests for modifications shall conform to the following procedures:

A. The applicant shall submit an application form, filing fee, letter describing the modification, and site plan using the same plan format as in the original approval. The City may require other relevant information, as necessary, in evaluating the request;

B. The project, as it is proposed to be modified, complies with the applicable standards of Article 2 and Article 3. The application shall be subject to the same approval criteria used for the initial project approval; except that:

1. A modification adding a conditional use to a project approved without a conditional use shall require findings in conformance with Chapter 4.4

2. A modification requiring an Adjustment or Variance shall require findings in conformance with Chapter 4.7;

C. The scope of review shall be limited to the modification request. For example, a request to modify a commercial development's parking lot shall require Development Review only for the proposed parking lot and any changes to associated access, circulation, etc. Notice shall be provided in accordance with Chapter 4.1; and

D. The Review Body shall approve, deny, or approve with conditions an application for modification based on the applicable Code criteria (e.g., subdivision, Development Review, conditional use, etc.).

Chapter 4.6 – Amendments to Zoning Map or Code

Sections:

4.6.010 Purpose

The purpose of this chapter is to provide standards and procedures for legislative and quasi-judicial and administrative amendments to this Code and Zoning Map. Amendments may be necessary from time to time to reflect changing community conditions, to correct mistakes, or to address changes in the law.

User's Guide: Zoning and Comprehensive Plan text and map amendments can be subject to a Type II, III or IV procedure depending on their scope and nature. For qualified residential projects, ORS 197A.146 requires that local governments provide an expedited review process for zone changes. ORS 197A.146 also establishes a new administrative review procedure. This procedure is very similar to the Type II process; however, for zone changes it does vary in some respects. The principal difference is that notice to the Department of Land Conservation and Development (DLCD) is required.

The statute requires that notice be provided to DLCD "in the manner provided by ORS 197.610 and 197.615." These statutes govern post-acknowledgment plan amendment (PAPA) notice, which is required for changes to a local government's acknowledged plans and land use regulations. The PAPA notice is required to be submitted 35 days prior to a local government's first evidentiary hearing. However, ORS 197A.146(7) precludes a hearing on the initial decision for a qualifying zone change or PUD. The statute addresses this by specifying that the local government is not required to hold a hearing, and the 35-day PAPA notice is instead satisfied by the local government sending the 14-day application notice to DLCD. The notice would be submitted to DLCD in the same manner that the typical 35-day notice would be provided (see https://www.oregon.gov/lcd/cpu/pages/plan-amendments.aspx). The local government is still responsible for providing the other notices in ORS 197.610 to 197.625 associated with the zone change or PUD (e.g., notice of adoption, notice of withdrawal or denial).

For further guidance on implementation, DLCD has a separate model code module for ORS197A.146 (Expedited process for certain residential development applications) which is available here [insert link when available].

4.6.020 Review Procedure

A. Except for corrections, amendments to Development Code text are Legislative (Type IV).

B. Except as provided in subsection D, amendments to the Zoning Map that affect more than one parcel, or more than one-half of an acre, whichever is greater, are Legislative (Type IV) actions.

C. Amendments to the Zoning Map that require an amendment to the Comprehensive Plan are Legislative (Type IV) actions.

D. A site-specific Zoning Map to allow for denser residential use designation on lands that are currently zoned primarily for residential use or mixed residential use or planned for residential use , when submitted in conjunction with a residential development proposal shall be reviewed using the Type II procedure as modified below. The Type II procedure in Section 4.1.050 shall apply with the following modifications:

1. In addition to the requirements of Subsection 4.1.050.E, the City Planning Official shall provide a copy of the Notice of Pending Type II Decision to the Department of Land Conservation and Development in the manner provided by ORS 197.610 and 197.615; and,

2. In addition to the requirements of Subsection 4.1.050.G, the City Planning Official shall provide a copy of the Notice of Decision to the Department of Land Conservation and Development in the manner provided by ORS 197.610 and 197.615.

E. Amendments that do not meet the criteria under subsections A, B, C, or .D may be processed as Quasi-Judicial amendments, pursuant to the Type III procedure.

F. Cultural Landscape Feature Applications. Notwithstanding subsections A through E, an application to determine whether a cultural landscape feature is significant, submitted by an Oregon-based government under OAR 660-023-0210(4)(c), shall be processed under subsection C. The City shall not decline to process such an application, notwithstanding the discretionary treatment otherwise applicable to legislative amendment requests. No property owner consent is required to process the application. The City shall determine whether the application provides adequate information as to the location, quality, and quantity of the proposed feature, consistent with OAR 660-023-030(2)-(3). If the information is inadequate, the City shall not proceed with the significance determination under Section 4.6.030.C until adequate information is provided and shall not adopt interim protections in the meantime.

4.6.030 Approval Criteria

A. Type III and IV Applications. Planning Commission review and recommendation, and City Council approval, of an ordinance amending the Zoning Map, Development Code, or Comprehensive Plan pursuant to subsections 4.6.020.A, 4.6.020.B, 4.6.020.C or 4.6.020.E shall be based on all of the following criteria:

1. If the proposal involves an amendment to the Comprehensive Plan, the amendment must be consistent with the Statewide Planning Goals and relevant Oregon Administrative Rules;

2. The proposal must be consistent with the Comprehensive Plan (the Comprehensive Plan may be amended concurrently with proposed changes in zoning);

3. The City Council must find the proposal to be in the public interest with regard to community conditions; the proposal either responds to changes in the community, or it corrects a mistake or inconsistency in the subject plan or code; and

4. The amendment must conform to Section 4.6.050 Transportation Planning Rule Compliance.

B. Type II Applications. City Planning Official approval of an ordinance amending the zoning pursuant to subsection 4.6.020.D shall be based on all of the following criteria:

1. The applicant's analysis and findings demonstrate that the proposed zone change will allow the applicant's proposed development proposal, and that proposed development is a denser residential use than is allowed by the current zoning.
2. The proposal must be consistent with the Comprehensive Plan [*except those goals and policies which specifically limit residential density*].
3. The City Planning Official must find the proposal to be in the public interest with regard to community conditions; or the proposal responds to changes in the community; and
4. The amendment must conform to Section 4.6.050 Transportation Planning Rule Compliance.

C. Cultural Landscape Feature Applications.

1. Where the significance finding under subsection 4.6.020.F is based in part on the feature's significant historic quality, and the City proposed to adopt local protections for the feature, the City shall provide the property owner an opportunity to object to the inclusion of the feature on the resource list, consistent with ORS 197.772. If the owner objects on the public record, the City shall not include the feature on the resource list on the basis of its historic quality. This subsection does not limit the City's authority to complete the Goal 5 process and adopt protections based on the feature's cultural or tribal significance where the basis is independent of any finding of historic quality.

2. The City shall adopt protection measures for the feature concurrently with the amendment under Section 4.6.020.F. consistent with OAR 660-023-0210(6)(a) and OAR 660-023-0050. The protection measures shall be shown as a Cultural Landscape Overlay on the Zoning Map, adopted as part of the same ordinance as the amendment.

4.6.040 Record of Amendments

The City Planning Official shall maintain a record of amendments to the text of this Code and the Zoning Map in a format convenient for public use. In the case of a map amendment, the map shall be made part of the ordinance.

4.6.050 Transportation Planning Rule Compliance

Proposals to amend the Comprehensive Plan or Zoning Map shall be reviewed to determine whether they significantly affect a transportation facility pursuant to Oregon Administrative Rule (OAR) 660-012-0060 (Transportation Planning Rule – TPR). Where the City, in consultation with the applicable roadway authority, finds that a proposed amendment would have a significant affect on a transportation facility, the City shall work with the roadway authority and applicant to modify the request or mitigate the impacts in accordance with the TPR and applicable law.

Chapter 4.7 – Adjustments and Variances

User's Guide: The Model Code recognizes that the clear and objective standards may not work for every site or development. The adjustment and variance applications in this section offer two paths to provide the applicant with flexibility. Applicants can apply for one or more adjustments or variances in conjunction with a development application. Adjustments provide relief from specific code provisions. Because the approval criteria require some discretion on the part of the decision-maker, these are reviewed using the Type II procedure for both residential and non-residential requests. Variances provide greater flexibility to code standards than adjustments. With the exception of expedited residential variances, variances are reviewed as Type III.

4.7.010 Purpose

Chapter 4.7 provides standards and procedures for adjustments and variances, which are modifications to development standards that are not otherwise permitted elsewhere in this Code.

4.7.020 Intent

A. Adjustments. Adjustments provide relief from specific code provisions when a code provision has the unintended effect of preventing reasonable development in conformance with all other code requirements. Adjustments are allowed *[in limited situations]* pursuant to Section 4.7.030.

B. Variances. Variances provide greater flexibility to code standards than adjustments, where the physical characteristics of a site or its surroundings prevent reasonable development in compliance with a code standard.

User's Guide: The Model Code does not include mandatory Housing Land Use Adjustments prescribed by Sections 37-43 of SB 1537 (2024). Those "mandatory adjustment" requirements sunset in 2032. DLCD has a separate model code module for mandatory adjustments which is available here [insert link when available]. However, the adjustment section below does offer many of these same types of adjustments (e.g., adjustments to setbacks, lot coverage, lot dimensions, lot area, and other dimensional standards).

4.7.030 Adjustments

Adjustments are minor modifications to Code standards that are intended to provide reasonable flexibility for planned land uses and development. Adjustments are subject to the following standards and procedures. Permitted uses, as provided in Article 2, shall not be adjusted.

A. Applicability. The City Planning Official or Planning Commission, through a Type II procedure, may adjust the following standards:

1. **Setbacks:** Up to a *[10-20]* percent reduction to a minimum setback.

2. **Lot Coverage:** Up to a *[10-20]* percent increase to the maximum lot coverage.

3. **Lot Dimensions:** Up to a *[10-20]* percent decrease to a minimum lot dimension.

4. **Lot Area:** Up to a *[10-20]* percent decrease in minimum lot area.

5. **Other Dimensional Standards:** Up to a 10 percent increase or decrease in a quantitative (numerical) standard not listed above. This option is limited to standards in Article 2 (Table 2.2.030 and Chapter 2.3 Special Uses) and Article 3; it does not include building code requirements, engineering design standards, public safety standards, standards implementing state or federal requirements, as determined by the City Planning Official, or standards imposed by an overlay zone, including a Cultural Landscape Overlay adopted consistent with OAR 660-023-0210(6).

B. Approval criteria. The City may grant an Adjustment only upon finding that all of the following criteria are met. The burden is on the applicant to demonstrate compliance with the criteria.

1. The Adjustment allows for a building plan that is more compatible with adjacent land uses, or it does not create a conflict with adjacent uses;

2. The Adjustment is necessary to allow for normal interior building functions, such as mechanical equipment/utility closets, heating and ventilation systems, restrooms, stockrooms, shelving, and similar interior building functions;

3. Approval of the Adjustment does not create (a) violation(s) of any other adopted ordinance or code standard, and does not create the need for a Variance;

4. An application for an Adjustment is limited to one lot per application;

5. Requests for more than one Adjustment on the same lot shall be consolidated on one application and reviewed concurrently by the City;

6. Not more than three Adjustments may be approved for one lot or parcel in a continuous 12-month period; and

7. All applicable building code requirements and engineering design standards shall be met.

4.7.040 Variances

User's Guide: For qualified residential projects, ORS 197A.146 requires that local governments provide an expedited review process for variances. ORS 197A.146 also establishes a new administrative review procedure and specifies that the initial decision on the application must be made without a hearing. For variances, this procedure is consistent with the Model Code's Type II procedure. For further guidance on implementation, DLCD has a separate model code module for ORS197A.146 (Expedited process for certain residential development applications) which is available here [insert link when available].

A. Applicability. A Variance is an adjustment that does not otherwise meet the criteria under Section 4.7.030.

1. A Variance to residential approval standards is subject to a Type II procedure provided the Variance is submitted in conjunction with an application for residential development on lands that are currently zoned primarily for residential use or mixed residential use or planned for residential use, and the application would not reduce the minimum residential density of land.
2. All other Variances are subject to a Type III procedure.
3. A Variance shall not be granted for a standard imposed by a Cultural Landscape Overlay adopted consistent with OAR 660-023-0210(6).

B. Approval Criteria. A Variance shall be granted upon finding that it meets all of the following criteria:

1. The Variance is necessary because the subject Code provision does not account for special or unique physical circumstances of the subject site, existing development patterns, or adjacent land uses. A legal lot determination may be sufficient evidence of a hardship for purposes of approving a variance;
2. The Variance is the minimum necessary to address the special or unique physical circumstances related to the subject site;
3. The need for the Variance is not self-imposed by the applicant or property owner. (For example, the Variance request does not arise as a result of a property line adjustment or land division approval previously granted to the applicant);
4. The Variance does not conflict with other applicable City policies or other applicable regulations;
5. The Variance will result in no foreseeable harm to adjacent property owners or the public; and
6. All applicable building code requirements and engineering design standards shall be met.

4.7.050 Expiration

Adjustments approvals granted under Section 4.7.030 expire with the concurrent development application.

Variance approvals granted under Section 4.7.040 shall expire if not acted upon by the property owner within one year of the City approving the variance. Where the owner has applied for a building permit or final plat, has made site improvements consistent with an approved development plan (e.g., Development Review or preliminary subdivision plan), or provides other evidence of working in good faith toward completing the project, the City Planning Official may extend an approval accordingly.

Chapter 4.8 - Master Planned Developments

User's Guide: The master planned development provisions are comparable to planned unit developments (PUD), in that they provide a flexible, master-planned approach to site developments and land divisions. They provide developers with an opportunity to propose design concepts that may not be consistent with the current zoning.

Sections:

4.8.010 Purpose

The purposes of Chapter 4.8 are to:

A. Implement the Comprehensive Plan by providing a means for master planning large development sites as an alternative to piecemeal subdivision development;

B. Encourage innovative planning that results in projects that benefit the community, for example, through greater efficiency in land use, improved protection of open spaces, transportation efficiency, and housing choices;

C. Encourage housing options for a range of household sizes, incomes, and lifestyles;

D. *[Encourage mixed-use development and diversified employment opportunities;]*

E. Promote an economic arrangement of land use, buildings, circulation systems, open space, and utilities;

F. Preserve to the greatest extent possible the existing landscape features and amenities that may not otherwise be protected through conventional development;

G. Encourage energy efficiency and improved air and water quality;

H. Implement public facility master plans; and

D. Provide flexibility in development standards, consistent with the above purposes.

4.8.020 Applicability

User's Guide: Master planned developments effectively create a site-specific zoning "overlay" that provides more flexible development standards compared to the underlying zoning. As with overlay zones, the provisions of an approved master planned development supersede the underlying zoning.

The master planned development designation may be applied over any of the City's *[residential]* zoning districts. It is an option available to developers of land. Where there is a conflict between the underlying zoning district and the standards of an adopted master planned development, the master planned development standards supersede those of the underlying zoning district. However, if any of the master planned development standards conflict with statute, then state law supersedes.

4.8.030 Review and Approvals Process

User's Guide: For qualified residential projects, ORS 197A.146 requires that local governments provide an expedited review process for PUDs (aka master planned developments). ORS 197A.146 also establishes a new administrative review procedure. This procedure is very similar to the Type II process; however, for PUDs it does vary in some respects. The principal difference is that notice to the Department of Land Conservation and Development (DLCD) is required planned unit developments/master planned developments that amend the property's zoning map designation, pursuant to ORS 197A.146(5)(b).

The statute requires that notice be provided to DLCD "in the manner provided by ORS 197.610 and 197.615." These statutes govern post-acknowledgment plan amendment (PAPA) notice, which is required for changes to a local government's acknowledged plans and land use regulations. Because the master planned development in the Model Code functions like a site-specific zone change, a PAPA notice is required to be submitted 35 days prior to a local government's first evidentiary hearing. However, ORS 197A.146(7) precludes a hearing on the initial decision for a qualifying zone change or PUD.

The statute addresses this by specifying that the local government is not required to hold a hearing, and the 35-day PAPA notice is instead satisfied by the local government sending the 14-day application notice to DLCD. The notice would be submitted to DLCD in the same manner that the typical 35-day notice would be provided (see https://www.oregon.gov/lcd/cpu/pages/plan-amendments.aspx).
The local government is still responsible for providing the other notices in ORS 197.610 to 197.625 associated with the zone change or PUD (e.g., notice of adoption, notice of withdrawal or denial).

For further guidance on implementation, DLCD has a separate model code module for ORS197A.146 (Expedited process for certain residential development applications) which is available here [insert link when available].

A. Review Steps. There are three required steps to master planned development approval, which may be completed individually or combined for concurrent review:

1. Application for master planned development concept plan approval;

2. Application for detailed development plan approval, which may include a preliminary subdivision plan; and

3. Application(s) for final development plan (e.g., final plat and/or development review) approval.

B. Approval Process.

1. The master planned development concept plan shall be reviewed as follows:

   a. The concept plan shall be reviewed pursuant to the Type II procedure in Section 4.1.050 as modified by Subsection b, the submission requirements in Section 4.8.050 and the approval criteria in Section 4.8.060 provided the proposal:

      i. Is for residential development on lands that are currently zoned primarily for residential use or mixed residential use or planned for residential use; and

      ii. Would not reduce the minimum residential density of land.

   b. Concept plans that qualify pursuant to Subsection a, shall be subject to the Type II procedure in Section 4.1.050 with the following modifications:

      i. In addition to the requirements of Subsection 4.1.050.E, the City Planning Official shall provide a copy of the Notice of Pending Type II Decision to the Department of Land Conservation and Development in the manner provided by ORS 197.610 and 197.615; and,

      ii. In addition to the requirements of Subsection 4.1.050.G, the City Planning Official shall provide a copy of the Notice of Decision to the Department of Land Conservation and Development in the manner provided by ORS 197.610 and 197.615.

   c. Concept plans for all other master planned developments shall be reviewed pursuant to the Type III procedure in Section 4.1.060, the submission requirements in Section 4.8.050, and the approval criteria in Section 4.8.060.

2. The detailed development plan and preliminary subdivision plan shall be reviewed using the Type II procedure in Section 4.1.050 to ensure substantial compliance with the approved concept plan.

3. Final development plan applications for approved planned developments shall be reviewed using a Type II procedure in Section 4.1.050 to ensure substantial compliance with the approved concept plan.

4. Steps 1-3, above, may be combined in any manner, so long as the decision-making sequence follows the above order. Notification and hearings may be combined.

C. Modification or Removal Process.

1. Unless an approved Master Development Plan specifically provides otherwise, modifications are subject to the provisions in Section 4.5.030 except that the following amendments may be processed through a Type I procedure:
   a. Uses and structures that are accessory to an approved residential use and that meet applicable development regulations; and
   b. Reconfiguration of approved parking or landscape designs that do not alter the points of ingress or egress, and do not change the number of parking spaces required, so long as the reconfiguration meets applicable development regulations
2. Removal of the master planned development designation from all or a portion of the land subject to that designation shall be processed as a Zoning Map amendment pursuant to Chapter 4.6.

4.8.040 Modifications to Development Standards

The standards of Article 2 and Article 3 may be modified through the master plan development process without the need for variance under Chapter 4.7. In evaluating this criterion, the *[City decision-making body]* shall consider whether the proposal, on balance, exceeds the City's minimum requirements and provides greater community benefits than would otherwise occur under the base Development Code requirements. Notwithstanding this section, standards imposed by an overlay, including a Cultural Landscape Overlay adopted consistent with OAR 660-023-0210(6), are not eligible for modification under this section. In evaluating community benefits, the *[City decision-making body]* shall apply the following criteria; the City may deny an application for Master Planned Development concept plan approval that does not meet all of the following criteria:

A. **Comprehensive Plan.** The modification does not conflict with the Comprehensive Plan. A Master Planned Development may exceed the maximum residential density (minimum lot size) permitted by the underlying zone, provided that the overall density of the project (average of total dwelling units per acre) is not greater than *[110]* percent of the density permitted by the underlying zone.

B. **Purpose and Intent of Development Code.** The modification equally or better meets the purpose and intent of the Development Code section(s) to be modified, as compared to a project that strictly conforms to code standards.

C. **Public Benefit.** The modification provides a net benefit to the public by one or more of the following:

   1. Greater variety of housing types or lot sizes than would be achieved under the base Development Code standards;

   2. More open space or more usable open space than would be required under the base Development Code standards;

   4. Greater protection of natural features than would be required under the base Development Code standards;

5. Avoidance of natural hazards (e.g., geological hazards, river resources, or flood hazards); and

6. Improved transportation connectivity, such as the provision of pathways and/or other transportation facilities, that would not otherwise be provided pursuant to base Development Code requirements.

D. Engineering Design Standards. Modifications to the City's Engineering Design Standards require separate variance to such standards approved by the City Engineer. The City may grant such variances concurrently with the master planned development.

4.8.050 Concept Plan Submission

A. General Submission Requirements. An application for a Concept Development Plan shall follow the submission requirements for a Type IIa review under Section 4.1.030 or a Type III review under Section 4.1.040, as applicable, and shall include all of the following:

1. Statement of planning objectives to be achieved by the master planned development through the particular approach proposed by the applicant. This statement should include a description of the character of the proposed development and the rationale behind the assumptions and choices made by the applicant;

2. Development schedule indicating the approximate dates when construction of the project and its various phases, if any, including public facilities, are expected to be initiated and completed;

3. Statement of the applicant's intentions with regard to the future selling or leasing of all or portions of the planned development;

4. Narrative report or letter documenting compliance with the applicable approval criteria contained in Section 4.8.060;

5. Maintenance plan for any common areas or lands not dedicated to a public agency or owned in fee simple; and

6. Additional reports or studies prepared by qualified professionals, as required by the City Manager, to determine potential project impacts and mitigation, if any, related to: transportation; public facilities; geologic or other hazards; architecture; noise, light, solar access, air quality, or similar concerns; and natural features.

B. Additional Information. In addition to the general information described in subsection A, above, the concept plan, data, and narrative shall include all of the following exhibits and information:

1. Existing conditions map, as defined in Section 4.2.040 Development Review Application Submission Requirements;

2. Conceptual site plan (e.g., general land use, building envelopes, circulation, open space, utility connections, and other information necessary to convey the concept plan);

3. Grading concept (for hillside or sloping properties, or where extensive grading is anticipated);

4. Landscape concept (e.g., shows retention of existing vegetation and general planting areas);

5. Architectural concept (e.g., plans illustrate architectural styles, building heights, and general materials);

6. Sign concept plan (e.g., locations, general size, style, and materials of signs), as applicable; and

7. Copy of all existing covenants and restrictions, and a general description of proposed restrictions or covenants (e.g., for common areas, access, parking, etc.).

4.8.060 Concept Plan Approval Criteria

The City, in approving or approving with conditions a Concept Plan, shall make findings that all of the following criteria are met. The City must deny an application where not all of the criteria are met.

A. Comprehensive Plan. The proposal conforms to the Comprehensive Plan;

B. Land Division Chapter. Except as may be modified under Section 4.8.040, all of the requirements for land divisions, under Chapter 4.3, are met;

C. Article 2 and Article 3 Standards. Except as may be modified under Section 4.8.040, all of the requirements of Article 2 and Article 3 are met;

D. Open Space. Master plans shall contain a minimum of *[20]* percent open space, which may be public, private, or a combination of public and private open space. Such open space shall be integral to the master plan and connect to a majority of the proposed residential lots. Plans shall provide space for both active and passive recreational uses, and may include, but are not limited to, neighborhood parks, pathways/trails, natural areas, plazas, and play fields. Open space areas shall be shown on the final plan and recorded with the final plat or separate instrument; the open space shall be conveyed in accordance with one of the following methods:

1. By dedication to the City as publicly owned and maintained open space. Open space proposed for dedication to the City must be acceptable to the Planning Commission with regard to the size, shape, location, improvement, environmental condition (i.e., the applicant may be required to provide an environmental assessment), and approved by City Council based on budgetary, maintenance, and liability considerations; or

2. By leasing or conveying title (including beneficial ownership) to a corporation, homeowners' association, or other legal entity. The terms of such lease or other instrument of conveyance must include provisions for maintenance and property tax payment acceptable to the City. The City, through conditions of approval, may also require public access be provided, where the open space is deemed necessary, based on impacts of the development and to meet public recreational needs pursuant to the Comprehensive Plan.

E. Affordable Housing. *[Placeholder]*

User's Guide: Some cities might want to include affordable housing as a criterion for granting density bonsuses or allowing other code adjustments under this chapter. For example, a developer who agrees to provide a percentage of affordable housing units could receive density bonus, which would include the afforable units and possibly some additional market-rate housing as an incentive. Generally, housing is considered affordable where a household spends not more than 30% of their gross monthly income on it. Housing programs aim to serve those earning a certain percentage below the median household income for the area. The Cities of Ashland and Newberg are two Oregon communities that provide regulatory incentives for affordable housing.

F. Modifications to Standards. Modifications to Code standards must conform to the criteria in Section 4.8.040.

4.8.070 Concept Plan and Expiration

A. Filing. Upon approval of a concept plan, the approved plan, including any conditions of approval, shall be binding on future uses and development of the property, except where an approval expires.

B. Expiration. Except as provided by subsection C, below, a concept plan shall become void three years after the date of approval if the applicant, or successor, has not filed with the City an application for detailed development plan and final plat approval in conformance with Sections 4.8.080 and 4.8.090.

C. Extension. The City may grant extensions of the concept plan approval period, not to exceed one year per extension, provided that the extension request is made before expiration of the master planned development approval, the applicant can show intent of applying for detailed development plan review within the one-year extension period, and there have been no substantive changes to the applicable Comprehensive Plan policies and ordinance provisions on which the approval was based.

4.8.080 Detailed Development Plan Submission

Detailed development plan submittal requirements are determined based on the conditions of approval for the concept plan. At a minimum, the detailed development plan submittal shall meet the minimum requirements for final plat submission under Chapter 4.3 and shall contain information demonstrating compliance with the concept plan. The detailed development plan and preliminary subdivision plan shall be reviewed using the Type II procedure in Section 4.1.030 to ensure substantial conformance to the approved concept plan. Where the proposal is for a multifamily development, Development Review is required, pursuant to Chapter 4.2; Development Reviews on detailed development plans shall be processed through the Type II procedure.

4.8.090 Detailed Development Plan Criteria

Approval of the detailed development plan shall be based upon a finding that the final plan substantially conforms to the concept plan, including any concept plan conditions of approval. Minor changes to the approved concept plan may be approved with the detailed plan where the City Manager finds that the modification is necessary to correct an error or to address changes in circumstances beyond the applicant's control that have occurred since the date of project approval. Other changes must be reviewed as major modifications under Chapter 4.5.

4.8.100 Subsequent Development Reviews

Notwithstanding the provisions of Section 4.2.030, where the City has previously approved a development project in concept as part of a master planned development approval, as determined by the City Manager, subsequent land use applications for the same project may be processed through a Type I review. In addition, where an approved master planned development establishes clear and objective development standards for the development of housing within the master planned development, it may also specify the review and approval of that housing through Type I or Type Ix development review.

ARTICLE 5 – GENERAL TERMS

User's Guide: Edition 4.0 of the Model Code includes a new chapter for Use Categories, which is intended to simplify the Model Code's regulation of land uses by grouping similar uses into categories. This is intended to make the use table in Article 2 simpler and easier to use, to facilitate interpretations, and to provide more flexibility. Chapter 5.1 incorporates the definitions related to use types or categories from the prior edition of the Model Code.

Chapters:

Chapter 5.1 — Use Categories

Sections:

5.1.010 Use Categories, Generally

A. Primary Land Uses. Primary land uses in this Code are divided into seven major land use classifications:

- Residential
- Institutional
- Commercial, other than Motor Vehicle-Related
- Commercial, Vehicle-Related
- Industrial
- Utility and Transportation Facilities
- Resource

The land use classifications are further divided into use categories. The description and characteristics of a land use classification apply to the use categories within that classification. Each use category includes description of the functional, product or physical characteristics which most closely describes the nature of the primary use. Where examples of uses are provided, they are intended to be illustrative of examples of typical uses included in a category, not an exhaustive or exclusive list.

Uses are assigned to the category whose description most closely describes the nature of the primary use. For developments with multiple primary uses, where those uses fall within different use categories, each primary use is classified in the applicable category and is subject to the regulations for that category.

B. Accessory Uses. Accessory uses are allowed in conjunction with the primary use and subject to the same regulations as the primary use unless stated otherwise in this Code. Where examples of accessory uses are provided in the use category descriptions, they are intended to be illustrative of examples of typical accessory uses for that use category, not an exhaustive or exclusive list. The difference between a primary and accessory structure is determined by comparing the size, placement, design, appearance, and the orientation of the structures on a site. For example, considerations, such as the following, can be used to determine whether an activity is a primary or accessory use: the relative amount of site or floor space and equipment devoted to the activity; the relative amounts of sales from each activity; the relative number of employees in each activity; and, whether the activity would be likely to be found independent of the other activities on the site.

5.1.020 Residential Use Categories:

The primary use is the residential occupancy of a structure where tenancy is arranged on a month-to-month basis, or for a longer period. Uses where the length of stay may be arranged for a shorter period are not considered residential. They are considered to be a form of transient lodging (see the Retail Sales And Service and Community Service categories) or, in certain situations, they may be classified as a Community Service use such as short term, mass or outdoor shelters.

User's Guide: Household Living, Group Living, and Single Room Occupancy Housing

The distinction between Household Living and Group Living is intended to provide a practical way to classify the wide variety of residential living arrangements that may occur within a city. Household Living generally includes conventional dwelling units in which occupants have complete, independent living facilities. Group Living generally includes larger congregate living arrangements in which residents share facilities or receive services as part of their residence. As required by state law (ORS 90.112) the Model Code avoids limiting occupancy of a dwelling based on familial or non-familial relations, and avoids distinguishing residential uses based on whether occupants are related or constitute a particular type of "family" or household. This means that zoning code requirements that limit the number of unrelated people that live in a dwelling are generally no longer allowed unless the code also places the same limitation on related people (as with building occupancy limits).

While not required to do so, the Model Code recognizes that cities might want to make a distinction between Household Living and Group Living in different zones. A threshold based on the number of bedrooms is provided as an objective dividing line for unusually large residential occupancies that might otherwise be difficult to distinguish from congregate or group living. Under this approach, a dwelling containing [8] or fewer bedrooms remains Household Living even if the bedrooms are occupied or rented separately, unless another specifically regulated residential use applies. A dwelling with [9] or more bedrooms is classified as Group Living. Jurisdictions should review the bracketed threshold and may select a different objective threshold appropriate to their local code and housing types.

Single room occupancy (SRO) housing is subject to a separate statutory framework. ORS 197A.430 requires local governments within urban growth boundaries to allow qualifying SRO developments in zones that allow detached single-unit dwellings or multi-unit housing. In zones allowing detached single-unit dwellings, the statute allows up to 6 SRO units on a lot. In zones allowing multi-unit housing, it allows up to 3 SRO units for each dwelling unit otherwise permitted by applicable maximum density standards. The statute also limits the amount of off-street parking that may be required for SRO development.

SRO housing does not fit neatly within either the Household Living or Group Living categories because SRO units are not dwelling units; they are independently rented and lockable but share sanitary facilities, food preparation facilities, or both, and the individual SRO units can be attached or detached.

- SROs as Household Living. When the units are attached, an SRO could be indistinguishable from a single-unit dwelling, so the Model Code recommends using the same threshold as applied to the number of bedrooms in a dwelling unit [8 or fewer]. For detached SRO units, jurisdictions could use the lower statutory threshold (6 units).
- SROs as Group Living. An SRO development with [7 detached / 9 attached] or more SRO units is classified as Group Living.

Note, an SRO development may also qualify for approval under another applicable housing type or residential use; the SRO provisions provide an additional pathway for development that qualifies under ORS 197A.430.

Additional Resources – DLCD developed a separate Housing Model Code compliance module to assist local governments in implementing ORS 197A.430. Cities may consult and incorporate that code module as necessary to interpret and comply with the statute.

A. Household Living

Household Living is the residential occupancy of a dwelling unit (a single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation) [*that contains eight or fewer bedrooms*]. In addition, Residential Home as defined by the State of Oregon is included in the Household Living category (see Chapter 5.1, Definitions). Typical accessory uses are recreational activities, raising of pets, hobbies, parking of the occupants' vehicles, and registered or certified family child care homes, for up to 16 children, that meet the State's requirements of ORS 329A. Home occupations, *[Micro-Generation; wind, solar, or geothermal energy (household use)][, and accessory short-term rentals*] are accessory uses that are subject to additional regulations. Dwelling units for Household Living occur in a variety of housing types [*that contain eight or fewer bedrooms*], including: Detached Single-Unit Dwelling (including Manufactured and Prefabricated Dwellings on individual lots and single room occupancy housing (SRO) with *[eight or fewer] [attached]* units *[or six or fewer detached units]);* Residential Home; Duplex; Accessory Dwelling Unit; Triplex or Quadplex; Townhouse; Cottage Cluster; Multi-Unit Housing; and Manufactured Home Park (see Definitions).

B. Group Living

Group Living is the residential occupancy of structure in a congregate or shared manner that does not meet the definition of Household Living. Group Living structures do not include self-contained units but rather have common facilities for residents, including those for dining, social and recreational activities, and laundry.

The residents may or may not receive any combination of care, training, or treatment, as long as they also reside at the site. Group Living may include Residential Facility as defined by the State of Oregon (see Chapter 5.2, Definitions). [*Group Living is also the residential occupancy of a dwelling unit that contains nine or more bedrooms.*] Typical accessory uses are recreational facilities, parking of automobiles for the occupants and staff, food membership distribution, and registered or certified Family Child Care Homes. Residential structures for Group Living include: Congregate Housing Facilities; single room occupancy housing (SROs) with more than *[nine] [attached]* units *[or six detached units]* units; some group homes for persons with disabling conditions; some residential programs for drug and alcohol treatment; and single-unit dwellings [*and other dwelling units with nine or more bedrooms*].

5.1.030 Institutional Use Categories:

Institutional uses are provided by a public agency, a non-profit, or healthcare or education provider. Services are primarily related to governmental, health care, education, social, cultural and charitable activities. Services are provided on an ongoing basis, not just for special events.

A. Community Service

This category includes uses of a public, nonprofit, or charitable nature generally providing a local service to people of the community. Generally, they provide the service on the site or have employees at the site on a regular basis. Community centers or facilities that have membership provisions are open to the general public to join at any time, (for instance, any senior citizen could join a senior center). Examples include government offices, libraries, museums, senior centers, community centers, youth club facilities, hospices, and social service facilities. Emergency services, such as police, fire and ambulance, are also community service uses, but typically have specific locational criteria, and thus need to be allowed in a wide range of locations.

B. Daycare Center

Note, DLCD is developing a Child Care Model Code in partnership with the Oregon Department of Early Learning and Care (DELC). Refer to the Model Codes webpage for more information: https://www.oregon.gov/lcd/about/pages/model-code.aspx

This category includes facilities that provide care of children or teenagers or adults who need assistance or supervision for periods of less than 24 hours. Daycare Centers include Child Care Center as defined in ORS 197.671 (including preschool) and Adult Day Care as defined in ORS 410.495. Daycare Centers do not include care given by the parents, guardians, or relatives of the children, or by babysitters. Daycare Centers also does not include registered or certified family child care homes as specified in ORS 197.671 and ORS 329A. Registered or certified family child care homes for up to 16 children that meet state requirements are considered residential (Household Living or Group Living) uses. NOTE: Child Care Centers can be co-located with a legally established institutional use, including a civic center, public recreational center, public park, place of worship, school, college or library.

C. Healthcare Center

This category includes uses, such as hospitals, that provide medical or surgical care to patients and offer overnight care. Healthcare centers tend to be on multiple blocks or in campus settings. Accessory uses include out-patient clinics, offices, laboratories, teaching facilities, meeting areas, cafeterias, food membership distribution, parking, maintenance facilities, and housing facilities for staff, trainees, or patient families. Healthcare facilities that do not have accommodations to keep patients overnight are classified as Healthcare Clinics or Office. NOTE: For psilocybin service centers ORS 475A.305-.315 regulates the siting of facilities, including proximity to schools.

D. Healthcare Clinic

User's Guide: Institutional uses are provided by a public agency, a non-profit, or healthcare or education provider. A healthcare clinic could qualify as either medical office (within the Commercial use category) or as an institutional use. This gives cities the option to allow institutional healthcare clinics in zones where institutional uses are allowed, while still precluding commercial medical offices if desired.

This category includes uses, such as public health clinics and outpatient treatment, that provide medical care to patients but do not offer overnight care. Healthcare businesses may also be classified as a Commercial use.

E. Mortuary Services

This category includes facilities such as mortuaries, morgues, crematoriums, and funeral homes.

F. Parks and Open Areas

This category includes public parks or private common areas consisting mostly of active or passive recreational facilities, community gardens, or natural areas. Active recreational facilities such as sports fields or courts with lighting may be subject to additional limitations. Cemeteries, including mausoleums and columbaria, are included in this use category, but crematoriums are classified as a separate use. Golf courses are classified as Commercial Outdoor Recreation.

G. Religious Institution

This category includes uses such as churches, temples, synagogues, and mosques which are primarily providing meeting areas for religious activities. Accessory uses typically include Child Care Centers, school facilities, food membership distribution, food service, charitable meal service and food distribution. [*A religious institution may allow overnight living in vehicles as specified in ORS 195.520*.]

H. School, Primary and Secondary

This category includes public and private schools, secular or parochial, at the primary, elementary, middle, junior high, or high school level that provide state mandated basic education. Accessory uses typically include play areas, cafeterias, recreational and sport facilities, athletic fields, auditoriums, food membership distribution, before- or after-school daycare, Child Care Centers, and charitable meal service and food distribution. Preschools which are not accessory to a School are classified as Child Care Centers.

I. School, Post-Secondary

This category includes colleges, universities, community colleges and other institutions of higher learning which offer courses of general or specialized study leading to a degree. They are certified by the State Board of Higher Education or by a recognized accrediting agency. Colleges tend to be in campus-like settings or on multiple blocks. Trade or business schools are generally classified as Retail Sales and Service uses except schools, such as truck driving schools, which require the use of heavy equipment, are classified as Industrial Service uses.

J. Shelter

This category includes facilities that provide shelter on a temporary basis for individuals and families who lack permanent housing with no minimum length of stay when operated by a public or non-profit agency. The use category includes homeless shelters, youth shelters, winter or warming shelters, day shelters and family violence shelter homes. The use may also provide facilities for showering or bathing, storage for personal property, laundry, service of food prepared on-site or off-site, recreation areas for children and pets and case management services for housing, financial, vocational, educational or physical or behavioral health care services. Uses where tenancy is arranged on a month-to-month basis, or for a longer period are residential, and are classified as Household or Group Living.

[K. Detention Facilities

This category includes facilities, such as prisons, jails, probation centers, for the judicially required detention or incarceration of people. Inmates and detainees are under 24-hour supervision by peace officers, except when on an approved leave. Facilities, such as halfway houses, where residents are under supervision, but not by peace officers are classified as Group Living.]

5.1.040 Commercial, other than Motor Vehicle-Related, Use Categories:

The buying or selling of goods or services as a business, excluding those goods and services directly related to motor vehicles, is the primary activity of commercial uses in these categories.

A. Eating and Drinking Establishment

This category includes establishments, such as restaurants, cafes, bars and night clubs, where the primary activity is that sale of prepared food and/or beverages to the general public, for on-site consumption and/or take-away service. Entertainment may be provided in conjunction with the sale of food or drink provided it is accessory to the use. Food and drink service that is accessory to another use (e.g., Lodging, Recreation Establishment [*or Major Event Assembly*]) is regulated as part of the primary use.

B. Lodging

This category includes overnight accommodations, such as hotels, motels and bed and breakfast inns, where tenancy is typically arranged on a daily, weekly, or monthly basis, and for which transient lodging tax should be paid. Accessory uses may include banquet, ballroom and conference center facilities, support retail activities, and indoor or outdoor recreation facilities for use by customers only. Short-term vacation rentals that are not accessory to a Household Living use and recreational vehicle parks are also classified as Lodging. Lodging meeting the description of a “Shelter” is classified as an Institutional Use.

C. Office

This category includes activities conducted in an office setting that focus on the provision of goods and services, usually by professionals. There are two subgroups within the Office category:

- **Traditional Office.** Traditional Office uses are characterized by activities that generally focus on business, government, professional, medical, or financial services. Traditional Office uses require customers or clients to visit the site on a regular basis. Healthcare clinics administered by a public agency, a non-profit, or healthcare or education provider are classified as an Institutional use, as provided in subsection 5.1.030.D.
- **Industrial Office.** Industrial Office uses are characterized by activities that focus on science, technology, and design services associated with the production of physical or digital goods. They primarily provide products to other businesses. They do not require customers or clients to visit the site; any such visits are infrequent and incidental.

D. Recreation Establishment

This category includes establishments, such as theaters, bowling alleys, gymnasiums, indoor firing ranges, and golf courses, that primarily commercial sports-oriented facilities used for a variety of health, recreational, or social activities as their primary business. Activities are primarily by and for participants; spectators are incidental and present on a non-recurring basis. Activities may be conducted within an enclosed building or in open facilities. [*Uses, such as stadiums, that draw large numbers of people to periodic events, rather than on a continuous basis, are classified as Major Event Assembly.*]

E. Sales and Service, Retail

This category includes establishments whose primary business is the sale, lease, rent and/or repair of new or used products or the provision of personal services (other than those products and services covered by another use category). Retail Sales and Service activities can be sales-oriented (e.g., stores selling, leasing, or renting auto parts, bicycles, clothing, electronic equipment, furniture, or groceries), personal service-oriented (e.g., branch banks; laundromats; or hair, tanning, and personal care services), or repair-oriented (e.g., shops repairing bicycles, computers, shoes, appliances, or locks). The goods and services are provided directly to consumers, as opposed to wholesale products and services provided to industrial, institutional, or commercial users.

F. Sales, Wholesale

This category includes establishments whose primary business involves the sale, lease, or rent of products intended for industrial, institutional, or commercial businesses. The uses emphasize on-site sales or order taking and often include display areas. Businesses may or may not be open to the general public, but sales to the general public are limited as a result of the way in which the firm operates. Products may be picked up on site or delivered to the customer. Lumber yards, sales of landscape materials, including bark chips and compost, and other building and landscaping material sales that sell primarily to contractors and do not have a retail orientation are included in this category. Firms that engage primarily in sales to the general public are classified as Retail Sales and Service.

G. Self-Service Storage

This category includes establishments that rent or lease separate storage areas for individual or business uses. The storage areas are designed to allow private access by the tenant for storing or removing personal property. A transfer and storage business where there are no individual storage units or where business employees are the primary movers of the stored or transferred goods is classified as Warehouse and Freight movement. Facilities for the storage of vehicles are classified as Vehicle Storage.

H. Veterinary and Animal-Related Sales and Services

This category includes businesses, such as veterinarians or commercial kennels, that are in the business of raising, selling, or caring for animals on a commercial basis and have outdoor facilities for animals. Establishments for the sale or care of small animals that have no outdoor facilities are classified as Retail Sales and Service. [*Large animal veterinary facilities and livestock sales are classified as Agriculture.]*

[I. Major Event Assembly

This category includes facilities, such as stadiums, that are designed for activities that draw large numbers of people to specific events or shows. Activities are generally of a spectator nature. Accessory uses include restaurants, bars, concessions, and maintenance facilities. Exhibition and meeting areas with less than 20,000 square feet of total event area or a maximum Oregon Structural Specialty Code occupancy within the primary assembly area that is less than 250 persons are classified as Retail Sales and Service if standalone or as an accessory use (e.g., to Lodging or Eating and Drinking Establishment).]

5.1.050 Commercial, Vehicle-Related, Use Categories:

The buying or selling of goods or services directly related to motor vehicles (where the motor vehicle must be onsite) is the primary activity of commercial uses in these categories. Retail establishments selling auto parts with no onsite vehicles servicing are not classified as Vehicle-Related.

A. Automotive Sales and Rental

This category includes establishments that sell, lease or rent automobiles, motorcycles, boats, recreational vehicles, and light trucks. They may have indoor and/or outdoor display and storage areas. Vehicle Repair may be an accessory use. The sales, rental, or leasing of heavy trucks and industrial and farm equipment is classified as Industrial Service.

B. Quick Vehicle Servicing

This category includes establishments that provide direct services for motor vehicles where the driver generally waits in the car before and while the service is performed. The development includes a drive-up or drive-through facility where the service is performed. Accessory uses include activities such as Retail Sales (e.g., food and beverages sales) and Vehicle Repair. However, retail gas stations are always classified as a primary use (Quick Vehicle Servicing), rather than an accessory use, even when they are in conjunction with other uses. Electric vehicle chargers that are intended to be used while the car is parked in a parking space are considered part of the parking space and are not a Quick Vehicle Servicing use. Truck stops are classified as Industrial Service.

C. Vehicle Repair

This category includes firms servicing passenger vehicles, light and medium trucks and other consumer motor vehicles such as motorcycles, boats and recreational vehicles such as transmission or muffler shop, auto body shop, alignment shop, auto upholstery shop, auto detailing. Generally, the customer does not wait at the site while the service or repair is being performed. Repair and service of industrial and farm vehicles and equipment and heavy trucks is classified as Industrial Service.

D. Vehicle Storage

This category includes vehicle storage yards providing covered or uncovered storage facilities for vehicles including automobiles, trucks, trailers, boats and recreational vehicles. This category includes facilities such as vehicle impoundment yards, vehicle fleet storage and maintenance facilities, towing and vehicle storage operations, school bus yards, and recreational vehicle storage. Typical accessory uses include caretaker's residence, waste disposal facilities for tenants' use and mini-warehouse units (if accessory to the vehicle storage).

[E. Commercial Parking

This category includes parking lots and structures where the provision of parking is the primary commercial activity and the parking is not accessory to a specific use. Parking facilities that are accessory to a use, but which charge the public to park for occasional events nearby, are not considered Commercial Parking facilities. Public transit park-and-ride facilities and municipal parking facilities are classified as Community Services.]

5.1.060 Industrial Use Categories:

Industrial use categories are focused on the manufacture and production of goods and related support services. At a large scale these uses may have impacts on surrounding properties due to noise, vibration, odor, and heavy truck traffic and therefore are often limited to industrial zones. However, at a small scale, these uses may be compatible with commercial activities and zones.

A. Industrial Service

This category includes firms engaged in the sale, repair or servicing of industrial, business, or consumer machinery, equipment, products, or by-products, such as welding shops, machine shops, tool repair, sale, servicing and repair of heavy machinery and heavy trucks (including truck stops), building, heating, plumbing, or electrical contractor yards, industrial laundry and dry-cleaning, auction yards for heavy equipment and similar uses.

B. Manufacturing and Production

This category includes firms involved in the manufacturing (including processing, fabrication, packaging, or assembly) of goods. Natural, man-made, raw, secondary, or partially completed materials may be used. There are three subgroups within the Manufacturing and Production category. Where the type of goods produced could fall into more than one category, the subgroup is determined by the scale of facility and its impacts on adjacent properties.

- **Heavy Manufacturing and Production.** These facilities are primarily focused on the manufacturing of goods and materials for the wholesale market, for transfer to other plants, or to order for firms or consumers. They generally have a large footprint and storage and/or production may be outside. Noise, vibration, odor and frequent heavy trucks may be present. Goods are generally not displayed or sold on site and retail customers do not typically come to the site. This category includes uses such as the large scale processing of food, slaughter houses or meat packing; lumber mills, pulp and paper mills, and other wood products manufacturing; production of chemical, rubber, leather, clay, bone, plastic, stone, or glass materials or products; concrete batching and asphalt mixing; production or fabrication of metals or metal products, including enameling and galvanizing; and the manufacture or assembly of heavy machinery, equipment, vehicles, appliances; and production of large prefabricated structures, including mobile homes. Typical accessory uses include offices, cafeterias, employee recreational facilities, warehouses, storage yards, rail spur or lead lines, docks, repair facilities, truck fleets and living quarters for one caretaker.
- **Light Manufacturing and Production.** These facilities are primarily focused on the processing of goods and materials, where the industrial activity is generally conducted indoors and there is no exterior storage of bulk raw materials. Impacts from noise, vibration, odor and heavy trucks is limited. Goods may be displayed or sold on site, but if so, they are a subordinate part of sales. This category includes uses such as the manufacture or assembly of small machinery, electronics, equipment, instruments, including musical instruments, precision items, and other electrical items; movie and video production facilities and recording studios; craftsman studios; and uses providing instruction and/or retail sales related to painting, sculpting, photography, picture framing, knitting, sewing, literature, theater, music, specialty foods or catering, or similar uses. Typical accessory uses include offices, cafeterias, employee recreational facilities, warehouses, docks, repair facilities, truck fleets and living quarters for one caretaker.

C. Recycling/Scrap Yard

This category includes establishments engaged in breaking up, dismantling, sorting, storing, distributing, buying, or selling bulk scrap or waste materials. Storage of materials is generally outdoors. This category includes uses such as wrecking yards, junk yards, and scrap metal yards. [*Any establishment or place of business on which two or more inoperable motor vehicles or an equivalent volume of scrap materials are maintained, stored, bought, or sold is classified as a Recycling/Scrap Yard*]. Facilities primarily engaged in receiving or transferring solid or liquid waste, including facilities that sort or recover recyclable materials from the waste stream, are classified as Waste Disposal.

D. Warehouse and Freight Movement

This category includes facilities for the storage or movement of goods except where those facilities are accessory to a primary permitted use on the same site. Goods are generally delivered to other firms or the final consumer, except for some will-call pickups. There is little on-site sales activity with the customer present. Accessory uses may include offices, truck fleet parking and maintenance areas, rail spur or lead lines, docks, and repackaging of goods. Examples include separate warehouses used by retail stores such as furniture and appliance stores; household moving and general freight storage; cold storage plants, including frozen food lockers; and major wholesale distribution centers. Uses that involve the transfer or storage of solid or liquid wastes are classified as Waste-Related uses. Mini-warehouses are classified as Self-Service Storage uses.

E. Waste Disposal

This category includes uses that receive solid or liquid wastes from others for disposal on the site or for transfer to another location, including solid waste transfer stations and facilities that sort, process, or recover recyclable materials from the solid-waste stream. This category also includes uses that collect sanitary wastes, or uses that manufacture or produce goods or energy from the biological decomposition of organic material; or uses that receive hazardous waste from others and are subject to the regulations of OAR 340-100, Hazardous Waste Management. Establishments primarily engaged in recovering, storing, buying, selling, or distributing scrap or salvage materials having commodity or reuse value are classified as Recycling/Scrap Yards.

F. Data Center

User's Guide: Data centers are an increasingly important land use consideration as demand for cloud computing, artificial intelligence, streaming, and other digital services increases. Although data centers may resemble warehouses or other industrial buildings, their land use impacts can be substantially different. Depending on their scale and design, data centers can require very large amounts of electricity, specialized cooling systems, backup generators, utility infrastructure, and, in some cases, significant water use. At the same time, they may generate relatively little employment or customer activity compared with other commercial and industrial uses occupying a similar amount of land.

Regulation of data centers is an evolving and sometimes controversial issue. Communities may value the investment, tax revenue, and digital infrastructure associated with data centers while also raising concerns about energy and water consumption, noise from cooling equipment and generators, demands on utility systems, land consumption, and the suitability of large data centers for employment lands that could accommodate more job-intensive uses. These considerations have led many jurisdictions to distinguish data centers from conventional manufacturing, warehousing, and office uses and to regulate their location and impacts separately.

Data centers also vary considerably in scale. As described in the October 2025 issue of *Zoning Practice*, published by the American Planning Association (APA):

Edge or micro facilities are the smallest, often modular container-sized enclosures ranging from a few hundred to a few thousand square feet. Enterprise data centers, typically operated by corporations or universities, can range from about 5,000 to 50,000 square feet, sometimes larger. Colocation facilities lease space to multiple tenants and often fall between 50,000 and 600,000 square feet, with many averaging around 150,000 square feet. At the largest scale are *hyperscale data centers, typically built by major cloud or AI providers, which can easily reach hundreds of thousands of square feet per building and exceed one million square feet across a campus (Zhang 2023).* (https://www.planning.org/publications/document/9318086/)

The Model Code distinguishes a Data Center as a **primary land use** from server and data-processing equipment that is accessory to another use. A server room supporting an office, hospital, university, manufacturing facility, or other primary use generally does not warrant treatment as a separate Data Center. The thresholds in subsection 5.1.060.F.2 provide an objective means of distinguishing accessory server and data-processing facilities from a Data Center primary use. A facility whose primary function is the storage, management, processing, or transmission of digital data is classified as a Data Center regardless of its size.

The Model Code further distinguishes between **Small and Large Data Centers** based on the scale and intensity of the use (see subsection 5.1.060.F.1). Small Data Centers are those with less than *[20,000]* square feet of floor area dedicated to computer servers and related data-processing equipment (and optionally, with less than 3 megawatts of designed electrical demand). A Data Center that meets or exceeds either threshold is classified as a Large Data Center. This distinction recognizes that even relatively small Data Centers may be appropriate as primary uses in some industrial areas, while larger or more energy-intensive facilities may warrant more limited locational allowances and conditional use review because of their land, utility, infrastructure, noise, and other potential impacts.

Local consideration: Data center technology and infrastructure requirements are changing rapidly, and appropriate zoning allowances may vary depending on local utility capacity, economic development objectives, availability of industrial land, water resources, and community priorities. The Model Code provides different zoning allowances for Small and Large Data Centers to reflect their differing potential impacts. Cities should review these allowances and the applicable size and electrical-demand thresholds in light of local conditions. Cities may also consider use-specific standards addressing electrical and water demand, generators and other backup power systems, noise, cooling equipment, utility infrastructure, building size and design, and related impacts.

This category includes establishments whose primary function is the storage, management, processing, and/or transmission of digital data through computer servers or related equipment. Data Centers include facilities used for cloud computing, colocation, third-party data hosting, artificial intelligence computing, or similar data-processing services. Data Centers typically include specialized electrical, cooling, backup power, or other infrastructure to support computer equipment.

1. **Size Subgroups**. There are two subgroups within the Data Center category:
   - **Small Data Center.** A Data Center with less than *[20,000]* square feet of floor area dedicated to computer servers and related data-processing equipment*[, a designed electrical demand of less than 3 megawatts, and no dedicated electrical substation]*.
   - **Large Data Center.** A Data Center that has *[20,000]* square feet or more of floor area dedicated to computer servers and related data-processing equipment*[, has a designed electrical demand of 3 megawatts or more, or requires a dedicated electrical substation]*.

2. **Exception for Accessory Use**. Server rooms and other data-processing facilities that are accessory

to another primary use and meet the following thresholds are not classified as Data Centers:

- Occupy no more than *[5,000]* square feet and no more than *[10]* percent of the total gross floor area on the site*[;*
- *Have a designed electrical demand of less than one megawatt; and*
- *Do not require a dedicated electrical substation]*.

5.1.070 Utility and Transportation Facilities Use Categories:

Utility and Transportation Facilities use categories are focused on facilities for the movement of goods, people and services. Facilities are generally owned and maintained by a public agency, utility or transportation provider. While some ancillary storage may be associated with these uses, facilities primarily providing for the shipping and storing of goods are classified as Warehouse and Freight Movement.

A. Public Works Utilities Storage Yards

This category includes facilities necessary to support public works departments street and utility maintenance efforts including vehicle and equipment storage, maintenance, and repair, materials storage, offices and facilities for employees.

B. Transportation Facilities

This category includes the construction, operation, and maintenance of transportation-related facilities located within right-of-way controlled by a public agency, consistent with [*Transportation System Plan / Comprehensive Plan*].

C. Utility Facilities, Basic

This category includes facilities for the provisions of utilities, such as water, wastewater, stormwater, electricity, natural gas, telephone (other than Wireless Communication Facilities), and emergency communication broadcast facilities. Services may be public or privately provided. These facilities are generally providing service directly to the end user and need to be located in or near the area where the service is provided. Basic Utility uses generally do not have regular employees at the site. Examples include water and sewer conveyance systems and pump stations; electrical lines and substations; water quality and flow control facilities; stormwater facilities and conveyance systems; and district heating and cooling systems. Larger-scale utility facilities or regional facilities are classified as Major Utility Facilities. *[Micro-Generation; wind, solar, or geothermal energy for individual use by a household, business, or organization is an accessory use to the primary use.]*

D. Utility Facilities, Major

This category includes facilities for the provisions of utilities where the facilities exceed the scale of basic utility facilities, including facilities such as water towers and reservoirs; water or wastewater treatment plants; and solar, wind, or geothermal power generation facilities that are not accessory to a primary use. The category also includes public or private passageways, including easements, for the express purpose of transmitting or transporting electricity, gas, oil, water, sewage, communication signals, or other similar services on a regional level. If publicly provided, these facilities are generally identified in an adopted City master plan.

User's Guide: Battery Energy Storage Systems

Battery energy storage systems (BESS) store electricity for later use and are an increasingly important component of the electrical grid. BESS can support grid reliability and resilience and facilitate integration of variable renewable energy sources such as solar and wind. They range from relatively small battery systems serving individual buildings to standalone facilities containing numerous battery enclosures and associated electrical infrastructure.

BESS are a relatively new land use consideration for many communities. The March 2024 issue of APA's *Zoning Practice* recommends that zoning codes expressly address BESS rather than relying on existing use categories that may not clearly encompass energy storage. APA identifies several common BESS configurations, including systems serving residential or commercial uses, standalone utility facilities, and systems integrated with electric substations or energy generation facilities. APA also recommends distinguishing between BESS that are primary uses and systems that are accessory to another use. (https://planning.org/zoningpractice/2024/march/battery-energy-storage-systems/)

Scale of BESS facilities. The Model Code uses both energy storage capacity and facility area to distinguish Small and Large BESS because these measures capture different aspects of facility scale. The 600 kWh threshold corresponds to a threshold discussed in APA's *Zoning Practice* guidance, in connection with the National Fire Prevention Association (NFPA) standard 855, which sets safety code thresholds for batteries. Above this level, NFPA 855 establishes additional safety provisions addressing matters such as hazard mitigation, fire suppression, testing, emergency planning, and training. The Model Code uses this threshold to help distinguish smaller accessory installations from BESS facilities warranting specific land-use regulation; it does not replace applicable fire, building, or electrical codes.

Land use regulation and safety. BESS can raise land use considerations related to facility location and scale, noise from electrical and cooling equipment, visual impacts, electrical infrastructure, compatibility with surrounding uses, and eventual decommissioning. Battery systems can also present fire and other safety concerns. Technical safety requirements are generally addressed through applicable building, electrical, and fire codes and nationally recognized standards, including NFPA 855. APA recommends that local zoning regulations rely on these standards rather than creating independent technical safety requirements.

Model Code approach. The Model Code establishes BESS as a distinct use, distinguishes Small and Large BESS, and identifies the zoning allowances in Article 2 applicable to each. This includes options for cities to allow Small BESS through conditional use review in residential and commercial zones, consistent with APA guidance. However, the Model Code does not establish BESS-specific development standards. Given the evolving nature of BESS technology, differences in local land use patterns and infrastructure, and the relationship between zoning and applicable fire and safety codes, communities may determine that additional locally tailored standards are appropriate.

Local consideration: Cities should consider where Small and Large BESS should be allowed in local zoning districts, based on local conditions and needs. Cities should also consider whether additional development standards are warranted based on the BESS facilities likely to be developed and the standards otherwise applicable in the zones where BESS are allowed. APA identifies the following as common zoning standards, which may be incorporated in Chapter 2.3 Use-Specific Standards: setbacks or separation from residential and other sensitive uses, screening and fencing, noise, exterior lighting, electrical and transmission infrastructure, site access, and decommissioning and financial assurance. Cities developing such standards should coordinate with the applicable fire authority and avoid duplicating technical requirements already addressed through building, electrical, and fire codes.

E. Battery Energy Storage System

This category includes facilities whose primary function is to receive and store electrical energy in batteries for later use or delivery to the electrical grid. Battery Energy Storage Systems (BESS) may include batteries, enclosures or containers, inverters, transformers, control systems, safety systems, cooling or ventilation equipment, electrical equipment, and other associated infrastructure.

1. **Size Subgroups.** There are <u>two</u> subgroups within the Battery Energy Storage System category:
    - **Small Battery Energy Storage System.** A BESS with a total energy storage capacity greater than 600 kilowatt-hours (kWh) and not more than 80 megawatt-hours (MWh), and a BESS facility area of 5 acres or less.
    - **Large Battery Energy Storage System.** A BESS with a total energy storage capacity greater than 80 MWh or a BESS facility area greater than 5 acres.
2. **Exceptions.** The following are not classified as a Battery Energy Storage System primary use:
    - A BESS that has a total energy storage capacity of 600 kWh or less and that is accessory to another primary use.
    - A BESS located within the development area of, and accessory to, an electric substation or electric generation facility, including a solar or wind energy generation facility.

[E. Airport, Public Use

This category includes public use facilities for the landing and takeoff of flying vehicles, including loading and unloading areas. Aviation facilities may be improved or unimproved. Aviation facilities may be for commercial carriers or for shared use by private aircraft. Typical accessory uses include freight handling areas, concessions, offices, parking, maintenance and fueling facilities, and aircraft sales areas, rental car facilities, food membership distribution, and Basic Utilities. Private helicopter landing facilities that are accessory to another use are considered accessory uses.]

[F. Railroad Facilities

This category includes railroad tracks and lines for the movement of trains. The land may be owned or leased by the railroad. It also includes rail yards which are areas that contain multiple railroad tracks used for rail car switching, assembling of trains, and transshipment of goods from other transportation modes to or from trains.]

[G. Wireless Communication Facilities

This category includes facilities, such as cellular towers, antennae, monopoles, and related facilities used for radio signal transmission and receiving, necessary to produce nonionizing electromagnetic radiation within the range of frequencies from 100 KHz to 300 GHz and operating as a discrete unit to produce a signal or message. Towers may be self supporting, guyed, or mounted on poles or buildings.]

5.1.080 Resource Use Categories:

User's Guide: Agriculture and Mining are included as optional uses, for small cities that allow these types of resource uses. The provisions for commercial raising, producing or keeping of plants and animals as accessory to a residential use should be filled in based on the city's regulations, which may be in the municipal code.

[A. Agriculture

This category includes facilities associated with the raising, producing or keeping of plants or animals for the primary purpose of obtaining a profit in money. Large animal veterinary facilities and livestock auctions are included in this category. However, the processing of animal or plant products are classified as Manufacturing and Production. [The commercial raising, producing or keeping of plants and animals may be classified as accessory to a residential use provided the following thresholds are met:

- *Plants – no limit provided that activities do not involve on-site processing beyond washing, trimming, or packaging of products grown on the site.*
- *Livestock – on site over [__] square feet only, no more than [__] head*
- *Poultry (excluding roosters) – no more than [__] chickens*
- *Honeybees – no more than [__] hives*
- *Dogs – no more than [__] adult dogs]*

[B. Mining

This category includes facilities for the mining or extraction of mineral or aggregate resources from the ground for off-site use, including quarrying or dredging for sand, gravel or other aggregate materials; mining; and oil, gas, or geothermal drilling.]

User's Guide: The following definitions should be reviewed and revised as necessary to ensure consistency with the final version of your code. It may be necessary to add or remove terms.

Note for TAC: Definitions related to land uses have been updated, and new definitions from DLCD's Housing Model Code (adopted in 2025 per SB 1564) have also been added. Definitions related to Article 3 Community Design Standards will be revised/added as part of draft Module 3 of the Model Code.

Chapter 5.2 — Definitions

Sections:

5.2.010 Purpose

The purpose of Chapter 5.2 is to define terms that are used in the City of *[name]* Development Code and other terms that may arise in interpreting the Code, particularly those that may be uncommon or have more than one meaning.

5.2.020 Applicability

A. Definitions. The definitions in Chapter 5.2 apply to all actions and interpretations under the City of *[name]* Development Code. The meanings of some terms in this chapter may, in certain contexts in which they are used, be clearly inapplicable. In such cases the context in which a term is used will indicate its intended meaning, and that intent shall control.

B. When a Term is Not Defined. Terms not defined in this Code shall have their ordinary accepted meanings within the context in which they are used. *[Webster's Third New International Dictionary of the English Language, Unabridged,]* shall be considered a standard reference.

C. Land Use Categories. Chapter 5.1 defines the land use categories used in Article 2.

D. Conflicting Definitions. Where a term listed in Chapter 5.1 is defined by another section of this Code or by other regulations or statutes referenced by this Code, the term is not redefined herein for purposes of that other code.

5.2.030 Definitions

The following definitions are organized alphabetically.

A

Abutting. Contiguous or adjoining.

Access. A way or means of approach to provide pedestrian, bicycle, and/or motor vehicular entrances or exits to a property.

Access, Alternate. The right to access a property by means other than the proposed approach or access connection. It may include an existing public right-of-way, another location on the subject street or highway, an easement across adjoining property, a different street, a service road, a local road, or an alley, and may be in the form of a single or joint approach.

Access Control. Where the right of access between a property abutting the highway and the highway has been acquired by a roadway authority, or eliminated by law, pursuant to access or approach spacing standards.

Access Easement. An easement conveyed for the purposed of providing vehicle, bicycle, and/or pedestrian access from a public street to a lot or parcel across intervening property under separate ownership from the parcel being provided access. **Cross access easement** is an easement providing vehicular access between two or more separate sites, so that the driver need not enter the public street system between sites.

Access Management. The systematic control of the location, spacing, design, and operation of driveways, median openings interchanges, and street connections to a roadway to minimize conflicts between turning and through vehicles, bicyclists, and pedestrians. The purpose of access management is to provide vehicular access to land development in a manner that preserves the safety and efficiency of the transportation system. Public facility measures to support access management include roadway design applications, such as median treatments and auxiliary lanes, and the appropriate spacing of traffic signals. Measures that may be included as conditions of approval for development decisions include, but are not limited to, 1) standards such as minimum spacing of driveways and onsite vehicle storage requirements; 2) mitigations related to site conditions such as right-in-right-out only approaches, medians, dedicated turn lanes, and shared driveways; and 3) provision for future opportunities for mitigation by land dedication or easement.

Access Management Plan. A plan adopted by the City, or jointly by the Oregon Transportation Commission (OTC) in coordination with the City, for managing access on a designated section of an arterial street or highway*[, or within the influence area of a highway interchange.]*

Access Point. A connection providing for the movement of vehicles between a lot or parcel and a public roadway.

5.2 – Definitions

Access, Reasonable. Access that does not require excessive out-of-direction travel or pose a safety hazard.

Access Spacing / Intersection Spacing. The minimum required distance from an intersection of a public or private street to the nearest driveway or other access connection, measured from the closest edge of the pavement of the intersecting street to the closest edge of the pavement of the connection along the traveled way.

Accessway. A non-vehicular, paved pathway designed for pedestrian and bicycle use. Accessways may provide mid-block connectivity where such routes are not otherwise provided by the street system. Accessways may also provide convenient linkages between a development and adjacent residential and commercial properties and areas intended for public use, which includes, but is not limited to, schools, parks, and adjacent collector and arterial streets where transit stops or bike lanes are provided or designated. An accessway is not a sidewalk.

Accessible. Two meanings are possible depending on the specific code provision. In general, accessible means approachable by pedestrians, vehicles, or other transportation modes, as applicable. Accessible may also mean approachable and useable by people with disabilities, in conformance with the federal Americans with Disabilities Act. Either or both definitions may apply in a particular situation.

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.

Accessory Structure. A structure of secondary importance or function on a site. In general, the primary use of the site is not carried on in an accessory structure. Accessory structures are detached from the primary structure. Examples of accessory structures include, but are not limited to, garages, decks, fences, arbors, gazebos, heat pumps, workshops, and other structures. See also, Primary Structure.

Accessory Use. A use or activity that is a subordinate part of a primary use and that is clearly incidental to a primary use on a site. See Chapter 5.1.

Active Use Street. A street or street segment designated as an Active Use Street on *[the City's adopted Active Use Street Map / Figure ___ / applicable zoning map]*, where development is subject to standards intended to support pedestrian-oriented activity and active ground-floor uses.

Adjacent. Abutting or located directly across a street right-of-way or easement.

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.

User's Guide: Affordable Housing. State law requires cities to allow certain affordable housing development and conversions by right in specified circumstances. The applicable requirements and definitions of "affordable housing" vary depending on the type of development and statutory provision. See the Housing Model Code **By-Right Affordable Housing** compliance module for guidance and model language implementing ORS 197A.445, 197A.449, and 197A.460. Also refer to ORS 197A.421 for provisions related to affordable middle housing units.

Affordable Housing. Housing that meets the applicable affordability, income, ownership, and duration requirements established by state law, as specified in various sections of ORS Chapter 197A.

Alter/Alteration. A change in use or occupancy or physical change to a structure or site. Alteration does not include normal maintenance and repair. Alterations may or may not require land use approval, but property owners should check with the City of [name] before preparing project plans or commencing development. Alterations include, but are not limited to, the following:

- Changes in use or occupancy;
- Changes to the exterior of a building;
- Changes to the interior of a building;
- Increases or decreases in floor area of a building;
- Changes to other structures on the site, or the development of new structures;
- Changes to exterior improvements;
- Changes to landscaping; and
- Changes in the topography of the site.

Applicant. A person who applies for a permit or approval under this Code. An applicant can be the owner of the property, a contract purchaser, or someone who is legally authorized to represent the owner, such as a builder, developer, or contract purchaser.

B

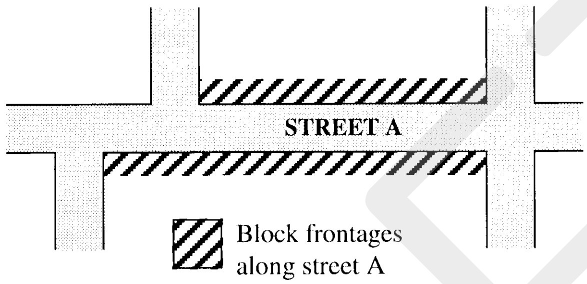
Bed and Breakfast Inn. Any establishment located in a structure designed for a single-family residence and structures appurtenant thereto, providing limited overnight lodging and meals for guests pursuant to the special use requirements for bed and breakfast inns.

Block. All of the property bounded by streets, rights-of-way (pedestrian or vehicle ways), water features, or any combination thereof, but is not divided or separated in any way by streets or water features.

Block Length. The distance along a public or private street between intersecting public or private streets, as measured from nearest right of way edge to nearest right of way edge along the primary street's right of way edge, including "T" intersections but excluding cul-de-sacs.

Block Face / Street Frontage. All of the property fronting on one side of a street that is between intersecting or intercepting streets, or that is between a street and a water feature, or end of a dead end street. An intercepting street determines the boundary of the block frontage only on the side of the street that it intercepts. See figure, below.

Block Frontage



Building. See applicable building code.

Building Footprint. The horizontal area of a building as seen in plan, measured from outside of all exterior walls and supporting columns. 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.

Building/Structure Height. The vertical distance from the grade plane to the average height of the highest roof structure, as defined and calculated in accordance with the applicable building code.

Building Line. A line running parallel to a lot line that is the same distance from the lot line as the closest portion of a building on the site, typically used in reference to required setback yards.

Building Official. The person who enforces the building ordinances and regulations for the City, and other ordinances and regulations as assigned.

C

Capacity. Maximum holding or service ability, as used for transportation, utilities, parks, and other public facilities. See also, definition of "Occupancy" in applicable building codes.

Carport. A stationary structure consisting of a roof, its supports, and not more than one wall or storage cabinets substituting for a wall, used to shelter motor vehicles, recreational vehicles, or boats; does not include temporary shelters or canopies not affixed to a permanent foundation per applicable building codes.

Change of Use. Change in the primary use category on a site. See Chapter 5.1 for description of use categories.

User's Guide: The child care center definition below aligns with the definition from the Child Care Model Code developed by DLCD in partnership with the Department of Early Learning and Care (DELC). The definition of child care center for local zoning purposes is broader than the definition used in ORS 197.671 or by DELC for licensing purposes (OAR chapter 414). Cities need not differentiate between child care centers operated by private providers and by school districts or other government agencies. For zoning purposes, all types of child care or preschool centers, including after-school programs for school-age children, can be treated the same.

Child Care Center. A child care use that provides care and supervision of children for periods of less than 24 hours per day and that does not otherwise meet the definition of Family Child Care Home. Child care centers include:

- Child care facilities certified under ORS 329A.280(3);
- Day cares, nursery schools, and day nurseries;
- P reschool programs;
- School-age care programs;
- Parent cooperatives, as defined in ORS 329A.250;
- Outdoor child care program certified under OAR 414-320; and
- Child care facilities operated by a school district, political subdivision of the state, or other government agency.

City. The City of *[name]*, Oregon.

Clearing (as in clearing and grading). Any activity that removes existing vegetation or strips surface material from any portion of the site and exceeding typical yard maintenance for a single-family dwelling.

Clear and Objective. Decision criteria and standards that do not involve discretion or individual judgment in their application.

Common Area. Land jointly owned to include open space, landscaping, or recreation facilities (e. g., may be managed by a homeowners' association).

Common Courtyard. 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.

Common Wall. 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.

Comprehensive Plan. The current adopted Comprehensive Plan of the City of *[name]*.

Conditional Use. A use that requires a Conditional Use Permit. See Chapter 4.4.

Condominium. Ownership of a single unit in a multi-unit structure that may contain common areas and facilities; includes both residential and commercial condominiums. See ORS 100 for applicable requirements.

Corner lot. See Lot, Corner lot.

Corner Radius. The radius of a street corner, as measured around the curb or edge of pavement, except as otherwise specified by applicable engineering design standards.

Cottage. An individual dwelling unit that is part of a cottage cluster.

Cottage Cluster. See "Housing Type."

Cottage Cluster Project. 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.

Council/City Council. The City Council of *[name]*, Oregon.
County. *[name]* County.

D

Days. Calendar days, unless specifically stated as working days. Working days include Monday through Friday, excluding federal holidays.

Dedication. The designation of land by its owner for any public use as shown on a subdivision plat or deed. The term may also be used for dedications to a private homeowners' association.

Density(ies). A measurement of the number of dwelling units in relationship to a specified amount of land based on the minimum lot size per dwelling unit required by the applicable zone.

Detached Single-Unit. See "Housing Type."

Develop. To construct or alter a structure or to make a physical change to the land, including excavations, clearing, and fills. See also, Alteration.

Development. All improvements on a site, including alterations to land and new or remodeled structures, parking and loading areas, landscaping, paved or graveled areas, and areas devoted to exterior display, storage, or activities.

Discontinued Use. A use that physically left the land it was on, a permitted use that ceased, or a use terminated at the end of a lease or contract. See Chapter 1.4 Non-Conforming Situations.

Discretionary. A permit action or decision that involves substantial judgment or discretion.

Drive-Through Facility. A facility or structure that is designed to allow drivers to remain in their vehicles before and during an activity on the site. Drive-through facilities may serve the primary use of the site or may serve accessory uses. Examples are drive-up windows; automatic teller machines; coffee kiosks and similar vendors; menu boards; order boards or boxes; and drive-in theaters. All driveways, queuing, and waiting areas associated with a drive-through facility are similarly regulated as part of such facility. Drive-through facility excludes parking spaces used for customer pick-up or loading of goods or products purchased on-site, on the phone, or on-line from the establishment; and parking spaces that include electric vehicle chargers and equipment.

Driveway. The area that provides vehicular access to a site from a street, or the area that provides vehicular circulation on a site.

Driveway Apron. The edge of a driveway where it meets a public right-of-way. Note: The design standards of the applicable roadway authority apply.

Driveway Approach. A driveway connection to a public street or highway where it meets a public right-of-way. Note: The design standards of the applicable roadway authority apply. See also, Oregon Administrative Rules 734, Division 51, for definitions specific to state highways.

Driveway, Shared. When land uses on two or more lots or parcels share one driveway. An easement or tract (owned in common) must be created and recorded for this purpose.

Duplex. See "Housing Type."

Dwelling Unit. 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.

E

Easement. A grant of rights by a property owner that allows others to use the owner's land for a specific purpose, such as access, or to locate utilities. Recorded and on record at *[name]* County.

Electric vehicle charging station. A device or facility for delivering electricity for motor vehicles that use electricity for propulsion (ORS 455.417).

Emergency Apparatus Lane or **Fire Lane.** Unobstructed area or driveway meeting Uniform Fire Code requirements, typically not be used for parking or loading area.

Floodplain/Hazard Area. Area as so indicated by the federal Flood Insurance Rate Map, as amended.

F

Façade. The vertical wall face of a building, or the sum of multiple vertical faces, facing the same lot line.

Family Child Care Home. A child care facility in a dwelling unit that provides care and supervision of children for periods of less than 24 hours per day, that is caring for not more than 16 children and is certified under ORS 329A.280(2) or is registered under ORS 329A.330. A family child care home is considered a residential use as provided in ORS 197.671.

Final Plat. The diagrams, drawings, and other writing containing all the descriptions, locations, dedications, provisions, and information concerning a land division, pursuant to ORS 92 and Chapter 4.3 of this Code.

Floor Area. Area of building, which may be described in terms of gross (overall) square feet, or net marketable/leasable space. 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:

- 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.

Frontage. The portion of a lot or parcel that abuts a street.

G

Garage. A covered permanent structure designed to provide shelter for vehicles, and which is accessory to a dwelling or other primary use. Carports are considered garages.

Goal Protected Lands. 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.

Grade. The lowest point of elevation of the finished surface of the ground, paving, or sidewalk within the area between the building and the property line or, when the property line is more than five feet from the building, between the building and a line five feet from the building. This is the definition used in the Oregon Structural Specialty Code (the International Building Code as amended by the State of Oregon).

Grading. All cuts, fills, embankments, stockpile areas, and equipment maneuvering areas associated with development.

Ground Cover. Living or processed plant material (e. g., mulch, bark chips), river rock, and cinders used for aesthetic purposes and to prevent erosion (i.e., cover bare ground) in designated landscape areas. See Chapter 3.4 Landscaping.

H

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.

Hazardous Substances/Materials. Any substance, material, or waste listed below:
- Nuclear or radioactive materials or waste
- Chemicals subject to reporting under Title III of the Superfund Amendments and Reauthorization Act (SARA) of 1986, published July 1987, U. S. Environmental Protection Agency
- Hazardous Materials Table, in the Code of Federal Regulations (CFR), Title 49, Part 172.101
- Other substances as determined by applicable state or federal agency

Home Occupation, Home Occupation Site. A business activity that is carried out on the same site as a dwelling unit, and which is accessory to the residential use on the site, subject to the use-specific provisions of Section 2.3.130.

Hotel/Motel. A building or portion thereof designed and used for occupancy of transient individuals lodged with or without meals for a continuous period not to exceed 29 days. (See ORS 446.310.)

Housing Type. 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.)

- **Accessory Dwelling Unit (ADU).** An interior, attached, or detached residential structure that is used in connection with, or that is accessory to, a primary dwelling.
- **Congregate Housing Facilities.** A residential structure that contains sleeping units where residents share bathroom or kitchen facilities, or both. A sleeping unit is a single unit that provides rooms or spaces for one or more persons, includes permanent provisions for sleeping and can include provisions for living, eating and either sanitation or kitchen facilities but not both. Such rooms and spaces that are also part of a dwelling unit are not "sleeping units." Dormitories, fraternities and sororities, nursing and convalescent homes, single room occupancy (SRO) housing when classified as Group Living, rooming houses, and residential hotels are examples of Congregate Housing Facilities.

User's Guide: Cottage Cluster – Rulemaking in 2026 (directed by Section 22, chapter 476, Oregon Laws 2025) will modify the definition of cottage cluster in OAR chapter 660, division 46. Therefore, cities subject to ORS 197A.420(2) should refer to the most current definition in division 46.

- **Cottage Cluster.** A grouping of *[detached]* 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 four dwelling units.]* Cottage cluster may also be known as "cluster housing," "cottage housing," "bungalow court," "cottage court," "courtyard housing," "garden apartments," or "pocket neighborhood."
- **Detached Single-Unit.** 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 home or prefabricated home) and includes single room occupancy (SRO) housing with up to *[6 - 8]* units.

- **Duplex.** 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]*.
- **Manufactured Dwelling Park.** Any place where four or more manufactured dwellings or prefabricated structures, as defined in ORS 455.010, that are relocatable and more than eight and one-half feet wide, are located within 500 feet of one another on a lot, tract, or parcel of land under the same ownership, the primary purpose of which is to rent or lease space, or keep space for rent or lease, to any person for a charge or fee paid, or to be paid, for the rental or lease or use of facilities, or to offer space free in connection with securing the trade or patronage of such person. Manufactured dwelling park does not include a lot or lots located within an approved subdivision being rented or leased for occupancy by one manufactured dwelling per lot. See also, ORS Chapter 446.
- **Multi-unit housing.** Five or more dwelling units located on the same lot or development site*[, not including middle housing]*.
- **Quadplex.** Four 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]*.
- **Residential Home.** A residential treatment or training or adult foster home licensed by or under the authority of the Department of Human Services, under ORS 443.400 to 443.825, a residential facility registered under ORS 443.480 to 443.500, or an adult foster home licensed under ORS 443.705 to 443.825 that provides residential care alone or in conjunction with treatment or training or a combination thereof for five or fewer individuals who need not be related. (See also, ORS 197.660.).
- **Residential Facility.** As defined under ORS 430.010 (for alcohol and drug abuse programs), ORS 443.400 (for persons with disabilities), and ORS 443.880; residential facilities provide housing and care for 6 to 15 individuals who need not be related. Staff persons required to meet state licensing requirements are not counted in the number of facility residents and need not be related to each other or the residents.
- **Townhouse.** A dwelling unit constructed in a row of two 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."
- **Triplex.** Three 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]*.

I

Incidental and Subordinate to. Secondary to, and less apparent than, the primary use or other portion of the development.

Intersection. An at-grade connection of a public or private approach road to the highway.

J *[reserved]*

K

Kennel. Any lot or premises where three or more dogs or cats aged six months or older are boarded or bred for compensation. Establishments where animals are offered for sale as the primary use, such as pet stores, are not classified as kennels.

L

Land Division. The process of dividing land to create parcels or lots. See Chapter 4.3.

Landscaping. Any combination of living plants such as trees, shrubs, plants, vegetative ground cover, or turf grasses, and may include structural features such as walkways, fences, benches, plazas, works of art, reflective pools, fountains, or the like. Also includes irrigation systems, mulches, topsoil, and re-vegetation or the preservation, protection, and replacement of trees.

Land Use. The activity or activities that occur on a piece of land. Activities may be individually identified as primary or accessory uses. (See Chapter 5.1 for description of land use categories.)

Land Use Decision. A final decision or determination made by the City of *[name]* (or other agency with jurisdiction) that concerns the adoption, amendment, or application of the Statewide Planning Goals, the Comprehensive Plan, or any land use regulation (i.e., this Code) where the decision requires the interpretation or exercise of policy or legal judgment (ORS 197.015). Note: All decisions requiring Quasi-Judicial review by the City of *[name]* are Land Use Decisions. Decisions subject to Administrative review are considered Limited Land Use Decisions, pursuant to ORS 197.015.

Legislative. A legislative action or decision is the making of law, as opposed to the application of existing law to a particular use (e. g., adoption of, or amendment to, a comprehensive plan or development regulation). See also, Section 4.1.050.

Level of Service ("LOS"). A quantitative standard for transportation facilities describing operational conditions. See City of *[name]* Transportation System Plan.

Loading Area. The area available for the maneuvering and standing of vehicles engaged in delivering and loading goods, freight, or other articles. See also, Chapter 3.6 Parking and Loading.

Local street. 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.

Lot. A lot is a legally defined piece of land other than a tract that is the result of a land division. The following definitions for "lot" apply to the state definition of both lot (result of subdividing) **and** parcel (result of partitioning). See figures, below.

- **Corner Lot.** A lot that has frontage on more than one intersecting street. A street that curves with angles of 120 degrees or less, measured from the center line of the street, is considered two intersecting streets for the purpose of evaluating whether a lot is a corner lot. See figures, below.

- **Flag Lot.** A lot with two distinct parts:
  - The flag, which is the only building site and is located behind another lot; and
  - The pole, which connects the flag to the street, provides the only street frontage for the lot, and at any point is less than the minimum lot width for the zone.

- **Through/Reverse Frontage Lot.** A lot that has frontage on two parallel or approximately parallel streets.

Lot Area. The total surface area (measured horizontally) within the boundary lines of a lot.

Lot Consolidation. The reduction in the number of lots, i.e., the creation of one lot from two or more existing lots.

Lot Coverage. The total area of a lot covered by building(s) or impervious surfaces, as provided by the applicable land use district development standards.

Lot, Double-Frontage. See Lot, Through/Reverse Frontage Lot.

Lot Line Adjustment. See Property Line Adjustment.

Lot Lines / Property Lines. The property lines along the edge of a lot or site. See figures, below.

- **Front Lot Line.** A lot line, or segment of a lot line, that abuts a street. On a corner lot, the front lot line is the shortest of the lot lines that abut a street. If two or more street lot lines are of equal length, then the applicant or property owner can choose which lot line is to be the front lot line for the purpose of determining required setbacks. However, a through lot has two front lot lines regardless of whether the street lot lines are of equal or unequal length. See figures, below.

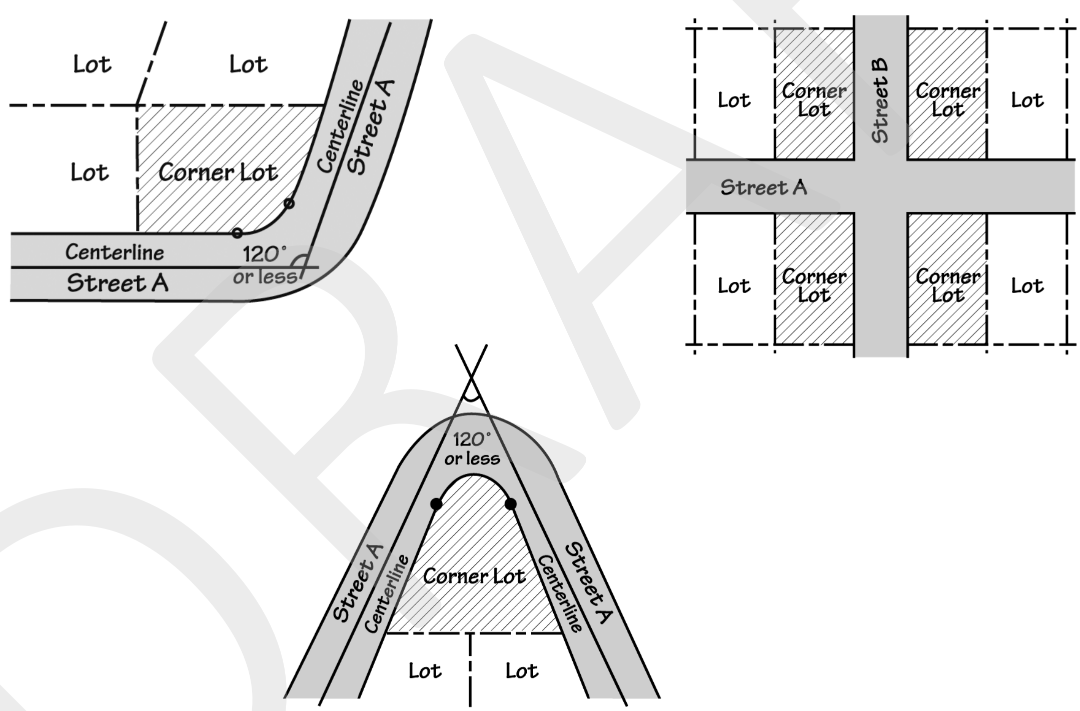
- **Rear Lot Line.** A lot line that is opposite a front lot line. A triangular lot has two side lot lines but no rear lot line. For other irregularly shaped lots, the rear lot line is all lot lines that are most nearly opposite the front lot line. See figures, below.

- **Side Lot Line.** A lot line that connects front and rear lot lines. On a corner lot, the longer lot line that abuts a street is a side lot line. See figures, below.

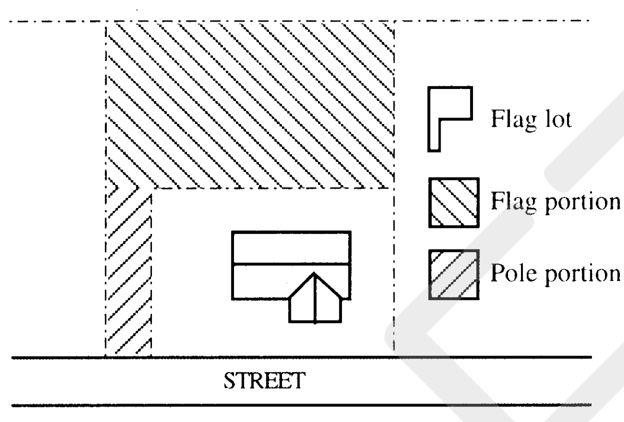
- **Street-Side Lot Line.** A lot line that is both a side lot line and a street lot line. See figures, below.

- **Street Lot Line.** A lot line, or segment of a lot line, that abuts a street. Street lot line does not include lot lines that abut a dedicated alley. On a corner lot, there are two (or more) street lot lines. Street lot line can include front lot lines and side lot lines, however, both are considered front yards for the purpose of measuring required setbacks. See figures, below.

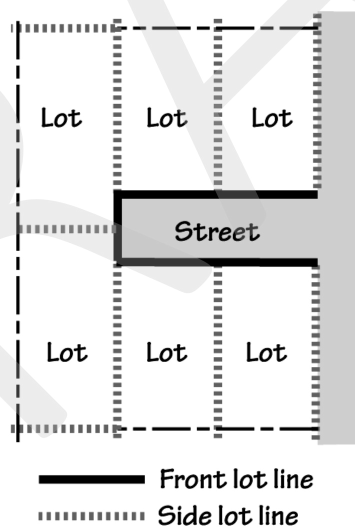
Corner Lots



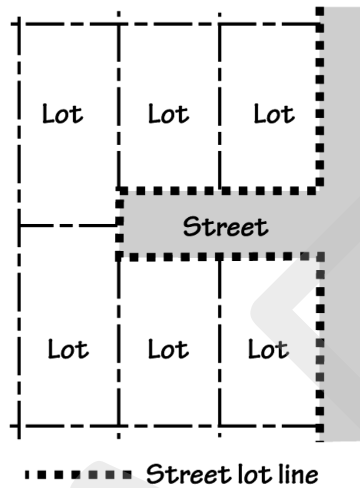
Flag Lot



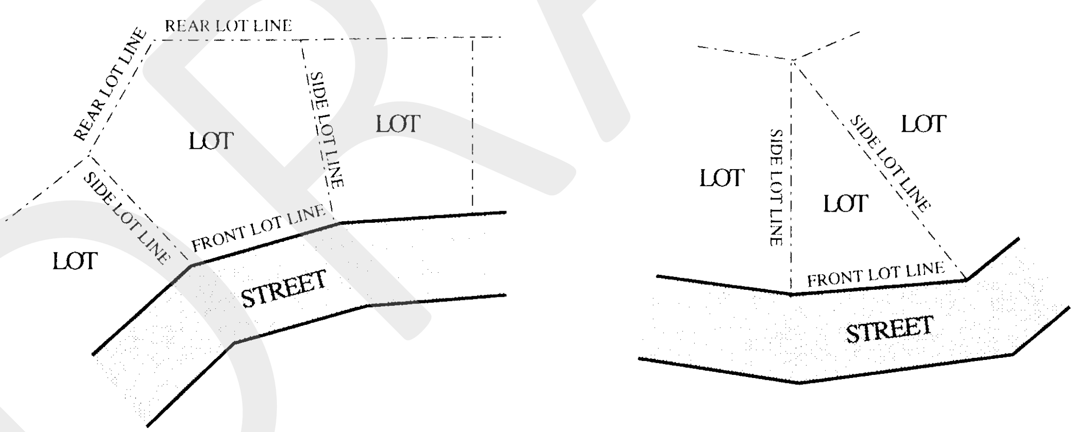
Front and Side Lot Lines



Street Lot Lines



Lot Lines on Irregular Lots



- **Lot of Record.** A legally created lot or parcel meeting all applicable regulations in effect at the time of creation and held in separate ownership, or any other lot deemed a legal lot under Chapter 1.3.

M

Main/Primary Building Entrance. For residential uses, "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. For non-residential uses, a main entrance is the entrance to a building that most pedestrians are expected to use. Generally, each building has one main entrance; however, some buildings may have more than one primary entrance or may have entrances that open directly into the building's lobby or principal interior ground level circulation space.

Ground Floor. Building floor closest to street level and within four feet of finished grade.

Major Remodeling. Projects where the floor area or the developed area of the site increases by [#] percent or more.

Maneuvering Area/Aisle. The driving area in a parking lot where motor vehicles are able to turn around and access parking or loading spaces.

Manufactured Dwelling.

Manufactured Home. A structure constructed for movement on the public highways that has sleeping, cooking, and plumbing facilities; that is intended for human occupancy; that is being used for residential purposes; and that was constructed in accordance with federal manufactured housing construction and safety standards and regulations in effect at the time of construction.

- **Mobile Home.** A structure constructed for movement on the public highways that has sleeping, cooking, and plumbing facilities; that is intended for human occupancy; that is being used for residential purposes; and that was constructed between January 1, 1962, and June 15, 1976, and met the construction requirements of Oregon mobile home law in effect at the time of construction.

- **Residential Trailer.** A structure constructed for movement on the public highways that has sleeping, cooking, and plumbing facilities; that is intended for human occupancy; that is being used for residential purposes; and that was constructed before January 1, 1962

Middle housing. Housing that consists of duplexes, triplexes, quadplexes, cottage clusters, or townhouses. *["Middle housing" includes retained units under ORS 197A.420(4) and additional "bonus" units allowed by ORS 197A.421.]*

Middle Housing Land Division (MHLD). 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 ORS 197A.421.

- **Parent Lot.** In relation to a Middle Housing Land Division, a lot or parcel which is developed or is proposed to be developed with a middle housing development.
- **Child Lot.** In relation to a Middle Housing Land Division, 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."

Mixed-Use. The combination of residential uses with commercial (e.g., office, retail, or services), civic, or light industrial uses on a site.

Multi-Unit Housing. See definitions under "Housing Type."

N

Nonconforming Development. An element of a development, such as lot area, setback, height, lot coverage, landscaping, sidewalk, or parking area, or lack thereof, that was created in conformance with development regulations but which subsequently, due to a change in the zone or applicable Code standards, is no longer in conformance with the current applicable development regulations. See Chapter 1.4.

Nonconforming Situation. A Nonconforming Development or Nonconforming Use. A situation may be nonconforming in more than one aspect. For example, a site may contain a nonconforming use and also have some nonconforming development. See also, Nonconforming Development and Nonconforming Use. See Chapter 1.4.

Nonconforming Use. A use that was allowed by right when established or a use that obtained a required land use approval when established, but that subsequently, due to a change in the zone or zoning regulations, the use or the amount of floor area of the use is now prohibited in the zone. See Chapter 1.4.

O

Off-street Parking. All off-street areas designed, constructed, used, or required, or intended to be used, for the parking of motor vehicles. See Chapter 3.5 for parking standards.

On-street Parking. Parking in the street right-of-way, typically in parking lanes or bays, when allowed by the applicable roadway authority. See Chapter 3.5 for parking standards.

Orientation. To cause to face toward a particular point of reference (e.g., "A building oriented to the street").

Owner. The owner of the title to real property or the contract purchaser of real property of record, as shown on the latest assessment records in the Office of the County Assessor. Owner also includes a deed holder or contract purchaser whose name does not appear in the latest assessment records, but who presents to the City a copy of a deed or contract of sale signed by the owner of record.

P

Parcel. A legally defined area of land created through a partition. See also: “Lot.”

Parking Area. A parking area is all the area devoted to the standing, maneuvering, and circulation of motor vehicles. Parking areas do not include driveways or areas devoted exclusively to non-passenger loading or fire apparatus lanes.

Parking Lot Perimeter. The boundary of a parking lot area that usually contains a landscaped buffer area.

Parking Space. An improved space designed to provide standing area for a motor vehicle. See Chapter 3.5 for parking space standards.

Partition. To divide an area or tract of land into two or three parcels within a calendar year when such area or tract of land exists as a unit or contiguous units of land under single ownership at the beginning of such year. See ORS 92.010(8).

Pathway. A walkway, bikeway, or access way conforming to City standards and separated from the street right-of-way, that may or may not be within a public right-of-way.

Planned Road or Street. A highway, road, street, or alley identified in an adopted corridor plan, comprehensive plan or transportation system plan in accordance with administrative procedures of OAR 660-012 and ORS Chapter 197, but that has not been constructed.

Planter Strip. A landscape area for street trees and other plantings within the public right-of-way, usually a continuous planter area between the street and a sidewalk.

Plat. Diagrams, drawings, and other writing containing all the descriptions, locations, dedications, provisions, and information concerning a land division. This term includes the state law definitions of “partition plat” and “subdivision plat.” See also, Chapter 4.3, Land Divisions.

Posted Speed. The statutory speed established by ORS 811.105 or ORS 811.180, or the designated speed established by ORS 810.180.

Practicable. Capable of being done after taking into consideration reasonable cost, existing technology, and logistics in light of overall project purposes.

Primary dwelling. 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.

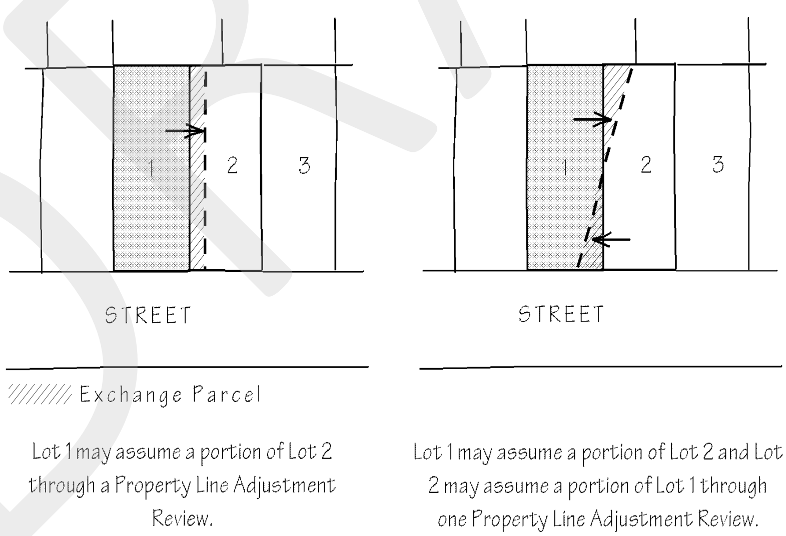
Primary Structure. A structure or combination of structures of chief importance or function on a site. In general, the primary use of the site is carried out in a primary structure. See Chapter 5.1.

Primary Use. An activity or combination of activities of chief importance on the site. One of the main purposes for which the land or structures are intended, designed, or ordinarily used. A site may have more than one primary use. See Chapter 5.1.

Project. An existing or proposed use or development subject to one or more land use approvals.

Property Line Adjustment. The relocation of a single common property line between two abutting properties not resulting in an increase in the number of lots, pursuant to Chapter 4.3. See figure, below.

Property Line Adjustment



Public Access Easement. A public access easement is an easement granted to the public for vehicular and pedestrian access, or for non-motorized access.

Public Improvements. Development of public infrastructure, as required by the City, a special district, or road authority, as applicable. See Chapter 3.6.

Q

Quadplex. See "Housing Type."

Quasi-judicial. An action or decision that requires substantial discretion or judgment in applying the standards or criteria of this Code to the facts of a development or land use proposal, and requires a public hearing. See Section 4.1.040.

R

Recreational Vehicle (RV). A vehicle, with or without motive power, that is designed for human occupancy and to be used temporarily for recreational, seasonal, or emergency purposes and is further defined by state law and/or administrative rules.

Right-Of-Way. Real property or an interest in real property owned by a roadway authority for the purpose of constructing, operating, and maintaining public facilities.

Roadway. The portion of a right-of-way that is improved for motor vehicle and bicycle travel, subject to applicable state motor vehicle licensing requirements. Roadway includes vehicle travel lanes and on-street parking areas. Roadway does not include area devoted to curbs, parking strips, or sidewalks.

Road/Roadway Authority. The City or other agency (e. g., Oregon Department of Transportation, City of *[name]*, or *[name]* County) with jurisdiction over a road or street.

S

Self-Service Storage. Mini-storage or other storage areas for individual or business uses. The storage areas are designed to allow private access by the tenant for storing personal property.

Senior Housing. Housing designated and/or managed for persons over a specified age. Specific age restrictions vary, and uses may include assisted living facilities, retirement homes, convalescent or nursing homes, and similar uses not otherwise classified as Residential Homes or Residential Facilities. Senior housing is classified as either Multi-Unit Housing or Congregate Housing Facility, depending on its characteristics. See also Section 5.1.020 Residential Use Categories.

Setback / Setback. The minimum or maximum distance required between a specified object, such as a building, and another point, measured from lot lines to a specified object. Typically, a setback refers to the minimum or maximum distance from a building to a specified property line. In addition, the following setbacks indicate where each setback is measured from.

- Alley Setback. A setback that is measured from an alley.
- Front Setback. A setback that is measured from a front lot line.
- Garage or Carport Opening Setback. A setback that is measured from a street lot line to the opening of a garage or carport. It is essentially a minimum driveway length.
- Interior Side Setback. A setback that is measured from a side lot line other than a street-side lot line.
- Rear Setback. A setback that is measured from a rear lot line.
- Street-Side Setback. A setback that is measured from a street-side lot line.

Shared Driveway. A driveway used to access two or more parcels.

Shared Parking. Required parking facilities for two or more uses, structures, or lots or parcels, which are satisfied jointly with the same facilities. See Chapter 3.5.

Sidewalk. A paved walkway within a public street right-of-way that is generally located adjacent to and separated from the roadway by a curb*[, drainage facility (e.g., ditch or swale),]* or planter strip.

Sight Distance. The unobstructed viewing distance measured from one object or location to another object or location, usually required for the purpose of traffic safety (e.g., a length of street or highway that a driver can see with an acceptable level of clarity, pursuant to the standards of the applicable roadway authority).

Sign. Any outdoor device, or device visible from outdoors, providing identification, advertising, or directional information for a specific business, group of businesses, service, product, brand, person, organization, place or building. included in this definition of signs are: graphic devices such as logos and trademarks; attention-attracting objects such as wind-driven spinners, portable sign devices, logo sculptures, banners, balloons, streamers, strobe lights, flags, inflatable structures, projected picture signs, holographic projection signs, and laser projected designs/images/copy; and other attention attracting media and devices.

Single Room Occupancy (SRO) Housing. A residential development with no fewer than four attached sleeping units that are independently rented and lockable and provide living and sleeping space for the exclusive use of an occupant, but require that the occupant share sanitary or food preparation facilities with other units in the occupancy (ORS 197A.430).

Site / Development Site. For land divisions, property line adjustments, and lot consolidations, the site is the lots, lots of record, parcels, or tracts proposed to be divided or reconfigured. For all other purposes, the site is a property or an ownership (i.e., a group of abutting properties under the same ownership), except as follows:

- If a proposed development includes multiple ownerships, then the site is the combined area of all contiguous ownerships.
- If a proposed development includes only a portion of an ownership, and the balance of the ownership is vacant, then the applicant may choose to define the site as the portion of the ownership that is proposed for development.
- If a proposed development includes only a portion of an ownership, and there is other development on the ownership, then the applicant may choose to define the site as the portion of the ownership that is currently developed plus the portion proposed for development.

Site Area. 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.

Site Frontage. The part of a site that abuts a street. See also, Block/Street Frontage.

Spacing Standards. The minimum distance required between a proposed street or driveway connection, as applicable, and the center of the nearest existing street or driveway connection on the same side of the highway in both directions, as set forth by the standards of the applicable roadway authority. Spacing standards for state highways are contained in OAR 734-051-4020.

Stacking Lane. The space occupied by vehicles queueing on the development site and behind any public sidewalk for a service to be provided at a drive-through facility.

*[**Standard Land Division.** A subdivision or partition other than a Middle Housing Land Division.]*

Street. A right-of-way that is intended for motor vehicle, pedestrian, or bicycle travel; or for motor vehicle, bicycle, or pedestrian access to abutting property. For the purposes of this Code, street does not include alleys and rail rights-of-way that do not also allow for motor vehicle access, or freeways and their ramps.

Street Connectivity. Expressed as the number of street and/or access way connections within a specific geographic area. Higher levels of connectivity provide for more direct transportation routes and better dispersion of traffic, resulting in less traffic on individual streets and potentially slower speeds through neighborhoods.

Street-Facing / Oriented to Street. A wall plane of a structure that faces or is oriented within 45 degrees or less from a street lot line.

Street Stub. A temporary street ending where the street will be extended through adjacent property in the future, as those properties develop. Not a permanent street-end or dead-end street.

Structure. Except as provided by applicable building codes, any object constructed in or on the ground. Structure includes buildings, decks, fences, towers, flag poles, signs, utility vaults, and other similar objects. Structure does not include paved areas or vegetative landscaping materials.

Subdivision. To divide land into four or more lots within a single calendar year. See also, Chapter 4.3 Land Divisions, and ORS 92.010.

Sufficient Infrastructure. The following level of public services to serve a new housing development:

- Connection to a public sewer system capable of meeting established service levels *[or other means of wastewater disposal approved by the city]*.
- Connection to a public water system capable of meeting established service levels *[or other source of water approved by the city]*.
- 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.

T

Through Street. A street that connects to other streets at both ends or is planned to do so in the future, pursuant to a comprehensive plan, transportation system plan, access management plan, or land use approval.

Topographical Constraint. Where existing slopes, landforms (e.g., streams, canals, rock outcropping, etc.) or existing man-made feature (e.g., embankment or berm) make conformance with a Code standard impracticable.

Townhouse. See "Housing Type."

Townhouse Project. 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.

Townhouse Style Multi-Unit Housing. Multi-unit 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.

Tract. A piece of land within a platted subdivision reserved for open space, utility corridor, recreation facilities, sensitive lands, or other purpose; may be dedicated to a homeowner's association or other entity for maintenance.

Traffic Impact Analysis. A report prepared by a professional engineer that analyzes existing and future roadway conditions, and which may recommend transportation improvements and mitigation measures.

Turnaround. A vehicle maneuvering area at the end of a dead-end street (*e.g.,* hammerhead, cul-de-sac, or other configuration) that allows for vehicles to turn around.

Travel Trailer. A vacation structure or self-propelled vehicle equipped with wheels for street or highway use; intended for human occupancy; equipped with plumbing, sink, or toilets; used for vacation and recreational purposes; and not used as a residence. See ORS 446.003(5), (24), and Recreational Vehicle.

Triplex. See "Housing Type."

U

Use, Land Use. The purpose for which land or a structure is designed, arranged, intended, occupied, or maintained. See Chapter 5.1.

V

Variance. A decision by the applicable decision-making authority to lessen or otherwise modify the requirements of this Code. See Chapter 4.7.

Vehicle Areas. All of the areas on a site where vehicles may circulate or park, including parking areas, driveways, drive-through lanes, and loading areas. See also, Driveway and Parking Area.

Vision Clearance Area. Areas near intersections of roadways and motor vehicle access points where a clear field of vision is required for traffic safety and to maintain adequate sight distance. See Chapter 3.3.

W

Walkway. A transportation facility built for use by pedestrians, usually located outside a street right-of-way or tract.

Waste/Trash Collection Areas. Waste collection areas include areas set aside or designed to be used for garbage collection and collection of materials for recycling or composting. Waste collection areas include areas occupied by dumpsters and other solid waste receptacles.

X *[reserved]*

Y *[reserved]*

Yard. The area defined by setbacks (i.e., between the setback line and nearest property line).

Z *[reserved]*