



## **PLANNING COMMISSION WORK SESSION AGENDA**

**Monday, September 14, 2020 - 6:00 PM**

**City Hall, Conference Room A, 169 SW Coast Hwy, Newport, OR 97365**

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This meeting will be held electronically. The public can live-stream this meeting at <https://newportoregon.gov>. To access the livestream, visit the Planning Commission page at <https://www.newportoregon.gov/citygov/comm/pc.asp>. Once there, an "in progress" note will appear if the meeting is underway; click on the "in progress" link to watch the livestream. It is not possible to get into a meeting that will be livestreamed before the meeting starts. The meeting will also be broadcast on Charter Channel 190.

Public comment may be made, via e-mail, by noon on the scheduled date of the meeting at [publiccomment@newportoregon.gov](mailto:publiccomment@newportoregon.gov). To make a "real time" comment during a meeting, a request to speak must be received by 2:00 P.M. on the scheduled date of the meeting. The request to speak should include the agenda item on which the requestor wishes to speak. If the comments are not related to a particular agenda item, the request to speak should include a notation that the request is for general public comment, and the general topic. The request should be e-mailed to [publiccomment@newportoregon.gov](mailto:publiccomment@newportoregon.gov). Once a request to speak has been received, staff will send the requestor the Zoom meeting link. This link will allow a requestor to participate via video or telephone.

The agenda may be amended during the meeting to add or delete items, change the order of agenda items, or discuss any other business deemed necessary at the time of the meeting.

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### **1. CALL TO ORDER**

### **2. UNFINISHED BUSINESS**

#### **2.A Draft OARs Implementing HB 2001 (Large City Model Code) and HB 2003 (Housing Production Strategies).**

[Memorandum](#)

[HB 2001 and HB 2003 Implementation Timeline](#)

[Draft OAR Chapter 660, Division 046 amendments \(HB 2001 Large City Provisions\)](#)

Draft OAR Chapter 660, Division 008 amendments (HB 2003 Housing Production Strategies)

**2.B Revised TSP Update Schedule & Summary of Public Outreach Virtual Event No. 1.**

Memorandum

Updated Project Schedule

Draft Program for Public Outreach Event No. 1

**3. NEW BUSINESS**

**3.A Updated Planning Commission Work Program.**

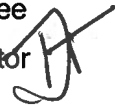
PC Work Program 9-14-20

**4. ADJOURNMENT**

# City of Newport

## Community Development Department

# Memorandum

To: Planning Commission / Commission Advisory Committee  
 From: Derrick I. Tokos, AICP, Community Development Director   
 Date: September 10, 2020  
 Re: Draft OARs Implementing HB 2001 (Large City Model Code) and HB 2003 (Housing Production Strategies)

Enclosed is a copy of the draft set of Oregon Administrative Rules (OARs) that the Land Conservation and Development Commission (LCDC) will consider at its September 25, 2020 meeting. This is the first of two public hearings that will be held. The second hearing will occur on November 12, 2020.

Draft OARs related to HB 2001 set out a model code that cities with a population over 25,000 can use to implement provision of the bill that require they allow duplexes, triplexes, fourplexes, and cottage cluster development in areas where single-family detached development is allowed. Newport is not required to comply with these provisions. However, since Newport must implement the portion of the bill that applies to medium size cities, that is to allow duplexes where single-family detached homes are allowed, it is an opportune time to look at whether or not there are aspects of the large city provisions that we may want to implement as part of the code update.

Included in the draft rules is a set of clear and objective design standards that apply to the listed "middle housing" options. This work session provides Commissioners an opportunity to discuss whether or not these use allowances and design standards might be appropriate in low-density residential areas (R-1 and R-2 zones) that are currently limited to single-family detached dwellings and duplexes. Alternatively, the Commission may want to consider whether the clear and objective design standards might be appropriate in the City's high-density residential areas (R-3 and R-4 zones), where the City currently allows the middle housing types with limited guidance as to how they should be designed.

The second set of OARs implement HB 2003, expanding the scope of housing related issues that must be addressed in a Housing Capacity Analysis (i.e. Housing Needs and Buildable Lands Assessment), requiring they be performed more frequently (on a 6-8 year cycle) with reporting on an annual and mid-cycle schedule. Cities with a population over 10,000 must comply with these requirements, culminating in an update to the Housing element of their Comprehensive Plans. Newport is in the queue for 2022, meaning that the City will have to comply with the new rules by the end of that calendar year. This work session is an opportunity for Commissioners to discuss, and ask questions about, the proposed OARs.

With respect to both sets of OARs, Commission member may want to discuss whether or not they want to collectively recommend the City Council provide comment to LCDC regarding the draft rules.

### Attachments

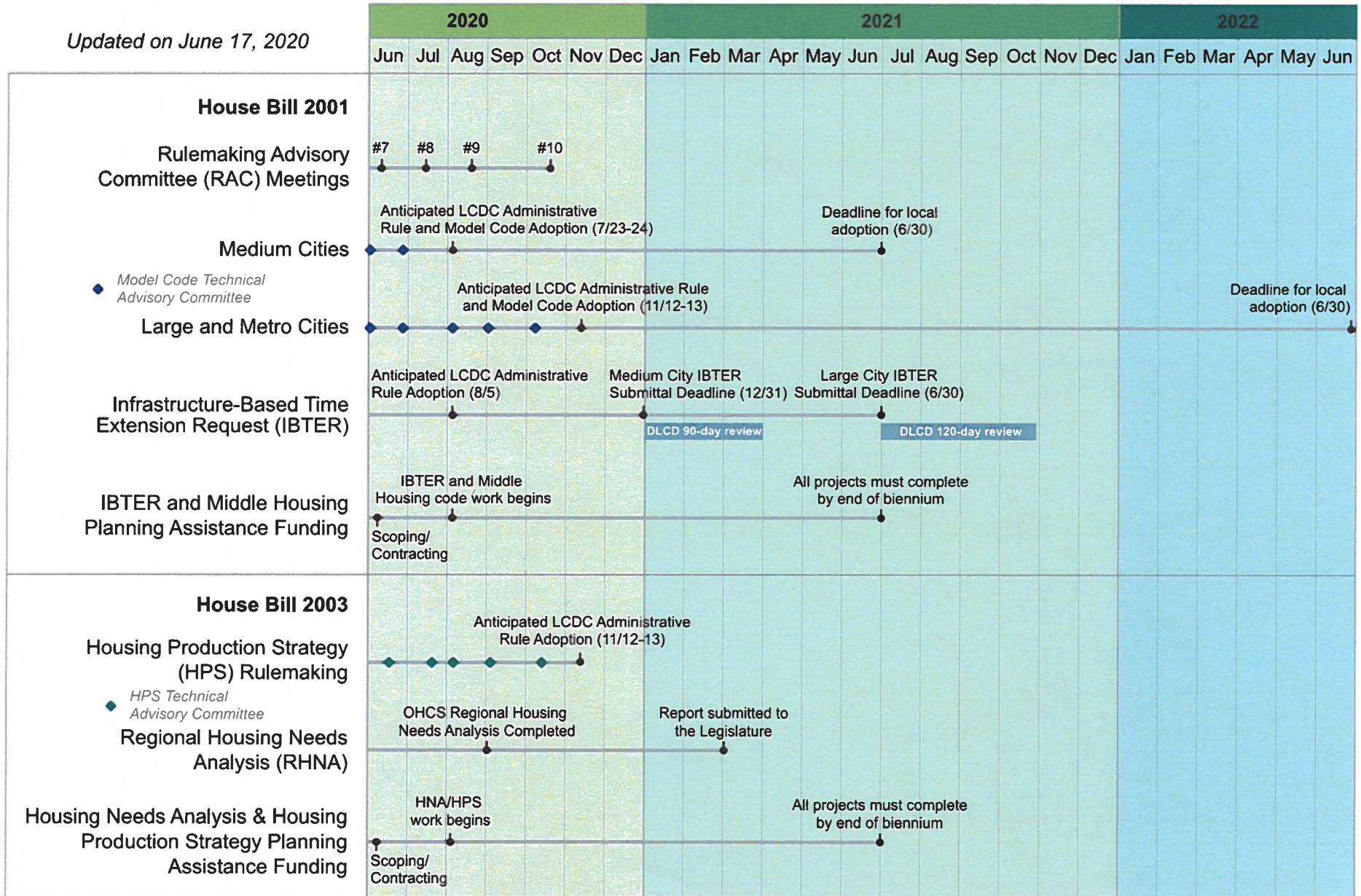
HB 2001 and HB 2003 Implementation Timeline  
 Draft OAR Chapter 660, Division 046 amendments (HB 2001 Large City Provisions)  
 Draft OAR Chapter 660, Division 008 amendments (HB 2003 Housing Production Strategies)



# Implementation Timeline

## House Bill 2001 and House Bill 2003

Updated on June 17, 2020





**NOTICE OF PROPOSED RULEMAKING**  
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 660  
LAND CONSERVATION AND DEVELOPMENT DEPARTMENT

**FILED**

08/26/2020 7:58 AM  
ARCHIVES DIVISION  
SECRETARY OF STATE

FILING CAPTION: Amend and adopt rules in accordance with House Bill 2001 (2019) and ORS 197.758

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 11/12/2020 8:30 AM

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

CONTACT: Casaria Taylor  
503-934-0065  
casaria.taylor@state.or.us

635 Capitol Street  
Salem, OR 97301

Filed By:  
Casaria Taylor  
Rules Coordinator

**HEARING(S)**

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

DATE: 09/25/2020

TIME: 8:00 AM

OFFICER: LCDC

ADDRESS: Virtual Hearing  
no address

Salem, OR 97301

SPECIAL INSTRUCTIONS:

View the LCDC website for more information

<https://www.oregon.gov/lcd/Commission/Pages/Meetings.aspx>

DATE: 11/12/2020

TIME: 8:00 AM

OFFICER: LCDC

ADDRESS: Virtual Hearing  
no address

Salem, OR 97301

SPECIAL INSTRUCTIONS:

View the LCDC website for more information

<https://www.oregon.gov/lcd/Commission/Pages/Meetings.aspx>

**NEED FOR THE RULE(S):**

To adopt rules in accordance with House Bill 2001 (2019) and ORS 197.758.

**DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:**

OAR 660-008; OAR 660-015; OAR 660-023; OAR 660-037; ORS 197 are available at the department, 635 Capitol Street NE, Salem, OR 97301 and online.

**FISCAL AND ECONOMIC IMPACT:**

The Large and Metro Cities Middle Housing Draft Administrative rules may result in fiscal and economic impacts including:

Compliance costs for local governments to amend local development regulations for consistency with the draft rules and for DLCD to review those amendments.

Impacts to the public, development-related businesses, and local governments in the form of increases to property values, property taxes, and/or business and investment opportunities as a result of increased development potential.

Impacts to local governments resulting from differences in system development charge revenue, property tax revenue,



and/or cost of providing services due to a shift in the type and location of housing developed as a result of changes to local development regulations.

The anticipated fiscal and economic impacts in each of these categories are discussed in more detail below. There are no compliance costs for businesses, as the proposed rule does not apply to businesses directly, and the relevant businesses already must comply with local regulations for development.

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#### COST OF COMPLIANCE:

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

#### Code Amendments for Compliance

##### Local Government Costs

HB 2001 requires, and the proposed rules echo the requirement, that Large Cities (cities with a population greater than 25,000 outside of a metropolitan services district, areas with urban services, and cities with a population greater than 1,000 within the Metro region) comply with the requirement to amend their acknowledged comprehensive plans or land use regulations to allow the required middle housing. The rules also require, before adopting of any such amendments, that large cities provide for DCLD review of proposed changes. This is anticipated to have a fiscal impact on large cities.

The fiscal impact on an individual city will vary depending on how the city chooses to comply with HB 2001 and the proposed rules. Pursuant to the legislative directive in HB 2001, DLCD is developing model code language simultaneously with rulemaking, so jurisdictions will have the option to simply adopt the model code language, which is anticipated to have a lower fiscal impact than if a city alternatively chose to develop its own amendments. Although not all jurisdictions are expected to adopt the model code in its entirety due to its large cities have the option to adopt the model code in its entirety, adopt parts of the model code, or develop their own conforming code using the model code as a starting point. The proposed rules create a process by which local governments may identify specific standards that modify or otherwise deviate from the siting and design standards outlined in the rules. Should a local government choose to pursue this alternative process, a narrative analysis of various economic, development feasibility, and equitable outcome factors is required to justify a deviation. The city may conduct this analysis internally or with the assistance of a professional consultant, either of which would incur additional costs to the city.

Given the range of options available to large cities, it is difficult for DCLD to estimate the exact fiscal impact. DCLD estimates that the cost of drafting and adopting code amendments could range from \$50,000 for simply adopting the model code as written and in its entirety to \$150,000 for drafting separate regulations. The cost a large city incurred would also depend on the extent of opportunities the city provided for public comment and the costs imposed in that city for the process of formally adopting any amendments. The total cost could be higher for jurisdictions that conduct extensive public outreach or additional technical analysis.

Cities and counties will not be required to send a Measure 56 notice to property owners when adopting the conforming amendments since the proposed code changes do not limit or prohibit previously allowed uses.

##### State Agency Costs

DLCD staff will be responsible for the review of post-acknowledgement plan. This review is anticipated to require a substantial staff effort due to the complexity and the variety of middle housing types and standards that staff will need to analyze.

Additionally, there is the potential for DLCD to incur Department of Justice legal fees in situations where DLCD files, or is a party to, an appeal of a local government's non-compliant development code to the Land Use Board of Appeals (LUBA) or is brought to intervene in a LUBA case between two other parties regarding an appeal. DLCD also maintains

authority to enact an enforcement order, which would incur legal fees and demand a modest increase in staff effort in time to review and compile legal records relative to the typical level.

The fiscal impact to DLCD is difficult to estimate due to the varied complexity and review. DLCD staff will be required to review comprehensive plan documents and land use development code in addition to providing assistance to the local governments administering the proposed rules. DLCD anticipates that 2-3 full time equivalent staff capacity will be required to maintain the program.

#### Increased Development Potential

The proposed rules are expected to fiscally impact the following state agencies: DCLD. DCLD must review proposed amendments to an acknowledged comprehensive plan or local development regulations from large cities, which will create fiscally impact the agency. There are no other state agencies that are specifically required to take action under the proposed rules and therefore the rules are not anticipated to have a fiscal impact on other state agencies.

HB 2001 and the proposed rules require that large cities allow all middle housing types in areas zoned for residential use where single family homes are allowed and to allow duplexes on all lots or parcels in areas zoned for residential use where single family homes are allowed. The types of middle housing developments covered under HB 2001 and the rules include duplexes, triplexes, quadplexes, cottage clusters, and townhouses.

This requirement that middle housing be allowed may increase the land value in areas where middle housing development is financially feasible and where it offers financial returns that exceed those of single family development. This could affect the value of existing homes. It also provides property owners with a greater range of options for how to use their property. In locations where middle housing development is not financially feasible or does not offer financial returns that exceed those for single family homes, DCLD does not anticipate there will be a change to development potential or resale values.

Increased development potential will also vary by the type of middle housing development, though all middle housing types will be "competing" against single family homes and generally will only be built where the financial returns exceed those from single family home development. The greatest increase in development potential in many of the affected communities is likely to come from townhomes, which face fewer barriers outside the zoning code and have been broadly accepted by homebuilders and the development industry. This is especially true in new development situations and on infill lots with adequate street frontage. Duplexes have the greatest potential for single family conversion because they face fewer building code challenges. New development of duplex, triplex, and quadplex projects may be limited by lack of investors for rental housing and challenges with condominium development for ownership housing. Cottage cluster development may have greater development potential on larger sites with limited street frontage but may be more challenging to develop on smaller, infill lots in comparison to other middle housing types.

#### Impacts to the Public: Resale Value of Existing Homes

For existing homes, those that have a lower value and/or are in poor condition may be likely to be redeveloped as middle housing. Larger homes that are in need of major remodels may offer potential for conversion to a duplex, triplex, or quadplex (though building code requirements can be an issue). These types of homes may see an increase in resale value as a result of the proposed rules if there is sufficient demand for middle housing development or conversion and if the conversion results in a sufficient return on investment. This increase will be limited by the fact that in many potential infill situations, retaining and remodeling the existing single family home will still be the easiest and most financially feasible option. Desirable, well-maintained single family homes are unlikely to see a noticeable change in resale value since they would be unlikely targets for a developer or investor to convert to, or redevelop as, middle housing.

#### Impacts to the Public: Increased Options for Use of Property

The proposed rules also allow property owners a wider range of choices for how to use their property. Owners of single family homes may have the opportunity to create additional units on the property to generate rental income (or, potentially, sell units as condominiums) by adding units by converting existing space in a large home or by building additional units on the property. The financial impact is anticipated to be limited to those who choose to take advantage of the development potential. Given that the affected residential zones must currently allow development of an Accessory Dwelling Unit (ADU) in conjunction with a single family home, the financial impact will be the incremental difference in rent (or, possibly, sales value) between what would have been achieved under ADU rules and what could be achieved for middle housing types under the proposed rules. The financial impact may be larger for properties that can add multiple units, but not every property will be able to take advantage of the maximum development potential allowed by zoning due to site-specific constraints.

#### Impacts to the Public: Increased Property Taxes

Due to constitutional limits imposed by Measure 50, a property's maximum assessed value (MAV) can increase by no more than 3% per year except under certain circumstances, which limits the fiscal impact that property owners may experience from any increase in property value under the proposed rules. These circumstance under which the MAV can increase more than 3 percent include:

- New construction;
- Major improvement projects (e.g. additions, remodels, or rehabilitation);
- Land division; and
- Rezoning (where the property is used consistently with the new zoning).

In these cases, the assessor determines how much Real Market Value (RMV) was added by the change(s) to the property and uses the changed property ratio (CPR) for that property type to determine the additional taxable value.

#### Impacts to Small and Large Businesses- Increased Opportunities for Small-Scale Development

In locations where middle housing development enabled by the proposed rules is financially feasible, this may create additional opportunities for small development companies to engage in development activity at a scale that is appropriate for a small business. This could result in a positive fiscal impact for such businesses, who have increased business opportunities. Greenfield development tends to be more concentrated among larger development companies that are better capitalized and able to obtain more financing. However, even larger development companies rarely have more than 50 employees, so the impacts (positive and any slight negative impact to demand for larger-scale greenfield construction) are likely to be concentrated among businesses with fewer than 50 employees. The design, engineering, and other businesses that support development are likely to be the same regardless of housing type, or see very minor impacts to their business.

In some communities, however, there could be an increase in the pace of development if the lack of available land in desirable places with access to services has been a barrier to housing production. In particular, housing production in certain "land-locked" jurisdictions in the Metro region (whose borders do not touch the urban growth boundary) may be limited by lack of developable land, limiting population growth. In those places, the proposed rules have the potential to increase the capacity for growth. In the long-term, the increased pace of development resulting from the proposed rules can influence the population forecast and the total number of housing units that jurisdictions need to plan for.



It is difficult to say to what degree middle housing development will substitute for single family development vs. multifamily development. This depends on a number of factors, including unit size and tenure. In many Large and Metro Cities where larger multifamily buildings are financially feasible and relatively easy to finance, smaller rental housing (e.g. triplex and quadplex) is unlikely to compete and will substitute for relatively little multifamily housing. For-sale middle housing (e.g. most townhome development and some duplex and cottage cluster development) may substitute for single family development if the financial returns for middle housing types exceed those for single family homes and if builders and developers see this as an attractive opportunity for a segment of the housing market that is otherwise under-supplied.

#### Impacts to Local Governments: System Development Charge Revenue

Many cities have different system development charges (SDCs) for single family versus multifamily development, particularly for parks and transportation. Middle housing types are handled differently in different jurisdictions—some treat all middle housing types as multifamily for purposes of calculating SDCs, while others treat some one way and some another. Few have specific fees for each middle housing type. The nature and extent of a change in SDC revenue would depend on several factors, including:

The extent to which middle housing development is substituting for single family development vs. multifamily development;

Whether middle housing development increases the overall pace of development;

The SDC rates applied to each middle housing type; and

The difference in SDCs between multifamily and single family rates.

#### Impacts to Local Governments: Property Tax Revenue

As noted above, property taxes will likely only be affected by the proposed rules to the extent that property owners seek to take advantage of the ability to develop new housing types. This would produce a modest increase in property tax revenue from those properties relative to remaining as single family housing. However, middle housing development is likely substituting (at least in part) for single family and/or multifamily development that would otherwise have occurred and may have been more likely to occur on vacant land rather than infill. As a result, that increase in property value may be counterbalanced by a reduction in new property value from new development on vacant land.

#### Impacts to Local Governments: Cost to Provide Services

To the extent that the proposed rules increase infill development rather than greenfield development and lead to higher density new development as a result of middle housing development, this could modestly reduce the cost to local governments of providing urban services, since more compact development is typically more efficient to serve.

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

Small businesses and representatives were part of the Rulemaking Advisory Committee and Technical Advisory Committee.

HOUSING IMPACT STATEMENT:

MATERIALS AND LABOR COSTS INCREASE OR SAVINGS

The proposed rule is not anticipated to affect the cost of materials or labor since any increase in housing development overall is likely to be minor.

ESTIMATED ADMINISTRATIVE, CONSTRUCTION, OR OTHER COSTS INCREASE OR SAVINGS

The proposed rule is not anticipated to affect the cost of administration, construction, or other factors since any increase in housing development overall is likely to be minor.

LAND COSTS INCREASE OR SAVINGS

There are some situations in which the proposed rule could result in a modest impact to the cost of land for single-family residential development, as described below. The proposed rule is not anticipated to affect the cost of materials, labor, administration, or other factors, since any increase in housing development overall is likely to be minor. The proposed rule will not reduce the supply of land for housing and will either have no effect or a small positive effect on the overall supply of housing. The conditions in which the proposed rule could increase the cost of land for residential development, which would impact the cost to develop a single family home, are as follows: Middle housing development is financially feasible; and the returns from developing a middle housing type exceed those of developing a single family home on that lot. If these conditions are met, the developer of middle housing will likely be able to pay more for the lot than the developer of the single family home. This may increase the cost of land for the single family home. The reference case for this analysis is a 1,200 square foot single family home on a 6,000 square foot lot. Because 1,200 square feet is small for a new single family home in the current market and it is possible that middle housing types could be as large or even larger on a per-unit basis, (depending on restrictions on lot coverage and floor area ratio), the proposed rules will likely allow more units on the same land area. This makes it more likely that a developer would be able to pay more for the land to build middle housing than to build a 1,200 square foot single family home. However, it is worth noting that most new homes are as much as twice that size, and builders of these larger single family homes are also likely to be able to pay more for the land than someone trying to build a 1,200 square foot home. A large single family home and some forms of middle housing may have a more comparable ability to pay for land. Because the specific increases to land cost will depend on local market conditions, it is not possible to estimate the cost increase based on available data.

OTHER COSTS INCREASE OR SAVINGS

The proposed rule is not anticipated to affect other costs, since any increase in housing development overall is likely to be minor.

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RULES PROPOSED:

660-046-0000, 660-046-0010, 660-046-0020, 660-046-0040, 660-046-0050, 660-046-0110, 660-046-0115, 660-046-0120, 660-046-0200, 660-046-0205, 660-046-0210, 660-046-0215, 660-046-0220, 660-046-0225, 660-046-0230, 660-046-0235

AMEND: 660-046-0000

RULE SUMMARY: This rule outlines the purpose of the division in guiding the development of middle housing as provided in ORS 197.758.

CHANGES TO RULE:

660-046-0000

Purpose

The purpose of this division is to prescribe standards guiding the development of Middle Housing types as provided in Oregon Laws 2019, chapter 639. OAR 660-046-0010 to OAR 660-046-0130~~235~~ establish standards related to the siting and design of Middle Housing types in urban growth boundaries. OAR 660-046-0300 to OAR 660-046-0370 establish the form and substance of an application and review process to delay the enactment of standards related to the siting and design of Middle Housing types in areas with significant infrastructure capacity deficiencies.

Statutory/Other Authority: ORS 197.040

Statutes/Other Implemented: ORS 197.758

RULE SUMMARY: This rule describes which local governments are subject to the provisions of the division and in which areas of the city's urban growth boundary. The rule also describes how a city may regulate middle housing in conjunction with protective measures the city may have adopted to be in compliance with the statewide land use planning goals.

CHANGES TO RULE:

660-046-0010

Applicability

- (1) A local government that is a Medium City or Large City must comply with this division.¶¶
- (2) Notwithstanding section (1), a local government need not comply with this division for:¶¶
- (a) Lands that are not zoned for residential use, including but not limited to lands zoned primarily for commercial, industrial, agricultural, or public uses;¶¶
- (b) Residentially zoned lands that do not allow for the development of a detached single-family home; or¶¶
- (c) Lands that are not incorporated and that are zoned under an interim zoning designation that maintains the land's potential for planned urban development.¶¶
- (3) Local governments may regulate Middle Housing to comply with protective measures (including plans, policies, and regulations) adopted and acknowledged pursuant to statewide land use planning goals. Where local governments have adopted, or shall adopt, regulations implementing the following statewide planning goals, the following provisions provide direction as to how those regulations shall be implemented in relation to Middle Housing, as required by OAR 660-046-0010.¶¶
- (a) Goal 5: Natural Resources, Scenic, and Historic Areas - Pursuant to OAR ~~660-0~~chapter 660, division 23, local governments must adopt land use regulations to protect identified resources under Goal 5, including regulations to comply with protective measures (including plans, policies, and regulations) applicable to Middle Housing.¶¶
- (A) Goal 5 Riparian Areas, Wetlands, and Wildlife Habitat - Pursuant to OAR 660-023-0050 through 660-023-0115, local governments must adopt land use regulations to protect water quality, aquatic habitat, and the habitat of threatened, endangered and sensitive species. This includes regulations applicable to Middle Housing to comply with protective measures adopted pursuant to Goal 5. Local governments may apply regulations to ~~Duplexes~~ Middle Housing that apply to detached single-family dwellings in the same zone.¶¶
- (B) Goal 5: Historic Resources - Pursuant to OAR 660-023-0200(7), local governments must adopt land use regulations to protect locally significant historic resources. This includes regulations applicable to Middle Housing to comply with protective measures as it relates to the integrity of a historic resource or district. Protective measures shall be adopted and applied as provided in OAR 660-023-0200. Local governments may apply regulations to Middle Housing that apply to detached single-family dwellings in the same zone, except as provided below. If a local government has not adopted land use regulations to protect nationally significant historic resources, they must apply protective measures to Middle Housing as provided in OAR 660-023-0200(8)(a) until the local government adopts land use regulations in compliance with OAR 660-023-0200. Local governments may not apply the following types of regulations specific to Middle Housing:¶¶
- (i) Use, density, and occupancy restrictions that prohibit the development of Middle Housing on historic properties or districts that otherwise permit the development of detached single-family dwellings; or¶¶
- (ii) Standards that prohibit the development of Middle Housing on historic properties or districts that otherwise permit the development of detached single-family dwellings.¶¶
- (b) Goal 6: Air, Water and Land Resources Quality - Pursuant to OAR 660-015-0000(6), all waste and process discharges from future development, when combined with such discharges from existing developments, shall not threaten to violate, or violate applicable state or federal environmental quality statutes, rules, and standards. Local governments may apply regulations to Middle Housing in a manner that complies with federal and state air, water and land quality requirements.¶¶
- (c) Goal 7: Areas Subject to Natural Hazards - Pursuant to OAR 660-015-0000(7), local governments must adopt comprehensive plans (inventories, policies, and implementing measures) to reduce risk to people and property

from natural hazards. Such protective measures adopted pursuant to Goal 7 apply to Middle Housing, including, but not limited to, restrictions on use, density, and occupancy in the following areas:¶

(A) Special Flood Hazard Areas as identified on the applicable FEMA Flood Insurance Rate Map (FIRM); ~~or~~ and¶

(B) Other hazard areas identified in an adopted comprehensive plan or development code; provided the development of Middle Housing presents a greater risk to life or property than the development of detached single-family dwellings. Greater risk includes but is not limited to actions or effects such as:¶

(i) Increasing the number of people exposed to a hazard;¶

(ii) Increasing risk of damage to property, built, or natural infrastructure; and¶

(iii) Exacerbating the risk by altering the natural landscape, hydraulics, or hydrology.¶

~~(e)~~ Goal 15: Willamette Greenway - Pursuant to OAR 660-015-0005, cities and counties must review intensifications, changes of use or developments to insure their compatibility with the Willamette River Greenway. Local governments may regulate Middle Housing to comply with Goal 15 protective measures that apply to detached single-family dwellings in the same zone.¶

~~(d)~~ Goal 16: Estuarine Resources - Pursuant to OAR 660-015-0010(1) and OAR ~~660-0~~ chapter 660, division 17, local governments must apply land use regulations that protect the estuarine ecosystem, including its natural biological productivity, habitat, diversity, unique features and water quality. Local governments may prohibit Middle Housing in areas regulated to protect estuarine resources under Goal 16.¶

~~(e)~~ Goal 17: Coastal Shorelands - Pursuant to OAR 660-015-0010(2) and OAR 660-037-0080, local governments must apply land use regulations that protect shorelands for water-dependent recreational, commercial, and industrial uses. This includes regulations applicable to Middle Housing to comply with protective measures adopted pursuant to Goal 17. Local governments may apply regulations to ~~Duplexes~~ Middle Housing that apply to detached single-family dwellings in the same zone.¶

~~(f)~~ Goal 18: Beaches and Dunes - Pursuant to OAR 660-015-0010(3), local governments must apply land use regulations to residential developments to mitigate hazards to life, public and private property, and the natural environment in areas identified as Beaches and Dunes. This includes regulations applicable to Middle Housing to comply with protective measures adopted pursuant to Goal 18 including but not limited to restrictions on use, density, and occupancy; provided the development of Middle Housing presents a greater risk to life or property than development of detached single-family dwellings. Greater risk includes but is not limited to actions or effects such as:¶

(A) Increasing the number of people exposed to a hazard;¶

(B) Increasing risk of damage to property, built or natural infrastructure; and¶

(C) Exacerbating the risk by altering the natural landscape, hydraulics, or hydrology.¶

(4) For the purposes of assisting local jurisdictions in adopting reasonable siting and design standards for Middle Housing, the Commission adopts the following model Middle Housing Model Codes. The applicable Model Code adopted by reference in this section will be applied to Medium and Large Cities who have not acted to comply with the provisions of ORS 197.758 and this division and completely replaces and pre-empts any provisions of that local jurisdictions development code that conflict with the Model Code:¶

(a) The Medium City Model Code as provided in Exhibit A; and¶

(b) The Large City Model Code as provided in Exhibit B.¶

(5) This division does not prohibit local governments from allowing:¶

(a) Single-family dwellings in areas zoned to allow for single-family dwellings; or¶

(b) Middle Housing in areas not required under this division.

Statutory/Other Authority: ORS 197.040

Statutes/Other Implemented: ORS 197.758

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



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MEMORANDUM

## Model Code for Large Cities (LCDC DRAFT)

### DLCD Middle Housing Model Code

DATE August 24, 2020  
TO Oregon Land Conservation and Development Commission (LCDC)  
FROM Matt Hastie, Cathy Corliss, and Kate Rogers, Angelo Planning Group  
CC Ethan Stuckmayer and Robert Mansolillo, DLCD Project Team

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### Middle Housing Model Code for Large Cities

#### User's Guide:

Oregon House Bill 2001 (2019) (HB 2001) requires that “Large Cities” (defined as cities with a population of 25,000 or more and each county or city within a metropolitan service district) must allow: (1) all middle housing types in areas zoned for residential use that allow for the development of detached single-family dwellings; and (2) a duplex on each lot or parcel zoned for residential use that allows for the development of detached single-family dwellings. Middle housing, which HB 2001 defines as duplexes, triplexes, quadplexes, cottage clusters, and townhouses, provides an opportunity to increase housing supply in developed neighborhoods and can blend in well with detached single-family dwellings.

The bill allows local governments to regulate siting and design of middle housing, provided that the regulations do not, individually or cumulatively, discourage middle housing development through unreasonable costs or delay. When regulating siting and design of middle housing, Large Cities should balance concerns about neighborhood compatibility and other factors against the need to address Oregon’s housing shortage by removing barriers to development and should ensure that any siting and design regulations do not, individually or cumulatively, discourage the development of middle housing through unreasonable costs or delay.

Large Cities may develop their own standards in compliance with the requirements of HB 2001. This model code may provide guidance toward that end. However, if Large Cities do not wish to prepare their own standards or if Large Cities do not adopt the required code amendments by June 30, 2022, they must directly apply



this model code prepared by the Department of Land and Conservation Development (DCLD) to development in their jurisdictions. The model code is intended to be straightforward and implementable by Large Cities throughout the state, and is consistent with the requirements and intent of HB 2001. The model code will be adopted by reference into Oregon Administrative Rules.

To the extent they are applicable, the Administrative Rules contained in Chapter 660, Division 46 apply to and may be used to interpret this model code.

## Chapter 1. Combined Standards for All Middle Housing

### Sections:

- A. Purpose**
- B. Definitions**
- C. Applicability**
- D. Relationship to Other Regulations**
- E. Duplex, Triplex and Quadplex Examples**

### A. Purpose

The purpose of this model middle housing code (“code”) is to implement HB 2001, codified in ORS 197.758 et seq, by providing siting and design standards for middle housing developed in areas zoned for residential use that allow for the development of detached single family dwellings.

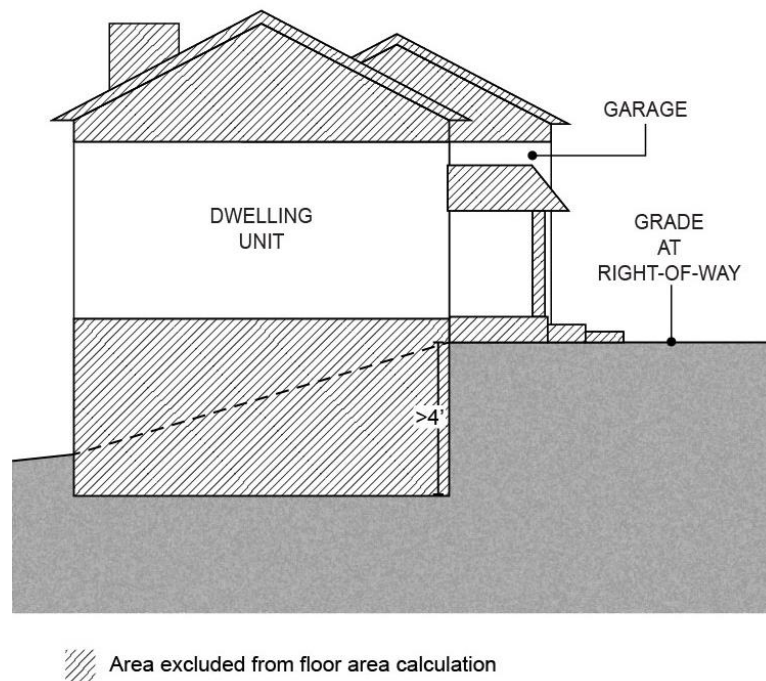
### B. Definitions

The following definitions shall apply for the purposes of this code, notwithstanding other definitions in the development code:

1. “Building footprint” means the horizontal area as seen in plan, measured from outside of all exterior walls and supporting columns. It includes dwellings and attached garages and carports. It does not include detached garages or carports, accessory structures, trellises, patios, and areas of porch, deck, and balcony less than 30 inches from finished grade, or cantilevered covers, porches or projections which do not have a post touching the ground or ramps and stairways required for access.
2. “Common courtyard” means a common area for use by residents of a cottage cluster. A common courtyard may function as a community yard. Hard and soft landscape features may be included in a common courtyard, such as lawn, groundcover, trees, shrubs, patios, benches, or gazebos. Pedestrian paths must be included as part of a common courtyard.

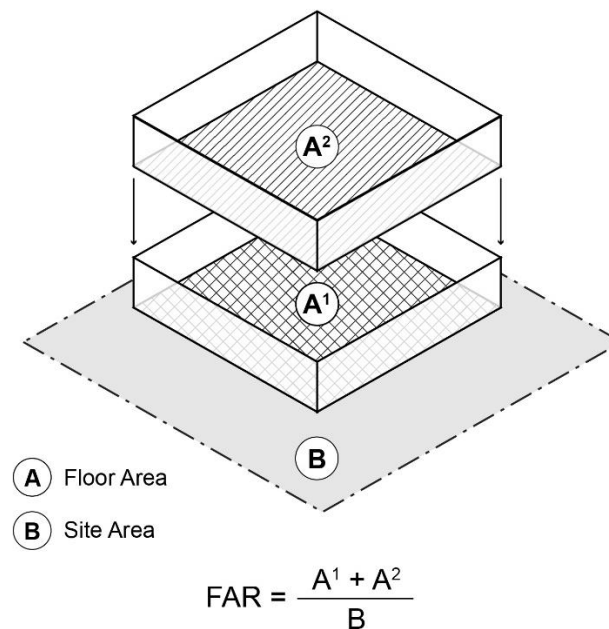
3. "Common wall" means a wall or set of walls in a single structure shared by two or more dwelling units. The common wall must be shared for at least 25 percent of the length of the side of the building of the dwelling units. The common wall may be any wall of the building, including the walls of attached garages.
4. "Cottage" means an individual dwelling unit that is part of a cottage cluster.
5. "Cottage cluster" means a grouping of no fewer than four detached dwelling units per acre, each with a footprint of less than 900 square feet, located on a single lot or parcel that includes a common courtyard. Cottage cluster may also be known as "cluster housing," "cottage housing," "bungalow court," "cottage court," or "pocket neighborhood."
6. "Cottage cluster project" means a development site with one or more cottage clusters. Each cottage cluster as part of a cottage cluster project must have its own common courtyard.
7. "Detached single family dwelling" means a detached structure on a lot or parcel that is comprised of a single dwelling unit. Detached single family dwellings may be constructed off-site, e.g., manufactured dwellings or modular homes.
8. "Door area" is the area of the portion of a door other than a garage door that moves and does not include the frame.
9. "Duplex" means two dwelling units on a lot or parcel in any configuration. In instances where a development can meet the definition of a duplex and also meets the definition of a primary dwelling unit with an accessory dwelling unit (ADU), the applicant shall specify at the time of application review whether the development is considered a duplex or a primary dwelling unit with an ADU. See Figure 3 through Figure 8 in Section E for examples of possible duplex configurations.
10. "Floor area" means the total area of all floors of a building. Floor area is measured for each floor from the exterior faces of a building or structure. Floor area includes stairwells, ramps, shafts, chases, and the area devoted to garages and structured parking. Floor area does not include the following (see Figure 1):
  - Areas where the elevation of the floor is 4 feet or more below the adjacent right-of way;
  - Roof area, including roof top parking;
  - Roof top mechanical equipment; and
  - Roofed porches, exterior balconies, or other similar areas, unless they are enclosed by walls that are more than 42 inches in height for 75 percent or more of their perimeter.

*Figure 1. Areas Excluded from Floor Area Calculation*



11. "Floor area ratio (FAR)" means the amount of floor area of a building or structure in relation to the amount of site area, expressed in square feet. For example, a floor area ratio of 2 to 1 means two square feet of floor area for every one square foot of site area. FAR is calculated by dividing the total floor area (as defined in Section (B)(6)) of all buildings on a site by the total site area, after subtracting any required or planned dedication of public rights-of-way and/or designation of private rights-of-way (See Figure 2).

Figure 2. Floor Area Ratio (FAR) Calculation



12. “Frontage” means the portion of a lot or parcel that abuts a street.
13. “Goal Protected Lands” means lands protected or designated pursuant to 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 15 Willamette River Greenway;
  - Goal 16 Estuarine Resources;
  - Goal 17 Coastal Shorelands;
  - Goal 18 Beaches and Dunes.
14. “Infrastructure-constrained lands” means lots or parcels that are not currently served by water, sewer, storm drainage, or transportation services; and where the local government is not able to correct the infrastructure limitation with an Infrastructure Based Time Extension Request (IBTER) due to jurisdictional, cost, or other limitations; and which cannot be remedied by future development of middle housing on the subject lot or parcel.
15. “Lot or parcel” means any legally created unit of land.
16. “Middle housing” means duplexes, triplexes, quadplexes, cottage clusters, and townhouses.

17. “Quadplex” means four dwelling units on a lot or parcel in any configuration. See Figure 12 and Figure 13 in Section E for examples of possible quadplex configurations.
18. “Site area” means the total area of a development site calculated after subtracting any required or planned dedication of public rights-of-way and/or designation of private rights-of-way.
19. “Townhouse” means 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,” or “common-wall house.”
20. “Townhouse project” means one or more townhouse structures constructed, or proposed to be constructed, together with the development site where the land has been divided, or is proposed to be divided, to reflect the townhouse property lines and the commonly owned property, if any.
21. “Triplex” means three dwelling units on a lot or parcel in any configuration. See Figure 9 through Figure 11 in Section E for examples of possible triplex configurations.
22. “Window area” means the aggregate area of the glass within each window, including any interior grids, mullions, or transoms.
23. “Zoned for residential use” means a zoning district in which residential dwellings are the primary use and which implements a residential Comprehensive Plan map designation.

## C. Applicability

### 1. Applicability of Code Sections.

- a. Code sections applicable to all middle housing types are: Chapter 1, Sections A. Purpose, B. Definitions, C. Applicability, and D. Relationship to Other Regulations.
- b. Code standards applicable to specific housing types are listed below:
  - Duplexes: Chapter 2.
  - Triplexes: Chapter 3.
  - Quadplexes: Chapter 3.
  - Townhouses: Chapter 4.
  - Cottage clusters: Chapter 5.

### 2. Applicability by Development Type and Location.

- a. Except as specified in subsection (b) of this section (C)(2), the standards in this code allow for the following development on lots or parcels zoned for residential use that allow for the development of detached single family dwellings:

- New duplexes and those created through conversion of existing detached single family dwellings.
  - New triplexes, quadplexes, cottage clusters, and townhouses, and those created through conversion of existing detached single family dwellings or duplexes.
- b. Exceptions. The standards in this code do not allow the following, unless otherwise permitted by the development code through clear and objective standards, criteria, and procedures:
- On goal-protected or infrastructure-constrained lands, the creation of triplexes, quadplexes, cottage clusters, or townhouses, or the creation of more than two dwelling units on a single lot or parcel, including accessory dwelling units.
  - On lands that are not zoned for residential use, the creation of middle housing. This includes lands zoned primarily for commercial, industrial, agricultural, public, or mixed uses, even if those zones allow for the development of detached single family dwellings.

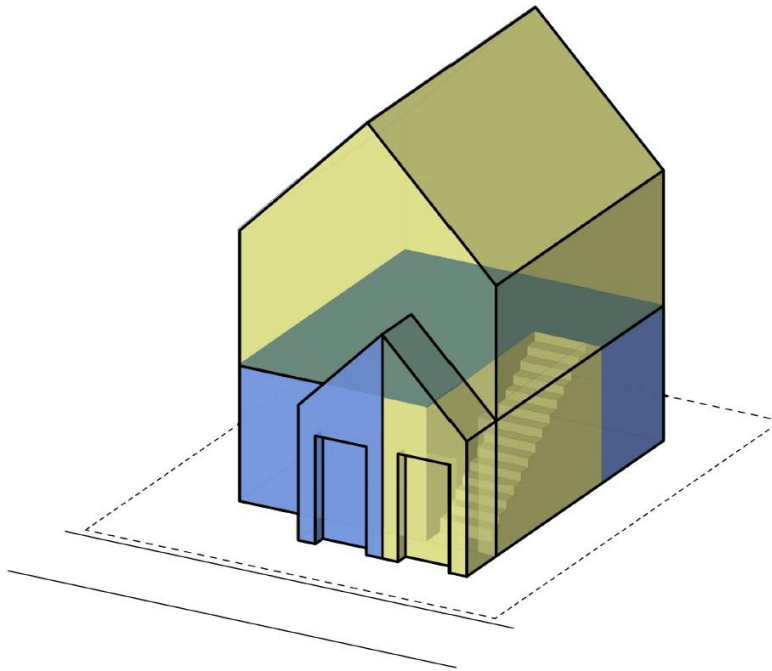
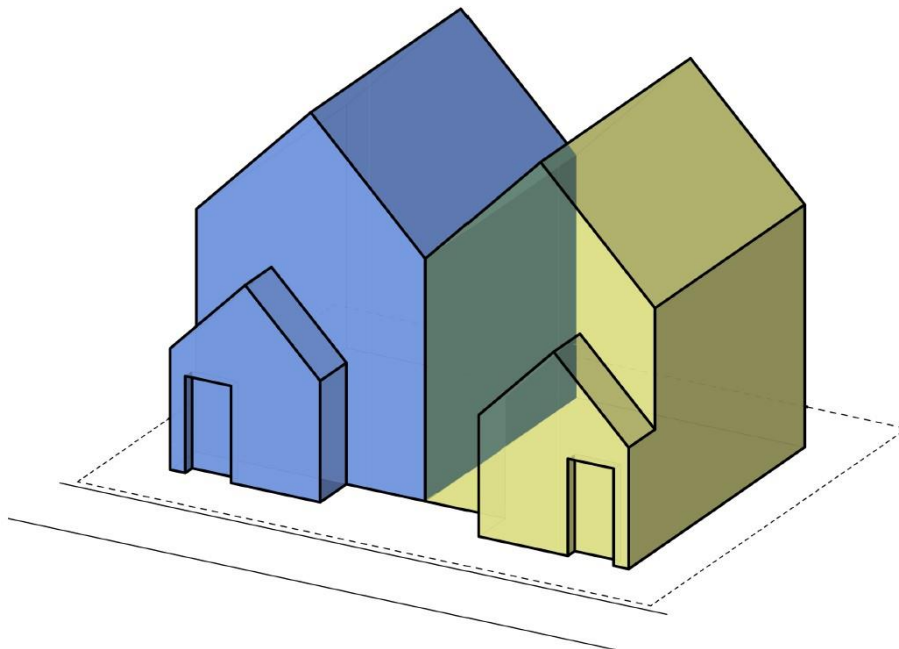
#### **D. Relationship to Other Regulations**

1. Conflicts. In the event of a conflict between this code and other standards applicable to a middle housing development, the standards of this code control.
2. Public Works Standards. Clear and objective exceptions (as required by ORS 197.307(4)) to public works standards granted to single family dwellings shall also be granted to duplexes.
3. Protective Measures. Middle housing shall comply with protective measures (plans, policies, or regulations) adopted pursuant to statewide land use planning goals (e.g., environmental and natural hazard protections).

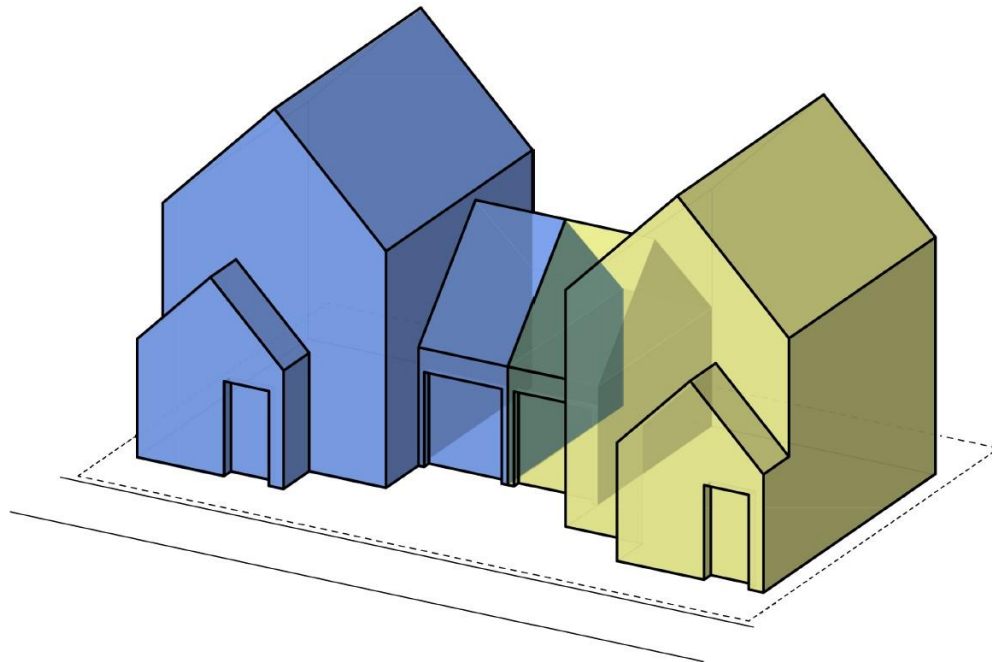
#### **E. Duplex, Triplex, and Quadplex Examples**

The following figures illustrate examples of possible configurations for duplexes, triplexes, and quadplexes. Other configurations may also be acceptable, provided the development meets the definition of duplex, triplex, or quadplex, pursuant to Section B.



*Figure 3. Stacked Duplex**Figure 4. Side-by-Side Duplex*

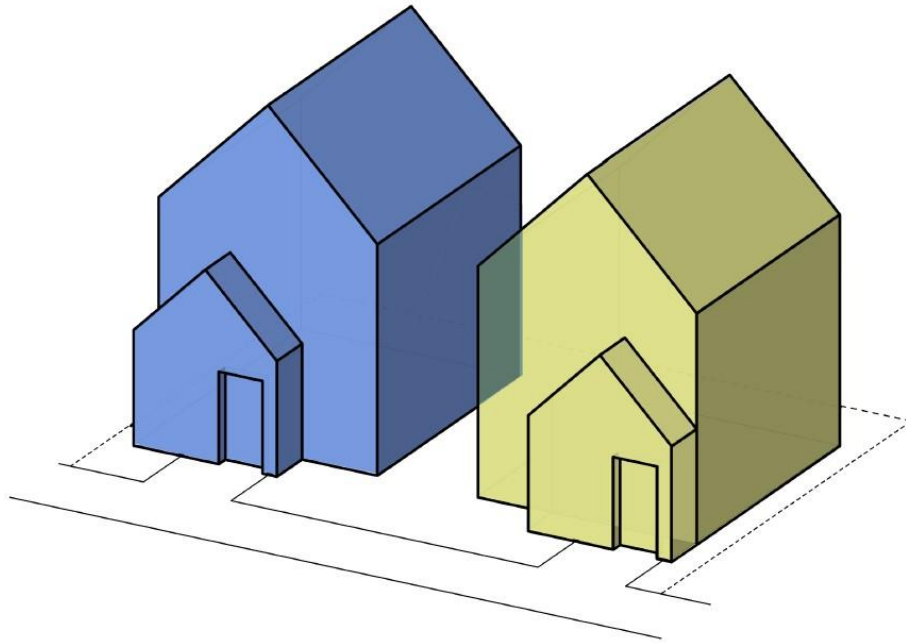
*Figure 5. Duplex Attached by Garage Wall*



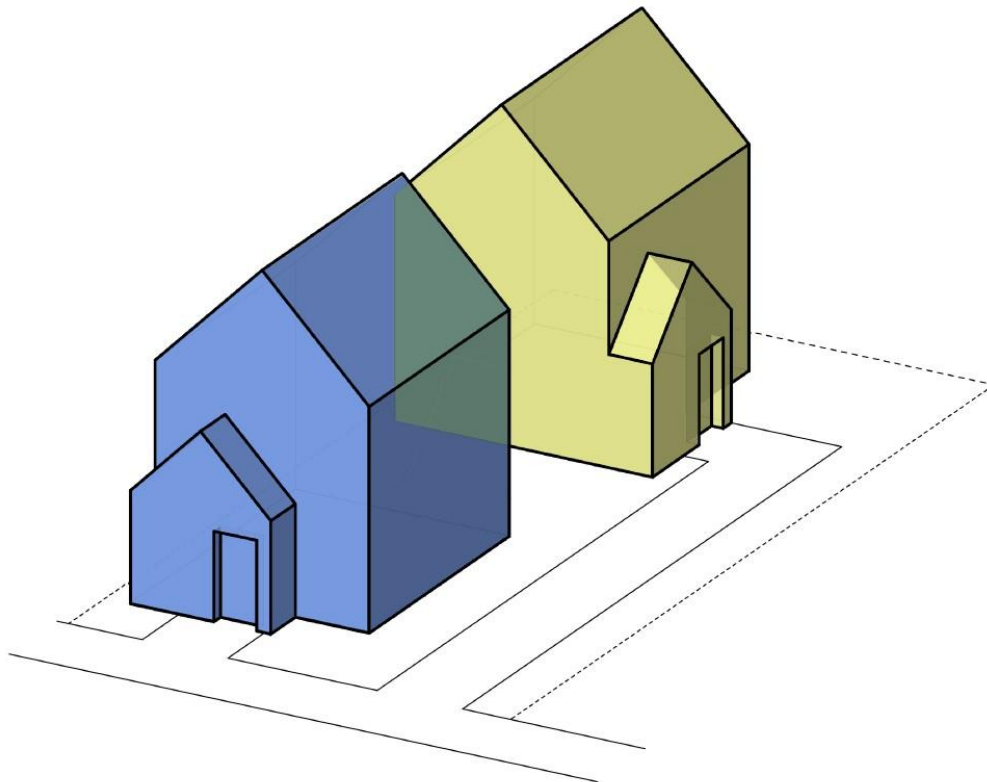
*Figure 6. Duplex Attached by Breezeway*



*Figure 7. Detached Duplex Units Side-by-Side*



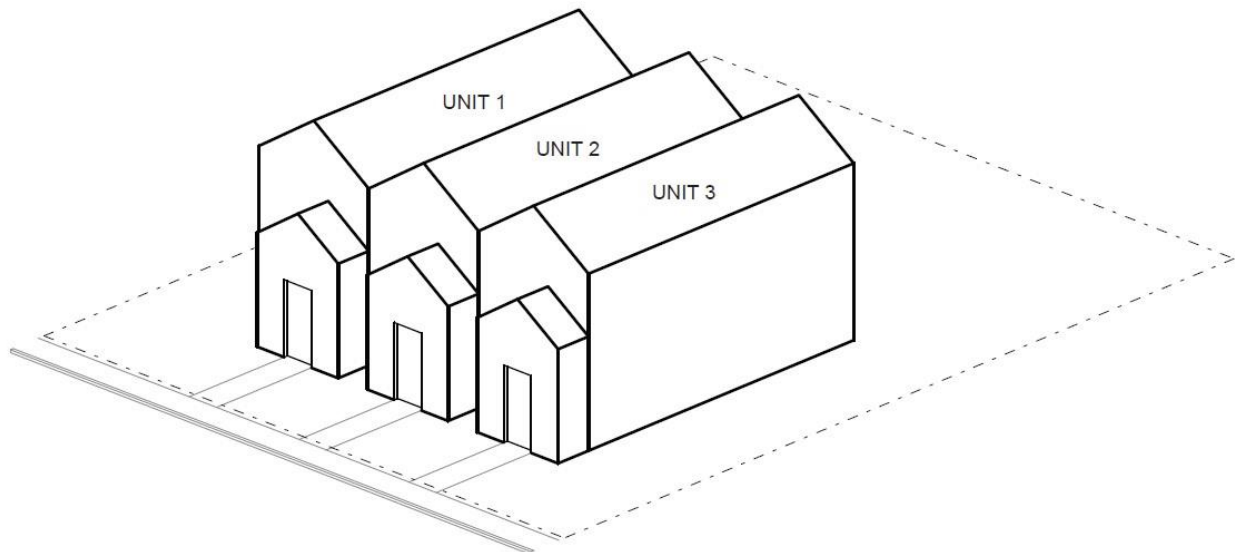
*Figure 8. Detached Duplex Units Front and Back*

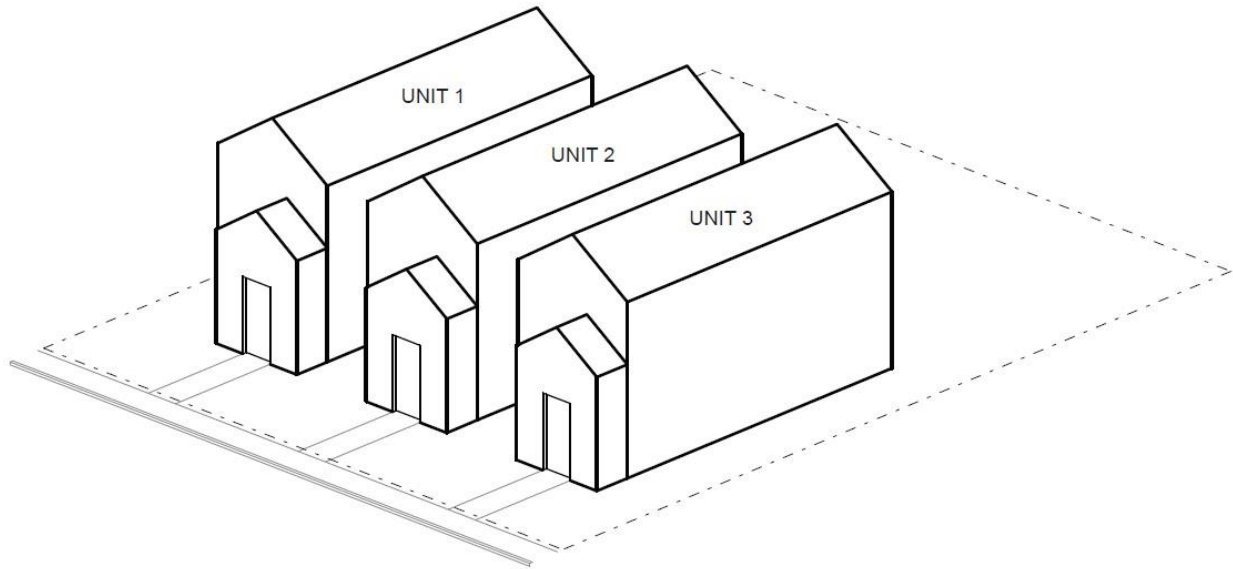
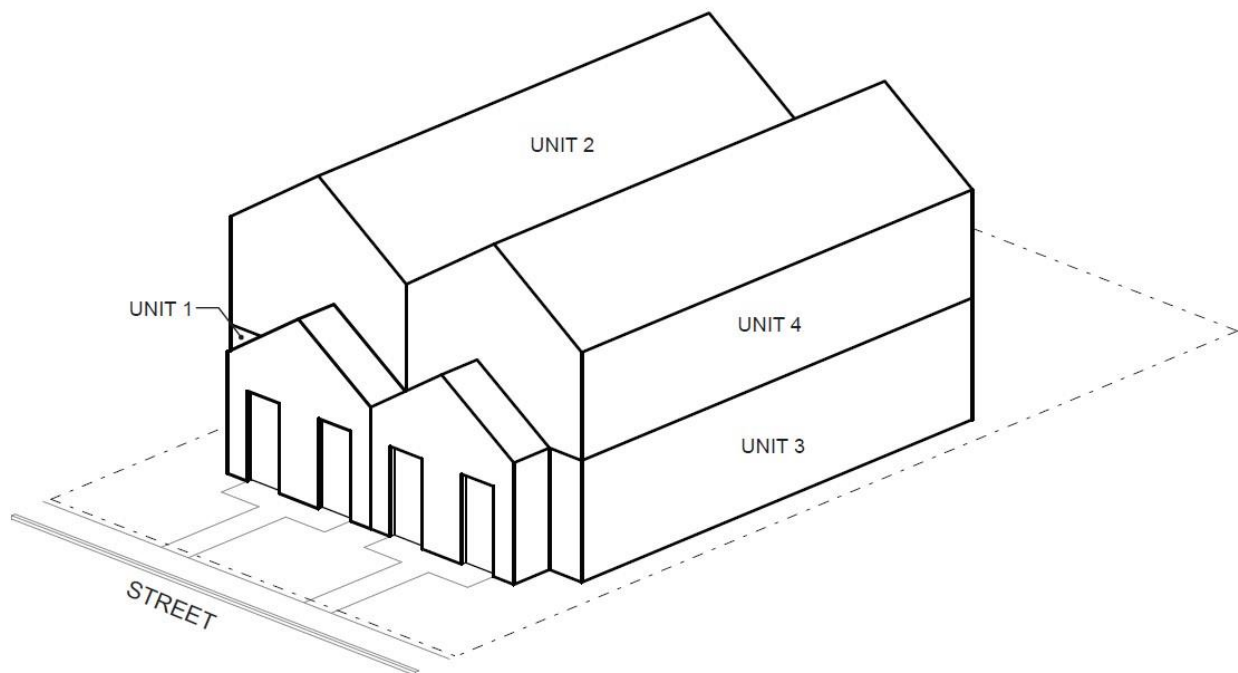


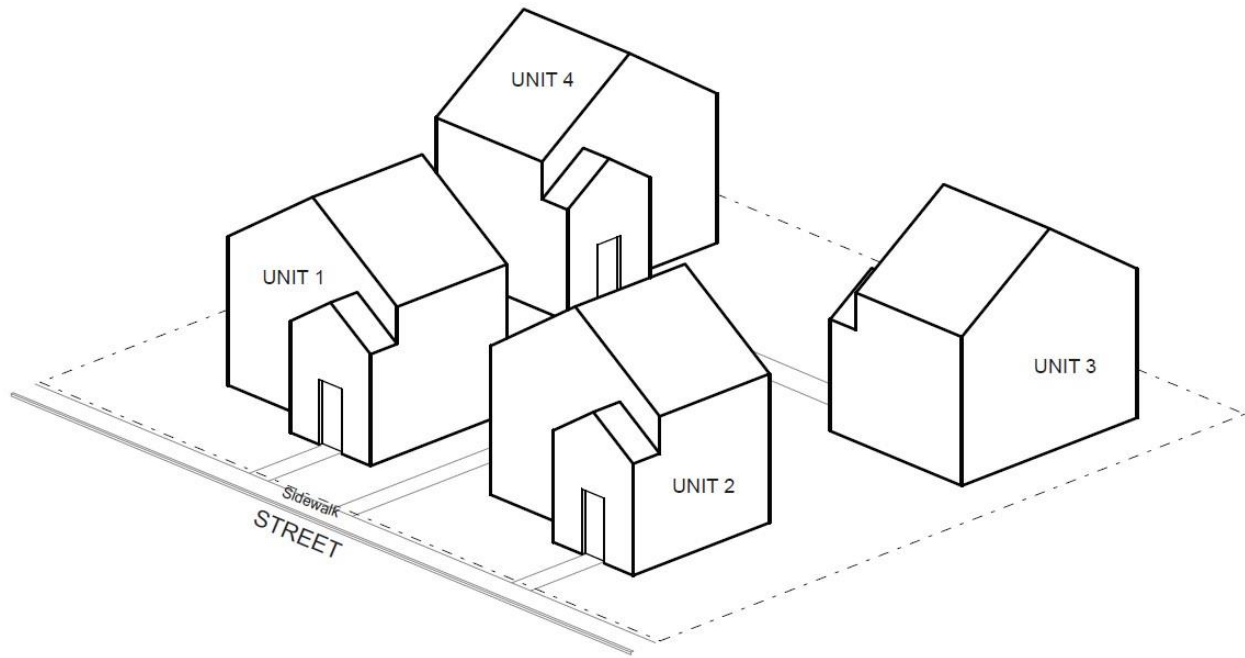
*Figure 9. Attached Triplex Front and Back*



*Figure 10. Attached Triplex Side-by-Side*



*Figure 11. Detached Triplex Side-by-Side**Figure 12. Stacked Quadplex*

*Figure 13. Detached Quadplex*



## Chapter 2. Duplexes

### Sections:

- A. Permitted Uses and Approval Process**
- B. Development Standards**
- C. Design Standards**
- D. Duplex Conversions**

### A. Permitted Uses and Approval Process

Duplexes are permitted outright on lots or parcels zoned for residential use that allow for the development of detached single family dwellings. Duplexes are subject to the same approval process as that for detached single family dwellings in the same zone and are subject only to clear and objective standards, approval criteria, conditions, and procedures. Alternatively, an applicant may choose to submit an application for a duplex subject to discretionary standards and criteria adopted in accordance with ORS 197.307, if such a process is available.

### B. Development Standards

Except as specified below, duplexes shall meet all clear and objective development standards that apply to detached single family dwellings in the same zone (including, but not limited to, minimum and maximum lot size, minimum and maximum setbacks, and building height), unless those standards conflict with this code.

The following development standards are invalid and do not apply to duplexes being developed on lots or parcels zoned for residential use that allow the development of a detached single family dwelling:

1. Maximum Density. The jurisdiction's pre-existing density maximums and minimum lot sizes for duplexes do not apply.
2. Setbacks. A minimum front setback of greater than 20 feet or a minimum rear setback of greater than 15 feet except for those minimum setbacks applicable to garages and carports.
3. Off-Street Parking. Any off-street parking requirement.

### C. Design Standards

New duplexes shall meet all clear and objective design standards (e.g., entry orientation, window coverage, articulation, etc.) that apply to detached single family dwellings in the same zone, unless those standards conflict with this code. Facades of dwellings that are separated from the street property line by another dwelling are exempt from meeting building design standards.

Any design standards that apply only to duplexes are invalid.

## D. Duplex Conversions

Conversion of an existing detached single family structure to a duplex is allowed, pursuant to Chapter 1, Section C (Applicability), provided that the conversion does not increase nonconformance with applicable clear and objective standards.

## Chapter 3. Triplexes and Quadplexes

### Sections:

- A. Permitted Uses and Approval Process
- B. Development Standards
- C. Design Standards
- D. Triplex and Quadplex Conversions

### A. Permitted Uses and Approval Process

Triplexes and quadplexes are permitted outright wherever they are allowed as provided in Chapter 1, Section C (Applicability). Triplexes and quadplexes are subject to the same approval process as that for detached single family dwellings in the same zone and are subject only to clear and objective standards, approval criteria, conditions, and procedures. Alternatively, an applicant may choose to submit an application for a triplex or quadplex subject to discretionary standards and criteria adopted in accordance with ORS 197.307, if such a process is available.

### B. Development Standards

1. Applicability.
  - a. Triplexes and quadplexes shall meet:
    - The standards in subsections (2) through (7) of this section (B).
    - All other clear and objective development standards that apply to detached single family dwellings in the same zone (including, but not limited to, lot size and dimensions, minimum and maximum setbacks, and building height), unless those standards conflict with this code and except as specified in subsections (1)(b) and (2) through (7) of this section (B).
  - b. The following standards are invalid and do not apply to triplexes or quadplexes allowed by this code:
    - Maximum lot coverage, minimum landscape area, or minimum open space standards.
    - The jurisdiction's development standards that apply only to triplexes, quadplexes, or multifamily development.

2. **Number of Units.** This code does not allow for the creation of more than four (4) dwelling units on a lot, including accessory dwelling units.
3. **Maximum Density.** The jurisdiction's pre-existing density maximums do not apply.
4. **Setbacks.** Minimum front setbacks greater than 10 feet and minimum rear setbacks greater than 10 feet are invalid, except for those minimum setbacks applicable to garages and carports.
5. **Building Height.** A maximum height of less than 35 feet or three (3) stories is invalid. Building height is measured in accordance with the development code.
6. **Maximum Floor Area Ratio (FAR).** The maximum floor area ratio for all buildings onsite, cumulatively, is based on the minimum lot size for a detached single family dwelling in the same zone, as provided below:

<b>Minimum Lot Size for Detached Single Family Dwellings</b>	<b>Maximum FAR</b>
3,000 sf or less	1.4 to 1
More than 3,000 sf, up to and including 5,000 sf	1.1 to 1
More than 5,000 sf, up to and including 10,000 sf	0.7 to 1
More than 10,000 sf but less than 20,000 sf	0.6 to 1
20,000 sf or more	0.4 to 1

7. **Off-Street Parking.**
  - a. **Required Off-Street Parking.** The minimum number of required off-street parking spaces is:
    - i. In zones with a minimum lot size of less than 5,000 square feet, one (1) off-street parking space per development.
    - ii. In zones with a minimum lot size of 5,000 square feet or more, two (2) off-street parking spaces per development.

A credit for on-street parking shall be granted for some or all the required off-street parking as provided in subsection (b). No additional parking spaces shall be required for conversion of a detached single family dwelling to a triplex or quadplex, including those created through the addition of detached units.
  - b. **On-Street Credit.** If on-street parking spaces meet all the standards in subsections (i)-(iv) below, they shall be counted toward the minimum off-street parking requirement.
    - i. On-street parking must be allowed on the side of the street where the space is to be provided.

- ii. The space must be a minimum of 22 feet long;
- iii. The space must be abutting the subject site; and
- iv. The space must not obstruct a required sight distance area.

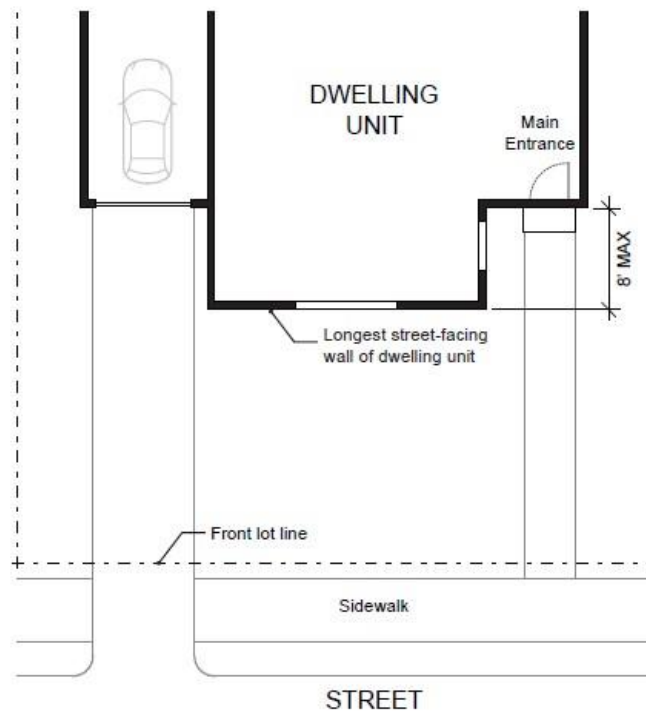
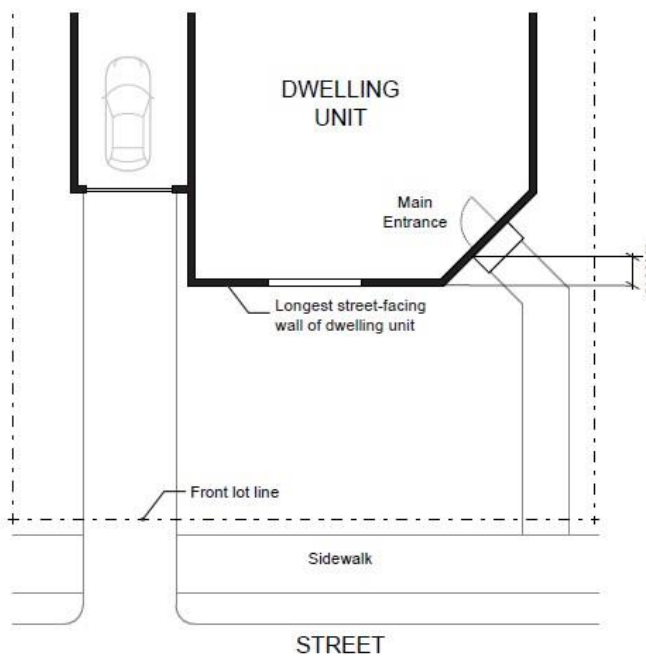
## C. Design Standards

### 1. Applicability.

- a. New triplexes and quadplexes, including those created by adding building square footage on a site occupied by an existing dwelling, shall meet:
  - The design standards in subsections (2) through (5) of this section (C); and
  - All other clear and objective design standards that apply to detached single family dwellings in the same zone, unless those standards conflict with this code and except as specified in subsection (1)(b) of this section (C).
- b. The following standards are invalid and do not apply to triplexes or quadplexes allowed by this code:
  - Mandates for construction of a garage or carport.
  - Any design standards that apply only to triplexes, quadplexes, or multifamily development.

### 2. Entry Orientation. At least one main entrance for each triplex or quadplex structure that is not separated from the street property line by a dwelling must:

- a. Be within 8 feet of the longest street-facing wall of the dwelling unit; and
- b. Either:
  - i. Face the street (see Figure 14);
  - ii. Be at an angle of up to 45 degrees from the street (see Figure 15);
  - iii. Face a common open space that is adjacent to the street (see Figure 16); or
  - iv. Open onto a porch (see Figure 17). The porch must:
    - (A) Be at least 25 square feet in area; and
    - (B) Have at least one entrance facing the street or have a roof.

*Figure 14. Main Entrance Facing the Street**Figure 15. Main Entrance at 45° Angle from the Street*

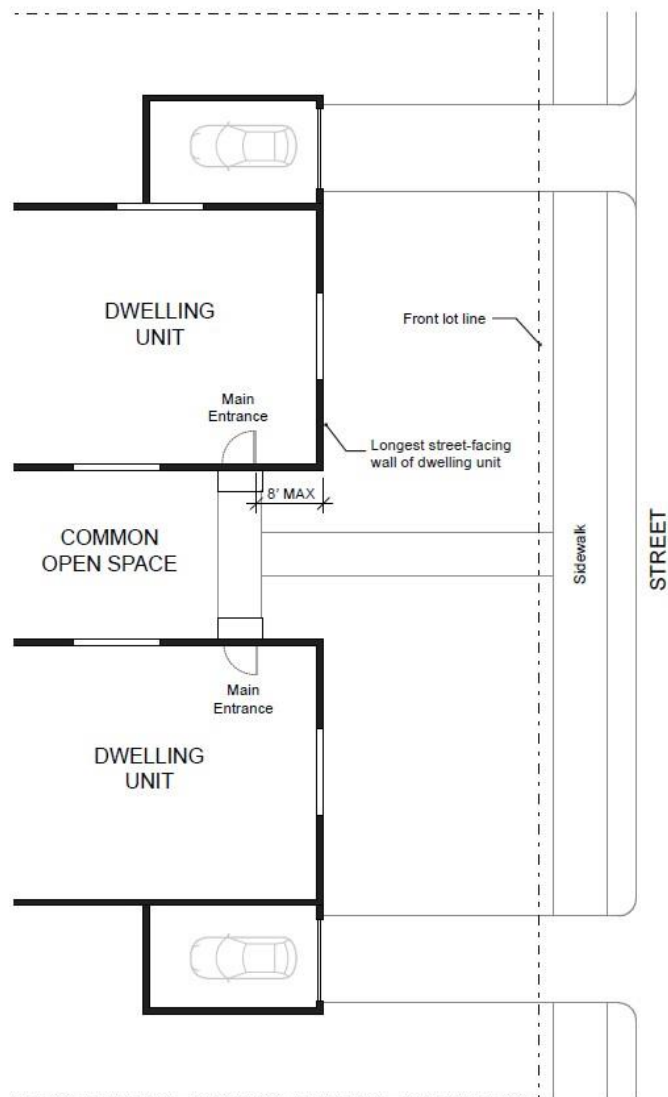
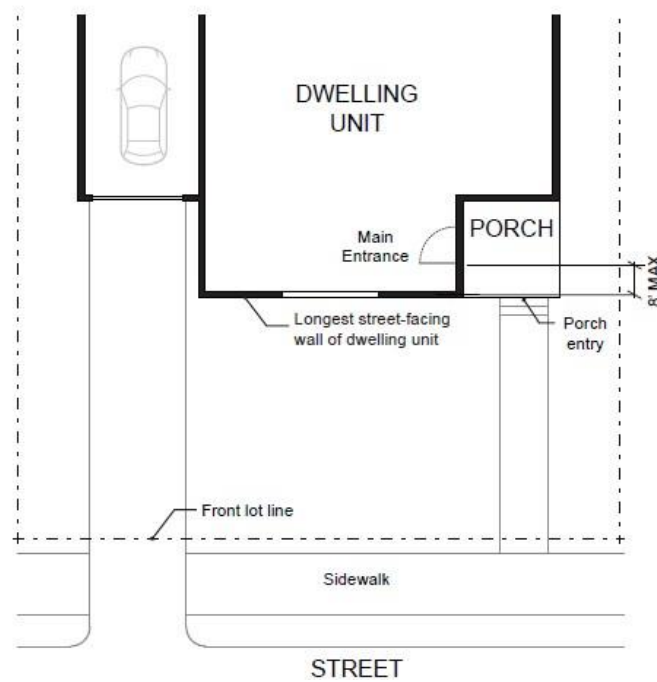
*Figure 16. Main Entrance Facing Common Open Space*



Figure 17. Main Entrance Opening onto a Porch



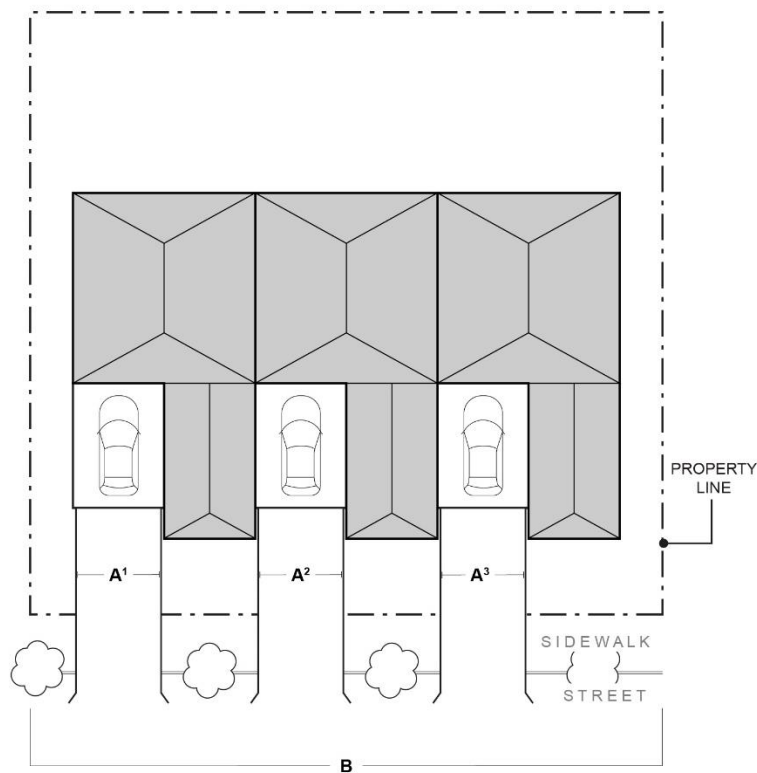
3. **Windows.** A minimum of 15 percent of the area of all street-facing facades must include windows or entrance doors. Facades separated from the street property line by a dwelling unit are exempt from meeting this standard. See Figure 18.

Figure 18. Window Coverage



4. Garages and Off-Street Parking Areas. Garages and off-street parking areas shall not be located between a building and a public street (other than an alley), except in compliance with the standards in subsections (a) and (b) of this subsection (C)(4).
- The garage or off-street parking area is separated from the street property line by a dwelling; or
  - The combined width of all garages and outdoor on-site parking and maneuvering areas does not exceed a total of fifty percent of the street frontage (see Figure 19).

Figure 19. Width of Garages and Parking Areas

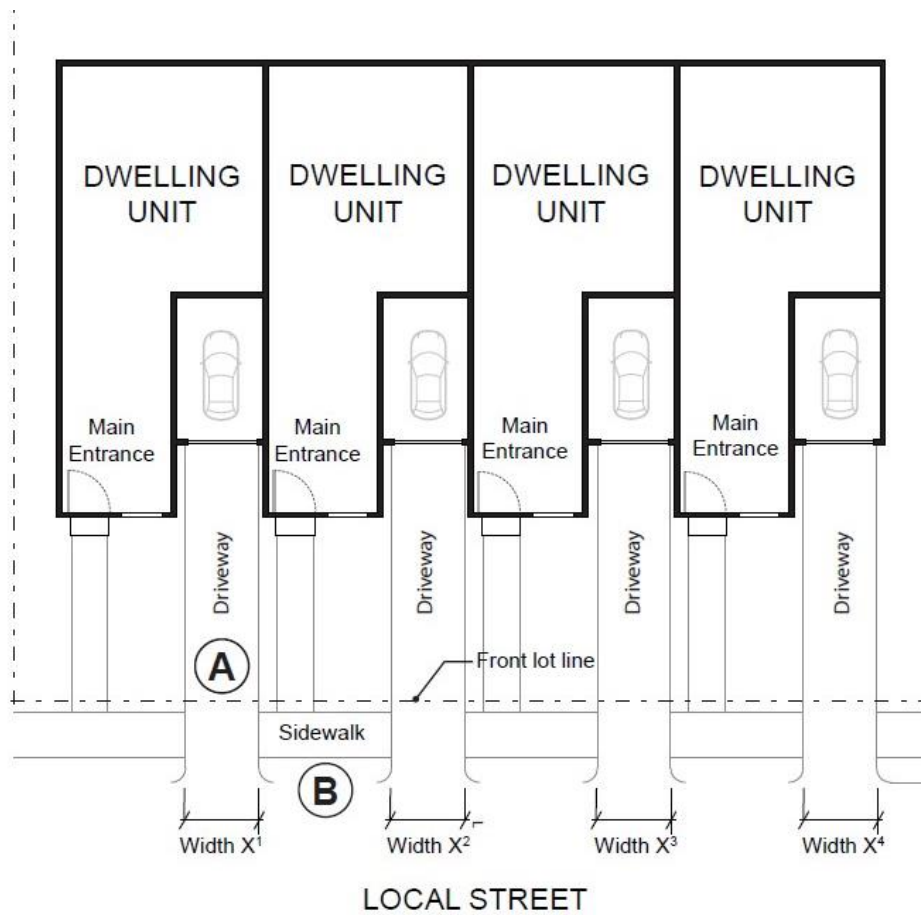


- Ⓐ Garage and on-site parking and maneuvering areas
- Ⓑ Total street frontage

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

5. Driveway Approach. 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 property line (see Figure 20). For lots or parcels with more than one frontage, see subsection (5)(c) of this subsection (C).
  - b. Driveway approaches may be separated when located on a local street (see Figure 20). If approaches are separated, they must meet the jurisdiction's driveway spacing standards applicable to local streets.
  - c. In addition, lots or parcels with more than one frontage must comply with the following:
    - i. Lots or parcels must access the street with the lowest classification. For lots or parcels abutting an improved alley, access must be taken from the alley (see Figure 21).
    - ii. Lots or parcels with frontages only on collectors and/or arterial streets must meet the jurisdiction's access standards applicable to collectors and/or arterials.
    - iii. Triplexes and quadplexes on lots or parcels with frontages only on local streets may have either:
      - Two driveway approaches not exceeding 32 feet in total width on one frontage; or
      - One maximum 16-foot-wide driveway approach per frontage (see Figure 22).

Figure 20. Driveway Approach Width and Separation on Local Street



- A**  $X^1 + X^2 + X^3 + X^4$  must not exceed 32 feet per frontage,
- B** Driveway approaches may be separated when located on a local street

Figure 21. Alley Access

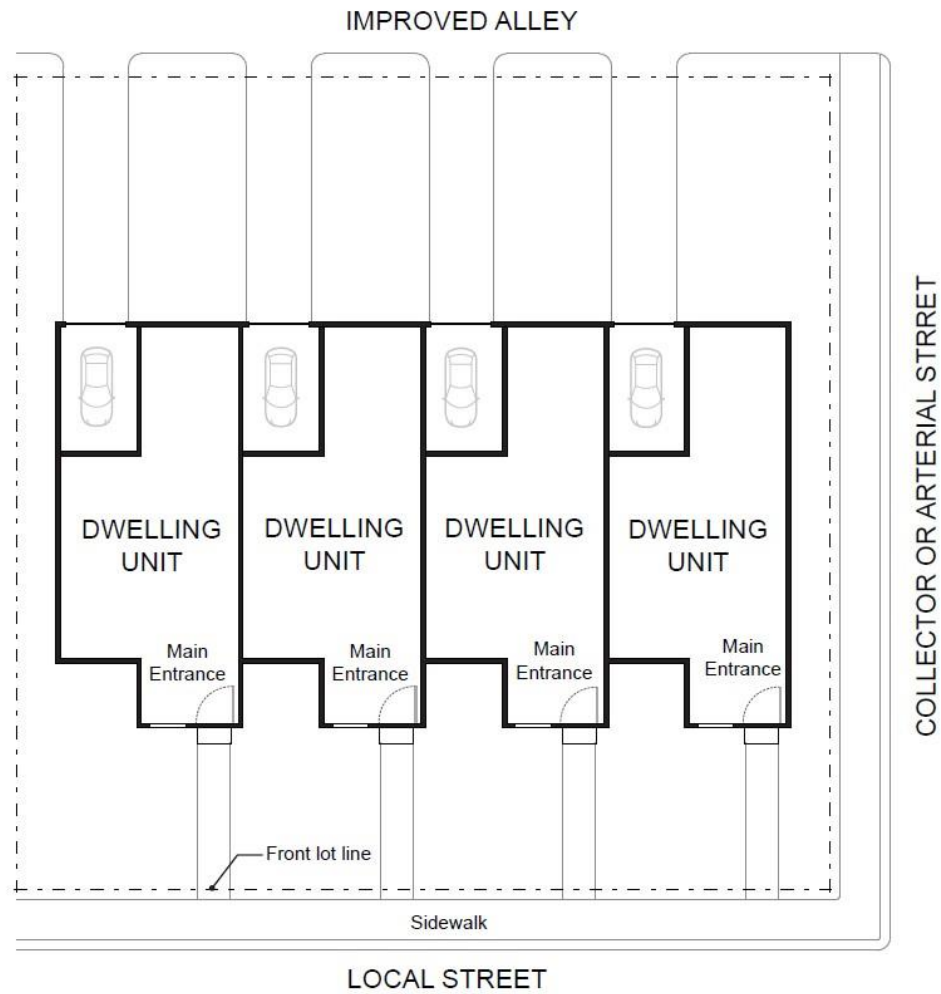
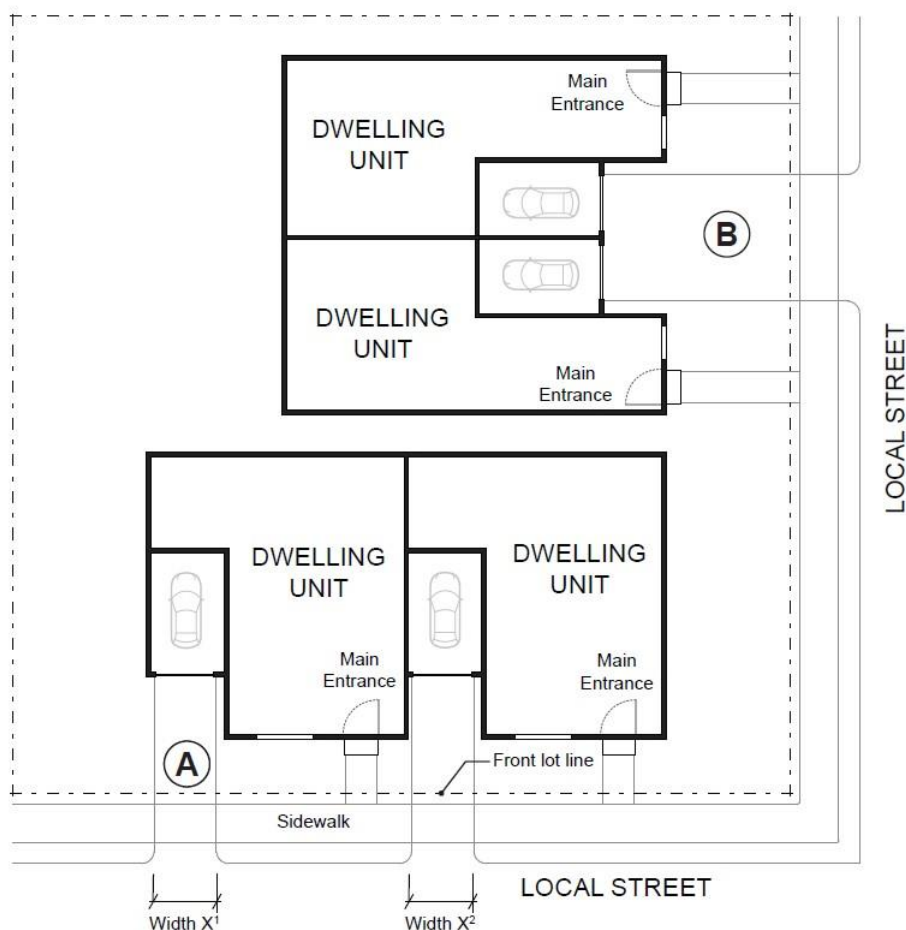


Figure 22. Driveway Approach Options for Multiple Local Street Frontages



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

- (A)** Two driveway approaches not exceeding 32 feet in total width on one frontage (as measured  $X_1 + X_2$ ); or
- (B)** One maximum 16-foot-wide driveway approach per frontage.

## D. Conversions to Triplex and Quadplex

Internal conversion of an existing detached single family structure or duplex to a triplex or quadplex is allowed, pursuant to Chapter 1, Section C (Applicability), provided that the conversion does not increase nonconformance with applicable clear and objective standards, unless increasing nonconformance is otherwise permitted by the development code.

## Chapter 4. Townhouses

### Sections

- A. Permitted Uses and Approval Process**
- B. Development Standards**
- C. Design Standards**

#### **A. Permitted Uses and Approval Process**

Townhouse projects are permitted outright wherever they are allowed as provided in Chapter 1, Section C (Applicability). Townhouse structures are subject to the same approval process as that for detached single family dwellings in the same zone. Creation of new lots or parcels as part of a townhouse project is subject to the applicable land division approval process. Townhouse projects are subject only to clear and objective standards, approval criteria, conditions, and procedures. Alternatively, an applicant may choose to submit an application for a townhouse project subject to discretionary standards and criteria adopted in accordance with ORS 197.307, if such a process is available.

#### **B. Development Standards**

##### **1. Applicability.**

- a. Townhouses shall meet the standards in subsections (3), (4), and (5) of this section (B).
- b. Townhouse projects shall meet:
  - The standards in subsections (2), (5), and (6) of this section (B).
  - Any applicable clear and objective platting standards, unless those standards conflict with this code.
- c. The following standards are invalid and do not apply to townhouses or townhouse projects allowed by this code, except as specified in this section (B):
  - Additional development standards of the applicable base zone related to the standards addressed under subsections (2) through (6) of this section (B).
  - Development standards of the applicable base zone related to lot dimensions, lot coverage, landscape or open space area, or the siting or design of dwellings.
  - The jurisdiction's development standards that apply only to townhouses and that conflict with provisions of this code.

##### **2. Maximum Density.** The maximum density for a townhouse project is as follows:

- In zones with a minimum lot size of 2,500 square feet or less, townhouse projects are allowed two (2) times the allowed density for detached single family dwellings.

- In zones with a minimum lot size of more than 2,500 square feet but less than 5,000 square feet, townhouse projects are allowed three (3) times the allowed density for detached single family dwellings.
  - In zones with a minimum lot size of 5,000 square feet or more, townhouse projects are allowed four (4) times the allowed density for detached single family dwellings.
3. **Setbacks.** Townhouses shall meet the minimum and maximum setback standards that apply to detached single family dwellings in the same zone, except as noted below:
- **Front:** Minimum front setbacks greater than 10 feet are invalid, except those applicable to garages or carports.
  - **Rear:** Minimum rear setbacks greater than 10 feet and rear setbacks for lots with rear alley access are invalid.
  - **Street Side:** Minimum street side yard setbacks greater than 10 feet are invalid.
  - **Interior Side:**
    - The minimum setback for a common wall lot line where units are attached is zero (0) feet.
    - The minimum setback for an exterior wall at the end of a townhouse structure that faces an interior side lot line is five (5) feet.
4. **Building Height.** Townhouses shall meet the maximum building height standards that apply to detached single family dwellings in the same zone, except a maximum height of less than 35 feet or three (3) stories is invalid. Building height is measured in accordance with the development code.
5. **Off-Street Parking.**
- a. **Required Off-Street Parking.** The minimum number of required off-street parking spaces for a townhouse project is one (1) space per unit. Spaces may be provided on individual lots or in a shared parking area on a common tract. A credit for on-street parking shall be granted for some or all of the required off-street parking as provided in subsection (b).
  - b. **On-Street Credit.** If on-street parking spaces meet all the standards in subsections (i)-(iv) below, they shall be counted toward the minimum off-street parking requirement.
    - i. On-street parking must be allowed on the side of the street where the space is to be provided.
    - ii. The space must be a minimum of 22 feet long;
    - iii. The space must be abutting the subject site; and



- iv. The space must not obstruct a required sight distance area.
- 6. Areas Owned in Common. Common areas must be maintained by a homeowners association or other legal entity. A homeowners association may also be responsible for exterior building maintenance. A copy of any applicable covenants, restrictions and conditions must be recorded and provided to the jurisdiction prior to issuance of a building permit.

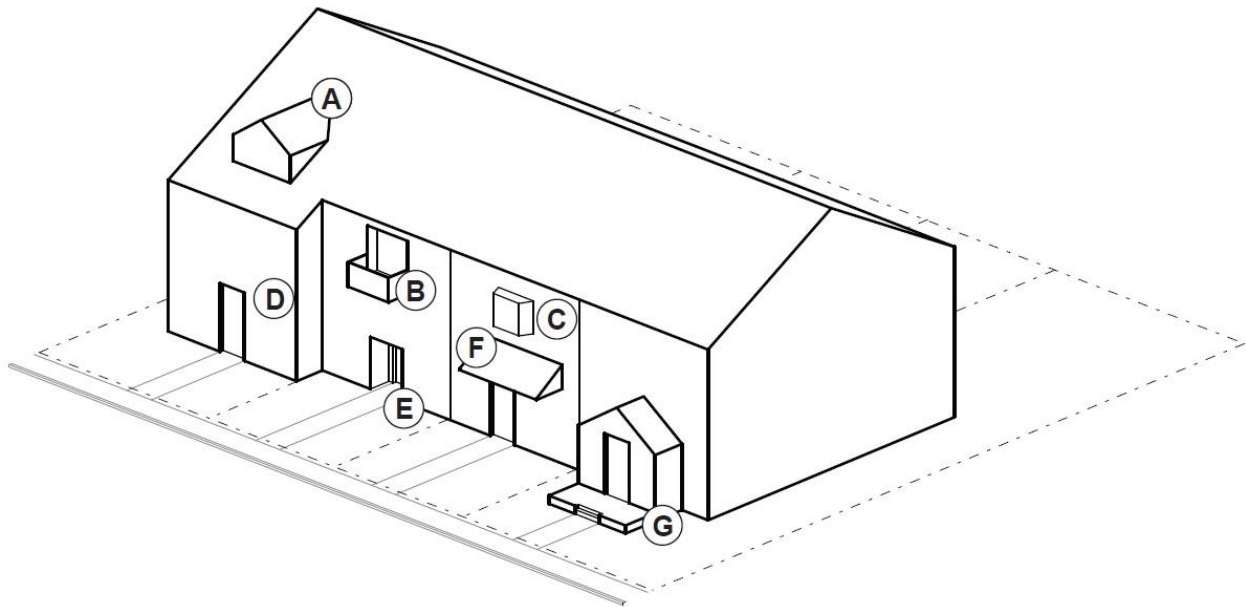
### C. Design Standards

New townhouses shall meet the design standards in subsections (1) through (4) of this section (C). Mandates for construction of a garage or carport and any other design standards are invalid.

1. Entry Orientation. The main entrance of each townhouse must:
  - a. Be within 8 feet of the longest street-facing wall of the dwelling unit; and
  - b. Either:
    - i. Face the street (see Figure 14);
    - ii. Be at an angle of up to 45 degrees from the street (see Figure 15);
    - iii. Face a common open space or private access or driveway; or
    - iv. Open onto a porch (see Figure 17). The porch must:
      - (A) Be at least 25 square feet in area; and
      - (B) Have at least one entrance facing the street or have a roof.
2. Unit definition. Each townhouse must include at least one of the following on at least one street-facing façade (see Figure 23):
  - a. A roof dormer a minimum of 4 feet in width, or
  - b. A balcony a minimum of 2 feet in depth and 4 feet in width and accessible from an interior room, or
  - c. A bay window that extends from the facade a minimum of 2 feet, or
  - d. An offset of the facade of a minimum of 2 feet in depth, either from the neighboring townhouse or within the façade of a single townhouse, or
  - e. An entryway that is recessed a minimum of 3 feet, or
  - f. A covered entryway with a minimum depth of 4 feet, or
  - g. A porch meeting the standards of subsection (1)(b)(iv) of this section (C).

Balconies and bay windows may encroach into a required setback area.

Figure 23. Townhouse Unit Definition



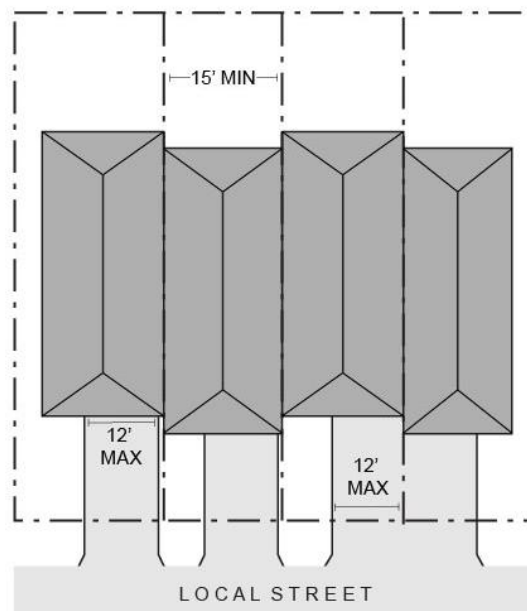
- (A) Roof dormer, minimum of 4 feet wide
- (B) Balcony, minimum 2 feet deep and 4 feet wide. Accessible from interior room.
- (C) Bay window extending minimum of 2 feet from facade
- (D) Facade offset, minimum of 2 feet deep
- (E) Recessed entryway, minimum 3 feet deep
- (F) Covered entryway, minimum of 4 feet deep
- (G) Porch, meets standards of subsection (1)(b)(iv) of section (C)

3. **Windows.** A minimum of 15 percent of the area of all street-facing facades on each individual unit must include windows or entrance doors. Half of the window area in the door of an attached garage may count toward meeting this standard. See Figure 18.
4. **Driveway Access and Parking.** Townhouses with frontage on a public street shall meet the following standards:
  - a. Garages on the front façade of a townhouse, off-street parking areas in the front yard, and driveways in front of a townhouse are prohibited unless the following standards are

met (see Figure 24). For the purposes of this section (C)(4), “driveway approach” means the edge of a driveway where it abuts a public right-of-way.

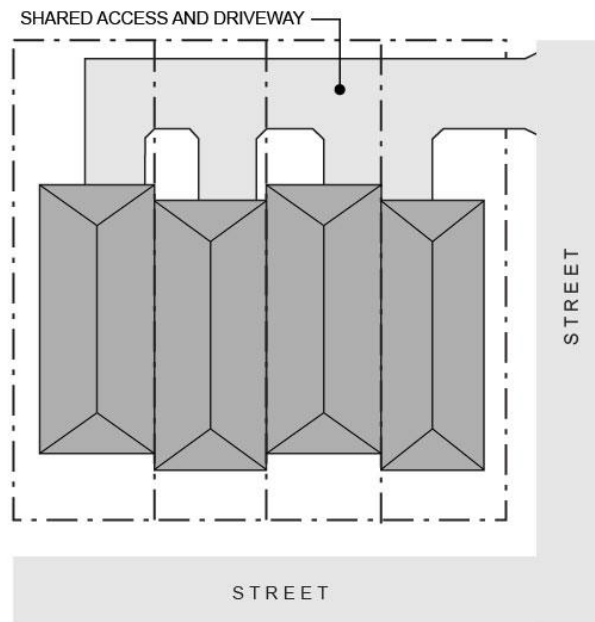
- i. Each townhouse lot has a street frontage of at least 15 feet on a local street.
- ii. A maximum of one (1) driveway approach is allowed for every townhouse. Driveways may be shared.
- iii. Outdoor on-site parking and maneuvering areas do not exceed 12 feet wide on any lot.
- iv. The garage width does not exceed 12 feet, as measured from the inside of the garage door frame.

Figure 24. Townhouses with Parking in Front Yard



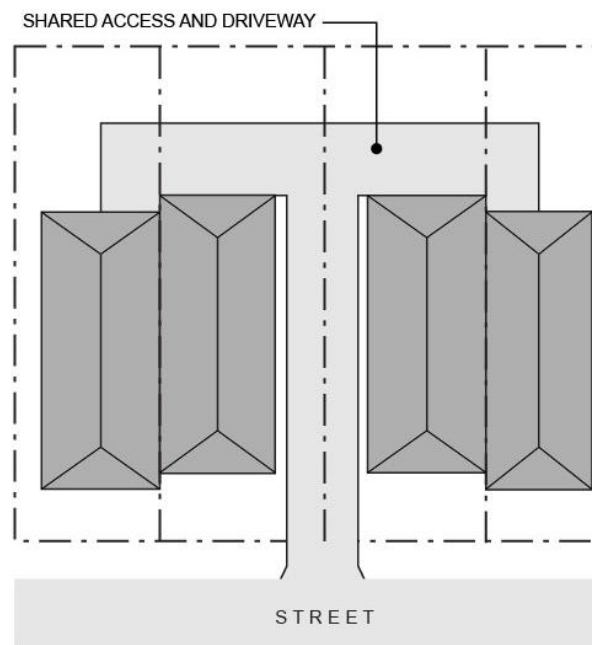
- b. The following standards apply to driveways and parking areas for townhouse projects that do not meet all of the standards in subsection (a).
  - i. Off-street parking areas shall be accessed on the back façade or located in the rear yard. No off-street parking shall be allowed in the front yard or side yard of a townhouse.
  - ii. A townhouse project that includes a corner lot shall take access from a single driveway approach on the side of the corner lot. See Figure 25.

*Figure 25. Townhouses on Corner Lot with Shared Access*



- iii. Townhouse projects that do not include a corner lot shall consolidate access for all lots into a single driveway. The driveway and approach are not allowed in the area directly between the front façade and front lot line of any of the townhouses. See Figure 26.

*Figure 26. Townhouses with Consolidated Access*



- iv. A townhouse project that includes consolidated access or shared driveways shall grant appropriate access easements to allow normal vehicular access and emergency access.
- c. Townhouse projects served by an alley providing access to the rear yards of all units are exempt from compliance with subsection (b).

## Chapter 5. Cottage Clusters

### Sections:

- A. Permitted Uses and Approval Process**
- B. Development Standards**
- C. Design Standards**

### A. Permitted Uses and Approval Process

Cottage cluster projects are permitted outright wherever they are allowed as provided in Chapter 1, Section C (Applicability). Cottage cluster projects are subject to the same approval process as that for detached single family dwellings in the same zone and are subject only to clear and objective standards, approval criteria, conditions, and procedures, consistent with the requirements of ORS 197.307(4). Alternatively, an applicant may choose to submit an application for a cottage cluster project subject to discretionary standards and criteria adopted in accordance with ORS 197.307, if such a process is available.

### B. Development Standards

1. Applicability.
  - a. Cottage clusters shall meet the standards in subsections (2) through (7) of this section (B).
  - b. The following standards are invalid and do not apply to cottage clusters allowed by this code, except as specified in this section (B):
    - Additional development standards of the applicable base zone related to the standards addressed under subsections (2) through (7) of this section (B).
    - Development standards of the applicable base zone related to lot dimensions, lot coverage, landscape or open space area, or the siting or design of dwellings.
    - The jurisdiction's development standards that apply only to cottage clusters and that conflict with provisions of this code.
2. Minimum Lot Size and Dimensions. Cottage clusters shall meet the minimum lot size and width, and depth standards that apply to detached single family dwellings in the same zone.

3. Maximum Density. The jurisdiction's pre-existing density maximums do not apply.
4. Setbacks. Cottage clusters shall meet the minimum and maximum setback standards that apply to detached single family dwellings in the same zone, except that minimum setbacks in excess of the following are invalid:
  - Front setbacks: 10 feet
  - Side setbacks: 5 feet
  - Rear setbacks: 10 feet

The minimum distance between all structures, including accessory structures, shall be in accordance with building code requirements.

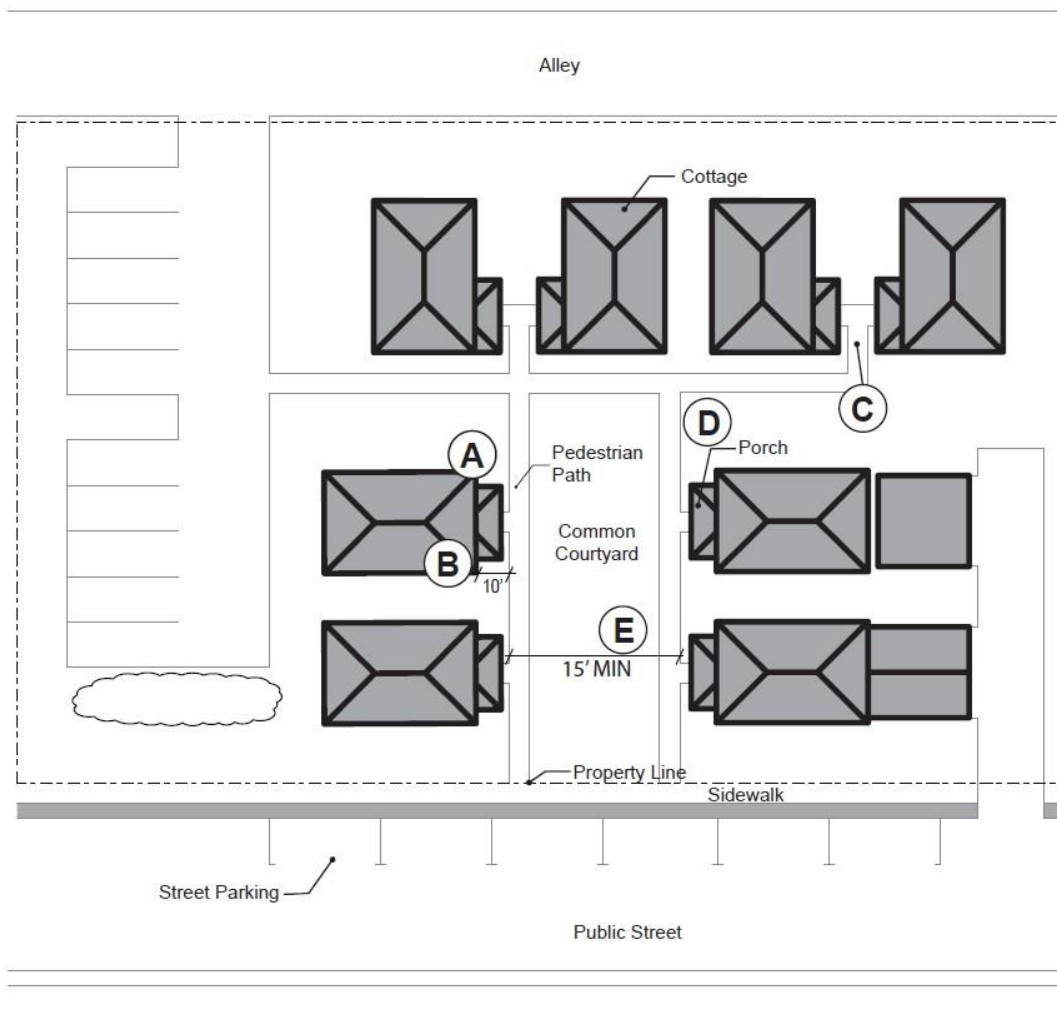
5. Average Unit Size. The maximum average floor area for a cottage cluster is 1,400 square feet per dwelling unit. Community buildings shall be included in the average floor area calculation for a cottage cluster.
6. Building Height. The maximum building height is 25 feet or two (2) stories, whichever is greater.
7. Off-Street Parking.
  - a. Required Off-Street Parking. The minimum number of required off-street parking spaces for a cottage cluster project is zero (0) spaces per unit with a floor area less than 1,000 square feet and one (1) space per unit with a floor area of 1,000 square feet or more. Spaces may be provided for individual cottages or in shared parking clusters. A credit for on-street parking shall be granted for some or all of the required off-street parking as provided in subsection (b).
  - b. On-Street Credit. If on-street parking spaces meet all the standards in subsections (i)-(iv) below, they shall be counted toward the minimum off-street parking requirement.
    - i. On-street parking must be allowed on the side of the street where the space is to be provided.
    - ii. The space must be a minimum of 22 feet long;
    - iii. The space must be abutting the subject site; and
    - iv. The space must not obstruct a required sight distance area.

### C. Design Standards

Cottage clusters shall meet the design standards in subsections (1) through (7) of this section (C). No other design standards shall apply to cottage clusters unless noted in this section. Mandates for construction of a garage or carport and any other design standards are invalid, except as specified in this Section (D).

1. Cottage Orientation. Cottages must be clustered around a common courtyard and must meet the following standards (see Figure 27):
  - a. A minimum of fifty (50) percent of cottages within a cluster must be oriented to the common courtyard and must:
    - i. Have a main entrance facing the common courtyard;
    - ii. Be within 10 feet from the common courtyard, measured from the façade of the cottage to the nearest delineation of the common courtyard; and
    - iii. Be connected to the common courtyard by a pedestrian path.
  - b. Cottages within 20 feet of a street property line may have their entrances facing the street.
  - c. Cottages not facing the common courtyard or the street must have their main entrances facing a pedestrian path that is directly connected to the common courtyard.
2. Common Courtyard Design Standards. Each cottage cluster must share a common courtyard in order to provide a sense of openness and community of residents. Common courtyards must meet the following standards (see Figure 27):
  - a. The common courtyard must be a single, contiguous, useable piece.
  - b. Cottages must abut the common courtyard on at least two sides of the courtyard.
  - c. The common courtyard must contain a minimum of 150 square feet per cottage within the associated cluster.
  - d. The common courtyard must be a minimum of 15 feet wide at its narrowest dimension.
  - e. The common courtyard shall be developed with a mix of landscaping and lawn area, recreational amenities, hard-surfaced pedestrian paths, and/or paved courtyard area. Impervious elements of the common courtyard shall not exceed 75 percent of the total common courtyard area.
  - f. Pedestrian paths qualify as part of a common courtyard. Parking areas, required setbacks, and driveways do not qualify as part of a common courtyard.

Figure 27. Cottage Cluster Orientation and Common Courtyard Standards



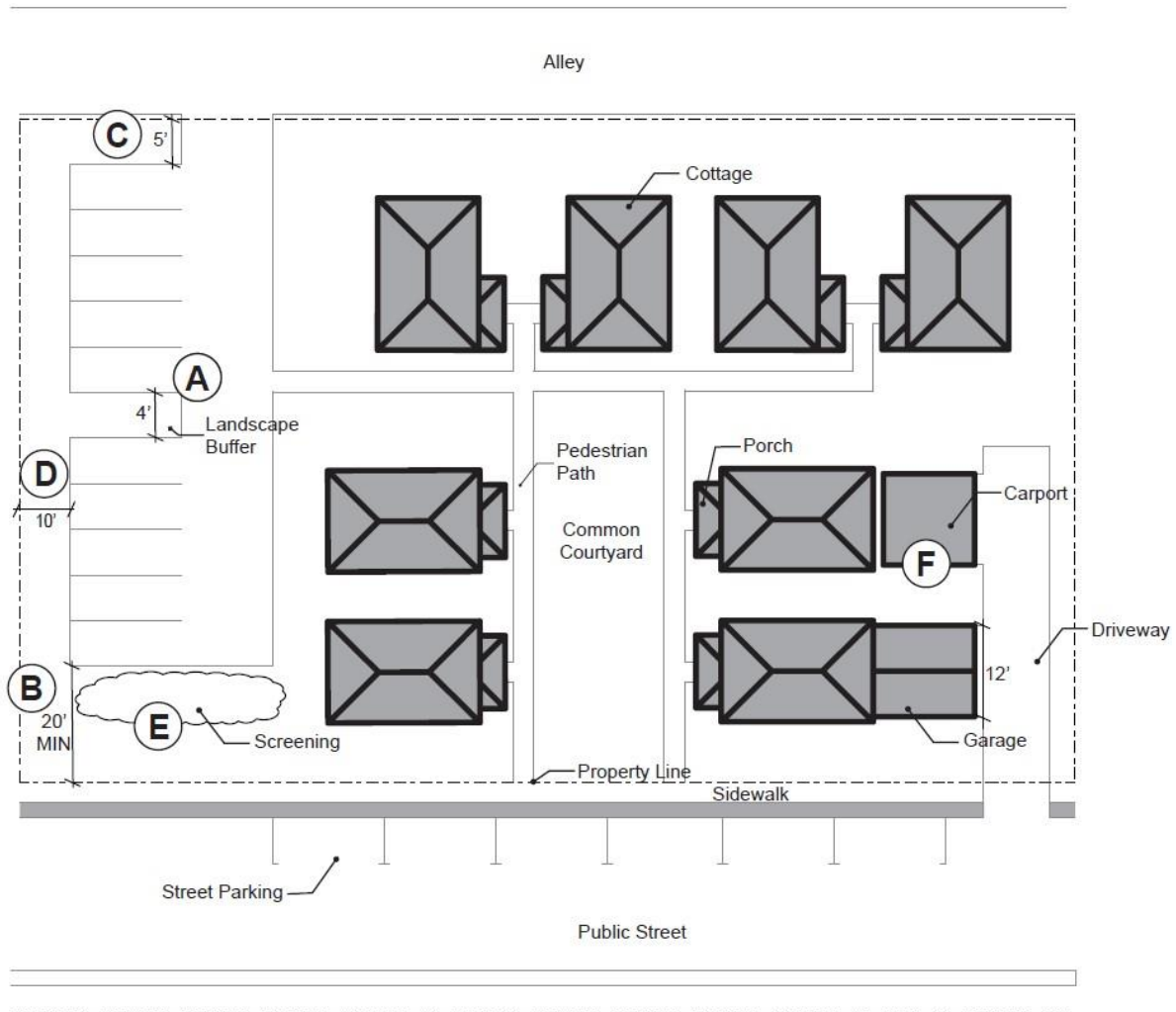
- (A)** A minimum of 50% of cottages must be oriented to the common courtyard.
- (B)** Cottages oriented to the common courtyard must be within 10 feet of the courtyard.
- (C)** Cottages must be connected to the common courtyard by a pedestrian path.
- (D)** Cottages must abut the courtyard on at least two sides of the courtyard.
- (E)** The common courtyard must be at least 15 feet wide at its narrowest width.



3. 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:
  - a. Each cottage cluster is permitted one community building, which shall be included in the calculation of average floor area, pursuant to subsection (B)(5).
  - b. A community building that meets the development code's definition of a dwelling unit must meet the maximum 900 square foot footprint limitation that applies to cottages, unless a covenant is recorded against the property stating that the structure is not a legal dwelling unit and will not be used as a primary dwelling.
4. Pedestrian Access.
  - a. An accessible pedestrian path must be provided that connects the main entrance of each cottage to the following:
    - i. The common courtyard;
    - ii. Shared parking areas;
    - iii. Community buildings; and
    - iv. Sidewalks in public rights-of-way abutting the site or roadways if there are no sidewalks.
  - b. The pedestrian path must be hard-surfaced and a minimum of five (5) feet wide.
5. Windows. Cottages within 20 feet of a street property line must meet any window coverage requirement that applies to detached single family dwellings in the same zone.
6. Parking Design (see Figure 28).
  - a. Clustered parking. Off-street parking may be arranged in clusters of not more than five (5) contiguous spaces separated by at least four (4) feet of landscaping. Clustered parking areas may be covered.
  - b. Parking location and access.
    - i. Off-street parking spaces and vehicle maneuvering areas shall not be located:
      - Within of 20 feet from any street property line, except alley property lines;
      - Within five (5) feet from alley property lines; or
      - Between a street property line, except alley property lines, and cottages abutting the street property line.

- ii. Off-street parking spaces shall not be located within 10 feet of any other property line. Driveways and drive aisles are permitted within 10 feet of other property lines.
  - c. Screening. Landscaping or architectural screening at least three feet tall shall separate clustered parking areas and parking structures from common courtyards and public streets.
  - d. Garages and carports. Garages and carports (whether shared or individual) must not abut common courtyards. Garage doors for individual garages must not exceed 12 feet in width.
7. Existing Structures. On a lot or parcel to be used for a cottage cluster project, a pre-existing detached single family dwelling 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. Existing dwellings may be expanded up to the maximum height or footprint required by this code; however, existing dwellings that exceed the maximum height, footprint, and/or unit size of this code may not be expanded.
  - c. The floor area of the existing dwelling shall not count towards the maximum average floor area of a cottage cluster.

Figure 28. Cottage Cluster Parking Design Standards



- (A)** Parking allowed in clusters of up to 5 spaces. Clusters separated by minimum 4 feet of landscaping.
- (B)** No parking or vehicle area within 20 feet from street property line (except alley).
- (C)** No parking or vehicle area within 5 feet of alley property line.
- (D)** No parking within 10 feet from other property lines. Driveways and drive aisles permitted within 10 feet.
- (E)** Screening required between clustered parking areas or parking structures and public streets or common courtyards.
- (F)** Garages and carports must not abut common courtyards. Garage doors for individual garages must not exceed 12 feet in width.

RULE SUMMARY: The rule defines terms and phrases that are used throughout the division.

CHANGES TO RULE:

660-046-0020

#### Definitions

As used in this division, the definitions in ORS 197.015 and ORS 197.758 et seq apply, unless the context requires otherwise. In addition:¶

- (1) "A Local Government That Has Not Acted" means a local government that has not adopted acknowledged land use regulations that are in compliance with ORS 197.758 and this division.¶
- (2) "Cottage Cluster" means a grouping of no fewer than four detached dwelling units per acre, each with a footprint of less than 900 square feet. Units may be located on a single Lot or Parcel, or on individual Lots or Parcels that include a common courtyard.¶
- (3) "Department" means the Department of Land Conservation and Development.¶
- (34) "Detached single-family dwelling" means a detached structure on a Lot or Parcel that is comprised of a single dwelling unit, either site built or a manufactured dwelling.¶
- (45) "Duplex" means two attached dwelling units on one Lot or Parcel. A Medium City may define a Duplex to include two detached dwelling units on one Lot or Parcel. A local government may define a Duplex to include two detached dwelling units on a Lot or Parcel.¶
- (6) "Goal Protected Lands" means lands protected or designated pursuant to any one of the following statewide planning goals:¶
  - (a) Goal 5 Natural Resources, Scenic and Historic Areas, and Open Spaces;¶
  - (b) Goal 6 Air, Water and Land Resource Quality;¶
  - (c) Goal 7 Areas Subject to Natural Hazards;¶
  - (d) Goal 15 Willamette River Greenway;¶
  - (e) Goal 16 Estuarine Resources;¶
  - (f) Goal 17 Coastal Shorelands; or¶
  - (g) Goal 18 Beaches and Dunes.¶
- (7) "Infrastructure Constrained Lands" means lands where it is not feasible to provide acceptable water, sewer, storm drainage, or transportation services to serve new Triplexes, Quadplexes, Townhouses, or Cottage Cluster development; where the local government is not able to correct the infrastructure limitation by utilizing the process outlined in OAR 660-046-0300 through OAR 660-046-0370 due to cost, jurisdictional, or other limitations; and which cannot be remedied by future development of Middle Housing on the subject Lot or Parcel.¶
- (8) "Large City" means each city with a certified Portland State University Population Research Center estimated population of 25,000 or more or city with a population over 1,000 within a metropolitan service district. This also includes unincorporated areas of counties within a metropolitan service district that are provided with urban services as defined in ORS 195.065.¶
- (59) "Lot or Parcel" means any legally created unit of land.¶
- (610) "Master Planned Community" means a site that is any one of the following:¶
  - (a) Greater than 20 acres in size within a Large City or adjacent to the Large City within the urban growth boundary that is zoned for or proposed to be zoned for residential development for which a Large City proposes to adopt a master plan or a plan that functions in the same manner as a master plan;¶
  - (b) Greater than 20 acres in size within a Large City or adjacent to the Large City within the urban growth boundary for which a Large City adopted a master plan or a plan that functions in the same manner as a master plan after the site was incorporated into the urban growth boundary; or¶
  - (c) Added to the Large City's urban growth boundary after January 1, 2021 for which the Large City proposes to adopt a master plan or a plan that functions in the same manner as a master plan.¶
- (11) "Medium City" means each city with a certified Portland State University Population Research Center

estimated population more than 10,000 and less than 25,000 and not within a metropolitan service district.¶

~~(712)~~ "Middle Housing" means a Duplex as defined in section (4)es, Triplexes, Quadplexes, Cottage Clusters, and Townhouses.¶

~~(813)~~ "Model Code" means the applicable model code developed by the Department contained in OAR 660-046-010(5).¶

~~(94).~~¶

(14) "Quadplex" means four attached dwelling units on a Lot or Parcel. A local government may define a Quadplex to include any configuration of four detached or attached dwelling units on one Lot or Parcel.¶

(15) "Townhouse" means a dwelling unit that is part of a row of two or more attached units, where each unit is located on an individual Lot or Parcel and shares at least one common wall with an adjacent unit.¶

(16) "Triplex" means three attached dwelling units on a Lot or Parcel. A local government may define a Triplex to include any configuration of three detached or attached dwelling units on one Lot or Parcel.¶

(17) "Zoned for residential use" means a zoning district in which residential dwellings are the primary use and which implements a residential comprehensive plan map designation.

Statutory/Other Authority: ORS 197.040

Statutes/Other Implemented: ORS 197.758

AMEND: 660-046-0040

RULE SUMMARY: This rule describes what actions are required of cities in order to comply with the requirements of ORS 197.758. The rule outlines the implications of not acting to comply with the requirements of ORS 197.758 including in circumstances where land use regulations are appealed.

CHANGES TO RULE:

660-046-0040

#### Compliance

- (1) A local government may adopt land use regulations or amend its comprehensive plan to comply with ORS 197.758 et seq and the provisions of this division.¶
- (2) A local government may request from the Department an extension of the time allowed to complete the action ~~in under subsection (1) pursuant to ORS 197.758.¶~~
- ~~(3) A Medium City the applicable sections of OAR 660-046-0300 through OAR 660-046-0370.¶~~
- (3) A Medium City which is A Local Government That Has Not Acted by June 30, 2021 or within one year of qualifying as a Medium City pursuant to OAR 660-046-0050 and has not received an extension under section (2), shall directly apply the applicable Model Code contained in OAR 660-046-00130(54) in its entirety to all proposed Middle Housing development applications until such time as the Medium City local government has adopted provisions under section (1).¶
- (4) If a Medium City A Large City which is A Local Government That Has Not Acted by June 30, 2022 or within two years of qualifying as a Large City pursuant to OAR 660-046-0050 and has not received an extension under section (2), shall directly apply the applicable Model Code contained in OAR 660-046-0010(4) for the specific Middle Housing type that is not in compliance with the relevant rules in this division to all proposed development applications for that specific Middle Housing type until such time as the local government has adopted provisions under section (1).¶
- (5) If a local government has adopted land use regulations or amended its comprehensive plan by the date provided under sections (3) and (4) and the city's land use regulations or comprehensive plan changes are subsequently remanded by the Land Use Board of Appeals or an appellate court solely on procedural grounds, the ~~Medium City local government~~ is deemed to have acted. Accordingly, the ~~Medium City local government~~ may continue to apply its own land use regulations and comprehensive plan as they existed prior to the adoption of land use regulations or comprehensive plan amendments that were the subject of procedural remand until the first of the two options:¶
  - (a) The ~~Medium City local government~~ has adopted land use regulations or amended its comprehensive plan in response to the remand; or¶
  - (b) 120 days after the date of the remand. If the ~~Medium City local government~~ has not adopted land use regulations or amended its comprehensive plan within 120 days of the date of the remand, the ~~Medium City local government~~ is deemed not to have acted under sections (3) and (4).¶
- ~~(56) If a Medium City local government has adopted land use regulations or amended its comprehensive plan by the date provided under sections (3) and the Medium City (4) and the local government's land use regulations or comprehensive plan changes are subsequently remanded by the Land Use Board of Appeals or an appellate court on any substantive grounds, the city is deemed to have not acted under sections (3) and (4).¶~~
- ~~(67) If a Medium City local government acknowledged to be in compliance with this division subsequently amends its land use regulations or comprehensive plan, and those amendments are remanded by the Land Use Board of Appeals or an appellate court, the city shall continue to apply its land use regulations and comprehensive plan as they existed prior to the amendments until the amendments are acknowledged.¶~~
- ~~(78) In the event that a Medium City Where a local government directly applies the Model Code in accordance with sections (3), (4) and (5), the Model Code completely replaces and pre-empts any provisions of that Medium City local government's development code that conflict with the applicable sections of the Model Code.~~

Statutory/Other Authority: ORS 197.040

Statutes/Other Implemented: ORS 197.758



AMEND: 660-046-0050

RULE SUMMARY: This rule outlines the timeline by which cities that were not previously a Medium City must comply with the provisions of ORS 197.758 and the division.

CHANGES TO RULE:

660-046-0050

Eligible Local Governments

(1) If a local government was not previously a Medium City and a certified Portland State University Population Research Center population estimate qualifies a city as a Medium City, the ~~city~~local government must comply with this division within one year of its qualification as a Medium City.

(2) If a local government was not previously a Large City and a certified Portland State University Population Research Center population estimate qualifies a it as a Large City, the local government must comply with this division within two years of its qualification as a Large City.

Statutory/Other Authority: ORS 197.040

Statutes/Other Implemented: ORS 197.758



AMEND: 660-046-0110

RULE SUMMARY: This rule outlines the provisions a city may adopt to regulate the siting and design of middle housing in medium cities. This rule also includes a description of which standards cause unreasonable cost and delay to the development of middle housing in medium cities.

CHANGES TO RULE:

#### 660-046-0110

##### Provisions Applicable to Duplexes in Medium Cities

- (1) Medium Cities may regulate Duplexes to comply with protective measures, including plans, policies and regulations, as provided in OAR 660-046-0010(3).¶¶
- (2) Medium Cities may regulate siting and design of Duplexes, provided that the regulations;¶¶
  - (a) Are clear and objective standards, conditions, or procedures consistent with ORS 197.307(4); and¶¶
  - (b) Do not, individually or cumulatively, discourage the development of Duplexes through unreasonable costs or delay. ¶¶
- (3) Siting and design standards that create unreasonable cost and delay include any standards applied to Duplex development that are more restrictive than those applicable to detached single-family dwellings in the same zone.¶¶
- (4) Siting and design standards that do not, individually or cumulatively, discourage the development of Duplexes through unreasonable cost and delay include only the following:¶¶
  - (a) Regulations to comply with protective measures adopted pursuant to statewide land use planning goals provided in OAR 660-046-0010(3);¶¶
  - (b) Permitted uses and approval process provided in OAR 660-046-0115;¶¶
  - (c) Siting standards provided in OAR 660-046-0120;¶¶
  - (d) Design standards in Medium Cities provided in OAR 660-046-0125;¶¶
  - (e) Duplex Conversions provided in OAR 660-046-0130; and¶¶
  - (f) Any siting and design standards contained in the Model Code referenced in section (5).¶¶
- ~~(5) For the purposes of assisting Medium Cities in adopting reasonable siting and design standards for Duplexes, the Commission adopts the following model Middle Housing code for Medium Cities. The Model Code provided in Exhibit A of this section will be applied to Medium Cities who have not acted to comply with the provisions of ORS 197.758 and this division and completely replaces and pre-empts any provisions of that Medium City's development code that conflict with the Model Code.~~OAR 660-046-0010(4).

Statutory/Other Authority: ORS 197.040

Statutes/Other Implemented: ORS 197.758

AMEND: 660-046-0115

RULE SUMMARY: This rule states the approval process that medium cities must use to review development applications for middle housing.

CHANGES TO RULE:

660-046-0115

Permitted Uses and Approval Process

Medium Cities must apply the same approval process to Duplexes as detached single-family dwellings in the same zone. Pursuant to OAR 660-007-0015, OAR 660-008-0015, and ORS 197.307, Medium Cities may adopt and apply only clear and objective standards, conditions, and procedures regulating the development of Duplexes. Nothing in this rule prohibits a Medium City from adopting an alternative approval process for applications and permits for Middle Housing based on approval criteria that are not clear and objective as provided in OAR 660-007-0015(2), OAR 660-008-0015(2), and ORS 197.307(6).

Statutory/Other Authority: ORS 197.040

Statutes/Other Implemented: ORS 197.758

AMEND: 660-046-0120

RULE SUMMARY: This rule describes reasonable siting standards that a medium city may adopt to regulate middle housing.

CHANGES TO RULE:

660-046-0120

#### Duplex Siting Standards in Medium Cities

The following standards apply to all Duplexes:¶¶

(1) Minimum Lot or Parcel Size: A Medium City may not require a minimum Lot or Parcel size that is greater than the minimum Lot or Parcel size required for a detached single-family dwelling in the same zone. Additionally, Medium Cities shall allow the development of a Duplex on any property zoned to allow detached single-family dwellings, which was legally created prior to the Medium City's current lot size minimum for detached single-family dwellings in the same zone.¶¶

(2) Density: If a Medium City applies density maximums in a zone, it may not apply those maximums to the development of Duplexes.¶¶

(3) Setbacks: A Medium City may not require setbacks to be greater than those applicable to detached single-family dwellings in the same zone.¶¶

(4) Height: A Medium City may not apply lower maximum height standards than those applicable to detached single-family dwellings in the same zone.¶¶

(5) Parking:¶¶

(a) A Medium City may not require more than a total of two off-street parking spaces for a Duplex.¶¶

(b) Nothing in this section precludes a Medium City from allowing on-street parking credits to satisfy off-street parking requirements.¶¶

(6) Lot Coverage and Floor Area Ratio: Medium Cities are not required to apply lot coverage or floor area ratio standards to new Duplexes. However, if the Medium City chooses to apply lot coverage or floor area ratio standards, it may not establish a cumulative lot coverage or floor area ratio for a Duplex that is less than established for detached single-family dwelling in the same zone.¶¶

(7) A Medium City or other utility service provider that grants clear and objective exceptions to public works standards to detached single-family dwelling development must allow the granting of the same exceptions to Duplexes.

Statutory/Other Authority: ORS 197.040

Statutes/Other Implemented: ORS 197.758

ADOPT: 660-046-0200

RULE SUMMARY: This rule is intended to measure compliance with ORS 197.758 and Goal 10 Housing for Large Cities.

CHANGES TO RULE:

660-046-0200

Purpose of Middle Housing in Large Cities

OAR 660-046-0205 through OAR 660-046-0235 are intended to measure compliance with ORS 197.758 et seq and Goal 10 Housing for Large Cities.

Statutory/Other Authority: ORS 197.040

Statutes/Other Implemented: ORS 197.758

RULE SUMMARY: This rule describes the requirements for middle housing in large cities.

CHANGES TO RULE:

660-046-0205

Applicability of Middle Housing in Large Cities

(1) A Large City must allow for the development Duplexes in the same manner as required by Medium Cities in OAR 660-046-0100 through OAR 660-046-0130. ¶

(2) A Large City must allow for the development of Triplexes, Quadplexes, Townhouses, and Cottage Clusters, including those created through conversion of existing detached single-family dwellings, in areas zoned for residential use that allow for the development of detached single-family dwellings. A Large City may regulate or limit development of these types of Middle Housing on the following types of lands:¶

(a) Goal-Protected Lands: Large Cities may regulate Middle Housing other than Duplexes on Goal-Protected Lands as provided in OAR 660-046-0010(3):¶

(b) Infrastructure Constrained Lands: Large Cities may limit the development of Middle Housing other than Duplexes on Infrastructure Constrained Lands:¶

(c) Master Planned Communities: Large Cities may regulate or limit the development of Middle Housing other than Duplexes in Master Planned Communities as follows:¶

(A) If a Large City has adopted a master plan or a plan that functions in the same manner as a master plan after January 1, 2021, it may not limit the development of any Middle Housing type on lands where single-family detached dwellings are also allowed, but may limit overall net residential density within the master plan area provided that net residential density is least 15 dwelling units per acre. A Large City may designate areas within the master plan exclusively for other housing types, such as multi-family residential structures of five units or more or manufactured home parks. A Large City may not limit future conversion or redevelopment of already constructed residential units to any Middle Housing type.¶

(B) If a Large City has adopted a master plan or a plan that functions in the same manner as a master plan before January 1, 2021, it may limit the development of Middle Housing other than Duplexes provided it authorizes a net residential density of at least eight dwelling units per acre and allows all residential units, at minimum, to be detached single-family dwellings or Duplexes. A local government may only apply this restriction to portions of the area not developed as of January 1, 2021, and may not apply this restriction after the initial development of any area of the master plan or a plan that functions in the same manner as a master plan.¶

(d) A Large City must demonstrate that regulations or limitations of Middle Housing other than Duplexes on these types of lands are the result of implementing or complying with an established state or federal law or regulation.¶

(3) A Large City may:¶

(a) Allow for the development of Triplexes, Quadplexes, Townhouses, and Cottage Clusters, including those created through conversion of existing detached single-family dwellings, in areas zoned for residential use that allow for the development of detached single-family dwellings as provided in OAR 660-046-0205 through OAR 660-046-0235; or¶

(b) Apply separate minimum lot size and maximum density provisions than what is provided in OAR 660-046-0220, provided that Middle Housing other than Duplexes is allowed on the following percentage of Lots and Parcels zoning for residential use that allow for the development of detached single-family dwellings, excluding lands described in subsection (2):¶

(A) Triplexes - Must be allowed on 80% of Lots and Parcels:¶

(B) Quadplexes - Must be allowed on 70% of Lots and Parcels:¶

(C) Townhouses - Must be allowed on 60% of Lots and Parcels:¶

(D) Cottage Clusters - Must be allowed on 50% of Lots and Parcels.¶

(E) A Middle Housing type is "allowed" on a Lot or Parcel when the following criteria are met:¶

(i) The Middle Housing type is a permitted use on that Lot or Parcel under the same administrative process as a single-family detached dwelling in the same zone:¶

- (ii) The Lot or Parcel has sufficient square footage to allow the Middle Housing type within the applicable minimum lot size requirement.¶¶
- (iii) Maximum net or gross density requirements do not prohibit the development of the Middle Housing type on the subject Lot or Parcel; and¶¶
- (iv) The applicable siting or design standards do not individually or cumulatively cause unreasonable cost or delay to the development of that Middle Housing type as provided in OAR 660-046-0210(3).¶¶
- (F) A Large City must ensure the equitable distribution of Middle Housing by allowing at least one Middle Housing type other than Duplexes on 75 percent of all residential lots and parcels within each census block group within a Large City.¶¶
- (4) Pursuant to OAR 660-046-0205 through OAR 660-046-0230, the following numerical standards related to Middle Housing types apply:¶¶
- (a) Duplexes - Local governments may allow more than two dwellings units on a Lot or Parcel, including any accessory dwelling units.¶¶
- (b) Triplexes and Quadplexes - Local governments may allow more than four units on a lot, including any accessory dwelling units.¶¶
- (c) Townhouses - Local governments must require at least two attached Townhouse units and must allow up to four attached Townhouse units. A local government may allow five or more attached Townhouse units.¶¶
- (d) Cottage Clusters -¶¶
- (A) Local governments must allow at least five units in a Cottage Cluster. Nothing in this section precludes a local government from permitting less than five units in a Cottage Cluster.¶¶
- (B) A local government must allow up to eight cottages clustered around a common courtyard. Nothing in this section precludes a local government from permitting greater than eight units clustered around a common courtyard.
- Statutory/Other Authority: ORS 197.040
- Statutes/Other Implemented: ORS 197.758

ADOPT: 660-046-0210

RULE SUMMARY: This rule outlines the provisions a city may adopt to regulate the siting and design of middle housing in large cities. This rule also includes a description of which standards cause unreasonable cost and delay to the development of middle housing in large cities.

CHANGES TO RULE:

660-046-0210

Provisions Applicable to Middle Housing in Large Cities

(1) Large Cities may regulate Middle Housing to comply with protective measures, including plans, policies and regulations, as provided in OAR 660-046-0010(3).¶

(2) Large Cities may regulate siting and design of Middle Housing, provided that the regulations:¶

(a) Are clear and objective standards, conditions, or procedures consistent with the requirements of ORS 197.307; and¶

(b) Do not, individually or cumulatively, discourage the development of Middle Housing through unreasonable costs or delay. ¶

(3) Siting and design standards that do not, individually or cumulatively, discourage the development of Middle Housing through unreasonable cost and delay include only the following:¶

(a) Regulations to comply with protective measures adopted pursuant to statewide land use planning goals provided in OAR 660-046-0010(3);¶

(b) Permitted uses and approval processes provided in OAR 660-046-0215;¶

(c) Siting standards provided in OAR 660-046-0220;¶

(d) Design standards in Large Cities provided in OAR 660-046-0225;¶

(e) Middle Housing Conversions provided in OAR 660-046-0230;¶

(f) Alternative siting or design standards provided in OAR 660-046-0235; and¶

(g) Any siting and design standards contained in the Model Code referenced in section OAR 660-046-0010(4).

Statutory/Other Authority: ORS 197.040

Statutes/Other Implemented: ORS 197.758

ADOPT: 660-046-0215

RULE SUMMARY: This rule states the approval process that large cities must use to review development applications for middle housing.

CHANGES TO RULE:

660-046-0215

Permitted Uses and Approval Process

Large Cities must apply the same approval process to Middle Housing as detached single-family dwellings in the same zone. Pursuant to OAR 660-008-0015 and ORS 197.307, Large Cities may adopt and apply only clear and objective standards, conditions, and procedures regulating the development of Middle Housing consistent with the requirements of ORS 197.307(4). Nothing in this rule prohibits a Large City from adopting an alternative approval process for applications and permits for Middle Housing based on approval criteria that are not clear and objective as provided in OAR 660-007-0015(2), OAR 660-008-0015(2), and ORS 197.307(6).

Statutory/Other Authority: ORS 197.040

Statutes/Other Implemented: ORS 197.758



RULE SUMMARY: This rule describes reasonable siting standards that a large city may adopt to regulate middle housing.

CHANGES TO RULE:

660-046-0220

Middle Housing Siting Standards in Large Cities

(1) Large Cities must apply standards to Duplexes as provided in OAR 660-046-0120.

(2) The following siting standards apply to Large Cities' regulation of Triplexes and Quadplexes:

(a) Minimum Lot or Parcel Size:

(A) For Triplexes:

(i) If the minimum Lot or Parcel size in the zone for a detached single-family dwelling is 5,000 square feet or less, the minimum Lot or Parcel size for a Triplex may be up to 5,000 square feet.

(ii) If the minimum Lot or Parcel size in the zone for a detached single-family dwelling is greater than 5,000 square feet, the minimum Lot or Parcel size for a Triplex may not be greater than the minimum Lot or Parcel size for a detached single-family dwelling.

(B) For Quadplexes:

(i) If the minimum Lot or Parcel size in the zone for a detached single-family dwelling is 7,000 square feet or less, the minimum Lot or Parcel size for a fourplex may be up to 7,000 square feet.

(ii) If the minimum Lot or Parcel size in the zone for a detached single-family dwelling is greater than 7,000 square feet, the minimum Lot or Parcel size for a Quadplex may not be greater than the minimum Lot or Parcel size for a detached single-family dwelling.

(C) A Large City may apply a lesser minimum Lot or Parcel size in any zoning district for a Triplex or Quadplex than provided in paragraphs A. or B.

(b) Density: If a Large City applies density maximums in a zone, it may not apply those maximums to the development of Quadplex and Triplexes.

(c) Setbacks: A Large City may not require setbacks to be greater than those applicable to detached single-family dwellings in the same zone.

(d) Height: A Large City may not apply lower maximum height standards than those applicable to detached single-family dwellings in the same zone, except a maximum height may not be less than 25 feet or two stories.

(e) Parking:

(A) For Triplexes, a local government may require up to the following off-street parking spaces:

(i) For Lots or Parcels of 3,000 square feet or less: one space in total;

(ii) For Lots or Parcels greater than 3,000 square feet and less than or equal to 5,000 square feet: two spaces in total; and

(iii) For Lots or Parcels greater than 5,000 square feet: three spaces in total.

(B) For Quadplexes, a local government may require up to the following off-street parking spaces:

(i) For Lots or Parcels of 3,000 square feet or less: one space in total;

(ii) For Lots or Parcels greater than 3,000 square feet and less than or equal to 5,000 square feet: two spaces in total; and

(iii) For Lots or Parcels greater than 5,000 square feet and less than or equal to 7,000 square feet: three spaces in total; and

(iv) For Lots or Parcels greater than 7,000 square feet: four spaces in total.

(C) A Large City may allow on-street parking credits to satisfy off-street parking requirements.

(D) A Large City may allow but may not require off-street parking to be provided as a garage or carport.

(E) A Large City must apply the same off-street parking surfacing, dimensional, landscaping, access, and circulation standards that apply to single-family detached dwellings in the same zone.

(F) A Large City may not apply additional minimum parking requirements to Middle Housing created as provided in OAR 660-046-0230.

(f) Lot or Parcel Coverage and Floor Area Ratio: Large Cities are not required to apply Lot or Parcel coverage or floor area ratio standards to Triplexes or Quadplexes. However, if the Large City chooses to apply Lot or Parcel coverage or floor area ratio standards, it may not establish a cumulative Lot or Parcel coverage or floor area ratio for Triplexes or Quadplexes that is less than established for detached single-family dwelling in the same zone.¶¶

(3) The following rules apply to Large Cities' regulation of Townhouses:¶¶

(a) Minimum Lot or Parcel Size: A Large City is not required to apply a minimum Lot or Parcel size to Townhouses, but if it chooses to, the average minimum Lot or Parcel size may not be greater than 1,500 square feet. A Large City may apply separate minimum Lot or Parcel sizes for internal, external, and corner Townhouse Lots or Parcels provided that they average 1,500 square feet.¶¶

(b) Minimum Street Frontage: A Large City is not required to apply a minimum street frontage standard to Townhouses, but if it chooses to, the minimum street frontage standard must not exceed 20 feet. A Large City may allow frontage on public and private streets or alleys, and shared or common drives. If a Large City allows flag Lots or Parcels, it is not required to allow Townhouses on those Lots or Parcels.¶¶

(c) Density: If a Large City applies density maximums in a zone, it must allow four times the maximum density allowed for detached single-family dwellings in the same zone for the development of Townhouses or 25 units per acre, whichever is less.¶¶

(d) Setbacks: A Large City may not require front, side, or rear setbacks to be greater than those applicable to detached single-family structures in the same zone and must allow zero-foot side setbacks for Lot or Parcel lines where Townhouse units are attached.¶¶

(e) Height: A Large City may not apply lower maximum height standards than those applicable to detached single-family dwellings in the same zone. If local governments mandate off-street parking, their height standards must allow construction of at least three stories. If local governments do not mandate off-street parking, their height standards must allow construction of at least two stories.¶¶

(f) Parking:¶¶

(A) A Large City may not require more than one off-street parking space per Townhouse unit.¶¶

(B) Nothing in this section precludes a Large City from allowing on-street parking credits to satisfy off-street parking requirements.¶¶

(C) A Large City must apply the same off-street parking surfacing, dimensional, landscaping, access, and circulation standards that apply to single-family detached dwellings in the same zone.¶¶

(g) Bulk and Scale: A Large City is not required to apply standards to control bulk and scale to new Townhouses. However, if a Large City chooses to regulate scale and bulk, including but not limited to provisions including Lot or Parcel coverage, floor area ratio, and maximum unit size, those standards cannot cumulatively or individually limit the bulk and scale of the cumulative Townhouse project greater than that of a single-family detached dwelling.¶¶

(h) Minimum Open Space and Landscaping: A Large City is not required to regulate minimum open space area and dimensions, but if it chooses to, the minimum open space may not exceed 15% of the minimum Lot or Parcel size, and the minimum smallest dimension may not exceed the Lot or Parcel width or 20 ft, whichever is less. A Large City may establish provisions allowing the provision of open space through shared common areas.¶¶

(4) The following rules apply to Large Cities' regulation of Cottage Clusters:¶¶

(a) Minimum Lot or Parcel Size: A Large City is not required to apply minimum Lot or Parcel size standards to new Cottage Clusters. However, if a Large City chooses to regulate minimum Lot or Parcel size for Cottage Clusters, the following provisions apply: ¶¶

(A) If the minimum Lot or Parcel size in the same zone for a detached single-family dwelling is 7,000 square feet or less, the minimum Lot or Parcel size for a Cottage Cluster may be up to 7,000 square feet.¶¶

(B) If the minimum Lot or Parcel size in the same zone for a detached single-family dwelling is greater than 7,000 square feet, the minimum Lot or Parcel size for a Cottage Cluster may not be greater than the minimum Lot or Parcel size for a detached single-family dwelling.¶¶

(b) Minimum Lot or Parcel Width: A Large City is not required to apply minimum Lot or Parcel width standards to Cottage Clusters. However, if a Large City chooses to regulate minimum Lot or Parcel width for Cottage Clusters, it may not require a minimum Lot or Parcel width that is greater than the standard for a single-family

detached dwelling in the same zone.¶¶

(c) Density: A Large City may not apply density maximums to the development of Cottage Clusters. A Cottage Cluster development must meet a minimum density of at least four units per acre.¶¶

(d) Setbacks: A Large City may not require perimeter setbacks to be greater than those applicable to detached single-family dwellings in the same zone. Additionally, perimeter setbacks applicable to single-family dwellings may not be greater than ten feet.¶¶

(e) Height: A large City must allow a Cottage Cluster to be a height of at least one story.¶¶

(f) Unit Size: A Large City may limit the size of dwellings in a Cottage Cluster, but must apply a maximum building footprint of 900 square feet per unit. A Large City may not include detached garages, carports, or accessory structures in the calculation of building footprint.¶¶

(g) Parking:¶¶

(A) A Large City may not require more than one off-street parking space per unit in a Cottage Cluster.¶¶

(B) A Large City may allow but may not require off-street parking to be provided as a garage or carport.¶¶

(C) Nothing in this section precludes a Large City from allowing on-street parking credits to satisfy off-street parking requirements.¶¶

(h) Lot or Parcel Coverage and Floor Area Ratio: A Large City may not apply Lot or Parcel coverage or floor area ratio standards to Cottage Clusters.¶¶

(i) Nothing in this division precludes a Large City from allowing Cottage Cluster units on individual Lots or Parcels within the Cottage Cluster development.

Statutory/Other Authority: ORS 197.040

Statutes/Other Implemented: ORS 197.758

ADOPT: 660-046-0225

RULE SUMMARY: This rule describes reasonable design standards that a large city may adopt to regulate middle housing.

CHANGES TO RULE:

660-046-0225

Middle Housing Design Standards in Large Cities

(1) A Large City is not required to apply design standards to Middle Housing. However, if a Large City chooses to apply design standards to Middle Housing, it may only apply the following:¶

(a) Design standards in the Model Code for Large Cities in OAR 660-046-0010(4)(b);¶

(b) Design standards that are less restrictive than the Model Code for Large Cities in OAR 660-046-0010(4)(b);¶

(c) The same clear and objective design standards that the Large City applies to detached single-family structures in the same zone. Design standards may not scale by the number of dwelling units or other features that scale with the number of dwelling units, such as primary entrances. Design standards may scale with form-based attributes, including but not limited to floor area, street-facing facade, height, bulk, and scale; or¶

(d) Alternative design standards as provided in OAR 660-046-0235.¶

(2) A Large City may not apply design standards to Middle Housing created as provided in OAR 660-046-0230.

Statutory/Other Authority: ORS 197.040

Statutes/Other Implemented: ORS 197.758

ADOPT: 660-046-0230

RULE SUMMARY: This rule outlines standards a large city must comply with when converting an existing single family detached structure to middle housing.

CHANGES TO RULE:

660-046-0230

Middle Housing Conversions

(1) Additions to or conversion of an existing detached single-family dwelling into Middle Housing is allowed in Large Cities pursuant to OAR 660-046-0205(2), provided that the conversion does not increase nonconformance with applicable clear and objective standards, unless increasing nonconformance is otherwise permitted by the Large City's development code.<sup>¶</sup>

(2) If Middle Housing is being created through the conversion of an existing single-family detached dwelling, a Large City or other utility service provider that grants clear and objective exceptions to public works standards to detached single-family dwelling development must allow the granting of the same exceptions to Middle Housing.<sup>¶</sup>

(3) A preexisting detached single-family dwelling may remain on a Lot or Parcel with a Cottage Cluster under the following conditions:<sup>¶</sup>

(a) The preexisting single-family dwelling may be nonconforming with respect to the requirements of this code;<sup>¶</sup>

(b) The preexisting single-family dwelling may be expanded up to the maximum height, footprint, or unit size required by this code; however, a preexisting single-family dwelling that exceed the maximum height, footprint, or unit size of this code may not be expanded;<sup>¶</sup>

(c) The preexisting single-family dwelling shall count as a unit in the Cottage Cluster;<sup>¶</sup>

(d) The floor area of the preexisting single-family dwelling shall not count towards any Cottage Cluster average or Cottage Cluster project average or total unit size limits.

Statutory/Other Authority: ORS 197.040

Statutes/Other Implemented: ORS 197.758

ADOPT: 660-046-0235

RULE SUMMARY: This rule outlines alternative siting and design standards a large city must comply with when regulating middle housing.

CHANGES TO RULE:

#### 660-046-0235

##### Alternative Siting or Design Standards

A Large City may adopt siting or design standards not authorized by OAR 660-046-0220 or OAR 660-046-0225 as allowed under subsection (1) or (2) below if the city can demonstrate that it meets the applicable criteria laid out in either subsection (1) or (2) below. Siting or design standards do not include minimum Lot or Parcel size and maximum density requirements.

(1) Existing Alternative Siting or Design Standards - A Large City must submit to the Department of Land Conservation and Development findings and analysis demonstrating that siting or design standards adopted prior to the adoption of these rules for Middle Housing types not in compliance with the standards provided in OAR 660-046-0220 or OAR 660-046-0225 have resulted in the substantial production of Middle Housing in areas where the standard was applied such that the standards have not, and will not in the future, individually or cumulatively cause unreasonable cost or delay to the development of Middle Housing.

(a) Substantial production means:

(A) The areas in which the Large City has applied the alternative standard or standards achieved a three percent or greater production rate of the applicable Middle Housing type over the time frame during which the Large City applied the standard or standards. At a minimum, the time frame must include two years of housing production data and housing production data from the full time frame in which the Large City applied the standard or standard. The production rate is the ratio of building permits issued for the applicable Middle Housing type in comparison to the total building permits issued for all Middle Housing and detached single-family dwellings over the same time frame; and

(B) The areas in which the Large City applied the alternative standard or standards have a sufficient quantity of remaining sites where the Large City can accommodate Middle Housing to ensure a minimum three percent production rate over a twenty year horizon. The production rate is the ratio of building permits issued for the applicable Middle Housing type in comparison to the total building permits issued for all Middle Housing and detached single-family dwellings over the same time frame; and

(b) If a Large City applied a design standard or standards that resulted in the substantial production of Middle Housing in a zone where the standard was applied, the Large City may apply that standard or standards in other zones, provided that any standard that scales by dwelling unit scales with the minimum Lot or Parcel size of the zoning district in which it applies.

(2) New Alternative Siting or Design Standards - A Large City must submit to the Department of Land Conservation and Development findings and analysis demonstrating that the proposed standard or standards will not, individually or cumulatively, cause unreasonable cost or delay to the development of Middle Housing. To demonstrate that, the Large City must consider how a standard or standards, individually and cumulatively, affect the following factors in comparison to what is would otherwise be required under OAR 660-046-0220 or OAR 660-046-0225:

(a) The total time and cost of construction, including design, labor, and materials;

(b) The total cost of land;

(c) The availability and acquisition of land, including areas with existing development;

(d) The total time and cost of permitting and fees required to make land suitable for development;

(e) The cumulative livable floor area that can be produced; and

(f) The proportionality of cumulative time and cost imposed by the proposed standard(s) in relationship to the public need or interest the standard(s) fulfill.

Statutory/Other Authority: ORS 197.040

Statutes/Other Implemented: ORS 197.758





**NOTICE OF PROPOSED RULEMAKING**  
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 660  
LAND CONSERVATION AND DEVELOPMENT DEPARTMENT

**FILED**

08/24/2020 4:32 PM  
ARCHIVES DIVISION  
SECRETARY OF STATE

FILING CAPTION: Adopt OARs regarding Housing Needs Analysis and Housing Production Strategies according to HB 2003 (2019)

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 11/12/2020 8:30 AM

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

CONTACT: Casaria Taylor  
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casaria.taylor@state.or.us

635 Capitol St.  
Ste. 150  
Salem, OR 97301

Filed By:  
Casaria Taylor  
Rules Coordinator

**HEARING(S)**

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

DATE: 09/25/2020

TIME: 8:00 AM

OFFICER: LCDC

ADDRESS: Virtual Hearing  
no address

Salem, OR 97301

SPECIAL INSTRUCTIONS:

check the LCDC website for additional information:

<https://www.oregon.gov/lcd/Commission/Pages/Meetings.aspx>

DATE: 11/12/2020

TIME: 8:00 AM

OFFICER: LCDC

ADDRESS: Virtual Hearing  
no address

Salem, OR 97301

SPECIAL INSTRUCTIONS:

check the LCDC website for additional information:

<https://www.oregon.gov/lcd/Commission/Pages/Meetings.aspx>

**NEED FOR THE RULE(S):**

Per legislative requirements listed in HB 2003 DLCD staff have undergone several months of rulemaking with stakeholders to develop requirements for Housing Production Strategy Report structure that cities in Oregon over 10,000 will be required to submit on a 6-8 year schedule. In addition, rulemaking has also developed reporting requirements cities will need to undertake on both an annual and a mid-cycle implementation, the review criteria by which DLCD will deem the efficacy and sufficiency of city efforts, and the enforcement measures DLCD may exercise in the event cities are unable to meet requirements or become delinquent in compliance with their housing production strategy implementation timelines.

**DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:**

ORS 197.290, 197.291, 197.293, 197.296, 197.303, and OAR 660-008. These documents can be found online at the Oregon Secretary of State website or at the Department of Land Conservation and Development offices at 635 Capitol Street NE, Suite 150, Salem, Oregon 97301.



## FISCAL AND ECONOMIC IMPACT:

Implementing the HPS rules may result in direct and indirect fiscal and economic impacts. DLCD estimates that cities and DLCD will experience direct fiscal impacts from the proposed rules. DLCD estimates that small businesses, cities, property owners, and the general public may experience indirect impacts from the proposed rules.

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## COST OF COMPLIANCE:

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

(1) Implementing the HPS rules may result in direct and indirect fiscal and economic impacts. DLCD estimates that cities and DLCD will experience direct fiscal impacts from the proposed rules. DLCD estimates that small businesses, cities, property owners, and the general public may experience indirect impacts from the proposed rules.

Direct impacts are the direct result of the proposed rules and are likely to occur. They include:

Compliance costs for cities to prepare an HPS (for those subject to the rules), along with costs associated with annual and mid-cycle reporting requirements. Cities will also incur financial or staff resource costs in developing and adopting housing capacity analyses as required by the proposed rules.

Review costs for DLCD to evaluate local government strategies for compliance.

Indirect impacts will likely occur as a result of changes made by local governments to respond to and implement the new rules. Because the nature and scale of these indirect impacts will depend on local governments' chosen courses of action, it is difficult to estimate their fiscal impact. Possible indirect fiscal impacts include:

Impact to local governments, property owners, businesses, new development, and or the general public due to implementation of HPS. These impacts are further described in the categories of strategies outlined by DLCD and HPS Advisory Committees later in this analyses.

Impacts to local governments and the public resulting from policy or regulation changes that serve to increase housing production and or production of housing better aligned with local housing needs.

Impact to businesses resulting from and increase in the number and frequency of a housing capacity analysis, housing production strategy reports, and mid-cycle reporting. There will likely also be impacts to businesses that result from a city's chosen Housing Production Strategy.

(2) There are no direct compliance costs for small and large business because no businesses are subject to the proposed

rules. Thus, there are zero small business and zero large businesses that are subject to the proposed rules and no types of business or industries that are subject to the proposed rules. Similarly, there are no projected reporting, recordkeeping, or other administrative activities required for compliance with the proposed rules for small or large businesses, and there are no equipment, supply, labor, or increased administration costs required for compliance with the proposed rules.

However, there may be indirect economic impacts to small and large businesses. Because the analysis required to conduct additional housing capacity analysis, HPS, and mid-cycle reporting may go beyond the capacity or skill-set for the staff of some cities, some cities may need to contract with consulting firms to assist with evaluating housing production. This could create an increase in opportunities for those businesses. Generally, consulting firms seldom have more than 50 employees, so the impacts are likely to be concentrated among businesses with fewer than 50 employees.

## Direct Impacts

### Local Government Compliance Costs

HB 2003 requires that cities over 10,000 population adopt a Housing Capacity Analysis on a regular cycle – every six years for cities over 10,000 population within a metropolitan service district boundary (metro cities) and every eight years for cities over 10,000 population outside of a metropolitan service district (non-metro cities). There are currently 49 cities in Oregon subject to these requirements. In the recent past, cities throughout the state of Oregon did not regularly adopt housing capacity analyses required by ORS 197.296. Neither HB 2003 nor the proposed rules change requirements in ORS 197.296 related to how a city conducts a housing capacity analysis. Rather, the proposed rules implement HB 2003, which compel cities to adopt these analyses on a more regular basis. This represents a likely increase in the frequency and effort cities undergo to complete and adopt these housing capacity analysis, potentially increasing future and ongoing costs for cities.

Compliance with the proposed HPS rules is required for cities over 10,000 population within one year of the City's housing capacity analysis update deadline. The proposed rules require that those cities, at a minimum, to compile information from existing plans and documents (not necessarily limited to the city's housing capacity analysis) to craft policies and actions that demonstrate how the city will:

- Reduce financial and regulatory impediments to develop Needed Housing,
- Create financial and regulatory incentives for development of Needed Housing,
- Provide access to local, state, and federal resources, and
- Implement other innovative Housing Production Strategies.

The proposed rules indicate that, for each action, the city must further identify: the schedule for its adoption and its implementation, its expected magnitude of impact on the development of needed housing, and the time frame over which it is expected to impact needed housing.

In addition to conducting an analysis of the timeline and expected magnitude of impact of proposed actions, a city must respond to a series of Fair and Equitable Housing Outcome narrative prompts in preparing a HPS. These responses require the city to consider how the actions proposed and previously implemented by the city achieve greenhouse gas reduction, fair housing, housing choice, housing for people experiencing homelessness, affordable rental or homeownership, and anti-displacement outcomes.

The cost of conducting this analysis—preparing the required documentation, conducting required outreach, and adopting the HPS—could range from \$25,000 to more than \$50,000, depending on the level of effort.

Further, HPS rules will require cities to prepare mid-cycle reporting on the implementation of Housing Production Strategies which will, at a minimum, require additional staff time. The rules direct metro cities to submit a mid-cycle HPS narrative reflection at year three of their housing capacity analysis cycle and non-metro cities to submit a mid-cycle HPS report at year four of the housing capacity analysis cycle. Cities must document items such as the effects of strategies

implemented, the strategies yet to be implemented, the barriers that may hinder the city's ability to reach its production goals, the actions the city can take to ameliorate further delays in strategy implementation, and actions/inactions that influence fair and equitable housing outcomes. The time expended for cities to complete mid-cycle reporting may also vary based on the cities' level of effort.

In addition, the proposed rules require cities to implement the strategies they identify to meet the 20-year housing need. Advancing implementation for individual strategies from the HPS will require additional staff time and/or consultant support beyond HPS adoption. Many will require stakeholder outreach and public involvement processes of their own; work sessions and hearings with elected officials; and potentially notice to affected parties.

#### State Agency Costs

DLCD staff will be responsible for reviewing the HPS, along with the mid-cycle reporting from cities, which will increase costs relative to DLCD's usual functions. With 49 cities submitting documents every three to four years, this translates to roughly 12 to 16 HPS or mid-cycle reports per year. Although it is difficult to estimate how long each review could take, this could amount to a substantial amount of review time. The number of HPSs that DLCD will receive is on a known schedule, thereby making it less challenging to determine potential costs to the agency on an annual basis. The proposed rules require that DLCD consider annual housing production data that cities are required to submit under Section 1, Chapter 47, of Oregon Laws 2018 in evaluating the sufficiency of cities' HPS Reports. This increased focus on the annual housing production data means that the agency will likely also be asked to consolidate and publish the annual housing production numbers online, which will require some additional staff time.

HB 2003 also gives the LCDC authority to review HPS and enforce cities' compliance under ORS 197.319 to 197.334. The rules provide multiple levels of enforcement and support including technical assistance, funding support, staff review and coordination, and stronger enforcement actions if delinquency cannot be corrected through other means. These actions may involve DLCD and/or LCDC, which will increase staff time and monetary resources to the extent that technical assistance monies are provided to support cities. Further, the fiscal impact would increase if enforcement procedures require DLCD/LCDC to involve lawyers, LUBA, and/or other external mediators.

The department estimates that the work to maintain the HPS program, including review of housing capacity analysis, HPS, and mid-cycle reports will require continued employment of between two and three full-time equivalent staff.

#### Indirect Impacts

##### Impact of Strategy Implementation

Below is an assessment of the indirect impacts of implementing the strategies themselves, organized by proposed high-level policy categories identified in rulemaking. The categories (listed and described in Exhibit 1) illustrate the range of strategies that cities may use in their HPS.

The strategies proposed to be implemented by each city will vary based on identified housing need over the 20-year planning period, resource capacity, and local priorities. Cities are not required to implement a certain number of strategies or a strategy from each category identified below. Cities are only required to implement strategies that address the entirety of the 20-year housing need, as identified in the housing capacity analysis. These strategies are grouped into seven different categories:

- A. Zoning and Code Changes
- B. Reduce Regulatory Impediments
- C. Financial Incentives
- D. Financial Resources
- E. Tax Exemption and Abatement
- F. Land, Acquisition, Lease, and Partnerships
- Z. Custom Options

##### Category A. Zoning and Code Changes

The resulting zoning and code changes may impact property owners and businesses due to changes in the allowed uses and development potential of their property. Many of the possible zoning and code changes that could be part of an HPS would expand the allowed uses of property (e.g. allowing additional forms of housing or allowing housing in new

locations), but some (e.g. inclusionary zoning, short-term rental regulations, or manufactured housing preservation zoning) would impose new restrictions. Changes that expand the allowed use of property may result in an increase in property value and in the potential for the property to generate revenue, while restrictions may cause a decrease. It is possible that such changes in property value could result in a change in property taxes. However, due to constitutional limits imposed by Measure 50, a property's maximum assessed value (MAV) can increase by no more than 3% per year except under certain circumstances. These circumstances include:

- New construction,
- Major improvement projects (e.g. additions, remodels, or rehabilitation),
- Land division, and
- Rezoning (where the property is used consistently with the new zoning).

When these circumstances occur, the assessor determines how much real market value (RMV) was added by the change(s) to the property. The assessor then uses the changed property ratio (CPR) for that property type to determine the additional taxable value.

The proposed rules may result in cities making changes to their development codes that will constitute rezoning under OAR 150-308-0200. If a city did so, a landowner could be subject to a greater than 3% increase in taxes if the landowner chose to use the property consistent with the new zoning. A property owner might choose to build new housing types that are allowed under the rezoning or to take on major improvement projects that change the existing use to one that is allowed under rezoning. In these cases, the increase in property value will depend on the RMV after the improvement or development and the CPR in the county where the property is located and could lead to greater than a 3% increase in taxes. However, a landowner would not be required to use the property in a manner that is consistent with the new zoning, divide land, undertake major improvement projects, or undertake new construction; accordingly, the proposed rules do not impose potential, additional tax liability without voluntary action by landowners. Reductions in property value resulting from additional restrictions on the property are unlikely to result in a corresponding reduction in property taxes because the assessed value is already well below the real market value for most properties as a result of the aforementioned limits imposed by Measure 50.

#### Category B. Reduce Regulatory Impediments

Measures to reduce regulatory impediments will generally increase the possible uses of property and/or reduce development costs. This will generally benefit new development and may have a benefit to property owners from expanded use or development potential of their land, similar to Category A, above.

For some cities, some of the options in this category could require increased staffing (e.g. expedited permitting) and/or carrying more of the costs of infrastructure improvements in order to reduce the burden on certain types of housing. Other measures (e.g. regulatory reforms) will have few or no on-going costs once implemented.

#### Category C. Financial Incentives

Financial incentives generally reduce locally imposed, up-front costs for housing developers, creating a fiscal benefit to the targeted new development. However, a reduction in fee revenue or waived contributions to infrastructure improvements has a fiscal impact on local governments. Less revenue collected or fewer infrastructure needs met means a greater need for revenue from other sources to pay for needed infrastructure improvements. In some cases, the short-falls may be made up (at least in part) by increasing costs for other development.

#### Category D. Financial Resources

Some of the listed financial resources come from the state or federal level. These are either channeled directly to development (e.g. Low-Income Housing Tax Credits, Housing Trust Funds, Local Innovation and Fast Track Program funds) or allocated to eligible cities to prioritize use of funds (e.g., CDBG, HOME). These resources come at little or no cost to cities (except administrative cost for funding administered locally) and their investment benefits the receiving developments.

However, a local government may need to identify or raise additional revenue to provide financial resources to support housing production programs. Additional revenue could come from a variety of funding tools, such as:

- New or increased system development charges (SDCs),

- Construction excise tax,
- Tax increment financing,
- General obligation bonds, or
- Other new or existing funding sources that are legally allowed to be used for housing production (or infrastructure development that supports increased capacity on land).

Each potential funding tool would impact different members of the public and businesses. For example, a construction excise tax would increase the cost of new, non-exempt development to support housing programs that benefit priority housing projects. Tax increment financing would generate funding to pay for housing programs without imposing new taxes on development/property owners by deferring property tax accumulation to cities.

#### Category E. Tax Exemption and Abatement

Tax abatements reduce operational costs for eligible development. The city would forego some property tax revenue for the exemption/abatement period. Due to limits on increasing property taxes, this would likely mean slight reductions to local budgets rather than increases for other property owners; however, if some or all of the benefitting development would not have occurred but for the exemption, then the actual revenue foregone is much less.

#### Category F. Land Acquisition, Lease, and Partnerships

Land acquisition by a city generally requires a funding source; these are addressed above in Category D. The fiscal impacts of using public land or land acquired by the city for housing depends on whether the housing is taxable or not. If the resulting housing is tax exempt, this reduces potential property tax revenue. In addition, if the city writes down the land cost to support affordable housing development, the city loses the potential proceeds from the land if sold for market-rate development.

Depending on the strategy employed, impacts of acquisition and strategic disposition of land / properties on adjacent property owners can vary. If implemented successfully, however, these strategies typically lead to positive fiscal impacts. For instance:

If property is acquired for strategic restoration, the action may enable catalytic redevelopment, thereby improving the economic vitality of neighborhoods and increasing property values.

Conversion of underperforming or distressed assets (including tax delinquent or foreclosed properties) to more productive use can add to the property tax base over time and improve the economic value of the surrounding area.

#### Category Z. Custom Options

Other economic and fiscal impacts on parties including, but not limited to, rate payers, property owners, new development, and adjacent property owners/the public is speculative and would depend on the action imposed.

#### Impacts of Changes to Housing Production

The proposed rules for HPS aim to promote development of new housing at needed price points with needed characteristics in cities. How the proposed rules might impact total housing production is less clear. One possibility is that without the HPS required under the proposed rules, there would not be enough housing built in cities to accommodate population growth, resulting in rising housing costs and households locating elsewhere. Alternatively, it could be that without the HPS required under the proposed rules, cities would produce housing at levels that are sufficient to accommodate population growth, but not necessarily at needed price points with needed characteristics. The reality for most communities likely is a mix of both—the housing that can be supported by the market is mostly delivered, but the housing that requires subsidy is delivered at levels well below the need.

The impact of the strategies can also vary in terms of the amount and type of housing each will encourage. Thus, the net result is uncertain, but are likely to include some increase in market-rate housing production and some increase in subsidized housing production, with a slight increase in total housing production to more closely align with forecast need. This framework is important to understanding the indirect impacts of the proposed rule.

#### Benefits of Increased Production of Needed Housing

The following types of positive fiscal impacts on the public at large may occur as a result of implementation of the strategies required for compliance with the proposed rules:

Production or preservation of additional affordable housing for rental and/or homeownership, leading to reduced

housing cost burden in the community, increased housing stability for low-income households, and expanded housing options in places that offer greater accessibility to employment and other amenities and resources. This is likely to particularly benefit households that are eligible for government-supported housing, but also could offer broader fiscal benefits for the community and society as a whole over time by reducing public costs related to healthcare, emergency services, and law enforcement.

Reduced costs and/or delay to housing producers developing market-rate housing, enabling somewhat greater total housing production and somewhat lower costs for consumers of new market-rate housing. The reduced cost of new market-rate housing particularly benefits moderate- to higher-income households, but also helps moderate the rate of housing cost escalation within that market overall. When new housing production more closely matches increases in housing demand, prices will more closely reflect the cost of unit production. Moderating housing cost escalation tends to benefit renters and first-time homebuyers, but can also benefit businesses by keeping the amount needed to constitute a living wage lower and making it easier to attract and retain workers.

Greater homeownership and wealth-building opportunities for historically excluded or disadvantaged populations.

Gentrification and Displacement Risks

When an increase in housing supply comes in the form of new market-rate construction in an existing neighborhood, it can have localized negative impacts on low-income renter households in that neighborhood. Even after recent changes to state law providing greater protection for renters, renters are still much more vulnerable to changing market conditions and are subject to the decisions of the property owner about redevelopment, remodels, rent increases, and the like. Renters can face increased risk of physical displacement (when their housing is redeveloped or substantially remodeled, requiring them to move elsewhere) and/or economic displacement (when rent for existing housing increases faster than the tenants can afford, and they are unable to stay).

Although most housing strategies will create more housing than they remove and, in the process, create benefits for the many households across the market, there could be some loss of existing low-cost housing under some strategies. For example, some strategies may make redevelopment of existing low-cost rental housing (e.g. older single family rental homes) feasible where it had not been before—where redevelopment to a newer, larger single family home (a one-to-one replacement) or to non-residential uses is not financially viable or legally permissible. This can cause displacement of existing renter households.

Pairing strategies that may increase the risk of displacement with measures to increase housing stability for the lowest-income households can help mitigate this risk. The proposed rules require that cities consider and report how the city is mitigating gentrification and displacement resulting from investment or redevelopment. While this does not mandate a specific set of strategies to address displacement, it ensures cities must consider and address the risks. A localized analysis can help cities understand the risk to the local population in an area where investments or policy changes are under consideration and target strategies to address those at risk.

The HPS supports an increase in housing production overall, this could increase demand for construction labor and materials, but these impacts are likely to be modest enough that they would not affect the cost of materials or labor.

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

Small businesses and representatives of businesses were part of the Rulemaking Advisory Committee and Technical Advisory Committee.

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WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? YES

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HOUSING IMPACT STATEMENT:

There are no direct impacts to the cost of developing a typical 1,200 square foot detached single family dwelling on a

6,000 square foot parcel of land anticipated as a result of the proposed rules. However, there may be indirect costs to this housing development as described below:

In general, if the HPS supports housing production that would not otherwise be built, the increased supply of housing could (to some extent) improve housing affordability in cities, helping to stabilize or even reduce housing costs for consumers. This would not necessarily reduce the costs of housing development.

If the HPS supports in increase in housing production overall, this could increase demand for construction labor and materials, but these impacts are likely to be modest enough they they would not affect the cost of materials or labor.

As noted above, in some situations, the proposed rules could prompt a local government to increase fees on market-rate single-family homes to make up for reductions for other housing types or to generate revenue to fund housing programs and development. While this would benefit some housing, it would increase the cost of development for other housing (e.g. the reference single family home).

If the proposed rules prompt local governments to reduce development impediments or make additional land available for residential development, a wider range of housing types could become more financial achievable in locations that would not be feasible otherwise. Some of the changes could benefit single-family home development. However, changes could also slightly increase the land cost in some areas due to greater development potential for other housing types.

In instances where zoning and code changes increase land values, new development may experience increased costs to purchase sites. However, these costs may be recouped (at least in part) once projects are sold, through higher sales prices.

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**RULES PROPOSED:**

660-008-0005, 660-008-0045, 660-008-0050, 660-008-0055, 660-008-0060, 660-008-0065, 660-008-0070

**AMEND:** 660-008-0005

**RULE SUMMARY:** This section defines specific terms used throughout the division.

**CHANGES TO RULE:**

**660-008-0005**

**Definitions ¶¶**

For the purpose of this division, the definitions in ORS 197.015, 197.295, and 197.303 shall apply. In addition, the following definitions shall apply:¶¶

- (1) "Attached Single Family Housing" means common-wall dwellings or rowhouses where each dwelling unit occupies a separate lot.¶¶
- (2) "Buildable Land" means residentially designated land within the urban growth boundary, including both vacant and developed land likely to be redeveloped, that is suitable, available and necessary for residential uses. Publicly owned land is generally not considered available for residential uses. Land is generally considered "suitable and available" unless it:¶¶

- (a) Is severely constrained by natural hazards as determined under Statewide Planning Goal 7;¶
- (b) Is subject to natural resource protection measures determined under Statewide Planning Goals 5, 6, 15, 16, 17 or 18;¶
- (c) Has slopes of 25 percent or greater;¶
- (d) Is within the 100-year flood plain; or¶
- (e) Cannot be provided with public facilities.¶
- (3) "Detached Single Family Housing" means a housing unit that is free standing and separate from other housing units.¶
- ~~(4)~~ "Consumers of Needed Housing" means any person who inhabits or is anticipated to inhabit Needed Housing, as described in the definition of "Needed Housing" in ORS 197.303.¶
- (4) "Detached Single Family Housing" means a housing unit that is free standing and separate from other housing units.¶
- (5) "Housing Capacity Analysis" means a document, incorporated into a city's comprehensive plan by ordinance, that complies with the provisions of ORS 197.296. A Housing Capacity Analysis is a housing needs analysis or an assessment of housing need and capacity that includes the inventory, determination, and analysis required under ORS 197.296(3).¶
- (6) "Housing Needs Projection" refers to a local determination, justified in the plan, of the mix of housing types, amounts and densities that will be:¶
  - (a) Commensurate with the financial capabilities of present and future area residents of all income levels during the planning period;¶
  - (b) Consistent with any adopted regional housing standards, state statutes and Land Conservation and Development Commission administrative rules; and¶
  - (c) Consistent with Goal 14 requirements.¶
- ~~(5)~~ "Housing Production Strategy" means a specific tool, action, policy, or measure a city will implement to meet the housing needs described in an adopted Housing Capacity Analysis. A Housing Production Strategy is one component of a Housing Production Strategy Report.¶
- (8) "Housing Production Strategy Report" means the report cities must adopt within one year of their deadline to complete an updated Housing Capacity Analysis, pursuant to OAR 660-008-0050.¶
- (9) "Multiple Family Housing" means attached housing where each dwelling unit is not located on a separate lot.¶
- ~~(6)~~ "Needed Housing" means housing types determined to meet the need shown for housing within an urban growth boundary at particular price ranges and rent levels, including at least the following housing types:¶
  - (a) Attached and detached single-family housing and multiple family housing for both owner and renter occupancy;¶
  - (b) Government assisted housing;¶
  - (c) Mobile home or manufactured dwelling parks as provided in ORS 197.475 to 197.490;¶
  - (d) Manufactured homes on individual lots planned and zoned for single-family residential use that are in addition to lots within designated manufactured dwelling subdivisions; and¶
  - (e) Housing for farmworkers.¶
- ~~(7)~~ "Producers of Needed Housing" means developers, builders, service providers, or other persons or entities providing materials and funding needed to build housing. Producers of Needed Housing may include non-profit organizations or public entities.¶
- (12) "Redevelopable Land" means land zoned for residential use on which development has already occurred but on which, due to present or expected market forces, there exists the strong likelihood that existing development will be converted to more intensive residential uses during the planning period.

Statutory/Other Authority: ORS 197.040

Statutes/Other Implemented: ORS 197.295 - 197.314, ORS 197.475 - 197.490



ADOPT: 660-008-0045

RULE SUMMARY: The rule describes the requirement for cities over 10,000 across the state of Oregon to submit a Housing Needs Analysis on a fixed 6-8 year schedule.

CHANGES TO RULE:

660-008-0045

Housing Capacity Analysis Deadline

Cities described in ORS 197.296(2)(a)(B) and (10)(c)(B) shall demonstrate sufficient buildable lands as scheduled by the Land Conservation and Development Commission.<sup>¶¶</sup>

(1) The Department of Land Conservation and Development shall publish the calendar of Housing Capacity Analyses deadlines for cities identified under ORS 197.296 2(a)(B) or 10(c)(B) in Exhibit A.<sup>¶¶</sup>

(2) The deadline for adoption of a Housing Capacity Analysis in a given year is December 31st.<sup>¶¶</sup>

(3) A city will be considered to have met its obligation to adopt a Housing Capacity Analysis upon adoption of the Housing Capacity Analysis by ordinance. A subsequent appeal of the Housing Capacity Analysis will not be considered a failure to comply with the deadline provided in ORS 197.296 2(a) or 10(b).<sup>¶¶</sup>

(4) Upon adoption of a Housing Capacity Analysis, the deadline for a subsequent Housing Capacity Analysis is as follows:<sup>¶¶</sup>

(a) Eight years for cities that are not within a metropolitan service district; or<sup>¶¶</sup>

(b) Six years for cities that are within a metropolitan service district.<sup>¶¶</sup>

(5) If a population estimate developed under ORS 195.033 and OAR 660-032-0020 and OAR 660-032-0030 results in a city qualifying under ORS 197.296(10)(c), the city must comply with this section within two years of its qualification or the interval provided in Section 4, whichever is the longer period.

Statutory/Other Authority: ORS 197.040

Statutes/Other Implemented: ORS 197.290, ORS 197.291, ORS 197.293, ORS 197.296, ORS 197.303

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

## Housing Needs Analysis Update Schedule for Oregon Cities with a population above 10,000 (Required by ORS 197.296)

Cities to adopt updated housing needs analyses by December 31<sup>st</sup> of the listed year.

	<b>2022</b>	<b>2023</b>	<b>2024</b>	<b>2025</b>	<b>2026</b>	<b>2027</b>
1	Grants Pass	Ashland	Bend	Springfield	Eugene	Central Point
2	Newport	Beaverton	Hermiston	The Dalles	Troutdale	Corvallis
3		Forest Grove	Sandy			Cottage Grove
4		Gresham				Prineville
5		Happy Valley				Roseburg
6		Hillsboro				St. Helens
7		Lake Oswego				
8		McMinnville				
9		Medford				
10		Milwaukie				
11		Portland				
12		Tigard				
13		West Linn				
14		Wilsonville				

	<b>2022</b>	<b>2023</b>	<b>2024</b>	<b>2025</b>	<b>2026</b>	<b>2027</b>
1	Albany*		Keizer*			
2	Canby*		Salem*			
3	Coos Bay*		Newberg*			
4	Cornelius*					
5	Dallas*					
6	Gladstone*					
7	Klamath Falls*					
8	La Grande*					
9	Lebanon*					
10	Ontario*					
11	Oregon City*					
12	Pendleton*					
13	Redmond*					
14	Sherwood*					
15	Silverton*					
16	Tualatin*					
17	Woodburn*					

ADOPT: 660-008-0050

RULE SUMMARY: The rule describes the various components and minimum requirements of a Housing Production Strategy Report.

CHANGES TO RULE:

660-008-0050

Housing Production Strategy Report Structure

As provided in ORS 197.290(2), a city with a population of more than 10,000 people must develop and adopt a Housing Production Strategy Report that includes a list of specific actions, including the adoption of measures and policies that the city shall undertake to promote development within the city to address a housing need identified under ORS 197.296(3) or ORS 197.296(10) for the most recent 20-year period described in the city's Housing Capacity Analysis. At a minimum, this Report must include the following components:

(1) Contextualized Housing Need - A contextualization and incorporation of information from the most recent Housing Capacity Analysis, which describes current and future housing needs in the context of population and market trends.

(a) At a minimum, this analysis must include:

(A) Socio-economic and demographic trends of households living in existing Needed Housing. The analysis must include a disaggregation of households living in existing Needed Housing by race and ethnicity;

(B) Measures already adopted by the city to promote the development of Needed Housing;

(C) Market conditions affecting the provision of needed Housing;

(D) Existing and expected barriers to the development of Needed Housing;

(E) Other housing needs to respond to Department review under ORS 197.293(2) including an estimate the number of people or households experiencing homelessness. Estimates must include, as available, the following data sources:

(i) An estimate of regional housing need for people experiencing homelessness provided by the state or a regional or county entity;

(ii) The applicable Housing and Urban Development Point-in-Time (PIT) count conducted by the Continuum of Care that the city is located within;

(iii) The applicable Housing and Urban Development Annual Homelessness Assessment Report (AHAR); and

(iv) The applicable McKinney-Vento Homeless Student Data for all school districts that overlap with the city.

(F) Percentage of Rent Burdened Households, as determined in the report described in OAR 813-112-0020(2);

(G) Housing tenure, including rental and owner households; and

(H) Housing needs for people with disabilities, including hearing, vision, cognitive, ambulatory, self-care difficulty, and independent living as provided in the applicable American Community Survey and other data sets, as available.

(b) A city may use the following types and sources of data to further contextualize housing need for the purposes of this section:

(A) The percentage of housing stock that is market rate compared to the percentage of housing stock that is subsidized to make it affordable;

(B) Units that the city has permitted but which have not yet been produced;

(C) Population groups that are not typically accounted for in a Housing Capacity Analysis, including but not limited to college and university students or second homeowners;

(D) Redevelopment rates that impact the preservation of existing affordable market-rate units; and

(E) Other types and sources of data to refine housing need for those experiencing homelessness, including:

(i) Data collected by local coordinated care organizations (CCOs);

(ii) Data collected by community action agencies;

(iii) The capacity of existing emergency shelters;

(iv) Rental and homeowner vacancy rates;

(v) Change in gross or net property values or rent over time;

- (vi) Qualitative data that illustrate specific needs of people experiencing homelessness; and¶
- (vii) Other local houseless population datasets¶
- (2) Engagement - A Housing Production Strategy Report must include a narrative summary of the process by which Consumers of Needed Housing and Producers of Needed Housing were engaged, especially engagement of State and Federal protected classes. A city may conduct engagement for a Housing Production Strategy concurrent with other housing planning efforts within the city, including but not limited to a Housing Capacity Analysis, Consolidated Plans for Community Development Block Grant Entitlement Communities, and public engagement for Severely Rent Burdened Communities as described in OAR 813-112-0010. The narrative summary must include the following elements:¶
  - (a) A list and description of stakeholders who will be impacted by potential Housing Production Strategies, stating who was engaged and why, including Consumers of Needed Housing and Producers of Needed Housing;¶
  - (b) A summary of feedback received from each stakeholder group;¶
  - (c) A description of how the information from stakeholders influenced implementation of Housing Production Strategies adopted by the City as provided in OAR 660-008-0050(3); and¶
  - (d) An evaluation of how to improve engagement practices for future housing engagement efforts conducted by the city.¶
- (3) Strategies to Meet Future Housing Need - A Housing Production Strategy Report must identify a list of specific actions, measures, and policies needed to address housing needs identified in the most recent Housing Capacity Analysis. The strategies proposed by a city must collectively address the next 20-year housing need identified within the most recent Housing Capacity Analysis and contextualized within the Report as provided in OAR 660-008-0050(1). A Housing Production Strategy Report may identify strategies including but not limited to strategies listed in the Housing Production Strategy Guidance for Cities published by the Department under Exhibit B. For each identified Strategy, the Housing Production Strategy Report must include:¶
  - (a) A description of the strategy chosen;¶
  - (b) A timeline for adoption;¶
  - (c) A timeline for implementation; and¶
  - (d) An estimated magnitude of impact, including:¶
    - (A) Housing need addressed by the identified strategy by tenure and income;¶
    - (B) An estimate of the number of housing units that are anticipated to be created through implementation of the identified strategy, if possible;¶
    - (C) An analysis of the income and demographic populations that are anticipated to receive benefit or burden from the strategy, including:¶
      - (i) Low-income communities;¶
      - (ii) Communities of color;¶
      - (iii) People with disabilities; and¶
      - (iv) Other state and federal protected classes; and¶
    - (D) A time frame over which the strategy is expected to impact Needed Housing.¶
- (4) Achieving Fair and Equitable Housing Outcomes - A Housing Production Strategy Report must include a narrative summarizing how the selected Housing Production Strategies, in combination with other city actions, will achieve equitable outcomes with regard to the following factors:¶
  - (a) Location of Housing - How the city is selecting Housing Production Strategies that help meet statewide greenhouse gas emission targets by creating compact, mixed-use, neighborhoods for all residents, including those part of state and federal protected classes.¶
  - (b) Fair Housing - How the city is affirmatively furthering fair housing for all state and federal protected classes. Affirmatively furthering fair housing means addressing disproportionate housing needs, patterns of integration and segregation, racially or ethnically concentrated areas of poverty, and disparities in access to housing opportunity;¶
  - (c) Housing Choice - How the city is facilitating access to housing choice for communities of color, low-income communities, people with disabilities, and other state and federal protected classes. Housing choice includes

access to existing or new housing that is located in neighborhoods with high-quality community amenities, schooling, employment and business opportunities, and a healthy and safe environment.<sup>¶¶</sup>

(d) Housing options for residents experiencing homelessness - How the city is enabling the provision of housing options for residents experiencing homelessness and how the city is partnering with other organizations to promote services that are needed to create permanent supportive housing (PSH) and other housing options for residents experiencing homelessness;<sup>¶¶</sup>

(e) Affordable Homeownership and Affordable Rental Housing - How the city is creating opportunities, through housing production, to connect residents with both rental housing that is affordable and homeownership that builds wealth, especially for communities that have been disproportionately impacted by past housing policies; and<sup>¶¶</sup>

(f) Gentrification, Displacement, and Housing stability - How the city is increasing housing stability for residents and mitigating the impacts of gentrification, as well as the economic and physical displacement of existing residents resulting from investment or redevelopment.<sup>¶¶</sup>

(5) A Housing Production Strategy Report must include the following additional elements:<sup>¶¶</sup>

(a) A description of any opportunities, constraints, or negative externalities associated with adoption of the elements of proposed Housing Production Strategies;<sup>¶¶</sup>

(b) A description of actions necessary that the city and other stakeholders must take to implement the proposed Housing Production Strategies;<sup>¶¶</sup>

(c) A discussion of how the proposed actions, taken collectively, will increase housing options, particularly for populations with disproportionate housing need;<sup>¶¶</sup>

(d) If the Housing Production Strategy Report is the first produced under this division, a description of how the city will measure strategy implementation and progress;<sup>¶¶</sup>

(e) If the Housing Production Strategy Report is not the first produced under this section, a summary of strategies that the city has previously adopted and implemented, and a reflection on the efficacy of each implemented strategy;<sup>¶¶</sup>

(f) A copy of the city's most recently completed survey to meet the requirements of Section 1(2), chapter 47, Oregon Laws 2018 and a copy of the ORS 197.178 report which shows all permits applied for and accepted within the year;<sup>¶¶</sup>

(g) A summary of needs identified in the Housing Capacity Analysis that are not addressed by strategies in the Report, including a description of other tools, strategies, or policies that were considered or implemented by the city to address that need.

Statutory/Other Authority: ORS 197.040

Statutes/Other Implemented: ORS 197.290, ORS 197.291, ORS 197.293, ORS 197.296, ORS 197.303

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

**Housing Production Strategies**  
**Real Estate Developer and Housing Experts Feedback - OPEN SOURCE DOCUMENT**

*DRAFT - August 11, 2020*

**FEEDBACK FOR THIS DOCUMENT HAS CONCLUDED; FINAL EDITS ARE IN PROGRESS.**  
**THIS IS NOW A VIEW ONLY DOCUMENT. THANK YOU FOR YOUR FEEDBACK.**

**Housing Strategy Guidance Document:**

To assist cities in the creation and drafting of their Housing Production Strategy Report in compliance to HB 2003, the Department of Land Conservation and Development (DLCD) will provide a guidance document of housing production strategies a jurisdiction could employ to facilitate housing production in their community. The document will contain a list of strategies assigned by categories. Each strategy will include a brief overview of its intent and purpose as well as a projection of its expected impact by housing tenure and by income bracket.

As the jurisdiction prepares a housing production strategy report, the jurisdiction would review the guidance document to select specific strategies that work best for their community and that address their identified Housing Needs. The jurisdiction would simply reference the strategy number when describing the adoption, implementation, and expected magnitude of impact of each strategy in their report. If the jurisdiction has a strategy that is not listed they would propose this under Category Z.

**Proposed Categories:**

The proposed categories contain tools, strategies, or policies that are intended to:

- 1. Reduce financial and regulatory impediments to develop Needed Housing
- 2. Create financial and regulatory incentives for development of Needed Housing
- 3. Provide access to local, state, and federal resources
- 4. Other innovative housing production strategies

Category A	Zoning and Code Changes	These are strategies that a jurisdiction can take to proactively encourage needed housing production through zoning and code modifications. These strategies may also include regulations to ensure housing goals are met.
Category B	Reduce Regulatory Impediments	These strategies address known impediments to providing needed housing. These include but are not limited to zoning, permitting, and infrastructure impediments.
Category C	Financial Incentives	These are a list of financial incentives that jurisdictions can give to developers to encourage them to produce needed housing.
Category D	Financial Resources	These are a list of resources or programs at the local, state and federal level that can provide money for housing projects. The majority of these resources are intended to provide money for affordable housing projects.
Category E	Tax Exemption and Abatement	These are a list of tax exemption and abatement programs that are intended to encourage developers to produce housing.
Category F	Land, Acquisition, Lease, and Partnerships	These are strategies that secure land for needed housing, unlock the value of land for housing, and/or create partnerships that will catalyze housing developments.
Category Z	Custom Options	Any other Housing Production Strategy not listed in Categories A through F that the jurisdiction wishes to implement will be outlined in this section and numbered accordingly.

**Equitable Outcomes Note:** Some of the strategies may not create an overall housing production increase however, they do increase or maintain housing for a specific affordability target or population.

**Caution Note:** Jurisdictions should be careful when picking strategies to ensure that housing strategies together in their aggregate do not work to suppress the overall supply of housing production.

Category A: Zoning and Code Changes					
#	Strategy	Description	Affordability Target	Tenure Target	Source (if available)
A1	Ensure Land Zoned for Higher Density is not Developed at Lower Densities	This strategy will work on establishing minimum density standards, updating development codes to prohibit new single-family detached housing in high density zones, and allow single-family detached homes in medium density zones only if they meet minimum density or maximum lot size requirements.	Publicly-Subsidized (< 30% AMI) Affordable (30-80% AMI) Workforce (80-120% AMI) Market Rate (> 120% AMI)	For Rent For Sale	Morrow County HNA, 2017
A2	Zoning Changes to Facilitate the Use of Lower-Cost Housing Types	In many cities, towns, and counties, changes to local zoning policies can help to facilitate the development of lower-cost housing types, such as Accessory Dwelling Units (ADU's), manufactured homes, multifamily housing, micro-units, or single-room occupancy developments. Changes to local zoning policies can also help to facilitate the development of safe overnight sheltering options for unhoused residents, such as Safe Park programs, Conestoga Hut Micro-shelters, sleeping pod micro-shelters, and others. To increase the likelihood the market can produce lower-cost housing types, it is important to make them allowable as of right in all locations and neighborhoods. If not, still provide flexibility in zoning code to still issue variance or conditional use permits that allow deviations from existing regulations on a case-by-case basis.	Publicly-Subsidized (< 30% AMI) Affordable (30-80% AMI) Workforce (80-120% AMI) Market Rate (> 120% AMI)	For Rent For Sale	<a href="https://www.localhousingsolutions.org/act/housing-policy-library/zoning-changes-to-facilitate-the-use-of-lower-cost-housing-types-overview/zoning-changes-to-facilitate-the-use-of-lower-cost-housing-types/">https://www.localhousingsolutions.org/act/housing-policy-library/zoning-changes-to-facilitate-the-use-of-lower-cost-housing-types-overview/zoning-changes-to-facilitate-the-use-of-lower-cost-housing-types/</a>  Mikaila Smith, CSWA Providence Better Outcomes thru Bridges Program 971-276-1040
A3	FAR, Density, or Height Bonuses for Affordable Housing	FAR, density, and height bonuses for affordable housing developments. Note: FAR/density bonuses do not work if there is not adequate height to make additional development feasible.	Publicly-Subsidized (< 30% AMI) Affordable (30-80% AMI) Workforce (80-120% AMI) Market Rate (> 120% AMI)	For Rent For Sale	
A4	Housing Rehabilitation Codes	Housing rehabilitation codes (or rehab codes) are building codes designed to reduce the costs of renovating and rehabilitating existing buildings, thereby facilitating the continued availability and habitability of older rental housing and owner-occupied homes. This is especially helpful to facilitate conversion into multiplex housing.	Publicly-Subsidized (< 30% AMI) Affordable (30-80% AMI) Workforce (80-120% AMI) Market Rate (> 120% AMI)	For Rent For Sale	<a href="https://www.localhousingsolutions.org/act/housing-policy-library/housing-rehabilitation-codes-overview/">https://www.localhousingsolutions.org/act/housing-policy-library/housing-rehabilitation-codes-overview/</a>
A5	Code Provisions for ADUs	ADUs are smaller, ancillary dwelling units located on the same lot as a primary residence. They are typically complete dwellings with their own kitchen, bathroom and sleeping area. Given that ADUs are usually built by individual homeowners with limited experience or financial resources, code provisions can have a significant influence on the feasibility of their development and enable more widespread production. For example, easing occupancy requirements, allowing more ADUs on a lot, and expanding maximum size requirements. Certain building and development code regulations can inadvertently drive up ADU construction costs. More flexibility in siting, design, construction and lower fees are also needed to achieve feasibility in many cases.	Publicly-Subsidized (< 30% AMI) Affordable (30-80% AMI) Workforce (80-120% AMI) Market Rate (> 120% AMI)	For Rent For Sale	<a href="http://www.ci.the-dalles.or.us/sites/default/files/imported/public_docs/PDFs/the_dalles_housing_strategies_report_final.pdf">http://www.ci.the-dalles.or.us/sites/default/files/imported/public_docs/PDFs/the_dalles_housing_strategies_report_final.pdf</a>
A6	Broaden the Definition of Housing Type	Broaden the definition of "housing unit" to allow for more flexibility across use types. For example, SROs are not always allowed in certain residential zones. Including them in the definition of housing unit, or broadening the set of uses allowed across all residential districts, would allow for greater flexibility of housing	Publicly-Subsidized (< 30% AMI) Affordable (30-80% AMI) Workforce (80-120% AMI) Market Rate (> 120% AMI)	For Rent For Sale	



		type.			
A7	Allow for Single Room Occupancy in Residential Zones	Allow for SRO, Adult Dorms, and Cohousing in all residential zones. Note: SROs may be favored due to their ability to serve more people for less cost; it is not always a better housing type for all populations. Considerations should be given to ADA accessibility when planning SROs.	Publicly-Subsidized (< 30% AMI) Affordable (30-80% AMI) Workforce (80-120% AMI) Market Rate (> 120% AMI)	For Rent For Sale	
A8	Promote Cottage Cluster Housing	Cottage clusters are groups of relatively small homes typically oriented around shared common grounds with 4-14 homes typically between 1,000-1200 square feet in size. By further defining cottage cluster design and development standards, housing code can effectively address a predictable process for developers, and potentially encourage greater production for this housing type. Some examples may include: allowing for a wide range of sizes and attached/detached options for housing; not specifying ownership structure so that both renters/owners can live on the same cluster; ensuring that minimum site size, setbacks and building coverage requirements do not prohibit cottage cluster development on smaller lots; draft design requirements that ensure neighborhood compatibility, and efficient use of land, but are not so specific as to restrict the ability to adapt to varying neighborhood contexts. Other ideas include: uniformed codes, form-based codes, and allowing shared underground infrastructure when practical (e.g. sewer lines from each cottage can connect to one main that runs out to street, rather than 8 parallel lines out to street).	Publicly-Subsidized (< 30% AMI) Affordable (30-80% AMI) Workforce (80-120% AMI) Market Rate (> 120% AMI)	For Rent For Sale	City of the Dalles Housing Strategy Report, April 2017
A9	Short-Term Rentals Regulations	Short-term rentals can be seen as an investment strategy for small investors, but can also remove rental housing supply from the market, in effect driving up rent from the local housing market. To avoid this effect, regulations can include definitions for various forms of short-term rentals, defining use, and occupancy standards, and even adding limits to the number of days that a short term rental can be in operation in order to mitigate their impact on the local housing market. Short Term Rental Regulation should begin with/include registration requirements for all short term rentals.	Publicly-Subsidized (< 30% AMI) Affordable (30-80% AMI) Workforce (80-120% AMI) Market Rate (> 120% AMI)	For Rent For Sale	Morrow County HNA, 2017
A10	Inclusionary Zoning	Requiring that a portion of the units within a market rate development be set aside as affordable housing. This tool will often be combined with property tax exemptions, fee waivers, or development bonuses to offset the cost of affordable housing units. Careful consideration should be employed when enacting inclusionary zoning. Note: A number of studies, including those analyzing the IZ Ordinance in Portland, have shown that IZ suppresses, rather than increases, the creation of new housing. Given that, if IZ is proposed, the financial components need to be calculated right to ensure that the inclusionary rate is not too high for the offsets provided and that overall housing production increases as a result.	Publicly-Subsidized (< 30% AMI) Affordable (30-80% AMI) Workforce (80-120% AMI) Market Rate (> 120% AMI)	For Rent For Sale	
A11	Add Restrictive Covenants to Ensure Affordability	Adding restrictive covenants to ensure affordability over time at a certain income level for affordable housing developments. Restrictive covenants are usually placed on a property in exchange for a local or state government providing financial contribution to the project. These covenants work best over the short-term (up to 30 years); after that they become unable to accommodate changed circumstances.	Publicly-Subsidized (< 30% AMI) Affordable (30-80% AMI) Workforce (80-120% AMI) Market Rate (> 120% AMI)	For Rent For Sale	

A12	Align Lot Division Density with Zoning Density	Sometimes there are conflicting regulations between the density that is allowed by the zoning code versus the density that is allowed when lot division (for fee-simple lots) is considered. This can cause unintentional reductions in density, only caused by the fact that the developer would like to create for-sale housing on fee-simple lots. Ideally, the densities would be aligned, so there is not a density reduction between - condominium versus fee-simple developments.	Publicly-Subsidized (< 30% AMI) Affordable (30-80% AMI) Workforce (80-120% AMI) Market Rate (> 120% AMI)	For Rent For Sale	
A13	FAR & Density Transfer Provisions	Enable and encourage Transfer of Development Rights (TDR) to maximize available Floor Area Ratio (FAR) provided public benefit (e.g. historic preservation & affordable housing) are attained and covenants ensure long term benefit. This strategy assumes that there are adequate, realistic, and relatively easy receiving areas for TRDs.	Publicly-Subsidized (< 30% AMI) Affordable (30-80% AMI) Workforce (80-120% AMI) Market Rate (> 120% AMI)	For Rent For Sale	
A14	Re-examine Requirements for Ground-floor Retail/Commercial	Critically re-assess requirements for ground floor retail; lively streetscape is a worthy goal, but not for every street. Jurisdictions can inadvertently impose massive costs on developers by requiring ground floor retail and commercial space even when it's unlikely to be fully occupied or generate nearly enough revenue to pay for itself. Ground floor uses should be driven by market demand; with residential use more beneficial to meet needed housing in some cases (eg. affordable housing).	Publicly-Subsidized (< 30% AMI) Affordable (30-80% AMI) Workforce (80-120% AMI) Market Rate (> 120% AMI)	For Rent For Sale	City of Bend
A15	Encourage Diverse Housing Types in High-Opportunity Neighborhoods	Enable developments that support multiple unit sizes, types, and tenure options to promote diverse housing options in high-opportunity neighborhoods. With a goal of reversing historical patterns of racial, ethnic, cultural and socio-economic exclusion. Use an analysis of "Access to Opportunity" to decide which zones or locations (via zoning overlay) to determine where this is appropriate. Goal is to promote access to opportunity (e.g., high performing schools, multiple transportation options, services, etc.) to households with a range of backgrounds and incomes. The jurisdiction could pare this strategy with a robust program of incentives (e.g, deeper financial incentives, greater range of housing types, more regulatory waivers, etc.) to be made available in these areas than in other areas of the city.	Publicly-Subsidized (< 30% AMI) Affordable (30-80% AMI) Workforce (80-120% AMI) Market Rate (> 120% AMI)	For Rent For Sale	
A16	Manufactured Housing Community Preservation Zone	Change the zoning of existing manufactured housing communities to be preserved to a single-use zone that only allows manufactured housing communities. Consider lifting restrictions of stick-built homes in cooperatively-owned and other manufactured homes.	Publicly-Subsidized (< 30% AMI) Affordable (30-80% AMI) Workforce (80-120% AMI) Market Rate (> 120% AMI)	For Rent For Sale	City of Portland <a href="http://opb-imgserve-production.s3-website-us-west-2.amazonaws.com/original/901_exhibit_b_recommended_draft_1534960268770.pdf">http://opb-imgserve-produci on.s3-website-us-west-2.a mazonaws.com/original/90 1_exhibit_b_recommended draft_1534960268770.pdf</a>
A17	Small Dwelling Unit Developments	Allow a land division where small lots or parcels are created below the standard lot/parcel size for dwelling units that are limited in size. Calculate density differently for the dwelling units due to their limited size. Density example: a. Dwelling units 600 square feet or smaller: 0.25 of a dwelling unit. b. Dwelling units 601 to 1,200 square feet: 0.50 of a dwelling unit.	Publicly-Subsidized (< 30% AMI) Affordable (30-80% AMI) Workforce (80-120% AMI) Market Rate (> 120% AMI)	For Rent For Sale	City of Bend
A18	Increase Density near Transit Stations and Regional Multi-use Trails	Adopt increased density codes by right near transit stations, with higher levels of density near high capacity/high frequency stations, then stepping back into residential areas. Automatically upzone based on transportation corridor classifications; meaning wider ROWs get more flexibility in land use by right. This will add some flexibility for new transit stops, including bus stops. Be careful not to word the language so that people incorrectly assume that the density can only	Publicly-Subsidized (< 30% AMI) Affordable (30-80% AMI) Workforce (80-120% AMI) Market Rate (> 120% AMI)	For Rent For Sale	

		come after the transit has been put in place.			
A19	High Density Requirements for to-be-Annexed Land	Requiring a certain portion of to-be-annexed land to include a percentage of high density. Be careful that this strategy is not used as a way for low density areas in high-infrastructure locations to shirk responsibility to upzone.	Publicly-Subsidized (< 30% AMI) Affordable (30-80% AMI) Workforce (80-120% AMI) Market Rate (> 120% AMI)	For Rent For Sale	City of Newberg
A20	Pre-Approved Plan Sets for Middle Housing Typologies	Providing a pre-approved set of plans for middle housing typologies (ex. Cottage clusters, townhomes, and SROs). The plans would be highly-efficient, designed for constrained lots and low cost solutions, and would allow for streamlined permitting. This would help attract developers that typically develop only single-family housing to get into the missing middle housing production. Consider partnering with a university, design institution, or developing a competition to produce plans.	Publicly-Subsidized (< 30% AMI) Affordable (30-80% AMI) Workforce (80-120% AMI) Market Rate (> 120% AMI)	For Rent For Sale	
A21	Pre-Approved Plan Sets for ADUs	Provide a pre-approved set of plans for ADU designs (6-10 sizes/configurations) that, if chosen by a developer/owner, would lead to automatic approvals and reduced permitting schedule. Plans would reduce the need for architectural costs and reduce barriers to entry.	Publicly-Subsidized (< 30% AMI) Affordable (30-80% AMI) Workforce (80-120% AMI) Market Rate (> 120% AMI)	For Rent For Sale	
A22	Mixed Housing Types in Planned Unit Developments	Require or incentive a mix of housing types within Residential Planned Unit Developments (PUD).	Publicly-Subsidized (< 30% AMI) Affordable (30-80% AMI) Workforce (80-120% AMI) Market Rate (> 120% AMI)	For Rent For Sale	City of Forest Grove
A23	Accessible Design	Provide incentives in the development code to increase the number of units designed to meet Universal Design, Lifelong Housing Certification, and other similar standards. Examples of incentives include: expedited review and permitting processing, planning and building fee reductions, system development charge deferrals, density or building height bonuses.	Publicly-Subsidized (< 30% AMI) Affordable (30-80% AMI) Workforce (80-120% AMI) Market Rate (> 120% AMI)	For Rent For Sale	
Category B: Reduce Regulatory Impediments					
#	Strategy	Description	Affordability Target	Tenure Target	Source (if available)
B1	Remove or Reduce Minimum Parking Requirements	Removing parking requirements for residential uses provides the opportunity to reduce the amount of lot area used for pavement and provides more space for housing and open space. This strategy offers greater flexibility to site housing and reduces costs associated with providing parking. Allow developers to respond to market demands and transit access without having the burden of parking minimums. Consider removing parking requirements near transit or for affordable housing.	Publicly-Subsidized (< 30% AMI) Affordable (30-80% AMI) Workforce (80-120% AMI) Market Rate (> 120% AMI)	For RentFor Sale	City of Tigard
B2	Remove Development Code Impediments for Conversions	Streamlining the conversion of larger single-family homes into multi-unit dwellings (e.g. duplex or triplex). This should be aligned with reduced off-street parking requirements, so that conversion doesn't trigger the need to add additional driveways (or isn't halted by inability to add additional driveways).	Publicly-Subsidized (< 30% AMI) Affordable (30-80% AMI) Workforce (80-120% AMI)Market Rate (> 120% AMI)	For Rent For Sale	City of Tigard

B3	Expedite Permitting for Needed Housing Types	Expedited permitting will help to reduce costs of development of Needed Housing as identified by the City. Consider projects with direct or indirect funding from local government as essential and projects with long term affordability covenants through tax abatement or inclusionary requirements as high priority and/or only expedite housing according to the jurisdictions identified needed housing types. Local governments might also consider assigning a designating staff to shepherd projects through the construction process in order to expedite that part of the process.	Publicly-Subsidized (< 30% AMI) Affordable (30-80% AMI) Workforce (80-120% AMI) Market Rate (> 120% AMI)	For Rent For Sale	City of Portland (direct funding only)
B4	Expedite Lot Division for Affordable Housing	Expedite lot divisions and subdivisions for affordable housing projects	Publicly-Subsidized (< 30% AMI) Affordable (30-80% AMI) Workforce (80-120% AMI) Market Rate (> 120% AMI)	For Rent For Sale	
B5	Reduce Regulatory Barriers to Lot Division	Remove barriers such as minimum street frontage, driveway requirements, etc., that impact minimum lot size/density during lot division. Preferably allow by-right lot division up to max number of units allowed.	Publicly-Subsidized (< 30% AMI) Affordable (30-80% AMI)Workforce (80-120% AMI) Market Rate (> 120% AMI)	For Rent For Sale	
B6	Streamline Permitting Process	In some cities, towns, and counties, the process associated with obtaining approval for new construction is so time-consuming or costly that it dampens the amount of new development and adds significantly to its costs. To help streamline the process, cities, towns and counties can initiate a comprehensive review of all steps in the development approval process to identify the factors that most significantly suppress new residential construction and redevelopment. With a clearer picture of the obstacles, local leaders can then begin to assess whether they can be reduced or eliminated to stimulate development activity. In doing the comprehensive review, it is critical that actual timeline performance be evaluated not just the planned timeline.	Publicly-Subsidized (< 30% AMI) Affordable (30-80% AMI) Workforce (80-120% AMI) Market Rate (> 120% AMI)	For Rent For Sale	<a href="https://www.localhousingsolutions.org/act/housing-policy-library/streamlined-permitting-processes-overview/streamlined-permitting-processes/">https://www.localhousingsolutions.org/act/housing-policy-library/streamlined-permitting-processes-overview/streamlined-permitting-processes/</a>
B7	Flexible Regulatory Concessions for Affordable Housing	Often, nonprofit housing developers and housing agencies face regulatory impediments to building affordable housing, which can often derail projects. This strategy provides a flexible framework for delivery of affordable housing including but not limited to reduced minimum setbacks, height bonuses, and/or allowing for flexibility in how units are delivered. This strategy is not intended to allow for a lower quality for affordable housing buildings.	Publicly-Subsidized (< 30% AMI) Affordable (30-80% AMI) Workforce (80-120% AMI) Market Rate (> 120% AMI)	For Rent For Sale	Morrow County HNA, 2017
B8	Waive Off-Site Infrastructure Requirements for Needed or Affordable Housing	Waive infrastructure build-out requirements for infill affordable or needed housing projects constructed in neighborhoods without a network of those amenities currently. Example: Waive requirements for curb, gutter and sidewalk build-out on the lot if it is located in an area without either connecting curb, gutter, and sidewalk currently or viable plans for funding infrastructure construction within the next decade. This is especially relevant in smaller, more rural locations.	Publicly-Subsidized (< 30% AMI) Affordable (30-80% AMI) Workforce (80-120% AMI) Market Rate (> 120% AMI)	For Rent For Sale	Clackamas County Housing Report
B9	Capital Improvements Programming (CIP)	Programming work in a Capital Improvements Programming (CIP) so that projects are constructed sooner to support development of middle housing or to open up more land in an Urban Growth Boundary (UGB) for development of middle housing. Coordinate housing planning with CIP work to prioritize those projects that would support development (e.g. new water line, sewer pumping station). If the UGB is amended or the premises on which the CIP were based changed substantially, the CIP should be revised.	Publicly-Subsidized (< 30% AMI) Affordable (30-80% AMI) Workforce (80-120% AMI) Market Rate (> 120% AMI)	For Rent For Sale	

B10	Public Facility Planning	Completing water, sewer, and transportation PFPs and getting capital improvement projects (CIP) built so that costs to develop on land zoned for needed housing can be further anticipated and supported. In addition, public utilities planning also allows for more unit capacity, especially in areas that are upzoned for denser housing.	Publicly-Subsidized (< 30% AMI) Affordable (30-80% AMI) Workforce (80-120% AMI) Market Rate (> 120% AMI)	For Rent For Sale	City of Tigard City of Bend
B11	Pro-Housing Agenda	Change the culture of Planning / Development Services departments to have a pro-housing agenda for both rental and homeownership. Supplement with fair housing education and education on the supply and demand impact on housing prices. The State could support jurisdictions in this effort by providing an incentive (e.g. funding set-aside) for jurisdictions that adopt aggressive pro-housing policies. In the State of California housing funds are prioritized for cities that adopt pro-housing policies. Though it may be counterintuitive, since this allows anti-housing cities to avoid housing altogether. Alternatively, the State of Oregon could consider a stick rather than carrot approach (e.g. withholding highway funds).	Publicly-Subsidized (< 30% AMI) Affordable (30-80% AMI) Workforce (80-120% AMI) Market Rate (> 120% AMI)	For Rent For Sale	
B12	Pro Affordable Housing Agenda	Change the culture of Planning / Development Services departments to have a pro Affordable Housing agenda for both rental and homeownership. Supplement with fair housing education and education on the supply and demand impact on housing prices. The State could support jurisdictions in this effort by providing an incentive (e.g. funding set-aside) for jurisdictions that adopt aggressive pro Affordable Housing policies. This agenda should include a plan to ensure that affordable housing is not suppressed in single-family zones or in wealthier communities. As part of this, encourage departments to look closely at how existing approaches may inadvertently favor one type of tenure over another.	Publicly-Subsidized (< 30% AMI) Affordable (30-80% AMI) Workforce (80-120% AMI) Market Rate (> 120% AMI)	For Rent For Sale	
B13	Align Bike Parking Requirements with Actual Use	Require bicycle parking requirements more in line with actual use. Example: No more than 1-1.5 bike parking stalls per unit.	Publicly-Subsidized (< 30% AMI) Affordable (30-80% AMI) Workforce (80-120% AMI) Market Rate (> 120% AMI)	For Rent For Sale	
B14	Adopt Affirmatively Furthering Fair Housing as a Housing Policy in Comprehensive Plan	<p>Amend the comprehensive plan to explicitly make Affirmatively Furthering Fair Housing a Housing Policy. Example below, based on federal guidance on affirmatively furthering fair housing and current state protected classes. Jurisdictions may add additional protected classes, such as ancestry, ethnicity, or occupation.</p> <p>Housing Policy x: Affirmatively Furthering Fair Housing</p> <p>[Jurisdiction] affirmatively furthers access to decent, affordable housing with convenient access to the services and destinations Oregonians need to thrive without regard to their race, color, religion, national origin, sex, familial status, mental or physical disability, source of legally-derived income, marital status, sexual orientation or gender identity.</p> <p>x.1 Address patterns of integration and segregation x.2 Address patterns of racially or ethnically concentrated areas of poverty x.3 Address disparities in access to opportunity x.4 Address disproportionate housing needs of residents based on race, ethnicity and disability status</p>	Publicly-Subsidized (< 30% AMI) Affordable (30-80% AMI) Workforce (80-120% AMI) Market Rate (> 120% AMI)	For Rent For Sale	

		<p>x.5 Adopt an equity lens inclusive of the classes identified in Housing Policy x above in making land use, planning and housing policy decisions</p> <p>Additionally, a jurisdiction will create an Analysis of Impediments to Fair Housing (AI), even when not required, and conduct fair housing training for Council, Planning Commission, and other relevant policymakers. Jurisdictions would work to make known evidence and best practices in planning, to reverse discrimination and exclusion as well as concentrations of wealth, a required aspect of the comprehensive plan process.</p>			
B15	Reduce the Power of NIMBYism to stop, slow, change, or reduce affordable housing	Many jurisdictions give communities/neighborhoods too much veto power on both zoning policy, and particular project proposals to keep others who they don't approve of from moving in. Dedicate funds to educate citizens on poverty, exclusion, and racial dynamics. Remove policies that allow neighborhood opposition to evidence based zoning proposals and individual projects. Decisions about what kind and how much housing goes where it needs to be data-driven and focused on equitable outcomes instead of the best outcomes for those with the most money and/or privilege.	Publicly-Subsidized (< 30% AMI) Affordable (30-80% AMI) Workforce (80-120% AMI) Market Rate (> 120% AMI)	For Rent For Sale	
B16	Holistic Planning to Distribute New Density More Equitably	Geography is often at odds with social equity; natural beauty is often in wealthy neighborhoods, as are historic buildings, allowing them to exclude new development and affordable housing. Develop a targeted plan to distribute density within the jurisdiction more equitably to areas with quality schools, access to natural resources etc. Additionally, work to distribute transit equitably to ensure that exclusionary neighborhoods don't remain that way because they don't offer transit for higher density housing.	Publicly-Subsidized (< 30% AMI) Affordable (30-80% AMI) Workforce (80-120% AMI) Market Rate (> 120% AMI)	For Rent For Sale	
B17	Reduce on-site Common/Active Open Space Requirements	Remove or reduce requirements for on-site common/active open space. Instead, ensure that adopted Parks plans fully consider the needs of every neighborhood, and that the jurisdiction is actively working toward satisfying those needs.	Publicly-Subsidized (< 30% AMI) Affordable (30-80% AMI) Workforce (80-120% AMI) Market Rate (> 120% AMI)	For Rent For Sale	
B18	Prioritize Home Ownership	<p>Jurisdictions would develop a comprehensive review of the impediments to the development of homeownership opportunities and actionable steps to remove those impediments.</p> <p>Note: An important impediment to condominium development is the risk associated with the current condominium law in Oregon. A revamp of this law is needed to increase homeownership opportunities that are smaller size. This would require action at the state level.</p>	Publicly-Subsidized (< 30% AMI) Affordable (30-80% AMI) Workforce (80-120% AMI) Market Rate (> 120% AMI)	For Rent For Sale	
Category C: Financial Incentives					
#	Strategy	Description	Affordability Target	Tenure Target	Source (if available)
C1	Reduce or Exempt SDCs for Needed Housing	Reducing, deferring, and/or financing System Development Charges (SDCs) at a low interest rate for needed housing types. This strategy reduces development costs.	Publicly-Subsidized (< 30% AMI) Affordable (30-80% AMI) Workforce (80-120% AMI) Market Rate (> 120% AMI)	For Rent For Sale	City of Tigard



C2	Modify SDC fee schedules	Updating SDC fee schedule so that is tied to dwelling size. This strategy ensures that smaller dwelling sizes in single and multi-family housing are not disproportionately burdened by fees and therefore encouraged. Consider per square foot fees rather than per dwelling.	Publicly-Subsidized (< 30% AMI) Affordable (30-80% AMI) Workforce (80-120% AMI) Market Rate (> 120% AMI)	For Rent For Sale	City of Florence <a href="https://www.ci.florence.or.us/sites/default/files/fileattachments/building/page/916/sdc_fy_19-20_rework_v2.pdf">https://www.ci.florence.or.us/sites/default/files/fileattachments/building/page/916/sdc_fy_19-20_rework_v2.pdf</a>
C3	Reduce or Exempt SDCs for ADUs	Waivers/reductions of SDCs for ADU production in order to improve the feasibility of the development. Create a model ordinance for the waiver, or deferment, of SDCs. Scale SDCs based on size, resource efficiency, and access to alternative transportation.	Publicly-Subsidized (< 30% AMI) Affordable (30-80% AMI) Workforce (80-120% AMI) Market Rate (> 120% AMI)	For Rent For Sale	City of Portland
C4	Incentivize Manufactured and Modular Housing	Give Bonus Density Incentives for manufactured and factory built housing. Consider tying bonus to modular housing that demonstrates if housing meets affordability targets of below 120% AMI.	Publicly-Subsidized (< 30% AMI) Affordable (30-80% AMI) Workforce (80-120% AMI) Market Rate (> 120% AMI)	For Rent For Sale	Metro King County RMHP
C5	Waive or Finance Park Impact Fees for Affordable Housing	A policy providing for the exemption (preferred) or financing park impact fees (helpful) for affordable housing ensures a mix of affordable housing. Financing the fee while still collecting can mitigate the cost of the fee to coincide with the available cash flow of the affordable housing.	Publicly-Subsidized (< 30% AMI) Affordable (30-80% AMI) Workforce (80-120% AMI) Market Rate (> 120% AMI)	For Rent For Sale	Tualatin Hills Park & Recreation District
C6	Publicly Funded Infrastructure Improvements	Fund off-site improvements for workforce or affordable housing; e.g. street intersection improvements triggered by development.	Publicly-Subsidized (< 30% AMI) Affordable (30-80% AMI) Workforce (80-120% AMI) Market Rate (> 120% AMI)	For Rent For Sale	
C7	Reconsider Applying Park SDCs	If there are appropriate levels of parks and open space near the project, these impact fees should not be charged or should be assessed at a much lower rate. They are not general funds to be allocated without a nexus to the development.	Publicly-Subsidized (< 30% AMI) Affordable (30-80% AMI) Workforce (80-120% AMI) Market Rate (> 120% AMI)	For Rent For Sale	
C8	Transportation SDCs Tied to Parking	Tie transportation SDCs to the number of parking spaces, as the number of parking spaces is a more accurate predictor of the number of trips that will start or end at every development. By tying transportation costs directly to vehicle storage, the system will both be assessing transportation impacts fairly and encouraging alternate modes of transportation.	Publicly-Subsidized (< 30% AMI) Affordable (30-80% AMI)Workforce (80-120% AMI) Market Rate (> 120% AMI)	For Rent For Sale	
Category D: Financial Resources					
#	Strategy	Description	Affordability Target	Tenure Target	Source (if available)
D1	Community Development Block Grant (CDBG)	CDBG Grants are federal funds set aside in the form of grants to be used to meet national objectives: direct benefit for low and moderate income households; benefit to predominantly low income areas; elimination of slums and blight. Eligible activities include public works infrastructure, community facilities, new housing development, housing rehabilitation, and public services (counselling, social services & microenterprise training, including short-term emergency rent assistance). Eligibility is based upon the levels of low- and moderate-income families that may benefit from services provided by the eligible projects. While Cities can choose not to apply for CDBG, control of whether or not they receive CDBG is ultimately at the Federal level and like the State of Oregon, these funds	Publicly-Subsidized (< 30% AMI) Affordable (30-80% AMI) Workforce (80-120% AMI) Market Rate (> 120% AMI)	For Rent For Sale	City of Tigard City of Eugene City of Beaverton City of Hillsboro City of Gresham City of Portland City of Bend City of Redmond State of Oregon

		can be used for things that have little to do with housing, so may have limited impact. A better gauge may be HOW cities use their CDBG; for housing benefit or other.			
D2	Low Income Housing Tax Credit (LIHTC)	Federal tax provision that encourages private investment in affordable rental housing by providing qualified investors with a dollar-for-dollar reduction in federal income tax liability in exchange for investment in qualifying new construction and rehabilitation projects. LIHTCs may also be paired with Tax Exempt Revenue Bonds.	Publicly-Subsidized (< 30% AMI) Affordable (30-80% AMI) Workforce (80-120% AMI) Market Rate (> 120% AMI)	For Rent For Sale	<a href="https://www.localhousingolutions.org/act/housing-policy-library/low-income-housing-tax-credit-overview/">https://www.localhousingolutions.org/act/housing-policy-library/low-income-housing-tax-credit-overview/</a>
D3	Housing Trust Funds	Housing Trust Funds are a flexible source of funding that can be used to support a variety of affordable housing activities. Because they are created and administered at the city, county, region, or state level, housing trust funds are not subject to the restrictions of federal subsidy programs and therefore can be designed specifically to address local priorities and needs. The entity administering the fund determines eligible activities, which can include anything from emergency rent assistance for families facing the threat of eviction or homelessness to gap financing for new construction of affordable housing to repairs for older homeowners.	Publicly-Subsidized (< 30% AMI) Affordable (30-80% AMI) Workforce (80-120% AMI) Market Rate (> 120% AMI)	For Rent For Sale	<a href="https://www.localhousingolutions.org/act/housing-policy-library/housing-trust-funds-overview/">https://www.localhousingolutions.org/act/housing-policy-library/housing-trust-funds-overview/</a>
D4	Operating Subsidies for Affordable Housing Developments	Operating subsidies are payments made annually (or more frequently) to owners of affordable housing developments that make the housing more affordable by covering a portion of the ongoing costs of operating the development.	Publicly-Subsidized (< 30% AMI) Affordable (30-80% AMI) Workforce (80-120% AMI) Market Rate (> 120% AMI)	For Rent For Sale	<a href="https://www.localhousingolutions.org/act/housing-policy-library/operating-subsidies-for-affordable-housing-developments-overview/">https://www.localhousingolutions.org/act/housing-policy-library/operating-subsidies-for-affordable-housing-developments-overview/</a>
D5	Employer - Assisted Housing Programs	Employer-assisted housing programs provide a channel through which employers can help their employees with the cost of owning or renting a home, typically in neighborhoods close to the workplace. Assistance may be provided in a variety of ways, including through down payment grants or loans that are forgiven over a period of employment, homeownership counseling and education, rental subsidies and, less commonly, direct investment in the construction of rental housing.	Publicly-Subsidized (< 30% AMI) Affordable (30-80% AMI) Workforce (80-120% AMI) Market Rate (> 120% AMI)	For Rent For Sale	<a href="https://www.localhousingolutions.org/act/housing-policy-library/employer-assisted-housing-programs-overview/">https://www.localhousingolutions.org/act/housing-policy-library/employer-assisted-housing-programs-overview/</a>
D6	HOME Program	HOME is a federal program established by Congress in 1990 that is designed to increase affordable housing for low- and very low-income families and individuals. All States and participating jurisdictions receive HOME funds from HUD each year, and may spend HOME on rental assistance, assistance to homebuyers, new construction, rehabilitation, improvements, demolition, relocation, and limited administrative costs.	Publicly-Subsidized (< 30% AMI) Affordable (30-80% AMI) Workforce (80-120% AMI) Market Rate (> 120% AMI)	For Rent For Sale	
D7	Dedicated Revenue Sources for Affordable Housing	A dedicated revenue source for affordable housing provides an ongoing committed stream of revenue for affordable housing, often deposited into a Housing Trust Fund. This can be helpful in increasing the total funding available for affordable housing. The fund can receive its sources from: Transient Lodging Taxes collected from Short Term Rentals, developer fee and real estate transfer taxes ( <i>not constitutional in Oregon</i> ).	Publicly-Subsidized (< 30% AMI) Affordable (30-80% AMI) Workforce (80-120% AMI) Market Rate (> 120% AMI)	For Rent For Sale	<a href="https://www.localhousingolutions.org/act/housing-policy-library/dedicated-revenue-sources-overview/">https://www.localhousingolutions.org/act/housing-policy-library/dedicated-revenue-sources-overview/</a>  City of Portland Housing Investment Fund



D8	Demolition Taxes	Cities, towns, and counties establish demolition taxes and condo conversion fees as a way to generate revenue and replace affordable housing lost to these activities. The proceeds from both demolition taxes and condo conversion fees are typically deposited in a Housing Trust Fund to support affordable housing activities. To ensure that a demolition tax on residential development does not deter needed redevelopment - this strategy should only be applied if the housing replacement is 1:1. If the proposed development is more dense than the original structure, there should not be a demolition tax.	Publicly-Subsidized (< 30% AMI) Affordable (30-80% AMI) Workforce (80-120% AMI) Market Rate (> 120% AMI)	For Rent For Sale	<a href="https://www.localhousing solutions.org/act/housing-policy-library/demolition-taxes-and-condominium-conversion-fees-overview/">https://www.localhousing solutions.org/act/housing-policy-library/demolition-taxes-and-condominium-conversion-fees-overview/</a>
D9	Construction Excise Tax (CET)	A Construction Excise Tax (CET) is a tax on construction projects that can be used to fund affordable housing. According to state statutes, the tax may be imposed on improvements to real property that result in a new structure or additional square footage in an existing structure.	Publicly-Subsidized (< 30% AMI) Affordable (30-80% AMI) Workforce (80-120% AMI) Market Rate (> 120% AMI)	For Rent For Sale	City of Portland City of Eugene City of Sisters
D10	Tax Increment Financing (TIF) Set-Aside	Create a TIF set-aside for affordable housing development programs within designated Urban Renewal Areas (URAs). Target could be to begin setting aside funds for affordable housing projects as a medium-term action, over the next 5 years or so. For example: Portland City Council designates 45% of the gross amount of TIF for designated housing purposes (rental housing for households under 60% of Area Median Income (AMI) and homeownership for households under 80% of AMI.	Publicly-Subsidized (< 30% AMI) Affordable (30-80% AMI) Workforce (80-120% AMI) Market Rate (> 120% AMI)	For Rent For Sale	City of Portland
D11	Flexible Use of Housing Choice Vouchers	Public Housing Authorities have the ability to attach up to 20% of their voucher assistance to specific housing units for each low income housing project, up to 25% of any single project. Project-Based Rental Assistance (PBRA) vouchers provide rental assistance for eligible individuals and families who occupy specific housing units managed by private owners who have entered into agreements with a housing agency. The household pays an established amount to the owner each month (typically approximately 30% of monthly income) and the housing agency pays the balance of the rent due. If public housing authorities include homeownership in their administrative plan, housing vouchers may also be used to facilitate low income homeownership.	Publicly-Subsidized (< 30% AMI) Affordable (30-80% AMI) Workforce (80-120% AMI) Market Rate (> 120% AMI)	For Rent For Sale	<a href="https://www.localhousing solutions.org/act/housing-policy-library/project-basing-of-housing-choice-vouchers-overview/">https://www.localhousing solutions.org/act/housing-policy-library/project-basing-of-housing-choice-vouchers-overview/</a>
D12	Targeted Vouchers	Vouchers that target renters at the 60-80% AMI who are often left out of the housing funded by bond funds and other public sources that are focused on lower income levels. Housing Authorities use affordable housing dollars and issue vouchers that are good for one year and pay any landlord the difference between what the tenant can afford and market rent. This takes the reporting burden off the landlord and essentially allows any existing unit to be affordable. Each year the tenant would have to prove to the Housing Authority if they were still income qualified and if not.	Publicly-Subsidized (< 30% AMI) Affordable (30-80% AMI) Workforce (80-120% AMI) Market Rate (> 120% AMI)	For Rent For Sale	
D13	Low-Interest Loans / Revolving Loan Fund	Housing Repair and Weatherization Assistance for low and moderate income households may be capitalized by Tax Increment Financing (TIF), Community Development Block Grant (CBDG) Funds, or local Housing Trust Funds.	Publicly-Subsidized (< 30% AMI) Affordable (30-80% AMI) Workforce (80-120% AMI) Market Rate (> 120% AMI)	For Rent For Sale	City of Portland
D14	Eviction Prevention Programs	Eviction Prevention Programs provide financial assistance to help renters facing eviction stay in their homes. These programs are generally designed for families who are being evicted due to nonpayment of rent during or following an unforeseen crisis, such as job loss or serious illness, rather than those who face more persistent affordability challenges. Jurisdictions may be interested in	Publicly-Subsidized (< 30% AMI) Affordable (30-80% AMI) Workforce (80-120% AMI) Market Rate (> 120% AMI)	For Rent For Sale	<a href="https://www.localhousing solutions.org/act/housing-policy-library/eviction-prevention-programs-overview/">https://www.localhousing solutions.org/act/housing-policy-library/eviction-prevention-programs-overview/</a>

		investing in eviction prevention to address concerns about displacement of low-income renters and also to avoid or reduce use of other more costly local services, like homeless shelters.			
D15	Bond - for Resident Support Services and Permanent Supportive Housing Services	Limited Tax General Obligation Bond that creates a funding source for supportive housing services, such as access to health care, mental health, and other social services that better support and stabilize residents who face complex challenges and will benefit from affordable housing programs.	Publicly-Subsidized (< 30% AMI) Affordable (30-80% AMI) Workforce (80-120% AMI) Market Rate (> 120% AMI)	For Rent For Sale	Oregon Metro City of Portland
D16	General Obligation Bonds – for Affordable Housing	Following the passage of Measure 102 Oregon local governments, including cities and counties, can now issue voter-approved general obligation bonds to provide direct funding for construction and other capital costs associated with the development and construction of affordable housing. These funds can be loaned or granted to both public and privately owned affordable housing projects. “Affordability” is required to be determined by voters and each jurisdiction, and can be above or below minimum affordability levels established for the federal LIHTC program and other established federal and State affordable housing finance programs, defining affordability by reference to Area Median Income (AMI) as established by HUD. The bonds could be paired with other financing such as Low Income Housing Tax Credits, or could be used for homeownership opportunities.	Publicly-Subsidized (< 30% AMI) Affordable (30-80% AMI) Workforce (80-120% AMI) Market Rate (> 120% AMI)	For Rent For Sale	Oregon Metro City of Portland  <a href="https://ballotpedia.org/Oregon_Measure_102,_Removes_Restriction_that_Affordable_Housing_Projects_Funded_by_Municipal_Bonds_be_Government_Owned_(2018)">https://ballotpedia.org/Oregon_Measure_102,_Removes_Restriction_that_Affordable_Housing_Projects_Funded_by_Municipal_Bonds_be_Government_Owned_(2018)</a>
D17	Use IHBG funds for Urban Native Americans	Mixing of Indian Housing Block Grants (IHBG), typically used for housing for Native Americans on reservation land, with other traditional affordable housing funding sources allows preference for Native members in urban affordable housing projects.	Publicly-Subsidized (< 30% AMI) Affordable (30-80% AMI) Workforce (80-120% AMI) Market Rate (> 120% AMI)	For Rent For Sale	NAYA and CDP and Confederated Tribes of the Siletz
D18	Weatherization Funds through Community Action Agencies	Use weatherization funds administered by statewide network of Community Action Agencies to preserve aging housing stock occupied by income-qualified residents.	Publicly-Subsidized (< 30% AMI) Affordable (30-80% AMI) Workforce (80-120% AMI) Market Rate (> 120% AMI)	For Rent For Sale	<a href="https://www.oregon.gov/ohcs/Pages/low_income_weatherization_assistance_oregon.aspx">https://www.oregon.gov/ohcs/Pages/low_income_weatherization_assistance_oregon.aspx</a>
D19	Transit-Oriented Development Grants	Provide financial incentives to developers to create transit-oriented communities. Funding can be used for site acquisition, infrastructure projects and residential/mixed-use projects.	Publicly-Subsidized (< 30% AMI) Affordable (30-80% AMI) Workforce (80-120% AMI) Market Rate (> 120% AMI)	For Rent For Sale	<a href="https://www.oregonmetro.gov/tools-partners/grants-ad-resources/transit-oriented-development-program">https://www.oregonmetro.gov/tools-partners/grants-ad-resources/transit-oriented-development-program</a>
D20	Local Innovation and Fast Track (LIFT) Program for Affordable Rental Housing Development	The Local Innovation and Fast Track (LIFT) Housing Program's objective is to build new affordable housing for low income households, especially families. Funds are available for Serving Historically Underserved Communities, Rural and Urban Set-asides, Urban Communities, Service to Communities of Color, and Rural Communities. Available for affordable homeownership units (below 80% AMI). Note: The homeownership part may not be available by the next biennium.OHCS is proposing to eliminate it.	Publicly-Subsidized (< 30% AMI) Affordable (30-80% AMI) Workforce (80-120% AMI) Market Rate (> 120% AMI)	For Rent For Sale	<a href="https://www.oregon.gov/ohcs/Pages/multifamily-lift-housing-development-program.aspx">https://www.oregon.gov/ohcs/Pages/multifamily-lift-housing-development-program.aspx</a>
D21	Mental Health Trust Fund Awards	Administered by the Oregon Health Authority for capital construction costs.	Publicly-Subsidized (< 30% AMI) Affordable (30-80% AMI) Workforce (80-120% AMI) Market Rate (> 120% AMI)	For Rent For Sale	

D22	Foundations Awards	Local, regional, and national foundations provide both capital funding and program funding for a wide variety of innovative housing models and programs.	Publicly-Subsidized (< 30% AMI) Affordable (30-80% AMI) Workforce (80-120% AMI) Market Rate (> 120% AMI)	For Rent For Sale	Examples: Meyer Memorial Trust and Oregon Community Foundation (OCF)
D23	State of Oregon Debt	State of Oregon to offer non-recourse low-interest debt that can be used to fund workforce or affordable housing. This could be provided through an existing relationship like Network for Oregon Affordable Housing (NOAH). This would be a valuable tool for providing housing in rural communities, where conventional debt funding may not be readily available.  Note: This strategy has been suggested by the housing development community but are not yet programs in place in the State of Oregon.	Publicly-Subsidized (< 30% AMI) Affordable (30-80% AMI) Workforce (80-120% AMI) Market Rate (> 120% AMI)	For Rent For Sale	
D24	State of Oregon Debt Support	State of Oregon to provide some form of collateralization to support private debt placement for a workforce or affordable housing project. For example, the State could provide Letters of Credit and/or Guarantee on behalf of the developer to the private lender. This would be a valuable tool for providing housing in rural communities, where conventional debt funding may be hesitant to invest without substantial backing that the State could provide.  Note: This strategy has been suggested by the housing development community but are not yet programs in place in the State of Oregon.	Publicly-Subsidized (< 30% AMI) Affordable (30-80% AMI) Workforce (80-120% AMI) Market Rate (> 120% AMI)	For Rent For Sale	
D25	Luxury Tax for Equitable Housing	Oregon State sales tax on luxury items, 2nd homes, etc. dedicated to providing funds for affordable housing funds.  Note: This strategy has been suggested by the housing development community but are not yet programs in place in the State of Oregon.	Publicly-Subsidized (< 30% AMI) Affordable (30-80% AMI) Workforce (80-120% AMI) Market Rate (> 120% AMI)	For Rent For Sale	
D26	Reallocate Health and Public Safety Resources to Housing	Because healthy housing makes a huge difference in health care, public safety, and other costs, identify paths to redirect budgets from those sectors toward housing construction funds and supporting services. Use advanced modeling projections and adjust as needed over time.	Publicly-Subsidized (< 30% AMI) Affordable (30-80% AMI) Workforce (80-120% AMI) Market Rate (> 120% AMI)	For Rent For Sale	
D27	Georgist Land Tax	Generate tax revenue for affordable housing by reducing the gains accrued from public investments that are capitalized into private value.	Publicly-Subsidized (< 30% AMI) Affordable (30-80% AMI) Workforce (80-120% AMI) Market Rate (> 120% AMI)	For Rent For Sale	
Category E: Tax Exemption and Abatement					
#	Strategy	Description	Affordability Target	Tenure Target	Source (if available)
E1	Nonprofit Low-Income Rental Housing Exemption	This tool can provide a simplified way for affordable housing owned and operated by a nonprofit (as well as land held by a nonprofit for future affordable housing development) or Community Land Trusts (at least in land value) to qualify for a property tax exemption. Work should be done to make it easier for projects/land to qualify; minimizing the number of taxing authorities needed to grant an approval.	Publicly-Subsidized (< 30% AMI) Affordable (30-80% AMI) Workforce (80-120% AMI) Market Rate (> 120% AMI)	For Rent For Sale	See Oregon Revised Statute Chapter 307.540  <a href="https://www.oregonlegislature.gov/bills_laws/ors/ors307.html">https://www.oregonlegislature.gov/bills_laws/ors/ors307.html</a>

E2	Property Tax Exemption for Affordable Housing Tied to Level of Affordability	Create a Property Tax Exemption for affordable housing that is tied to level of affordability instead of the ownership structure. For example, grant a property tax exemption for affordable housing that serves households making less than 60% of AMI at initial lease up. Don't tie the property tax exemption to ownership (LLC, non-profit, housing authority) and only require income verification at the beginning of a residents tenancy. The property should still get the exemption even if the household increases income after their initial lease up so they can build assets in place.	Publicly-Subsidized (< 30% AMI) Affordable (30-80% AMI) Workforce (80-120% AMI) Market Rate (> 120% AMI)	For Rent For Sale	
E3	Vertical Housing Development Zone Tax Abatement	Partial property tax exemption program on improvements for new mixed use development. To qualify, a project must have improved, leasable, non-residential development on the ground floor and residential development on the floors above. A partial abatement on land value is allowed for each equalized floor of affordable housing. This abatement could be made better by an adjustment to the floor equalization formula - right now, there is a 20% abatement per equalized floor, but if the project ends up being 3.8 equalized floors it only gets 3 floors worth of the abatement rather than an apportioned abatement.	Publicly-Subsidized (< 30% AMI) Affordable (30-80% AMI) Workforce (80-120% AMI) Market Rate (> 120% AMI)	For Rent For Sale	Authorized by Oregon Revised Statute, 307.841. City of Hillsboro City of Beaverton City of Milwaukie Oregon City City of Gresham City of Tigard City of Wood Village City of Forest Grove
E4	Multiple Unit Property Tax Exemption (MUPTE)	This strategy can be used to incentivize production of multifamily housing with particular features or at particular price points by offering qualifying developments a partial property tax exemption over the course of several years.	Publicly-Subsidized (< 30% AMI) Affordable (30-80% AMI) Workforce (80-120% AMI) Market Rate (> 120% AMI)	For Rent For Sale	See Oregon Revised Statute, Chapter 307.600. <a href="https://www.oregonlegislature.gov/bills_laws/ors/ors307.html">https://www.oregonlegislature.gov/bills_laws/ors/ors307.html</a> City of Eugene
E5	Multiple Unit Limited Tax Exemption (MULTE)	Under the Multiple-Unit Limited Tax Exemption (MULTE) Program, multiple-unit projects receive a ten-year property tax exemption on structural improvements to the property as long as program requirements are met.	Publicly-Subsidized (< 30% AMI) Affordable (30-80% AMI) Workforce (80-120% AMI) Market Rate (> 120% AMI)	For Rent For Sale	Authorized by Oregon Revised Statute, Chapter 307.600 <a href="https://www.oregonlegislature.gov/bills_laws/ors/ors307.html">https://www.oregonlegislature.gov/bills_laws/ors/ors307.html</a> <a href="https://www.portlandoregon.gov/phb/74691">https://www.portlandoregon.gov/phb/74691</a>
E6	Homebuyer Opportunity Limited Tax Exemption Program (HOLTE)	Under the HOLTE Program, single-unit homes receive a ten-year property tax exemption on structural improvements to the home as long as the property and owner remain eligible per program requirements.	Publicly-Subsidized (< 30% AMI) Affordable (30-80% AMI) Workforce (80-120% AMI) Market Rate (> 120% AMI)	For Rent For Sale	Authorized by Oregon Revised Statute, 307.651.  <a href="https://www.portlandoregon.gov/phb/74639">https://www.portlandoregon.gov/phb/74639</a>
E7	Homestead Tax	Consider allowing Homestead Tax on second homes to support development of affordable housing.	Publicly-Subsidized (< 30% AMI) Affordable (30-80% AMI) Workforce (80-120% AMI) Market Rate (> 120% AMI)	For Rent For Sale	
E8	Property Tax Relief for Income-Qualified Homeowners	Property taxes are based on property values and so can go up regardless of the taxpayers' ability to pay. In the case of homeowners, rising property taxes can be an obstacle to housing affordability and stability. A tool used in a number of jurisdictions for mitigating these effects on those with limited incomes is by capping the amount of property tax that homeowners have to pay as a share of their	Publicly-Subsidized (< 30% AMI) Affordable (30-80% AMI) Workforce (80-120% AMI) Market Rate (> 120% AMI)	For Rent For Sale	<a href="https://www.localhousingsolutions.org/act/housing-policy-library/property-tax-relief-for-income-qualified-homeowners-overview/">https://www.localhousingsolutions.org/act/housing-policy-library/property-tax-relief-for-income-qualified-homeowners-overview/</a>

		income. Some jurisdictions also provide relief to lower-income renters by treating some portion of their rent as attributable to property taxes and then providing an income tax credit to offset the increase in taxes. In addition to basing the benefit on income, eligibility for caps can also be restricted to specific populations such as seniors, disabled persons, and/or veterans.			
E9	Investing into Federal Opportunity Zones (OZ)	Qualified Opportunity Zones (QOZ) were created by the 2017 Tax Cuts and Jobs Act. These zones are designed to spur economic development and job creation in distressed communities throughout the country and U.S. possessions by providing tax benefits to investors who invest eligible capital into these communities. Taxpayers may defer tax on eligible capital gains by making an appropriate investment in a Qualified Opportunity Fund and meeting other requirements.	Publicly-Subsidized (< 30% AMI) Affordable (30-80% AMI) Workforce (80-120% AMI) Market Rate (> 120% AMI)	For Rent For Sale	<a href="https://www.irs.gov/newsroom/opportunity-zones-frequently-asked-questions#qof">https://www.irs.gov/newsroom/opportunity-zones-frequently-asked-questions#qof</a>
E10	Delayed Tax Exemptions	Allow housing to be built and operated at market rate while allowing developers to choose a path that maintains or reduces rents over time. Once the property falls below 80%AMI (but maintains HUD quality standards), tax exemptions would kick in. This could be an alternative to upfront incentive dollars, SDC reductions, etc for providing affordable housing.	Publicly-Subsidized (< 30% AMI) Affordable (30-80% AMI) Workforce (80-120% AMI) Market Rate (> 120% AMI)	For Rent For Sale	
<b>Category F: Land, Acquisition, Lease, and Partnerships</b>					
#	Strategy	Description	Affordability Target	Tenure Target	Source (if available)
F1	Land Banking	Public purchasing of vacant/under-utilized sites of land in order to save for future affordable housing development. House Bill 2003, section 15 supports land banking: SECTION 15. (1) As used in this section, “public property” means all real property of the state, counties, cities, incorporated towns or villages, school districts, irrigation districts, drainage districts, ports, water districts, service districts, metropolitan service districts, housing authorities, public universities listed in ORS 352.002 or all other public or municipal corporations in this state.	Publicly-Subsidized (< 30% AMI) Affordable (30-80% AMI) Workforce (80-120% AMI) Market Rate (> 120% AMI)	For Rent For Sale	Metro TOD Program
F2	Joint Development Agreements	The Federal Transit Administration (FTA) enables local transit agencies to enter into Joint Development Agreements (JDAs) with private or non-profit developers of low income housing, market-rate housing, and/or commercial development. Joint Development is a process by which public transit or other local or state agencies agree to make land available at donated or reduced prices for private development, which may include affordable housing. Projects must demonstrate benefit to transit operations (ridership) and infrastructure and are subject to FTA approval.	Publicly-Subsidized (< 30% AMI) Affordable (30-80% AMI) Workforce (80-120% AMI) Market Rate (> 120% AMI)	For Rent For Sale	
F3	Community Land Trusts	Land acquired by nonprofits or community-based organizations that maintain permanent ownership of land. Prospective homeowners are able to enter long-term (i.e., 99-year), renewable leases at an affordable rate. Upon selling, homeowners only earn a portion of the increased property value, while the trust keeps the remainder, thereby preserving affordability for future low- to moderate-income families	Publicly-Subsidized (< 30% AMI) Affordable (30-80% AMI) Workforce (80-120% AMI) Market Rate (> 120% AMI)	For Rent For Sale	
F4	Public/Private Partnerships (P3)	Partnerships between government and the private sector and/or nonprofits have the capacity to bring resources to the table that would otherwise not be available if each institution were able to help communities provide housing on its own. This can come in the form of coalitions, affordable housing task forces, and collaboratives.	Publicly-Subsidized (< 30% AMI) Affordable (30-80% AMI) Workforce (80-120% AMI) Market Rate (> 120% AMI)	For Rent For Sale	

F5	Preserving Low-Cost Rental Housing to Mitigate Displacement	Preventing displacement and preserving "naturally occurring" affordable housing through acquisition, low-interest loans/revolving loan fund for preservation, and/or code enforcement. Example: The Oregon Legislature committed \$15 million in lottery bonds to Oregon Housing and Community Services (OHCS) in 2019 to create a naturally occurring affordable housing loan fund. Modeled after the Greater Minnesota Housing Fund.	Publicly-Subsidized (< 30% AMI) Affordable (30-80% AMI) Workforce (80-120% AMI) Market Rate (> 120% AMI)	For Rent For Sale	<a href="https://gmhf.com/about/programs/noah-impact-fund/">https://gmhf.com/about/programs/noah-impact-fund/</a>
F6	Preserving Safe, Affordable Manufactured Homes	Manufactured home parks often provide a form of affordable housing stock, but are particularly vulnerable to redevelopment pressures since lots are temporarily leased out. In order to preserve safe, affordable options into the future, manufactured home parks may be protected through assistance that allows community purchase of the underlying land, manufactured homes and provide funds used to maintain upkeep of these dwelling units. This strategy is often implemented through use of Land Trusts, Resident-Owned Cooperatives, Public Ownership of Land, or Condominium Conversion of the real estate assets to preserve the community(ies). Oregon Housing and Community Services (OHCS) has regularly received lottery bonds or general funds from the Oregon Legislature to preserve manufactured home parks through either Resident Owned Cooperatives or Non-profit ownership.	Publicly-Subsidized (< 30% AMI) Affordable (30-80% AMI) Workforce (80-120% AMI) Market Rate (> 120% AMI)	For Rent For Sale	City of Portland  <a href="https://www.oregon.gov/ohcs/Pages/manufactured-dwelling-park-services-oregon.aspx">https://www.oregon.gov/ohcs/Pages/manufactured-dwelling-park-services-oregon.aspx</a>
F7	Providing Information and Education to Small Developers	Providing information to small, local developers that will help them understand land use permitting processes and give them a sense of clarity and certainty about requirements so they can better provide smaller scale housing at an affordable level.	Publicly-Subsidized (< 30% AMI) Affordable (30-80% AMI) Workforce (80-120% AMI) Market Rate (> 120% AMI)	For Rent For Sale	
F8	Conversion of Underperforming or Distressed Commercial Assets	Acquisition of underperforming or distressed commercial assets (commercial, retail, industrial, or hotel) or partnerships with owners of the assets for conversion into needed housing.	Publicly-Subsidized (< 30% AMI) Affordable (30-80% AMI) Workforce (80-120% AMI) Market Rate (> 120% AMI)	For Rent For Sale	
F9	Enhanced Use Lease of Federal Land	The US Department of Veterans Affairs (VA) may lease land for up to 85 years to developers of projects which provide the VA with compensation. Such enhanced use leases have been used to provide land for permanent affordable housing for people experiencing homelessness including veterans in Oregon, Minnesota and Washington States.	Publicly-Subsidized (< 30% AMI) Affordable (30-80% AMI) Workforce (80-120% AMI) Market Rate (> 120% AMI)	For Rent For Sale	Housing Authority of Douglas County
F10	Prioritize Housing on City/County Owned Land	Surplus property suitable for housing is offered up for affordable development.	Publicly-Subsidized (< 30% AMI) Affordable (30-80% AMI) Workforce (80-120% AMI) Market Rate (> 120% AMI)	For Rent For Sale	City of Eugene
F11	Combine Community Land Trust with Limited Equity Cooperative Model	Combine a Community Land Trust (CLT) with a Limited Equity Cooperative for a lower barrier entry to homeownership of a share of a permanent small/tiny home community.	Publicly-Subsidized (< 30% AMI) Affordable (30-80% AMI) Workforce (80-120% AMI) Market Rate (> 120% AMI)	For Rent For Sale	SquareOne Villages
F12	Surplus Land for Affordable Housing	Sell land at the State or City's cost (below market) to developers of affordable housing. Long-term lease at very minimal cost to developers for land the City is not yet ready to surplus. County surplus of foreclosed land to affordable housing developers and/or housing authority.	Publicly-Subsidized (< 30% AMI) Affordable (30-80% AMI) Workforce (80-120% AMI) Market Rate (> 120% AMI)	For Rent For Sale	City of Bend



F13	McKinney-Vento Federal Surplus	Cities may partner with the Federal Government to surplus Federal land for homeless housing or services under McKinney Vento.	Publicly-Subsidized (< 30% AMI) Affordable (30-80% AMI) Workforce (80-120% AMI) Market Rate (> 120% AMI)	For Rent For Sale	City of Bend
F14	Right of First Refusal for Land Purchase	Affordable housing providers could be offered a Right of First Refusal for city, county, or state owned land when the land would be used for affordable housing. Examples include a manufactured home program where residents can buy out the manufactured home park when the owner is ready to sell.	Publicly-Subsidized (< 30% AMI) Affordable (30-80% AMI) Workforce (80-120% AMI) Market Rate (> 120% AMI)	For Rent For Sale	CASA of Oregon <a href="https://casaoforegon.org/for-individual/manufactured-housing-cooperative-development/">https://casaoforegon.org/for-individual/manufactured-housing-cooperative-development/</a>
F15	Ordinances that Address Zombie Housing	More assertive tax foreclosures to enable zombie housing to be rehabbed into occupied housing.	Publicly-Subsidized (< 30% AMI) Affordable (30-80% AMI) Workforce (80-120% AMI) Market Rate (> 120% AMI)	For Rent For Sale	
F16	Regulatory Agreement	Regulatory Agreement, between the jurisdiction and developer, in place with the land sale that keeps the units affordable for 20 years in exchange for SDC waivers. This is straightforward without going through a difficult or costly process.	Publicly-Subsidized (< 30% AMI) Affordable (30-80% AMI) Workforce (80-120% AMI) Market Rate (> 120% AMI)	For Rent For Sale	City of Beaverton
F17	Designated Affordable Housing Sites	A jurisdiction would establish designated sites with a completely different set of regulations than apply to the balance of the public and private building sites. The sites would be overseen by an Affordable Housing Commission, that is empowered to prioritize, fast track, and approve affordable housing projects (with designated and required affordability objectives) and bypass the majority of the city's fees and regulations. The Commission would have its own set of requirements (structural approval, zoning allowance, etc.), but they would be streamlined, and tailored to facilitate a quicker and much less expensive process.	Publicly-Subsidized (< 30% AMI) Affordable (30-80% AMI) Workforce (80-120% AMI) Market Rate (> 120% AMI)	For Rent For Sale	
F18	Utilize Surplus Land Owned by Faith-Based Organizations for Affordable Housing	Over the past few decades, faith institutions across the country have been declining. This has prompted conversations within different faith communities about how to refocus their mission of social change. The housing affordability crisis in many cities around the country has brought these institutions into the work of creating affordable housing in their communities. This strategy would: 1) Identify faith and community-based organizations that are interested in offering their available land for development of affordable housing, 2) Provide design and finance consultation for three organizations to prepare them for future affordable housing development projects, and 3) Determine barriers to development and how those can be addressed and/or streamlined.	Publicly-Subsidized (< 30% AMI) Affordable (30-80% AMI) Workforce (80-120% AMI) Market Rate (> 120% AMI)	For Rent For Sale	<a href="#">Expanding Opportunities for Affordable Housing. Metro and City of Portland</a>
F19	Affordable Housing Preservation Inventory	Prepare an inventory of subsidized and naturally occurring affordable housing to support proactive policies intended to preserve the affordable housing stock. This strategy is intended to help offset some of the need for costly new construction.	Publicly-Subsidized (< 30% AMI) Affordable (30-80% AMI) Workforce (80-120% AMI) Market Rate (> 120% AMI)	For Rent For Sale	The Center for Housing Policy, Washington DC  Opportunity Zone Toolkit, US Department of Housing and Urban Development

F20	Fair Housing Education, Referral, and Other Services	Provide residents, property owners, property managers, realtors, lenders and others involved with real estate transactions with access to Fair Housing information and referrals. Ensure that city staff know how to identify potential Fair Housing violations and make referrals to the Fair Housing Council of Oregon and state and local enforcement agencies. Partner with and fund Fair Housing Council of Oregon to provide periodic Fair Housing Audit Testing, customized outreach and education and other specialized services.	Publicly-Subsidized (< 30% AMI) Affordable (30-80% AMI) Workforce (80-120% AMI) Market Rate (> 120% AMI)	For Rent For Sale	
F21	Public or Mission-Driven REITs and Turn-Key Delivery	<p>Most public subsidies and tax incentive programs are complex due to the need for regulation and corruption prevention, imposing many impediments to developing affordable housing. Jurisdictions would participate in a public REIT that buys turn-key projects for set costs. This would motivate mission-minded developers to drive down cost knowing that risk is minimal by having a buyer at the end. If the developer doesn't deliver the required specs, quality, and competitive construction cost, then they have to sell or rent on the open market or find other incentives in current, standard fashion. The jurisdiction could invest state pension funds in these REITs.</p> <p>Note: This strategy has been suggested by the housing development community, it is not clear if this program is currently available to jurisdictions in the state.</p>	Publicly-Subsidized (< 30% AMI) Affordable (30-80% AMI) Workforce (80-120% AMI) Market Rate (> 120% AMI)	For Rent For Sale	
Category Z: Custom Options					
#	Strategy	Description	Affordability Target	Tenure Target	Source (if available)
Z1	TBD	Any other Housing Production Strategy not listed above in Categories A through F that the jurisdiction wishes to implement should be filled in here and numbered accordingly.	Publicly-Subsidized (< 30% AMI) Affordable (30-80% AMI) Workforce (80-120% AMI) Market Rate (> 120% AMI)	For Rent For Sale	



**NOT HOUSING PRODUCTION STRATEGIES**  
**(These have been removed from the list and will NOT be included in the final housing production strategies unless someone advocates that these are housing production strategies)**

	Community Benefits District	<p>Some localities anticipating increases in density or intensity of uses by plan and land use changes or new public works (e.g., transit stations) can consider both concomitant obligations to those changes to require, either directly or through “sweeteners” that the developer fund certain community improvements (beyond sidewalks and flowerpots). Those obligations may include minimum densities, set asides (with sweeteners in this case), and payment of a tax on the increment of profit realized when the land use change or public work is accomplished.</p> <p>Note for Discussion: Likely impossible to determine what a tax on profit would be for a developer. Likely need a better way to define this strategy, if it stays. Should this be in the financial resources section? What is the purpose of this strategy when it comes to housing production? Not clear.</p>	
	Protection from Condo Conversions	<p>In order to reduce the stress and cost of displacement caused by condo conversions or sales of rental buildings, some jurisdictions provide tenants with protections in the event that their landlord seeks to convert or sell. Protections can include: requiring approval of a majority of residents for a conversion; providing for a long notice period before a conversion or sale; giving tenants a right to purchase units before they can be offered to outside buyers; relocation assistance paid by the landlord for tenants forced to move because of a conversion; and/or giving tenants a right to remain as a renter or renew a tenancy following a sale. Oregon currently provides basic protections for tenants against condo conversions.</p> <p>Discussion Note: This strategy is not about housing production but housing type. Condo are a homeownership option that is less expensive than single detached. A conversion will just change the type of housing, not add or reduce housing. This should not be included in the housing production strategies.</p>	<p><a href="https://www.oregonlaws.org/ors/100.310">https://www.oregonlaws.org/ors/100.310</a></p>
	Create a Bounty on Denial of Needed Housing	<p>Consistent with the changes made to ORS 197.830(15)(c), denial of Needed Housing would be the source of an attorney fee claim at LUBA. One could be even bolder and suggest that “denial” encompasses imposition of conditions that are not “clear and objective.” The “raise it or waive it” requirement would remain applicable where there was an opportunity to do so at the local level.</p> <p>Discussion Note: Is this something that jurisdictions can enact or does it need to be at the state level? If jurisdictions can not enact this, then it probably shouldn’t be in the housing production strategies.</p>	<p>(Ed Sullivan)</p>
	Survey Applicants on Development	<p>[At the HPSTAC Commissioner Hallova mentioned an idea about asking development applicants how they decided on their development program</p>	<p>(Deb Meihoff)</p>

	Program Decision-Making	<p>and which public incentives were part of the consideration - this is a worthy idea that could lead to better information about how to tailor strategies toward production. An alternative to requiring cities to collect this info, is to consider this approach as part of a production strategy. To be a strategy it needs additional action like logging and making publicly available the aggregated survey information on the city's housing/ development /planning webpage or something. The information could be collected on a form separate from the development application, so it is clear that the additional information is not part of the permit decision. This obviously needs more work, but I think there is a viable strategy here]</p> <p>Discussion Note: Agreed this is important and should be included somewhere in the draft document but not as a strategy.</p>	
	Prevailing Wage Realignment	<p>It makes no sense that higher fair-wage requirements apply to affordable housing but not to market rate. Find better ways to regulate fair wages across the entire industry and remove these onerous requirements from affordable housing. Otherwise, factory-built housing alternatives will undermine these efforts anyway, negatively affecting minority contractors and small businesses. The goals of labor equity need a holistic re-design as part of other strategies above.</p> <p>Discussion Note: This is a good idea and many affordable housing developers struggle with this. Not sure if it's a strategy. Would need to be changed at the state level with BOLI.</p>	(nate@inkbuiltdesign.com)
	Eliminate value giveaways for developers	<p>Large public investments such as light rail systems and de facto giveaways such as UGB expansion allow private land owners and developers to reap significant and instant rewards while causing more displacement and/or segregation by income status. Make these changes contingent on the provision of affordable housing in specific, higher than usual ratios.</p> <p>Discussion Note: From a development perspective this is likely to suppress the overall housing market, which is not a good thing for affordability over time.</p>	(nate@inkbuiltdesign.com)
	Correct for disproportionate land values (that exist because of historically racist policies and predatory gentrification)	<p>Increases in property values are hugely disproportionate by neighborhood, and the profitability of house flipping, vacation rentals, etc. drive costs up rather than supporting affordability.</p> <ul style="list-style-type: none"><li>• Increase public investments in neglected neighborhoods, prioritizing them first.</li><li>• Add a transaction tax to all homes sold when the price exceeds local AMI</li><li>• Enforce taxes on vacation rentals and direct them to housing</li><li>• Programs that allow low income owners in high cost neighborhoods to apply for reduced property taxes</li><li>• More ideas?!</li></ul> <p>Discussion Note: This is a lot of ideas combined into one. We are trying to make sure all of the housing productions strategies are stand alone. If there is anything above that you think should be considered and separated out as a strategy, then we should do that. Some of these ideas</p>	(nate@inkbuiltdesign.com)

		are already covered in a strategy and/or the jurisdictions needs to respond to Equitable Housing Outcomes questions.	
	Reform Transportation	<p>Invest in sustainable last-mile transportation systems to eliminate the need for individual car ownership.</p> <p>Tax private vehicles or provided vehicle parking yearly based on size (only for market rate housing until equitable transit is widely available)</p> <p>Discussion Note: Out of the jurisdiction of the LCDC.</p>	(nate@inkbultdesign.com)
	Pie in the Sky	<p>Reduce the difficulty of regulation based on income by reforming the national tax system. Make the process more direct and automatic, similar to Japan. This reduces/eliminates the need to deal with income reporting specific to affordable housing as a buyer/renter's information is directly available as a score from the IRS.</p> <p>Discussion Note: Out of the jurisdiction of the LCDC</p>	(nate@inkbultdesign.com)
	Regulate Privilege	<p>Limit luxury development using thresholds tied to local population income statistics. (especially needed in coastal communities and tourist towns) Beyond these limits, luxury development must include affordable accessory dwellings or nearby affordable housing.</p> <p>Discussion Note: What defines "luxury" development. Some consider market rate housing luxury. This will suppress the housing market.</p>	(nate@inkbultdesign.com)
	Reduce or Eliminate Tax Exemptions for empty units	<p>Many overpriced market-rate units sit empty because it's more financially advantageous than reduced rents. Enact policy that requires reporting of vacancy rates and when vacancy on some properties differs greatly from local market demand and vacancy rates, that owner loses tax exemptions.</p> <p>Discussion Note: Assumptions on vacant units are not accurate. Onerous if not possible for jurisdictions.</p>	(nate@inkbultdesign.com)
	Transaction Tax	<p>Tax the flipping of properties</p> <p>Discussion Note: Not enough detail here to turn this into a strategy.</p>	(nate@inkbultdesign.com)

ADOPT: 660-008-0055

RULE SUMMARY: The rule outlines the various criteria by which the Department of Land Conservation and Development will review the submission of Housing Production Strategy Reports.

CHANGES TO RULE:

660-008-0055

Review of Housing Production Strategy Reports

- (1) No later than 20 days after a city's adoption or amendment of a Housing Production Strategy Report, a city must submit the adopted Report or amended Report to the Department of Land Conservation and Development.<sup>¶</sup>
- (2) On the same day the city submits notice of the Housing Production Strategy Report or amended Report to the Department of Land Conservation and Development, the city must provide a notice to persons that participated in the proceedings that led to the adoption of the Housing Production Strategy Report and requested notice in writing.<sup>¶</sup>
- (3) Within 10 days of receipt of the submission under subsection (1), the Department of Land Conservation and Development must provide notice to persons described under ORS 197.615 (3).<sup>¶</sup>
- (4) Notices given under subsections (2) and (3) must state:<sup>¶</sup>
  - (a) How and where materials described under subsection (2) may be freely obtained;<sup>¶</sup>
  - (b) That comments on the Housing Production Strategy Report may be submitted to the Department of Land Conservation and Development within 45 days after the department has received the submission; and<sup>¶</sup>
  - (c) That there is no further right of appeal.<sup>¶</sup>
- (5) The submission under subsection (1) of this section must include copies of:<sup>¶</sup>
  - (a) The signed decision adopting the Housing Production Strategy Report or amended Report;<sup>¶</sup>
  - (b) The text of the Housing Production Strategy Report as provided in OAR 660-008-0050 and any amendments to the most recent Report submitted under this section;<sup>¶</sup>
  - (c) A brief narrative summary of the Housing Production Strategy Report; and<sup>¶</sup>
  - (d) The information that the city reviewed and considered under subsection (6).<sup>¶</sup>
- (6) The Department of Land Conservation and Development shall review the accuracy and sufficiency of the Housing Production Strategy Report based upon the following:<sup>¶</sup>
  - (a) Unmet housing need as described in ORS 197.296(6);<sup>¶</sup>
  - (b) Unmet housing need in proportion to the city's population;<sup>¶</sup>
  - (c) Percentage of households identified as severely rent burdened;<sup>¶</sup>
  - (d) Recent housing development;<sup>¶</sup>
  - (e) Recent adoption of a Housing Production Strategy or implementation of actions therein;<sup>¶</sup>
  - (f) The city's response to address the housing needs of those experiencing homelessness;<sup>¶</sup>
  - (g) Increased access to housing opportunity including the elimination of barriers to flexible, fair, and equitable housing options;<sup>¶</sup>
  - (h) Other attributes that the Land Conservation and Development Commission considers relevant; and<sup>¶</sup>
  - (i) Recent or frequent failure to address the metrics listed in the criteria in this subsection.<sup>¶</sup>
- (7) The Department of Land Conservation and Development shall, within 120 days after receiving the submission under subsection (1) of this section:<sup>¶</sup>
  - (a) Approve the Housing Production Strategy Report;<sup>¶</sup>
  - (b) Approve the Housing Production Strategy Report, subject to further review and actions recommended by the Department based on its review under subsection (6); or<sup>¶</sup>
  - (c) Remand the Housing Production Strategy Report for further modification as identified by the Department.<sup>¶</sup>
- (8) A determination by the Department of Land Conservation and Development under subsection (7) is not a land use decision and is final and not subject to appeal.<sup>¶</sup>
- (9) The Department will maintain an annual summary of proposed Housing Production Strategies included in Reports submitted under subsection (2) and reports submitted under OAR 660-008-0060.

Statutory/Other Authority: ORS 197.040

Statutes/Other Implemented: ORS 197.290, ORS 197.291, ORS 197.293, ORS 197.296, ORS 197.303

ADOPT: 660-008-0060

RULE SUMMARY: The rule outlines the reporting requirements for cities participating in the Housing Production Strategy Program.

CHANGES TO RULE:

660-008-0060

Reporting on Housing Production Strategy Implementation

(1) Cities required to adopt a Housing Production Strategy Report under ORS 197.209(1), must submit a narrative report to the Department of Land Conservation and Development for review and comment based on the following schedule:¶

(a) For cities that are within a metropolitan service district boundary, no later than December 31st three years after the city adopted a Housing Production Strategy Report; or¶

(b) For cities that are not within a metropolitan service district boundary, no later than December 31st four years after the city adopted a Housing Production Strategy Report.¶

(2) The narrative report a city submits under subsection (1), must include the following:¶

(a) A summary of the actions already taken to implement the Strategies to Meet Future Housing Need adopted in the city's most recent Housing Production Strategy Report. If the city has not implemented Strategies to Meet Future Housing Need on the schedule adopted in their most recent Housing Production Strategy Report, the city must provide an explanation of the circumstances or factors that posed a barrier to implementation and a plan for addressing the identified need that the strategy addressed;¶

(b) A reflection of the relative efficacy of implemented Strategies to Meet Future Housing Need adopted in the city's most recent Housing Production Strategy Report; and¶

(c) A reflection of the actions taken in response to the questions identified in OAR 660-008-0050(4).¶

(3) Upon submittal of the narrative report developed under subsection (1), the Department will review the report for consistency with the Housing Production Strategy Report approved under criteria provided in OAR 660-008-0055(6). The Department may also consider reporting under Section 1(4), chapter 47, Oregon Laws 2018 as part of this review.¶

(4) Should the Department find the narrative report submitted per subsection (1) does not substantially comply with the criteria in OAR 660-008-0055(3), the Department may take action identified in OAR 660-008-0070. Statutory/Other Authority: ORS 197.040

Statutes/Other Implemented: ORS 197.290, ORS 197.291, ORS 197.293, ORS 197.296, ORS 197.303

ADOPT: 660-008-0065

RULE SUMMARY: The rule describes a series of actions the Department of Land Conservation and Development may take to ensure that cities adopt a Housing Capacity Analysis or Housing Production Strategy Report.

CHANGES TO RULE:

660-008-0065

Non-Compliance in Adoption of Housing Capacity Analysis or Housing Production Strategy Report

The Department of Land Conservation and Development will review a city's Housing Capacity Analysis for compliance with provisions in ORS 197.296 and its Housing Production Strategy Report for compliance with the applicable portions of this division. If the city does not sufficiently meet the criteria provided in ORS 197.296 or this division, the Department may engage with the city in one or more of the following actions:¶

(1) If a city determines that it will be unable to adopt a Housing Capacity Analysis or Housing Production Strategy Report by the prescribed deadline, the city must notify the Department of the expected delinquency at least 60 days before the applicable deadline for a Housing Capacity Analysis or Housing Production Strategy Report. In response, the department and the city may agree to remediation either through enhanced review of documents, directed technical assistance to overcome the impediment as available, or other similar measures, and include timelines for completion.¶

(2) If the city has not submitted a Housing Production Strategy Report for Department of Land Conservation and Development review by the deadline provided in OAR 660-008-0050 and has not notified the department of an expected delinquency, the department shall work with the city and may seek mitigation of the delinquency through an Intergovernmental Agreement outlining specific compliance actions, timeline of deliverables, and subsequent enforcement actions. The Intergovernmental Agreement may or may not include directed technical assistance or financial resources.¶

(3) If the department and the city have entered into an Intergovernmental Agreement and the city, at the discretion of the department, has not sufficiently mitigated the identified delinquency, the department may remove the city from consideration of technical assistance or other financial resource awards.¶

(4) If the city does not adopt a Housing Capacity Analysis or Housing Production Strategy Report as provided in this division, does not enter into an Intergovernmental Agreement with the department to remedy the deficiency, or does not comply with the terms of an Intergovernmental Agreement to remedy the deficiency, the department may request the Land Conservation and Development Commission to act under ORS197.319 to 197.335 to require the city to comply with ORS 197.295 to 197.314, this division, or statewide land use planning goals related to housing or urbanization.

Statutory/Other Authority: ORS 197.040

Statutes/Other Implemented: ORS 197.290, ORS 197.291, ORS 197.293, ORS 197.296, ORS 197.303

ADOPT: 660-008-0070

RULE SUMMARY: The rule describes a series of actions the Department of Land Conservation and Development may take to ensure that cities adopt and implement specific Housing Production Strategies.

CHANGES TO RULE:

660-008-0070

Non-Compliance in Adoption and Implementation of Strategies to Meet Future Housing Need Identified in a Housing Production Strategy Report

The Department of Land Conservation and Development shall review a city's Housing Production Strategy Report and narrative reports pursuant to OAR 660-008-0060 based upon criteria provided in OAR 660-008-0055. As provided in OAR 660-008-0055, a Housing Production Strategy Report must include a list of Strategies to Meet Future Housing Need including an expected timeline for adoption and implementation for each strategy. If there is a delinquency in the adoption or implementation of an identified strategy, the department will engage with the city in one or more of the following actions:¶

(1) If circumstances impede a city's ability to implement one or more Strategies to Meet Future Housing Need in coherence with the timeline adopted in the city's Housing Production Strategy Report, the city must notify the Department of the expected delinquency within 90 days of the end of the timeline to implement the specific Strategy to Meet Future Housing Need adopted in the city's Housing Production Strategy Report. The notice must identify specific actions, or a combination of actions, that the city is currently taking, or will take, to address the delinquency. This may include, but is not required to include, amendments to the adopted Housing Production Strategy Report such that the city identifies a different action, or combination of actions, to address the specific housing need. The department and the city may agree to remediation either through enhanced review of the documents, directed technical assistance to overcome the impediment as available, or other similar agreement.¶

(2) If a city does not take sufficient action to mitigate the identified delinquency, either through a failure to provide notice to the department as provided in subsection (1) or through a failure to implement the specific actions, or combination of actions, by the timeline identified in the notice to the department pursuant to subsection (1), the department shall work with the city and may seek mitigation of the issues through an Intergovernmental Agreement outlining specific compliance actions, a timeline of deliverables, and subsequent enforcement actions. The Intergovernmental Agreement may or may not include directed technical assistance or financial resources.¶

(3) If the department and the city have entered into an Intergovernmental Agreement and the city, at the discretion of the department, has not sufficiently mitigated the identified delinquency, the department may remove the city from consideration of technical assistance or financial resource awards.¶

(4) If the department finds that the city consistently or routinely does not satisfy the criteria provided in OAR 660-008-0055 or this section, the department may petition the Land Conservation and Development Commission to act under ORS 197.319 to 197.335 to require the city to comply with ORS 197.295 to 197.314, this division, or statewide land use planning goals related to housing or urbanization.

Statutory/Other Authority: ORS 197.040


Statutes/Other Implemented: ORS 197.290, ORS 197.291, ORS 197.293, ORS 197.296, ORS 197.303



# City of Newport

## Community Development Department

# Memorandum

To: Planning Commission / Commission Advisory Committee  
From: Derrick I. Tokos, AICP, Community Development Director   
Date: September 10, 2020  
Re: Revised TSP Update Schedule & Summary of Public Outreach Virtual Event No. 1

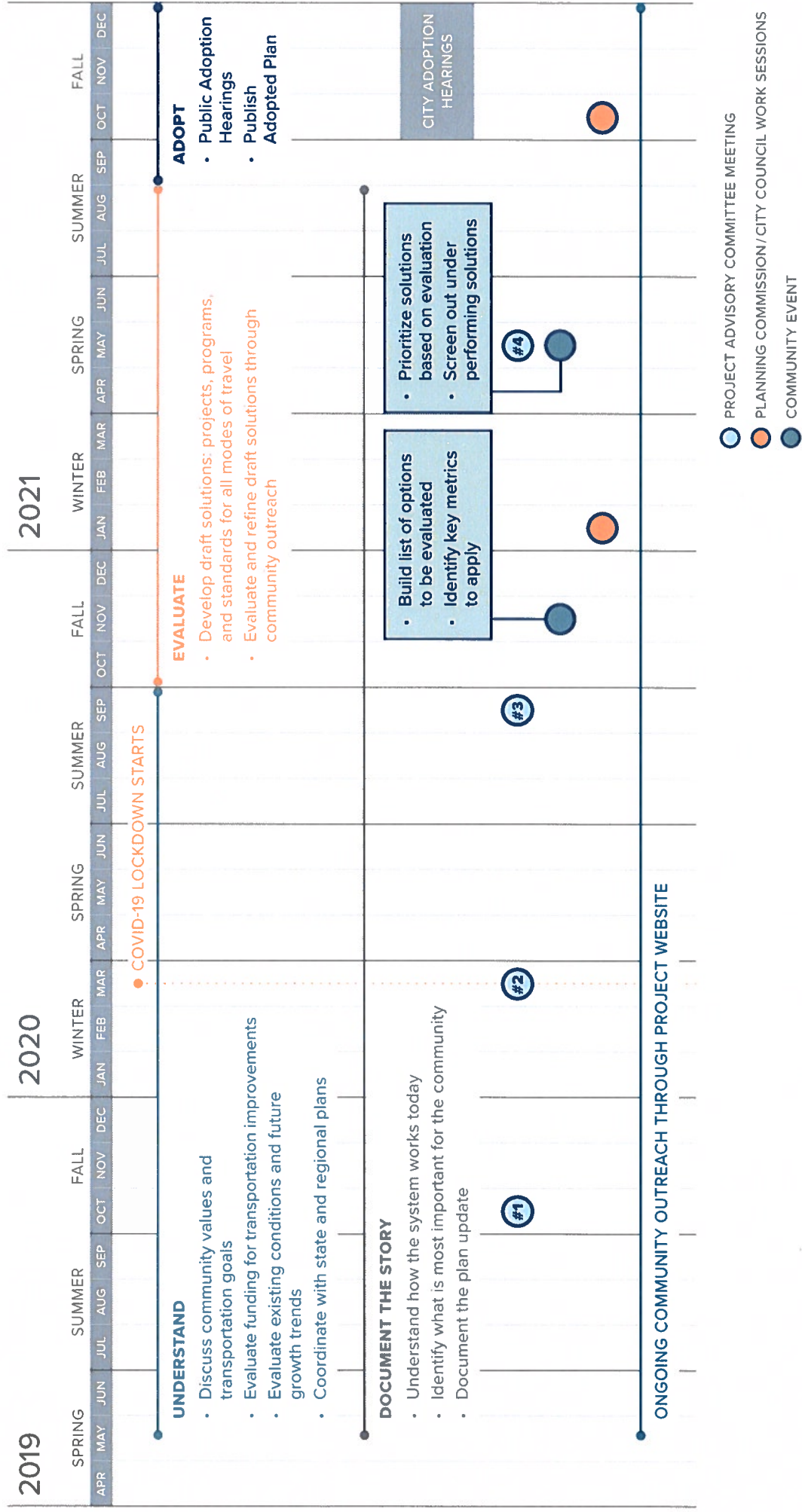
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The Transportation Project Advisory Committee met on Wednesday, September 9, 2020 to review the consulting teams work related to future transportation system needs and the reworked schedule and program for public outreach this fall, due to the impact of the COVID-19 pandemic. Enclosed is a copy of the updated project schedule and memo outlining a scope of activities for the first virtual public outreach event. A framework for the outreach event was also mapped out in story board format, a copy of which is available on the project website [www.NewportTSP.org](http://www.NewportTSP.org). Copies of other materials presented to the advisory committee are available on the website as well.

This work session agenda item has been scheduled to keep the Commission informed as to the progress of the TSP update and to provide members an opportunity to provide feedback on the draft public outreach program.

#### Attachments

Updated project schedule  
Draft program for Public Outreach Event No. 1



# NEWPORT TSP

## OUTREACH / EVENT PLAN

### EVENT #1 - DEVELOP + EVALUATE SOLUTIONS

#### Prepared for

City of Newport



#### Prepared by

JLA Public Involvement, Inc.  
921 SW Washington St., Suite 570  
Portland, OR 97205

#### Date

September 1, 2020

## Newport TSP Outreach/Event Plan #1

This Outreach/Event Plan is meant to document all of the details related to the preparation for an event or larger scale outreach activity.

# OVERVIEW

PURPOSE OF OUTREACH + HOUSEKEEPING ITEMS	
Project Scope/Description*	<p>The City of Newport and the Oregon Department of Transportation are updating the Transportation System Plan (TSP). The TSP is a long-range plan that will guide future investments in the city's transportation system.</p> <p>The plan will guide how we develop and invest in streets, sidewalks, bike lanes, and transit to meet the current and future needs of Newport and surrounding areas. It helps determine which projects, policies and programs are important to protecting and enhancing the quality of life in the City of Newport.</p> <p>What will the Newport TSP do?</p> <ul style="list-style-type: none"> <li>• Review community, business, visitor and stakeholder input to identify and prioritize future transportation projects and investments.</li> <li>• Provide a strategic investment plan that enhances safety, access and economic opportunities for the community.</li> <li>• Align and implement strategies within the Greater Newport Vision 2040 and Northside Urban Renewal Plan.</li> <li>• Consider issues such as increased traffic volumes on Highway 101 and Highway 20, citywide pedestrian and bicyclist activity, opportunities for enhanced connectivity, funding opportunities, and consideration of updated and flexible street design standards to adapt to unique development conditions in the city.</li> <li>• With community input, identify strategies to improve mobility through the city center, along US 101 and US 20, and throughout Newport, considering bike and pedestrian needs, connectivity, increased traffic volumes, funding opportunities, street design, development conditions, and user preferences.</li> </ul>
What is this event/outreach activity?	<p>Online open house – public self-directed experience</p> <p>Virtual work session – Facilitated by JLA and SERA</p>
When and where will the event take place?	<p><i>November 17 to December 15, 2020 (online open house)</i></p> <p><i>Saturday, November 21 (virtual work session)</i></p>
Who is the audience?	<ul style="list-style-type: none"> <li>• <b>Residents:</b> Residents of Newport, key stakeholders interviewed</li> <li>• <b>Government Officials/Stakeholders:</b> County Commissioners, City Officials,</li> <li>• <b>Project Partners:</b> PAC members, Community groups</li> </ul>
Goals for this event/outreach activity	<p>List the goals for the is event/outreach activity, such as</p> <ul style="list-style-type: none"> <li>• Provide project background information/previous efforts and input collected through stakeholder interviews.</li> <li>• Gather public input on the future growth of Newport and how the transportation system will affect the livability of the community, framed by the goals and objectives identified earlier in the project.</li> <li>• Continue project awareness and community engagement</li> </ul>

## Newport TSP Outreach/Event Plan #1

	<ul style="list-style-type: none"> <li>Understand community issues by area (Commercial core, Agate Beach, Nye Beach, City-wide)</li> <li>Get some level of support for the draft design options and collect new ideas.</li> <li>Prioritize the community's needs through a fiscally constrained list</li> </ul>
Native Land Acknowledgement	<p><i>The client may not have a consistent approach to Native Land Acknowledgement. In documentation, standard practice is to list human settlements in the area including tribal groups and any special land use that took place in the area.</i></p> <p><i>More information can be found at <a href="https://www.portlandoregon.gov/civic/article/505489">https://www.portlandoregon.gov/civic/article/505489</a> or <a href="https://oregonhistoryproject.org/narratives/commerce-climate-and-community-a-history-of-portland-and-its-people/introduction-3/first-peoples-in-the-portland-basin/#.XS9Y_hKhPY">https://oregonhistoryproject.org/narratives/commerce-climate-and-community-a-history-of-portland-and-its-people/introduction-3/first-peoples-in-the-portland-basin/#.XS9Y_hKhPY</a>. In meetings, acknowledging the native people whose land we are holding the meeting on is a good practice if presenters would like to do so. More information is available at <a href="https://usdac.us/nativeland">https://usdac.us/nativeland</a>.</i></p>
Non-Discrimination Policy Statement	<p><i>The following text should be included in all advertising materials for the event, as well as posted at the event.</i></p> <p><i>Consistent with the policy of the City of Newport is committed to compliance with all state and federal non-discrimination directives, including Title VI of the Civil Rights Act of 1964 and the Americans with Disabilities Act Title II.</i></p>

There are other internal and external activities that will lead up to these events. Below is a high-level summary of those activities:

Tasks	Schedule
Remaining interviews	Early September
<b>Event #1</b>	
Online Open House	11/17-12/13
Postcard	10/26
Survey mailed to targeted households	11/9
Virtual Work Session	11/21
Summary of comments	12/29
PAC Meeting – review outreach results/review recommendations	3-4 weeks after online open house closes

## 2. RUN OF SHOW + EVENT LOGISTICS

Staff responsibilities are shown in the following tables.

### Online Open House

**Date:** November 17-December 13

**Goal:** Introduce people to the project, review our assumptions (past comments, existing conditions) and start to understand the public's preference for solving for those issues (review designs based on geography and project goals). Allow people to answer as much or little as they want, but completing all questions should take 30 minutes or less (1-2 open ended questions).

PAGE	TEASER HEADER	QUESTIONS, COLLECTION TOOL, CONTENT
Landing	<i>Welcome to this project page</i>	<i>None; list of pages (or geographies shown with icons/images?)</i>
Welcome	<i>Learn about the project and tell us what you think</i>	<i>None; goals of the project and this event; video (previous one)</i>
What we heard	<i>We've heard many comments. Here is a summary of the information.</i>	<i>No new questions except, of these comments which is your top concern (or ranking) – no open-ended question.</i>  <i>List of comments collected; summary of stakeholder interviews; previous projects that feed into this process; Links to other projects in Newport (South Beach CON and Yaquina Bridge)</i>
Citywide	<i>Learn more about this area</i>	<i>graphics explaining the area</i>  <i>Frame questions around the main criteria/goals for the project, then ask specific questions related to this area.</i>
Agate Beach	<i>Learn more about this area</i>	<i>graphics explaining the area</i>
Commercial Core	<i>Learn more about this area</i>	<i>Frame questions around the main criteria/goals for the project, then ask specific questions related to this area.</i> <i>graphics explaining the area</i>
Nye Beach	<i>Learn more about this area</i>	<i>Frame questions around the main criteria/goals for the project, then ask specific questions related to this area.</i> <i>graphics explaining the area</i>
Newport Bridge	<i>Learn more about this area</i>	<i>Frame questions around the main criteria/goals for the project, then ask specific questions related to this area.</i> <i>What is the plan for the bridge over the next 20 years?</i>
Next steps	<i>Thanks so much for getting involved. We'll</i>	<i>Provide more information about ODOT's separate project (information from James Feldmann)</i> <i>Demographic questions; add to mailing list</i>



## Newport TSP Outreach/Event Plan #1

use your input to move to the next phase.

thank you and share options on social media, email, printed flyer, etc.

## Virtual Work Session

**Date:** Saturday, November 21, 2020

**Goal:** show existing conditions, confirm assumptions, start to review designs; collect more open-ended responses in this format than the online open house.

**Zoom link:**

TIME	STAFF/RESPONSIBILITY	DETAILS
9:30 am	JLA/Brandy	Key staff arrive and set up presentation / Zoom call logistics
10:00 am	JLA/Brandy	Work session starts
10:15 am	City/Derrick DKS/Carl SERA/Ben JLA/Brandy – facilitate	Presentation / Q&A
10:30 am	Each group facilitated by one staff member	Break into small groups
11:30 am		Return to large group and present summary
noon		Work session ends
12:30 pm	JLA/Brandy	Collect comments and key takeaways to help with the summary; save chat features and video;

## 3. ADVERTISING CONTENT

Begin thinking about the visual identity for this event/outreach activity, considering the visual identity of the project as a whole.

### Visual Identity

ITEM	DETAILS	NOTES
Style guide	Associated Press (AP)	JLA uses AP unless the client has a specific style guide
Colors	HEX RGB CMYK	
Icons/logos	City of Newport logo	Include ODOT?
Main take-away for the public	This is the most important time to give your input on the future growth of Newport. The comments we collect now will shape the livability of the city, how you walk, bike, take the bus, or drive around town.	

## Newport TSP Outreach/Event Plan #1

ITEM	DETAILS	NOTES
Call to action	Visit the online open house and submit comments Attend the virtual work session to ask the technical team questions	
Contact person	Derrick Tokos, AICP, City of Newport Community Development Director 541-574-0626 d.tokos@newportoregon.gov	
Translated text and non-discrimination language	For ADA Title II or Civil Rights Title VI accommodations, translation/interpretation services or for additional information call TTY (800) 735-2900 or use the statewide Oregon Relay Service: 7-1-1.	Is there a request for more information in another language? Standard text includes:  Aprenda más sobre este proyecto y tomar la encuesta en.

## Advertising Calendar

MEDIUM	SEND	WHO	CONTENT
<b>Email</b>	#1 = 10/25 #2 = 11/16 #3 = 12/14	City sends JLA creates content	Refine content to send in standard email template, which includes partner logos.
<b>Press Release</b>	11/16	City sends JLA creates content	Modify email #2 content
<b>Postcard</b>	Send = 10/19 Arrive = 10/26-10/30	City sends JLA creates content	<b>Front/Mailing information</b> Return address Key message Website Event information/dates/details  <b>Back</b> All of the details that people need to know in 3-5 sentences. Graphics? Images? Survey questions?
<b>Website</b>	10/25  11/17  12/14	JLA content/update JLA content/update JLA content/update	Add the above text/event details in the current website format Add link to online open house Remove the "invite" and open house/survey text and replace with:  Thank you to everyone who attended the online open house or virtual work session. We are working hard to summarize your thoughts, questions and concerns. The event and comment summary will be posted here when it is completed. If you have additional questions or concerns, please contact ....
<b>Social Media</b>	10/25	City sends	Create free events on Facebook and Nextdoor, one for each event using the information above:



## Newport TSP Outreach/Event Plan #1

	11/09	JLA creates content City sends JLA creates content	<p><b>Post on all social media channels:</b></p> <p>Tell us how you want the City of Newport to grow in the future. How do you want to travel around town to shop, spend time with family, or get to the doctor. Your comments will help narrow the designs for Highway 101, as well as local streets throughout the city.</p> <p><b>For Facebook/Instagram/Twitter, include these hashtags when possible:</b></p> <p>#Highway101 #NewportOR #OregonCoast</p>
	11/16	City sends JLA creates content	<p><b>Post on all social media channels:</b></p> <p>This is the week to provide input on how you want the City of Newport to grow in the future. How do you want to travel around town to shop, spend time with family, or get to the doctor. Your comments will help narrow the designs for Highway 101, as well as local streets throughout the city.</p> <p><b>For Facebook/Instagram/Twitter, include these hashtags when possible:</b></p> <p>#Highway101 #NewportOR #OregonCoast</p>
	11/23	City sends JLA creates content	<p><b>Post on all social media channels:</b></p> <p>Couldn't make the virtual work session on Saturday? Don't worry, there's still an opportunity to share your thoughts! Visit our online open house through October 20 to learn more and tell us what you think about the draft design options. Learn more at <a href="https://sites.jla.us.com/newport-tsp">https://sites.jla.us.com/newport-tsp</a>.</p> <p><b>For Facebook/Instagram/Twitter, include these hashtags when possible:</b></p> <p>#Highway101 #NewportOR #OregonCoast</p>
	12/16	City sends JLA creates content	<p><b>Post on all social media channels:</b></p> <p>Thank you to everyone who attended the online open house and virtual work session. We are working hard to summarize your thoughts, questions and concerns! Want to stay up-to-date on this project? Join our mailing list at <a href="https://sites.jla.us.com/newport-tsp">https://sites.jla.us.com/newport-tsp</a>.</p> <p><b>For Facebook/Instagram/Twitter, include these hashtags when possible:</b></p> <p>#Highway101 #NewportOR #OregonCoast</p>

## 4. EVALUATE AND SUMMARIZE

### POST EVENT SUMMARY\*

The questions below will be asked at or after the event by the project team to evaluate the success of the activity.

- Were our messages about the project effective? If not, why?
- Were translation/interpretation services helpful? Were translated materials easy to understand and accurately translated?
- How did each of the project's communications tools work? How can we expand the use of those that are working well and refine those not working as well as they could be?
- Did we reach our target audiences? If not, what other tools would have been more effective? = number of minority or low-income respondents on the online open house vs virtual work session
- How many people attended the virtual work session? Online Open House? = head count; submitted comments
- How many people participated through the online open house? = response numbers, website hits

Project review by  
JLA\*

Name of reviewer\*  
Date\*

*What went well with the project, specifically the public involvement? What could be improved for future projects? What did you hear from other staff or public about this project?*

Project review by  
Client\*

Name of reviewer\*  
Date\*

*What went well with the project, specifically the public involvement? What could be improved for future projects? What did you hear from other staff or public about this project?*

# Tentative Planning Commission Work Program

*(Scheduling and timing of agenda items is subject to change)*



**July 13, 2020**

**Work Session**

- Review and Comment on TGM Grant Application for Newport City Center Revitalization Project
- HB 2001 Infrastructure Based Time-Extension Final Rules (DLCD Hearing set for 7/23/20)

**July 13, 2020**

**Regular Session**

- File 2-NCU-20, Final Order and Findings for Conversion of STR from 2-bedroom to 3-bedroom occupancy at 736 NW 3<sup>rd</sup> Street
- File 5-NCU-20, Convert existing STR from 2-bedroom to 4-bedroom occupancy at 406 NW High Street

**July 27, 2020**

**Work Session**

- File 1-Z-20 amendments related to car camping (bill to be taken up during 6/24/20 short session)
- Review scope of work for South Beach US 101 Corridor Refinement Plan
- Director's Comments: discuss video-conference meetings/hearings and needed adjustments

**July 27, 2020**

**Regular Session**

- File 5-NCU-20, Final Order and Findings for Conversion of an existing STR from 2-bedroom to 4-bedroom occupancy at 406 NW High Street

**August 10, 2020**

**Work Session**

- Final Review of File 1-Z-20 amendments related to City' camping regulations
- Introduce LOC's June 2020 Small Cell Model Ordinance and Design Guidelines and latest FCC Bulletin

**August 10, 2020**

**Regular Session**

- File 1-PD-20 OSU Student Housing Final Development Plan Amendment

**August 24, 2020**

**Regular Session**

- File 1-Z-20 public hearing on amendments related to car camping
- File 1-PD-20 Final Order and Findings for OSU Student Housing Final Development Plan

**September 14, 2020**

**Work Session**

- Review draft OARs implementing HB 2001 Middle Housing Options (triplexes, fourplexes, cottage clusters)
- Review draft OARs implementing HB 2003 Housing Production Strategies
- Update on Schedule and Fall Outreach for TSP Amendments

**September 14, 2020**

**Regular Session**

- 1-VAR-20, Application by Newport Townhomes, LLC, seeking variance to requirement that new lots include 1,000 sq. ft. outside of an active landslide area at 815 SW 13<sup>th</sup> Street

**September 28, 2020**

**Work Session**

- Review initial draft of Wireless Ordinance amendments

**September 28, 2020**

**Regular Session**

- TBD