



AD HOC MIDDLE HOUSING CITIZENS ADVISORY COMMITTEE

October 14, 2020 6:00 PM

Virtual Meeting <https://zoom.us/j/95628683420>

Or join by phone: Dial (for higher quality, dial a number based on your current location):

**US: +1 346 248 7799 or +1 669 900 6833 or +1 253 215 8782 or +1 312 626 6799 or +1
929 205 6099 or +1 301 715 8592**

Webinar ID: 956 2868 3420

- I. Call Meeting to Order
- II. Roll Call
- III. Introductions
- IV. Public Comment
- V. Orientation Session
 - a. Purpose of Middle Housing Project (Duplexes and Other Middle Housing)
 - b. Role of the Committee
 - c. Consultant
 - d. Public Meetings
 - e. Email Accounts
 - f. Virtual Meetings
- IV. Next Steps – Meeting November 4, 2020
- VI. Adjournment

**QUESTIONS? COME TO THE COMMUNITY DEVELOPMENT DEPT. AT 414 E FIRST STREET, OR
CALL 503-537-1240**

ACCOMMODATION OF PHYSICAL IMPAIRMENTS: In order to accommodate persons with physical impairments, please notify the Office Assistant II of any special physical or language accommodations you may need as far in advance of the meeting as possible and no later than 48 business hours prior to the meeting. To request these arrangements, please contact the Office Assistant II at (503) 544-7788. For TTY services please dial 711.

Attachment A

PROJECT DESCRIPTION AND BUDGET

Task 1: Project Kick-Off

The consultant will coordinate a project kick-off meeting with the City to review project goals and confirm the project's scope and schedule. The consultant will identify needed background information and key stakeholders, and confirm assumptions regarding City staff and Consultant responsibilities.

The consultant will discuss coordination between this code update project and the concurrent Infrastructure Based Time Extension Request project, and implications for the scope and schedule of both projects. Following the meeting, we will develop a Public Engagement Plan that describes the communications tools and engagement activities that will be used to inform and engage Newberg residents in the Middle Housing Code Assistance process.

Task 1 Products: Kickoff meeting agenda and summary, project management meeting agenda and summary, Public Engagement Plan, detailed invoices with progress reports

Task 1 timeline: August 31, 2020 to September 30, 2020

Task 2: Code Assistance and Code Concepts

The consultant will review Newberg's Comprehensive Plan, Development Code, and other land development documents and regulations to identify legal or policy issues related to middle housing residential development. The assessment will cover both Duplex and Other Middle Housing elements. This will include, but is not limited to, determining whether the Comprehensive Plan and Development Code contains:

- Standards permitting the development of middle housing in compliance with HB 2001 and adopted Administrative Rules (OAR-660-046 - currently in development)
- Middle housing standards that comply with all state housing requirements, including providing a clear and objective approval path (ORS 197.307)
- Internal consistency between adopted City documents relating to middle housing
- Other obstacles to middle housing development, such as review or permitting requirements

The consultant will prepare recommended code concepts to respond to findings from the assessment. The code concepts will identify the policy direction for code updates, laying the foundation for the actual code language.

The consultant will meet with City staff to review current development review trends and more detailed code background, building upon issues raised at the kickoff meeting. The consultant will conduct up to eight (8) interviews with development interests, housing providers, neighborhood representatives, City elected officials, and other key stakeholders identified by the City to help identify opportunities and barriers to middle

housing development, and test support for proposed code concepts. Interview results will be incorporated into the code assessment and concepts.

The consultant will work with the City to schedule, provide notice and create an agenda for Citizen Advisory Committee (CAC) Meetings #1 and #2 to present findings from the code assessment grounded in local and state middle housing requirements (CAC #1) and proposed code concepts (CAC #2). The consultant will prepare for, facilitate and provide a summary of the CAC meetings.

The consultant will schedule Public Workshop #1 to present the code assessment findings and proposed code concepts, in the context of state housing requirements and local plans. The workshop will be designed to solicit input from the public on proposed code concepts. The consultant will coordinate with the City on meeting arrangements and facilitate the public meeting. The consultant also will prepare an online survey to allow participation from people who are unable to attend the meeting. Following the public meeting, the consultant will consider advisory committee, staff, and public input received and develop a final draft of the assessment findings and code concepts.

Task 2 Products: Draft code assessment of Comprehensive Plan and Development Code identifying where changes are needed to comply with Oregon Administrative Rules and draft code concepts, facilitation and written summaries of up to 8 stakeholder interviews, CAC Meetings #1 and #2 agenda, presentation materials and meeting summaries, Public Workshop #1 agenda, presentation materials, associated online survey and meeting summary, Final code assessment findings and code concepts, integrating feedback from the advisory committee, staff and public.

Task 2 timeline: August 31, 2020 to December 31, 2020

Task 3: Draft Code Update

Based on the assessment findings and code concepts at CAC #1 and #2 and Public Workshop #1, the consultant will work with City staff to refine the code concepts and identify which are necessary to comply with Oregon Administrative Rules and City goals for middle housing.

The consultant will prepare draft updates to Newberg's Comprehensive Plan and Development Code. With final state provisions for duplexes due in July 2020 and for other middle housing in November 2020, the consultant will work with the City to identify approaches to meet the minimum compliance standards to be codified in OAR-660-046. Draft code could integrate Newberg-specific provisions, elements of the state model code, and emerging best practices to support middle housing, as appropriate for City priorities.

The consultant will work with the City to schedule, provide notice and create an agenda for CAC Meetings #3 and #4 to present draft Comprehensive Plan and Development Code updates for middle housing, beginning with duplexes. The consultant will prepare for, facilitate and provide a summary of the CAC meetings.

The consultant will schedule Public Workshop #2 to present draft Comprehensive Plan and Development Code updates for middle housing. The workshop will be designed to solicit input from the public on draft updates. The consultant will coordinate with the City on meeting arrangements and facilitate the public meeting. The consultant also will prepare an online survey to allow participation from people who are unable to attend the meeting.

Task 3 Products: Draft of proposed Comprehensive Plan and Development Code updates, CAC Meetings #3 and #4 agendas, presentation materials, and meeting summaries, Public Workshop #2 agenda, presentation materials, associated online survey and meeting summary.

Task 3 timeline: December 1, 2020 to March 15, 2021

Task 4: Final Code Update

The consultant and City staff will consider public input received in Task 3 and prepare revised Comprehensive Plan and Development Code updates. The consultant will work with the City to schedule, provide notice and create an agenda for CAC Meeting #5 to present revised updates. The consultant will prepare for, facilitate and provide a summary of the CAC meeting. Following the meeting, the consultant will revise the updates to incorporate guidance from the CAC.

The consultant will prepare for and attend two joint Council/Planning Commission work session meetings to present the proposed Comprehensive Plan and Development Code updates, one each for duplexes and other missing middle housing. The presentations will present the updates in a visual, conceptual and easy-to-understand manner. The first work session will focus on duplexes to allow a rapid and seamless transition to adoption of the duplex amendments to meet the June 30, 2021 deadline. The second work session will focus on other middle housing amendments to prepare the City for later adoption of those amendments.

Following the meetings, the consultant will revise the updates to incorporate guidance from the Planning Commission and City Council. The final draft documents will be delivered in up to two formats depending on the City's preferences to support adoption: legislative formatting to indicate changes from existing code language, and clean text.

Task 4 Products: Revised draft updates to the Comprehensive Plan and Development Code incorporating feedback from Task 3, CAC Meeting #5 agenda, presentation materials and meeting summary, presentation materials including executive summary for two joint Council/Planning Commission work session meetings, final draft updates to the Comprehensive Plan and Development Code in adoption ready formats incorporating Council and Planning Commission feedback.

Task 4 timeline: March 1, 2021 to June 15, 2021

Task 5: Adoption – Duplexes and Other Middle Housing

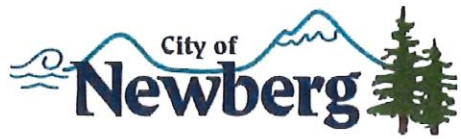
The consultant will prepare for and participate in one Planning Commission meeting where the Planning Commission members will recommend adoption of Comprehensive

Plan and Development Code amendments for duplexes to the City Council. The City will prepare the resolutions and Planning Commission agendas and staff reports. The consultant will subsequently make any revisions to the duplex amendments directed by Planning Commission or staff prior to Council review.

The consultant will prepare for and participate in one City Council business session meeting where the Council members will adopt the final amendments for duplexes. The City will prepare the ordinances and Council agendas and staff reports. The consultant will subsequently make any final revisions to the duplex amendments directed by City Council or staff.

Task 5 Products: Presentation materials including executive summary and participation in one Planning Commission meeting, revisions to the duplex amendments as directed by the Planning Commission, presentation materials including executive summary and participation in one City Council business session meeting, Final revisions to the duplex amendments as directed by the City Council. hearings ready material for Other Middle Housing.

Task 5 timeline: April 1, 2021 to June 15, 2021



STATEMENT OF QUALIFICATIONS Middle Housing Code Assistance

JULY 14, 2020

SUBMITTED BY 3J CONSULTING

9600 SW Nimbus Ave, Suite 100 | Beaverton, OR 97008
503.946.9365 | www.3jconsulting.com



3J CONSULTING

CIVIL ENGINEERING | WATER RESOURCES | COMMUNITY PLANNING

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July 14, 2020

Doug Rux
City of Newberg
414 E First St
Newberg, OR 97132
Doug.rux@newbergoregon.gov

RE: Request for Quaifications for Middle Housing Code Assistance

Dear Mr. Rux,

3J Consulting is pleased to submit our qualifications, scope and fee proposal to provide Middle Housing Code Assistance to the City of Newberg. This is an important moment for housing planning in Oregon with the alignment of community needs and political support. Demographic shifts and changing preferences demand a reevaluation of housing options available in all communities to meet challenges of affordability, equity and environmental impacts of housing.

We are partnering with JET Planning for this important project. 3J and JET have a particularly close, effective working relationship, having partnered on many housing and code-related projects for four years, notably including seven residential code audit and update projects in 2019 as part of DLCD's Oregon Housing Needs Planning Project. We are currently engaged in the details of HB 2001 middle housing implementation through both professional engagement and our work together on three DLCD grant-funded code update projects getting underway.

3J will manage the project ensuring seamless, high quality project delivery. 3J also will lead public involvement efforts and support model code development. With years of experience in developing zoning code provisions that translate identified community priorities into implementable regulations, JET will serve as lead code writer on the project.

We are excited about this opportunity to help the City of Newberg with this project and look forward to discussing it with you further.

Sincerely,



Steve FausVAICP

9600 SW Nimbus Drive, Suite 100
Beaverton, OR 97008
O: (503) 946-9365 x207
steve.faus@3j-consulting.com

PROPOSED FEE

TASKS	3J CONSULTING			JET PLANNING		TOTAL
	SF \$160	Assoc \$100	SUBTOTAL	ED \$160	SUBTOTAL	
1. Project Kick-Off	24	7	\$4,540	9	\$1,440	\$5,980
2. Code Assessment and Code Concepts	24	26	\$6,440	60	\$9,600	\$16,040
3. Draft Code Update	24	26	\$6,440	80	\$12,800	\$19,240
4. Final Code Update	18	12	\$4,080	48	\$7,680	\$11,760
5. Adoption - Duplexes	10	8	\$2,400	13	\$2,080	\$4,480
6. Adoption - Other Middle Housing (Optional)	6	4	\$1,360	7	\$1,120	\$2,480
Total Hours	106	83	189	217	217	406
Total Fees	\$16,960	\$8,300	\$25,260	\$34,720	\$34,720	\$59,980

PROJECT SCOPE AND UNDERSTANDING

Project Understanding

Housing is at the core of vibrant communities, supporting downtowns, job growth, and institutions. However, Newberg and other communities across Oregon are struggling to provide the variety and quantity of housing options that residents need. We understand the challenge of housing shortages, high costs for housing, and limited housing choices that meet the needs of increasingly diverse households.

In 2019, the Oregon Legislature passed HB 2001, which requires cities with populations over 10,000 (medium cities) to allow duplexes on lots that allow the development of detached single-family dwellings. HB 2001 also requires cities of more than 25,000 people (large cities) to allow triplexes, fourplexes, cottage clusters, and townhouses in residential areas in addition to duplexes.

With a population of nearly 25,000, the Newberg City Council directed staff to comply with both medium and large-city provisions. To that end, the City has applied for and was awarded a grant from the Oregon Department of Land Conservation and Development (DLCD) to update its Comprehensive Plan and Development Code accordingly.

The Newberg Middle Housing Code Assistance Project will bring the Newberg Development Code into compliance with HB 2001 and Oregon Administrative Rules for middle housing under development by DLCD. Comprehensive Plan and Development Code amendments for duplexes will be developed and adopted by June 30, 2021.

Hearings-ready draft Comprehensive Plan and Development Code amendments for all other middle housing types will be developed by June 30, 2021, to meet the grant funding timeline, and adoption will then be completed locally any time prior to June 30, 2022.



The City of Newberg is in need of assistance to update its Comprehensive Plan and Development Code to comply with the middle housing provisions of HB 2001 and City priorities.

Project Scope

We see zoning code as a vehicle to implement community priorities, not an arbitrary set of bureaucratic rules. As such, we develop code through dialogue with stakeholders and are sensitive to local context and the needs of current and future generations.

Housing issues in particular are very personal for the community, given that they affect the places we call home, and thus require a sensitive, personal approach to both the code provisions themselves and the public engagement process to inform the code updates.

We are experienced practitioners in drafting code through an iterative process, refining and anticipating potential outcomes and barriers. We believe codes must be implementable by jurisdictions and function as a working tool rather than a reference guide tucked away on a shelf or worse, an obstacle to housing needed to serve the community.

The following scope of work builds off the Scope provided in the RFQ to provide code amendments that will provide and enhance opportunities for middle housing options in the City of Newberg's Development Code. We have refined the draft Scope in order to ensure all DLCD grant funds are spent prior to June 30, 2021 and used to complete as much of code update work as possible, to better support the City's code update process.



Our team understands the sensitive, personal approach required for the code provisions and the public engagement process to inform housing code updates.

TASK 1: PROJECT KICK-OFF

The 3J Team will coordinate a project kick-off meeting with the City to review project goals and confirm the project's scope and schedule. We will identify needed background information and key stakeholders, and confirm assumptions regarding City staff and Consultant responsibilities. We will discuss coordination between this code update project and the concurrent Infrastructure-Based Time Extension Request project, and implications for the scope and schedule of both projects. Following the meeting, we will develop a Public Engagement Plan that describes the communications tools and engagement activities that will be used to inform and engage Newberg residents in the Middle Housing Code Assistance process.

Throughout the process, the 3J project manager will hold bi-weekly project management phone calls with the City to track progress on key tasks and deadlines, identify unanticipated issues and develop alternative approaches as needed. To ensure accountability and conformance with the project budget, we will prepare monthly progress reports and invoices that describe the activities undertaken, estimate the percent completion of each task, and track expenditures and hours.



Task 1 Deliverables:

- Kickoff meeting agenda and summary
- Project schedule with updates
- Project management meeting agendas and summaries
- Public Engagement Plan
- Detailed invoices with progress reports

TASK 2: CODE ASSESSMENT AND CODE CONCEPTS

The 3J Team will review Newberg's Comprehensive Plan, Development Code, and other land development documents and regulations to identify legal or policy issues related to middle housing residential development. The assessment will cover both Duplex and Other Middle Housing elements. This will include, but is not limited to, determining whether the Comprehensive Plan and Development Code contains:

- Standards permitting the development of middle housing in compliance with HB 2001 and adopted Administrative Rules (OAR-660-046 - currently in development)
- Middle housing standards that comply with all state housing requirements, including providing a clear and objective approval path (ORS 197.307)
- Internal consistency between adopted City documents relating to middle housing
- Other obstacles to middle housing development, such as review or permitting requirements

We will then develop recommended code concepts to respond to findings from the assessment. The code concepts will identify the policy direction for code updates, laying the foundation for the actual code language

We will meet with City staff to review current development review trends and more detailed code background, building upon issues raised at the kick-off meeting. We will conduct up to eight (8) interviews with development interests, housing providers, neighborhood representatives, City elected officials, and other key stakeholders identified by the City to help identify opportunities and barriers to middle housing development, and test support for proposed code concepts. Interview results will be incorporated into the code assessment and concepts.



Our team will work closely with City staff to coordinate and facilitate several meetings during Task 2.

We will work with the City to schedule, provide notice and create an agenda for Citizen Advisory Committee (CAC) Meetings #1 and #2 to present findings from the code assessment grounded in local and state middle housing requirements (CAC #1) and proposed code concepts (CAC #2). We will prepare for, facilitate and provide a summary of the CAC meetings.

The 3J team will schedule Public Workshop #1 to present the code assessment findings and proposed code concepts, in the context of state housing requirements and local plans. The workshop will be designed to solicit input from the public on proposed code concepts. We will coordinate with the City on meeting arrangements and facilitate the public meeting. We also will prepare an online survey to allow participation from people who are unable to attend the meeting.

Following the public meeting, the 3J Team will consider advisory committee, staff, and public input received and develop a final draft of the assessment findings and code concepts.



Task 2 Deliverables:

- Draft code assessment of Comprehensive Plan and Development Code identifying where changes are needed to comply with Oregon Administrative Rules and draft code concepts
- Facilitation and written summaries of up to 10 stakeholder interviews
- CAC Meetings #1 and #2 agenda, presentation materials and meeting summary
- Public Workshop #1 agenda, presentation materials, associated online survey and meeting summary
- Final code assessment findings and code concepts, integrating feedback from the advisory committee, staff and public

TASK 3: DRAFT CODE UPDATE

After review of the assessment findings and code concepts at CAC #1 and #2 and Public Workshop #1, the 3J Team will work with City staff to refine the code concepts and identify which are necessary to comply with Oregon Administrative Rules and City goals for middle housing.

We will prepare draft updates to Newberg's Comprehensive Plan and Development Code. With final state provisions for duplexes due in July 2020 and for other middle housing in November 2020, the 3J Team will work with the City to identify approaches to meet the minimum compliance standards to be codified in OAR-660-046. Draft code could integrate Newberg-specific provisions, elements of the state model code, and emerging best practices to support middle housing, as appropriate for City priorities.

The 3J Team will work with the City to schedule, provide notice and create an agenda for CAC Meetings #3 and #4 to present draft Comprehensive Plan and Development Code updates for middle housing, beginning with duplexes. We will prepare for, facilitate and provide a summary of the CAC meetings.

We will schedule Public Workshop #2 to present draft Comprehensive Plan and Development Code updates for middle housing. The workshop will be designed to solicit input from the public on draft updates. We will coordinate with the City on meeting arrangements and facilitate the public meeting. We also will prepare an online survey to allow participation from people who are unable to attend the meeting.



Task 3 Deliverables:

- Draft of proposed Comprehensive Plan and Development Code updates
- CAC Meetings #3 and #4 agenda, presentation materials, and meeting summary
- Public Workshop #2 agenda, presentation materials, associated online survey and meeting summary

TASK 4: FINAL CODE UPDATE

The 3J Team and City staff will consider public input received in Task 3 and prepare revised Comprehensive Plan and Development Code updates. We will work with the City to schedule, provide notice and create an agenda for CAC Meeting #5 to present revised updates. We will prepare for, facilitate and provide a summary of the CAC meeting. Following the meeting, we will revise the updates to incorporate guidance from the CAC.

We will attend two joint Council/Planning Commission work session meetings to present the proposed Comprehensive Plan and Development Code updates, one each for duplexes and other missing middle housing. The presentations will present the updates in a visual, conceptual and easy-to-understand manner. We propose to prioritize the first work session on duplexes early in this task to allow a rapid and seamless transition to adoption of the duplex amendments to meet the June 30, 2021 deadline. We propose to then schedule the second work session focused on other middle housing amendments at the tail-end of this project to create a launching pad for later adoption of those amendments.

Following the meetings, we will revise the updates to incorporate guidance from the Planning Commission and City Council. The final draft documents will be delivered in up to two formats depending on the City's preferences to support adoption: legislative formatting to indicate changes from existing code language, and clean text.



Task 4 Deliverables:

- Revised draft updates to the Comprehensive Plan and Development Code incorporating feedback from Task 3
- CAC Meeting #5 agenda, presentation materials and meeting summary
- Presentation materials including executive summary for two joint Council/Planning Commission work session meetings
- Final draft updates to the Comprehensive Plan and Development Code in adoption-ready formats incorporating Council and Planning Commission feedback

TASK 5: ADOPTION - DUPLEXES

The 3J Team will prepare for and participate in one Planning Commission meeting where the Planning Commission members will recommend adoption of Comprehensive Plan and Development Code amendments for Duplexes to the City Council. The City will prepare the resolutions and Planning Commission agendas and staff reports. We will subsequently make any revisions to the Duplex amendments directed by Planning Commission or staff prior to Council review.

We also will prepare for and participate in one City Council business session meeting where the Council members will adopt the final amendments for Duplexes. The City will prepare the ordinances and Council agendas and staff reports. We will subsequently make any final revisions to the Duplex amendments directed by City Council or staff.



Task 5 Deliverables:

- Presentation materials including executive summary and participation in one Planning Commission meeting
- Revisions to the Duplex amendments as directed by the Planning Commission
- Presentation materials including executive summary and participation in one City Council business session meeting
- Final revisions to the Duplex amendments as directed by the City Council

TASK 6: ADOPTION - OTHER MIDDLE HOUSING (OPTIONAL)

If there is not sufficient time to complete adoption of the Other Middle Housing Elements before the June 30, 2021 deadline to utilize DLCD grant funds, our team will prepare presentation materials and executive summaries to describe the proposed Other Middle Housing amendments for:

- One Planning Commission meeting where the Planning Commission members will recommend adoption of Comprehensive Plan and Development Code amendments for Other Middle Housing to the City Council.

- One City Council business session meeting where the Council members will adopt the final amendments for Other Middle Housing

3J would not be able to participate in the meetings if held after June 30, 2021, but the materials would support City staff in leading those meetings.

Alternatively, if there is sufficient time to complete adoption of the Other Middle Housing Elements, the 3J Team will participate in the Planning Commission meeting where the City will prepare the resolutions and Planning Commission agendas and staff reports. We will subsequently make any revisions to the Other Middle Housing amendments directed by Planning Commission. We also will participate in the City Council business session where the City will prepare the ordinances and Council agendas and staff reports. We will subsequently make any final revisions to the Other Middle Housing amendments directed by City Council or staff.



Task 6 Deliverables:

- Presentation materials including executive summary for one Planning Commission meeting
- Presentation materials including executive summary for one City Council business session meeting

As time and budget allow:

- Participation in one Planning Commission meeting
- Revisions to the Other Middle Housing amendments as directed by the Planning Commission
- Participation in one City Council business session
- Final revisions to the Other Middle Housing amendments as directed by the City Council

PROJECT SCHEDULE

Tasks	2020					2021					
	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun
1. Project Kick-Off	●										
2. Code Assessment & Code Concepts			★	★ ■							
3. Draft Code Update						★	★ ■				
4. Final Code Update								★ ◆			◆
5. Adoption - Duplexes									A	A	
6. Adoption - Other Middle Housing (Optional)											

- = Project Kick-off
- ★ = CAC Meeting (5)
- = Public Workshop (2)
- ◆ = Joint Work Sessions (2)
- A = Planning Commission/City Council Business Sessions (2-4)

Our team will ensure the City of Newberg is set up for success by DLCD's June 2021 deadline.

PRIOR PROJECT EXPERIENCE

3J is partnering with JET Planning (JET) to provide the City with a full-service team to meet the project needs. Our team members have experience working together to provide similar services for public clients throughout Oregon. We are currently working together providing model code implementation technical assistance for DLCD.

JET was founded by Elizabeth Decker, who has run the firm as a sole proprietor since 2011. Located in Portland, OR, JET provides land use planning services to local governments and private clients in Oregon and Washington, specializing in developing zoning code provisions that translate identified community priorities into implementable regulations. Current priority areas include developing residential development standards to support a broader variety of residential options. Her work is grounded in a broad background in core land use planning from comprehensive planning through development review on behalf of cities, and as an applicant negotiating the land use permitting process. JET is a COBID certified WBE firm (#11102).

3J and JET recently completed the following similar projects. Several of them are highlighted on the following pages.

- Equitable Housing Policy Project, Oregon City, OR
- Oregon DLCD Housing Needs Planning; Florence, OR
- Oregon DLCD Housing Needs Planning; Talent, OR
- Oregon DLCD Housing Needs Planning; Salem, OR
- Oregon DLCD Housing Needs Planning; Bandon, OR
- Oregon DLCD Housing Needs Planning; Springfield, OR
- Oregon DLCD Housing Needs Planning; Sutherlin, OR



3J and JET updated the City of Florence's 35-year old residential zoning and land division codes.

Oregon City Equitable Housing

3J led a team of consultants, including JET, to complete this broadly scoped code update for Oregon City, a city of more than 36,000 people in the Portland metro area. The project included a comprehensive review of residential zoning, development standards, and permitting processes. Investigative work included dialogue with City staff in Planning, Building and Engineering divisions, stakeholder interviews with members of the development community, and review with a technical advisory committee.

The scope included review of all types of residential development opportunities, from individual single-family detached homes to downtown mixed-use projects, including use, design, improvement, and procedural standards. The code was audited against the City's equitable housing goals including creating more diverse housing options at all income levels with access to community amenities, with the objective of identifying barriers to equitable housing development and providing a series of code amendments to expand the development opportunities.

Other tasks included facilitating community and technical advisory committees, conducting public meetings and online surveys, preparing development guides and brochures, creating a development fees calculator and advising on equitable housing maps.



For the City of Oregon City, 3J and JET facilitated community and technical advisory committees, conducted public meetings, online surveys and more.

DLCD Florence Housing Needs Planning

As part of the Oregon Housing Needs Planning project, 3J led a team, including JET, to update the city's 35-year old residential zoning and land division codes. The outcome was new development and platting standards to accommodate housing styles and ownership types reflective of Florence's current and projected housing needs to support all income levels, generations, and family styles.

The team worked with the City's Community & Economic Development Committee (CEDC) to draft and review code concepts and draft code updates. 3J facilitated a public open house attended by more than 50 community members to review the draft code updates.

A majority of recommended code updates were adopted by City Council in fall 2019. Density guidelines warranted further discussion and will be reconsidered at upcoming hearings in October and November.

DLCD Talent Housing Needs Planning

3J led a team, including JET, to prepare zoning code amendments that support the increase in improvements to affordable housing in the City of Talent.

Part of the Oregon Housing Needs Planning project, the code changes developed are consistent with policies in the City's adopted Housing Element that aim to: (1) improve the efficiency of residential land use by increasing densities under certain circumstances, (2) increase opportunity for development of housing types that are comparatively affordable, such as missing middle housing types, or (3) both increase land use efficiency and provide opportunities for development of comparatively affordable housing.

The team worked with the City's Planning Commission to draft and review code concepts and draft code updates and facilitated a public open house to review draft code updates.

DLCD Salem Housing Needs Planning

3J and JET updated the city's multifamily housing design standards. The project, part of DLCD's Oregon Housing Needs Planning, included multiple focus groups, stakeholder interviews, public workshops, surveys, research and project team meetings. The project focused on creating clear and objective standards for 3-4 dwelling unit projects and 5-12 dwelling unit projects as an alternative to multifamily apartment standards. The project also delivered distinct design standards for multifamily developments with more than 12 dwelling units.

The team worked with city and state staff to draft revisions to 17 chapters of the Development Code, updating the language and adding key graphics. A majority of the recommended code updates were adopted by City Council in February 2020.

Newberg Downtown Improvement Plan

While at a previous firm, Steve Faust and JET teamed as a subconsultant to Parametrix that developed a detailed land use and streetscape plan to help guide the revitalization of historic downtown Newberg. The Historic Downtown Plan helped the downtown area reach its full potential after the quality and quantity of downtown traffic changed as a result of the Newberg Dundee Bypass.

They provided land use planning analysis and code development services for the project. Tasks included describing the regulatory framework for land use and existing and planned land uses, and preparing Comprehensive Plan policies, zoning code updates and specific zoning map amendments to implement the plan.

Project Size

Existing Code

- “Multiple family development” = 3+ dwelling units on a lot
- small projects must meet same standards as large projects

Proposal

- Exclude three- and four-family from “family development”
- Three- and four-family must meet same standards as single- and two-family development
- Limited design standards for 5-12 unit multifamily

3 and 4 Dwelling Unit Projects

Existing Code

- Considered “multiple family development”
- Must meet the same 60+ design standards as very large multifamily developments

Proposal

- Excluded from the definition of “multiple family development”
- Must meet the same standards as single-family homes (e.g., maximum height of 35 ft, rear setback of 14 ft or 20 ft)
- Must meet minimal design standards (e.g., building faces a street or common open space, roof is pitched, etc.)

5 to 12 Dwelling Unit Project

Existing Code

- Considered “multiple family development”
- Must meet the same 60+ design standards as very large multifamily developments

Proposal

- Must meet limited design standards such as:
 - At least one primary entrance faces the street or common open space
 - Articulated primary entrance
 - Minimum setback between buildings and streets
 - Pedestrian connections to streets, common open spaces, and parks
 - Reduced setbacks for smaller buildings

3J and JET worked with the City of Salem and DLCD to draft revisions to 17 chapters of Development Code to update the City's multifamily housing design standards.

3J and JET have been working closely with DLCD and local cities on housing-related projects. We look forward to the opportunity to help the City of Newberg update its Comprehensive Plan and Development Code.

Land Conservation and Development Department

Chapter 660

Division 46

Middle Housing in Medium and Large Cities

[660-046-0000](#)

Purpose

The purpose of this division is to prescribe standards guiding the development of Middle Housing types as provided in Oregon Laws 2019, chapter 639. OAR 660-046-0010 to OAR 660-046-0130 establish standards related to the siting and design of Middle Housing types in urban growth boundaries.

Statutory/Other Authority: ORS 197.040

Statutes/Other Implemented: ORS 197.758

History:

[LCDD 12-2020, adopt filed 07/31/2020, effective 08/03/2020](#)

[660-046-0010](#)

Applicability

- (1) A local government that is a Medium City must comply with this division.
- (2) Notwithstanding section (1), a local government need not comply with this division for:
 - (a) Lands that are not zoned for residential use, including but not limited to lands zoned primarily for commercial, industrial, agricultural, or public uses;
 - (b) Residentially zoned lands that do not allow for the development of a detached single-family home; or
 - (c) Lands that are not incorporated and that are zoned under an interim zoning designation that maintains the land's potential for planned urban development.
- (3) Local governments may regulate Middle Housing to comply with protective measures (including plans, policies, and regulations) adopted and acknowledged pursuant to statewide land use planning goals. Where local governments have adopted, or shall adopt, regulations implementing the following statewide planning goals, the following provisions provide direction as to how those regulations shall be implemented in relation to Middle Housing, as required by OAR 660-046-0010.
 - (a) Goal 5: Natural Resources, Scenic, and Historic Areas - Pursuant to OAR 660-023, local governments must adopt land use regulations to protect identified resources under Goal 5, including regulations to comply with protective measures (including plans, policies, and regulations) applicable to Middle Housing.
 - (A) Goal 5 Riparian Areas, Wetlands, and Wildlife Habitat – Pursuant to OAR 660-023-0050 through 660-023-0115, local governments must adopt land use regulations to protect water quality, aquatic habitat, and the habitat of threatened, endangered and sensitive species. This includes regulations applicable to Middle Housing to comply with protective measures adopted pursuant to Goal 5. Local governments may apply regulations to Duplexes that apply to detached single-family dwellings in the same zone.
 - (B) Goal 5: Historic Resources – Pursuant to OAR 660-023-0200(7), local governments must adopt land use regulations to protect locally significant historic resources. This includes regulations of Middle Housing to comply with protective measures as it relates to the integrity of a historic resource or district. Protective measures shall be adopted and applied

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as provided in OAR 660-023-0200. Local governments may not apply the following types of regulations specific to Middle Housing:

(i) Use, density, and occupancy restrictions that prohibit the development of Middle Housing on historic properties or districts that otherwise permit the development of detached single-family dwellings.

(ii) Standards that prohibit the development of Middle Housing on historic properties or districts that otherwise permit the development of detached single-family dwellings

(b) Goal 7: Areas Subject to Natural Hazards – Pursuant to OAR 660-015-0000(7), local governments must adopt comprehensive plans (inventories, policies and implementing measures) to reduce risk to people and property from natural hazards. Such protective measures adopted pursuant to Goal 7 apply to Middle Housing, including but not limited to restrictions on use, density, and occupancy in the following areas:

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

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

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

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

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

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

(d) Goal 16: Estuarine Resources – Pursuant to OAR 660-015-0010(1) and OAR 660-017, local governments must apply land use regulations that protect the estuarine ecosystem, including its natural biological productivity, habitat, diversity, unique features and water quality. Local governments may prohibit Middle Housing in areas regulated to protect estuarine resources under Goal 16.

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

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

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

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

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

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

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

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

Statutory/Other Authority: ORS 197.040

Statutes/Other Implemented: ORS 197.758

History:

[LCDD 12-2020, adopt filed 07/31/2020, effective 08/03/2020](#)

660-046-0020

Definitions

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

- (1) "A local government that has not acted" means a local government that has not adopted acknowledged land use regulations that are in compliance with ORS 197.758 and this division.
- (2) "Department" means the Department of Land Conservation and Development.
- (3) "Detached single-family dwelling" means a detached structure on a Lot or Parcel that is comprised of a single dwelling unit, either site built or a manufactured dwelling.
- (4) "Duplex" means two attached dwelling units on one Lot or Parcel. A Medium City may define a Duplex to include two detached dwelling units on one Lot or Parcel.
- (5) "Lot or Parcel" means any legally created unit of land.
- (6) "Medium City" means each city with a certified Portland State University Population Research Center estimated population more than 10,000 and less than 25,000 and not within a metropolitan service district.
- (7) "Middle Housing" means a Duplex as defined in section (4).
- (8) "Model Code" means the model code developed by the Department contained OAR 660-046-0110(5).
- (9) "Zoned for residential use" means a zoning district in which residential dwellings are the primary use and which implements a residential comprehensive plan map designation.

Statutory/Other Authority: ORS 197.040

Statutes/Other Implemented: ORS 197.758

History:

[LCDD 12-2020, adopt filed 07/31/2020, effective 08/03/2020](#)

660-046-0030

Implementation of Middle Housing Ordinances

- (1) Before a local government amends an acknowledged comprehensive plan or a land use regulation to allow Middle Housing, the local government must submit the proposed amendment to the Department for review and comment pursuant to OAR chapter 660, division 18.
- (2) In adopting or amending regulations or amending a comprehensive plan to allow Middle Housing, a local government must include findings demonstrating consideration, as part of the post-acknowledgement plan amendment process, of methods to increase the affordability of Middle Housing through ordinances or policies that include but are not limited to:
 - (a) Waiving or deferring system development charges;
 - (b) Adopting or amending criteria for property tax exemptions under ORS 307.515 to ORS 307.523, ORS 307.540 to ORS 307.548 or ORS 307.651 to ORS 307.687 or property tax freezes under ORS 308.450 to ORS 308.481; and
 - (c) Assessing a construction tax under ORS 320.192 and ORS 320.195.
- (3) When a local government amends its comprehensive plan or land use regulations to allow Middle Housing, the local government is not required to consider whether the amendments significantly affect an existing or planned transportation facility.

Statutory/Other Authority: ORS 197.040

Statutes/Other Implemented: ORS 197.758

History:

[LCDD 12-2020, adopt filed 07/31/2020, effective 08/03/2020](#)

660-046-0040

Compliance

- (1) A local government may adopt land use regulations or amend its comprehensive plan to comply with ORS 197.758 et seq and the provisions of this division.
- (2) A local government may request from the Department an extension of the time allowed to complete the action in section (1) pursuant to ORS 197.758.
- (3) A Medium City that has not acted by June 30, 2021 and has not received an extension under section (2), shall directly apply the applicable Model Code contained in OAR 660-046-0130(5) in its entirety to all proposed Middle Housing development applications until such time as the Medium City has adopted provisions under section (1).
- (4) If a Medium City has adopted land use regulations or amended its comprehensive plan by the date provided under section (3) and the city's land use regulations or comprehensive plan changes are subsequently remanded by the Land

Use Board of Appeals or an appellate court solely on procedural grounds, the Medium City is deemed to have acted. Accordingly, the Medium City may continue to apply its own land use regulations and comprehensive plan as they existed prior to the adoption of land use regulations or comprehensive plan amendments that were the subject of procedural remand until the first of the two options:

(a) The Medium City has adopted land use regulations or amended its comprehensive plan in response to the remand; or

(b) 120 days after the date of the remand. If the Medium City has not adopted land use regulations or amended its comprehensive plan within 120 days of the date of the remand, the Medium City is deemed not to have acted under section (3).

(5) If a Medium City has adopted land use regulations or amended its comprehensive plan by the date provided under section (3) and the Medium City's land use regulations or comprehensive plan changes are subsequently remanded by the Land Use Board of Appeals or an appellate court on any substantive grounds, the city is deemed to have not acted under section (3).

(6) If a Medium City acknowledged to be in compliance with this division subsequently amends its land use regulations or comprehensive plan, and those amendments are remanded by the Land Use Board of Appeals or an appellate court, the city shall continue to apply its land use regulations and comprehensive plan as they existed prior to the amendments until the amendments are acknowledged.

(7) In the event that a Medium City directly applies the Model Code in accordance with sections (3) and (5), the Model Code completely replaces and pre-empts any provisions of that Medium City's development code that conflict with the Model Code.

Statutory/Other Authority: ORS 197.040

Statutes/Other Implemented: ORS 197.758

History:

[LCDD 12-2020, adopt filed 07/31/2020, effective 08/03/2020](#)

660-046-0050

Eligible Local Governments

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

Statutory/Other Authority: ORS 197.040

Statutes/Other Implemented: ORS 197.758

History:

[LCDD 12-2020, adopt filed 07/31/2020, effective 08/03/2020](#)

660-046-0100

Purpose of Middle Housing in Medium Cities

OAR 660-046-0105 through OAR 660-046-0130 are intended to measure compliance with ORS 197.758 et seq and Goal 10 Housing for Medium Cities.

Statutory/Other Authority: ORS 197.040

Statutes/Other Implemented: ORS 197.758

History:

[LCDD 12-2020, adopt filed 07/31/2020, effective 08/03/2020](#)

660-046-0105

Applicability of Middle Housing in Medium Cities

(1) A Medium City must allow for the development of a Duplex, including those Duplexes created through conversion of an existing detached single-family dwelling, on each Lot or Parcel zoned for residential use that allows for the development of detached single-family dwellings.

(2) OAR 660-046-0105 through OAR 660-046-0130 do not require a Medium City to allow more than two dwellings units on a Lot or Parcel, including any accessory dwelling units.

Statutory/Other Authority: ORS 197.040

Statutes/Other Implemented: ORS 197.758

History:

[LCDD 12-2020, adopt filed 07/31/2020, effective 08/03/2020](#)

660-046-0110**Provisions Applicable to Duplexes in Medium Cities**

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

[ED. NOTE: To view attachments referenced in rule text, [click here to view rule.](#)]

Statutory/Other Authority: ORS 197.040

Statutes/Other Implemented: ORS 197.758

History:

[LCDD 12-2020, adopt filed 07/31/2020, effective 08/03/2020](#)

660-046-0115**Permitted Uses and Approval Process**

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

Statutory/Other Authority: ORS 197.040

Statutes/Other Implemented: ORS 197.758

History:

[LCDD 12-2020, adopt filed 07/31/2020, effective 08/03/2020](#)

660-046-0120**Duplex Siting Standards in Medium Cities**

The following standards apply to all Duplexes:

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

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

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

(5) Parking:

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

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

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

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

Statutory/Other Authority: ORS 197.040

Statutes/Other Implemented: ORS 197.758

History:

[LCDD 12-2020, adopt filed 07/31/2020, effective 08/03/2020](#)

660-046-0125

Duplex Design Standards in Medium Cities

(1) Medium Cities are not required to apply design standards to new Duplexes. However, if the Medium City chooses to apply design standards to new Duplexes, it may only apply the same clear and objective design standards that the Medium City applies to detached single-family structures in the same zone.

(2) A Medium City may not apply design standards to Duplexes created as provided in OAR 660-046-0130.

Statutory/Other Authority: ORS 197.040

Statutes/Other Implemented: ORS 197.758

History:

[LCDD 12-2020, adopt filed 07/31/2020, effective 08/03/2020](#)

660-046-0130

Duplex Conversions

Conversion of an existing detached single-family dwelling to a Duplex is allowed, pursuant to OAR 660-046-0105(2), provided that the conversion does not increase nonconformance with applicable clear and objective standards in the Medium City's development code, unless increasing nonconformance is otherwise allowed by the Medium City.

Statutory/Other Authority: ORS 197.040

Statutes/Other Implemented: ORS 197.758

History:

[LCDD 12-2020, adopt filed 07/31/2020, effective 08/03/2020](#)

660-046-0300

Purpose of Infrastructure-Based Time Extension Request Process

OAR 660-046-0300 to OAR 660-046-0370 establish the form and substance of the IBTER application and review process. The purpose of these rules is to provide submittal requirements, including required data and analyses that a local government must submit with an IBTER, prescribe when a local government is eligible for a time extension in response to an IBTER, and to provide the evaluation process and criteria that the department will use to review IBTERs and issue Time Extensions.

Statutory/Other Authority: ORS 197.040 & OR Laws 2019, chapter 639, section 4(6)

Statutes/Other Implemented: ORS 197.758 & OR Laws 2019, chapter 639, sections 3 and 4

History:

[LCDD 14-2020, adopt filed 08/07/2020, effective 08/07/2020](#)

660-046-0310

Entities Eligible to Apply

Local governments, as defined in OAR 660-046-0320, may submit an IBTER.

Statutory/Other Authority: ORS 197.040 & OR Laws 2019, chapter 639, section 4(6)

Statutes/Other Implemented: ORS 197.758 & OR Laws 2019, chapter 639, sections 3 and 4

History:

[LCDD 14-2020, adopt filed 08/07/2020, effective 08/07/2020](#)

660-046-0320

Definitions

In addition to the definitions in OAR 660-046-0020 and in ORS 197.015 and ORS 197.758, the following definitions apply to OAR 660-046-0300 to OAR 660-046-0370. In the event of a conflict, these definitions will take precedence.

(1) "Acceptable service levels" means measures of public facility adequacy defined by common engineering standards of practice, adopted as a policy for a utility, identified by designated authority from the decision-making body of a local government, identified in an adopted utility master plan or special area utility plan, or as necessary to comply with state or federal law.

(2) "IBTER" means an infrastructure-based time extension request submitted by a local government for an extension of time to adopt land use regulations or amend a comprehensive plan as provided for under Oregon Laws 2019, chapter 639, section 4.

(3) "Infill and redevelopment areas" means areas with lot sizes of less than one-half an acre that are zoned to allow detached single family dwellings and that are either vacant or developed with detached single family dwellings.

(4) "Infrastructure" means urban water, sanitary sewer, stormwater, and transportation systems.

(5) "Local governments" means a city outside a metropolitan service district, with a population of more than 10,000 and less than 25,000; a city inside a metropolitan service district, with a population of more than 1,000 and less than 25,000; any city with a population of 25,000 or more; or any unincorporated portion of a county within a metropolitan service district that is provided with sufficient urban services as defined in ORS 195.065. No other unincorporated areas within urban growth boundaries are included in this definition.

(6) "Significant infrastructure deficiency" means a local government has met the burden of proof to demonstrate a situation or situations where the following exists:

(a) A local government or service provider is unable to provide acceptable service levels within a developed, or developing, area zoned to allow detached single-family dwellings; or

(b) A local government or service provider anticipates that it will be unable to provide acceptable service levels by December 31, 2023, based either on extrapolated current development rates alone, or based on extrapolated current rates and additional anticipated middle housing development.

(c) There is no single service level for demonstrating a significant infrastructure deficiency for transportation infrastructure. Supporting information regarding the magnitude and severity of the deficiency must support a determination that the deficiency has a significant impact on transportation function or safety in the affected area. Higher street classifications, traffic volumes, and impacts to the function of transportation corridors, rather than a single intersection, will help to support the significance of the transportation deficiency. The severity of safety issues may be supported with information such as crash data, posted speed limits, sight distance at intersections, or similar information.

(7) "Time extension" is an IBTER as granted by the department.

(8) "Undeveloped or underdeveloped areas" means areas with lot sizes greater than one-half an acre that are zoned to allow single family detached dwellings and are currently developed at a density of two dwelling units per acre or less.

Statutory/Other Authority: ORS 197.040 & OR Laws 2019, chapter 639, section 4(6)

Statutes/Other Implemented: ORS 197.758 & OR Laws 2019, chapter 639, sections 3 and 4

History:

[LCDD 14-2020, adopt filed 08/07/2020, effective 08/07/2020](#)

660-046-0330

Parameters

(1) Infrastructure, as defined in OAR 660-046-0320(4) and as described in more detail in OAR 660-046-0340, is eligible as a basis for an IBTER application. An infrastructure deficiency is not significant if it would be addressed with infrastructure improvements required in conjunction with the development of a single-family dwelling.

(2) If a local government is currently unable to issue any new permits for residential development due to a jurisdiction-wide significant infrastructure deficiency, the local government must address that situation through the moratorium

process provided in ORS 197.505 through ORS 197.540. The department will not approve IBTER applications that address this type of situation.

(3) If a local government intends to continue permitting new single family detached dwellings or other development allowed by the current zoning within the area that has a significant infrastructure deficiency while deferring middle housing development within the area, the local government shall demonstrate that the additional infrastructure demand created by middle housing development would cause an unacceptable service level of the infrastructure, or shall provide other valid justification for allowing other development in the subject area while prohibiting middle housing development until the significant infrastructure deficiency is addressed.

(4) For the purpose of estimating the additional impacts of middle housing development on infrastructure, the local government may assume the following increases in residential development that would create additional impacts upon an area that is significantly infrastructure deficient over the period ending December 31, 2023:

(a) The local government shall prepare the baseline estimate for the number of dwelling units per acre produced within a residential zoning district by following the process described in ORS 197.296(5)(a)(A). A local government may add units produced by middle housing allowances, as described in subsections (b) through (f) to estimate residential infrastructure demand within a specified area. A local government may include additional infrastructure demand from other existing uses within the service area, such as higher density housing, schools, businesses, industrial uses, or other uses to estimate a total infrastructure service demand within the area that has a significant infrastructure deficiency.

(b) Infill and redevelopment areas may assume a one percent increase in the number of dwelling units produced due to middle housing allowances within the specified residential zone(s), above the baseline estimate described in subsection (a) prior to adoption of middle housing allowances. If some types of middle housing are currently allowed in a residential zone, the local government must adjust the anticipated increase for that area to an estimated fraction of one percent representing additional housing production from the middle housing types that are not currently allowed.

(c) Undeveloped and underdeveloped areas may assume a three percent increase in the number of dwelling units produced due to middle housing allowances within the specified residential zone(s), above the baseline estimate described in subsection (a) prior to adoption of middle housing allowances. If some types of middle housing are currently allowed in a residential zone, the local government must adjust the anticipated increase to an estimated fraction of three percent representing additional housing production from the middle housing types that are not currently allowed.

(d) The local government may project an increase in anticipated middle housing residential development above the thresholds identified in subsections (b) or (c) if it provides quantifiable validation of such an increase. For local governments located outside a metropolitan service district, the standards for demonstration of a quantifiable validation are provided in subsection (e). For local governments within a metropolitan service district, the standards for demonstration of a quantifiable validation are provided in subsection (f).

(e) A local government located outside a metropolitan service district may provide a quantifiable validation by demonstrating an actual increase in residential dwelling units produced above the rates anticipated in subsections (b) and (c), within a zone that allows densities that are no higher than those that would be allowed with adopted middle housing provisions. The evidence may be derived from an existing zone within the local government's jurisdiction, or from another local government within 25 miles of the subject local government.

(f) A local government located inside a metropolitan service district may provide a quantifiable validation by demonstrating an actual increase in residential dwelling units produced above the rates anticipated in subsections (b) and (c), within a zone that allows densities that are no higher than those that would be allowed with adopted middle housing provisions. The evidence may be derived from an existing zone within the local government's jurisdiction, or from another local government within the metropolitan service district.

Statutory/Other Authority: ORS 197.040 & OR Laws 2019, chapter 639, section 4(6)

Statutes/Other Implemented: ORS 197.758 & OR Laws 2019, chapter 639, sections 3 and 4

History:

[LCDD 14-2020, adopt filed 08/07/2020, effective 08/07/2020](#)

660-046-0340

Infrastructure-Specific Application Thresholds

This rule specifies the circumstances that would justify a time extension for each infrastructure type.

(1) Transportation. A local government may use the following circumstances to justify a transportation-based IBTER:

(a) Areas where the supporting roadways, intersections, or both are operating or anticipated to operate over capacity, not meet currently acceptable service levels, or have existing geometric/safety limitations. Supporting information regarding the magnitude and severity of the deficiency must support a determination that the deficiency has a significant impact on transportation function or safety in the affected area. This type of transportation IBTER applies only to areas where mitigation is planned and is either within the jurisdiction and financial capacity of the local

government, or is planned, financed, and scheduled in partnership with county, state, or other governmental or private partners.

(b) Areas that lack adequate emergency vehicle access per current adopted Fire Code standards, and for which mitigation in conjunction with development is not feasible.

(2) Stormwater. A local government may use the following circumstances to justify a stormwater-based IBTER:

(a) Lack of stormwater infrastructure, or adequately-sized stormwater infrastructure, such as storm drainage pipes, curb and gutters, catch basins and inlets, lateral storm connections, regional stormwater facilities, and discharge outfalls that results in not meeting an acceptable service level. An acceptable service level may include metrics for water quantity discharge, water quality, or both.

(b) A downstream stormwater conveyance system deficiency, resulting in localized ponding or flooding and storm pipe back-ups caused by pipes, culverts, or catch basins in disrepair; these problems may be compounded by high groundwater; compacted underlying soils; or backwater from nearby waterways during high flows; any of which that results in not meeting an acceptable service level.

(3) Water and Sewer. A local government may use the following circumstances to justify a water or sanitary sewer IBTER:

(a) A significant infrastructure deficiency in localized (not citywide) water or sanitary sewer service that results in unacceptable service levels for water or sewer services. For example, maintaining minimum water pressure in a water system or exceeding the capacity of existing infrastructure within a sanitary sewer system.

(b) A localized (not citywide) combined sewer/stormwater system that will exceed capacity as a result of new middle housing units. As further justification the local government shall demonstrate how it would mitigate the deficiency with respect to wastewater capacity and stormwater controls, if both aspects would not meet acceptable service levels. In this case, the local government shall include descriptions and justifications for the IBTER consistent with the requirements for each of the infrastructure types.

Statutory/Other Authority: ORS 197.040 & OR Laws 2019, chapter 639, section 4(6)

Statutes/Other Implemented: ORS 197.758 & OR Laws 2019, chapter 639, sections 3 and 4

History:

[LCDD 14-2020, adopt filed 08/07/2020, effective 08/07/2020](#)

660-046-0350

Application Submittal Timeline and Requirements

(1) Local governments requesting a time extension must file IBTER applications with the department as follows:

(a) By December 31, 2020 for local governments subject to ORS 197.758(3).

(b) By June 30, 2021 for local governments subject to ORS 197.758(2).

(2) Completeness review. Upon receipt of an IBTER application, the department will conduct a preliminary completeness review within 30 calendar days of receipt and notify the local government of any additional materials from section (3) that are required to make a complete application. Within one week of receiving notification of an incomplete application, the local government shall notify the department if it will provide all, some, or none of the requested additional information. If no additional information will be provided by the local government, the review period specified in OAR 660-046-0360(2) will begin upon receipt of the notification from the local government. If additional information is to be provided, the review period specified in OAR 660-046-0360(2) will begin on the date of receipt of the additional information. The local government must submit all requested materials within 60 calendar days of receipt of a request for additional materials. If the local government does not submit some or all of the requested completeness materials within the 60-day period, the review period specified in OAR 660-046-0360(2) will begin on the 61st day from the notification of incompleteness, and the department will evaluate the application based on the information that the local government has submitted by the end of the 60-day period.

(3) Required materials. A complete IBTER application from a local government shall include the information described in subsections (a) through (g):

(a) A narrative, graphics, tabular data, and other information as necessary to provide a general description of the significant infrastructure deficiency, including:

(A) A description of the infrastructure and the current system capacity. Relevant information from adopted utility master plans, special area utility plans, capital improvement plans, or similar documents and studies. Also, an identification of the service level that will not be met, including identification of the adopted utility master plan or other authority which establishes the service level.

- (B) A description of the significant infrastructure deficiency. The application shall clarify if capacity is exceeded currently, or is anticipated by December 31, 2023, based on current development trends; or if the infrastructure is only expected to exceed capacity based on additional impacts from middle housing development pursuant to OAR 660-046-0330(4).
- (C) If the local government finds significant infrastructure deficiency would be caused only by additional middle housing development in the area and plans to continue issuing permits for other types of development within the area, a detailed analysis of how and why existing infrastructure can continue to meet the needs of other types of development, but not middle housing.
- (D) A description of assumptions used to calculate or estimate system capacity. This includes analysis of current impacts on the infrastructure system; impacts from additional development anticipated to occur based on current zoning; and impacts anticipated from the allowance for middle housing in the areas where it is not currently allowed, as more fully described in OAR 660-046-0330(4).
- (E) Documentation of the significant infrastructure deficiency sufficient to allow the department to verify that the deficiency exists, including (but not necessarily limited to) items such as; maintenance and complaint records, photographs, modeling results (if available), crash data, a deficiency documented in an adopted utility master plan, or other evidence of deficiency.
- (b) The name of the service provider if the Infrastructure is owned or operated by another provider, along with a description of any agreements between the local government and service provider for infrastructure improvements.
- (c) A vicinity map showing the boundary of the impacted areas for which the IBTER is requested. If the local government identifies more than one significant infrastructure deficiency (sewer and transportation, for example), the map should show the boundary of each deficiency separately and any areas of overlap.
- (d) A regional map, if applicable, showing the significant infrastructure deficiency that otherwise provides service to the area where an IBTER is being requested.
- (e) If the local government is subject to ORS 197.758(2), a description of the local government's plan for middle housing implementation in the impacted area, including identification of areas intended for duplex-only provisions, and, as applicable, standards to be applied in goal-protected and constrained areas, and areas intended to accommodate triplexes, quadplexes, townhomes, and cottage cluster developments.
- (f) A remediation plan that describes the proposed infrastructure improvement(s) intended to remedy the significant infrastructure deficiency so that the local government may implement middle housing provisions. For each infrastructure improvement project, the description should include, at a minimum:
- (A) The proposed period of time needed to address the significant infrastructure deficiency, including phasing and contingencies, if applicable.
- (B) A discussion of the options initially considered for addressing the significant infrastructure deficiency, along with an explanation of how the proposed approach is the most expeditiously feasible approach available to address the deficiency.
- (C) Explanation of how the improvement project will provide acceptable service levels to anticipated middle housing.
- (D) Potential funding source(s), including funding commitments from other governmental agencies or private parties, and schedule for project completion.
- (E) Depiction of the area that will be remedied by the project.
- (F) Proposed timeline and associated mapping to demonstrate any phasing of the remediation plan where there are several improvement projects identified.
- (G) A map of all other areas within the local government where middle housing will be implemented during the extension period.
- (H) If a local government proposes a bond measure or similar financial mechanism that requires voter approval as a means to fund an infrastructure improvement project, a local government may also propose a contingency plan for funding the infrastructure improvement.
- (g) A narrative detailing how the application is in compliance with the Review Criteria in OAR 660-046-0360(3). In response to criterion in OAR 660-046-0360(3)(d), the local government shall provide a map of the local government's jurisdictional area, depicting US Census tract scores based on the Oregon Housing and Community Services Department's Notice of Funding Availability Scoring Criteria Map: (<https://geo.maps.arcgis.com/apps/webappviewer/index.html?id=2cb211dbdd3d4cf497d8190283f1402f>). The map identifies census tracts within communities that score low, medium, or high in relation to access to opportunity. Those tracts identified as high opportunity areas have a relatively low poverty rate, high labor market engagement index, and a low unemployment rate. Low opportunity areas have a relatively high poverty rate, low labor market engagement index,

and a high unemployment rate. The narrative addressing criterion in OAR 660-046-0360(3)(d) must refer to the mapped areas in relation to the review criterion.

Statutory/Other Authority: ORS 197.040 & OR Laws 2019, chapter 639, section 4(6)

Statutes/Other Implemented: ORS 197.758 & OR Laws 2019, chapter 639, sections 3 and 4

History:

[LCDD 14-2020, adopt filed 08/07/2020, effective 08/07/2020](#)

660-046-0360

Review Process, Review Criteria and Appeal Process

(1) Review and decision-making authority. The department reviews IBTERs for consistency with the review criteria and compliance with the procedural requirements in OAR 660-046-0360. The department will deny an IBTER that does not meet either the review criteria or comply with the procedural requirements. The department has final decision-making authority for IBTERs. The Land Conservation and Development Commission has decision-making authority for appeals of the department's decision.

(2) Posting for Public Comment. The department will post a timely and complete IBTER on the department's website along with the review criteria provided in section (5) and a statement that any person may file a comment regarding the IBTER no more than 21 days after the posting of the IBTER.

(3) Valid Comments. Any person may file a comment with the Department. In order to be considered valid, a comment must:

(a) Be in writing and filed with the Department no more than 21 days after the Department posting of the IBTER on the department's website;

(b) Address one or more of the five review criteria in section (5); and

(c) Provide the person's mailing address.

(4) Department Decision. The Department shall review the IBTER along with any valid comments and shall approve, approve with conditions of approval under section (7), or deny an IBTER. The department will mail the decision to the local government submitting the IBTER and any person that submitted valid comments. The department will issue a decision on an IBTER as follows:

(a) Within 90 days of receipt of a complete application for local governments subject to ORS 197.758(3);

(b) Within 120 days of receipt of a complete application for local governments subject to ORS 197.758(2).

(5) Review criteria. The department shall consider the following criteria in the review of IBTERs:

(a) Whether the identified deficiency is a significant infrastructure deficiency, consistent with the parameters and infrastructure-specific thresholds established in OAR 660-046-0330 and OAR 660-046-0340.

(b) Whether the IBTER has adequately described and documented the identified significant infrastructure deficiency and has established a boundary for the requested extension area(s), as required by OAR 660-046-0350. The boundary for the requested time extension is a specific area where there is an identified significant infrastructure deficiency.

(c) Whether the proposed remediation plan is likely to be effective and presents the most expeditiously feasible course of action to enable implementation of middle housing provisions.

(d) Whether, in relation to the opportunity area map provided per OAR 660-046-0350(3)(g) and any other available data sources regarding income, race, or ethnicity within the jurisdiction, the local government has demonstrated that correction of the significant infrastructure deficiency will either help to overcome patterns of segregation by income, race, or ethnicity, and foster inclusive communities free from barriers that restrict access to opportunity based on protected characteristics, or, at minimum, will not serve to perpetuate these inequities. To assist with this evaluation, local governments may demonstrate that the IBTER is consistent with a plan of actions over time by the local government and community partners that will reduce barriers to opportunity for all community residents, in all areas within the local government's jurisdiction.

(e) Whether the time period proposed for the IBTER is the minimum necessary to remedy the significant infrastructure deficiency.

(6) Response to Comments. The department's decision under section (4) shall include a response to each valid comment.

(7) Conditions of Approval. The department may impose conditions in time extensions that it deems necessary to satisfy the review criteria or to ensure the time extension is consistent with the intent of OAR chapter 660, division 46, ORS 197.758, and Oregon Laws 2019, chapter 639, section 4.

(8) Appeals.

- (a) Within 21 days of the mailing of the department's decision the local government submitting the IBTER or a person that submitted a valid comment may file an appeal, in writing, of the decision to the Land Conservation and Development Commission. The appellant shall simultaneously provide a copy of the appeal to each recipient of the department's decision as indicated by the department's certificate of service.
- (b) Appeals must identify the specific findings and analysis that are alleged to be made in error in relation to the applicable criterion or criteria. A challenge to a condition of approval under section (7) must specify how the condition is inconsistent with the intent of OAR chapter 660, division 46, ORS 197.758, and Oregon Laws 2019, chapter 639, section 4. An appellant may submit written materials in support of the appeal.
- (c) The local jurisdiction or a party that submitted a valid comment may file a written response to the appeal with the Department within 21 days of the filing of the appeal.
- (d) The Commission shall hold an appeal hearing within 120 days of the filing of the appeal. The appeal hearing shall be a contested case hearing. In making its decision the Commission may consider:
- (A) All materials in the record that led to the Department decision under section (4);
 - (B) Any written materials submitted in support of the appeal under subsection (8)(b);
 - (C) Any timely written responses filed in response to the appeal under subsection(8)(c);
 - (D) The department staff report and recommendation to the Commission; and
 - (E) Oral arguments and evidence presented at the appeal hearing.
- (e) The Commission shall issue a final order rejecting or upholding the appeal within 30 days of the appeal hearing.

Statutory/Other Authority: ORS 197.040 & OR Laws 2019, chapter 639, section 4(6)

Statutes/Other Implemented: ORS 197.758 & OR Laws 2019, chapter 639, sections 3 and 4

History:

[LCDD 14-2020, adopt filed 08/07/2020, effective 08/07/2020](#)

660-046-0370

Duration of Time Extension

- (1) As provided in OAR 660-046-0350(3)(f)(A), the IBTER must specify when the local government intends to correct the significant infrastructure deficiency. The IBTER must provide a detailed timeline for a complete plan of action that will remedy the significant infrastructure deficiency, which may include phased infrastructure improvements and contingent actions and timelines based on circumstances outside the control of the local government.
- (2) If, for reasons beyond the control of the local government, the local government cannot complete an approved remediation plan by the deadline specified in the time extension decision, the local government, prior to the expiration date of a time extension, may prepare an amended remediation plan and submit the plan for department consideration. With the exception of application deadlines specified in OAR 660-046-0350(1), the amended remediation plan must be consistent with the provisions of OAR 660-046-0300 through OAR 660-046-0370. The amended remediation plan must explain why the initial approved plan could not be completed on schedule. Department review of the amended remediation plan is not subject to the completeness review period specified in OAR 660-046-0350(2), nor the required decision timelines in OAR 660-046-0360(4). Otherwise, the review process and criteria for the amended remediation plan must be consistent with the requirements of OAR 660-046-0360. Additionally, the department shall evaluate the following considerations in review of any amended remediation plan:
- (a) Whether the local government anticipated or reasonably should have anticipated the contingencies causing delay in the initial remediation plan;
 - (b) Whether additional delay in the enactment of middle housing allowances is warranted; and
 - (c) Whether the allowance for middle housing in the subject area would provide an opportunity for other parties to construct the necessary infrastructure as needed in association with middle housing development.
- (3) Upon the expiration date of a time extension, the local government must either enact development code regulations implementing middle housing or apply the model code, as applicable, per OAR 660-046-0100 or OAR 660-046-0200.

Statutory/Other Authority: ORS 197.040 & OR Laws 2019, chapter 639, section 4(6)

Statutes/Other Implemented: ORS 197.758 & OR Laws 2019, chapter 639, sections 3 and 4

History:

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INSTRUCTIONS FOR WEB ACCESS TO CITY EMAIL – Updated May 2016

City of
Newberg
Web Email Service

Security ([show explanation](#))

This is a public or shared computer
 This is a private computer

Use the light version of Outlook Web App

User name:

Password:

[Sign in](#)

Connected to Microsoft Exchange
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1. From any web browser either

a) Type in <https://mail.newbergoregon.gov>

or

b) Go to the City’s website at <https://www.newbergoregon.gov/>, scroll to the bottom of the screen and click on the Staff Email link on the lower lefthand side.

2. Make sure that the login has the City of Newberg logo on it as pictured above. If not, do not enter anything as it may be a phishing scam. Call IT Help Desk at (503) 554-7755. The Help Desk is available 7:00 a.m. to 7:00 p.m. Mondays through Thursdays and on Fridays from 7:00 a.m. to 5:00 p.m.

3. Leave the radio button selection as “public” computer. Ignore the “light version” of Outlook Web App.

4. Enter your user name, which is lastname + first initial. For example, Sue Ryan’s login would be ryans

5. Enter your default password, which is N3wber6!

6. You will be asked to reset your password upon first login. A second login window will appear asking you to create a new password and type it in a second time to confirm it. Your new password must be a minimum of 8 characters and include at least one Capital letter and at least one number or symbol. Do not use any part of your username in the password.

7. Once complete, you should have full access to your City email account!