



CITY OF OREGON CITY PLANNING COMMISSION AGENDA

Commission Chambers, Libke Public Safety Building, 1234 Linn Ave, Oregon City
Monday, January 09, 2023 at 7:00 PM

This meeting will be held in person and online via Zoom; please contact ocplanning@orcify.org for the meeting link.

CALL TO ORDER

OATH OF OFFICE

Mayor Denyse McGriff will administer the Oath of Office to Karla Laws and Paul Espe as new Planning Commissioners.

ELECTION OF OFFICERS

Article IV. Officers and Staffing

A. Officers. The officers consist of a chairperson and a vice-chairperson who shall be selected by the membership and who shall serve at the pleasure of the membership for one year. Nominations and election of new officers shall be taken from the floor at the Planning Commission's first meeting of the year. Officers may be re-elected. In the event that an officer is unable to complete the specified term, a special election shall be held for the completion of the term.

PUBLIC COMMENT

Citizens are allowed up to 3 minutes to present information relevant to the Planning Commission but not listed as an item on the agenda. Prior to speaking, citizens shall complete a comment form and deliver it to the Chair/City Staff. The Commission does not generally engage in dialog with those making comments but may refer the issue to the City Staff. Complaints shall first be addressed at the department level prior to addressing the Commission.

PUBLIC HEARING

1. Package #2 of Legislative File: GLUA 22-0002/LEG-22-0001- HB 2001 Housing Choice Code Update- Technical Revisions.
2. Policy Discussion for Package #2 Legislative File: GLUA 22-0002/LEG-22-0001- HB 2001 Housing Choice Code Update

COMMUNICATIONS

ADJOURNMENT

PUBLIC COMMENT GUIDELINES

Complete a Comment Card prior to the meeting and submit it to the City Recorder. When the Mayor/Chair calls your name, proceed to the speaker table, and state your name and city of residence into the microphone. Each speaker is given three (3) minutes to speak. To assist in tracking your speaking time, refer to the timer on the table.

As a general practice, the City Commission does not engage in discussion with those making comments.

Electronic presentations are permitted but shall be delivered to the City Recorder 48 hours in advance of the meeting.

ADA NOTICE

The location is ADA accessible. Hearing devices may be requested from the City Recorder prior to the meeting. Individuals requiring other assistance must make their request known 48 hours preceding the meeting by contacting the City Recorder's Office at 503-657-0891.

Agenda Posted at City Hall, Pioneer Community Center, Library, City Website.

Video Streaming & Broadcasts: The meeting is streamed live on the Oregon City's website at www.orcity.org and available on demand following the meeting. The meeting can be viewed on Willamette Falls Television channel 28 for Oregon City area residents as a rebroadcast. Please contact WFMC at 503-650-0275 for a programming schedule.



CITY OF OREGON CITY

Staff Report

625 Center Street
Oregon City, OR 97045
503-657-0891

Item #1.

To: Planning Commission **Agenda Date:** 1.9.23
From: Christina Robertson-Gardiner, Senior Planner

SUBJECT:

Package #2 of Legislative File: GLUA 22-0002/LEG-22-0001- HB 2001 Housing Choice Code Update- Technical Revisions.

STAFF RECOMMENDATION:

Staff recommends that the proposed technical revisions be forwarded to the City Commission for review at the next available City Commission Meeting.

EXECUTIVE SUMMARY:

On June 1, 2022, the City Commission voted 4-0 to approve the second reading of ORDINANCE NO. 22-1001 and remand LEG 22-001 to the October 24, 2022 Planning Commission Meeting to review a second package of outstanding policy questions.

Some of the topics can be implemented through code modifications recommended to the City Commission, while others are more complex and will need further direction from the City Commission, such as tiny homes and RVs, or were topics not ultimately recommended for implementation by the City Commission, such as lot averaging. These more complex topics will be forwarded in the form of a policy recommendations for a future workplan to the City Commission or a request for policy clarification.

Accelerated Schedule For Technical Revisions

Deliverable: Recommended redline code to the City Commission

Staff recommends that the following topics and revisions be forwarded to the City Commission for review at the next available City Commission Meeting. These revisions provide clarity to existing policies or are needed to process currently submitted building permit applications. At the December 12, 2022 Hearing, the Planning Commission supported the revisions and provided direction to Staff, with a formal vote at the January 9, 2023 Hearing, which provides the required 35 days' notice to the Department of Land Conservation and Development. At the January 9, 2023 Hearing, the Planning Commission can move to forward this small package to the City Commission and continue the hearing to review the remainder of the topics if desired.

Middle Housing Driveway Specifications

Coordinate with Public Works- Development Services to revise driveway widths to better align with code sections and meet policy goals. Please refer to the staff memo and Exhibit 3- December 5, 2022 Memo by Josh Wheeler, Assistant City Engineer.

Parking Standards for Triplexes and Quadplexes

Technical clarifications to reflect that standards apply per development, not per unit. Consider relocating the standards to the triplex and quadplex design section. At this time, Staff does not recommend any revisions to the parking sections for Triplexes and Quadplexes and will review for any needed technical corrections as part of future needed compliance with [Climate-Friendly and Equitable Communities](#)

Townhome Restriction in Middle Housing Land Division

Reduce the number of townhome units allowed through the Middle Housing Land Division process (four). Require review through the Subdivision or Expedite Land Division process for townhome proposals with more than four units.

Dimensional Standards Revisions For Mixed-Use Downtown And Mixed-Use Corridor Districts

Allowing an exemption of the maximum front yard setbacks and minimum density standards for standalone residential development of four units or less in the Mixed Use Corridor and Mixed Use Downtown Zoning Districts and creating a Type II Modification process for projects that need an adjustment to the middle housing design standards.

BACKGROUND:

[House Bill 2001](#), passed by the State Legislature in 2019, calls for cities to allow a range of middle housing types, including duplexes, triplexes, quadplexes, townhouses, and cottage clusters in single-family neighborhoods. The Planning Commission and City Commission held hearings in the Spring of 2022 to advance code revisions that met the requirements of HB 2001. These code revisions were required to be adopted by June 30, 2022, and effective by July 1, 2022. A second package of amendments was continued to the Fall of 2022 for code sections and policy questions that were not required for inclusion in the June 30, 2022 deadline but are still linked to the larger middle housing implementation discussion.

OPTIONS:

- 1) Recommend approval and forward the proposed technical revisions to the City Commission for review at the next available City Commission Meeting and continue GLUA 22-0002/LEG 22-00001 to the January 23, 2023 Planning Commission Hearing.
- 2) Request additional information from staff and continue GLUA 22-0002/LEG 22-00001 to the January 23, 2023 Planning Commission Hearing.

To: Planning Commission
From: Christina Robertson-Gardiner, Senior Planner
RE: Package #2 of Legislative File: GLUA 22-0002/LEG-22-0001- HB 2001 Housing
Choice Code Update – Technical Revisions
Date: December 22, 2022

On June 1, 2022, the City Commission voted 4-0 to approve the second reading of ORDINANCE NO. 22-1001 for the HB 2001 Housing Choices Update and remand the LEG 22-001 to the October 24, 2022 Planning Commission Meeting to review the second package of outstanding policy questions.

Copies of the adopted code and application packets can be found by visiting the [Housing Choices Code Update project page](#). The [online municipal code](#) will be updated to include these changes in early 2023.

Hearings Process

The Package #2 code revision process will generally follow the same method the Planning Commission utilized when adopting code revisions to the Thimble Creek Concept Plan area in 2019-2022. Policy topics will be assigned specific hearing dates in advance to allow Planning Commissioners, Staff, and the public the ability to concentrate their efforts on a few issues at a time. Each topic will start with a presentation of background information from Staff, a review of oral and written public comments on the topic, and a discussion of whether the policy question should be addressed through code revisions. If the Planning Commission can provide direction on the policy question, Staff will return at a future meeting with a recommended redline code change that implements the policy direction or provide additional information on Planning Commission questions. A policy tracker will be updated to reflect the Planning Commission's direction. Toward the end of the hearings process- the Planning Commission will be able to review the entire proposal to ensure that there is consensus on the package being forwarded to the City Commission. The tentative schedule is for the Planning Commission to review topics from November 2022- January 2023

Accelerated Schedule For Technical Revisions

Deliverable: Recommended redline code to the City Commission

Staff recommends that the following topics and revisions be forwarded to the City Commission for review at the next available City Commission Meeting. These revisions provide clarity to existing policies or are needed to process currently submitted building permit applications. At the December 12, 2022 Hearing, the Planning Commission supported the revisions and provided direction to Staff, with a formal vote at the June 9, 2023 Hearing, which provides the required 35 days' notice to the Department of Land Conservation and Development. At the January 9, 2023 Hearing, the Planning Commission can move to forward this small package to the City Commission and continue the hearing to review the remainder of the topics if desired.

Middle Housing Driveway Specifications

OCMC 16.12.034 MINIMUM PUBLIC IMPROVEMENTS AND DESIGN STANDARDS FOR DEVELOPMENT, DRIVEWAYS
OCMC 17.16 MIDDLE HOUSING DESIGN STANDARDS

Minimum Public Improvements And Design Standards For Development, Driveways

- Coordinate with Public Works- Development Services to revise driveway widths to better align across code sections and meet policy goals. Please refer to Exhibit 3- December 5, 2022 Memo by Josh Wheeler, Assistant City Engineer.

Middle Housing Design Standards

- Revise Figure 17.16.040.A.1 to show paired parking spaces and remove all dimensions from the figure. *The revised figure will be included in January 9, 2023 package.*
- Removed dimensional standards from OCMC 17.16.040 Parking standards. *This removes an unneeded cross reference.*

Parking Standards for Triplexes and Quadplexes

Technical clarifications to reflect that standards apply per development, not per unit. Consider relocating the standards to the triplex and quadplex design section. At this time, Staff does not recommend any revisions to the parking sections for Triplexes and Quadplexes and will review for any needed technical corrections as part of any future needed compliance with [Climate-Friendly and Equitable Communities](#).

Townhome Restriction in Middle Housing Land Division

OCMC 16.24 EXPEDITED AND MIDDLE HOUSING LAND DIVISIONS

Reduce the number of townhome units allowed through the Middle Housing Land Division process (four). Require review through the Subdivision or Expedite Land Division process for townhome proposals with more than four units.

The City has received additional direction from the Department of Land Conservation and Development (DLCD) that sizing caps can be added to the Middle Housing Land Division process, which is intended to support smaller infill middle housing development.

Townhomes developments have traditionally been reviewed through the City's subdivision process, which can require a higher level of street connectivity and infrastructure review. HB 2001 required cities to allow townhomes in all single-family residential zoning districts and include them in uses that can take advantage of Middle Housing Land Division process. However, with no upper cap, larger townhome development could potentially apply for a review under the Middle Housing Land Division process, which complicates the City's ability to require needed infrastructure improvements, including connecting to the neighboring street network. *OCMC16.24.050 Criteria Of Approval – Middle Housing Land Division* does look at needed street improvements- but the analysis does not scale appropriately for larger developments.

With this new guidance from DLCD, Staff recommends revisions to the Middle Housing Land Division that caps the number of townhome units allowed through the Middle Housing Land Division process to four. Larger projects (5 or greater units) will be reviewed through the subdivision or partition process. This change clarifies the existing city approach to middle housing, which caps Type I Review of infill development to 4 dwelling units unless part of a cluster housing proposal (up to 14 units).

Dimensional Standards Revisions For Mixed-Use Downtown And Mixed-Use Corridor Districts

OCMC 17.34 MUD MIXED-USE DOWNTOWN DISTRICT

OCMC 17.29 MUC MIXED-USE CORRIDOR DISTRICT

OCMC 17.12 SINGLE-FAMILY DETACHED AND DUPLEX RESIDENTIAL DESIGN STANDARDS

OCMC 17.16 MIDDLE HOUSING DESIGN STANDARDS

Allowing an exemption of the maximum front yard setbacks and minimum density standards for standalone residential development of four units or less in the Mixed Use Corridor and Mixed Use Downtown Zoning Districts and creating a Type II Modification process for projects that need an adjustment to the middle housing design standards.

The Mixed Use Downtown and the Mixed Use Corridor utilize maximum front yard setbacks of 5 feet. Commercial and multifamily (5+ units) development are allowed greater setbacks through a combination of landscaping and other amenities to ensure a strong pedestrian orientation to the street through a Type II noticed Site Plan and Design Review process. (OCMC 17.62.055D). While HB 2001 does not regulate middle housing in commercial zones, the City wanted to create one streamlined process for all middle housing, regardless of the zoning district, and moved what was previously a Type II review process to a Type I review as part of the June 2022 redline package. Unfortunately, this action has created a setback requirement (5 feet) with no path for applicants to request a setback reduction, barring a Planning Commission Variance. A code section exemption with additional direction on the modification process seems to be the best approach for this issue. Additionally, meeting the minimum density requirement of 17 units per acre could prove to be problematic for smaller lots or with existing development patterns onsite in the Mixed Use Corridor zone. At this time, Staff does not recommend the exemption of minimum density within the Mixed Use Downtown, which is part of Oregon City's Regional Center.

As a way to further differentiate middle housing proposals from multifamily or mixed-use proposals, Staff recommends the following redline code be added:

Mixed Use Corridor

- Standalone residential development of fewer than five units are exempt from maximum setbacks and minimum density requirements of the underlying zone.

Mixed Use Downtown

- Standalone residential development of fewer than five units are exempt from maximum setbacks of the underlying zone.

Single-Family Detached And Duplex Residential Design Standards

- Introduce review criteria for a Type II modification review.

Middle Housing Design Standards

- Introduce the existing Type II Modification Process found in the Single-Family Detached And Duplex Residential Design Standards, with new review criteria.
- Clarify that parking and parking isles are not allowed in front of dwelling units in commercial zones through a Type I process.
- Remove the 20,000 square foot lot allowance for parking in the front of the building in commercial zones and send those needing larger front yard parking areas to a Type II modification process. *The 20,000 square foot appears to be an arbitrary size created in the 2019 equitable housing process, which reviewed middle sizing in commercial zones through a Type II Site Plan process. Many lots along Molalla Avenue are smaller than 20,000 feet. This revised approach allows an option for a simple Type I building permit review along with an avenue for a Type II modification.*

Exhibits

1. December 5, 2022 Memo by Josh Wheeler, Assistant City Engineer
2. Minimum Public Improvements and Design Standards For Development, Driveways. **Proposed Redlines**
3. Middle Housing Design Standards **Proposed Redlines**
4. Single-Family Detached And Duplex Residential Design Standards **Proposed Redlines**
5. Mixed-Use Downtown District **Proposed Redlines**
6. Mixed-Use Corridor District **Proposed Redlines**
7. Expedited And Middle Housing Land Divisions **Proposed Redlines**
8. HB 2001 Package #2 Hearing Topic Timeline – Updated (*see agenda item 6b*)
9. Public Comment Matrix- Updated (*see agenda item 6b*)
10. October 15, 2022 Planning Commission Memo (Process Overview) (*see agenda item 6b*)
11. July 19, 2022, memo from Elizabeth Decker, JET Planning (*see agenda item 6b*)
12. [Oregon City Zoning Map](#)
13. [Housing Choices Code Update project page](#)



MEMORANDUM

December 5, 2022

To : Christina Robertson-Gardiner, Senior Planner

From : Josh Wheeler, PE, Assistant City Engineer

RE : Middle Housing Driveway Code 16.12.035

Oregon City Public Works has made recommended revisions to OCMC 16.12.035 due to the additions of middle housing to City Code.

Some revisions are clerical or clarifying in nature. Other revisions are directly related to the implementation of middle housing. Lastly, a couple of revisions are to enhance code based on experiences and questions we have encountered during permitting. The goal of most of these revisions is to provide flexibility but also limit the amount of driveways which ensures a safer travel environment. Note that driveways are defined as access from a public right-of-way to a private property. The portion of the access beyond the right-of-way on private property is not regulated. A summary of the most significant revisions is shown below :

- Requiring shared driveways when driveways cannot meet driveway spacing requirements
- Requiring a limit of maximum two driveways per frontage for all residential uses
- Limiting the number of driveways to properties with only one frontage to one driveway or two driveways, if the proposal meets the middle housing standards.
- Providing flexibility for the size of shared driveways
- Providing direction for cluster housing
- Providing an equitable, consistent regulation for middle housing that acts as or can easily be compared to a small subdivision or partition with individual lots
- Ensuring driveways on collectors or arterials do not allow for backing out onto these roadways. All movements must be forward-facing when leaving the property

- D. For the intersection of OR 213 and Beavercreek Road, the following mobility standards apply:
1. During the first, second and third hours, a maximum v/c ratio of 1.00 shall be maintained. Calculation of the maximum v/c ratio will be based on an average annual weekday peak hour.
- E. Until the city adopts new performance measures that identify alternative mobility targets, the city shall exempt proposed development that is permitted, either conditionally, outright, or through detailed development master plan approval, from compliance with the above-referenced mobility standards for the following state-owned facilities:
- I- 5/OR 99E Interchange.

State intersections located within or on the regional center boundaries.

1. In the case of conceptual development approval for a master plan that impacts the above references intersections:
 - a. The form of mitigation will be determined at the time of the detailed development plan review for subsequent phases utilizing the code in place at the time the detailed development plan is submitted; and
 - b. Only those trips approved by a detailed development plan review are vested.
2. Development which does not comply with the mobility standards for the intersections identified in OCMC 16.12.033 shall provide for the improvements identified in the transportation system plan (TSP) in an effort to improve intersection mobility as necessary to offset the impact caused by development. Where required by other provisions of the code, the applicant shall provide a traffic impact study that includes an assessment of the development's impact on the intersections identified in this exemption and shall construct the intersection improvements listed in the TSP or required by the code.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

16.12.035 Driveways.

- A. All new development, redevelopment, and capital improvement projects shall meet the minimum driveway spacing standards identified in Table 16.12.035.A. Minor site plan and design review do not follow these standards unless a request is made to modify the driveway.

Table 16.12.035.A
Minimum Driveway Spacing Standards

Street Functional Classification	Minimum Driveway Spacing Standards	Distance
Major Arterial Streets	Minimum distance from a street corner to a driveway and between driveways for all uses other than detached <u>single</u> -family dwellings, duplexes, triplexes, quadplexes and townhouses	175 feet
Minor Arterial Streets	Minimum distance from a street corner to a driveway and between driveways for all uses other than detached single-family dwellings, duplexes, triplexes, quadplexes and townhouses	175 feet
Collector Streets	Minimum distance from a street corner to a driveway and between driveways for all uses other than detached single family dwellings, duplexes, triplexes, quadplexes and townhouses	100 feet

Local Streets	Minimum distance from a street corner to a driveway and between driveways <u>for all uses other than detached single family dwellings, duplexes, triplexes, quadplexes and townhouses.</u>	25 feet
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1. When driveways are shared (combined), the minimum driveway spacing shall be 20 feet.

2. All driveways, except for shared driveways, shall be placed a minimum of 5 feet from the property line.

1-3. The distance from a street corner to a driveway is measured along the right-of-way from the edge of the intersection (on the same side of the road) right-of-way to the nearest portion of the driveway and the distance between driveways is measured at the nearest portions of the driveway at the right-of-way.

B. All detached single--family dwellings, duplexes, triplexes, quadplexes and townhouses shall have driveways which meet the minimum distance from a street corner standards except when the lot size is smaller than the minimum distance required. When minimum distance cannot be met due to lot size or due to the location of an overlay district, the driveway shall be located as far away from the intersection as possible, but no more than 5 feet to the neighboring property line, as approved by the city engineer.

C. Nonresidential or multi-family residential use driveways that generate high traffic volumes as determined by a traffic analysis shall be treated as intersections and shall adhere to requirements of OCMC 16.12.020.

D. For any detached single- family dwellings, duplexes, triplexes, quadplexes and townhouses or property developed with an ADU with multiple frontages, oOnly one driveway is allowed per street frontage classified as a local street and in no case shall more than two driveways (one per frontage) be allowed ~~for any single family detached residential or middle housing property, or property developed with an ADU with multiple frontages~~, unless otherwise approved by the city engineer.

1. Two driveways shall never be granted for any property with only one frontage on a local road for any single family detached residential property or property that contains and ADU unless required by Clackamas Fire District No. 1.

E. Cluster housing properties may be granted more than one driveway per property and per frontage meeting the spacing standards. Driveways should be combined whenever possible to limit the amount of driveways per property.

1. Middle housing properties with only one building may be allowed one driveway for every two units, provided that spacing standards and/or driveway width requirements are met.

2. Middle housing properties with more than one structure shall meet the cluster housing standards.

F. Townhouses shall have one driveway approach for every two dwelling units(round up for townhouse structures with an odd number of dwellings).

G. Driveways on collectors or arterials shall be provided in such a way that no backing of a vehicle will occur from the driveway to the collector or arterial.

D-H. When a property fronts multiple roads, access shall be provided from and limited to the road with the lowest classification in the transportation system plan to minimize points of access to arterials and collectors. Access shall not be provided on arterial or collector roads unless there is no other alternative. At the discretion of the city engineer, properties fronting a collector or arterial road may be allowed a second driveway, for the creation of a circulation pattern that eliminates reverse maneuvers for vehicles exiting a property if applied for and granted through procedures in OCMC 16.12.013. All lots proposed with a driveway and lot orientation on a collector or minor arterial shall combine driveways into one joint access per two or more lots unless the city engineer determines that:

1. No driveway access may be allowed since the driveway(s) would cause a significant traffic safety hazard; or

2. Allowing a single driveway access per lot will not cause a significant traffic safety hazard.

E.I. All driveway approaches shall be limited to the dimensions identified in Table 16.12.035.D.

Table 16.12.035.D
Driveway Approach Size
Standards

Property Use	Minimum Driveway Approach Width		Maximum Driveway Approach Width
Single-Family Detached and Duplexes	10 feet		24 feet
Townhouses	10 feet		24 feet
Triplexes, Quadplexes and Cottage Clusters	10 feet		36 feet
Multi-Family	18 feet		30 feet
Commercial, Industrial, Office, Institutional, Mixed Use, and/or Nonresidential	One-Way 12 feet	Two-Way 20 feet	40 feet

1. Shared driveways for middle housing structures shall be minimum 18 feet and maximum 36 feet except when section J.4.a applies.

2. Driveway widths shall match the width of the driveway approach where the driveway meets sidewalk or property line but may be widened onsite (for example between the property line and the entrance to a garage). Groups of more than four parking spaces shall be so located and served by driveways so that their use will not require backing movements or other maneuvering within a street right-of-way other than an alley.

J. The city engineer reserves the right to require a reduction in the number and size of driveway approaches as far as practicable for any of the following purposes:

1. To provide adequate space for on-street parking;
2. To facilitate street tree planting requirements;
3. To assure pedestrian and vehicular safety by limiting vehicular access points; and
4. To assure that adequate sight distance requirements are met.
 - a. Where the decision maker determines any of these situations exist or may occur due to the approval of a proposed development for non-residential uses or attached or multi-family housing, a shared driveway shall be required and limited to twenty-four feet in width adjacent to the sidewalk or property line.

K. For all driveways, the following standards apply:

2. Each new or redeveloped curb cut shall have an approved concrete approach or asphalted street connection where there is no concrete curb and a minimum hard surface for at least ten feet back into the property as measured from the current edge of sidewalk or street pavement to provide for controlling gravel tracking onto the public street. The hard surface may be concrete, asphalt, or other surface approved by the city engineer.
3. Any driveway approach built within public right-of-way shall be built and permitted per city requirements as approved by the city engineer.
4. No driveway with a slope of greater than fifteen percent shall be permitted without approval of the city engineer.

L. Exceptions. The city engineer reserves the right to waive these standards or not allow driveway access, if the driveway(s) would cause a significant traffic safety hazard. Narrower or wider driveway widths may be considered where field conditions preclude use of recommended widths. When larger vehicles and trucks will be the predominant users of a particular driveway, turning templates may be utilized to develop a driveway width that can safely and expeditiously accommodate the prevalent type of ingress and egress traffic.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019; Ord. No. 21-1007, § 1(Exh. A), 4-21-2021)

16.12.065 Building site—Grading.

Grading of building sites shall conform to the state of Oregon Structural Specialty Code, Title 18, any approved grading plan and any approved residential lot grading plan in accordance with the requirements of OCMC 13.12, 15.48, 16.12 and the public works stormwater and grading design standards, and the erosion control requirements of OCMC 17.47.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

16.12.85 Easements.

The following shall govern the location, improvement and layout of easements:

- A. Utilities. Utility easements shall be required where necessary as determined by the city engineer. Insofar as practicable, easements shall be continuous and aligned from block-to-block within the development and with adjoining subdivisions or partitions.
 - 1. Specific public utility easements for water, sanitary or storm drainage shall be provided based on approved final engineering plans conforming to the requirements found within the applicable design standards.

Chapter 17.16 MIDDLE HOUSING DESIGN STANDARDS

17.16.010 Purpose.

The intention of these standards is to promote quality middle housing developments that include - physical and visual connection between units and the street, enhance the streetscape with attractive and varied front facades, minimize the prominence of garages and off-street parking areas, and promote compatibility with the surrounding neighborhood.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

17.16.020 Applicability.

The standards of this chapter apply to townhouses, triplexes, quadplexes, and cottage clusters in any zone. The applications are processed as a Type I minor site plan and design review per OCMC 17.62.035 concurrently with a building permit application.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

17.16.025 Review process.

Applications are processed as a Type I minor site plan and design review per OCMC 17.62.035 concurrently with a building permit application. Modifications to these standards are processed as a Type II application or may be requested as part of a concurrent Type II, III or IV land use application.

A. The review body may approve requested modifications if it finds that the applicant has shown that the following approval criteria are met:

1. The modification will result in a development that better meets the applicable design guidelines; and
2. The modification meets the intent of the standard. On balance, the proposal will be consistent with the purpose of the standard for which a modification is requested.

17.16.030 Townhouse design standards.

- A. Townhouses shall meet the dimensional and density standards of the underlying zoning district.
- B. Each townhouse shall comply with the residential design options in OCMC 17.14.030. For purposes of applying the standards in OCMC 17.14.030, the garage width shall be measured based on the foremost four feet of the interior garage walls.
- C. No more than six consecutive townhouses that share a common wall are allowed.
- D. The main entrance of each townhouse must:
 1. Be within eight feet of the longest street-facing wall of the dwelling unit, if the lot has public street frontage; and
 2. Either:
 - a. Face the street (see Figure 17.16.030.D.1);
 - b. Be at an angle of up to forty five degrees from the street (see Figure 17.16.030.D.2);
 - c. Face a common open space or private access or driveway that is abutted by dwellings on at least two sides (see Figure 17.16.030.D.3); or

- d. Open onto a porch that is at least twenty five square feet in area, and that has at least one entrance facing the street or have a roof (see Figure 17.16.030.D.4).

Figure 17.16.030.D.1

Main Entrance Facing the Street

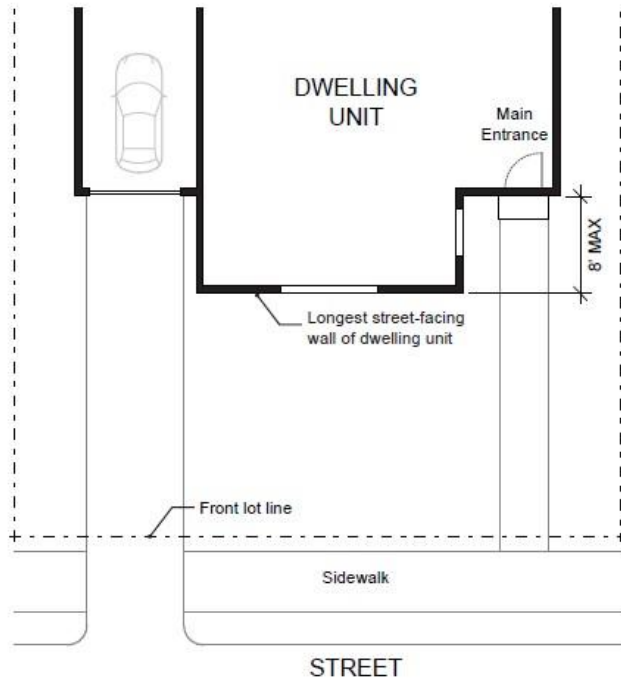


Figure 17.16.030.D.2

Main Entrance at Forty Five Degree Angle from the Street

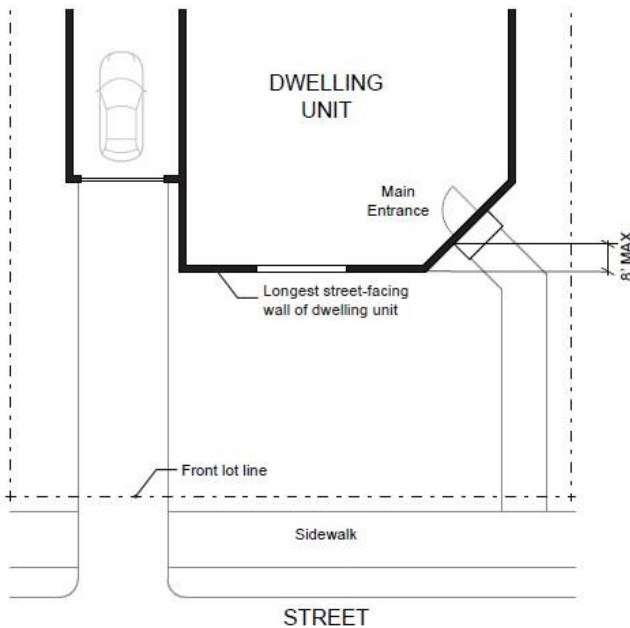


Figure 17.16.030.D.3
Main Entrance Facing Common Open Space

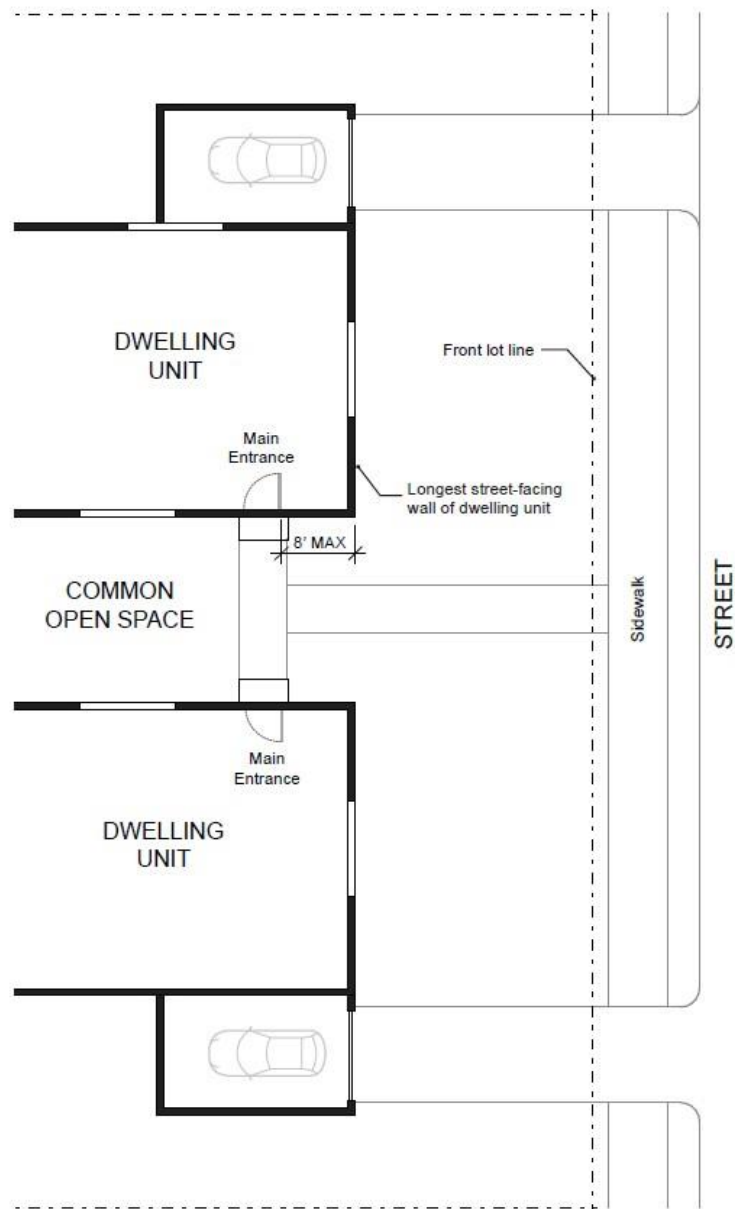
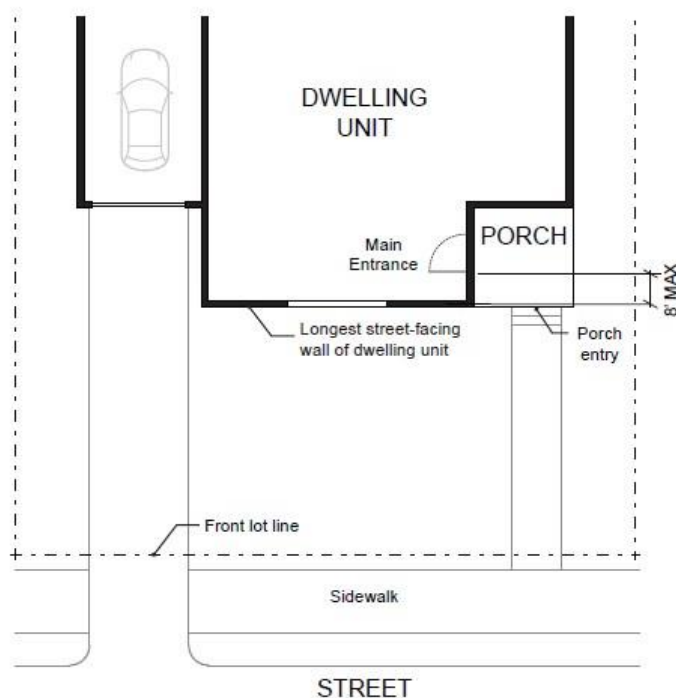


Figure 17.16.030.D.4
Main Entrance Opening onto a Porch



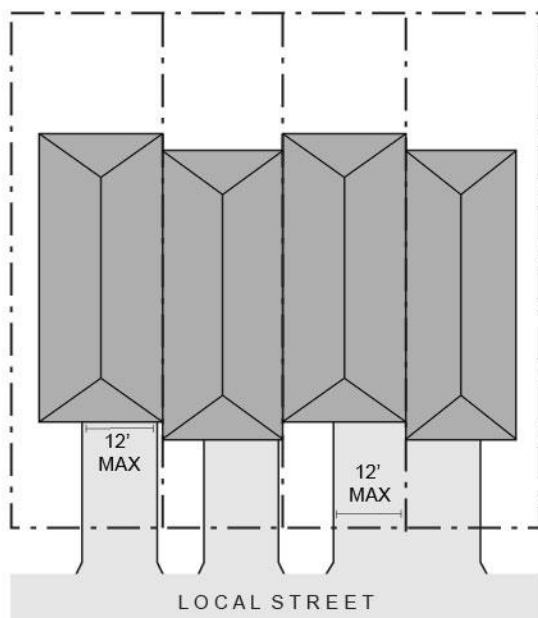
- E. Driveway access and parking shall comply with OCMC 17.16.040.
- F. Townhouses shall comply with the residential lot tree requirements in OCMC 17.14.080 and the street tree requirements in OCMC 17.14.090.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

17.16.040 Townhouse driveway access and parking.

- A. Where townhouses have frontage on a public street, garages on the front façade of a townhouse, off-street parking areas in the front yard, and driveway accesses in front of a townhouse are permitted in compliance with the following standards (see Figure 17.16.030.E.1):
 1. All driveways shall comply with OCMC 16.12.035.
 2. Outdoor on-site parking and maneuvering areas shall not exceed twelve feet wide on any lot; and
 - a. For two abutting lots in the same townhouse project, driveways are encouraged to be paired and abut along the lot line to create one shared driveway approach, ~~which may be between 20 to 24 feet in width,~~ meeting all other standards of OCMC 16.12.035.
 3. The garage width shall not exceed twelve feet.
 4. Each townhouse lot shall have a street frontage on a local street.

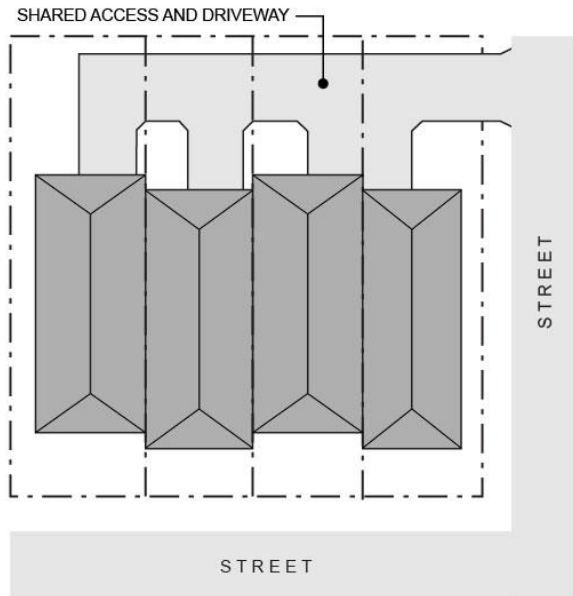
Figure 17.16.040.A.1
Townhouses with Parking in the Front Yard



Revised figure will show two
 paired driveways. Driveway
 measurements will be removed.

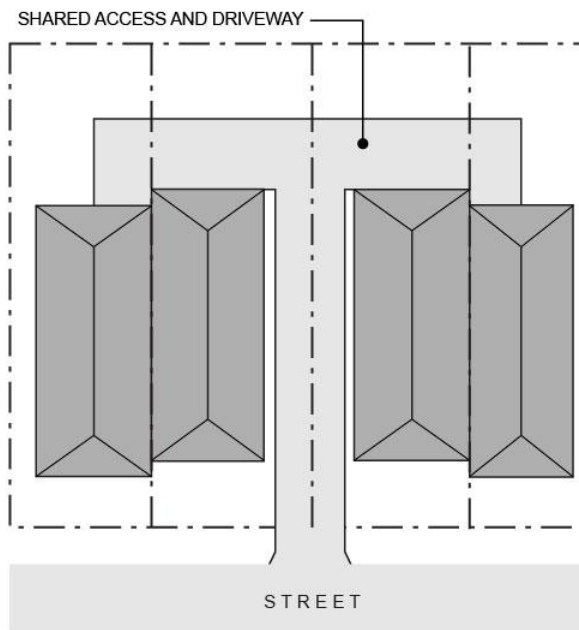
- B. Garages not on the front façade and townhouses which do not include off-street parking in the front yard are permitted in compliance with the following standards. The following driveway access and parking standards may also be voluntarily utilized for townhouses that could otherwise meet the standards in OCMC 17.16.040.A:
1. 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.
 2. Development that includes a corner lot shall take access from a single driveway on the side of the corner lot. The city engineer may alter this requirement based on street classifications, access spacing, or other provisions. See Figure 17.16.040.B.2.

Figure 17.16.040.B.2
Development with Corner Lot Access



3. Development that does not include a corner lot shall consolidate access for all lots into a single driveway. The access and driveway are not allowed in the area directly between the front façade and front lot line of any of the single-family attached dwellings. See Figure 17.16.040.B.3.

Figure 17.16.040.B.3
Development with Consolidated Access



- 4. A development that includes consolidated access or shared driveways shall record access easements to allow normal vehicular access and emergency access.
 - C. Developments served by an alley providing access to the rear yard are exempt from compliance with OCMC 17.16.040.A and 17.16.040.B.
 - D. Driveways shall comply with the standards of OCMC 16.12.035.
- (Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

17.16.060 Triplex and quadplex development requirements.

- A. Triplexes and quadplexes shall meet the dimensional and density standards of the underlying zoning district.
- B. Each triplex or quadplex shall comply with the residential design options in OCMC 17.14.030. For purposes of applying the standards in OCMC 17.14.030, the width of any garage(s) shall be measured based on the foremost four feet of the interior walls of the garage(s).
- C. At least one main entrance for each triplex or quadplex structure must:
 - 1. Be within eight feet of the longest street-facing wall of the dwelling unit, if the lot has public street frontage; and
 - 2. Either:
 - a. Face the street (see Figure 17.16.030.D.1);
 - b. Be at an angle of up to forty-five degrees from the street (see Figure 17.16.030.D.2);
 - c. Face a common open space or private access or driveway that is abutted by dwellings on at least two sides (see Figure 17.16.030.D.3); or
 - d. Open onto a porch that is at least twenty five square feet in area, and that has at least one entrance facing the street or have a roof (see Figure 17.16.030.D.4).
- D. In residential zones, garages on the front façade and off-street parking areas in the front yard, are permitted in compliance with the following standards:
 - 1. Outdoor on-site parking and maneuvering areas shall not exceed a total of forty feet wide or fifty percent of the lot frontage, whichever is less; and
 - 2. The combined width of all garages shall not exceed forty feet or fifty percent of the lot frontage, whichever is less.
- E. In mixed-use and commercial zones, parking aisles or areas shall be located behind the building façade that is closest to the street, below buildings, or on one or both sides of buildings, except where the following conditions exist:
 - 1. The site does not abut a collector or arterial street (i.e. the site abuts a local street);
 - 2. The site is not a corner lot; and
 - 3. ~~The site is less than twenty thousand square feet in size; or~~
 - 4. There is an existing topographic constraint that precludes locating the parking area in conformance with this standard.
- F. Triplexes and quadplexes shall comply with the residential lot tree requirements in OCMC 17.14.080 and the street tree requirements in OCMC 17.14.090.

- G. The creation of a triplex or quadplex through conversion of an existing single-family detached residential unit is exempt from the standards of this section.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

17.16.065 Detached triplexes

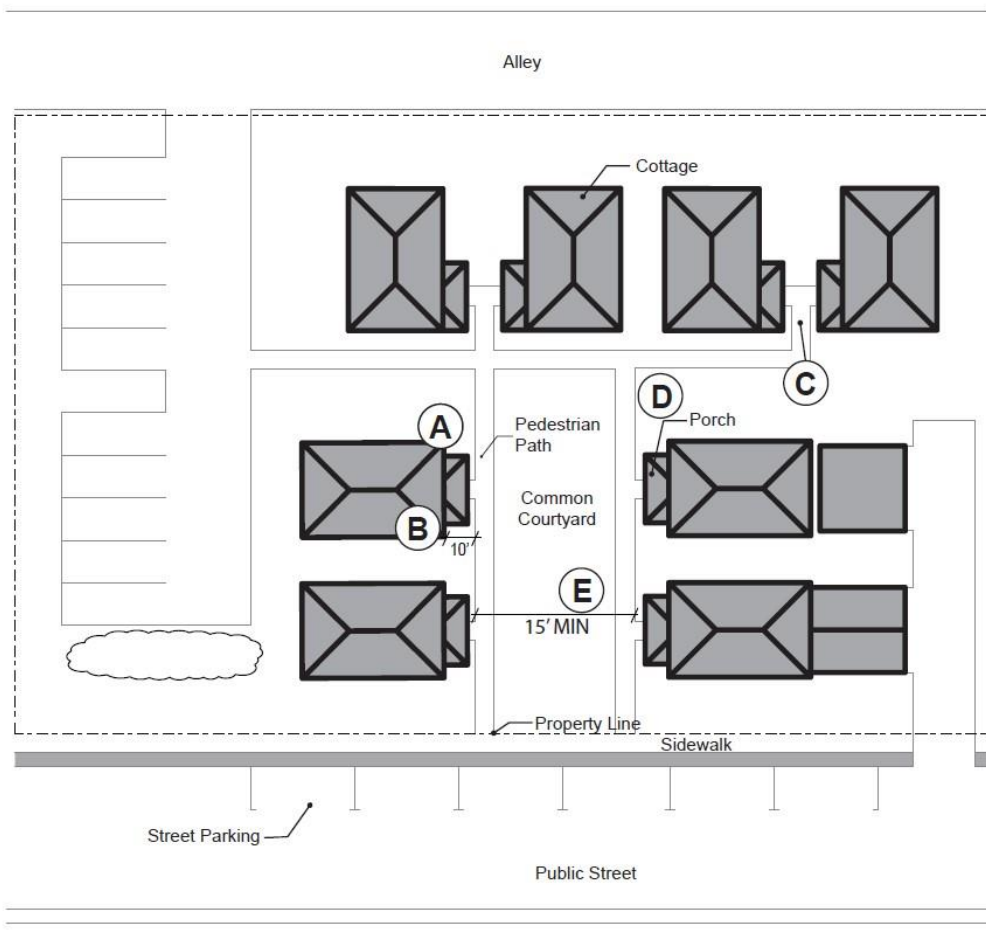
- A. Triplexes consisting of three detached dwelling units, or one detached and two attached dwelling units, are permitted provided that one dwelling unit on the lot is an existing dwelling unit that received final inspection at least five years ago.
- B. In the case of a triplex with detached dwelling units, each street-facing façade that is not separated from the street property line by a dwelling shall meet the standards in OCMC 17.14.030.
- C. Any detached dwelling unit that is not separated from the street property line by a dwelling along more than 50 percent of its street-facing façade shall provide at least one main entrance meeting the standards of OCMC 17.16.060.C.

17.16.070 Cottage clusters.

- A. Intent.
1. To provide a variety of housing types that respond to changing household sizes and ages, including but not limited to retirees, small families, and single-person households.
 2. To encourage creation of more usable open space for residents of the development through flexibility in density and lot standards.
 3. To ensure that the overall size and visual impact of the cluster development be comparable to standard residential development, by balancing bulk and mass of individual residential units with allowed intensity of units.
 4. To provide centrally located and functional common open space that fosters a sense of community and a sense of openness in cluster housing developments.
 5. To ensure minimal visual impact from vehicular use and storage areas for residents of the cluster housing development as well as adjacent properties.
- B. Density Standards. Cottage clusters shall meet the density standards of the underlying zoning district.
- C. Dimensional Standards. Cottage clusters shall meet the dimensional standards of the underlying zoning district and the following standards.
1. Maximum building footprint: Nine hundred square feet per cottage cluster unit.
 2. Maximum average gross floor area: One thousand square feet per cottage cluster unit.
 3. Maximum gross floor area: One thousand five hundred square feet per cottage cluster unit.
 4. Setbacks for accessory buildings shall comply with OCMC 17.54.010.
 5. Minimum distance separating cottage cluster units (excluding attached dwellings and accessory structures): Ten feet.
 6. Cottage clusters shall contain a minimum of four and a maximum of twelve cottage cluster units per cluster to encourage a sense of community among the residents. A development site may contain more than one cluster, however only one cluster of up to twelve units per lot is eligible to utilize the middle housing land division process in OCMC 16.24.

- D. Cottage Orientation. Cottages must be clustered around a common courtyard, meaning they abut the associated common courtyard or are directly connected to it by a pedestrian path, and must meet the following standards (see Figure 17.16.070.D):
1. Each cottage cluster unit within a cluster must either abut the common courtyard or must be directly connected to it by a pedestrian path.
 2. A minimum of fifty percent of cottage cluster units within a cluster must be oriented to the common courtyard and must:
 - a. Have a main entrance facing the common courtyard;
 - b. Be within ten feet from the common courtyard, measured from the façade of the cottage to the nearest edge of the common courtyard; and
 - c. Be connected to the common courtyard by a pedestrian path.
 3. Cottages within twenty feet of a street property line may have their entrances facing the street.
 4. 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.

Figure 17.16.070.D
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.

E. Common Courtyard Design Standards.

- 1. Each cottage cluster must share a common courtyard in order to provide a sense of openness and community of residents.
- 1. The required minimum common courtyard is one hundred fifty square feet per cottage cluster unit.
- 2. Common courtyards must meet the following standards (see Figure 17.16.070.D):
 - a. The common courtyard must be a single compact, contiguous, central open space that:
 - i. Has a minimum dimension of fifteen feet.
 - ii. Abuts at least fifty percent of the cottage cluster units in the cottage cluster
 - b. 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 open space shall not exceed seventy-five percent of the total common courtyard area.
 - c. Pedestrian paths must be included in a common courtyard. Paths that are contiguous to a courtyard shall count toward the courtyard's minimum dimension and area. Parking areas, required setbacks, and driveways do not qualify as part of a common courtyard.

F. Pedestrian Access. An accessible, hard-surfaced pedestrian path that is a minimum of four feet wide must be provided that connects the main entrance of each cottage cluster unit to the following:

- 1. The common courtyard;
- 2. Shared parking areas;
- 3. Community buildings; and
- 4. Sidewalks in public rights-of-way abutting the site or rights-of-way if there are no sidewalks.

G. Community Buildings. Cottage clusters may include community buildings for the shared use of residents that provide space for accessory uses such as community meeting rooms, guest housing, exercise rooms, day care, or community eating areas. Community buildings must meet the following standards:

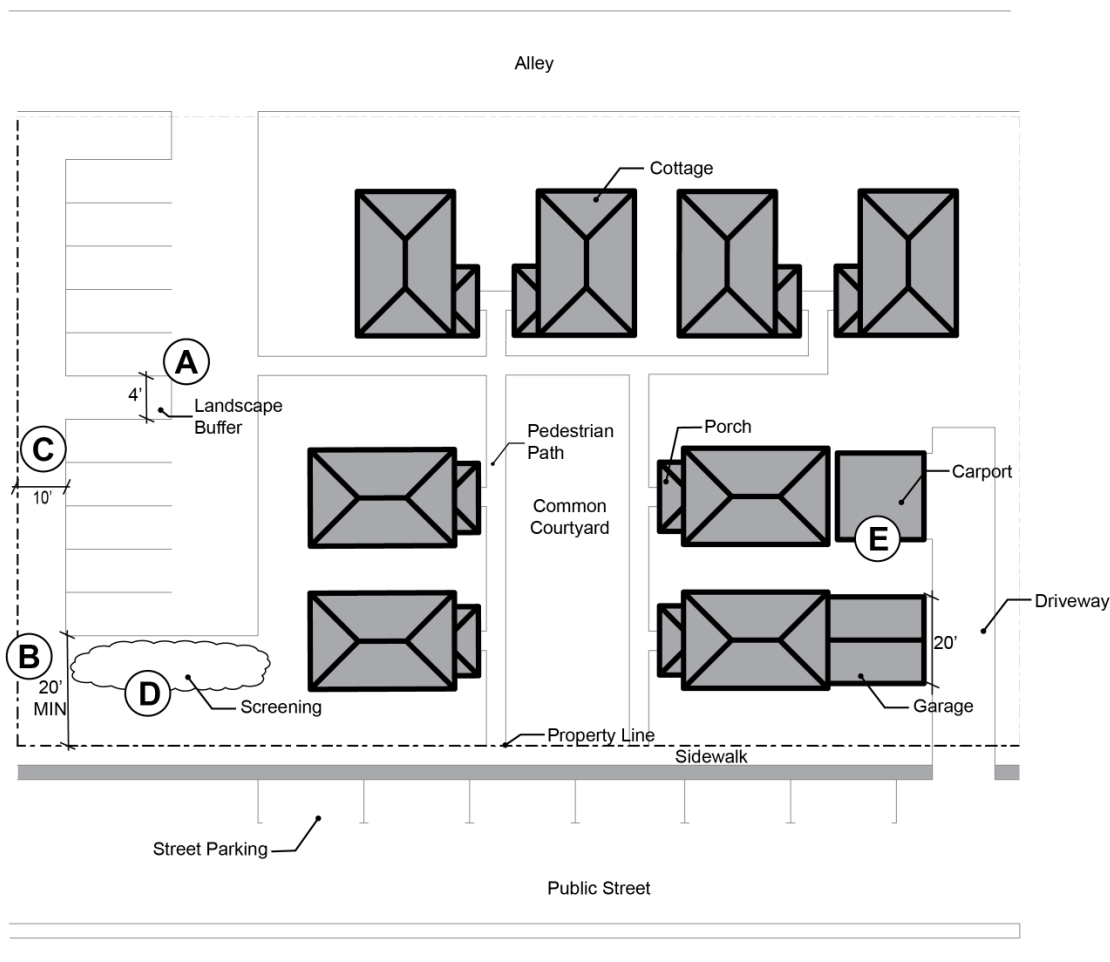
- 1. A cottage cluster is permitted one community building, which shall count towards the maximum one thousand square feet average floor area limitation,
- 2. A community building that meets the definition of a dwelling unit must meet the maximum nine hundred square foot building footprint limitation that applies to cottage dwelling units, 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.

H. Dwelling Types.

1. In the R-10, R-8 and R-6 zones: In addition to detached cottage cluster units groups of up to two units attached together are permitted in a cottage cluster
 2. In the R-5 and R-3.5 zones: In addition to detached cottage cluster units ~~and~~, groups of up to four units attached together are permitted in a cottage cluster.
 3. In the R-2 zone: In addition to detached cottage cluster units, ~~and~~ groups of up to six units attached together, are permitted in a cottage cluster
 4. Accessory dwelling units are not permitted as part of a cottage cluster.
- I. Each cottage cluster unit within twenty feet of a street property line shall comply with the residential design options in OCMC 17.14.030.
- J. Parking shall be provided pursuant to the following requirements (see Figure 17.16.070.J):
1. Parking shall be provided at a ratio of one parking space per dwelling unit minimum and 2.5 spaces per dwelling unit maximum.
 2. All parking shall be located on-site and shall not include shared parking or on-street spaces as allowed by OCMC 17.52.020.B.
 3. Landscaping, fencing, or walls at least three feet tall shall separate parking areas and parking structures from common courtyards and public streets.
 4. Parking shall be located in clusters of not more than five adjoining spaces (except where parking areas are adjacent to an alley).
 5. Parking clusters shall be separated by a landscaping planter that is a minimum of four feet in width.
 6. Parking spaces and vehicle maneuvering areas are prohibited:
 - a. In the front, interior or and side yard setback areas.
 - b. Within twenty feet of any street property line or within ten feet of any other property line, except alley property lines.
 - c. Between a street property line (excluding an alley) and the front façade of cottages located closest to the street property line.
 7. Drive aisles and access driveways are allowed in the side or rear yard setback, and within ten feet of other property lines.
 8. Detached parking structures/garages shall be six hundred square feet or less if shared by more than one cottage cluster unit, or four hundred square feet or less if exclusively used by a single cottage cluster unit. Such detached parking structures/garages shall not be counted as part of the allowed average or maximum gross floor area or building footprint of the cottage cluster units.
 9. Garages may be attached to cottage cluster units. Such garages shall not abut common open spaces, shall have garage doors of twenty feet or less in width shall not exceed two hundred square feet of gross floor area. The gross floor area of the garage shall not count towards the allowed average or maximum gross floor area or building footprint of the cottage cluster unit.
 10. Driveways shall comply with OCMC 16.12.035.

Figure 17.16.070.J
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 within 10 feet from other property lines (except alley). Driveways and drive aisles permitted within 10 feet.
- D** Screening required between clustered parking areas or parking structures and public streets or common courtyards.
- E** Garages and carports must not abut common courtyards. Garage doors for individual garages must not exceed 20 feet in width.

K. Fences.

1. All fences shall be no more than forty-two inches in height, except that fences within one foot of the side or rear property line and outside of the front setback area may be no more than six feet in height.
2. Chain link fences shall not be allowed.

- L. Existing Dwelling Unit On-Site. One existing single-family detached residential unit incorporated into a cottage cluster-that does not meet the requirements of this section is permitted to remain on a site developed for cottage cluster-and shall be considered a unit in the development. The size of the existing single-family detached residential unit may exceed the maximum building footprint and maximum gross floor area, and shall not be part of the average gross floor area calculations. The existing single-family detached residential unit shall be excluded from the calculation of orientation toward the common courtyard. Modifications or additions to the existing dwelling unit not consistent with the provisions of this section shall not be permitted.

17.16.080 Sufficient infrastructure.

- A. For all triplexes, quadplexes, townhouses and cottage clusters in residential zones, the city shall work with the applicant to ensure that sufficient infrastructure will be provided, or can be provided, to include:
1. Connection to a public wastewater system capable of meeting established service levels.
 2. Connection to a public water system capable of meeting established service levels.
 3. Access via public or private streets meeting adopted emergency vehicle access standards to a city's public street system.
 4. Storm drainage facilities capable of meeting established service levels for storm drainage.

Chapter 17.14 SINGLE-FAMILY DETACHED AND DUPLEX RESIDENTIAL DESIGN STANDARDS

17.14.010 Purpose.

The purpose of this chapter is to provide standards for single-family detached residential units and duplexes which are intended to:

- A. Enhance Oregon City through the creation of attractively designed housing and streetscapes.
- B. Ensure that there is a physical and visual connection between the living area of the residence and the street.
- C. Improve public safety by providing "eyes on the street".
- D. Promote community interaction by designing the public way, front yards and open spaces so that they are attractive and inviting for neighbors to interact.
- E. Prevent garages from obscuring or dominating the primary facade of the house.
- F. Provide clear and objective standards for good design at reasonable costs and with multiple options for design variety.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

17.14.020 Applicability.

This chapter applies to all street-facing facades of all single-family detached residential units and duplexes, referred to herein as "residences," including manufactured homes not within a manufactured home park.

- A. New single-family detached residential units and duplexes or new garages or expansions of an existing garage on properties with this use require compliance with OCMC 17.14.030 through 17.14.050, OCMC 17.21 or OCMC 17.22 if applicable, as well as OCMC 17.14.080 and 17.14.090.
- B. Residences on a flag lot with a pole length of one hundred feet or greater are exempt from OCMC 17.14.030—17.14.050.
- C. Compliance with minimum public improvements standards in OCMC Chapter 16.12 is required.
- D. The creation of a duplex through conversion of an existing single-family detached residential unit is exempt from the standards of this chapter.

For the purpose of this chapter, garages are defined as structures, or portions thereof, used or designed to be used for the parking of vehicles, including carports. For purposes of this section, garages do not include detached accessory dwelling units which are not part of a detached garage. The garage width shall be measured based on the foremost four feet of the interior garage walls or carport cover.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

17.14.025 Review process.

Applications are processed as a Type I minor site plan and design review per OCMC 17.62.035 concurrently with a building permit application. Modifications to these standards are processed as a Type II application or may be requested as part of a concurrent Type II, III or IV land use application.

A. The review body may approve requested modifications if it finds that the applicant has shown that the following approval criteria are met:

1. The modification will result in a development that better meets the applicable design guidelines; and

2. The modification meets the intent of the standard. On balance, the proposal will be consistent with the purpose of the standard for which a modification is requested.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

17.14.030 Residential design options.

- A. A residence with no garage, a garage not on a street-facing façade, or a detached garage shall provide five of the residential design elements in OCMC 17.14.040.A on the front facade of the structure.
- B. A residence with a front-facing garage where the structure is less than twenty-four feet wide may be permitted if:
 - 1. The garage is no more than twelve feet wide and;
 - 2. The garage does not extend closer to the street than the furthest forward living space on the street-facing facade;
 - 3. Six of the residential design elements in OCMC 17.14.040.A are included on the front facade of the structure; and
 - 4. One of the following is provided:
 - a. Interior living area above the garage is provided. The living area shall be set back no more than four feet from the street-facing garage wall; or
 - b. A covered balcony above the garage is provided. The covered balcony shall be at least the same length as the street-facing garage wall, at least six feet deep and accessible from the interior living area of the dwelling unit;
- C. A residence with a garage that extends up to fifty percent of the length of the street-facing facade and is not closer to the street than the furthest forward living space on the street-facing facade may be permitted if:
 - 1. Six of the residential design elements in OCMC 17.14.040.A are included on the front facade of the structure.
- D. A residence with a garage that extends up to sixty percent of the length of the street-facing facade and is recessed two feet or more from the furthest forward living space on the street-facing facade may be permitted if:
 - 1. Seven of the residential design elements in OCMC 17.14.040.A are included on the front facade of the structure.
- E. A residence with a garage that extends up to sixty percent of the length of the street-facing facade may extend up to four feet in front of the furthest forward living space on the street-facing facade may be permitted if:
 - 1. Eight of the residential design elements in OCMC 17.14.040.A are included on the front facade of the structure; and
 - 2. One of the options in OCMC 17.14.040.B is provided on the front facade of the structure.
- F. A residence with a garage that extends up to fifty percent of the length of the street-facing facade may extend up to eight feet in front of the furthest forward living space on the street-facing facade if:
 - 1. Nine of the residential design elements in OCMC 17.14.040.A are included on the front facade of the structure; and
 - 2. One of the options in OCMC 17.14.040.B is provided on the front facade of the structure.
- G. A residence with a garage that is side-oriented to the front lot line may extend up to thirty-two feet in front of the furthest forward living space on the street-facing facade if:
 - 1. Windows occupy a minimum of fifteen percent of the lineal length of the street-facing wall of the garage; and
 - 2. Six of the residential design elements in OCMC 17.14.040.A are included on the front facade of the structure.

3. The garage wall does not exceed sixty percent of the length of the street-facing façade.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

17.14.035 Corner lots and through lots.

- A. Residences on corner lots and through lots shall comply with one of the options in OCMC 17.14.030 for the front of the home
- B. The other street-facing side of the residence on a corner lot or through lot shall include the following:
 1. Windows and doors for a minimum of fifteen percent of the lineal length of the ground floor facade;
 2. Minimum four-inch window trim; and
 3. Three additional residential design elements selected from OCMC 17.14.040.A.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

17.14.040 Residential design elements.

- A. The residential design elements listed below shall be provided as required in OCMC 17.14.030 above.
 1. The design of the residence includes dormers, which are projecting structures built out from a sloping roof housing a vertical window;
 2. The roof design utilizes a:
 - a. Gable, which is a roof sloping downward in two parts from a central ridge, so as to form a gable at each end; or
 - b. Hip, which is a roof having sloping ends and sides meeting at an inclined projecting angle.
 3. The building facade includes two or more offsets of sixteen inches or greater;
 4. A roof overhang of sixteen inches or greater;
 5. A recessed entry that is at least two feet behind the furthest forward living space on the ground floor, and a minimum of eight feet wide;
 6. A minimum sixty square-foot covered front porch that is at least five feet deep or a minimum forty square-foot covered porch with railings that is at least five feet deep and elevated entirely a minimum of eighteen inches;
 7. A bay window that extends a minimum of twelve inches outward from the main wall of a building and forming a bay or alcove in a room within;
 8. Windows and main entrance doors that occupy a minimum of fifteen percent of the lineal length of the front facade (not including the roof and excluding any windows in a garage door);
 9. Window trim (minimum four inches);
 10. Window grids on all street facing windows (excluding any windows in the garage door or front door).
 11. Windows on all elevations include a minimum of four-inch trim (worth two elements);
 12. Windows on all of the elevations are wood, clad wood, or fiberglass (worth two elements);
 13. Windows on all of the elevations are recessed a minimum of two inches from the facade (worth two elements);
 14. A balcony that projects a minimum of one foot from the wall of the building and is enclosed by a railing or parapet;

15. Shakes, shingles, brick, stone or other similar decorative materials shall occupy a minimum of sixty square feet of the street facade;
 16. All garage doors are a maximum nine feet wide;
 17. All garage doors wider than nine feet are designed to resemble two smaller garage doors;
 18. There are a minimum of two windows in each garage door;
 19. A third garage door is recessed a minimum of two feet;
 20. A window over the garage door that is a minimum of twelve square feet with window trim (minimum four inches);
 21. The living space of the dwelling is within five feet of the front yard setback; or
 22. The driveway is composed entirely of pervious pavers or porous pavement.
- B. If the garage projects in front of the furthest forward living space on the street facing facade, one of the residential design elements 1 or 2 below, shall be provided in addition to the residential design elements required in OCMC 17.14.040.A. Residential design elements utilized in OCMC 17.14.040.B can be additionally utilized in OCMC 17.14.040.A.
1. A minimum sixty square-foot covered front porch that is at least five feet deep; or a minimum forty square-foot covered porch with railings that is at least five feet deep and elevated entirely a minimum of eighteen inches.
 2. The garage is part of a two-level facade. The second level facade shall have a window (minimum twelve square feet) with window trim (minimum four inches).

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

17.14.050 Main entrances.

- A. The main entrance for each single-family detached residential unit, and the main entrance for at least one unit in a duplex shall:
1. Be located on a façade that faces a street; or
 2. Open onto a covered porch on a street-facing facade that is at least sixty square feet with a minimum depth of five feet.
- B. The main entrance of one or more dwelling units on a flag lot shall face either the front lot line or the side lot line adjoining the flag pole.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

17.14.060 Detached duplexes

- A. Duplexes consisting of two detached dwelling units are permitted provided that one dwelling unit on the lot is an existing dwelling unit that received final inspection at least five years ago.

- B. In the case of a duplex with detached dwelling units, each street-facing façade that is can bee seen from the street shall meet the standards in OCMC 17.14.030.

17.14.080 Residential lot tree requirements.

The intent of this section is to encourage the retention of trees, minimize the impact of tree loss during development and ensure a sustainable tree canopy in Oregon City at the time of construction. Though not required, the use of large native and heritage tree species is recommended as detailed in this section. In no case shall any plant listed as a nuisance, invasive or problematic species on any regionally accepted plant list be used.

- A. Tree Requirement. All single-family detached residential units and middle housing developments shall comply with the requirements of this section. This requirement may be met using one or any combination of the three options below (tree preservation, tree planting, or tree fund). Table 17.14.080.A identifies the minimum number of inches of tree diameter per lot that shall be preserved, planted or paid into the tree fund. Adjustments from this section are prohibited. The applicant shall submit a residential tree plan for Options 1 and 2 demonstrating compliance with the requirements of this section.

Table 17.14.080.A
Tree Requirements

Lot Size (square feet)	Tree Diameter Inches Required to be Protected, Planted or Paid into Tree Fund
0—4,999	4"
5,000—7,999	6"
8,000—9,999	8"
10,000—14,999	10"
15,000 +	12"

1. Tree Preservation. The size of existing trees to be preserved shall be measured as diameter at breast height (DBH).
 - a. This standard shall be met using trees that are located on the lot. When this option is used, a tree preservation plan is required.
 - b. Trees to be preserved may be located anywhere on the lot, and shall be a minimum of two inches' caliper DBH.
 - c. Large Native or Heritage Tree Incentive. If a tree is preserved that is selected from the list in Table 17.14.080.A.2, the diameter of the tree may be doubled when demonstrating compliance with the minimum tree requirements indicated in Table 17.14.080.A. For example, an Oregon White Oak with a two-inch caliper at DBH may count as a tree diameter of four inches.
2. Tree Planting. All planted trees shall measure a minimum two-inch caliper at six inches above the root crown. When this option is used, a tree planting plan is required.
 - a. Trees may be planted anywhere on the lot as space permits.
 - b. Large Native or Heritage Tree Incentive. If a tree is planted that is selected from the list in Table 17.14.080.A.2, the diameter of the tree may be doubled when demonstrating compliance with the minimum tree requirements indicated in Table 17.14.080.A. For example, an Oregon White Oak with a two-inch caliper at six inches above the root crown may count as a tree diameter of four inches.

Table 17.14.080.A.2
Large Native and Heritage Tree List

Common Name	Scientific Name
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Oregon White Oak	Quercus garryana
Pacific willow	Salix lucida spp. lasiandra
Western red cedar	Thuja plicata
Western hemlock	Tsuga heterophylla
Northern Red Oak	Quercus rubra
Bur Oak	Quercus macrocarpa
Bigleaf Maple	Acer macrophyllum
Grand Fir	Abies grandis
Douglas Fir	Pseudotsuga menziesii
American Elm hybrids (disease resistant)	Ulmus spp.
Western yew	Taxus brevifolia

3. Tree Fund. This option may be used where site characteristics or construction preferences do not support the preservation or planting options identified above. The community development director may approve this option in-lieu-of or in addition to requirements of Option 1 and/or 2 above. The community development director may approve the payment of cash-in-lieu into a dedicated fund for the remainder of trees that cannot be replanted in the manner described above. The large native or heritage tree incentive does not apply when using this option to calculate the number of required inches.
- The cash-in-lieu payment per tree shall utilize the adopted fee schedule when calculating the total tree fund payment.
 - The amount to be paid to the tree fund shall be calculated by subtracting the total inches of trees preserved and planted per subsection 1 and 2 above from the minimum tree diameter inches required in Table 17.14.080.A, dividing the sum by two inches and multiplying the remainder by the adopted fee from the Oregon City fee schedule. For example:

Lot Size	a. Tree Requirement per Table 17.14.080.A (inches)	b. Trees Preserved (inches)	c. Trees Planted (inches)	d. To be mitigated (inches) a.—b.—c.	Number of trees owed to tree fund. d./2" minimum caliper tree
10,000—14,999	10"	2"	4"	4"	2

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

17.14.090 Street trees.

All new single-family detached residential units and middle housing developments, or additions of twenty-five percent or more of the existing square footage of the residence (including the living space and garage(s)) shall install one street tree in accordance with OCMC 12.08 if there is not at least one existing street tree for every thirty-five feet of property frontage.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

Chapter 17.34 MUD MIXED-USE DOWNTOWN DISTRICT

17.34.010 Designated.

The mixed-use downtown (MUD) district is designed to apply within the traditional downtown core along Main Street and includes the "north-end" area, generally between 5th Street and Abernethy Street, and some of the area bordering McLoughlin Boulevard. Land uses are characterized by high-volume establishments constructed at the human scale such as retail, service, office, multi-family residential, lodging or similar as defined by the community development director. A mix of high-density residential, office and retail uses are encouraged in this district, with retail and service uses on the ground floor and office and residential uses on the upper floors. The emphasis is on those uses that encourage pedestrian and transit use. This district includes a downtown design district overlay for the historic downtown area. Retail and service uses on the ground floor and office and residential uses on the upper floors are encouraged in this district. The design standards for this sub-district require a continuous storefront façade featuring streetscape amenities to enhance the active and attractive pedestrian environment.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

17.34.020 Permitted uses.

Permitted uses in the MUD district are defined as:

- A. Banquet, conference facilities and meeting rooms;
- B. Bed and breakfast/boarding houses, hotels, motels, and other lodging facilities;
- C. Child care centers and/or nursery schools;
- D. Indoor entertainment centers and arcades;
- E. Health and fitness clubs;
- F. Medical and dental clinics, outpatient; infirmary services;
- G. Museums, libraries and cultural facilities;
- H. Offices, including finance, insurance, real estate and government;
- I. Outdoor markets, such as produce stands, craft markets and farmers markets that are operated on the weekends and after six p.m. during the weekday;
- J. Postal services;
- K. Repair shops, for radio and television, office equipment, bicycles, electronic equipment, shoes and small appliances and equipment;
- L. Multi-family residential, triplexes and quadplexes;
- M. One or two units in conjunction with a nonresidential use provided that the residential use occupies no more than fifty percent of the total square footage of the development;
- N. Restaurants, eating and drinking establishments without a drive-through;
- O. Services, including personal, professional, educational and financial services; laundry and dry-cleaning;
- P. Retail trade, including grocery, hardware and gift shops, bakeries, delicatessens, florists, pharmacies, specialty stores provided the maximum footprint of a freestanding building with a single store does not exceed sixty thousand square feet (a freestanding building over sixty thousand square feet is allowed as long as the building contains multiple stores);

- Q. Seasonal sales;
- R. Residential care facilities, assisted living facilities; nursing homes and group homes for over fifteen patients licensed by the state;
- S. Studios and galleries, including dance, art, photography, music and other arts;
- T. Utilities: Basic and linear facilities, such as water, sewer, power, telephone, cable, electrical and natural gas lines, not including major facilities such as sewage and water treatment plants, pump stations, water tanks, telephone exchanges and cell towers;
- U. Veterinary clinics or pet hospitals, pet day care;
- V. Home occupations;
- W. Research and development activities;
- X. Temporary real estate offices in model dwellings located on and limited to sales of real estate on a single piece of platted property upon which new residential buildings are being constructed;
- Y. Transportation facilities;
- Z. Live/work dwellings;
- AA. After-hours public parking;
- BB. Marinas;
- CC. Religious institutions;
- DD. Mobile food units outside of the downtown design district.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

17.34.030 Conditional uses.

The following uses are permitted in this district when authorized and in accordance with the process and standards contained in OCMC 17.56:

- A. Drive-through facilities;
- B. Emergency services;
- C. Hospitals;
- D. Outdoor markets that do not meet the criteria of OCMC 17.34.020.I;
- E. Parks, playgrounds, play fields and community or neighborhood centers;
- F. Parking structures and lots not in conjunction with a primary use on private property, excluding after-hours public parking;
- G. Retail trade, including grocery, hardware and gift shops, bakeries, delicatessens, florists, pharmacies and specialty stores in a freestanding building with a single store exceeding a foot print of sixty thousand square feet;
- H. Public facilities such as sewage and water treatment plants, water towers and recycling and resource recovery centers;
- I. Public utilities and services such as pump stations and sub-stations;
- J. Distributing, wholesaling and warehousing;
- K. Gas stations;

- L. Public and or private educational or training facilities;
- M. Stadiums and arenas;
- N. Passenger terminals (water, auto, bus, train), excluding bus stops;
- O. Recycling center and/or solid waste facility;
- P. Shelters, except within the downtown design district.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

17.34.040 Prohibited uses.

The following uses are prohibited in the MUD district:

- A. Kennels;
- B. Outdoor storage and sales, not including outdoor markets allowed in OCMC 17.34.030;
- C. Self-service storage;
- D. Single-family detached residential units, townhouses and duplexes;
- E. Motor vehicle and recreational vehicle repair/service;
- F. Motor vehicle and recreational vehicle sales and incidental service;
- G. Heavy equipment service, repair, sales, storage or rental (including but not limited to construction equipment and machinery and farming equipment);
- H. Marijuana production, processing, wholesaling, research, testing, and laboratories;
- I. Mobile food units within the downtown design district unless a special event has been issued.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 16-1008, § 1(Exh. A), 10-19-2016, ballot 11-8-2016; Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

17.34.050 Pre-existing industrial uses.

Tax lot 5400 located at Clackamas County Tax Assessors Map #22E20DD, Tax Lots 100 and two hundred located on Clackamas County Tax Assessors Map #22E30DD and Tax Lot 700 located on Clackamas County Tax Assessors Map #22E29CB have special provisions for industrial uses. These properties may maintain and expand their industrial uses on existing tax lots. A change in use is allowed as long as there is no greater impact on the area than the existing use.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

17.34.060 Mixed-use downtown dimensional standards—For properties located outside of the downtown design district.

- A. Minimum lot area: None.
- B. Minimum floor area ratio: 0.30.
- C. Minimum building height: Twenty-five feet or two stories except for accessory structures or buildings under one thousand square feet.
- D. Maximum building height: Seventy-five feet, except for the following location where the maximum building height shall be forty-five feet:

1. Properties between Main Street and McLoughlin Boulevard and 11th and 16th streets;
 2. Property within five hundred feet of the End of the Oregon Trail Center property; or
 3. Property abutting single-family detached or attached units.
- E. Minimum required setbacks, if not abutting a residential zone: None.
- F. Minimum required interior side yard and rear yard setback if abutting a residential zone: Fifteen feet, plus one additional foot in yard setback for every two feet in height over thirty-five feet.
- G. Maximum Allowed Setbacks.
1. Front yard: Twenty feet.
 2. Interior side yard: No maximum.
 3. Corner side yard abutting street: Twenty feet.
 4. Rear yard: No maximum.
 5. Rear yard abutting street: Twenty feet.
- H. Maximum site coverage including the building and parking lot: Ninety percent.
- I. Minimum landscape requirement (including parking lot): Ten percent.
- J. Residential minimum net density of 17.4 units per acre, except that no minimum net density shall apply to residential uses proposed above nonresidential uses in a vertical mixed-use configuration or to live/work dwellings.
- K. Standalone residential development of fewer than five units are exempt from maximum setbacks of the underlying zone.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

17.34.070 Mixed-use downtown dimensional standards—For properties located within the downtown design district.

- A. Minimum lot area: None.
- B. Minimum floor area ratio: 0.5.
- C. Minimum building height: Twenty-five feet or two stories except for accessory structures or buildings under one thousand square feet.
- D. Maximum building height: Fifty-eight feet.
- E. Minimum required setbacks, if not abutting a residential zone: None.
- F. Minimum required interior and rear yard setback if abutting a residential zone: Twenty feet, plus one foot additional yard setback for every three feet in building height over thirty-five feet.
- G. Maximum Allowed Setbacks.

 1. Front yard setback: Ten feet.
 2. Interior side yard setback: No maximum.
 3. Corner side yard setback abutting street: Ten feet.
 4. Rear yard setback: No maximum.
 5. Rear yard setback abutting street: Ten feet.

Public utility easements may supersede the minimum setback. Maximum setback may be increased per OCMC 17.62.055.D.

- H. Maximum site coverage of the building and parking lot: Ninety-five percent.
- I. Minimum landscape requirement (including parking lot): Five percent.
- J. Residential minimum net density of 17.4 units per acre, except that no minimum net density shall apply to residential uses proposed above nonresidential uses in a vertical mixed-use configuration or to live/work dwellings.
- K. Standalone residential development of fewer than five units are exempt from maximum setbacks of the underlying zone.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 13-1003, § 1(Exh. 1), 7-17-2013; Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019; Ord. No. 21-1007, § 1(Exh. A), 4-21-2021)

17.34.080 Explanation of certain standards.

- A. Floor Area Ratio (FAR).
 - 1. Purpose. Floor area ratios are a tool for regulating the intensity of development. Minimum FARs help to achieve more intensive forms of building development in areas appropriate for larger-scale buildings and higher residential densities.
 - 2. Standards.
 - a. The minimum floor area ratios contained in OCMC 17.34.060 and 17.34.070 apply to all nonresidential and mixed-use building developments.
 - b. Required minimum FARs shall be calculated on a project-by-project basis and may include multiple contiguous blocks. In mixed-use developments, residential floor space will be included in the calculations of floor area ratio to determine conformance with minimum FARs.
 - c. An individual phase of a project shall be permitted to develop below the required minimum floor area ratio provided the applicant demonstrates, through covenants applied to the remainder of the site or project or through other binding legal mechanism, that the required density for the project will be achieved at project build out.
- B. Building Height.
 - 1. Purpose.
 - a. The Masonic Hall is currently the tallest building in downtown Oregon City, with a height of fifty-eight feet measured from Main Street. The maximum building height limit of fifty-eight feet will ensure that no new building will be taller than the Masonic Hall.
 - b. A minimum two-story (twenty-five feet) building height is established for the downtown design district overlay sub-district to ensure that the traditional building scale for the downtown area is maintained.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

Chapter 17.29 MUC MIXED-USE CORRIDOR DISTRICT

17.29.010 Designated.

The mixed-use corridor (MUC) district is designed to apply along selected sections of transportation corridors such as Molalla Avenue, 7th Street, Beavercreek Road, and along Warner-Milne Road. Land uses are characterized by high-volume establishments such as retail, service, office, multi-family residential, lodging, recreation and meeting facilities, or a similar use as defined by the community development director. A mix of high-density residential, office, and small-scale retail uses are encouraged in this district. Moderate density (MUC-1) and high density (MUC-2) options are available within the MUC zoning district. The area along 7th Street is an example of MUC-1, and the area along Warner-Milne Road is an example of MUC-2.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

17.29.020 Permitted uses—MUC-1 and MUC-2.

- A. Banquet, conference facilities and meeting rooms.
- B. Bed and breakfast/boarding houses, hotels, motels, and other lodging facilities.
- C. Child care centers and/or nursery schools.
- D. Indoor entertainment centers and arcades.
- E. Health and fitness clubs.
- F. Medical and dental clinics, outpatient; infirmary services.
- G. Museums, libraries and cultural facilities.
- H. Offices, including finance, insurance, real estate and government.
- I. Outdoor markets, such as produce stands, craft markets and farmers markets that are operated on the weekends and after six p.m. during the weekday.
- J. Postal services.
- K. Parks, playgrounds, playfields and community or neighborhood centers.
- L. Repair shops, for radio and television, office equipment, bicycles, electronic equipment, shoes and small appliances and equipment.
- M. Multi-family residential, triplexes and quadplexes.
- N. One or two dwelling units in conjunction with a nonresidential use, provided that the residential use occupies no more than fifty percent of the total square footage of the development.
- O. Restaurants, eating and drinking establishments without a drive-through.
- P. Services, including personal, professional, educational and financial services; laundry and dry-cleaning.
- Q. Retail trade, including grocery, hardware and gift shops, bakeries, delicatessens, florists, pharmacies, specialty stores, marijuana, and similar, provided the maximum footprint for a standalone building with a single store or multiple buildings with the same business does not exceed sixty thousand square feet.
- R. Seasonal sales.
- S. Residential care facilities, assisted living facilities; nursing homes and group homes for over fifteen patients licensed by the state.

- T. Studios and galleries, including dance, art, photography, music and other arts.
- U. Utilities: Basic and linear facilities, such as water, sewer, power, telephone, cable, electrical and natural gas lines, not including major facilities such as sewage and water treatment plants, pump stations, water tanks, telephone exchanges and cell towers.
- V. Veterinary clinics or pet hospitals, pet day care.
- W. Home occupations.
- X. Research and development activities.
- Y. Temporary real estate offices in model dwellings located on and limited to sales of real estate on a single piece of platted property upon which new residential buildings are being constructed.
- Z. Transportation facilities.
- AA. Live/work dwellings.
- BB. Accessory dwelling unit in conjunction with a legally established non-conforming single-family dwelling.
- CC. Duplex.
- DD. After-hours public parking.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 13-1003, § 1(Exh. 1), 7-17-2013; Ord. No. 13-1017, § 1(Exh. 1), 4-16-2014; Ord. No. 16-1008, § 1(Exh. A), 10-19-2016, ballot 11-8-2016; Ord. No. 18-1005, § 1(Exh. A), 5-2-2018; Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

17.29.030 Conditional uses—MUC-1 and MUC-2 zones.

The following uses are permitted in this district when authorized and in accordance with the process and standards contained in OCMC 17.56:

- A. Drive-through facilities;
- B. Emergency service facilities (police and fire), excluding correctional facilities;
- C. Gas stations;
- D. Outdoor markets that do not meet the criteria of OCMC 17.29.020.I;
- E. Public utilities and services including sub-stations (such as buildings, plants and other structures);
- F. Public and/or private educational or training facilities;
- G. Religious institutions;
- H. Retail trade, including gift shops, bakeries, delicatessens, florists, pharmacies, specialty stores and any other use permitted in the neighborhood, historic or limited commercial districts that have a footprint for a standalone building with a single store in excess of sixty thousand square feet in the MUC-1 or MUC-2 zone;
- I. Hospitals;
- J. Parking not in conjunction with a primary use on private property, excluding after-hours public parking;
- K. Passenger terminals, excluding bus stops;
- L. Shelters.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

17.29.040 Prohibited uses in the MUC-1 and MUC-2 zones.

The following uses are prohibited in the MUC district:

- A. Distributing, wholesaling and warehousing;
- B. Outdoor storage;
- C. Outdoor sales that are not ancillary to a permitted use on the same or abutting property under the same ownership;
- D. Correctional facilities;
- E. Heavy equipment service, repair, sales, storage or rentals (including but not limited to construction equipment and machinery and farming equipment);
- F. Kennels;
- G. Motor vehicle and recreational vehicle sales and incidental service;
- H. Motor vehicle and recreational vehicle repair/service;
- I. Self-service storage facilities;
- J. Marijuana production, processing, wholesaling, research, testing, and laboratories;
- K. Mobile food units, except with a special event permit.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 13-1017, § 1(Exh. 1), 4-16-2014; Ord. No. 16-1008, § 1(Exh. A), 10-19-2016, ballot 11-8-2016; Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

17.29.050 Dimensional standards—MUC-1.

- A. Minimum lot areas: None.
- B. Maximum building height: Forty feet or three stories, whichever is less.
- C. Minimum required setbacks if not abutting a residential zone: None.
- D. Minimum required interior and rear yard setbacks if abutting a residential zone: Twenty feet, plus one foot additional yard setback for every one foot of building height over thirty-five feet.
- E. Maximum allowed setbacks.
 - 1. Front yard: Five feet.
 - 2. Interior side yard: None.
 - 3. Corner side setback abutting street: Thirty feet.
 - 4. Rear yard: None.

Public utility easements may supersede the minimum setback. Maximum setback may be increased per OCMC 17.62.055.D.

- F. Maximum lot coverage of the building and parking lot: Eighty percent.
- G. Minimum required landscaping (including landscaping within a parking lot): Twenty percent.
- H. Residential minimum net density of 17.4 units per acre, except that no minimum net density shall apply to residential uses proposed above nonresidential uses in a mixed-use configuration or to live/work dwellings.

I. Standalone residential development of fewer than five units are exempt from maximum setbacks and minimum density requirements of the underlying zone.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019; Ord. No. 21-1007, § 1(Exh. A), 4-21-2021)

17.29.060 Dimensional standards—MUC-2.

- A. Minimum lot area: None.
- B. Minimum floor area ratio: 0.25.
- C. Minimum building height: Twenty-five feet or two stories except for accessory structures or buildings under one thousand square feet.
- D. Maximum building height: Sixty feet.
- E. Minimum required setbacks if not abutting a residential zone: None.
- F. Minimum required interior and rear yard setbacks if abutting a residential zone: Twenty feet, plus one foot additional yard setback for every two feet of building height over thirty-five feet.
- G. Maximum Allowed Setbacks.
 - 1. Front yard: Five feet.
 - 2. Interior side yard: None.
 - 3. Corner side yard abutting street: Twenty feet.
 - 4. Rear yard: None.
- H. Maximum site coverage of building and parking lot: Ninety percent.
- I. Minimum landscaping requirement (including parking lot): Ten percent.
- J. Residential minimum net density of 17.4 units per acre, except that no minimum net density shall apply to residential uses proposed above nonresidential uses in a mixed-use configuration or to live/work dwellings.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

17.29.070 Floor area ratio (FAR).

Floor area ratios are a tool for regulating the intensity of development. Minimum FARs help to achieve more intensive forms of building development in areas appropriate for larger-scale buildings and higher residential densities.

- A. The minimum floor area ratios contained in OCMC 17.29.050 and 17.29.060 apply to all nonresidential and mixed-use building development, except standalone commercial buildings less than ten thousand square feet in floor area.
- B. Required minimum FARs shall be calculated on a project-by-project basis and may include multiple contiguous blocks. In mixed-use developments, residential floor space will be included in the calculations of floor area ratio to determine conformance with minimum FARs.
- C. An individual phase of a project shall be permitted to develop below the required minimum floor area ratio provided the applicant demonstrates, through covenants applied to the remainder of the site or project or through other binding legal mechanism, that the required density for the project will be achieved at project build out.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

17.29.080 Additional standards for Thimble Creek Concept Plan Area.

- A. Applicability. This section applies to all development in the MUC-2 district within the Thimble Creek Concept Plan Area.
- B. Relationship of Standards. These standards apply in addition to and supersede the standards of the MUC-2 zone within the Thimble Creek Concept Plan Area. In the event of a conflict, the standards of this section control.
- C. Uses.
 - 1. Light industrial uses limited to the design, light manufacturing, processing, assembly, packaging, fabrication and treatment of products made from previously prepared or semi-finished materials are permitted.
 - 2. The following permitted uses, alone or in combination, shall not exceed twenty percent of the total gross floor area of all of the other permitted and conditional uses within the development site. The total gross floor area of two or more buildings may be used, even if the buildings are not all on the same parcel or owned by the same property owner, as long as they are part of the net developable portion of contiguous mixed-use corridor zoned lands.
 - a. Restaurants, eating and drinking establishments;
 - b. Services, including personal, professional, educational and financial services; laundry and dry-cleaning;
 - c. Retail trade, including grocery, hardware and gift shops, bakeries, delicatessens, florists, pharmacies, specialty stores, marijuana, and similar, provided the maximum footprint for a standalone building with a single store does not exceed twenty thousand square feet; and
 - d. Grocery stores provided the maximum footprint for a standalone building does not exceed forty thousand square feet.
 - 3. Drive-throughs are prohibited.
 - 4. Gas stations are prohibited.
 - 5. Bed and breakfast and other lodging facilities for up to ten guests per night are a conditional use.
 - 6. Tax Lot 00800, located on Clackamas County Map #32E10C has a special provision to allow the multifamily residential use permitted as of July 31, 2020 as a permitted use. This property may only maintain and expand the current use.
- D. Dimensional Standards.
 - 1. Minimum floor area ratio (FAR) shall be 0.35.
 - 2. Maximum allowed setback for corner side yard abutting street shall be five feet.
- E. Residential Uses. All residential uses, except live/work units, are limited to upper stories only, and may only be proposed as part of a single development application incorporating nonresidential uses allowed in the MUC-2 district on the ground floor.

(Ord. No. 21-1006, § 1(Exh. A), 7-1-2020)

Chapter 16.24 EXPEDITED AND MIDDLE HOUSING LAND DIVISIONS

16.24.010 Purpose and applicability.

- A. Purpose. The purpose of the expedited and middle housing land division process is to implement requirements in ORS 197.360 to 197.380 for expedited land divisions in residential districts, and 2021 Oregon Laws Ch. 103 (S.B. 458) regarding middle housing land divisions.
- B. Expedited Land Division Applicability. The procedures of this chapter are applicable to partitions and subdivisions within residential zoning districts as provided in ORS 197.365.
- C. Middle Housing Land Division Applicability. The procedures of this chapter are applicable to the following middle housing projects, or proposed middle housing projects, on an existing lot:
 - 1. A duplex.
 - 2. A triplex.
 - 3. A quadplex.
 - 4. A townhouse project (four units or fewer).
 - 5. A cottage cluster.

16.24.020 Expedited review.

- A. Expedited and middle housing land divisions are reviewed under a Type II procedure except as provided in this Chapter. Where the provisions of this Chapter conflict with the Type II procedures in OCMC 17.50, the procedures of this Chapter will prevail.
- B. Expedited and middle housing land divisions are not subject to pre-application conference requirements in OCMC 17.50.050.
- C. Expedited and middle housing land divisions are not a land use decision or limited land use decision under ORS 197.015.

16.24.030 Submittal requirements.

- A. An application for an expedited land division or middle housing land division is subject to the completeness review and one hundred and twenty-day rule requirements of OCMC 17.50.070 except as follows:
 - 1. The timeline for the completeness check in OCMC 17.50.070.A is twenty-one days, rather than thirty days.
 - 2. The notice of decision must be provided to the applicant and parties entitled to receive notice under OCMC 17.50.130.C within sixty-three days of a completed application.
- B. Mailed notice of an application for an expedited land division or middle housing land division must be provided in the same manner as for a Type II decision, as specified OCMC 17.50.090.A, to the following persons:
 - 1. The applicant.
 - 2. Owners of record of property, as shown on the most recent property tax assessment roll, located within one-hundred feet of the property that is the subject of the notice.
 - 3. Any state agency, other local government, or special district responsible for providing public facilities or services to the development area.

- C. A notice of decision must be provided to the applicant and to all parties who received notice of the application. The notice of decision must include:
1. A written determination of compliance or non-compliance with the criteria of approval in OCMC 16.24.040 for an expedited land division or OCMC 16.24.050 for a middle housing land division.
 2. An explanation of the right to appeal the community development director's decision to a city-appointed hearings referee, as provided in ORS 197.375.

16.24.040 Criteria of approval – expedited land division.

- A. The community development director will approve or deny an application for expedited land division within sixty-three days of receiving a complete application, based on whether it satisfies the applicable criteria of approval. The community development director may approve the land division with conditions to ensure the application meets the applicable land use regulations.
- B. The land subject to the application is within the R-10, R-8, R-6, R-5, R-3.5 and R-2 districts.
- C. The land will be used solely for residential uses, including recreational or open space uses that are accessory to residential use.
- D. The land division does not provide for dwellings or accessory buildings to be located in the following areas:
1. The Willamette River Greenway Overlay District;
 2. The Historic Overlay District;
 3. The Natural Resources Overlay District.
- E. The land division satisfies the minimum public improvement and design standards for development in OCMC 16.12.
- F. The land division satisfies the following development standards contained in this code or in an applicable Master Plan:
1. Applicable lot dimensional standards;
 2. Applicable standards that regulate the physical characteristics of permitted uses, such as building design standards;
 3. Applicable standards in this code for transportation, sewer, water, drainage and other facilities or services necessary for the proposed development, including but not limited to right-of-way standards, facility dimensions and on-site and off-site improvements.
- G. The land division will result in development that either:
1. Creates enough lots to allow building residential units at 80 percent or more of the maximum net density permitted by the zoning designation of the site; or
 2. Will be sold or rented to households with incomes below 120 percent of the median family income for Clackamas County.

16.24.050 Criteria of approval – middle housing land division.

- A. The community development director will approve a tentative plan for middle housing land division based on whether it satisfies the following criteria of approval:
1. The application provides for the development of middle housing in compliance with the Oregon residential specialty code and land use regulations applicable to the original lot allowed under ORS 197.758 (5).
 2. Separate utilities are provided for each dwelling unit.

3. The applicant provides for easements necessary for each dwelling unit on the plan for:
 - i. Locating, accessing, replacing and servicing all utilities;
 - ii. Pedestrian access from each dwelling unit to a private or public road;
 - iii. Any common use areas or shared building elements;
 - iv. Any dedicated driveways or parking; and
 - v. Any dedicated common area;
4. The applicant proposes exactly one dwelling unit on each resulting lot, except for lots, parcels or tracts used as common areas.
5. The applicant demonstrates that buildings or structures on a resulting lot will comply with applicable building codes provisions relating to new property lines and, notwithstanding the creation of new lots, that structures or buildings located on the newly created lots will comply with the Oregon residential specialty code.
6. The original lot dedicated and improved the abutting street right of way sufficient to comply with minimum right of way and improvement standards of OCMC 16.12, or dedication and/or improvements of the abutting street right of way are proposed that meet the standards of OCMC 16.12.
7. The type of middle housing developed on the original lot shall not be altered by a middle housing land division. For example, cottage cluster units within a cottage cluster do not become single-family detached residential units after a middle housing land division.

16.24.060 Conditions of approval - expedited and middle housing land division.

- A. The community development director may add conditions of approval of a tentative plan for a middle housing land division or expedited land division as necessary to comply with the applicable criteria of approval. Conditions may include but are not limited to the following:
- B. A condition to prohibit the further division of the resulting lots or parcels.
- C. A condition to require that a notation appear on the final plat indicating that the approval was given under Section 2 of Senate Bill 458 (2021) as a middle housing land division.
- D. A condition to require recording of easements required by the tentative plan on a form acceptable to the City, as determined by the City Attorney.

16.24.070. Final plat for expedited and middle housing land division.

- A. An expedited land division or middle housing land division is subject to the final plat standards and procedures as specified in OCMC 16.08.100 to 16.08.105, except as specifically provided otherwise in this section.
- B. A notice of middle housing land division for each middle housing lot shall be recorded with the county recorder that states:
 1. The middle housing lot may not be further divided.
 2. No more than one unit of middle housing may be developed on each middle housing lot.
 3. The dwelling developed on the middle housing lot is a unit of middle housing and is not a single family detached residential unit, or any other housing type.
- C. A final plat is not required prior to issuance of building permits for middle housing proposed with a middle housing land division.

- D. A middle housing land division tentative plan is void if and only if a final plat is not approved within three years of the tentative approval. Expiration of expedited land division tentative plans shall comply with the provisions of OCMC 17.50.200.

16.24.080 Appeals.

The procedures in OCMC 17.50.190 do not apply to appeals of an expedited land division or middle housing land division. Any appeal of an expedited land division or middle housing land division must be as provided in ORS 197.375. The Approval Authority for any appeal of an expedited land division or middle housing land division is a city-appointed hearings referee.



CITY OF OREGON CITY

Staff Report

625 Center Street
Oregon City, OR 97045
503-657-0891

Item #2.

To: Planning Commission **Agenda Date:** 1.9.23
From: Christina Robertson-Gardiner, Senior Planner

SUBJECT:

Package #2 of Legislative File: GLUA 22-0002/LEG-22-0001- HB 2001 Housing Choice Code Update

STAFF RECOMMENDATION:

Review HB 2001 Package #2 policy questions, provide direction on policy questions identified for the hearing, and continue the hearing to January 23, 2023

EXECUTIVE SUMMARY:

On June 1, 2022, the City Commission voted 4-0 to approve the second reading of ORDINANCE NO. 22-1001 for the HB 2001 Housing Choices Update and remand the LEG 22-001 to the October 24, 2022 Planning Commission Meeting to review the second package of outstanding policy questions.

Hearings Process

The Package #2 code revision process will generally follow the same method the Planning Commission utilized when adopting code revisions to the Thimble Creek Concept Plan area in 2019-2022. Policy topics will be assigned specific hearing dates in advance to allow Planning Commissioners, staff, and the public the ability to concentrate their efforts on a few issues at a time. Each topic will start with a presentation of background information from staff, a review of oral and written public comments on the topic, and a discussion of whether the policy question should be addressed through code revisions. If the Planning Commission can provide direction on the policy question, staff will return at a future meeting with a recommended redline code change that implements the policy direction or provide additional information on Planning Commission questions. A policy tracker will be updated to reflect the Planning Commission's direction. Toward the end of the hearings process- the Planning Commission will be able to review the entire proposal to ensure that there is consensus on the package being forwarded to the City Commission. The tentative schedule is for the Planning Commission to review topics from November 2022- January 2023

January 9, 2023 Topics

Deliverable: If the Planning Commission wishes to advance either of these topics, it should be in the form of a request for a future work plan from the City Commission. Additional discussions can occur with the City Commission at a joint HB 2001 Package #2 work session plan in early 2023.

1. Land Use Affordability Incentives

City Commission recommended further discussion though some portions of the policy question may require additional direction or work plans.

More flexible code provisions for middle housing could be selectively targeted at projects meeting affordability requirements to improve those projects' feasibility and explicitly encourage affordable housing development.

2. Tiny Homes and Recreational Vehicle Occupancy Options

City Commission recommended further discussion. As this issue is complex, involves multiple city departments, and has future budgetary implications, the Planning Commission will discuss policy options and recommend workplan direction on this item.

Should the city expand options for housing that falls outside of traditional dwelling units that hook up to city utilities and pay System Development fees? Where and when are they of value to the City?

3. Micro Shelters

While initially grouped into the above tiny home/RV category, Staff has moved this item into a separate policy question as it related to more transition housing in non-residential areas.

Should the City create a work plan to research/investigate allowing micro shelter villages as a transitional housing option in Oregon City?

BACKGROUND:

[House Bill 2001](#), passed by the State Legislature in 2019, calls for cities to allow a range of middle housing types, including duplexes, triplexes, quadplexes, townhouses, and cottage clusters in single-family neighborhoods. The Planning Commission and City Commission held hearings in the Spring of 2022 to advance code revisions that met the requirements of HB 2001. These code revisions were required to be adopted by June 30, 2022, and effective by July 1, 2022. A second package of amendments was continued to the Fall of 2022 for code sections and policy questions that were not required for inclusion in the June 30, 2022 deadline but are still linked to the larger middle housing implementation discussion.

OPTIONS:

1. Review HB 2001 Package #2 policy questions, provide direction on policy questions identified for the hearing, and continue the hearing to January 23, 2023

To: Planning Commission
From: Christina Robertson-Gardiner, Senior Planner
RE: Package #2 of Legislative File: GLUA 22-0002/LEG-22-0001- HB 2001 Housing
Choice Code Update
January 9, 2023 Hearing Topics
Date: December 22, 2022

On June 1, 2022, the City Commission voted 4-0 to approve the second reading of ORDINANCE NO. 22-1001 for the HB 2001 Housing Choices Update and remand the LEG 22-001 to the October 24, 2022 Planning Commission Meeting to review the second package of outstanding policy questions.

Copies of the adopted code and application packets can be found by visiting the [Housing Choices Code Update project page](#). The [online municipal code](#) will be updated to include these changes in early 2023.

Hearings Process

The Package #2 code revision process will generally follow the same method the Planning Commission utilized when adopting code revisions to the Thimble Creek Concept Plan area in 2019-2022. Policy topics will be assigned specific hearing dates in advance to allow Planning Commissioners, staff, and the public the ability to concentrate their efforts on a few issues at a time. Each topic will start with a presentation of background information from staff, a review of oral and written public comments on the topic, and a discussion of whether the policy question should be addressed through code revisions. If the Planning Commission can provide direction on the policy question, staff will return at a future meeting with a recommended redline code change that implements the policy direction or provide additional information on Planning Commission questions. A policy tracker will be updated to reflect the Planning Commission's direction. Toward the end of the hearings process- the Planning Commission will be able to review the entire proposal to ensure that there is consensus on the package being forwarded to the City Commission. The tentative schedule is for the Planning Commission to review topics from November 2022- January 2023

January 9, 2023 Topics

Deliverable: If the Planning Commission wishes to advance either of these topics, it should be in the form of a request for a future work plan from the City Commission. Additional discussions can occur with the City Commission at a joint HB 2001 Package #2 work session plan in early 2023.

1. Land Use Affordability Incentives

City Commission recommended further discussion though some portions of the policy question may require additional direction or work plans.

More flexible code provisions for middle housing could be selectively targeted at projects meeting affordability requirements to improve those projects' feasibility and explicitly encourage affordable housing development.

2. Tiny Homes and Recreational Vehicle Occupancy Options

City Commission recommended further discussion. As this issue is complex, involves multiple city departments, and has future budgetary implications, the Planning Commission will discuss policy options and recommend workplan direction on this item.

Should the city expand options for housing that falls outside of traditional dwelling units that hook up to city utilities and pay System Development fees? Where and when are they of value to the City?

3. Micro Shelters

While initially grouped into the above tiny home/RV category. Staff has moved this item into a separate policy question as it is related more to transition housing in non-residential areas.

Should the City create a work plan to research/investigate allowing micro shelter villages as a transitional housing option in Oregon City?

PURPOSE OF MEMO

This memo is not intended to encapsulate every issue and idea relating to making housing more affordable in Oregon City; rather, it will attempt to frame some policy work to date on the subject and provide some initial background on the specific topics forwarded for further discussion in the initial approval of HB 2001 code amendments.

As the purpose of the Planning Commission is to serve as an advisory body to, and a resource for, the City Commission in land use matters, the Planning Commission should frame their discussion on items or topics they believe the City Commission should pursue as a future work plan item. The three topics addressed in this memo, affordable housing incentives, tiny homes,/RV hardship allowances, and micro shelters, are just subsets of larger housing production strategies that cities can pursue to support the creation of housing for all income levels.

At the January 9, 2023 hearing, the Planning Commission should provide general direction of what items they want to forward to the City Commission for a future work plan, and why they think these items are important to pursue. Other topics not included in the HB 2001 Package #2 topics can be added to the recommendation if there is consensus from the Planning Commission to do so. Staff will prepare a memo for review and schedule a work session with the City Commission to further discuss the recommendations.

If the Planning Commission believes that additional meetings are needed before they can provide a recommendation to the City Commission on the topics, please let staff know what additional information or speakers would be helpful for future discussions.

PROPOSED POLICY TOPICS

Affordability Code Incentives

Existing Policy: Various

Additional Policy Options: Various

Spring 2022 Recommendations:

Planning Commission: Recommended for further consideration

City Commission: No discussion

Planning Commission Questions to Consider

1. Should the City request a future work plan to look at adopting code that provides development incentives for projects that meet thresholds for affordable housing? If yes- are there options that you are particularly interested in pursuing?
2. Do you need additional information on specific topics before you can make a recommendation?

Oregon City does not have an adopted definition for affordable housing or affordable housing project. Though the affordable housing bonus section in OCMC 17.12 looks to projects that are 80% of Medium family income or less and are committed to affordable housing for at least 30 years. Below are some examples to provide background.

AFFORDABLE HOUSING. The term “affordable housing”, “affordable rental housing,” or “housing affordable to rental households” means that the rent is structured so that the targeted tenant population pays no more than 30 percent of their gross household income for rent and utilities. The targeted tenant populations referred to in this section include households up to 80 percent of MFI . *(City of Portland)*

AREA MEDIAN INCOME: Calculated by US Department of Housing and Urban Development (HUD) annually for different communities. By definition, 50% of households within the specified geographic area earn less than Area Median Income (AMI), and 50% earn more. AMI is adjusted based on household size and used to determine the eligibility of applicants for federally and locally funded housing programs. *(HUD)*

AFFORDABLE HOUSING: Any housing that costs an owner or renter no more than 30% of gross household income, including utilities *(HUD)*

Code Options

More flexible code provisions for middle housing could be selectively targeted at projects meeting affordability requirements, both to improve feasibility of those projects and to explicitly encourage affordable housing development. Several options considered during the policy development process for the first batch of amendments could be further considered for their potential applicability to projects meeting affordability criteria, such as:

- Additional units, such as permitting six-plexes on the same sized lots as quadplexes.
- Additional lot coverage allowances.
- Increased townhouse density up to 29 units/acre (effective density of the permitted 1,500-SF minimum lot size), beyond the 17-25 units/acre range approved.
- Reduced parking requirements, either in the form of reduced minimum off-street parking or allowing on-street parking credits to count towards required minimums.

The City could also consider the ratio of market-rate and affordable units required to be eligible for any incentives. In contrast to larger multi-family affordable housing projects, affordable middle housing projects will be smaller-scale and may be more likely to be built by smaller, market-rate builders, or mission-driven nonprofits like Habitat for Humanity. Potential thresholds could include all units capped at rates affordable to households earning 80-100% of the area median income or 50% of units capped at rates affordable to households earning 60% or less of the area median income. Discussions with affordable and market-rate developers would be critical to understanding interest in building affordable or mixed-income middle housing projects and which regulatory incentives would be most supportive of desired development.

System Developments Fees

While not part of the Planning Commission’s purview, [System Development Fees](#) and their relationship to various types and sizes of dwellings will most likely be part of a future housing production strategy. If this is something the Planning Commission wishes to see the City Commission review as a future work plan, it can be folded into the final Planning Commission recommendations memo to the City Commission.

Tiny Homes and Recreational Vehicle Occupancy Options

Existing Policy: Only permanent dwelling units with utility connections (water and sewer) and paid system development fees are permitted in residential areas. RVs and other tiny home type structures without permanent infrastructure are not permitted to be used as dwellings, as ADUs, or as manufactured homes; long term stay RV parks are not permitted anywhere in the City.

Additional Policy Options: Consider what role RVs and tiny homes could play in meeting residential needs, such as permitting individual RVs on residential lots as an accessory dwelling and/or permitting clusters of RVs as either an RV park or a village-type or shelter model.

Spring Recommendations:

Planning Commission & City Commission: N/A;

Policy topic suggested through public comment

Planning Commission Questions to Consider

1. Should the City create a future work plan to look at adopting a code that allows tiny homes, recreational vehicles, or other mobile dwellings for overnight use in certain circumstances? If yes- are there options that you are particularly interested in pursuing?
2. Should the City create a future work plan to research/investigate allowing micro shelter villages as a transitional housing option in Oregon City?
3. Do you need additional information on specific topics before you can make a recommendation?

Tiny Homes, tiny homes on wheels, and Recreational Vehicles (RV)

During the Middle Housing code adoption process in the spring of 2022, there was public comment about exploring alternative residential options in the form of tiny homes and RVs that could be mobile and would not meet the definition of a 'dwelling unit.' Such residential uses are effectively precluded in the City now, with no provisions in the zoning code for even RV park uses. Some cities in Oregon and beyond are exploring the potential for RVs, tiny homes, and other mobile dwellings to be used for residential use. See the attached exhibits, further discussed below, for a range of opportunities and issues.

How Oregon City currently treats the following types of housing:

Tiny stick-built homes (approx. 180-400 square feet)

These can be separate dwellings with full cooking facilities or be accessory building to the main house that requires connection to public utilities (sewer & water) and are triggered for a [System Development Fee](#) if they are considered separate dwelling unit (permanent cooking facilities). Building permits are required for these spaces, no matter the size, as they are intended for overnight sleeping,

Park models, tiny homes on wheels (approx. 180-400 square feet)

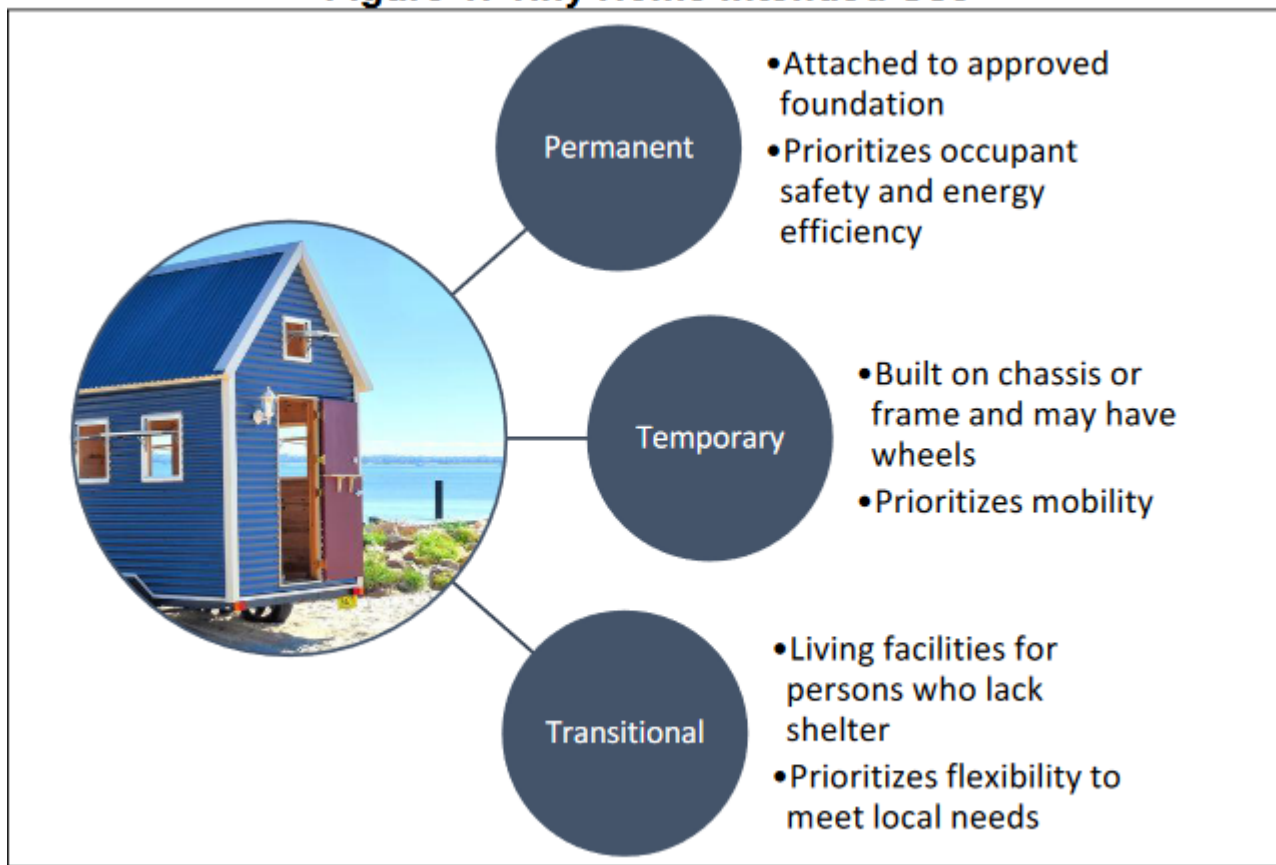
Currently, these types of homes need to be either removed from their chassis or skirted to be more permanent and require the owner to hook up to city utilities and pay [System Development Fees](#) as separate dwelling units. Building permits are required for these spaces, no matter the size, as they are intended for overnight sleeping, though it would be mostly limited to fire/ life /safety review.

Recreational vehicle (RV)

These are primarily temporary quarters for *recreational*, camping, travel, or seasonal use and not for use as a dwelling. Oregon City currently [prohibits](#) RVs for residential use as RVs and are not allowed to be residentially occupied, though they can be stored on private property. Tiny homes on wheels that are allowed to travel on the

road can sometimes also fall into this category. If the City wishes to allow tiny homes on wheels, you would want to decide if the city also would want this to apply to both RVs and Tiny homes on wheels, and adopt enabling code. [Portland](#) adopted code in 2021 to allow this option.

Figure 1: Tiny Home Intended Use



Source: Legislative Policy and Research Office

Backgrounds Report and Articles

Tiny Home: Legislative Regulation Background Brief (Exhibit 9a)

A legislative brief written in 2018 that provides a good background on the issues. This work helped lead to some recent residential specialty code revisions that provided additional direction and options for building officials.

Mobile Dwellings in Oregon: Legislative Opportunities for Interim Housing, Mobile Dwellings Policy Workgroup (Exhibit 9b)

In 2021, an interdisciplinary workgroup of Oregon housing professionals convened monthly for a year to review the status of legislation and common local regulations for mobile dwellings, explicitly with the lens of using them as housing.

Legalizing Mobile Dwellings: A guide for expanding a unique affordable housing option in your city, PSU Masters of Urban and Regional Planning Workshop 2022 (Exhibit 9c)

A report on mobile dwellings for the City of Wood Village by Small Wins Planning, a PSU Workshop group. Mobile dwellings are a uniquely affordable housing option. The report presents mobile dwellings as part of the solution for growing issues of housing affordability, focusing on Oregon and the Portland Metro region, but could be applicable in a variety of urban contexts.

American Planning Association Zoning Practice- Tiny Homes (Exhibit 9d)

Provides a general overview of the common issues nationwide surrounding tiny homes- 2015.

Tiny Home Industry Association: Groundbreaking Regulations: Tiny Houses and RVs Allowed as Housing In Portland (Exhibit 9E)

On April 28th, 2021, Portland's City Council unanimously passed a new set of regulations that allows for recreational vehicles (RVs) and tiny houses on wheels (THOWs) to be used as a legal, viable housing option on residential properties in the City of Portland beginning on August 1st, 2021. This industry association post is intended to synthesize these new regulations in plain language and provide some context about the policy basis of this change.

Micro Shelters (Transition Housing)

Existing Policy Micro shelters are small structures that can be placed on a non-residential property to provide temporary shelter on a short-term basis. They are currently not permitted outright in the Oregon City but potentially could be part of an **HB 2006** shelter application.

Additional Policy Options: Should the City research/investigate allowing micro shelter villages as a transitional housing option in Oregon City?

Spring Recommendations:

Planning Commission & City Commission: N/A;

Policy topic suggested through public comment

Planning Commission Questions to Consider

1. Should the City create a future work plan to research/investigate allowing micro shelter villages as a transitional housing option in Oregon City?
2. Do you need additional information before you can make a recommendation?

City of Salem

FAQ sheet

Micro-shelter villages are new to Salem and provide managed, temporary housing opportunities for people who are unsheltered, combined with case management and outreach services designed to match individuals with resources. The City of Salem, in partnership with area non-profits, offers temporary shelter for individuals who are chronically homeless or recently unhoused. These micro-shelter villages provide up to 40 small living spaces to be used as temporary housing. At each location, we are providing 24-hour security, on-site staff, restrooms, meals, peer support, and connections to local service providers and programs.

City of Corvallis

FAQ sheet

Approvals for micro shelters are granted to the site owner or organization, and the site host is responsible for the micro shelter's installation and operational performance. Micro shelter approvals do not provide any permanent land use rights and may be revoked if an installation does not meet or remain in compliance with the City's requirements. Micro shelters do not have all the features of a full dwelling unit and are too small to be regulated by the building code. Corvallis has created safety guidelines to address minimum requirements. Micro shelters may only be placed on non-residential lots.

BIG PICTURE

RELEVANT HOUSING POLICIES, CODES & ADOPTED PLANS

To help provide context for the specific policy topics for the January 9, 2023, meetings, please review some existing policy documents and goals for housing at the local and state levels. Housing staff from the Department of Land Conservation and Development (DLCD) have offered to attend a future Planning Commission meeting to talk about housing-related topics the Commission would like to discuss in further detail, including what other jurisdictions are pursuing.

City of Oregon City

2021- 2023 City Commission Goals

The City Commission Goals serve as a framework for budget development and provide guidance for how best to allocate the resources of the City. Though the budget is prepared to support and accomplish the goals, the goals should not be confused with the budget. The budget is the legal authority for spending and focuses on the near-term (the biennium). The goals, on the other hand, are long-term in nature and therefore, may continue beyond the two-year budget period.

Oregon City Vision

Embrace and advance Oregon City's historic role as a regional leader

Mission

Build a dynamic community that leads the State in safety, economic opportunity, livability, and historic significance

Goals

Goal 1: Promote diversity, equity and inclusion for a safe, inclusive community and organization

Goal 2: Invest in current and future capital needs for safe, sustainable infrastructure and City services

Goal 3: Improve the City's engagement efforts to reach the broader Oregon City community and inform the policy process

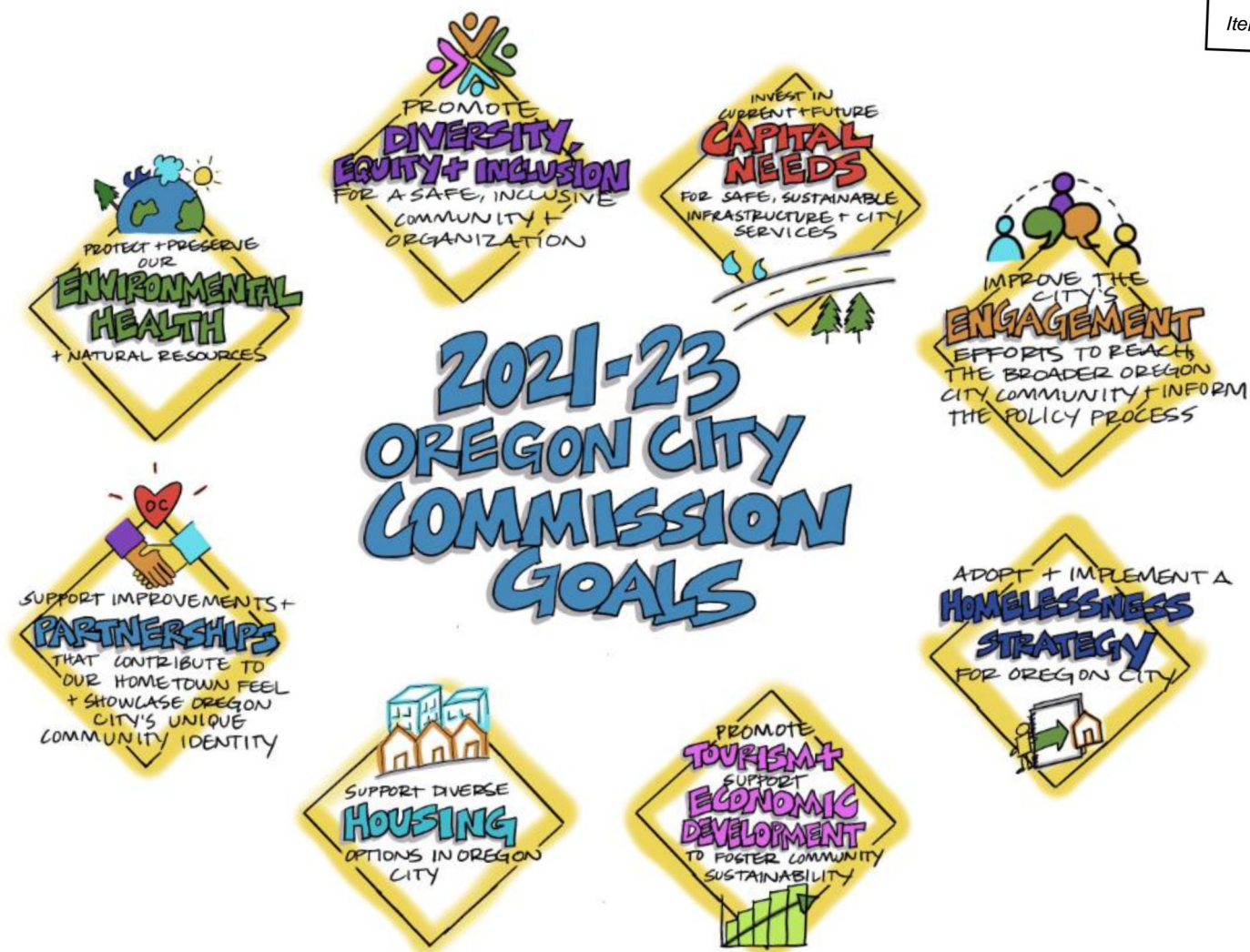
Goal 4: Adopt and implement a homelessness strategy for Oregon City

Goal 5: Promote tourism and support economic development to foster community sustainability

Goal 6: Support diverse housing options in Oregon City

Goal 7: Support improvements and partnerships that contribute to our hometown feel and showcase Oregon City's unique community identity

Goal 8: Protect and preserve our environmental health and natural resources



Oregon City Comprehensive Plan

Oregon City Comprehensive Plan- Housing (2022)

Oregon City recognizes that the health of its community depends heavily on the health of its neighborhoods and its ability to provide housing that meets the diverse needs of all residents. The goals and strategies of the 2004 Plan were largely focused on protecting the character of existing residential neighborhoods and planning for new neighborhoods, both of which are supported by a range of housing types and neighborhood services. The need to maintain that balance still applies today and played a large role in the development of housing strategies for the OC2040 Plan.

In 2021, the City adopted a [Housing Needs Analysis \(HNA\)](#) to understand how much housing will be needed in the future and if the City has enough available land to accommodate the community's housing needs through 2041. The HNA provides recent information about Oregon City's housing market and forecasted housing needs, along with data on Oregon City's demographic and socioeconomic trends, to support future planning efforts related to housing as well as options for addressing unmet housing needs in Oregon City. Key findings of the HNA include:

- Growth in housing will be driven by growth in households. The number of households in Oregon City's Planning Area is forecast to grow from 14,778 households to 22,213 households, an increase of 7,435 households between 2021 and 2041.
- Oregon City is planning for growth of 7,435 new dwelling units. To accommodate those units over the 20-year planning period, Oregon City will average 372 new dwelling units annually, and will plan for more single-

family attached and multifamily dwelling units in the future to meet the city's housing needs. The factors driving the shift in types of housing needed in Oregon City include changes in demographics and decreases in housing affordability. The aging of senior populations and the household formation of young adults will drive demand for renter and owner-occupied housing, such as small single-family detached housing, townhouses, duplexes, and apartments/condominiums. Both groups may prefer housing in walkable neighborhoods, with access to services.

- Oregon City is meeting Metro's requirements for net density and housing mix. OAR 660-007-0035 sets specific density targets for cities in the Metro UGB and requires that cities within the Metro UGB "provide the opportunity for at least 50 percent of new residential units to be attached single family housing or multiple family housing." Based on the HNA findings, Oregon City is exceeding average density targets at an average net density of 9.5 dwelling units per net acre, and the City is assuming that 20% of new dwelling units will be single-family attached, 10% of new units will be duplexes, triplexes, or quadplexes, and 20% of new units will be multifamily.
- Oregon City has an unmet need for affordable housing. About 34% of Oregon City's households are cost burdened, with 50% of renters cost burdened and 28% of owners cost burdened. Oregon City's level of cost burden is similar to other communities in Clackamas County.
- Oregon City met the requirements of House Bill 2001 and as of 2022, the City adopted zoning code to comply with the requirements of HB 2001.

Comprehensive Plan Housing Goals and Strategies

GOAL 2

Provide housing options, including both rental and ownership opportunities, that are attainable for the full range of Oregon City households.

POLICY 2.1 Plan for housing supply that supports and implements the recommendations of the current Housing Needs Analysis.

STRATEGY 2.1.A Ensure housing policies allow for increased opportunities for home ownership by regularly evaluating housing supply, market demand, buildable land, and infrastructure costs through a Housing Needs Analysis.

POLICY 2.2 Ensure that land use designations and zoning code provisions allow and encourage a wide range of housing types.

STRATEGY 2.2.A Designate residential land for a balanced variety of densities and types of housing, such as single-family attached and detached, and a range of multi-family densities and types, including mixed-use development.

POLICY 2.3 Support retention of existing homes and opportunities for community members to "age in place".

POLICY 2.4 Support and encourage transit-oriented development opportunities.

STRATEGY 2.4.A Ensure planning for transit corridors includes facilities and access management, aesthetics (including signage and building facade improvements), infill and redevelopment opportunities, high-density residential development, and business assistance to existing businesses.

STRATEGY 2.4.B Provide incentives that encourage the location of affordable housing developments near public transportation routes. Incentives could include reduction of development-related fees and/or increases in residential density (density bonuses).

POLICY 2.5 Support development of subsidized and affordable housing.

STRATEGY 2.5.A Aim to reduce the isolation of income groups within communities by encouraging diversity in housing types within neighborhoods consistent with the Clackamas County Consolidated Plan, while ensuring that needed affordable housing is provided.

STRATEGY 2.5.B Retain affordable housing potential by evaluating and restricting the loss of land reserved or committed to residential use. When considering amendments to the Comprehensive Plan Land-Use Map, ensure that potential loss of affordable housing is mitigated.

STRATEGY 2.5.C Allow increases in residential density (density bonuses) for housing development that would be affordable to Oregon City residents earning less than 50 percent of the median income for Oregon City.

STRATEGY 2.5.D Investigate variable System Development Charges (SDCs) and other incentives to support middle housing and affordable housing development.

Oregon City Municipal Code- Affordable Housing Density Bonus

Chapter 17.12 - HIGH DENSITY RESIDENTIAL

17.12.050 Density standards.

A. The minimum net density in the R-2 district shall be 17.4 dwelling units per acre.

B. The maximum net density in the R-2 district shall be 21.8 dwelling units per acre.

C. Affordable housing density bonus. Residential projects in the R-2 zone with five or more units on a single lot are eligible for a density bonus in exchange for developing affordable housing. A bonus of one additional dwelling unit per affordable unit included in the project, up to a maximum twenty percent increase from maximum net density up to 26.2 du/acre, is allowed. Projects containing exclusively affordable units may develop to the maximum twenty percent increase or 26.2 du/acre. Affordable units shall be affordable to households earning equal to or less than 80 percent of the area median income as defined by the U.S. Department of Housing and Urban Development, adjusted for household size, and guaranteed affordable for a minimum term of 30 years through restrictive covenant or other similar guarantee approved by the community development director.

State of Oregon- Housing

Oregon Housing Needs Analysis Legislative Recommendations Report: Leading with Production

In 2021, the Oregon Legislature directed the Department of Land Conservation and Development (DLCD), in partnership with Oregon Housing and Community Services (OHCS), to prepare a set of recommendations to modernize how local cities and counties plan for housing in a manner that results in more affordable, fair, and equitable housing outcomes. Published on November 10, 2022, this report offers recommendations on how the state of Oregon, and its communities, can work together to make real progress in addressing Oregon's housing crisis by balancing regulatory authority and shared accountability with incentives and public resources to create housing solutions. If implemented, these reforms would advance the following outcomes:

- Increased overall housing production
- Increased publicly funded and affordable housing production
- More inclusive and integrated communities

Housing Production Strategies

In 2019, the Oregon Legislature passed House Bill 2003 which aims to help communities meet the housing needs of Oregonians. The law requires Oregon's cities over 10,000 population to study the future housing needs of their residents and to develop strategies that encourage the production of housing their residents need. House Bill 2003 requires cities over 10,000 population to adopt a Housing Production Strategy (HPS) one year following their HNA adoption deadline. The HPS must outline a list of specific tools, actions, and policies that the city plans to take to address the housing need identified in the HNA. This also includes the city's plan and timeline for adopting and implementing each strategy. The deadline for Oregon City's Housing Production Strategy is due in 2028, one year after the next required update to Oregon City's Housing Needs analysis. While the report is not due for many years, Oregon City can choose to pursue [specific tools or strategies](#) ahead of the formal process.

Senate Bill 8

Requires local governments to allow the development of certain affordable housing on lands not zoned for residential uses. Allows the establishment of certain affordable housing at increased density. Expands availability of attorney fees for applicants developing affordable housing and local governments prevailing at the Land Use Board of Appeals or on appeal from the board.

A local government shall allow affordable housing, and may not require a zone change or conditional use permit for affordable housing on property if:

(a) The housing is owned by:

(A) A public body, as defined in ORS 174.109; or

(B) A nonprofit corporation that is organized as a religious corporation- The property is zoned: For commercial uses; to allow religious assembly; or as public lands.

Staff comment: Senate Bill 8 provides city and religious nonprofits the ability to look at their own land supply for opportunities to provide affordable housing in their community. With this bill, multifamily affordable housing development can occur on low-density and medium-density land owned by public bodies and religious non-profits. The development would not require a conditional use review and would follow the clear and objective multi-family site plan and design review standards found in OCMC 17.62 Site Plan and Design Review.

Exhibits

1. HB 2001 Package #2 Hearing Topic Timeline – Updated
2. Public Comment Matrix- Updated
3. October 15, 2022 Planning Commission Memo (Process Overview)
4. July 19, 2022, memo from Elizabeth Decker, JET Planning
5. [Oregon City Comprehensive Plan \(2022\)](#)
6. [Oregon City Zoning Map](#)
7. [Housing Choices Code Update project page](#)
8. Micro Shelters
 - a. [City of Salem: Learn about Micro Shelter Villages](#)
 - b. [Microshelters In Corvallis](#)
9. Tiny Home/Mobile Dwellings
 - a. Tiny Home: Legislative Regulation Background Brief
 - b. Mobile Dwellings in Oregon: Legislative Opportunities for Interim Housing, Mobile Dwellings Policy Workgroup
 - c. Legalizing Mobile Dwellings: A guide for expanding a unique affordable housing option in your city, PSU Masters of Urban and Regional Planning Workshop 2022
 - d. American Planning Association Zoning Practice- Tiny Homes
 - e. [Tiny Home Industry Association: Groundbreaking Regulations: Tiny Houses and RVs Allowed As Housing In Portland](#)

LEG 22-001 Package #2 Policy Questions		Issue	Potential Outcome	Hearing Date	Planning Commission Direction
<p>Duplex Lot Coverage in Medium-Density Zones</p> <ol style="list-style-type: none"> 1. Should the City increase maximum building lot coverage for duplexes to match the current allowance for a single-family dwelling plus an ADU (60-65%) 2. Should the City increase maximum building lot coverage across the board for specific middle housing types in rough proportion to increased numbers of units? 3. If there is no consensus for code revisions for this topic, should the City review this question in 2-3 years to determine if lot coverage is a barrier to middle housing construction? 		Consider increasing building lot coverage for duplexes to match the current allowance for a single-family dwelling plus an ADU	Recommended redline code	November 14, 2022	<p>The Planning Commission did not recommend any code revision for this issue as part of Package #2.</p> <p>They found that there was a general uncertainty about the impact of the newly adopted middle housing code and, therefore, code revisions would be premature at this time.</p>
<p>Lot Coverage in Low-Density Zones.</p> <ol style="list-style-type: none"> 1. Should the City increase maximum building lot coverage for duplexes to match the current allowance for a single-family dwelling plus an ADU (45%) 2. Should the City increase maximum building lot coverage across the board for specific middle housing types in rough proportion to increased numbers of units? 3. If there is no consensus for code revisions for this topic, should the City review this question 		Consider increasing maximum building lot coverage for specific middle housing types in rough proportion to increased numbers of units.	Recommended redline code	November 14, 2022	<p>The Planning Commission did not recommend any code revision for this issue as part of Package #2.</p> <p>They found that there was a general uncertainty about the impact of the newly adopted middle housing code and, therefore,</p>

LEG 22-001 Package #2 Policy Questions	Issue	Potential Outcome	Hearing Date	Planning Commission Direction
in 2-3 years to determine if lot coverage is a barrier to middle housing construction?				code revisions would be premature at this time.
<p>High-Density Zone Development Standards</p> <ol style="list-style-type: none"> 1. Should the City increase middle housing density standards in the R2 zone to match the allowed density of the medium-density (R3.5) residential zoning? Should it be higher? 2. Should the City increase the allowed density for multi-family projects in the R2 zone to be higher than the density for middle housing in the R2 zoning? If yes, should staff return with mitigation, location, or scaling strategies to reduce community impact? 3. Should the City remove or restrict townhomes/townhome subdivisions as an allowed use in the R2 zoning district but still allow tri/quad plexes on infill lots? 4. If there is no consensus for code revisions for this topic, should the City review this question in 2-3 years? 	With the introduction of middle housing at greater densities in the low and medium densities zone, there could be a broader discussion about the purpose and standards for the high density R-2 zone	Recommended redline code	November 14, 2022	<p>The Planning Commission did not recommend any code revision for this issue as part of Package #2.</p> <p>They found that there was a general uncertainty about the impact of the newly adopted middle housing code and, therefore, code revisions would be premature at this time.</p>
Land Use Affordability Incentives	More flexible code provisions for middle housing could be selectively targeted at projects meeting affordability requirements, both to improve feasibility of those projects and to	<p>Recommended redline code</p> <p>Policy or workplan</p>	November 28, 2022	

LEG 22-001 Package #2 Policy Questions	Issue	Potential Outcome	Hearing Date	Planning Commission Direction
	explicitly encourage affordable housing development.	request for more complex items	Moved to January 9, 2023	
Tiny homes, RV hardship allowances, tiny home shelter/cluster homes (not hooked up to city sewer/water)	Additional options for housing should be discussed that fall outside of traditional dwelling units that hook up to city utilities and pay System Development Fees. Where and when are they a value to the city?	Policy or workplan request as this is a complex issue.	November 28, 2022 Moved to January 9, 2023	
Parking Standards for Triplexes and Quadplexes	Technical clarifications to reflect that standards apply per development, not per unit, and consider increasing or eliminating the maximum parking ¹ standard. Consider relocating the standards to the triplex and quadplex design section. At this time, Staff does not recommend any revisions to the parking sections for Triplexes and Quadplexes and will review for any needed technical corrections in preparation for any compliance with Climate-Friendly and Equitable Communities .	None	December 12, 2022	Planning Commission did not recommend any code revisions at this time.

¹ <https://www.oregon.gov/lcd/CL/Documents/ParkingReformOverview.pdf>. Code edits that address the requirements of Climate-Friendly and Equitable Communities Oregon Administrative Rules are recommended to be reviewed in a future separate package.

LEG 22-001 Package #2 Policy Questions	Issue	Potential Outcome	Hearing Date	Planning Commission Direction
Middle Housing Driveway Specifications.	Coordinate with Public works-Development Services to revise driveway widths to better align across code sections and meet policy goals.	Recommended redline code	December 12, 2022	<p>The Planning Commission provided general consensus to recommend approval to the City Commission.</p> <p>Formal vote to occur at the January 9, 2023 Planning Commission Meeting .</p>
Technical Revisions	<p>Reduce the number of townhome units allowed through the Middle Housing Land Division process (four). Require review through the Subdivision or Expedite Land Division process for townhome proposals with more than four units.</p> <p>Allowing an exemption of the maximum front yard setbacks and minimum density standards for standalone residential development of four units or less in the Mixed Use Corridor and Mixed Use Downtown Zoning Districts and creating a Type II Modification process for projects that need an adjustment to the middle housing design standards.</p>	Recommended redline code	December 12, 2022	<p>The Planning Commission provided general consensus to recommend approval to the City Commission.</p> <p>Formal vote to occur at the January 9, 2023 Planning Commission Meeting .</p>

LEG 22-001 Package #2 Policy Questions	Issue	Potential Outcome	Hearing Date	Planning Commission Direction
Multiple ADUs per Lot	Consider the future role of ADUs and how ADU standards compare to plex standards. Consider whether to permit multiple ADUs per lot for greater parity with new provisions for plexes, which could be written to require one attached and one detached unit, or in any combination.	Request for policy clarification	January 9, 2023 January 23, 2022	
Lot Averaging for Subdivisions	Consider whether and how lot averaging should apply to middle housing options beyond duplexes, and whether lot averaging remains a useful tool for new subdivisions along with middle housing opportunities	Request for policy clarification	January 9, 2023 January 23, 2022	

Date	Topic	Issue / Comment / Concern	Staff Comment	Has this been Addressed? How?
Paul Edgar 1.1.22 email	Tiny homes, Clustered, Safe & Rest Communities	We could create and build new master planned communities within a Manufactured Home Park mindset of design, with conventional and most importantly, affordable manufactured homes, prefabbed modular homes and also create communities of where very, very affordable tiny homes of under 200 Sq. Ft. with post and beam. We need the codes and zoning for building communities of all sizes, that have one thing in common, that permanent and semi-permanent dwelling/houses - structures that are under \$100,000	This policy question is scheduled for the November 28, 2022 Planning Commission meeting	

From: [Paul O. Edgar](#)
To: [Christina Robertson-Gardiner](#); [Aquila Hurd-Ravich](#); [John M. Lewis](#); [Josh Wheeler](#)
Cc: [Denyse McGriff](#); [Dirk Schagenhauser - OC Planning](#)
Subject: Cluster Housing in Nigeria, and how we can learn from this
Date: Tuesday, November 1, 2022 12:40:50 PM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Can this be shared as comment and testimony to the Planning Commission and City Commission, as part of HB 2001 Middle Housing discussions and code revisions

Paul Edgar

[How One Architect Helped Imagine a Better Future for a Nigerian Village in Crisis - Dwell](#)

Middle Housing and Tiny Housing, became an answer for those displaced, where the United Nations stepped in and brought in a Nigerian Architect to design and build their type of a cluster housing community. These displaced people, needed security housing and roofs over their heads, and just think about this, as we have a parallel in Oregon, Clackamas County, and even Oregon City, with our homeless and houseless.

We could create and build new master planned communities within a Manufactured Home Park mindset of design, with conventional and most importantly affordable manufactured homes, prefabricated modular homes and also create communities of where very, very affordable tiny homes of under 200 Sq. Ft. with post and beam foundations if we have places where they could be sited. We need the codes and zoning for building communities of all sizes, that have one thing in common, that permanent and semi-permanent dwelling/houses - structures that are under \$100,000 to where they could be located.

We could also have additional master planned communities that could have modular built Tiny Houses of under \$50,000 in cost and other community could be under \$25,000 in providing a starting places of what would be semi-permanent housing. Oregon Community Housing has funded opportunities to make things like this happen and even provide programs for home ownership. Metro also has programs that can provide funding to create these Master planned Communities, with funding. A one acre parcel, could be a site, that could support a beautifully designed of housing community for 24 to 40 people when it has access to public utilities, transportation, and retail stores. Re-Thinking Zoning, where there are the existence of critically required and needed utilities and public transportation and has limited negative "Not In My Back Yard" impacts and acceptance within the neighboring community, might require a greater ability to gain the ability to re-zone parcels to enable the high priority need of new affordable housing communities.

Very small Tiny Houses, of under 200 Sq. Ft. of foundations sizes may need to be expanded to 300 Sq. Ft. and the height of these affordable housing structures to 20' feet in height. Allowing things and changes to codes that enable housing structures that could be built on post and beam is equally important in reducing housing costs.

Envision mini housing structures that reduce building waste/costs, that are 8' x 20' that includes in its design a 4' x 8' porch, a 4' x 8' bathroom, 8' x 12 living space that includes &

mini-kitchen and a sleeping loft-bed area. These Tiny House Structures could have 12' ft. high walls that support a loft floor and a 8, 10, or 12-12 pitch roofs, thus creating a 1 and 1 half story Vernacular Type Design structures. Using this design a very, very affordable permanent tiny house structure, could be engineered that meets building codes, and is created without SDC fees and should only require, over the counter approval on and with pre approved plans.

This concept requires engineered and approved designs, that opens the ability of approval by the building department, to place these housing units into Master Planned and Built Out Communities, with in ground utilities.

Very, very affordable Tiny Houses of under 200 Sq. Ft. of foundation size could also be represented in an example of a 12' x 16' where the Tiny House is squared up, but again on post and beam, and with 12' ft. high walls that support larger loft sleeping areas that can be enhanced with 12-12 pitch roofs, and with a shed roof dorms. These type of type of permanent housing structures, going into a master planned manufacture home park, for middle housing, need to be allowed and zoned, to where the structure do not require SDC Fees, when coming from a modular home factory, with approved plans and assembled onsite.

These very, very affordable permanent housing units, could come from, a local modular housing factory that could also be part of Trade School Program, that builds student proficiency's in all of the trade skills needed within building housing. The key to this concept is within creating very, very affordable housing and educated students trade skills, within massively reducing costs, and creating affordable Master-Planned Community, that have small lots, will all of the utilities available and underground.

Within the creating these communities, there needs to be a focus on central common open spaces and areas that need to have park like settings, that enhance livability, walking paths, gardens, trees, and when possible central facilities like laundry facilities and parking lots that become part of limiting on-site cars. Doing this with a focus on having porches that connect people and make possible the building of a community atmosphere, as the people access these affordable Housing Structures all coming from a central common access areas.

We could also design and build Clustered, Safe & Rest Communities, where we centralized access to sanitary sewer, water, electricity, and communal structures, and have open common area's. These Safe & Rest developments become the first step away from the streets, parks and public properties where people in need are sleeping under a tarp or in a tent. We plan and create Safe & Rest Communities and provide a roof, insulated walls, wired to provide; lights, heat and cooling and lockable doors. These communities are to be controlled place where it becomes possible to transition the homeless and houseless and they must be very good looking & inviting, and in an analogy, "like a good fishing lure where the fish will bite at it". Stick built, shelter housing structure can cost less than tents structures, where the cost of each dwelling unit can be well under \$5,000 and as low as \$3,000. These Safe & Rest Communities need "Communal Buildings", can house and enable intervention specialist, with drug and addiction specialists, mental health specialists, limited health-first aid location & personal, kitchens, showers, sanitary toilets facilities, counseling facilities, administration facilities. Idealistically all structures where possible would have integrated "Solar Power Panels" to provide all of the electrical power needed whereby this community only adds to the local power grid.



To: Planning Commission
From: Christina Robertson-Gardiner, Senior Planner
RE: Package #2 of Legislative File: GLUA 22-0002/LEG-22-0001- HB 2001 Housing Choice Code Update
Planning Commission Recommendations
Date: October 15, 2022

The City of Oregon City is continuing to work to expand housing choices for all members of the community with zoning code updates to increase flexibility for middle housing types. These housing types tend to be smaller scale and less expensive than detached single-family dwellings and provide needed variety to accommodate Oregon City's diversity of households. They are called middle housing because they fall somewhere between single-family homes and larger apartments.

[House Bill 2001](#), passed by the State Legislature in 2019, calls for cities to allow a range of middle housing types, including duplexes, triplexes, quadplexes, townhouses, and cottage clusters in single-family neighborhoods. These code revisions were required to be adopted by June 30, 2022, and effective by July 1, 2022. The Planning Commission and City Commission held hearings in the Spring of 2022 to advance code revisions that met the requirements of HB 2001. A second package of amendments was continued to the Fall of 2022 for code sections and policy questions that were not required for inclusion in the June 30, 2022 deadline but are still linked to the larger middle housing implementation discussion.

On June 1, 2022, the City Commission voted 4-0 to approve the second reading of ORDINANCE NO. 22-1001 and remand the LEG 22-001 to the October 24, 2022 Planning Commission Meeting to review the second package of outstanding policy questions.

Copies of the adopted code and application packets can be found by visiting the [Housing Choices Code Update project page](#). The [online municipal code](#) will be updated to include these changes in early 2023.

Package #2 Policy Questions

The following are the outstanding policy questions that were identified in the initial adoption hearings or submitted by Elizabeth Decker, Jet Planning, who provided technical assistance to the City for package #1. Some of the topics can be implemented through code modifications recommended to the City Commission, while others are more complex and will need further direction from the City Commission, such as tiny homes and RVs, or were topics not ultimately recommended for implementation by the City Commission, such as lot averaging. These more complex topics will be forwarded in the form of a policy recommendations for a future workplan to the City Commission or a request for policy clarification.

Please refer to the memo from Elizabeth Decker, attached as Exhibit 2, for further topic details. The Planning Commission may choose to add additional items during the hearings process. A tentative hearing timeline is also attached and will be updated through the hearings process.

Hearings Process

Package #2 code revision process will generally follow the same method the Planning Commission utilized when adopting code revisions to the Thimble Creek Concept Plan area in 2019-2022. Policy topics will be assigned specific hearing dates in advance to allow Planning Commissioners, staff, and the public the ability to concentrate their efforts on a few issues at a time. Each topic will start with a presentation of background information from staff, a review of oral and written public comments on the topic, and a discussion of whether the policy question should be addressed through code revisions. If the Planning Commission can provide direction on the policy question, staff will return at a future meeting with a recommended redline code change that implements the policy direction. A policy tracker will be updated to reflect the Planning Commission's direction. Toward the end of the hearings process- the Planning Commission will be able to review the entire proposal to ensure that there is consensus on the package being forwarded to the City Commission. The tentative schedule is for the Planning Commission to review topics from November 2022- January 2023

Topics

Deliverable: If the Planning Commission wishes to advance these topics, staff will provide recommended redline code modifications for review at a future meeting.

High-Density Zone Development Standards

With the introduction of middle housing at greater densities in the low and medium densities zone, there could be a broader discussion about the purpose and standards for the high-density R-2 zone.

Middle Housing Driveway Specifications

Coordinate with Public works- Development Services to revise driveway widths to better align across code sections and meet policy goals.

Parking Standards for Triplexes and Quadplexes

Technical clarifications to reflect that standards apply per development, not per unit. Consider relocating the standards to the triplex and quadplex design section.

Duplex Lot Coverage in Medium-Density Zones

Consider increasing maximum building lot coverage for duplexes to match the current allowance for a single-family dwelling plus an ADU.

Lot Coverage in Low-Density Zones

Consider increasing maximum building lot coverage for specific middle housing types in rough proportion to increased numbers of units.

Technical Revisions

Staff is currently working with the public on middle housing applications and will bring any needed revisions for clarity as they occur.

Request Policy Direction from the City Commission

If the Planning Commission wishes to advance these topics, they will include a summary of the issue, public comment and Planning Commission discussion and ask for policy direction from the City Commission.

Deliverable: summary of the issue, public comment, and Planning Commission discussion

Land Use Affordability Incentives

City Commission recommended further discussion though some portions of the policy question may require additional direction or work plans.

More flexible code provisions for middle housing could be selectively targeted at projects meeting affordability requirements to improve those projects' feasibility and explicitly encourage affordable housing development.

Tiny homes, RV hardship allowances, tiny home shelter/cluster homes (not hooked up to city sewer/water)

City Commission recommended further discussion. As this issue is complex, involves multiple city departments, and has future budgetary implications, the Planning Commission will provide the background of the public comment and hearing discussion and ask for policy and workplan direction on this item.

Additional options for housing should be discussed that fall outside of traditional dwelling units that hook up to city utilities and pay System Development Fees. Where and when are they of value to the City?

Parking Standards for Triplexes and Quadplexes

The City Commission did not provide direction on this specific topic but has provided general guidance about ensuring adequate parking in neighborhoods.

Consider increasing or eliminating the maximum parking standard.

Multiple ADUs per Lot

City Commission did not recommend further consideration.

Consider the future role for ADUs and how ADU standards compare to plex standards. Consider permitting multiple ADUs per lot for greater parity with new provisions for plexes, which could be written to require one attached and one detached unit, or in any combination. Discuss the relationship between ADUs and detached middle housing, especially regarding accessory building setback standards and Middle Housing Land Division.

Lot Averaging for Subdivisions

City Commission did not recommend further consideration.

Consider whether and how lot averaging should apply to middle housing options beyond duplexes and whether lot averaging remains a useful tool for new developments along with middle housing opportunities.

Exhibits

1. HB 2001 Package #2 Hearing Topic Timeline
2. July 19, 2022, memo from Elizabeth Decker, JET Planning
3. [Housing Choices Code Update project page](#)



MEMO

Date: July 19, 2022
To: Christina Robertson-Gardiner, City of Oregon City
From: Elizabeth Decker, JET Planning
Subject: Outstanding Housing Policy Issues for Further Zoning Code Updates

Summary. This memo outlines additional housing policy issues that could be addressed through a second package of zoning code updates following June adoption of an initial package of middle housing code updates. The City Commission adopted a package of code updates focused on middle housing to meet the statutory requirements of HB 2001 on June 1, 2022. (Ordinance No. 2022-1001). The City Commission also remanded the file back to Planning Commission to review a second set of outstanding policy questions not immediately needed for policy compliance with HB 2001, to be reviewed starting at their October 24, 2022 meeting. Issues include those raised by planning staff and discussed during deliberations by the Planning Commission and City Commission; interest by Planning Commission and/or City Commission to revisit an issue is noted where applicable.

POLICY ISSUES

A. Multiple ADUs per Lot

Existing Policy: One ADU allowed on the same lot as a single-family primary dwelling, may be attached or detached.

Additional Policy Options: Allow up to three ADUs with a single-family primary dwelling.

Planning Commission: Recommended for further consideration

City Commission: Not recommended for further discussion

Now that up to four units are permitted per lot under middle housing provisions, consider the future role for ADUs and whether ADU allowances should be expanded commensurate with permitted middle housing options. The ADU provisions in OCMC 17.20.010 could be expanded to permit a total of two or even three ADUs with a single-family primary dwelling, in any configuration of attached

or detached units. This might look like a basement ADU added to the primary dwelling with a detached ADU in the backyard, or even two ADUs in the backyard. One benefit of allowing multiple ADUs, rather than detached plex configurations, is this flexibility to include both attached and detached units.

Alternatively, there may be a preference to focus on the triplex and quadplex options as the route to add additional units rather than expanding ADU provisions. The June code updates allow one or two detached units with an existing primary dwelling as a detached duplex or triplex.

It is unclear how detached plex options would compare with multiple ADU options; it is likely to vary by lot based on configuration and desired units. Some potential differing factors under current code include:

- ADUs would be limited to a smaller size (800 SF) and could have a lower impact; plexes would be limited by overall lot coverage that may allow larger units or may effectively limit units to similar sizes.
- ADUs would be required to be smaller than the primary house (no more than 60% of the dwelling's floor area), whereas plex units could be similarly sized.
- ADUs could be built with reduced setbacks, either utilizing the decreased ADU setbacks (e.g. 10 ft rear setback rather than 20 ft for primary and duplex structures) or converting nonconforming detached accessory structures that do not meet required setbacks.
- ADUs would be subject to lower SDCs and impact fees under the current fee schedule.
- ADUs are not eligible to use middle housing land divisions to support sale of individual units.¹
- Both ADUs and duplexes are exempt from minimum off-street parking requirements, though a triplex requires a total of two parking spaces.
- Potentially explore the ability to allow ADUs to be part of a Middle Housing Land Division, even if they are located within the underlying zone setbacks as they are generally smaller and could have a lower impact than a new detached duplex.

¹ It may be possible for an existing detached ADU to meet the standards of a detached duplex and qualify for a middle housing land division, but this scenario is untested and would significantly vary lot to lot. Separate utilities for each unit and different setback standards are likely to be difficult standards for many ADUs to meet.

Having more options – both multiple ADUs as well as the option for detached duplexes and triplexes – would maximize opportunities, at least during the initial implementation phases while we see how development patterns evolve.

B. High Density Zone Development Standards (R-2)

Existing Policy: Range of middle housing and multi-family residential uses permitted, up to a maximum net density of 22 units/acre (1 unit per 2,000 SF of site area).

Additional Policy Options: Increase maximum net density for some or all residential uses, and/or revise permitted residential uses.

Planning Commission: Recommended for further consideration

City Commission: No discussion

With the introduction of middle housing at greater densities in the low and medium densities zone, there could be a broader discussion about the purpose and standards for the high density R-2 zone. Because the R-2 zone does not permit single-family detached dwellings, it is not subject to HB 2001 and no changes were proposed in the first round of code updates.

With the adoption of the middle housing code amendments, the medium density zones permit many middle housing types at a density of 25 or more units per acre, compared to a 22 units/acre maximum density in the R-2 zone. Minimum lot sizes for middle housing types are also smaller in the low and medium density zones than in the R-2 zone. Further code amendments could consider:

- Reducing minimum lot size for middle housing types in R-2 to match or be less than corresponding minimum lot sizes in medium density zones.
- Increasing maximum densities for middle housing in R-2 above the current 22 units/acre limit for parity with maximum density for middle housing that will be allowed in other zones.
- Increasing maximum density for multi-family residential as well to match or exceed the scale of permitted middle housing.

Additionally, the introduction of middle housing types in all residential zones merits further discussion of which housing types should be a priority in the R-2 zone. Now that townhouses will be permitted in all low and medium-density zones at densities between 17-25 units/acre, it may be more appropriate to target limited R-2 sites for multi-family and other alternatives. Multi-family can be the least

expensive housing type in the R-2 zone, and needed to meet a segment of the City's housing needs, but could struggle to compete against townhouses if they continue to be permitted outright. Consider whether townhouses in R-2 should continue to be permitted outright, prohibited, or only permitted as part of a master plan/PUD. Respondents in the second survey were fairly split on whether to continue permitting townhouses in R-2, with 53% in favor of limiting them and 47% in favor of continuing to permit them. (See pages 11-12 of the March 2022 Code Audit.). Duplex, triplex, quadplex and cottage cluster uses could similarly be reconsidered in the R-2 zone.² Ideally, future R-2 standards would allow a mix of residential uses and provide some additional flexibility to greater density multi-family uses relative to middle housing.

C. Lot Averaging for Subdivisions

Existing Policy: Up to 25% of lots within a subdivision for single-family detached and duplexes can be up to 10% less than the minimum lot size provided that the average lot size for the subdivision meets the minimum lot size for the zone.

Additional Policy Options: Expand or limit the lot averaging provisions.

Planning Commission: Recommended for further consideration

City Commission: Not recommended for further discussion

Consider whether and how lot averaging should apply to middle housing options beyond duplexes, and whether lot averaging remains a useful tool for new developments along with middle housing opportunities. If a development can now effectively include more middle housing units on a lot otherwise intended for single-family detached dwellings, and those middle housing lots can be divided to create individual units on significantly smaller lots, then the modest lot size reductions available through averaging may be less compelling for new development. Limiting the lot averaging provisions could help to make middle housing options more compelling relative to single-family and duplex development; however, the city may prefer to continue allowing flexibility to support single-family and duplex development.

If lot averaging is retained and there is interest to expand the option to middle housing types other than duplexes, consider how to average different minimum lot

² Note that any limitations on currently permitted middle housing types in the R-2 zone (duplexes, triplexes, quadplexes, townhouses and cottage clusters) would trigger a Measure 56 notice.

sizes for different types of development, such as 5,000-SF lots permitted for single-family dwellings and 7,000-SF lots permitted for quadplexes in the R-5 zone.

D. Affordability Code Incentives

Existing Policy: Various

Additional Policy Options: Various

Planning Commission: Recommended for further consideration

City Commission: No discussion

More flexible code provisions for middle housing could be selectively targeted at projects meeting affordability requirements, both to improve feasibility of those projects and to explicitly encourage affordable housing development. Several options considered during the policy development process for the first batch of amendments could be further considered for their potential applicability to projects meeting affordability criteria, such as:

- Additional units, such as permitting six-plexes on the same sized lots as quadplexes.
- Additional lot coverage allowances.
- Increased townhouse density up to 29 units/acre (effective density of the permitted 1,500-SF minimum lot size), beyond the 17-25 units/acre range approved.
- Reduced parking requirements, either in the form of reduced minimum off-street parking or allowing on-street parking credits to count towards required minimums.

There should be consideration of which options to offer for all development, e.g., see discussion on lot coverage allowances in items E and F, and which options could be targeted to support and encourage affordable projects specifically.

Discussion should also consider the ratio of market-rate and affordable units required to be eligible for any incentives. In contrast to larger multi-family affordable housing projects, affordable middle housing projects will be smaller-scale and may be more likely to be built by smaller, market rate builders, or mission-driven nonprofits like Habitat for Humanity. Potential thresholds could include all units capped at rates affordable to households earning 80-100% of area median income, or 50% of units capped at rates affordable to households earning 60% or less

of area median income. Discussions with affordable and market-rate developers would be critical to understand interest in building affordable or mixed-income middle housing projects, and which regulatory incentives would be most supportive of desired development.

E. Duplex Lot Coverage in Medium Density Zones

Existing Policy: Maximum building lot coverage for duplexes is equal to that allowed for single-family detached dwellings in each zone (50-55%).

Additional Policy Options: Increase maximum building lot coverage for duplexes to match the current allowance for a single-family dwelling plus an ADU (60-65%).

Planning Commission: Recommended for further consideration

City Commission: No discussion

When middle housing types were introduced in the medium density zones (R-5, R-3.5) with the Equitable Housing project, building lot coverage standards specific to each type were introduced. Generally, projects with more units were allowed greater lot coverage to make it more physically possible to fit the increased number of units on a lot. For example, a single-family detached dwelling in the R-5 zone is permitted building lot coverage of up to 50% whereas triplexes, quadplexes and townhouses are permitted up to 70% lot coverage. Within this range, duplexes are permitted the same building lot coverage as single-family detached dwellings, however, a single-family detached dwelling with an ADU is permitted additional lot coverage. Considering that both a duplex and a single-family detached dwelling with an ADU are both two total units, maximum building lot coverage for duplexes could stay the same as permitted for single-family detached dwellings in each zone (50-55%) or be increased to match the allowance for a dwelling plus an ADU (60-65%). Duplexes must be permitted at least the same lot coverage allowed for single-family detached dwellings per OARs, but there is no requirement to allow additional lot coverage.

Increasing allowed lot coverage could result in slightly larger duplex structures less consistent with single-family detached dwellings in the neighborhood, however, the additional lot coverage could also provide flexibility to add second units at comparable intensity to a single-family dwelling and ADU. The additional 10% lot coverage being considered would translate to 350-500 sq ft of increased coverage on medium density lots. Further, the massing would not exceed what is already permitted for other middle housing types in these zones. Variations on this concept could include limiting the additional lot coverage to only detached duplexes, and/or

allowing the increased lot coverage only for duplexes with a lower height, such as 25 ft or even a single story.

F. Lot Coverage in Low Density Zones.

Existing Policy: Maximum building lot coverage for middle housing types in low density zones is set equal to the allowed lot coverage for single-family detached dwellings.

Additional Policy Options: Increase maximum building lot coverage for specific middle housing types in rough proportion to increased numbers of units. Specifically, consider increasing duplex lot coverage to 45%, triplex and quadplex lot coverage to 45-50% or more, and/or townhouse lot coverage to 70%.

Planning Commission: Recommended for further consideration

City Commission: No discussion

The building lot coverage standard in the low density zones (R-10, R-8 and R-6) is currently set at 40% for single-family and middle housing types, and 45% with an ADU. No change was required to meet the OARs in the first package of code updates, but a graduated building lot coverage standard could be introduced for triplexes, quadplexes and townhouses consistent with the approach in the medium density zones. Additionally, there is the same opportunity in these zones to increase allowed lot coverage for duplexes to match what is permitted for a primary dwelling and ADU, as discussed above.

Generally, the 40% lot coverage maximum is less likely to be a development limitation in zones with the largest minimum lot sizes, and is more likely to become an issue in the R-6 zone given the smaller minimum lot size (6,000 SF allows 2,400 SF of building footprint, compared to 4,000 SF allowed on a 10,000-SF minimum lot in the R-10 zone). Several potential changes in the low density zones include:

- Consider increasing maximum lot coverage for duplexes to 45%, equivalent to that allowed for two units as a primary and ADU, for parity and greater flexibility to fit two units onto a lot (particularly in the R-6 zone where smaller lot sizes make increased coverage more desired).
- Consider increasing maximum lot coverage for triplexes and quadplexes to 45% (to match ADUs) or 50% or higher, for consistency with middle housing standards in the medium density zones that increase allowed coverage in proportion to number of units created.

- Consider increasing maximum lot coverage for townhouses to 70% in low density zones, for consistency with standards in the medium density zones. (For comparison, it is 70-80% in R-5 and R-3.5.) Given the small size of townhouse lots and lack of side yards, higher lot coverage can be more suitable for this development type.
- *Note:* No maximum lot coverage standards may be applied to cottage clusters per HB 2001 regulations.

Future discussions on this topic could potentially benefit from more illustrations of possible development scenarios under various coverage and setback standards, and/or analysis of actual middle housing developments to better understand the opportunities and impacts of potential changes.

G. Middle Housing Driveway Specifications.

Existing Policy: Minimum and maximum driveway widths for various middle housing types vary from 10-40 ft, and may not align across different code sections or reflect planning and engineering policy preferences.

Additional Policy Options: Revise driveway widths to better align across code sections and meet policy goals.

Planning Commission & City Commission: N/A, recommended by staff

Driveway minimum and maximum widths are affected both by engineering design standards in OCMC 16.12.035 and by design standards for middle housing in OCMC 17.16, which derive from relevant OARs and Model Code. Options to adjust the standards include:

- Consider whether townhouses should continue to be allowed a 10-24 ft driveway per lot in OCMC Table 16.12.035.D, or cap the maximum width at 12 ft to align with the maximum width permitted per the townhouse design standards in 17.16.040.A.3, or require paired driveways from adjoining units.
- Consider reducing the maximum width permitted for triplex and quadplex driveways, currently 10-36 ft per OCMC Table 16.12.035.D and up 40 ft or 50% of the lot frontage, whichever is less,³ per the design standards in OCMC 17.16.060.D. The maximum driveway width allowed per Model Code is 32 ft

³ These were the existing standards adopted in the 2019 Equitable Housing project, and carried forward with this update to minimize code changes, however, we now also have OARs and Model Code examples to draw from.

- or 50% of the lot frontage, whichever is less. The maximum could be capped at 32 ft in both code sections, or at least reduced to 36 ft in the design standards to match the current driveway standards.
- Explore options for driveway widths for cottage clusters. The closest fit at the time of the first round of code updates was to apply the triplex and quadplex standards of 10-36 ft driveway widths. The most likely outcome for these projects is a shared access serving either a common parking area of individual garages interior to the site, and it is worth revisiting what driveway widths would best align with such design. Neither OARS nor Model Code require that cottage clusters be held to the same standards as single-family detached, however, ideal driveway widths would be of a similar scale to other neighborhood development so as to maintain the street character and to avoid burdening a small cottage lot with an excessively wide driveway. Consider some variation of the multifamily standards, 18-30 ft, with options for a reduced 10-ft width or similar for one-way driveways or driveways serving under a certain number of units.

A related issue is whether to permit more than one driveway per site, currently limited by OCMC 16.12.035.D except on corner lots where one driveway per frontage may be permitted. Development with multiple units per lot may seek, and could benefit from, flexibility to add separate driveways for individual parking spaces, particularly if those units are divided through a middle housing land division.⁴ Engineering staff has generally been in favor of a single driveway per lot to consolidate access, reduce conflict points, and reduce curb cuts and interruptions to the street frontage. Nothing in the OARs requires the City to permit more than one driveway per lot, but there could be greater flexibility for multiple driveways under certain design parameters, such as leaving sufficient curb length for an on-street parking space. Allowing up to two driveways per lot, on the same frontage if spacing requirements can be met, could be of particular benefit to duplexes with some flexibility for triplexes and quadplexes.

H. Parking Standards for Triplexes and Quadplexes

⁴ If a lot is divided through a middle housing land division, it does not grant new driveway rights to each individual lot: the standards for the 'parent parcel' continue to apply. However, additional driveways for individual units could be in higher demand and/or add to functionality of individual units by reducing the need for shared access and maintenance agreements.

Existing Policy: A triplex or quadplex is required to provide 2-4 total parking spaces per development, and is subject to some of the parking lot design standards in OCMC 17.52.

Additional Policy Options: Technical clarifications to reflect that standards apply per development, not per unit, and consider increasing or eliminating the maximum parking standard. Consider relocating the standards to the triplex and quadplex design section.

Planning Commission & City Commission: N/A; technical issue identified by consultant

The parking ratios for triplexes and quadplexes were adopted with the Equitable Housing policy project and fully comply with or exceed the OARs for middle housing. However, there could be technical fixes for simplification:

- The minimum and maximum parking spaces listed in Table 17.52.020 have no units attached to them; add clarification that it is 2-4 total spaces per development, not per unit or per 1,000-SF developed area like other ratios in the table.
- The maximum of four spaces per triplex or quadplex seems unnecessarily restrictive, especially compared with other residential uses. The only other residential uses with a maximum ratio are multifamily and cottage clusters, capped at 2.5 spaces per unit, equivalent to 7.5 to 10 spaces per plex. While the total off-street parking built for plexes may remain low given site constraints, allowing the option more closely aligns with public discussions around setting a minimum and allowing more parking if desired.
- Consider relocating the plex parking standards to the triplex and quadplex design standards in OCMC 17.16.060. The plex parking ratios are the only middle housing parking standard to be located in OCMC 17.52, which generally governs off-street parking requirements and design for larger developments across the city. There are no required ratios for single-family, duplexes, townhouses and ADUs, and the parking standards for cottages (minimum of one space and maximum of 2.5 per unit) are located within the cottage design standards along with parking area design standards in OCMC 17.16.070. Beyond reorganization, the change would more clearly exempt parking areas for triplexes and quadplexes from the design standards in OCMC 17.52 that are not scaled for smaller developments, and would instead subject those parking areas to standards more similar to those for single-family detached and other middle housing types. Consideration should be given about whether to continue to apply the on-street parking

credit to triplexes and quadplexes, and if so, to add appropriate language in OCMC 17.16.070 once relocated.

J. Tiny Homes and Recreational Vehicle Occupancy Options

Existing Policy: Only permanent dwelling units with utility connections (water and sewer) are permitted in residential areas. RVs and other tiny home type structures without permanent infrastructure are not permitted to be used as dwellings, as ADUs, or as manufactured homes; RV parks are not permitted anywhere in the city.

Additional Policy Options: Consider what role RVs and tiny homes could play in meeting residential needs, such as permitting individual RVs on residential lots as an accessory dwelling and/or permitting clusters of RVs as either an RV park or a village-type model.

Planning Commission & City Commission: N/A; public comment

Beyond middle housing, there was public comment about exploring alternative residential options in the form of tiny homes and RVs that could be mobile and would not meet the definition of a 'dwelling unit.' Such residential uses are effectively precluded in the city now, with no provisions in the zoning code for even RV park uses. Some cities in Oregon and beyond are exploring the potential for RVs, tiny homes and other mobile dwellings to be used for residential use. See separate reports provided for a range of opportunities and issues.



LPRO: LEGISLATIVE POLICY AND RESEARCH OFFICE

TINY HOME REGULATION

BACKGROUND BRIEF

“Tiny home” is an umbrella term for structures designed to provide low-cost or minimally sized housing options for consumers. Tiny homes are subject to building codes and licensing standards that govern their construction and installation, zoning codes that dictate where they can be sited, and registration or trip requirements for mobile tiny homes when moving on public roads.

BUILDING CODES AND LICENSING

Construction regulations for tiny homes can be grouped into three categories based on their intended use: permanent, temporary, and transitional. Each category prioritizes different outcomes. Builders, developers, and consumers should select the regulatory path that aligns with their tiny home priorities.

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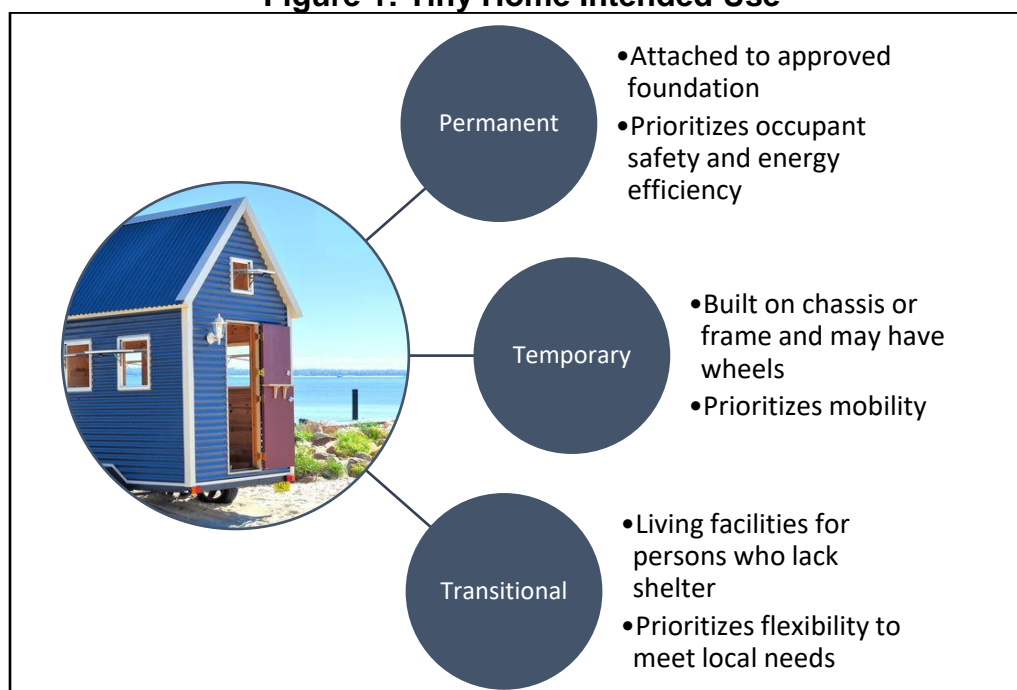
**BUILDING CODES AND
LICENSING**

ZONING

**MOBILE TINY HOME
VEHICLE REGISTRATION**

STAFF CONTACT

Figure 1: Tiny Home Intended Use



Source: Legislative Policy and Research Office

Permanent Dwelling

Permanent tiny homes are attached to an approved foundation and prioritize occupant safety and energy efficiency at the expense of mobility. Permanent tiny homes must meet Oregon's state building code or federal standards. The regulatory model for permanent homes is well-established; builders, developers, and consumers may find this the easiest path to legal siting and occupation of their tiny homes.

Oregon Residential Specialty Code (ORSC).¹ The ORSC currently allows one sleeping loft per tiny home; a ladder may be used as the primary means of access to the sleeping loft in tiny homes under 600 square feet.² Tiny homes that contain a sleeping loft must have an automatic fire sprinkler system.³ Plan reviews, permits, and inspections are mandatory and provided by the local building inspection program.⁴ Builders, electricians, and plumbers must be licensed by the state.⁵

U.S. Department of Housing and Urban Development Manufactured Home Construction and Safety Standards (HUD).⁶ HUD standards do not explicitly allow for the use of lofts and ladders, but manufacturers can seek permission from HUD to pursue innovative designs.⁷ Manufacturers must have their designs, manufacturing plants, and quality assurance manuals certified by a federally approved inspection agency before beginning production.⁸ Dealers and installers are certified by the state.⁹ Tiny homes built under HUD standards are installed on-site with a local permit.¹⁰

Temporary Dwelling

Tiny homes attached to a frame or chassis which may or may not have wheels attached are considered temporary dwellings. Temporary dwellings prioritize mobility and allow for the use of space-saving features like sleeping lofts and ladders. These tiny homes are typically exempt from state construction regulation; builders, developers, and consumers will need to work with municipalities to ensure their tiny home can be legally sited and occupied.

Mobile tiny homes are designed for movement on public highways and subject to the Federal Motor Vehicle Safety Standards adopted by the National Highway Traffic Safety

¹ Dept. of Consumer and Business Services, Building Codes Division. *Residential Structures Code Program*. <<https://www.oregon.gov/bcd/codes-stand/Pages/residential-structures.aspx>>, visited October 29, 2018.

² Dept. of Consumer and Business Services, Building Codes Division. *Amendments to the 2017 Oregon Residential Specialty Code*. <<https://www.oregon.gov/bcd/codes-stand/Documents/res-R329-dwellingunits-lofts-amendment.pdf>>, visited November 2, 2018.

³ *Id.*

⁴ ORS 455.148, ORS 455.150.

⁵ ORS 701.021, ORS 479.620, ORS 693.030.

⁶ U.S. Dept. of Housing and Urban Development. *Office of Manufactured Housing Programs*. <https://www.hud.gov/program_offices/housing/rmra/mhs/mhshome>, visited October 29, 2018.

⁷ U.S. Dept. of Housing and Urban Development. *Alternate Construction*. <https://www.hud.gov/program_offices/housing/rmra/mhs/acintro>, visited October 29, 2018.

⁸ 24 C.F.R. § 3282.

⁹ ORS 446.671, OAR 918-515-0005.

¹⁰ ORS 446.252.

Administration (NHTSA).¹¹ This includes standards for brakes, lights, wheels, tires, rear impact guards, and VIN numbers.¹² Oregon limits the maximum width of mobile tiny homes to eight and one-half feet.¹³

Recreational Vehicle (RV). An RV tiny home is a vehicle with or without motive power, that is designed for human occupancy and to be used temporarily for recreational, seasonal, or emergency purposes.¹⁴ Tiny home RVs with a pitched roof, bay windows, or specified exterior materials, are exempt from the state RV regulations.¹⁵

Park Trailer / Park Model. A park trailer or park model tiny home:¹⁶

- Does not exceed 400 square feet;
- Is certified by the manufacturer as complying with a nationally recognized standard for the construction of RVs;
- Is built on a chassis; and
- Is designed to provide temporary living quarters.

The state does not regulate the construction of park trailer tiny homes.¹⁷

Local Discretion for Permanent or Temporary Dwelling

Developers and consumers seeking flexibility can work with their local building official to permanently site a tiny home built to the more permissive temporary construction standards.

Reach Code. The Reach Code is an optional set of construction standards designed to increase energy efficiency.¹⁸ The Department of Consumer and Business Services (DCBS) has recently amended the Reach Code to adopt construction standards for tiny homes.¹⁹ The 2018 Reach Code allows tiny homes under 400 square feet to include sleeping lofts and ladders and requires automatic fire sprinkler systems in all homes, regardless of size.²⁰ The local building department has broad discretion to waive Reach Code construction requirements, determine if a tiny home is temporary or permanent, and allow for temporary tiny homes to be sited as permanent structures.²¹

¹¹ 49 U.S.C. § 301, 49 C.F.R. § 571.

¹² National Highway Traffic Safety Administration. *Requirements for Trailer Manufacturers*. <<http://www.vineze.com/trailer/pdfs/trailer-req-manufac.pdf>>, visited November 2, 2018.

¹³ ORS 818.080, ORS 818.090.

¹⁴ ORS 446.003(33).

¹⁵ OAR 918-525-0005 (9).

¹⁶ OAR 918-525-0005 (10)(b).

¹⁷ OAR 918-525-0005(10)(b).

¹⁸ ORS 455.500.

¹⁹ Dept. of Consumer and Business Services, Building Codes Division. *2018 Oregon Reach Code*. <<https://www.oregon.gov/bcd/codes-stand/Documents/reach-18reachcode.pdf>>, visited October 29, 2018.

²⁰ *Id.*

²¹ *Id.*

Plan reviews, permits, and inspections are mandatory and provided by the local building inspection program.²² Builders, electricians, and plumbers must be licensed by the state.²³

Transitional Housing

Municipalities can establish transitional housing camps within their urban growth boundary to provide living facilities for persons who lack shelter and cannot be placed in low-income housing.²⁴ Transitional housing camps are established and regulated at the municipal level. Any shared water, toilet, shower, laundry, or cooking facilities are regulated under the state standards for recreation parks.²⁵ The 2017 Oregon Transitional Housing Standard contains suggested construction standards for municipalities to consider when establishing requirements for a transitional housing camp.²⁶ This standard is a service to local government and has no regulatory impact until adopted at the municipal level.

ZONING

Zoning codes determine where builders, developers, and consumers can site their tiny homes. Zoning codes for housing must be clear and objective and may not discourage the development of housing through unreasonable cost or delay.²⁷

Permanent

Permanent tiny homes generally offer the easiest path to legal siting and occupation. Permanent tiny homes can be sited as single-family residences or accessory dwelling units (ADUs).

Accessory Dwelling Units (ADUs). A city with a population greater than 2,500 or a county with a population greater than 15,000 must allow for the development of at least one ADU for each detached single-family dwelling within the urban growth boundary.²⁸ Developers and consumers should work with municipalities to ensure their tiny home ADUs can be legally sited and occupied. The City of Portland has published a [guide](#) designed to help citizens legally construct and site an ADU.²⁹

Oregon Residential Specialty Code (ORSC). Tiny homes built to the ORSC are permitted in any residential zone and any commercial zone which allows a single-family

²² ORS 455.148, ORS 455.150.

²³ ORS 701.021, ORS 479.620, ORS 693.030.

²⁴ ORS 446.265 (1)-(2).

²⁵ ORS 446.265(3).

²⁶ OAR 918-020-0390, Dept. of Consumer and Business Services, Building Codes Division. *2017 Oregon Transitional Housing Standard*. <<https://www.oregon.gov/bcd/codes-stand/Documents/17-transitional-housing-standard.pdf>>, visited October 29, 2018.

²⁷ ORS 197.307 (4).

²⁸ ORS 197.312 (5), [Chap. 15, Oregon Laws 2018](#).

²⁹ City of Portland, Bureau of Development Services. *Accessory Dwelling Units*. <<https://www.portlandoregon.gov/bds/index.cfm?a=68689>>, visited October 29, 2018.

dwelling.³⁰ ORSC tiny homes may be subject to other zoning standards, including minimum size requirements.³¹

HUD Standard. Cities and counties must allow for the siting of HUD Standard tiny homes on all land zoned for single-family residential use within the urban growth boundary.³² Cities and counties may adopt standards for HUD Standard tiny homes, including minimum size, foundation construction methods, roof slope, siding material, energy efficiency, the inclusion of a garage or carport, and any other standard to which an ORSC single-family dwelling on the same lot is subject.³³ HUD Standard tiny homes can also be sited in manufactured dwelling parks, which are discussed below.

Temporary

Manufactured dwelling, mobile home, and RV parks are places where multiple temporary structures are sited.³⁴ State and local government may not prohibit siting or occupying a temporary tiny home located in one of these parks and lawfully connected to utilities.³⁵ Outside of these parks, municipalities regulate where temporary tiny homes may be sited. The City of Portland has deprioritized enforcement of the city's zoning code to allow the siting of temporary tiny homes in specified locations.³⁶

Transitional

Municipalities can establish transitional housing camps within their urban growth boundary to provide living facilities for persons who lack shelter and cannot be placed in low-income housing.³⁷ State law specifies that transitional housing camps may not cover more than two parcels in a municipality and should be placed in locations with access to grocery stores and public transportation.³⁸

MOBILE TINY HOME VEHICLE REGISTRATION

Mobile tiny homes are temporary tiny homes designed for movement on public highways. As noted above, mobile tiny homes are subject to the motor vehicle safety standards adopted by the NHTSA, including standards for brakes, lamps, wheels, tires, rear impact guards, and VIN numbers.³⁹ Oregon limits the maximum width of mobile tiny homes to eight and one-half feet.⁴⁰

³⁰ ORS 197.665 (1).

³¹ ORS 197.665 (2).

³² ORS 197.314 (1), ORS 446.003 (24).

³³ ORS 197.307 (8).

³⁴ ORS 446.003 (23), ORS 446.003 (30), ORS 446.310(9).

³⁵ ORS 197.493.

³⁶ City of Portland, Bureau of Development Services. *City to allow RVs, tiny homes on wheels on private property with conditions*. <<https://www.portlandoregon.gov/bds/article/659268>>, visited October 31, 2018.

³⁷ ORS 446.265 (1)-(2).

³⁸ ORS 446.265 (5).

³⁹ 49 U.S.C. § 301, 49 C.F.R. § 571.

⁴⁰ ORS 818.080, ORS 818.090.

Registration or a trip permit is required to move a tiny home on Oregon roads.⁴¹ Mobile tiny homes not wider than eight and one-half feet and not used for commercial or business purposes must be registered as travel trailers with the Oregon Department of Transportation (ODOT).⁴² Unregistered mobile tiny homes must obtain a [trip permit](#) before moving on Oregon roads, and tiny homes exceeding the maximum width must obtain an [over-dimension permit](#).

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⁴¹ ORS 803.300, ORS 803.305 (18).

⁴² ORS 801.565.



In the face of a growing housing affordability crisis, policy makers are searching for innovative housing solutions. One solution that has existed for decades but that has not yet received adequate policy consideration is formalizing and scaling up opportunities for housing in mobile dwellings, including RVs, Park Model RVs, and Tiny Houses on Wheels.

In 2021, an interdisciplinary workgroup of Oregon housing professionals convened monthly for a year to review the status of legislation and common local regulations for mobile dwellings, explicitly with the lens of using them as housing. We asked, ‘How do these mobile dwellings fit within Oregon’s existing formal, legislative housing policy and framework? Given their features, design, and durability, what role might they play in meeting immediate and longer-term housing needs?’ This group then reviewed options for legislative and regulatory concepts to foster a more formal institutionalization of these housing types in Oregon.

The opportunity presented by mobile dwellings is significant.

Mobile dwellings provide *vastly* less expensive housing types than all other conventional housing options- a budget RV may cost \$30K, whereas a typical house for sale in Portland costs over \$500K (circa Jan, 2022). This cost delta is due in part to the fact that mobile dwellings 1) do not have a concrete foundation 2) aren’t financially tethered to land 3) are very small and 4) are built to lesser standards than traditional site-built homes.

However, these differentiating attributes also position mobile dwellings with a different set of regulatory challenges and market opportunities than permanent housing on foundations. Their mobility makes them more facile, but also limits their height, width, and weight. Few legal places currently exist to dwell in them. They are not held to the same health and safety standards that conventional housing is held to.

With this overview in mind, this report offers three concepts: 1) mobile dwellings policy proposals; 2) policy and definitions matrix, and 3) existing regulations by dwelling type.

We offer these documents for feedback and refinement about a baseline policy framework for the place mobile dwellings could have in Oregon and beyond. Please share with us your perspectives, refinements, and any other suggestions, information, and examples on these concepts, and use them as relevant in your own work to help generate more low cost viable housing options.

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Policy Concepts

Introduction

Below are three policy opportunities we believe are worth exploring further to see if and how they can help address Oregon's housing shortage and its impacts. Distinct from "safe parking programs" for people residing in their vehicles that include connections to social services, these concepts are intended to expand Oregon's mix of allowable lower-cost housing options. They are focused on expanding what has traditionally been thought of as conventional housing; there might be others. This is a working paper, designed to gather input from a wide array of interests. It is meant as a starting point for more discussion.

1. Introduce a new category of housing called "Interim Housing."
2. Integrate Recreational Vehicles (RVs) and Tiny Homes on Wheels (THOWs) into residential neighborhoods as forms of Interim Housing. Concepts advanced are intended to mitigate the current impacts of the state's housing shortage.
3. Explore the potential of a smaller type of factory-built housing on wheels called a Park Model RV to provide good quality, permanent, year-round housing.

Problems and Opportunities

- Oregon has a housing shortage overall and a lack of lower-cost housing. Indications are that this shortage is continually worsening; both Washington and California foreshadow this.
- As a result, some households are living in places not traditionally considered suitable for housing.
- Oregon also has a shortage of lower-cost, entry level homeownership opportunities.
- Some households are rethinking what they want for housing and are innovating. New informal housing types are emerging, but they are not yet fully recognized or addressed in state or local law. An example is Tiny Homes on Wheels, which are classified as recreational vehicle by Oregon.
- Recognized/regulated smaller housing types, such as single-wide manufactured homes and park-model RVs, could help address the needs of smaller households if existing barriers were addressed.
- In proposing policy changes, it is important to consider and address any potentially harmful effects on the intergenerationally economically disenfranchised, including people of color, people with disabilities, and other groups who have historically been denied full access to their housing of choice.
- Mobile dwellings should be treated legislatively as a new category of housing called "Interim Housing," distinct from permanent housing. It is important to consider ways in which expanding options for small housing on wheels can improve options for people currently needing/choosing access to these interim housing choices, but still focus efforts to expand accessible permanent housing choices for people at all income levels.

Policy Topic 1: Interim Housing and a Category of Interim Housing Consisting of Mobile Dwellings

This recommendation stems from dialog and experience by members of this 2021 workgroup address the issue of non-standard, informal, lower cost housing types that are already being used in practice but not formally recognized by statute or by local regulations.

At the state level, define a new category of housing called “Interim Housing.”

- “Interim Housing” is a type of housing that lacks the durability and conveniences of traditional site-built housing or factory-built dwellings, but which offers needed shelter and is suitable for living on a multi-month basis.
- “Interim housing” should be considered by jurisdictions whose HNAs show a shortage of lower-cost permanent housing units.
- Interim housing should not count toward a jurisdiction’s total housing for Housing Needs Analysis and Housing Production Strategy purposes.
- Interim housing should be permitted subject to clear and objective standards.
- While termed “interim,” there should not be formal time limits tied to permits.
 - Additional discussion is needed on how to prevent the outcome of households having no option but to live in interim housing indeterminately.
- As a form of “Interim Housing,” allow the use of RVs and THOWs in residential locations on an interim basis.
 - Define a category of “Interim Housing” called “Mobile Dwellings” that includes RVs and Tiny Homes on Wheels.
 - Explore ways to integrate “Mobile Dwellings” into residential neighborhoods, including 1) in “Interim Mobile Dwellings Clusters,” 2) as an additional dwelling on a lot with an existing home (Portland model), 3) as the sole dwelling on a residential lot. These options are further described below.
- Pursue ways to promote the use of “Mobile Dwellings” as “Interim Housing” in residential neighborhoods.
 - Step 1: Include as a tool in the Housing Production Strategy Toolkit.
 - Step 2: Integrate “Interim Housing” and “Mobile Dwellings” in residential neighborhoods into HB 2003 reforms.
 - Step 3: Provide models: To encourage implementation, provide models that can be adapted and adopted by local jurisdictions.
 - Given the novelty of this residential housing approach, jurisdictions and the State should evaluate the impacts “Interim Housing” generally and “Mobile Dwellings” specifically on communities and on the property owners and occupants of the dwellings.

Policy Topic 2: Mobile Dwellings

These recommendations for model approaches to integrate RVs and tiny homes on wheels into residential neighborhood stem from dialog and experience by members of this 2021 workgroup to address the shortage of viable locations to reside in an RV in urbanized areas.

1. As a form of “Interim Housing,” define and allow “Mobile Dwelling Clusters” in residentially zoned neighborhoods. “Mobile Dwelling Clusters” are groups of RVs or Tiny Homes on Wheels located in residentially zoned neighborhoods.

- Allow outright in medium and high-density residential neighborhoods.
- Likely not a viable permanent use in cities with land development pressures, but it could be financially viable interim use.
- Standards could address:
 - Maximum number of dwellings scaled to zone and lot size
 - Minimum length of stay (not intended for short-term stays). Option: 30 days or longer
 - Required site improvements: Utility hookups, shared open space, fence or buffering, setback requirements, trash management, other essential site improvements related to sanitation, health, and safety.
 - Surfaces: “Mobile Dwellings” without motive power should be allowed on gravel and other firm pervious surfaces, whereas RVs with motive power should be on impervious surfaces to control engine runoff.
- Barriers in State Law: May need exemption from state “Recreational Campground” regulations found in ORS 918-650-0000. Residential Campground development standards require vehicle circulation patterns suitable to facilities in which RVs come and go on a regular basis.
- Related examples:
 - Food cart pods as an interim commercial use: Varying degree of improvements based on desired length of use. Required to include utility hookups, seating areas, sanitation, garbage, curbs, and surfacing.
 - Safe parking programs: Usually nonprofit or church run, with access to sanitation facilities. In Portland, currently limited to three vehicles per site. Many examples nationally.
 - Wildfire recovery: The City of Talent and the Urban Renewal Agency developed a site for 50 RVs to be used as interim housing for families displaced by wildfires. The site will be developed for permanent housing in the longer term, and all site improvements including utilities, frontage improvements and internal circulation were designed to serve both the interim and permanent uses.

2. As a form of “Interim Housing,” allow a single “Mobile Dwelling” to be an additional dwelling on a lot with a home in residential neighborhoods.

- Example: Portland allows one occupied recreational vehicle on a site with a house, attached house, or manufactured home. A permanent recreational vehicle utility hookup that includes an electrical outlet, a water connection, and a sanitary sewer dump must be provided on the site, except that a water connection and sanitary sewer dump is not required if the vehicle lacks internal plumbing. Allowed recreational vehicle types are travel trailers, park model recreational vehicles, campers or motor homes. [Chapter 29.50 Other Requirements | Portland.gov](#) Portland code does not permit an occupied RV to be the sole dwelling on a residential parcel.

3. As a form of Interim Housing, allow a single “Mobile Dwelling” to be located as the sole dwelling on a lot in a residential neighborhood.

- Adapt the Portland model.

Policy Topic 3: Park Model RVs

The recommendation below results from the efforts of the Mobile Dwellings Work Group to explore the potential of a smaller type of factory-built housing on wheels called a Park Model RV to provide good quality, permanent, year-round housing.

Determine whether Park Model RVs meet sufficient durability and energy standards to be allowed as permanent housing in applications such as cottages, plex units, and ADUs.

- Park Model RVs are factory-built dwellings of 400 SF or less that function like small manufactured dwellings but are governed (per federal law) by specialized RV building standards.
- Status: This topic requires additional research and development. More needs to be understood about Park Model RV construction standards and the living environment they support. Collaboration among manufacturers, planners, and building code officials is needed to explore how to expand the use of these while also protecting the health and safety of residents and neighbors.

Guide to Current Regulations for Non-Traditional Dwelling Types on Wheels and Manufactured Housing
December 2021

	Manufactured Housing	Park Modelⁱ	Recreational Vehicle	Tiny House on Wheels
Location: Where are they likely allowed by state law and/or local code?				
As primary or sole dwelling on SF parcel	Allowed. Design standards likely apply. ⁱⁱ	Regulated locally. Not typically permitted.	Regulated locally. Not typically permitted.	Regulated locally. Not typically permitted.
As ADU or other secondary dwelling	Allowed, but design standards may make it infeasible. ⁱⁱⁱ	Regulated locally. As secondary dwelling, allowed in Portland. ^{iv}	Regulated locally. As secondary dwelling, allowed in Portland. ^v	Regulated locally. As secondary dwelling, allowed in Portland. ^{vi}
As du-, tri-, or quad, if jurisdiction allows detached plexes	Allowed, but design standards are an issue.	Not allowed.	Not allowed.	Not allowed.
As unit in cottage clusters	Allowed, but design standards are an issue.	Regulated locally.	Regulated locally.	Regulated locally.
In manufactured dwelling park	Allowed. Most common location.	Allowed.	Allowed. ^{vii}	Not allowed.
In RV park ^{viii}	Unlikely.	Allowed.	Allowed.	Unknown.
On public ROW or other public land	Not allowed.	Not allowed.	Not allowed but not uncommon at present.	Not allowed.
Mobility: How easy is it to move from one site to another?				
How mobile?	Least mobile. Built to be permanent, stationary housing. ODOT trip permit required.	Not easily mobile. Commonly never moved. ODOT trip permit required.	Easily transported and set up. Jurisdictions cannot limit length of stay at RV or mobile home park. Some RVs have motive power; some are solely trailers.	Somewhat mobile. On chassis on piers. If >10' wide, ODOT trip permit required. Often stays in place 1+ years.
Estimated moving cost	\$25,000 to \$30,000+	\$2,000+	\$0 to minimal cost.	\$1,000+
Construction and Durability: What level of habitability and permanence do they provide?				
Year-round or temporary	Year-round, permanent housing.	ODOT: Temporary. Land Use Planning: Year-round. ^{ix}	ODOT: Temporary. Land Use Planning: Year-round. ^x	Typically built as permanent housing.
Wastewater disposal	Connects to sewer or septic like SF home.	Same as SF home.	Toilets not required, but if present, sewage contained in a holding tank emptied into a dump station.	Varies; composting or conventional toilet.
Water	Same as SF home.	Same as SF home.	If available, typically held in tank and supplied via flexible supply lines rated for potable water.	Varies; often has hose connection to potable water. Full kitchen & ½ or full bath typical. Insulation typical.
Dimensions	Minimum of 8'x40' (320 sf). In practice, 400 sf or more. ^{xi} Requires ODOT trip permit to transport.	> 8.5' wide and < 400 sf per ODOT. Requires ODOT trip permit to transport.	Must be no more than 8.5' wide per ODOT.	Not regulated. Typically, under 200 SF.
Construction Standards	HUD Code HUD's Office of Manufactured Housing Programs (OMHP) HUD.gov / U.S. Department of Housing and Urban Development (HUD)	ANSI A119.5 Park Model RV Standard (2020 Edition) . Features of Park Models RVs are like manufactured housing features, but in smaller home. Some insulation.	Per ODOT, National Fire Protection Standard 1192 (or NFPA 501c or ANSI A119.2 standard if the vehicle is an older RV). NFPA 1192: Standard on Recreational Vehicles	No standards. Tiny Home Industry Association creating standards; goal is acceptance as "permissible and permanent housing." To keep development costs low, others oppose standards.
Price range new, no land	\$40,000 to \$200,000+	Starts around \$43,000 for 200 sf models.		Uncertified: \$50,000+ Certified: \$100,000+

About This Matrix

This matrix was compiled in 2021 to better understand the current regulatory framework surrounding nontraditional dwelling types that some Oregonians are adopting in lieu of more traditional, permanent, site-built housing. It was created to contribute to current discussions about how best to adapt the current regulatory framework to better address Oregon's evolving housing continuum. Current regulations can be conflicting or ambiguous. This matrix does not constitute legal advice.

Throughout the state, people are debating and rethinking what constitutes housing. Readers are encouraged to send corrections, comments, and updates to this matrix as well as relevant resources and models to the volunteer RV & THOWs Work Group via Andrée Tremoulet at andree@commonworksconsulting.com. Thanks for your interest.

Notes

ⁱ Park Model RVs are, in effect, small homes of no more than 400 sf built on an RV frame in compliance with RV construction standards. Like manufactured dwellings, they are towed to a site; they do not have motors. PMRVs are designed as a dwelling first and foremost, and as a mobile unit secondarily. ODOT refers to them as "temporary living quarters." See definition here: https://www.oregonlegislature.gov/bills_laws/lawsstatutes/2019orlaw0585.pdf.

ⁱⁱ Jurisdictions may adopt design standards for manufactured dwellings outside manufactured dwelling parks no less restrictive than those set forth at ORS 197.307(8) [ORS 197.307 - Effect of need for certain housing in urban growth areas \(public.law\)](#). Many jurisdictions have adopted these state standards rather than less restrictive ones.

ⁱⁱⁱ Among the standards for manufactured dwellings outside manufactured dwelling parks set forth at ORS 197.307(8) are requirements that the homes be doublewides or larger, enclose at least 1,000 sf, and have a garage or carport. These standards, if adopted locally, prevent manufactured dwellings from being used as an ADU, a detached plex, or a cottage due to conflicts with the standards for these uses. Local jurisdictions can resolve this conflict either by adopting less restrictive standards for manufactured dwellings outside manufactured dwelling parks or by exempting manufactured dwellings used as ADUs or Middle Housing.

^{iv} Portland allows one occupied recreational vehicle provided on a site with a house, attached house, or manufactured home. A permanent recreational vehicle utility hookup that includes an electrical outlet, a water connection, and a sanitary sewer dump is provided on the site, except that a water connection and sanitary sewer dump is not required if the vehicle lacks internal plumbing. Allowed recreational vehicle types are travel trailers, park model recreational vehicles, campers or motor homes. [Chapter 29.50 Other Requirements | Portland.gov](#)

^v The Portland regulation described in endnote iv above applies to recreational vehicles as well as park model recreational vehicles. [Chapter 29.50 Other Requirements | Portland.gov](#)

^{vi} In this application, Portland treats THOWs like RVs, thus the provisions described in in endnote iv above apply. [Chapter 29.50 Other Requirements | Portland.gov](#)

^{vii} ORS 197.493 prohibits jurisdictions from limiting the length of stay of an RV in a manufactured dwelling park or RV park if it is occupied as a residential dwelling and lawfully connected to electricity, water, and wastewater systems. [ORS 197.493 - Placement and occupancy of recreational vehicle \(public.law\)](#)

^{viii} RV Parks have very a limited presence in high-cost regions. If they're allowed at all, they're typically only allowed in commercial zones, and there are often long wait lists to stay at them.

^{ix} ODOT states that Park Model RVs are intended to serve as temporary living quarters in, but Park Models are built to be a dwelling first and for mobility secondarily. https://www.oregonlegislature.gov/bills_laws/lawsstatutes/2019orlaw0585.pdf

^x Oregon land use law treats RVs as permanent housing, but ODOT treats them as "a vehicle with or without motive power that is designed for use as temporary living quarters." Compare [ORS 197.493 - Placement and occupancy of recreational vehicle \(public.law\)](#) with [ORS 174.101 - "Manufactured structure," "recreational vehicle" defined \(public.law\)](#)

^{xi} Manufactured dwellings are made in sections in a factory. Individual sections can be joined onsite to make doublewides, triplewides, etc.

Informal Definitions

Mobile or Manufactured Home: a dwelling intended for year-round occupancy that is built in a factory in one or more sections on an integral chassis that allows it to be pulled by a truck down the highway by adding axels and wheels. Mobile/manufactured homes built after June 15, 1976, must be manufactured in compliance with a national building code administered by the US Department of Housing and Urban Development (“HUD Code”) instead of local building codes, although local building codes apply to the foundation (if any) and utility connections.

Oregon law (ORS 446.003) distinguishes among three kinds of “manufactured dwellings”:

- residential trailers: built before 1962,
- mobile homes: built between 1962 and June 1976 in conformance to a State of Oregon mobile home construction code, and
- manufactured homes: built after June 1976 in conformance to the national HUD Code.

In contrast to mobile/manufactured homes, modular homes (another type of factory-built dwellings) must be built in compliance with local building codes, do not have an integral chassis, and are transported to the site on flatbed trucks.

Recreational Vehicle (RV): “a motor vehicle or trailer which includes living quarters designed for accommodation. Types of RVs include motorhomes, campervans, caravans (also known as travel trailers and camper trailers), fifth-wheel trailers, popup campers, and truck campers. Typical amenities of an RV include a kitchen, a bathroom, and one or more sleeping facilities. RVs can range from utilitarian – containing only sleeping quarters and basic cooking facilities – to luxurious. ...RVs can either be trailers (which are towed behind motor vehicles) or self-motorized.” (Wikipedia [Recreational vehicle - Wikipedia](#))

Motorized RVs come in three classes:

- Class A: The largest RVs, typically built on a diesel or gas-powered vehicle, commercial truck, or commercial bus chassis and the most expensive to run. May require a specialized driver’s license.
- Class B: Camper vans or converted vans. These are the smallest motorized RVs.
- Class C: Medium-sized RVs, often built on the chassis of pickup trucks or vans, making it more fuel-efficient and less expensive than the Class A.

In 2018, HUD attempted to make a clear distinction between RVs and mobile homes for the purpose of clarifying that HUD’s national building code that applies to mobile homes does not apply to RVs. HUD defines RVs as “vehicles or vehicular structures:

- not certified as manufactured homes,
- designed only for recreational use and not as a primary residence or for permanent occupancy,
- and either:
 - built and certified in accordance with NFPA 1192-15 (a National Fire Protection Association code that regulates minimum requirements for the installation of plumbing, fuel burning, electrical and other safety-related systems) or ANSI A119.5-15 (an American National Standards Institute code that covers plumbing, fuel systems, fire & life safety, construction of park-model RVs); or
 - self-propelled vehicles.”

The Recreational Vehicle Industry Association (RIVA) advocates for the industry, promotes self-regulation and provides educational resources for the manufacturers, suppliers, distributors, dealers and businesses that comprise the industry. [Homepage | RVIA](#)

Park Model RV: The Recreation Vehicle Industry Association (RVIA) defines Park Model RVs as “a unique trailer-type RV that is designed to provide temporary accommodation for recreation, camping or seasonal use.” Park Model homes, also known as recreational park trailers, are built on a single chassis mounted on wheels. They are no larger than 400 square feet and are built in compliance with ANSI A119.5, a manufacturing code that regulates plumbing, fuel systems, fire and life safety standards and general construction of park-model RVs.

While Park Model RVs are considered recreational vehicles, they are typically used more like small manufactured dwellings. They are transported or towed as needed, then placed for long-term use or permanently placed at a location where local codes permit. Once at its destination, the necessary utilities, fixtures, and appliances are connected.

Tiny Houses on Wheels (THOWs): There is no legal definition of THOWs applicable to Oregon. They’re typically built outside of any regulatory framework, by amateurs. In fact, their origin in the early 2000s stems from *intentionally* avoiding building code regulations by putting the dwellings on wheels. These codes effectively prevent small home development through a host of building code issues related to minimum room sizes, sleeping lofts, ceiling heights, composting toilets, etc.

Because they are built to be road worthy, the maximum dimensions allowed, without obtaining a special permit, are 8 feet 6 inches wide, 13 feet 6 inches tall, and 40 feet long. While this is the maximum, it is rare to see tiny houses longer than 32 feet, since beyond that length they become much more difficult to transport.- <https://www.tinyhomebuilders.com/help/tiny-house-movement>

Some THOW companies build to specific RV building code standards, including to Park Model RV standards, and some organizations, such as the Tiny House Industry Association, are attempting to establish building code standards for THOWs, such as ANSI A119.5. Other THOWs advocates explicitly do NOT wish for formalization of these standards, as it is against the spirit, intent, and utility of the DIY, rogue, tiny house movement, and increases costs.



Legalizing Mobile Dwellings

*A guide for expanding a unique
affordable housing option in your city*

June 2022

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PSU Masters of Urban and Regional Planning Workshop 2022

Small Wins Planning in partnership with the City of Wood Village

Small Wins Planning Team:

Grace Coffey, Scott Goodman, Matthew Hall, Sam Huck, and Andrew Oliver

SWP



Port

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City

1. Executive Summary

Item #2.

In much of the United States, housing options are limited while costs rise. The purpose of this report is to analyze the utility and functionality of mobile dwellings as an interim housing option to provide shelter and basic living needs on private residential lots. The policy context presented below for permitting mobile dwellings as part of the solution for growing issues of housing affordability focuses on Oregon and the Portland Metro region, but could be applicable in a variety of urban contexts.



Photos: Camping St Hilaire, Bluegrass Meadows, PAD Tiny Houses

While missing middle housing and ADUs have received much attention in recent years as a solution for addressing housing affordability, mobile dwellings have not. Mobile dwellings are a uniquely affordable housing option because they are not subject to the same building code standards as traditional dwelling units, such as ADUs or other middle housing options. In 2016, Fresno, California was the first to adopt code legalizing mobile dwellings and has only received 4 permit applications. All other municipalities that adopted similar code received few applications as well. While many people currently live in mobile dwellings, either by choice or as a last resort, the amount of actual mobile dwelling permits issued by municipalities is miniscule due to 1) the recent adoption of such policies, 2) the lack of public awareness, and 3) the burdensome regulations associated with permittal.

People are already living in unpermitted mobile dwellings as interim housing. Policymakers need to respond to obvious demand for this housing type and provide safe, legal ways for people to utilize this flexible, affordable alternative.

Mobile Dwellings have many names! They can also be referred to as:

- Tiny Home on Wheels (THOW)
- Recreational Vehicles (RVs)
- Park Model RVs
- Movable Tiny Houses (MTH)
- Mobile Dwelling Units

This report is based on a case study conducted in Wood Village, Oregon. Some of the key lessons learned from Wood Village include the complexities of passing such code, how to assuage stakeholder and public concerns, and timeframe considerations. These lessons learned from Wood Village, along with research from other municipalities and stakeholders, have been synthesized into model code - available in this report- to planners and policymakers for use in their communities. Increased awareness about mobile dwelling code will result in higher levels of usage and adoption, ultimately creating more affordable and equitable communities.

The recommendations and model code in this report are produced by Small Wins Planning, a Portland State University (PSU) final workshop project for the Masters of Urban and Regional Planning (MURP). The name Small Wins Planning was chosen because there is no singular solution to the current housing crisis, instead, a variety of actions are necessary. We need increased housing supply (at market rate and affordable levels), increased rental vouchers, equity-focused programming, progressive zoning policy, and immediate interim housing options, which include mobile dwellings.

Key Code Recommendations:

- **Require utility hookups** for water, sewage, and electrical (allowing for exceptions with sewage for composting toilets and with electricity for alternative energies)
- **Require a stable pad** on which to place the mobile dwelling unit
- **No design reviews** in order to expedite the permitting process for immediate housing needs

Key Implementation Recommendations:

- **Build coalitions** in support of mobile dwellings
- Engage the public in smaller **focus groups** to generate representative feedback from residents and key stakeholders
- Advocate for the **simplest, most flexible** code for the jurisdiction
- **Highlight successes** of similar codes, including how no previously enacted codes have received negative public feedback post-adoption



Photo: Tiny House Marketplace

2. Background and Context

In the face of growing housing affordability crises, planners and policymakers are searching for creative solutions to rapidly increase access to housing in order to combat this multifaceted issue. Allowing mobile dwellings on residential lots has been one such solution explored primarily on the West Coast. This report is the result of background research and code updates related to mobile dwellings created by Small Wins Planning for the city of Wood Village, Oregon, a small municipality in the greater Portland metro region.

The term “mobile dwelling” refers to **Tiny Homes on Wheels** (THOWs) and **Recreational Vehicles** (RVs). While mobile dwellings are not currently required to meet specific standards or building code, they share common characteristics of providing small habitable spaces which include basic functional areas used for shelter. Additionally, they have a trailer or chassis, and are able to be towed or have motive power. Mobile dwellings are often parked on pads, but do not require a foundation. Mobile dwellings are a flexible, affordable option for interim housing.

This report uses Oregon to frame the broader national housing crisis and details affordability and policy considerations to allow mobile dwellings as habitable space on residential lots.

Housing affordability and systemic racism

“Exclusionary zoning laws place restrictions on the types of homes that can be built in a particular neighborhood. Common examples include minimum lot size requirements, minimum square footage requirements, prohibitions on multi-family homes, and limits on the height of buildings... In the subsequent decades, some zoning laws have been used to discriminate against people of color and to maintain property prices in suburban and, more recently, urban neighborhoods.”

-White House Report: “Exclusionary Zoning: Its Effect on Racial Discrimination in the Housing Market.”¹⁴



Housing Crisis in the U.S. and Oregon

Across the U.S., communities are facing crises finding and buying affordable housing. These present crises have many interconnected causes, including historic underproduction, racially motivated exclusionary zoning practices, rapid growth in home prices over the course of the COVID-19 pandemic, a backlog of upgrades needed to maintain the quality of affordable housing units, increasing wealth and income inequality, and increasing rates of chronic homelessness.^{1,2,3,4} Oregon and the Portland metro area are no exceptions to this trend, as a number of demographic, housing, and economic indicators demonstrate:

Oregon's **POPULATION** is growing:⁵

4.2 million in 2020

5.2 million in 2045

Especially in the **PORTLAND** area:⁶

2.4 million in 2015

3.5 million in 2060

VACANCY RATES are shrinking statewide:⁷

9.7% in 2014

8.2% in 2020

And in **MULTNOMAH COUNTY**:⁸

8.2% in 2021

5.9% in 2022

60,000 Units

Recent analyses suggest a **shortage of nearly 60,000 housing units** in the Portland Metro area resulting from historic underproduction.¹⁰

5,228 People

The January 2022 point-in-time count found **5,228 people** who met HUD's definition of homelessness.¹¹

29,775 Units

Multnomah County estimates a **current shortage of 29,775 affordable** housing units.⁹

22.1%

HUD found a 22.1% rise in the number of **people reported as unsheltered** in the county during the last two years.¹³

Policy Background

A number of cities and states have made significant efforts to allow more density and housing types in formerly single-family zones in recent years, including Minneapolis, California, and Oregon, under the umbrella term “Missing Middle Housing.” In Oregon, House Bill 2001, from the 2019 legislative session, mandated cities to allow duplexes, triplexes, quadplexes, cottage clusters, and townhouses in residential areas previously zoned exclusively for single-family units. While these changes are important and necessary, the Oregon Department of Land Conservation and Development (DLCD) “expects the transformation of housing choices to be gradual.”¹⁸ However, issues of affordability and homelessness demand innovative solutions that can be implemented more quickly.



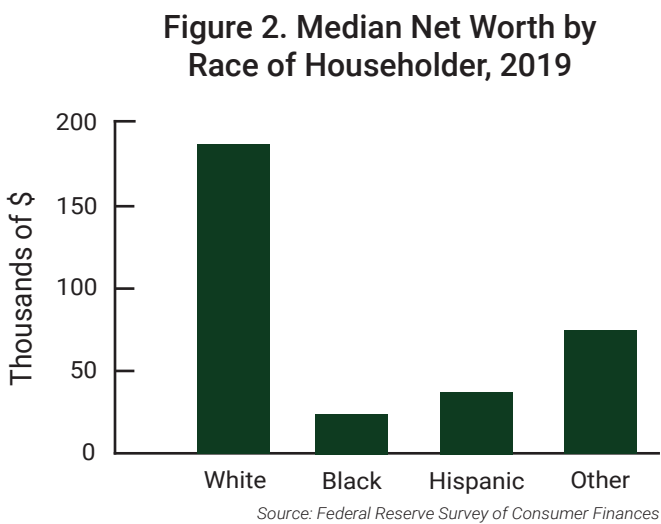
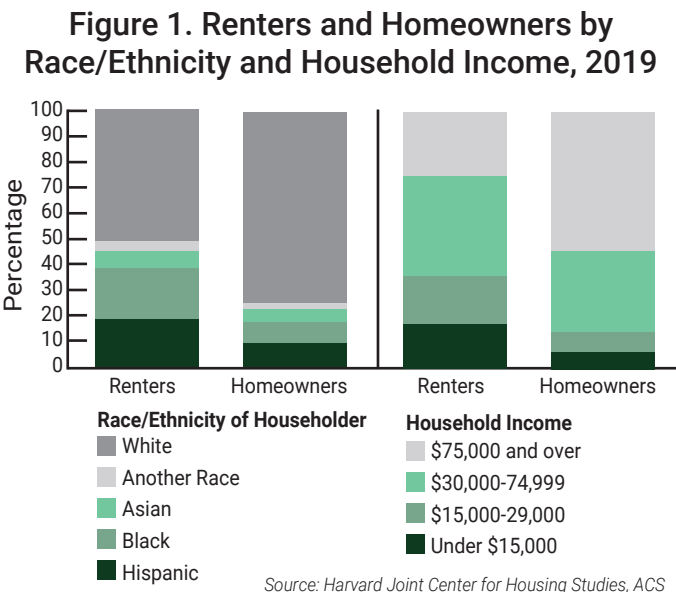
One solution that has existed for decades but that has not yet received adequate policy consideration is formalizing and scaling up opportunities for housing in mobile dwellings.¹⁹ While missing middle housing and ADUs have received much attention in recent years as a solution for addressing housing affordability, mobile dwellings have not received the same level of attention as a policy option.



Why Mobile Dwellings?

Mobile dwellings provide the cheapest and fastest opportunity to create flexible and affordable infill housing units. Mobile dwellings open opportunities for low-cost housing for many people: students returning from college, elderly parents, children or people with disabilities who want independence as they age, etc. These units can also provide income for homeowners, and they can be installed or built more quickly and cheaply than other housing.



Mobile dwellings can help address many important housing equity issues around access to housing, particularly for renters and marginalized populations. Across the country, around 40 percent of renters are cost-burdened, paying more than 30 percent of their income on rent and utilities. In many rental markets, even traditionally middle-class jobs do not pay enough for residents to avoid being housing cost burdened.



Nationally, rental households are more likely to be households of color and have fewer people per household. On average, renters have lower incomes than homeowners (Figure 1). Low-cost rental opportunities provide more options for traditionally marginalized groups. Smaller units also provide opportunities for the increasing share of households without children and for the increasing share of older-households projected to need more supportive and smaller housing options in the years to come.²⁰ Furthermore, mobile dwellings present a relatively inexpensive investment opportunity for added income for homeowners who may not otherwise be able to afford more expensive ADU projects.

Cost of Mobile Dwellings

Figure 3. Costs of ADU and Mobile Dwelling Development

Accessory Dwelling Unit (ADU)	\$150,000 - \$500,000 ^{21, 22}	
Tiny Home on Wheels	\$15,000-\$22,000 for pad and hookups ²³ \$30,000-\$60,000 for pre-built THOW ²⁴ Total: \$45,000-\$82,000	
RV	\$15,000-\$22,000 for pad and hookups ²³ \$10,000-\$30,000 for used/new RV ²⁵ Total: \$25,000-\$52,000	

Sources: Dweller, Kol Peterson, Oregon Mobile Dwellings Policy Workgroup, Home Advisor

Key factors in the relative affordability of mobile dwellings include:

- Onsite and offsite building capacity and affordable second hand purchase
- No requirement for building inspection
- Flexibility in construction with no building codes
- Ties into water and sewer lines from the existing house with no requirement for separate connections to the street, minimizing System Development Charges (SDCs)
- No foundation required
- No financial tie to the land

“This housing type is unsubsidized, market-rate, and ultra-affordable housing stock. This ‘ultra-affordability’ is because there’s no land cost associated with these dwellings and because the dwellings are extraordinarily inexpensive relative to conventional housing structures, such as primary homes or ADUs.”

- Kol Peterson

Kol Peterson is an ADU expert based in Portland, Oregon. Kol helped catalyze the exponential growth of ADUs in Portland over the last decade through ADU advocacy, education, consulting, policy work, and entrepreneurship. He is one of the leading advocates for tiny homes on wheels nationally.

3. Code Examples

Item #2.

Small Wins Planning conducted interviews with planners and city staff in eight jurisdictions in Oregon and California that have zoning codes allowing mobile dwellings in residential zones.

PORTLAND

Only requires a water connection, and was adopted as a part of the “Shelter to Housing Continuum” package.

BEND

The city plans to include THOW and RV legislation under the larger umbrella of a code update allowing various types of shelter housing, camping, and other “hardship housing.”

PLACER COUNTY

Included THOW legislation as a response to lack of workforce housing in tourism and second-home areas.

OAKLAND

Allows clusters of tiny homes in “villages” and allows THOWs in front yards.

FRESNO

If the entrance is visible from the street, architectural consistency standards apply.

SAN LUIS OBISPO

No utility hookups are required.

OJAI

Units must be registered with the California DMV.

LOS ANGELES

Strict design requirements apply.

Figure 4. Map of Jurisdictions Researched

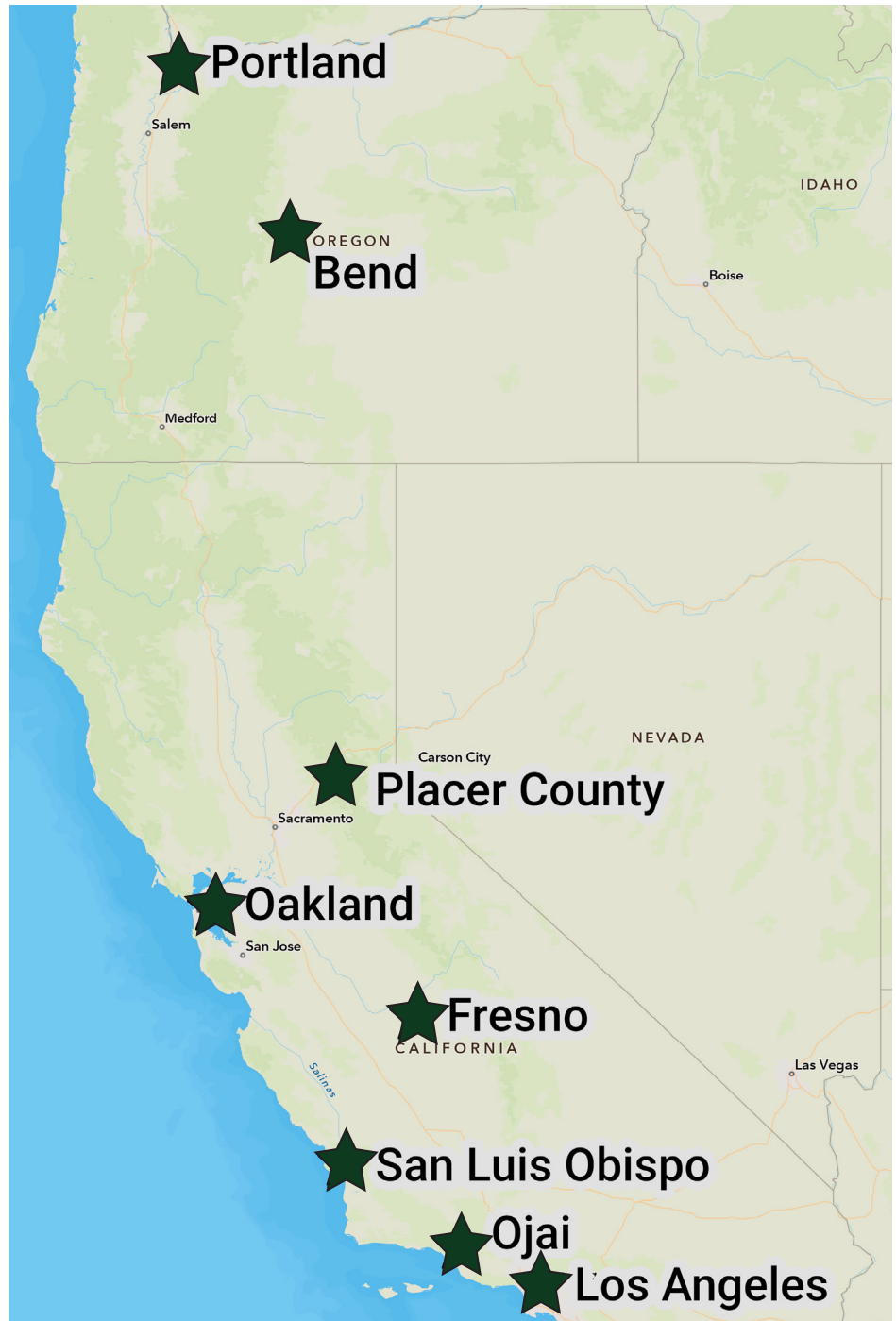


Figure 5. Timeline of Code Adoption

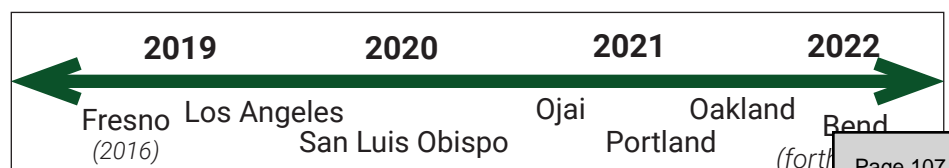


Figure 6. Table of THOW/RV Code in Other Municipalities

	Terminology	Administrative	Utility Hookups Required	Location/ Massing/ Setbacks	Pad/ Foundation	Size	Screening/ Design	Amount Permitted
Portland, OR	"Occupied Recreational Vehicle"	Only a plumbing permit required. Not permitted on undeveloped lots and does not count toward residential density	Water Electrical	Behind the front facade of the primary house and at least 5 feet from the primary dwelling	It must be parked on a paved surface if it has a motor, the occupied recreational vehicle must remain on wheels	None	None	No record
Fresno, CA	"Independent Living Facility"	\$1,697 permit fee. Must meet ANSI standards and be registered with the CA DMV	Water Sewer	Behind the primary dwelling unit. Applicable zone district height, setbacks, and lot coverage apply	Concrete pad with grading permit required	Minimum 100 sf of living space. Maximum floor area: 440 square feet	"Designed to look like a conventional building structure" Wheels and undercarriage must be skirted. If the entrance is visible from the street, architectural consistency standards apply	0
Ojai, CA	"Moveable tiny house" and is considered a residential dwelling unit	No fees on accessory units (aside from permit discounts for second units). Must be registered with the CA DMV. Applicant may obtain a separate address	Water Sewer Electrical	Applicable zone district height, setbacks, and lot coverage apply	If the wheels are removed must meet state approved foundation systems for manufactured housing. If the wheels are not removed, must be on a concrete, paved, or compacted gravel surface	Minimum 100 ft sq living space. Max floor area of 440 sf	Designed to look like a conventional building structure. Undercarriage must be skirted and not visible	0
San Luis Obispo, CA	"Moveable tiny house"	Must meet ANSI standards	None	Located toward the rear of the property. Applicable zone district height, setbacks, and lot coverage apply	Concrete, paved, or compacted gravel	Maximum Size-400 sf.	Designed to look like a conventional building structure	4

Figure 6. Table of THOW/RV Code in Other Municipalities (continued)

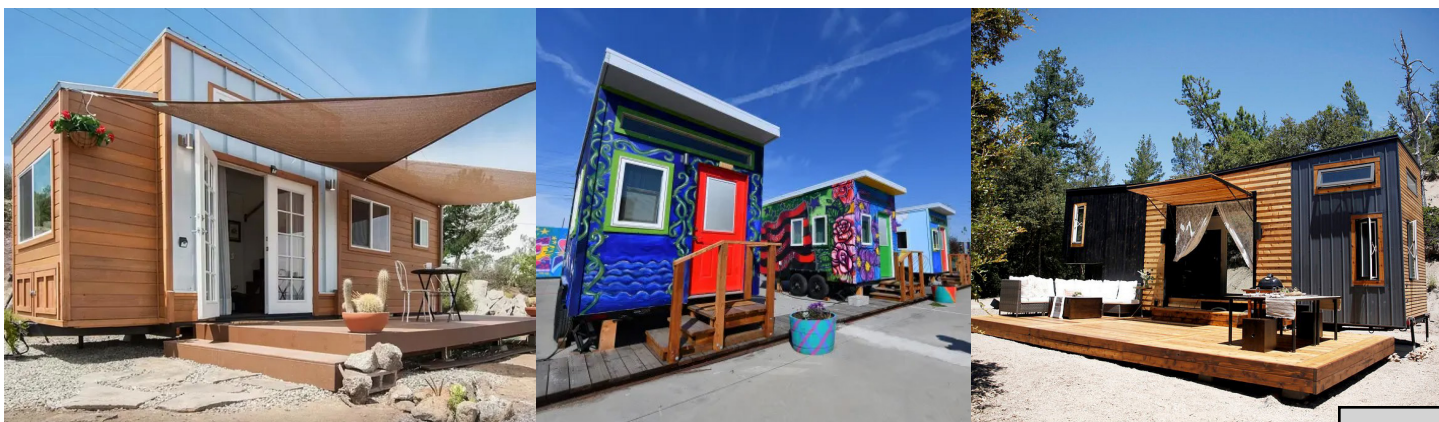
	Terminology	Administrative	Utility Hookups Required	Location/ Massing/ Setbacks	Pad/ Foundation	Size	Screening/ Design	How Many Are Permitted
Oakland, CA	"Vehicular Residential Facilities"	Must meet ANSI standards	Water Sewer Electrical	Applicable zone district density and height standards apply	Must be on asphalt, concrete, pavers, decomposed granite, or gravel	Less than 400 sf.	None	1
Placer County, CA	"Tiny house on wheels"	Tiny house on wheels independent living quarters, registered with the California DMV	Water Sewer Electrical	Applicable zone district height, setbacks, and lot coverage apply	Must be on a permanent foundation	Less than 400 sf.	Designed to look like a conventional building. Skirting required to hide wheels	0
Los Angeles, CA	"Movable Tiny House"	\$150 application fee + a fee for plumbing and electrical inspections. Must be registered with the CA DMV, certified to ANSI or NFPA standards.	Water Sewer Electrical	4 ft rear and side setbacks and not located in the front yard. Height limit is 2 stories	Must be on asphalt, concrete, pavers, decomposed granite, or gravel	No smaller than 150 sf. No larger than 430 sf.	Specific design requirements such as the exclusion of certain exterior cladding materials	N/A

Key takeaways from jurisdictions which allow mobile dwellings include:

- Most jurisdictions adopted code allowing mobile dwellings after 2019 and most have seen few or no permit applications, contrasting with larger numbers of ADU applications.
- Pressure around rising housing costs and increasingly visible houselessness prompted adoption
- Most cities do not have design or screening requirements for mobile dwellings
- Most cities require water, sewer, and electricity hookups for mobile dwellings
- Most cities use utility hookups to satisfy permitting and tracking requirements, though some cities require more complex discretionary review by staff
- Many cities require mobile dwellings to conform to park-model RV standards
- No previously enacted codes have received negative public feedback post-adoption

While people already use mobile dwellings as interim housing options, jurisdictions that adopted code legalizing mobile dwellings have not seen many applications. Why is this the case?

The required utility hookups and pad in many jurisdictions can represent costs upwards of \$15,000, a significant up-front cost for many homeowners. People currently living in mobile dwellings or who are interested in siting a mobile dwelling on their property may find some of the regulatory barriers difficult to navigate and expensive. Additionally, the affordable and interim nature of mobile dwellings means they are not an investment as reflected in the appraisal value of a property and cannot be easily financed. Despite these barriers, as housing costs rise and mobile dwellings become a more attractive option, jurisdictions should create accessible ways to safely and inexpensively permit mobile dwellings.



Photos: Zen Cottages, Juan Carlos Fajardo/Bay Area News Group, Megan Ca

Regulatory Options

Mobile dwellings are unregulated by state and local planning agencies and national and state building codes. In Oregon, a regular dwelling unit is: “a single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, cooking, eating, and sanitation.”²⁶ A mobile dwelling is not considered a dwelling unit in Oregon because it does not meet these state requirements.

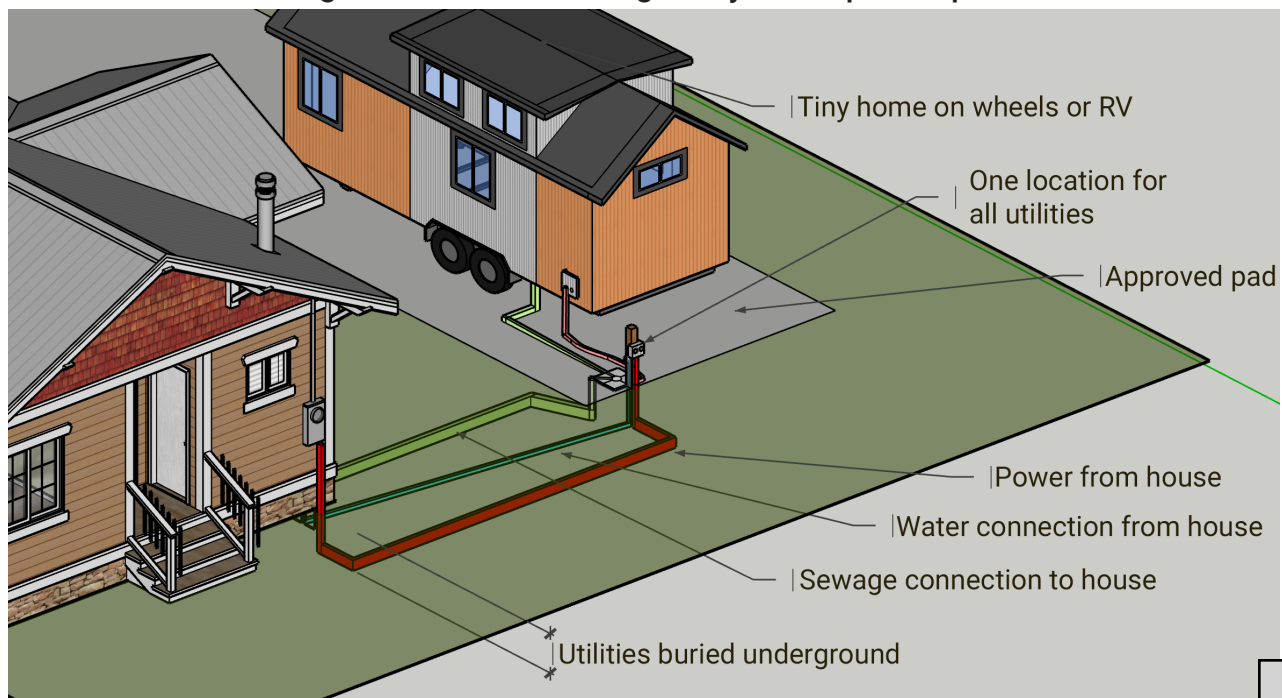
The practical way of installing a mobile dwelling is for the property owner to follow the directions of the permitting process approved by the jurisdiction. This might include installing or siting a pad approved by the public works department in addition to meeting utility requirements. At this point, the property owner can wheel in a mobile dwelling and attach it to the required hookups.

Different jurisdictions allow mobile dwellings with various regulations. Across the jurisdictions Small Wins Planning researched, the most common requirement mandated the property owner provide hookups for sewer, potable water, and electricity and represent a significant portion of the overall cost.

Park Model RVs:

Park model RVs are titled by a State DMV, and meet American National Standards Institute (ANSI) A119.5 standards. These standards cover fuel systems, fire and life safety, plumbing systems and construction requirements. Some cities require mobile dwellings to meet park model RV standards and be certified by inspectors. Certification for RVs is generally done by RV manufacturers, and it can be difficult to certify self-built mobile dwellings.

Figure 7. Mobile Dwelling Utility Hookup Example



In some cases, a mobile dwelling may have a self-contained toilet, independent power generation, or independent water collection and retainment; such mobile dwellings do not need all of the hookups that may be required. Utility hookup exemption in code can reduce overall costs as the property owner can save money by only providing required hookups.

In general, less regulation encourages more development of mobile dwellings. It is very likely that the following considerations will come up when discussing mobile dwellings with community members and decision makers, and the Small Wins Planning team encourages an approach that is less restrictive. If jurisdictions are concerned about passing a less-restrictive code, there are several more restrictive options that decision makers might consider.

Less Restrictive Approach

- No additional parking requirements for mobile dwellings
- Allow mobile dwellings in driveways, side yards, and within existing setbacks
- Waive lot coverage requirements
- No screening or sight-obstruction requirements
- Low barrier application processes with no fees

More Restrictive Approach

- Codify mobile dwellings as Accessory Dwelling Units and thereby require ties to a foundation
- Require mobile dwellings to meet park-model RV (ANSI) standards.
- Require all permanent utility connections (water, sewage, and electricity) for mobile dwellings
- Require screening and/or fencing
- Require standards such as architectural consistency with the primary dwelling or other specific design requirements
- Require separate parking for mobile dwellings

“Keep the code at the same level of simplicity in which it will be reviewed, ensure the code has enough teeth so planners and staff have clear, objective, and enforceable parameters and be mindful of existing zoning code definitions which may require additional code editing for congruency.”

- Robin Scholetzky, AICP

Principal, UrbanLens Planning in Portland, Oregon
Adjunct professor, Toulan School of Urban Studies, Portland State University
Land use planning and housing resource for PSU Small Wins Planning team

Definitions

Several new definitions may need to be introduced into the code if adopting mobile dwellings in a jurisdiction. The following definitions are adoption ready, but should be changed to fit into any existing definitions that are similar in scope in the jurisdiction's definitions.

Mobile Dwelling

Mobile Dwellings are habitable spaces on wheels that provide the basic requirements for shelter and are considered to be interim housing. Mobile Dwellings can be with or without motive power, designed for sport or recreational use, or designed for human occupancy on an intermittent basis. Mobile Dwellings are permitted in the residential zones.

Habitable Space

A space in a residential home, accessory structure, Recreational Vehicle, or Tiny Home on Wheels used for living, sleeping, eating, or cooking. Habitable spaces are considered interim housing. Bathrooms, toilet rooms, closets, halls, storage or utility spaces and similar areas are not considered habitable spaces.

Tiny Home on Wheels (THOW)

A Tiny Home on Wheels is an independent habitable space that is separate from the main residential structure which includes basic and functional areas and facilities used for shelter, heating, cooking, and sanitation. A Tiny Home on Wheels is mounted on a wheeled trailer chassis and is not considered a legal dwelling unit.

Recreational Vehicle (RV)

A Recreational Vehicle is a vehicle with or without motive power, which is designed for sport or recreational use, or which is designed for human occupancy on an intermittent basis. Recreational vehicle might be further divided into two categories as follows:

- Motor home, which includes motorized vehicles designed for human occupancy on an intermittent basis. A camper is considered a motor home when it is on the back of a pick-up or truck. Motor homes are regulated as trucks unless the regulations specifically indicate otherwise.
- Accessory recreational vehicles include non-motorized vehicles designed for human occupancy on an intermittent basis such as vacation trailers and fifth-wheel trailers. A camper is considered an accessory recreational vehicle when it is standing alone. Accessory recreational vehicles also include vehicles designed for off-road use such as off-road vehicles, dune buggies, and recreational boats.

Model Code

Small Wins Planning has developed the following adoption-ready model code. This code was developed with maximum flexibility to assist planning staff in their efforts to enact it.

Section _____ Mobile Dwellings

XXX.010 Purpose.

The purpose of allowing Mobile Dwellings is to:

- A. Provide community members with additional housing opportunities and a means of obtaining emergency shelter, companionship, or rental income, from tenants or family members in either the Mobile Dwellings, or the principal unit.
- B. Increase the number of affordable habitable spaces to the existing housing supply and increase the housing choices available in the City.
- C. Make habitable spaces available to people who might otherwise have difficulty finding homes within the City or for people whose preferred living space includes Mobile Dwellings.
- D. Encourage the development of habitable spaces in residential neighborhoods that are appropriate for people at a variety of stages in the life cycle.

XXX.020 Requirements for all Mobile Dwellings.

Mobile Dwellings shall conform to the following standards:

- A. *Applicability.* Mobile Dwellings are permitted in zones for residential uses, and are not a building, structure or dwelling unit. Because a Mobile Dwelling is not a dwelling unit, building or structure it does not count toward minimum or maximum density or FAR. Mobile Dwellings are not subject to development standards that apply to buildings or structures.
- B. *Placement.* A Mobile Dwelling shall be placed on a pad in accordance with the [applicable City parking and/pr storage] standards. A Mobile Dwelling shall not be placed in the public right of way.
- C. *Utility Hookups.* A Mobile Dwelling shall have utility hookups available for use provided by the property owner.
 - 1. *All utilities* to the Mobile Dwelling shall be buried underground and be permitted by the review authority.
 - 2. *Electrical* connections must be made through a dedicated outlet on a service pedestal or on a dwelling unit, which must be a minimum 20-amp, GFCI-protected, dedicated circuit.
 - 3. *Plumbing.* Both potable water and connection to wastewater/sewage facilities shall be provided by the property owner for a Mobile Dwelling.

- i. Potable water shall be connected to a potable water source in conformance with applicable state plumbing codes and shall be connected using a potable water hose,
- ii. Wastewater plumbing infrastructure shall connect from the Mobile Dwelling into a residential wastewater/sewage line. All plumbing installations or extensions shall be in conformance with the applicable state plumbing code and be permitted by the review authority.

4. *Exceptions.* Exceptions are allowed for required utilities as outline above in the following scenarios:

- i. Electrical connections from a dedicated outlet on a service pedestal or on a dwelling unit are not required if sufficient alternative electrical sources are present for the Mobile Dwelling.
- ii. Potable water connections are not required if the Mobile Dwelling does not have any fixtures that require potable water and the occupants have access to potable water on the property.
- iii. Wastewater/sewage infrastructure connections are not required to be provided if there is no toilet in the Mobile Dwelling or if a DEQ-approved gray water disposal system is present in the Mobile Dwelling. If the Mobile Dwelling does not have internal plumbing, the occupants must have access to potable water, toilets and showers in the primary house.

D. *Separation Distance.* A Mobile Dwelling shall maintain a 6ft separation distance from any existing dwelling unit.

E. *Upkeep.* A Mobile Dwelling shall comply with the existing requirements to satisfy reasonable property maintenance and upkeep.

F. *Procedures.* Where permitted, Mobile Dwellings are subject to review and approval through clear and objective standards.

This report and model code does not address all of the ways of incorporating mobile dwellings into communities, some of which include:

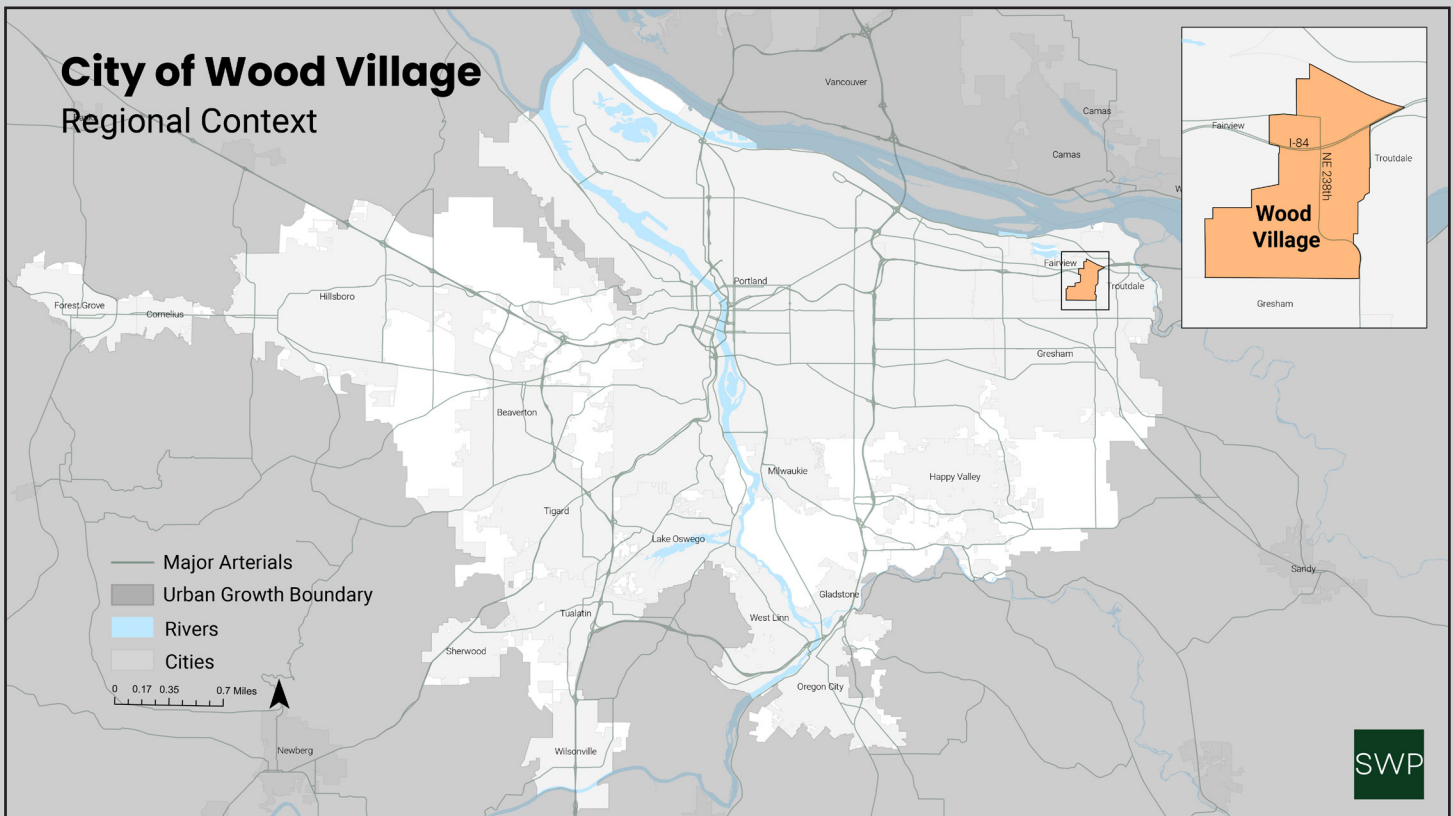
- Intermittent emergency use to limit the number of days permitted, or until an emergency declaration has been rescinded
- Clusters of mobile dwellings that allow for more than one mobile dwelling on a given property
- Mobile dwelling clusters for short term rental use
- Using publicly owned lands or partnerships with developers who own vacant or underutilized land to provide small pod mobile dwelling villages for individuals who would otherwise be unsheltered

5. Wood Village Case Study

Item #2.

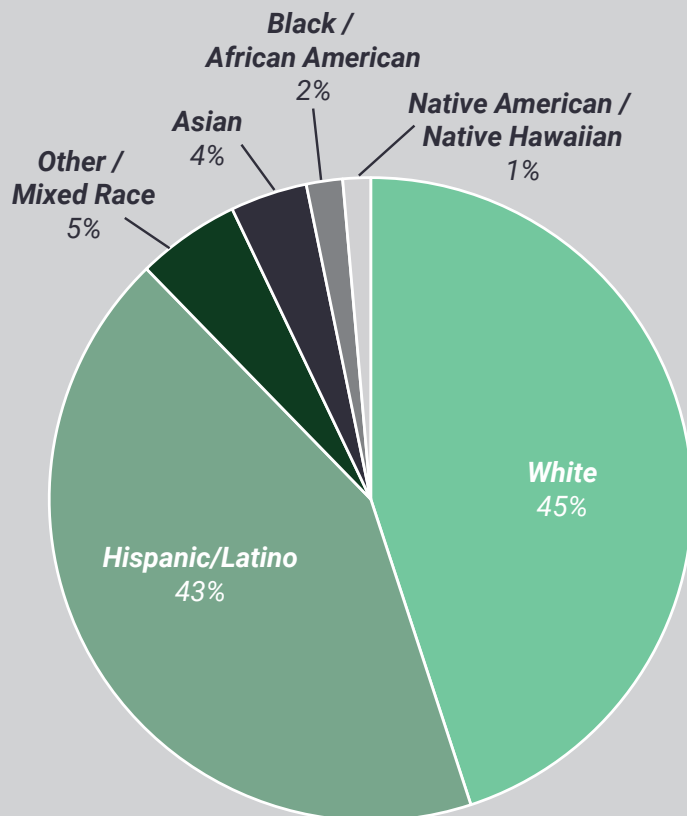
Land Acknowledgment

The Chinookan peoples known as the Clackamas and Cascades are the indigenous people of the land now inhabited by the city of Wood Village and other areas of the Columbia River. The village of Nechacokee (now referred to as Nichagwli – “nee chalk lee”) was located near today’s Blue Lake Park. Ancestral life of these peoples included a seasonal round of resource gathering and stewardship from the wapato fields and fishing areas of the Columbia River to the cedar and huckleberry gathering areas of the high Cascades. Introduced disease from early settlers dramatically reduced the number of these people. They signed the Willamette Valley Treaty of 1855 with the United States government and were forcibly removed to the Grand Ronde Indian Reservation. We thank the descendants of these Tribes for being the original stewards and protectors of these lands since time immemorial. We also acknowledge the systemic policies of genocide, relocation and assimilation that still impact many Indigenous/Native families today. We are honored by the collective work of many Native nations, leaders and families who are demonstrating resilience, resistance, revitalization, healing and creativity. We are honored to be guests upon these lands.



Located at the western edge of the Columbia River Gorge and near the eastern edge of the Portland Metro Urban Growth Boundary, Wood Village is a geographically small yet diverse community. Along with Fairview, Troutdale and Gresham, Wood Village belongs to what is referred to as East County. These jurisdictions often share resources and engage in joint development initiatives distinct from the rest of Multnomah County. Wood Village has a rich history, first as home to some of the Chinook peoples and later as a company town housing workers for the Reynolds Aluminum factory during World War II. Officially incorporated in 1951, Wood Villagers proudly say that their small city “has everything you need in one square mile.”

Fast Facts²⁷



Wood Village is a **DIVERSE** community with a population of **4,387** people

INCOMES are below statewide averages

\$67,058 - Oregon Median Household Income

\$56,905 - Wood Village Median Household Income

The **POVERTY RATE** is similar to the statewide average, at **4%**

32%

of Wood Village homes are **owner-occupied**

67%

of Wood Village homes are **renter-occupied**



Wood Village rents have increased

24%

in the last 10 years.
Current median rent is

\$1,215



Multi-unit vacancy rates have dropped from

12% to 2%

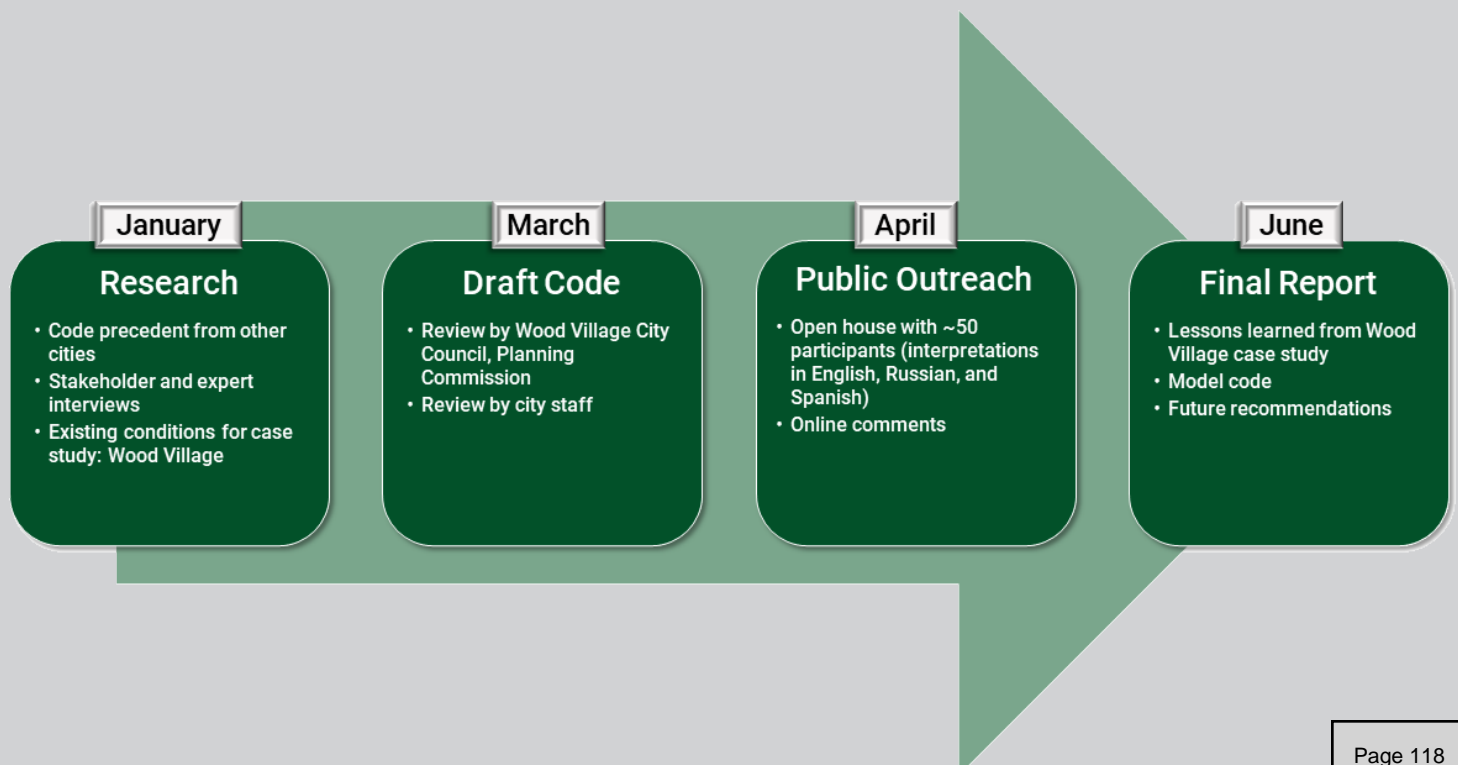
in the last several years in Wood Village

Additional Housing Choices Code Update Project

The Wood Village City Council established permitting RVs and THOWs as a council priority in the 2021/22 Annual Performance Plan. The Wood Village city manager submitted a proposal for the Additional Housing Choices Code Update to the Portland State University (PSU) Masters of Urban and Regional Planning (MURP) workshop program in December 2021. It was selected by Small Wins Planning as their workshop project in January 2022.

Small Wins Planning drafted a scope of work with the City of Wood Village and acted as planning consultant. The deliverables produced by Small Wins Planning include:

- **Wood Village area profile** with history, demographics, economic profile, and existing housing analysis
- Research of **code from other jurisdictions**
- **Expert and stakeholder interviews**
- **Reports** summarizing key findings from public input and research
- **Engagement materials** for a public open house to incorporate public input per the recommendation of Wood Village City Council
- Drafted, workshopped, and refined **RV/THOW municipal code** for recommendation and adoption by the City of Wood Village City Council and Planning Commission



What Happened

City Council and Planning Commission Hearing

The Wood Village City Council directed staff to address mobile dwelling code as a part of the annual city performance plan. Small Wins Planning presented to the Planning Commission and City Council in a joint session in late March 2022. The presentation included findings related to mobile dwellings and the opportunity they provide for more affordable housing options. Small Wins Planning discussed different possibilities for implementation and asked for feedback.

Elements of code and relevant research presented include:

- Requiring permitted electrical, plumbing and water hookups for mobile dwellings, providing the basis for tracking
- Requiring a gravel pad for the mobile dwelling
- Mobile dwelling siting requirements
- Applicable zones where mobile dwellings should be allowed and corresponding demographics (light residential zoned properties generally possess the square footage necessary for backyard mobile dwellings, these zones are primarily occupied by white residents)
- Lessons learned from other jurisdictions. Most jurisdictions adopted code since 2019. Since adoption, few have seen permit applications. Small Wins Planning suggested less restrictive code could lower barriers to implementation

Some council members indicated hesitation toward adopting any code, let alone a more permissive code. It was difficult to adequately explain the complexities of this code development within the time constraints of the Wood Village city council meeting schedule. The City Council was interested in getting direction from the public as well as more data from other municipalities that had adopted code allowing for mobile dwellings.



Photo: MetroEast Com

Open House

Figure 8. Small Wins Planning Open House Materials

What Will The Updated Zoning Code Allow?

The new program would allow Tiny Homes on Wheels and RVs:

- in **RESIDENTIAL** areas
- on a **PAD**
- on **WHEELS**
- **BEHIND** the front of the house
- with required **HOOKUPS** for water, sewer, and electricity

Residential 7.5 Zone

City of Wood Village Light Residential Zoning

What Will the Updated Zoning Code NOT Allow?

The new program would not allow:

- **MULTIPLE** RVs or Tiny Homes on Wheels
- Tiny Homes on Wheels or RVs on the **STREET or SIDEWALK**
- **BROKEN DOWN OR DANGEROUS** RVs
- **SEWAGE DUMPING** in the street
- RVs or Tiny Homes on Wheels in required **PARKING** spaces

Small Wins Planning conducted an open house in mid-May, several weeks after the first joint Planning Commission and City Council meeting. Small Wins Planning designed a series of boards to educate the public on mobile dwellings and how they might fit into the community. The materials created described the code options under consideration and the factors that make mobile dwellings a unique opportunity to provide more housing affordability and flexibility in Wood Village. General feedback was solicited on questions, concerns, and potential benefits of allowing this housing type. The City translated each of the boards into Spanish and Russian, the two most common languages spoken in Wood Village after English. At the open house, Wood Village provided refreshments and interpretation services.

Three days prior to the open house, an anonymous resident created, printed, and distributed to all Wood Village residents a flier opposed to the proposed code changes. The flier described that the proposed code changes “could be devastating to property values”, create “parking problems,” and “not help the housing problem” or “reduce homelessness.” An email template provided allowed residents to express their dissent to elected officials. This messaging created acute fear and anger towards the project, and resulted in heavy opposition at the open house.

Figure 9. Anonymous Opposition Flier

TELL YOUR CITY LEADERS THAT YOU DON'T WANT RV'S AND TINY HOMES ON WHEELS LIVING ALLOWED IN YOUR NEIGHBORHOOD!

The City of Wood Village is seriously and enthusiastically entertaining the idea of allowing RV's and tiny homes on wheels to be lived in on residential lots. The City of Wood Village has partnered with Small Wins Planning (SWP), a Portland State University Master of Urban and Regional Planning graduate workshop project consisting of five graduate students, to draft and revise a code enabling living in tiny homes and recreational vehicles.

Portland's City Council voted to approve a similar zoning change this April. We don't need more of the problems Portland faces in our city. We have a great community where it's mostly clean, safe, stable, & we love our neighbors. Help maintain that! Voice your thoughts, concerns and desires to our Wood Village city councilors & mayor so they know how to vote for you!

Can't I just vote against this?
No. This is an action that will be voted upon by your city council. They need to know how their city feels about this so they vote appropriately. Email them below to let them know!

Will there be standards for the type of habitat?
Yes, kind of. Current city code will be cited as the standard for appearance. Other standards could also be asked for of course. Note that any standards or code made will also need to be proven if not to compliance, and then enforced. This may be very difficult. At the meetings they will likely show nice \$100,000 airstreams and tiny home builds - The reality is the most Woodville this help our housing problem overall and reduce homelessness?

Probably not. During testimony against this idea in Portland, Dr. Maria Zapata, the director of Portland State University's Homelessness Research & Action Collaborative and an associate professor of land use planning, said she was doubtful that the tiny homes on wheels and RVs soon to be legislated as housing options by the code change would effectively tackle the city's affordable housing crisis.

Is this the same as House Bill 2001 that changes the residential zoning codes?
No. This is a completely separate concept that Wood Village is considering. The public meeting that Wood Village is holding is also about HB2001, which may be confusing to some. HB2001 is a highly criticized state passed bill that effectively changed all single family residential to allow duplexes, triplexes, fourplexes, and cottage clusters. This bill is not negotiable at the city level, however is being talked about at the same time as the RV & tiny home code update that the City of Wood Village is entertaining and our city council will be voting on.

EMAIL YOUR CITY COUNCIL!

Scan this QR Code to email them all with a premade message. PLEASE, sign your name and address at the bottom so they know whom it is from and that you are a real resident! Also, your own message or thoughts are highly encouraged! Please type away!

COME TO THE MEETING & SPEAK IN PERSON!

THURSDAY Open House
Monday, April 25th
6:00pm - 7:30pm

City Council Meeting
Tuesday, April 26th
6:00pm

Small Wins Planning estimated 40-50 people in attendance at the open house. There were at least five Russian speaking people and at least two Spanish speaking people. Most of the participants were older, white, and indicated they were homeowners. Additionally, many recounted having lived in Wood Village for many years.

Many people attended as a result of the anonymous opposition flier. They expressed concern directly related to the messaging in the flier. Small Wins Planning engaged in a variety of conversations with the attendees and while some remained in opposition at the end of the open house, many attendees felt assuaged by the presentation of materials and accurate information Small Wins Planning provided about the proposed code.

Common concerns included:

- Fears that mobile dwellings “welcomes houseless people from Portland” to “set up camp” in Wood Village
- Fears of reduced parking and property values
- Fears of the disruption of “neighborhood character”
- Fears of increased crime



Photos: Small Wins Planning

“It’s important to never underestimate the power of grass roots community efforts. The best laid plans can be turned on its head which can result in spending more time doing damage control than positive engagement or policy shaping.

“The idea of enabling tiny homes is not new, and yet so few communities have regulations in place that it makes it hard not to be considered a test case. In a world where more people want data driven results and decisions, it seems that no one wants to be a test case.”

- Greg Dirks
Wood Village City Manager

Communicating technical aspects of the code to the public proved challenging, particularly when the anonymous opposition flier influenced public perception of the proposed code. Many attendees left the open house less worried about the proposed code, but the flier was effective in framing the narrative based upon spurious fears. Many residents did not know that homeowners will apply for permits and choose tenants for the mobile dwelling, which led some residents to incorrectly believe they would have no control over mobile dwellings on their property. Public backlash leaves the future of the proposed code uncertain.

Wood Village still has the chance to be an early adopter of mobile dwelling code and provide an example for other cities in the region. At the time of this report's publishing, Wood Village City Council has not yet adopted the mobile dwelling code update.



Photo: Small Wins Planning

“What matters most is finding ways to construct homes more cheaply. Apartments and plexes reduce the cost of land per home. Group homes reduce the cost of kitchens per home. Manufactured shelters like campers and tiny homes reduce the cost of, well, shelter. Those options are all good. They all bring new residences within reach of more people, and they all bring more residences within reach of people with the least money. [...] All these half-measures to higher-quality housing deserve to be legalized, with reasonable regulations to avoid causing direct harm to others, and welcomed into cities and neighborhoods.”

- Michael Anderson

Michael Anderson is a senior housing researcher and transportation lead at the Sightline Institute, an independent nonprofit research and communications center.

Lessons Learned

This experience in Wood Village provided a robust illustration of the challenges involved in creating and implementing progressive housing code updates in the face of community members' and elected officials' fear around houselessness in general and RVs in particular. This project speaks to the importance of understanding the motivations and perspectives of both elected leaders and vocal coalitions of residents. Meaningful engagement takes time and resources. A six-month timeline was insufficient to present alternatives at the first Planning Commission and City Council meeting, engage with the public, revise alternatives, and present to the Planning Commission and City Council. Initially keen to work within our timeline, the project has now extended beyond the scope of our workshop project and its future is uncertain. Here are some key takeaways from the process:

TRADITIONAL PUBLIC ENGAGEMENT IS FLAWED

Traditional public engagement processes, based on public meetings and forums, typically elicit responses from only the most vocal opponents of a policy or program, and our project was no exception. Educating the wider public on zoning and municipal code issues is difficult through these avenues.

BUILDING COALITIONS IS CRUCIAL

A great deal time and energy is required for residents to participate in the zoning amendment process. Teaching the public to interpret technical language and concepts takes time that many municipal governments and residents don't have. Building a coalition of interested and supportive community members through focus groups, tabling, and outreach to local advocates may be a more effective way to engage the public and generate support than through newsletters and open house events.

GET AHEAD OF THE MESSAGING

Begin to shape the narrative about what the code is meant to accomplish early in the process. Mobile dwellings can elicit strong emotions from the public. Providing accurate and accessible information can help to alleviate strong negative reactions. It can also generate more productive discussions with the public and policymakers.

CLEARLY SCOPE THE PROJECT FOR THE COMMUNITY

Staff designed the process to run parallel with the state-mandated HB2001 code update. This was done in the hopes that combining efforts could achieve a positive synergy towards additional housing options. Instead, combining separate initiatives resulted in confusion and conflation of mandated versus optional code changes. This approach also allowed vocal opponents to frame the issue and mischaracterize the code content, enflaming public opinion and stoking opposition. Planners should carefully consider how projects are framed for the public.

What's Next for Mobile Dwellings?

Lack of public awareness is one of the key factors limiting implementation of mobile dwellings. A necessary initial step for advocates and planners must be to increase awareness of mobile dwellings and the benefits they offer. It will take time for mobile dwellings to gain widespread awareness similar to the recognition ADUs and “missing middle” housing have achieved in recent years, but doing so will make adoption of code changes and summoning political will for policy solutions more feasible. Additionally, as this experience in Wood Village demonstrated, local adoption presents many challenges. Statewide legislation supporting mobile dwellings may be necessary to facilitate success for mobile dwellings at the local/city level.

To this end, Small Wins Planning suggests the State of Oregon create a new permissible housing category within the Oregon Administrative Rules called “Mobile Dwellings.” These dwellings should be permitted subject to clear and objective standards. The state should also provide model code for local jurisdictions to adopt and adapt, and explore ways to integrate mobile dwellings into residential neighborhoods, including allowing mobile dwelling clusters and mobile dwellings as additional or primary units on residential lots. For a more thorough explanation of statewide legislative options, see the Mobile Dwellings Policy Work Group’s January 2022 report, *Mobile Dwellings in Oregon: Legislative Opportunities for Interim Housing*, available at www.buildinganadu.com.²⁹



Additionally, Small Wins Planning suggests the state of Oregon should create a statewide mobile dwelling aid and assistance program. Similar programs for ADUs incorporate both equity/loan assistance components and technical assistance, in the form of project management, simplified permitting processes, or help with tenant referrals.³⁰ There is already precedent for such a system in Oregon. In the 2021 session of the Oregon legislature, lawmakers passed HB 3335 which earmarked \$1,000,000 for Hacienda CDC to expand their Small Homes Northwest community ADU demonstration project.³¹ This project helps income eligible homeowners develop ADUs in neighborhoods at risk of gentrification, it also helps develop ADUs for rent by income-eligible tenants.³² Designing the system this way helps meet complementary goals of helping lower-income home-owners produce income from their properties, and providing extremely low-income housing with subsidy. Expanding this program to include mobile dwellings would offer more housing options to choose from and more flexibility for homeowners with smaller lots, different needs, and varying budgets.

Concluding Remarks

Until we enact meaningful policies that allow for more accessible and affordable housing options, we will not address growing housing crises. Failing to do so ultimately undermines confidence in local and regional governance, which further undermines coordinated and equitable responses to regional issues. It is important to consider that people are already living in mobile dwellings due to rising housing costs and a lack of options. As planners, it is crucial to respond to these trends with policies and actions that enable more equitable, sustainable and stable communities. We can take proactive steps to help our communities reach these goals, we need only to muster the political and moral courage to do so. We hope this guide provides a useful template for local planners to implement some of these changes in their communities.

Figure 10. Proposed Siting of THOW/RV in Wood Village



6. Small Wins Planning

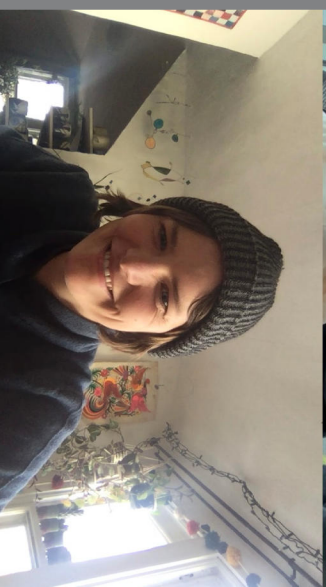
Item #2.

A “small win” can be defined as “a concrete, complete, implemented outcome of moderate importance. By itself, one small win may seem unimportant. A series of wins at small but significant tasks, however, reveals a pattern that may attract allies, deter opponents, and lower resistance to subsequent proposals.”³³ We call ourselves Small Wins Planning because we believe that regular, small and incremental changes are the most effective means to create more lasting, sustainable, equitable, and just communities.

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Scott Goodman
Matthew Hall
Sam Huck
Andrew Oliver

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SMALL WINS PLANNING 2022

ZONING PRACTICE

NOVEMBER 2015

AMERICAN PLANNING ASSOCIATION



➞ ISSUE NUMBER 11

PRACTICE TINY HOUSES



Tiny Houses, and the Not-So-Tiny Questions They Raise

By Donald L. Elliott, FAICP, and Peter Sullivan, AICP

Where did they come from—those cute little “cabins-on-wheels” that you see being pulled down the road or sitting on a lot?

With wood siding, a pitched roof, gable windows . . . and even a porch with a railing. All that’s missing is the dog in the yard (presumably a small dog in a small yard).

Tiny houses are the latest vehicle/structures to join the small house movement, and are now trending due to television programs like *Tiny House Nation*. Many individuals and couples seem proud to say they live a small but sophisticated lifestyle in less than 500 square feet. Often their stated motivation is to declutter and live a simpler life—maybe even a life “off the grid.”

Cuteness aside, tiny houses raise some interesting questions for planners. Questions like . . .

“Is this a house, or a trailer, or . . . just what is it?”

“Would this qualify as an accessory dwelling unit?”

“Does this meet the residential building code?”

“Where should we allow this to be parked . . . or occupied . . . and for how long?”

This article attempts to answer some of those questions for the types of small, trailer-mounted units described above. The sections below review how these units fit into the general U.S. system of land-use control through building codes, zoning ordinances, subdivision regulations, and private



“Tiny house, Portland” by Tammy (Weekend with Dee), Wikimedia (CC-BY-2.0)

➞ Most localities have no specific provisions in their subdivision or zoning codes to accommodate small trailer-mounted homes outside of recreational vehicle parks.

restrictive covenants. In addition to addressing individual tiny homes, we also address how small communities of tiny homes might be created.

WHAT ARE THEY?

What are tiny houses? The answer is simpler than you think. They’re recreational vehicles (RVs), and a careful read of the manufacturers’ websites makes that clear. One manufacturer, Tumbleweed Tiny House Company, states that their product is “an RV like you’ve never seen before.”

For planners, this makes things simpler. The question then becomes, “Where do we allow RVs to be occupied?” Traditionally, the answer has been campgrounds (for temporary living) and RV parks (for longer-term living). Most communities typically limit temporary RV occupancy (in a campground or elsewhere) to 30 days, and the logic behind this is that RVs are not permanent dwellings. They have electric systems and water tanks and sewage tanks (or composting toilets) that can only operate for a while before they need to be hooked up to support systems or emptied.

But this answer doesn’t satisfy everyone, especially tiny-house proponents and anyone else interested in living smaller, more simply, and (presumably) more affordably (more on that later).

Donald L. Elliott, FAICP, is a director in the Denver office of Clarion Associates, a former chapter president of APA Colorado, and a former chair of the APA Planning and Law Division. As a planner and lawyer he has assisted more than 40 North American cities and counties reform and update their zoning, subdivision, housing, and land-use regulations. He has also consulted in Russia, India, Lebanon, and Indonesia, and served as USAID Democracy and Governance Advisor in Uganda for two years. Elliott is a member of the Denver Planning Board.

Peter Sullivan, AICP, is a senior associate in the Chapel Hill, North Carolina, office of Clarion Associates. His specializations include zoning and comprehensive planning. A Pacific Northwest native, his professional background includes policy and environmental planning and development review. Sullivan is a former officer with Toastmasters International and former member of the University of Washington’s Urban Design and Planning Professionals Council. He is currently a correspondent for Planetizen.com and enjoys speaking as academic guest lecturer, webinar host, and conference presenter. Sullivan’s project work has been recognized by the Washington State Governor’s Office, Puget Sound Regional Council, and the Washington Chapter of APA.



"Tiny House Giant Journey in the Petrified Forest and an RV" by Guillaume Duthil, Wikipedia (CC BY-SA 4.0)

➞ This tiny house is the star of its own YouTube channel, Tiny House Giant Journey.

Here's why tiny houses are so tricky. Although tiny houses are not generally designed for permanent occupancy, some of them are being purchased by people who intend to use them that way. Most zoning ordinances don't resolve this tension, because they don't address where or how tiny houses can be used for long-term or permanent occupancy.

BUILDING AND OCCUPANCY CODES

With the exception of some very rural communities, most cities and counties require that long-term or permanent residential units meet either the locally or state-adopted residential building code (usually some version of the International Residential Code), or the U.S. Department of Housing and Urban Development (HUD) national standards for manufactured housing safety. Since manufactured homes are obviously not constructed like stick-built housing—and since (unlike stick-built housing) they can be moved across state lines in interstate commerce—back in 1974 HUD adopted national safety standards for this type of housing. As a general rule, residential units for long-term occupancy need to meet one of these two sets of standards.

Unfortunately for many purchasers, some tiny houses do not meet these requirements. While tiny houses might meet the Recreational Vehicle Industry Association (RVIA) safety standard for highway travel and temporary living, these standards are not the same as the HUD manufactured housing standards for permanent living. In fact, the website for CAVCO (a manufacturer of "park model" recreational vehicles—which are similar to and sometimes in-

clude tiny houses)—states that these vehicles "are not intended for, nor should they be used for, anything other than recreational camping or seasonal use. They are not permanent residences and should not be used as such."

For those intending to live in their tiny house full time, the trick is to find a tiny house that not only meets the RVIA standards but also the residential building code or manufactured housing standards.

For those intending to live in their tiny house full time, the trick is to find a tiny house that not only meets the RVIA standards but also the residential building code or manufactured housing standards. Or to look for a community that has adopted a building code allowing long-term occupancy of tiny houses. Some communities have done this, and in many communities the ability to use a tiny house for long-term occupancy turns on whether it will be mounted on a permanent foundation and connected to utilities.

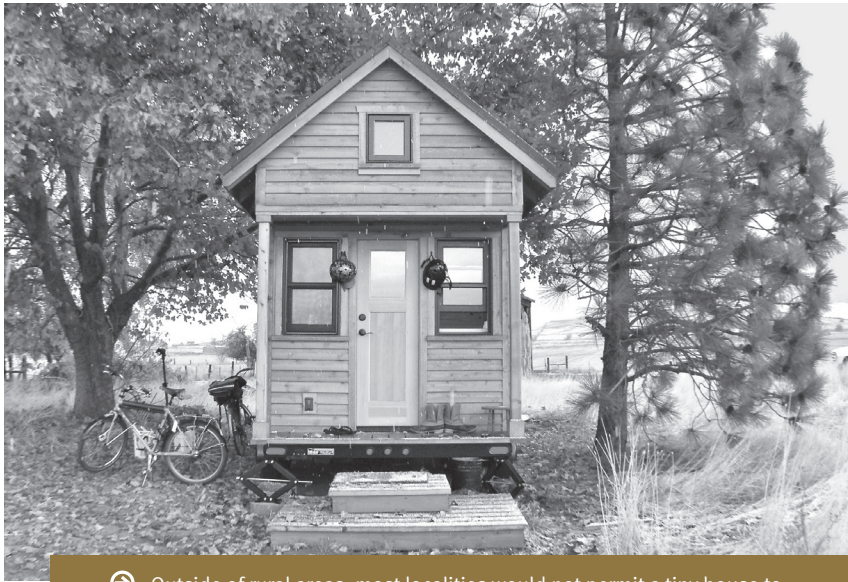
FOUNDATIONS MATTER

Let's assume a potential buyer doesn't want to install a tiny house in a campground or RV park, but rather a traditional residential lot. Some communities allow this if the owner removes the wheels (and sometimes the axles); installs the unit on a permanent foundation (or at a minimum uses secure tie-downs); and connects the unit to public water, sewer, and electric systems.

The logic behind these requirements is that they convert a mobile housing unit into a stationary unit, protect against "blowovers" and other wind-related damage (to the occupants and to neighboring property owners), and make the utility systems safe for long-term operation.

As an example, the small community of Spur, Texas, (population 1,245) has marketed itself as the "First Tiny House Friendly City." Spur permits tiny houses to be used as permanent, primary dwellings by creating an exception to the general building code/manufactured home standard compliance requirement. However, even in this deliberately welcoming community, wheels must be removed, a foundation must be constructed, and the unit tied to the foundation with "hurricane straps," and the unit must be hooked up to local sewer, water, and electric systems. In one well-documented case the cost of the foundation and connections came to about \$5,700 (McCann 2015). In some Spur zoning districts, tiny houses are permitted by right, but in others a variance is required.

Again, there are exceptions. A tiny-house owner might be successful living an off-the-grid lifestyle in areas that are literally far from the grid. In some very rural communities, stick-built



"Fall and winter, side by side" by Tammy Strobel, Flickr (CC BY 2.0)

- ➡ Outside of rural areas, most localities would not permit a tiny house to serve as a primary dwelling unit unless it was mounted on a permanent foundation and connected to local utilities.

homes do not need to connect to water and sewer systems (i.e., they permit well and septic systems) or electric systems (i.e., they allow off-the-grid power), and those communities would presumably allow the same exceptions for tiny houses.

NOW, ABOUT THOSE ZONING RULES

So, if a buyer doesn't want to live in an RV park, *and* is willing to remove the wheels, install a foundation, and connect to utilities, *and* the local government allows long-term occupancy of tiny houses under those conditions, where can the unit be located? The answer depends on local zoning regulations. Most zoning ordinances do not list tiny houses by name; they simply treat them like other housing uses.

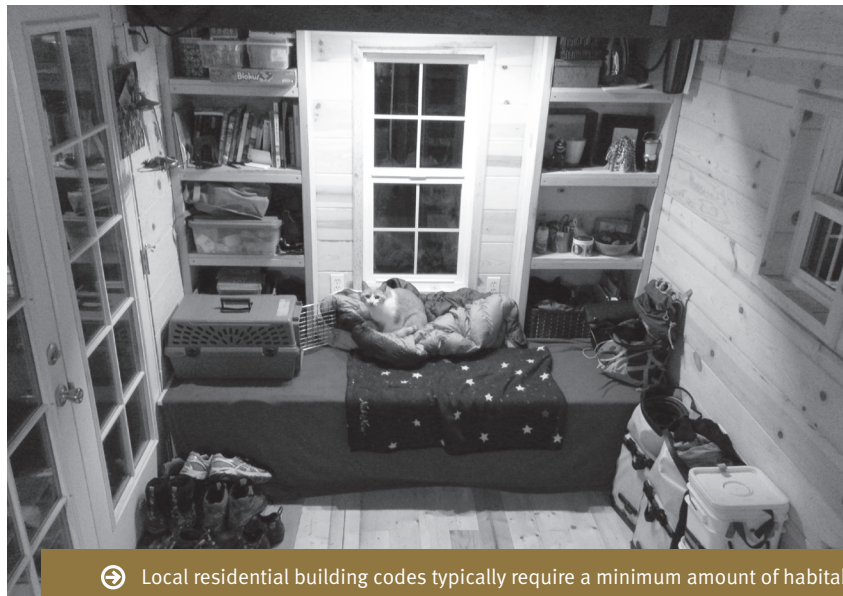
For a tiny house to be used as a primary dwelling unit (i.e., there is no other house or primary use on the property), the question is whether the lot is zoned for single-family homes and whether the tiny house meets any minimum size requirements for houses in that zone. Most zoning codes across the U.S. do not include minimum floor space requirements for single-family homes. But some do, and that can be a barrier to installing tiny houses. Generally this occurs when a residential neighborhood has been developed for—or with—large homes, and some of the lots already have large homes on them. In those circumstances, the local government or neighborhood residents may want to protect against the remaining lots being

occupied by smaller homes that they fear will reduce the neighborhood quality or character. Some communities, for example, have adopted minimum width or length-to-width requirements for single-family homes in an attempt to keep "single-wide" manufactured homes out of neighborhoods where the housing stock is of a different character. Those requirements would likely prohibit the installation of a tiny house, despite their charming appearance.

Whether this is fair to the tiny-house (or manufactured home) buyer, and whether it represents sound land-use policy, are emerging issues for debate. Minimum residential size limits are already in poor repute these days because they tend to drive housing prices up; however, these types of requirements are generally not illegal.

One work-around for the eager tiny-house buyer may be to install a tiny house as an accessory dwelling unit (ADU) (i.e., a second housing unit on a lot that already has a primary housing unit or another primary use of land). While ADUs are a fairly recent development, an increasing number of zoning ordinances now address where and under what conditions an ADU can be installed. Again, since most zoning ordinances do not address tiny houses by name, the question is whether your tiny house meets the requirements applicable to other forms of ADUs. One threshold question is whether the community allows detached ADUs or only allows internal ADUs constructed within the building envelope of an existing home. If the latter is true, a tiny house ADU will not be allowed. If the community allows detached ADUs, they often attach conditions like the following:

- Either the primary housing unit or the ADU must be occupied by the owner of the land.
- The ADU must not exceed a maximum size (generally 400 or 600 or 800 square feet).
- An extra on-site parking space for the ADU occupant may be required.



"Tiny house" by Tomas Quinones, Flickr (CC BY-SA 2.0)

- ➡ Local residential building codes typically require a minimum amount of habitable space per occupant, which may prevent legal habitation of tiny houses by more than one person.

- The ADU may not be allowed to have its entrance door facing the street.
- The part of the lot containing the ADU cannot be carved off and sold as a separate lot.
- If the tiny house can meet these requirements, it may be acceptable as an ADU, even if it would not be approved as a primary home on the same lot. In some cases, however, ordinances that allow detached ADUs limit them to existing structures like carriage houses, garages, or barns, which would prohibit tiny-house ADUs.

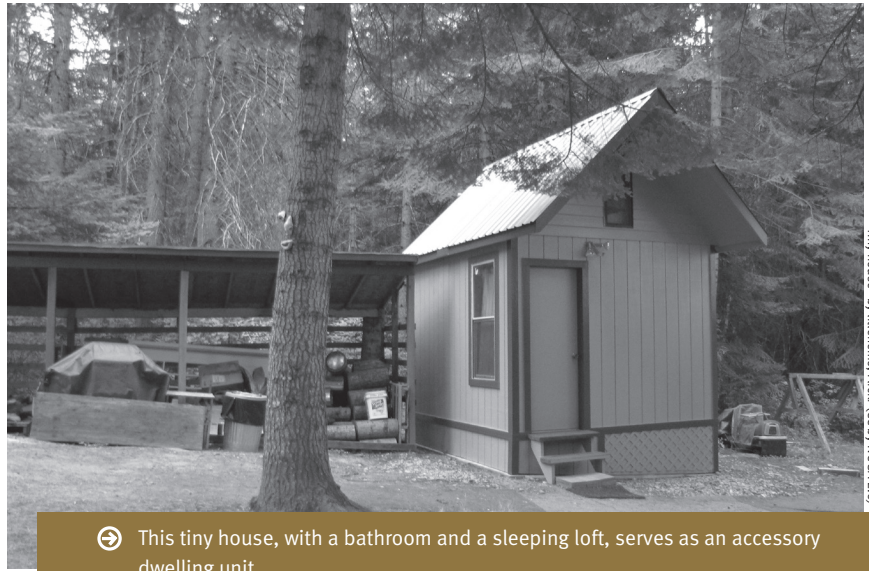
Finally, it is important to realize that most communities apply the same building, foundation, and utility requirements to ADUs that they do to primary structures. So if the question is, “can I park my tiny house in my parents’ backyard and live in it without installing a foundation or hooking up to utilities?” the answer is probably *no*. Long-term occupancy of a recreational vehicle in a residential zone district (say, for more than 30 days) is usually illegal regardless of whether you have the property owner’s consent or you are related to them.

So tiny-house owners need to be thoughtful about where they intend to install the unit, and need to read the zoning ordinance carefully to ensure it is allowed in the area where they want to live. The good news (for planners) is that it is fairly easy to review the existing zoning code and see whether the code permits tiny houses as primary units or ADUs in those locations where the community wants to allow them. Planners might also want to promote more permissive regulations if the community is ready to remove a potential housing barrier.

OTHER POTENTIAL BARRIERS

OK. So you have decided that your community wants to allow long-term occupancy of a tiny house, and you have modified the zoning ordinance to clarify where they are allowed. There are still three other potential barriers to think about.

First, unless you want to install the tiny house in a very rural area, the parcel of land where the tiny house will be located generally needs to be a subdivided lot. Subdivision regulations ensure that each parcel of land that will be developed with something other than open space or agriculture has access to a street and has utilities in place (if utilities are required in that location). This could be an issue if the tiny-house owner wants to buy 1,000



This tiny house, with a bathroom and a sleeping loft, serves as an accessory dwelling unit.

Tiny-house owners need to be thoughtful about where they intend to install the unit, and need to read the zoning ordinance carefully to ensure it is allowed in the area where they want to live.

square feet of land from a property owner—just enough to accommodate the tiny house and a “livin’ small” lifestyle—but the subdivision regulations require a minimum lot size of 5,000 square feet. Or it could be an issue if the tiny house must be connected to utilities but the land in question does not yet have utilities in place to connect to.

Second, the community should probably advise the tiny-house owner to check that private restrictive covenants attached to the land do not prohibit tiny houses in that area. Again, *tiny house* will probably not be listed by name, but it is not uncommon to find private covenants that contain minimum house size requirements even if the zoning ordinance does not. While it is generally not the city or

county planner’s job to check on the existence of private covenants when issuing a zoning approval or a building/installation permit, and local governments are generally not responsible for enforcing those covenants, advising the tiny-house owner to check on this is just good customer service. In the end, the fact that the city or county issues a permit to install a tiny house with a foundation does not protect the owner against a suit from other property owners pointing out that the tiny house does not meet restrictive covenant minimum-size requirements.

Third, even if neither the zoning ordinance nor private restrictive covenants prohibit the tiny house because of its size, many communities have residential occupancy codes to prevent overcrowding. While occupancy codes vary, it is not uncommon to find a requirement that the unit contain 125 square feet of living area per occupant, or that it not contain more than two occupants per bedroom. That could be a problem if the owner intends to house his or her family of four in a 400-square-foot tiny house, no matter how well they get along. Since occupancy of the unit may change in the future (the owner’s out-of-work cousin may move in), it is hard to ensure against overcrowding when the installation permit is issued, but making the owner aware of these requirements is good customer service.

WHAT ABOUT A TINY HOUSE COMMUNITY?

What about a whole group of folks (or a developer) who want to create an entire neighbor-

hood of tiny houses as a source of affordable housing, or just to accommodate a different lifestyle?

That is a bit tougher. While the Internet has many stories of individuals or property owners intending to create tiny house communities, it seems that few if any have been created to date. And some of the existing communities have been created for unique reasons and through “one-off” procedures.

For example, places like Opportunity Village in Eugene, Oregon, or Quixote Village in Olympia, Washington, have been created as alternatives to homeless camps in or near the same location. In both cases, it appears that the local government adopted a contract or resolution approving the use of land for tiny houses without requiring it to comply with some standard utility or construction requirements precisely because it would house very low-income households under better living conditions than the occupants had previously. While inspiring as initiatives to address the challenges of housing affordability and homelessness, both of these examples required individualized negotiations and agreements to vary from normally applicable public health and safety standards—flexibility that might not have been approved for a market-rate housing development.

However, there are at least three different ways in which a tiny-house community for the general public could be created—each modeled on an existing form of land-use approval. The choice of an appropriate tool turns heavily on the question of whether you intend the occupants to be able to sell the house and the piece of land it occupies to someone else in the future.

A Tailored Zoning and Subdivision of Land

If tiny-house owners are going to be able to sell their lots and homes to others, then the community will need to be subdivided into individual lots, and those lots will need to meet the minimum size and dimension requirements of the zone district where they are located. If you want to allow tiny house community developers to create very small lots (say 1,000 to 2,000 square feet), it is likely that your city or county does not have a residential zone district allowing lots of that size. So the local government will have to create a zone district allowing that type of lot. If the roads within the community are going to be narrower or more lightly constructed than those in stick-built



Quixote Village in Olympia, Washington, provides housing for 30 previously homeless adults. Photo from *Tent City Urbanism: From Self-Organized Camps to Tiny House Villages* by Andrew Heben.

subdivisions, then the community will have to adopt subdivision standards (or exceptions to the current standards) allowing those types of construction. In many cases, the local government is only willing to allow “lower-than-normal-standard” infrastructure if the property

home subdivisions, and those types of standards are good places to look for guidance.

A Planned Unit Development

If the community expects that there will be only one of these communities or it does not want to create a new zone district or subdivision regulations to address tiny houses in general, the tailoring of zoning and subdivision standards described above could be accomplished through a planned unit development (PUD) tailored to a single development and a single developer. While single-project PUDs are relatively easy to adopt, they often reflect a very specific picture of the approved development that is hard to amend over time as conditions change. A PUD for a tiny-house community should be drafted assuming that conditions will change in the future, and to avoid locking in an overly specific development plan. For example, it may not be wise to require a community building of a certain size, or a park or storage area of a specific design in a specific location, because those items may need to be moved or resized in the future.

Similarly, if the home owners association is responsible for roads and utilities, it may be wise to offer some flexibility to relocate or resize those facilities in the future as needs change. The Greater Bemidji Area of Minnesota has thought through these issues and adopted a PUD approach for tiny-home subdivisions (§1101.F).

A PUD for a tiny-house community should be drafted assuming that conditions will change in the future, and to avoid locking in an overly specific development plan.

owners agree to own and maintain it over time (i.e., the city or county will not accept it as dedicated infrastructure for public maintenance), so the developer will likely have to create a home owners association to do so. These types of specialized standards have been adopted before, however, for unique forms of housing like manufactured home subdivisions or cottage

A Condominium or Cohousing Development

If the occupants of tiny houses in the community do not need to have the right to sell individual lots to others in the future, then a tiny house community could be structured as a condominium or cohousing development. Under this model, the land remains unsubdivided. Instead, a development plan is approved allowing many tiny houses, and perhaps support facilities like community buildings or shared parking areas, to occupy a single parcel of land. Instead of owning individual lots, residents own shares in the development as a whole. If structured as a condominium, each resident's share includes the exclusive rights to occupy their individual tiny house and a parking space, and also a proportionate share in the land, community buildings, roads, and infrastructure serving the area. As with a nontraditional subdivision described above, the local government may well require that the roads and utilities be owned and maintained by the condominium association. Under this approach, residents who decide to sell their tiny house in the future are actually selling their package of rights in the development (and the maintenance obligations that go along with them)—they are not selling the land. Again, it is usually wise to avoid overregulating or “zoning to a picture” in ways that may require additional governing body approval for minor changes in the future.

CONCLUSION

At this point, most city and county zoning and subdivision ordinances are unprepared for tiny houses. Answers to questions about what tiny houses are, where they can be installed, and under what conditions can be found if you search hard enough—but they are not clear or obvious. The good news is that there are several examples of how land-use controls can

be developed or modified to accommodate new and creative forms of housing and land development. RV park, manufactured home park, and subdivision, cohousing, and cottage development standards provide a deep pool of content from which tiny-house regulations can be tailored and developed.

As with most land-use questions, however, the appropriate tools cannot be crafted until some policy questions have been answered. To prepare for the arrival of tiny-house owners and community developers in the future, local governments should be prepared to answer these questions:

- Do we want to allow the installation of tiny houses for long-term occupancy, and if so, in what parts of our community?
- Do we want to accommodate only those tiny houses that meet our current building code or the federal manufactured home standards, or do we want to create exceptions for other tiny houses that can be made safe for long-term occupancy in other ways?
- Do all tiny houses need to be installed on foundations and with connections to our electric, water, and sewer systems, or are there some areas (maybe rural areas) where we would allow them under other circumstances?
- Are there areas of the community where they should be permitted as primary dwelling units?
- Are there areas of the community where they should not be permitted as primary dwelling units, but would be acceptable as accessory dwelling units?
- What changes to our building code, zoning ordinance, and subdivision regulations need to be made to achieve those results?

- With a little forethought, you can be prepared for the day a tiny-house owner shows up with some or all of the questions discussed above—and avoid that “deer-in-the-headlights” look that so annoys the town council.

VOL. 32, NO. 11

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Cover: “Tiny house, Portland” by Tammy (Weekend with Dee), Wikimedia (CC-by-2.0); design concept by Lisa Barton.

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Housing Choices Code Update (House Bill 2001)

Package #2

Christina Robertson-Gardiner, Senior Planner
Planning Commission Hearing
January 9, 2023

GLUA 22-0002/LEG 22-00001 Housing Choices Code Update



Policy Topics

Tentative Planning Commission Meetings

November 14, 2022- Worksession Topic R2 density, lot coverages

December 12, 2022- Worksession Topic Technical Revisions: *townhomes, MUC/MUD setbacks, driveways*

January 9, 2023- Formal Vote: Technical Revisions

Worksession Topic affordability incentives (land use), RVs, tiny homes

January 23, 2023- Worksession Topic: lot averaging, multiple ADUs per lot, wrap up



GLUA 22-0002/LEG 22-00001

Housing Choices Code Update Package #2

Planning Commission Direction Needed

If the Planning Commission wishes to advance any of these topics, it should be in the form of a request for a future work plan from the City Commission.

Additional discussions can occur with the City Commission at a joint HB 2001 Package #2 work session plan in early 2023. Staff will prepare a memo for review and schedule a work session with the City Commission to further discuss the recommendations.



Land Use Affordability Incentives

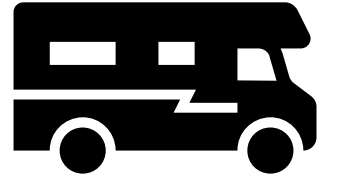
Planning Commission Questions to Consider

- Should the City request a future work plan to look at adopting code that provides development incentives for projects that meet thresholds for affordable housing beyond what already exists in the code? If yes- are there options that you are particularly interested in pursuing?
- Do you need additional information on specific topics before you can make a recommendation?



Policy Questions: Land Use Affordability Incentives

Tiny Homes and RV Occupancy Options



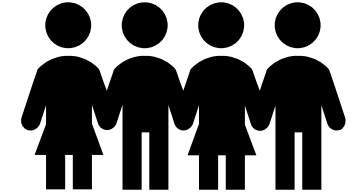
Planning Commission Questions to Consider

- Should the City create a future work plan to look at adopting a code that allows tiny homes, recreational vehicles, or other mobile dwellings for overnight use in certain circumstances? If yes- are there options that you are particularly interested in pursuing?
- Do you need additional information on specific topics before you can make a recommendation?



Policy Questions: Tiny Homes and Recreational Vehicle Occupancy Options

Micro Shelters



Planning Commission Questions to Consider

- Should the City create a future work plan to research/investigate allowing micro shelter villages as a transitional housing option in Oregon City?
- Do you need additional information before you can make a recommendation?



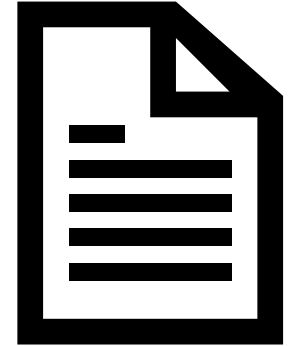
Policy Questions: Micro Shelters

Relevant Housing Policies, Codes & Adopted Plans

2021- 2023 City Commission Goals

Oregon City Comprehensive Plan

Oregon City Municipal Code- Affordable Housing Density Bonus



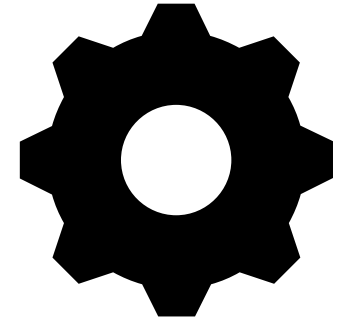
State-Wide

- Oregon Housing Needs Analysis Legislative Recommendations
Report: Leading With Production
- Housing Production Strategies
- Senate Bill 8



Policy Questions

Potential Outcomes



- Recommended redline code to City Commission
- Policy or workplan request to City Commission for more complex items
- Request for policy clarification to City Commission



GLUA 22-0002/LEG 22-00001

Housing Choices Code Update Package #2

Planning Commission Hearing

- Staff Presentation
- Public Comment
- Planning Commission Questions
- Provide Directions On Policy Questions or Request Additional Information.
- Continuation Of Hearing To January 23, 2023



GLUA 22-0002/LEG 22-00001

Housing Choices Code Update Package #2

From: James Nicita <james.nicita@gmail.com>

Sent: Monday, January 9, 2023 3:54 PM

To: Dirk Schlagenhauser <dschlagenhauser@orccity.org>; Karla Laws <karla.laws@gmail.com>; Daphne Wuest <dwuest@orccity.org>; pespe@ci.oswego.or.us; Gregory Stoll <gstoll@orccity.org>; Bob La Salle <blasalle@orccity.org>; cstaggs@orccity.org

Cc: Christina Robertson-Gardiner <crobertson@orccity.org>; Jakob Wiley <jwiley@orccity.org>

Subject: GLUA 22-0002/LEG-22-0001- HB 2001 Housing Choice Code Update

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello Again:

Here is another comment I made last year, at the City Commission level. The hypothetical ADU blackfootprints I drew in will also give a sense of how tiny house infill housing could be established in a very small area of Oregon City. If you can imagine each of these tiny houses being on their own "tiny lots" carved out of the parent lot, it will give you a sense of what I was trying to communicate in my last email.

Jakob, if it would be possible to project these two images on the screen tonight, I would be grateful.

Thanks,

Jim Nicita
Oregon City

----- Forwarded message -----

From: James Nicita <james.nicita@gmail.com>

Date: Tue, May 3, 2022 at 2:39 AM

Subject: GLUA 22-0002/LEG 22-00001 Housing Choices Update Follow Up Public Comment

To: Denyse McGriff <dmcgriff@orccity.org>, Rocky Smith, Jr. <rsmith@orccity.org>, Adam Marl <amarl@orccity.org>, Frank O'Donnell <fodonnell@orccity.org>

Cc: Oregon City Planning <ocplanning@orccity.org>

Madame President and Commissioners:

I write to submit follow-up comments on the above-referenced file, based on the Commission's discussion on April 20, 2022.

This email responds to President McGriff's concerns expressed beginning at roughly minute 57:00 of the video of the April 20 meeting, regarding the proposed addition of ADUs as a permitted use in the Mixed-Use Corridor (MUC) zones.

I have prepared the attached graphical representations of how ADUs might be placed on lots with grandfathered single-family detached homes in one sample area with the much more vast MUC zone: namely, the stretch of the west side of High Street running from Second Street to Sixth Street.

I have identified at least 12 hypothetical ADU scenarios in this four-block stretch, as represented by black squares on a modified Sanborn map.

Many of these homes face the McLoughlin Promenade, with the rears of the homes facing High Street. This creates an urban design problem because much of High Street does not have a well-defined building wall. New ADUs could help establish a well-defined High Street building wall and pedestrian interaction with High Street.

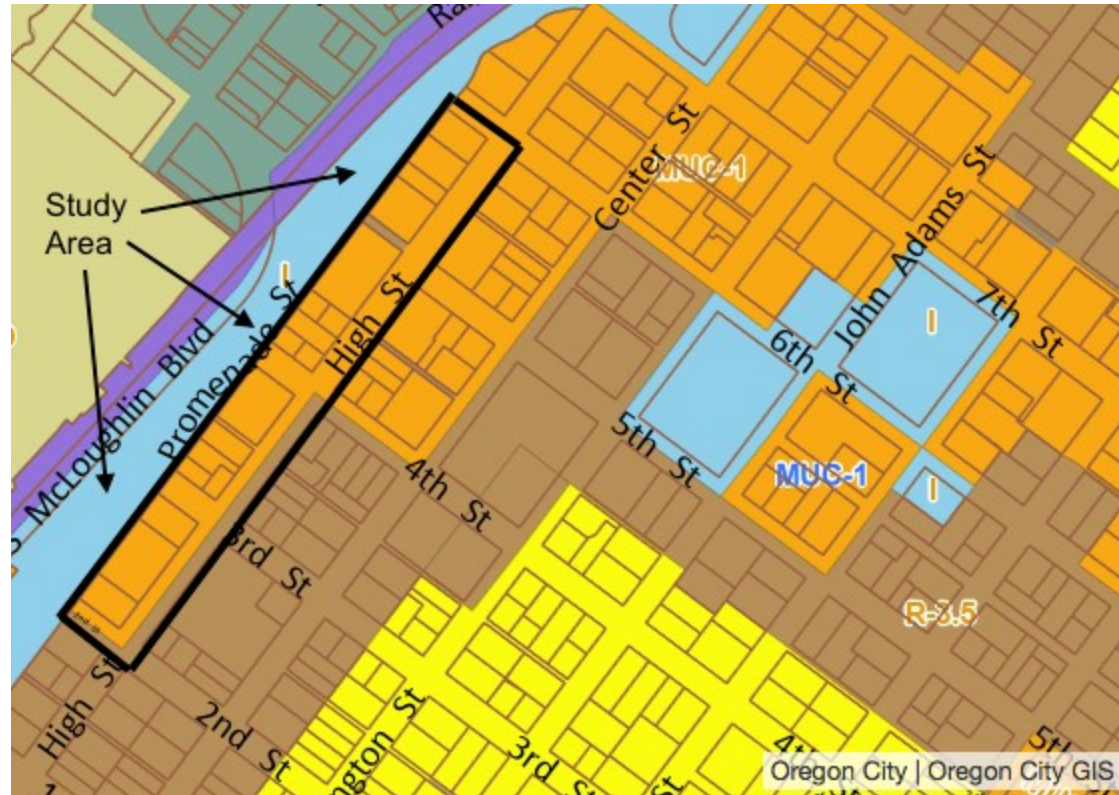
Regarding affordable housing, people in ADUs in this stretch would not need to own cars. This stretch of High Street is served by Oregon City's highest-capacity transit service: the Trimet Route # 33 bus line. Recreation would be immediately accessible on the McLoughlin Promenade. Furthermore, ADU residents would be within walking distance to stores like the Capitol Mart and the corner of Third and High, the OC library, the lower 7th Street corridor, and downtown via the OC Elevator.

If around 12 ADUs could theoretically fit in this short stretch of the MUC zone, then very many affordable housing ADUs could fit in the MUC zone as a whole.

Planning Commission Chair Schlagenhauser's comments that the Planning Commission recommended adding ADUs as permitted uses in the MUC zone in part out of basic fairness are well taken. An examination of all the single family zoning districts that border the MUC zone will highlight that the current situation is not fair. These single family districts allow families in single family homes to have ADUs; however, a family that is right across the street, alley, or even lot line that lives in a grandfathered single family home in the adjacent MUC district currently cannot have an ADU. The Planning Commission's recommendations will cure that basic unfairness.

Thank you for considering these comments.

James Nicita
Oregon City



Kay Neumann

From: Christina Robertson-Gardiner
Sent: Monday, January 9, 2023 8:15 PM
To: Aquilla Hurd-Ravich
Subject: FW: Park Model

From: Christina Robertson-Gardiner
Sent: Monday, January 9, 2023 7:07 PM
To: Kay Neumann <kneumann@orccity.org>
Subject: Park Model

Please show this photo of a park model if the planning commission requests a photo



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